



INDIANA SUPREME COURT

200 W Washington St | Rm 321
Indianapolis, Indiana 46204
COURTS.IN.GOV

CHAMBERS OF Justice Steven David

January 25, 2022

The Honorable Eric Holcomb
Governor of Indiana
c/o Ms. Sharon Jackson, Deputy General Counsel
200 W. Washington Street
Room 206, State House
Indianapolis, IN 46204

VIA Email and Hand-Delivery

Dear Governor Holcomb:

As Chair of the Marion County Judicial Selection Committee, I am pleased to transmit the names of the three most highly qualified candidates that applied for the vacancy in the Marion Superior Court. This vacancy arose when Judge Mark A. Jones resigned, effective January 8, 2022. On Tuesday, January 18, 2022, the Committee met in person, interviewed all applicants, and selected these three nominees:

Magistrate Danielle P. Gaughan
Charles Miller, Esq.
Magistrate Kelly M. Scanlan

In selecting these nominees, the Committee considered and weighed the nonexclusive list of statutory factors in Indiana Code section 33-33-49-13.4, including each applicant's legal education, writings, public-service activities, diversity, legal experience and reputation as a lawyer or judicial officer, probable judicial temperament, and other pertinent information. The Committee also considered the applicants' experience, given the likely family law docket of the incoming judge in Marion Superior Court. On behalf of the Committee, I offer the following summaries of each candidate's qualifications:

Magistrate Danielle P. Gaughan

Magistrate Danielle P. Gaughan has spent the last twenty years of her thirty-seven-year legal career serving the public as a judicial officer in Marion Superior Court. Magistrate Gaughan graduated from DePauw University in 1981 with a Bachelor of Arts degree, *cum laude*, and she earned her law degree in 1984 from Indiana University Robert H. McKinney School of Law.

During the first seven years of her legal career, Magistrate Gaughan worked as an attorney at a variety of organizations, including an insurance company, the Indiana Department of Insurance, and three local law firms in Indianapolis. In February 1991, Magistrate Gaughan was hired as a Staff Attorney at the Marion County Public Defender Agency, where she represented clients in misdemeanor, D Felony, and domestic violence courts; many of whom were also facing personal issues such as poverty, substance abuse, and mental health issues. After five years of service at the Agency, she was promoted to a managerial role where she supervised and trained approximately thirty attorneys.

In 2002, Magistrate Gaughan was appointed as a Commissioner in the Marion Superior Court, and she presided over domestic violence cases, protective orders, and a misdemeanor docket until 2007, when she was converted to a Magistrate in the Juvenile Division. When she became a Magistrate, the Juvenile Division was saddled with a backlog of parental rights cases. Within a year, she helped eliminate the backlog and instituted procedures to keep it from returning. In Juvenile Court, she handled cases involving the termination of parental rights, juvenile delinquency, and CHINS.

In March 2021, Magistrate Gaughan was assigned to one of the five courts in the newly formed Family Division of the Marion Superior Court. She presides over divorce, paternity, protective orders, guardianships, adoptions, termination of parental rights, juvenile delinquency, and CHINS cases.

Magistrate Gaughan is a member of both the Indianapolis and American Bar Associations and Big Brothers and Big Sisters of Indiana, where she mentors and speaks to promote the importance of consistent and positive role models for young adults in the community. She is an appointed member of the Indiana Supreme Court's Protection Order Committee and Committee on Character and Fitness.

Charles Miller, Esq.

Charles Miller has seventeen years of experience in criminal law working in the public sector. Mr. Miller graduated from the University of Southern Indiana in 2002 with a Bachelor of Science degree in Political Science. He earned his law degree from the Indiana University Robert H. McKinney School of Law in December 2004.

Shortly before he was admitted in May 2005, Mr. Miller was hired as a Deputy Prosecutor at the Marion County Prosecutor's Office. During his time at the Prosecutor's Office, he worked in various misdemeanor and felony courts, having tried approximately two dozen criminal jury trials and approximately 150 bench trials in cases involving misdemeanors, operating while intoxicated, domestic battery, sex crimes, robbery, and battery. Mr. Miller later served as a supervisor in the Drug and Firearm Unit of the Prosecutor's Office until August 2013 when he was appointed by Governor Mike Pence to the Indiana Parole Board.

Since his appointment, Mr. Miller has served as Vice-Chair of the Indiana Parole Board which is akin to an administrative law judge in making determinations in parole review and

revocation proceedings. He hears dozens of cases each week, is responsible for making recommendations to your office on pardon and clemency matters, and has been involved in several improvements to the Parole Board since his arrival, including building partnerships with stakeholders and providing more visibility and transparency to the process.

Mr. Miller has sat as a *judge pro tempore*, multiple times, in Marion County Small Claims Court. He regularly volunteers his time on cases, *pro bono*, including serving as legal counsel from 2018 – 2021 to Fostering the Future Now, a charity designed to assist foster children.

Mr. Miller is an active member in many legal associations and community groups, such as the Association of Paroling Authorities International, Indianapolis Bar Association, and Irvington Community Council. Additionally, he has taken on a number of leadership roles within various sections and committees of the Indiana State Bar Association, including the State Bar's Criminal Justice Section, Legislative Section, House of Delegates, Unauthorized Practice of Law Committee, Diversity Committee, and Sexual Orientation and Gender Identity Committee.

Magistrate Kelly M. Scanlan

Magistrate Kelly M. Scanlan earned a Bachelor of Science degree in Nursing from the Indiana University School of Nursing in 1997 and was a recipient of the Minority Achievement Scholarship. Upon graduation from nursing school, Magistrate Scanlan had a career as a registered nurse at Wishard Hospital until she enrolled in law school in 2002. In 2005, Magistrate Scanlan earned her law degree from the Indiana University Robert H. McKinney School of Law, *cum laude*, having been the recipient of two different scholarships. At McKinney, Magistrate Scanlan was an editor on the Indiana Law Review and was on the Dean's List.

After law school, Magistrate Scanlan practiced for over ten years at several law firms in Indianapolis, including Bose McKinney & Evans, Wilson Kehoe Winingham, Baker Gilchrist, and as a sole proprietor. During her practice, she gained experience in administrative law and civil litigation in a variety of areas such as lender liability, foreclosure, transportation, medical malpractice, personal injury, and appellate work. Magistrate Scanlan also represented clients in jury trials in Marion, Vanderburgh, and St. Joseph counties.

In March of 2016, Magistrate Scanlan was hired as a Commissioner for the Paternity Division of the Marion Superior Court. In Paternity Court, she presided over family law matters involving paternity, child custody, parenting time, and child support, until she was invited to join the Probate Division in December 2017. In Probate Court, Magistrate Scanlan continued to preside over family law matters, but was also exposed to a wide variety of cases concerning guardianships, mental health commitments, adoptions, and estate matters.

She served in the Probate Division until April 2021 when her request was granted to join the newly formed Family Division of the Marion Superior Court. In the Family Division, Magistrate Scanlan presides over minor guardianships, adoptions, dissolutions, CHINS, paternity

cases, as well as requests for protective orders. On January 1, 2022, she was converted from a Commissioner to a Magistrate.

Over the last fifteen years, Magistrate Scanlan has volunteered her time seeking to improve the law and her community, including service as a Guardian *ad litem* from 2007 through 2016 and appointment in 2019 to the Indiana Supreme Court's Records Access and Management Committee. Magistrate Scanlan has been a member of the Indianapolis Bar Association's Helping Enrich Attorneys' Lives (HEAL) Committee since 2014 and is a member of the Indiana State Bar Association.

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I would be pleased to discuss any of these candidates with you in greater detail. All three nominees report themselves to be in good health. Based upon their interviews and the Committee's assessment, each has a personality well-suited for the bench, along with the legal ability and professional experience to serve with distinction. Our Committee is confident that all the nominees are of a high caliber and would be a lasting credit to the Marion Superior Court bench. We previously provided the applicants' applications and letters of recommendation.

It was an honor to serve as Chair of the Committee and a true privilege to serve with my fellow Committee members: Vice Chair and Chief Judge Cale J. Bradford, Susan Cline, Lee Christie, Samantha DeWester, Carlette Duffy, K. Michael Gaerte, Rick Hurst, Katherine Jackson-Lindsay, Lacy Johnson, Andrew Mallon, Christopher Mitchem, J. Sebastian Smelko, and Joseph Smith, Jr.

Sincerely,

A handwritten signature in black ink that reads "Steven H. David". The signature is written in a cursive, flowing style.

Justice Steven H. David
Chair, Marion County Judicial Selection Committee

cc: Chief Judge Cale J. Bradford