

BIOGRAPHICAL SKETCHES OF INDIANA SUPREME COURT JUSTICES

MINDE C. BROWNING*
RICHARD HUMPHREY**
BRUCE KLEINSCHMIDT***

ACHOR, HAROLD EDWARD
(Eighty-fourth Justice)

Justice Achor was born November 16, 1907, in Coffeetown, Kansas, and died February 5, 1967, in Anderson, Indiana.¹

He completed public school in Atwood, Indiana, and continued his education at Indiana Central College, from which he graduated in 1928.² He earned a law degree at Indiana University in 1931.³

Justice Achor began the practice of law in 1931, as a member of the firm of Achor & Peck in Anderson, Indiana.⁴ He continued in private practice until 1942, when he was elected Madison Superior Court Judge, where he served two terms.⁵ "In 1950, he was elected to the Indiana Appellate Court for a four-year term."⁶ He left his Indiana appellate court seat in 1955 to serve on the Indiana Supreme Court.⁷ Due to poor health, he resigned from the Indiana Supreme Court in 1966.⁸

In addition to his legal career, Justice Achor also taught speech and political science at Anderson College from 1932 to 1937.⁹ He was also a member of the Board of Governors of the Associated Colleges of Indiana and served on the Board of Trustees of Anderson College.¹⁰

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1. *Obituaries*, RES GESTAE, Feb. 1967, at 22, 22.

2. *Former Supreme Court Justice H.E. Achor Dies*, INDIANAPOLIS STAR, Feb. 6, 1967, at 11, reprinted in 66 INDIANA BIOGRAPHY SERIES 104 (Indiana State Library).

3. *Obituaries*, *supra* note 1, at 22; Russell W. Smith & Charles W. Cook, *In Memoriam*, 246 INDIANA REPORTS xlvii, xlvii (1968) [hereinafter *Achor Memoriam*].

4. 66 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 104.

5. *Obituaries*, *supra* note 1, at 22; *Achor Memoriam*, *supra* note 3, at xlvii.

6. *Obituaries*, *supra* note 1, at 22.

7. 66 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 104.

8. *Achor Memoriam*, *supra* note 3, at xlvii.

9. *Obituaries*, *supra* note 1, at 22.

10. *Achor Memoriam*, *supra* note 3, at xlvii.

ARTERBURN, NORMAN FRANK
(Eighty-eighth Justice)

Justice Arterburn was born May 13, 1902, in Bicknell, Indiana, and died February 10, 1979, in Florida.¹¹

In 1923 he received an A.B. from Indiana University and was admitted to practice.¹² In 1926, he received a J.D. from the University of Chicago.¹³

He practiced law in Vincennes from 1927 to 1955.¹⁴ Justice Arterburn was appointed to the Indiana Supreme Court in 1955.¹⁵ He first served as a chief justice at a time when that title was rotated among the justices.¹⁶ However, when the Indiana Constitution was amended in 1970 to change the system, Justice Arterburn was selected as the court's first permanent chief justice, and served as chief justice until 1974. He served his last three years, 1974-1977, as a justice.¹⁷

He taught at Washburn College in 1926 and 1927, and at Indiana University in 1949, and in 1953-54. He was also a member of the Indiana Board of Law Examiners from 1938 to 1944.¹⁸

BAKER, FRANCIS E.
(Forty-ninth Justice)

Justice Baker was born October 20, 1860, in Goshen, Indiana, and died March 15, 1924.¹⁹ He attended Indiana University from 1876 to 1878, but graduated from the University of Michigan in 1882 where he would later receive a Doctor of Law (LL.D.) in 1914.²⁰ He went to Goshen, Indiana to read law with his father and uncle and was admitted to the Indiana bar in 1885.²¹

Many of his relatives were members of the legal profession including his father-in-law and his mother's brother.²² His father, John H. Baker, was a U.S. District Court Judge and two of his uncles served on the Indiana Supreme Court (the Honorable James S. Frazer (the 18th Justice) and the Honorable Joseph A. S. Mitchell (the 35th Justice)).²³ Justice Francis E. Baker served on the Indiana

11. 7 WHO WAS WHO IN AMERICA 18 (Marquis, 1st ed. 1981) [hereinafter WHO WAS WHO].

12. 7 *id.*

13. 7 *id.*

14. 7 *id.*

15. *Obituaries*, 23 RES GESTAE 145, 145 (1979).

16. *Id.*

17. *Id.*

18. *Id.*

19. 4 JACOB PIATT DUNN, INDIANA AND INDIANANS: A HISTORY OF THE ABORIGINAL AND TERRITORIAL INDIANA AND THE CENTURY OF STATEHOOD 1771 (1991).

20. MEN OF PROGRESS, INDIANA 108-09 (Will Cumback & J.B. Maynard eds., Indianapolis, Indianapolis Sentinel Co. 1899).

21. *Id.*

22. *Id.*

23. *Id.*

Supreme Court from 1899 until January 5, 1902 when he was appointed a U.S. Circuit Court Judge.²⁴

BERKSHIRE, JOHN G.
(Thirty-eighth Justice)

Justice Berkshire was born in 1832 in Ohio County, Indiana, and died February 19, 1891, in North Vernon, Indiana.²⁵

He received a common school education in Rising Sun, Indiana and continued his studies at the law school at Asbury University, from which he graduated in 1857.²⁶

Immediately after his graduation from law school, he moved to Versailles, Indiana and opened a law office, which he occupied until 1864.²⁷ He then served from 1864 to 1882 as judge of the First and Sixth Indiana judicial circuits.²⁸ After losing his bid for re-election in 1882, Justice Berkshire moved to North Vernon, Indiana, and again opened a private legal practice.²⁹ He continued there until 1888, when he was elected to the Indiana Supreme Court.³⁰ He served on the court from January 17, 1889, until his death in 1891.³¹

BIDDLE, HORACE PORTER
(Twenty-sixth Justice)

Justice Biddle was born on March 24, 1811, in Hocking County, Ohio, and died May 13, 1900, in Logansport, Indiana.³²

Justice Biddle was an exceptional scholar and voracious reader.³³ He did not begin to study law until age twenty-five.³⁴ His intellect gained him the attention of U.S. Senator Thomas Ewing of Ohio, who used his influence to help Biddle obtain an appointment at a prominent Ohio law firm.³⁵

He was admitted to the Ohio bar at Cincinnati and to the Federal bar in 1839.³⁶ In that same year, he began his own law practice in Logansport, Indiana, which he continued until 1846, when he was elected judge of the Eighth Circuit.³⁷ He served there until he resigned in 1852 to make an unsuccessful bid for an

24. 4 DUNN, *supra* note 19, at 1771.

25. 1 LEANDER J. MONKS, COURTS AND LAWYERS OF INDIANA 275 (1916).

26. 1 *id.*

27. 1 *id.*

28. 1 *id.*

29. 1 *id.*

30. 1 *id.*

31. 1 *id.*

32. 1 *id.* at 260.

33. 1 *id.*

34. 1 *id.* at 260-61.

35. 1 *id.* at 261.

36. 1 *id.*

37. 1 *id.*

Indiana state congressional seat.³⁸ He was re-elected judge of the Eighth Circuit in 1860, and served until the end of his second term in 1871.³⁹

In 1857, Justice Stuart resigned from the Indiana Supreme Court seat, indicating that the resignation would be effective the first Monday in January 1858.⁴⁰ The Republican party assumed that the seat was vacant and nominated Biddle, who was elected by a considerable majority.⁴¹ Governor Willard, a Democrat, believed that Justice Stuart's term ended in 1859, and he refused to commission Biddle, instead appointing James Worden to the bench.⁴² The Indiana Supreme Court (all Democrats) heard the case on the strength of mandamus proceedings which Biddle brought against the governor.⁴³ The case was decided in the governor's favor, and James Worden was appointed to the bench.⁴⁴ In 1872, the Democratic party nominated Biddle for an Indiana Supreme Court seat, and he won the election.⁴⁵ His term on the Indiana Supreme Court was from January 4, 1875 to January 3, 1881.⁴⁶

Although Justice Biddle gained great recognition as an attorney and as an Indiana Supreme Court Justice, he is probably more widely known for his literary work. His first published work was a collection of poetry titled, *A Few Poems*, which received glowing reviews from the great poets of the time.⁴⁷

By far, Justice Biddle's greatest accomplishments were in the field of music. He wrote many works about music theory including a highly popular treatise titled *The Musical Scale*.⁴⁸ He invented an instrument called a "tetrachord" and subsequently published a book about its invention.⁴⁹ And he wrote a review of Tyndal's theories of sound which was accorded a high rank not only in this country, but also in England.⁵⁰ Among Biddle's many writings the following titles should be mentioned: *Elements of Knowledge*; *A Scrapbook of Poems*; *The Amatories: by an Amateur*; *A Discourse on Art*; *The Definition of Poetry*; *The Analysis of Rhyme*; *Russian Literature*; *America's Boyhood*.⁵¹

38. 1 *id.*

39. 1 *id.* at 262.

40. 1 *id.* at 261.

41. 1 *id.*

42. 1 *id.*

43. 1 *id.*

44. 1 *id.*

45. 1 *id.* at 262.

46. 1 *id.*

47. 1 *id.*

48. 1 *id.*

49. 1 *id.*

50. 1 *id.* at 262-63.

51. 1 *id.* at 263.

BLACKFORD, ISAAC NEWTON
(Fourth Justice)

Justice Blackford was born November 6, 1786, in Bound Brook, Somerset County, New Jersey,⁵² and died December 31, 1859, in Washington, D.C.⁵³ He graduated from Princeton University in 1806.⁵⁴

As the clerk and recorder in Washington County, Indiana, in 1814, his primary responsibility was to register brands for stocks.⁵⁵ He was elected principal clerk for the Territorial House of Representatives in 1813, but resigned when he was appointed a judge in the 1st Circuit Territorial Court, where he served from 1814 to 1815.⁵⁶ He was an Indiana State Representative from 1816 to 1817 and chosen Speaker during his term.⁵⁷ In 1817, Blackford was appointed to the Indiana Supreme Court where he served until 1853.⁵⁸ After several failed attempts at running for political office, he was appointed to the newly created U.S. Court of Claims in Washington, D.C., where he served from 1855 until his death in 1859.⁵⁹ He was a trustee for Indiana University from 1838 to 1841 and compiled the renowned *Blackford's Reports* (8 volumes 1830-1850).⁶⁰

BOBBITT, ARCHIE "ARCH" NEWTON
(Eighty-first Justice)

Justice Bobbitt was born on September 3, 1895, in Eckerty, Indiana, and died January 24, 1978, in Indianapolis.⁶¹ He attended Central Normal College at Danville and received an LL.B. from the Benjamin Harrison Law School in 1927.⁶² Bobbitt began his professional career as a school teacher and principal.⁶³ He was elected Crawford County Clerk in 1918, but resigned to join the Navy and to serve in World War I.⁶⁴ He later served as the Crawford County Auditor from 1921 to 1925 and as a gasoline tax collector from 1925 to 1929.⁶⁵ Bobbitt

52. 1 *id.* at 187.

53. 1 *id.* at 190-91.

54. 1 *id.* at 188.

55. 1 BIOGRAPHICAL DIRECTORY OF THE INDIANA GENERAL ASSEMBLY 27 (Rebecca A. Shepherd et al. eds., 1980) [hereinafter BIOGRAPHICAL DIRECTORY].

56. 1 *id.*

57. 1 MONKS, *supra* note 25, at 189; 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 27.

58. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 27.

59. 1 MONKS, *supra* note 25, at 190-91.

60. BURTON DOOR MYERS, TRUSTEES AND OFFICERS OF INDIANA UNIVERSITY 1820-1850, at 104, 106 (1951).

61. *In Memoriam*, 265 INDIANA REPORTS xxxvii, xxxvii (1978) [hereinafter *Bobbitt Memoriam*].

62. WHO'S WHO IN THE MIDWEST 91 (Marquis, 8th ed. 1954).

63. *Bobbitt Named City Attorney*, INDIANAPOLIS STAR, Dec. 6, 1942, at 1, reprinted in 24 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 61.

64. *Bobbitt Memoriam*, *supra* note 61, at xxxvii.

65. WHO'S WHO IN THE MIDWEST, *supra* note 62, at 91.

was elected to the post of State Auditor where he uncovered a gasoline bootlegging scheme and recovered evaded taxes.⁶⁶ In 1930, he returned to private practice, but returned to public office as an Indianapolis city attorney from 1943 to 1948, serving as the chief city attorney from 1945 to 1948.⁶⁷

Bobbitt was elected to serve on the Indiana Supreme Court and assumed office on January 1, 1951.⁶⁸ Because of court rules that rotated the chief justice position, he became chief justice the day he took his seat on the court.⁶⁹ He served on the court until he was defeated for re-election in 1963, by Justice Walter Myers, Jr.⁷⁰ He then returned to his former firm, Ruckelhaus, Bobbitt & O'Connor.⁷¹

BOEHM, THEODORE REED
(One hundred-fourth Justice)

Justice Boehm was born September 12, 1938, in Evanston, Illinois.⁷² He received an A.B. *summa cum laude* from Brown University in 1960.⁷³ He attended the University of Munich and then enrolled at Harvard University's School of Law, where he received a J.D. *magna cum laude* in 1963 and served as a law review editor.⁷⁴ After graduation, Boehm served as a law clerk to Chief Justice of the United States, Earl Warren and Associate Justices Stanley Reed and Harold Burton.⁷⁵

Upon completion of duties at the U.S. Supreme Court, Boehm returned to Indianapolis, where he practiced law with Baker & Daniels from 1964 to 1988.⁷⁶ In 1981, he was named the managing partner of the firm.⁷⁷ His work included the successful representation of Eli Lilly over the drug DES, representing Indiana Democrats in a high-profile reapportionment dispute in the U. S. Supreme Court,⁷⁸ and becoming significantly involved in promoting amateur sports, which

66. INDIANA TODAY: A WORK FOR NEWSPAPER AND LIBRARY REFERENCE 269, 414 (C. Walter McCarty et al. eds., 1942).

67. *Bobbitt Memoriam*, *supra* note 61, at xxxvii.

68. *Id.*

69. *Id.* at xxxvii-xxxviii.

70. *Arch Bobbitt Was Supreme Court Justice*, INDIANAPOLIS NEWS, Jan. 25, 1978, at C3, reprinted in 86 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 68.

71. *Bobbitt Memoriam*, *supra* note 61, at xxxviii.

72. WHO'S WHO IN AMERICAN LAW 79 (Marquis, 6th ed. 1989).

73. *Id.*

74. *Id.*

75. *Id.*

76. 7 MARTINDALE-HUBBELL LAW DIRECTORY IN104B (1996 ed.) [hereinafter MARTINDALE-HUBBELL].

77. Claudia Weinstein, *Calling the Plays at Baker & Daniels*, AMERICAN LAWYER, Apr. 1987, at 21, 21-22.

78. *Davis v. Bandemer*, 478 U.S. 109 (1986).

included the 1982 U. S. Olympic Festival and the 1987 Pan Am Games.⁷⁹

Boehm left Baker & Daniels in 1988 to serve in positions with General Electric, first as General Counsel in Major Appliances and then in Aircraft Engines.⁸⁰ In 1991, he left General Electric and went to work at Eli Lilly, where he served as deputy general counsel until 1995.⁸¹ After leaving Eli Lilly, he returned to Baker & Daniels before being appointed to the Indiana Supreme Court on August 8, 1996.⁸²

BUSKIRK, SAMUEL HAMILTON
(Twenty-fourth Justice)

Justice Buskirk was born January 19, 1820, in New Albany, Indiana, and died on April 3, 1879, in Indianapolis.⁸³

He moved to Bloomington, Indiana, where he attended school and college, graduating from Indiana University in 1841.⁸⁴

In 1848, he began to practice law.⁸⁵ He served five terms in the Indiana House of Representatives and was named Speaker in 1862.⁸⁶ On January 3, 1875, he joined the Indiana Supreme Court and served until January 1877, before retiring in Indianapolis.⁸⁷

COFFEY, SILAS D.
(Thirty-sixth Justice)

Justice Coffey was born February 23, 1839, in Owen County, Indiana,⁸⁸ and died on March 6, 1904, in Brazil, Indiana.⁸⁹

He entered Indiana University in 1860, but withdrew when the Civil War erupted.⁹⁰ Yet the war did not stop his studies. He carried a copy of *Blackstone's Commentaries* with him.⁹¹

After the war Coffey returned home, studied law and opened an office in

79. Weinstein, *supra* note 77, at 21-23.

80. 7 MARTINDALE-HUBBELL, *supra* note 76, at IN104B.

81. 7 *id.*

82. Suzanne McBride, *Bayh Selects Local Attorney to Join Supreme Court; Theodore Boehm is a Political Ally of Governor's and Legal Observers Call Him a Spectacular Choice*, INDIANAPOLIS STAR, June 12, 1996, at A1.

83. 1 MONKS, *supra* note 25, at 258.

84. 1 *id.*

85. 1 *id.*

86. 1 *id.*

87. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 49.

88. 1 MONKS, *supra* note 25, at 274.

89. CHARLES W. TAYLOR, BENCH AND BAR OF INDIANA 708 (Indianapolis, Bench & Bar Publ. Co. 1895).

90. 1 MONKS, *supra* note 25, at 274.

91. TAYLOR, *supra* note 89, at 704.

Bowling Green, Indiana, then the county seat of Clay County.⁹² Coffey was an active participant in the Republican Party.⁹³ In 1881, he was named to the 13th Circuit Court bench where he stayed until he was elected to the Indiana Supreme Court.⁹⁴ He sat from January 7, 1889 until January 7, 1895.⁹⁵

COMBS, WILLIAM H.
(Thirty-second Justice)

Justice Combs was born July 17, 1808, in Brunswick, Maine.⁹⁶ His date and place of death are unknown.

He was educated in the public schools of Cincinnati, Ohio.⁹⁷ He moved to Connersville, Indiana in 1831, studied law, and was admitted to the Indiana bar in 1834.⁹⁸ On December 2, 1882, he was appointed to fill the vacancy on the Indiana Supreme Court created by the resignation of Justice Worden.⁹⁹ He served just one month when he was succeeded on January 1, 1883 by Justice Zollars.¹⁰⁰

COX, CHARLES ELBRIDGE
(Fifty-fifth Justice)

Justice Cox was born February 21, 1860 in Hamilton County, Indiana,¹⁰¹ and died February 3, 1936 in Indianapolis.¹⁰²

He attended common schools and began to study law in 1877 while clerking for Indiana Supreme Court Justice William E. Niblack (the 27th Justice).¹⁰³ In addition to serving as clerk for Justice Niblack, he also served as the librarian for the Indiana Supreme Court, a position he held from 1883 to 1889.¹⁰⁴ He was admitted to the Indiana bar in 1889 and began to practice law.¹⁰⁵ He served in a variety of public positions, including deputy prosecutor for Marion County from 1890 to 1894, city judge in Indianapolis from 1895 to 1899, and as an Indiana Supreme Court Justice from 1911 to 1917.¹⁰⁶

92. 1 MONKS, *supra* note 25, at 275.

93. TAYLOR, *supra* note 89, at 53, 55, 711.

94. *Id.*

95. 1 MONKS, *supra* note 25, at 275.

96. 1 *id.* at 269.

97. 1 *id.*

98. 1 *id.*

99. 1 *id.*

100. 1 *id.*

101. 1 *id.* at 287.

102. Louis B. Ewbank et al., *In Memoriam*, 208 INDIANA REPORTS xxv, xxv (1936) [hereinafter *Cox Memoriam*].

103. 1 MONKS, *supra* note 25, at 288.

104. 1 *id.*

105. *Cox Memoriam*, *supra* note 102, at xxv.

106. *Id.*

DAILEY, JOSEPH S.
(Forty-fourth Justice)

Justice Dailey was born May 31, 1844, in Wells County, Indiana,¹⁰⁷ and died October 9, 1905, in Bluffton, Indiana.

He received his early education in the public schools of Bluffton, Indiana, and graduated from the Indiana University Law School in 1866.¹⁰⁸ After graduation he began a legal practice in Bluffton, Indiana, and, in the fall of that year, he was elected district attorney of the common pleas court.¹⁰⁹ In 1868, he won the election for prosecuting attorney of the 10th Indiana Judicial Circuit and served there until 1876.¹¹⁰ He served as a member of the Indiana State Legislature in 1879.¹¹¹ In 1888, Dailey was elected judge of the 28th Indiana Judicial Circuit, a position which he held until 1893, when he was appointed to the Indiana Supreme Court to fill the vacancy created by the resignation of Justice Olds.¹¹² His term on the Indiana Supreme Court bench was from July 25, 1893 to January 7, 1895.¹¹³

DAVISON, ANDREW
(Eleventh Justice)

Little recorded information is available regarding Andrew Davison, except that he was born September 15, 1800 in Franklin County, Pennsylvania,¹¹⁴ and died February 4, 1871 in Greensburg, Indiana.¹¹⁵

Justice Davison was educated at Jefferson College in Canonsburg, Pennsylvania.¹¹⁶ He then studied law, and came to Indiana in 1825 to establish his law practice.¹¹⁷ He was admitted to the Indiana bar at Greensburg on September 26, 1825 and began practice there. His service on the Indiana Supreme Court was from January 3, 1853 to January 2, 1865.¹¹⁸

107. 1 MONKS, *supra* note 25, at 280.

108. 1 *id.*

109. 1 *id.*

110. 1 *id.*

111. 1 *id.*

112. 1 *id.*

113. 1 *id.*

114. 1 *id.* at 247.

115. 1 BIOGRAPHICAL HISTORY OF EMINENT AND SELF-MADE MEN OF THE STATE OF INDIANA, at dist. 4: 17-18 (Cincinnati, Western Biographical Pub. Co. 1880).

116. 1 MONKS, *supra* note 25, at 247.

117. 1 *id.* at 247-48.

118. 1 *id.* at 248.

DEBRULER, ROGER O.
(Ninety-fifth Justice)

Justice DeBruler was born in Evansville, Indiana in 1934.¹¹⁹

He received an A.B. from Indiana University in 1958 and an LL.B in 1960 from Indiana University School of Law.¹²⁰ He was admitted to practice in Indiana in 1960 and served as Deputy City Prosecutor of Indianapolis from 1960 to 1963.¹²¹ He was appointed Steuben Circuit Court Judge in 1963 and elected to the same position in 1964.¹²² When Indiana Supreme Court Justice Mote died in office, Justice DeBruler was appointed as his successor.¹²³ The appointment came in late September, 1968 and because the Indiana Constitution provides that an appointment lasts until the next election, there was some controversy over whether the election should occur in 1968 or in 1970.¹²⁴ He was appointed through 1970 and was then elected to the Indiana Supreme Court for a six-year term.¹²⁵ He retired from the bench on August 8, 1996 having written 886 majority and 590 dissenting opinions.¹²⁶

DEWEY, CHARLES
(Seventh Justice)

Justice Dewey was born March 6, 1784, in Sheffield, Massachusetts, and died April 25, 1862, in Charlestown, Indiana.¹²⁷

He graduated from Williams College with high honors and received an honorary LL.D. from Indiana University in 1844.¹²⁸ He studied and practiced law in Massachusetts before coming to Indiana at age thirty-two.¹²⁹ He held many public offices, including Indiana State Representative from 1821 to 1822, U.S. District Attorney for Indiana from 1825 to 1829, Second Circuit Prosecuting Attorney from 1833 to 1836, and Indiana Supreme Court Justice from 1836 to 1847.¹³⁰ He ran twice unsuccessfully for both the U.S. House of Representatives

119. AMERICAN BENCH 901 (Marie T. Finn et al. eds., 8th ed. 1995); *Hon. Roger O. DeBruler Succeeds Hon. Donald R. Mote on Supreme Court*, RES GESTAE, Oct. 1968, at 17, 17.

120. AMERICAN BENCH, *supra* note 119, at 901.

121. *Id.*

122. *Hon. Roger O. DeBruler Succeeds Hon. Donald R. Mote on Supreme Court*, RES GESTAE, Oct. 1968, at 17, 17.

123. *Id.*

124. *Charges Fly in Court Hassle*, INDIANAPOLIS NEWS, Sept. 25, 1968, at 4; *Branigin Puts DeBruler on High Court*, INDIANAPOLIS NEWS, Sept. 30, 1968, at 1.

125. *Judicial Retention Subject of Bar Poll*, 30 RES GESTAE 109, 109 (1986).

126. Suzanne McBride, *Court Bids Adieu to Free Thinker*, INDIANAPOLIS STAR, Aug. 8, 1996, at D1.

127. 1 MONKS, *supra* note 25, at 198, 200.

128. MYERS, *supra* note 60, at 104.

129. WILLIAM W. WOOLEN, BIOGRAPHICAL AND HISTORICAL SKETCHES OF EARLY INDIANA 360 (Indianapolis, Hammond & Co. 1883).

130. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 100; *but see* 1 MONKS, *supra* note 25,

and the U.S. Senate.¹³¹ He was a trustee for Indiana University in 1820.¹³² In an era of state history when one would expect to find rough and rugged characters, Charles Dewey did not disappoint. Even in middle age, he was fond of wrestling and would engage his opponents in brawls.¹³³ As a lawyer, he was not discreet in his displeasure with judges.¹³⁴ On one occasion when he was displeased with the ruling of a court, he lost his patience, and after a verbal lashing, entreated the court with, “Now, damn you, fine me; send me to jail, too; you ought to if you have any respect for yourselves.”¹³⁵

DICKSON, BRENT E.
(One-hundredth Justice)

Justice Dickson was born July 18, 1941 in Hobart, Indiana.¹³⁶

He received an B.A. from Purdue University in 1964.¹³⁷ He earned a J.D. in the evening division of the Indiana University School of Law—Indianapolis in 1968 while working full-time as an insurance claims adjuster.¹³⁸ He practiced law in Lafayette from 1968 to 1985 and became the senior partner in the law firm of Dickson, Reiling, Teder & Withered.¹³⁹ He was appointed by Governor Robert D. Orr to replace retiring Indiana Supreme Court Justice Prentice W. Dixon.¹⁴⁰ The appointment began January 6, 1986, and he was retained by election in 1988.¹⁴¹ His current term expires December 31, 1998.¹⁴² His writings include: *The Effect of Statutory Prerequisites on Decision of Board of Zoning Appeals; Operation and Effect of Loan Receipts, Covenants-Not-To-Sue and Partial Settlements in Indiana; Jury Instructions on Appeal.*¹⁴³

DOWLING, ALEXANDER
(Forty-seventh Justice)

Justice Dowling was born December 19, 1839, in Hillsboro, Virginia,¹⁴⁴ and died December 11, 1917, in New Albany, Indiana.¹⁴⁵

at 199 (listing service as U.S. District Attorney from 1821 to 1829).

131. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 100.

132. 1 *id.*

133. 1 MONKS, *supra* note 25, at 200.

134. 1 *id.*

135. 1 *id.*

136. AMERICAN BENCH, *supra* note 119, at 901.

137. *Bar Polled on Judicial Retention*, 32 RES GESTAE 108, 108 (1988).

138. *Id.*

139. *Dickson Named to Top Court*, INDIANAPOLIS NEWS, Dec. 18, 1985, at 1.

140. *Dickson Installed as Justice*, 29 RES GESTAE 393, 393 (1986).

141. AMERICAN BENCH, *supra* note 119, at 902.

142. *Id.*

143. *Id.*

144. 1 MONKS, *supra* note 25, at 283.

145. 1 WHO WAS WHO 337 (Marquis 1943).

He received his early education in the New Albany public schools.¹⁴⁶ After completion of his formative education, he entered the law office of Otto & Davis and studied law there until he was admitted to the Indiana bar in 1858.¹⁴⁷ Between 1860 and 1868, he served two terms as prosecutor and city attorney for New Albany.¹⁴⁸ He was offered an appointment to the Indiana Supreme Court bench in 1891, but declined it.¹⁴⁹ He was later elected to an Indiana Supreme Court seat and served from January 2, 1899 to January 2, 1905.¹⁵⁰

DOWNEY, ALEXANDER CUMMINGS
(Twenty-third Justice)

Justice Downey was born September 10, 1817, near Cincinnati, Ohio,¹⁵¹ and died March 26, 1898, in Rising Sun, Indiana.¹⁵²

He received a public school education and attended the county seminary at Wilmington, Ohio.¹⁵³ After his graduation from the seminary, he studied law and was admitted to the Indiana bar in 1841.¹⁵⁴

He was appointed circuit judge by Governor Wright in 1850, elected to the office in 1851, and served until August 1858.¹⁵⁵

From 1854 to 1858, he chaired the law department of Asbury (now DePauw) University.¹⁵⁶ He received an honorary degree of Doctor of Laws from Asbury University in 1858 and the same recognition from Indiana University in 1871.¹⁵⁷ He was a member of the Indiana Senate from 1863 to 1865.¹⁵⁸ His Indiana Supreme Court term was from January 3, 1871 to January 3, 1877.¹⁵⁹ He became Dean of DePauw University Law School in 1884.¹⁶⁰

DRAPER, FLOYD S.
(Eighty-second Justice)

Justice Draper was born October 17, 1893, in Fulton, New York, and died

146. 1 MONKS, *supra* note 25, at 283.

147. 1 *id.*

148. 1 *id.*

149. 1 *id.*

150. 1 *id.*; but see 1 WHO WAS WHO, *supra* note 145, at 337 (listing Dowling's Indiana Supreme Court service as 1898-1904).

151. 1 MONKS, *supra* note 25, at 258.

152. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 105.

153. 1 MONKS, *supra* note 25, at 258.

154. 1 *id.*

155. 1 *id.*

156. 1 *id.*

157. 1 *id.*

158. 1 *id.*

159. 1 *id.*

160. 2 *id.* at 481.

March 20, 1980, in Bradenton, Florida.¹⁶¹

Justice Draper received his legal education at Valparaiso University Law School, where he graduated with honors in 1915.¹⁶² His first public service was in 1923 when he became chief deputy prosecutor for Lake County, Indiana.¹⁶³ In 1939, he served as city attorney of Gary, Indiana.¹⁶⁴ He was elected to serve on the Indiana Court of Appeals in 1942 and was re-elected in 1946.¹⁶⁵ His Indiana Supreme Court term was from January 2, 1951 to January 10, 1955.¹⁶⁶ He resigned from the court a year before the expiration of his term because of the poor health of his brother, Alfred P. Draper.¹⁶⁷ He retired from his legal practice in 1958, but accepted an appointment to the Lake County Criminal Court from Governor Handley in 1960.¹⁶⁸

ELLIOTT, JEHU TINDLE
(Nineteenth Justice)

Justice Elliott was born February 7, 1813, in Richmond, Indiana, and died February 12, 1876, in New Castle, Indiana.¹⁶⁹

He was not able to regularly attend local country schools and consequently taught himself enough to become a teacher.¹⁷⁰ He studied law with an attorney in Centerville and was admitted to the Indiana bar in 1833.¹⁷¹ He held many elective offices, including Assistant Secretary for the Indiana House of Representatives in 1835 and 1837, 6th Judicial Circuit Prosecuting Attorney from 1839 to 1844, and serving as the Henry County Treasurer from 1834 to 1839.¹⁷² In 1839, he was elected to a three-year term in the Indiana Senate.¹⁷³ The general assembly elected him to the position of circuit judge in 1844 at the age of thirty-one.¹⁷⁴ In 1851, he resigned to become the president of the Cincinnati, Logansport & Chicago Railroad, but within three years he returned to private law practice.¹⁷⁵ He quickly returned to public office. In 1855, he was elected to the

161. *In Memoriam*, 270 INDIANA REPORTS xxxi, xxxi (1980) [hereinafter *Draper Memoriam*].

162. *Id.* at xxxii.

163. *Id.*

164. *Id.*

165. *Id.* at xxxi.

166. 55 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 70.

167. *Draper Memoriam*, *supra* note 161, at xxxi.

168. 55 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 70.

169. 1 MONKS, *supra* note 25, at 255.

170. 1 *id.*

171. 1 *id.*

172. 1 *id.*

173. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 116.

174. *Sketch of Judge and Mrs. Jehu T. Elliot Read to Historical Society*, NEW CASTLE COURIER, Nov. 3, 1919, reprinted in 2 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 128.

175. *Id.*

position of circuit judge.¹⁷⁶ He was elected to the Indiana Supreme Court in 1864.¹⁷⁷ After serving one term, he once again returned to private law practice in 1871.¹⁷⁸ In his thirty-seven-year career, he served twenty-four years on the bench, eighteen years on circuit courts, and six years on the Indiana Supreme Court.¹⁷⁹

ELLIOTT, BYRON KOSCIUSKO
(Thirtieth Justice)

Justice Elliott was born on September 4, 1835, in Butler County, Ohio, and died November 19, 1913, in Indianapolis.¹⁸⁰

He came to Indianapolis in 1850 with his father.¹⁸¹ He attended the Marion County Seminary and then studied law and was admitted to the bar in February 1858.¹⁸²

In May 1859, he was elected city attorney of Indianapolis.¹⁸³ The Civil War caused him to leave office and serve as a captain of the 132nd Indiana Volunteers, subsequently rising to the rank of an adjutant-general.¹⁸⁴ After the war he resumed serving as city attorney.¹⁸⁵ In 1870, Elliott was elected judge of the Marion County Criminal Court.¹⁸⁶ In 1872, he was re-elected to the city attorney post, and in 1876 he was elected to the superior court.¹⁸⁷ In 1880, he was elected to the supreme court and served from January 3, 1881 until January 2, 1893.¹⁸⁸

He was a lecturer in the Central Law School of Indianapolis and at the law schools of DePauw University and Northwestern Christian (now Butler) University.¹⁸⁹ He later became president of the Indiana Law School of Indianapolis.¹⁹⁰ Along with his son, he wrote *The Work of the Advocate, General Practice and Appellate Procedure*.¹⁹¹ He also practiced law with his son after his service on the bench.¹⁹²

176. *Id.*

177. 1 MONKS, *supra* note 25, at 255.

178. 1 *id.*

179. 3 DUNN, *supra* note 19, at 134.

180. 1 MONKS, *supra* note 25, at 268-69.

181. 1 *id.* at 268.

182. 1 *id.*

183. 1 *id.*

184. 1 *id.*

185. 1 *id.*

186. 1 *id.*

187. 1 *id.*

188. 1 *id.*

189. 1 *id.*

190. 1 *id.*

191. 1 *id.*

192. 1 *id.*

EMMERT, JAMES A.
(Seventy-ninth Justice)

Justice Emmert was born September 26, 1895, in Laurel, Indiana, and died April 14, 1974, in Shelbyville, Indiana.¹⁹³

He was a graduate of the Clarksburg (Indiana) High School and the Tennessee Military Institute.¹⁹⁴ He received an undergraduate degree from Northwestern University and a law degree from Harvard Law School.¹⁹⁵ “United States Supreme Court Justice Frankfurter [said] that Judge Emmert was the best research student he ever had at Harvard.”¹⁹⁶

He began his first law practice in Shelbyville, Indiana in 1923.¹⁹⁷ In 1925, he was elected mayor of Shelbyville.¹⁹⁸ Then, in 1928, while serving as mayor, he was elected judge of Shelby Circuit Court and was subsequently re-elected in 1934.¹⁹⁹ In 1940, he was a candidate for governor of Indiana, but he lost the nomination.²⁰⁰ He was elected Indiana Attorney General in 1942 and was re-elected in 1944.²⁰¹ In 1946, he was elected to the Indiana Supreme Court where he served until January 5, 1959.²⁰² Justice Emmert served as chief justice for several six month rotation periods, which was the practice of the time.²⁰³ Then, toward the end of his service on the bench, he was elected by the court to serve a one year term as chief justice.²⁰⁴

In addition to his legal accomplishments, he was a World War I Army veteran, having served twenty-two months at a British general hospital in France.²⁰⁵

Known for his eccentricity, he set up housekeeping in his Indiana State House chambers in order to avoid traveling to Shelbyville.²⁰⁶ He had a sofa-bed installed, and prepared his meals on a hot-plate.²⁰⁷

ERWIN, RICHARD KENNEY

193. *Obituaries*, RES GESTAE, May 1974, at 32, 32-33.

194. *Id.*

195. *Id.*

196. *The Fun of Being a Lawyer and a Judge*, INDIANA LAWYER, Jan. 11, 1995, at 5, 5 (reflections on Justice Emmert in a speech given by Justice Givan) [hereinafter Givan Speech].

197. *Obituaries*, *supra* note 193, at 33.

198. *Id.*

199. *Id.*

200. *Id.*

201. *Id.*

202. Givan Speech, *supra* note 196, at 5.

203. *Obituaries*, *supra* note 193, at 33.

204. *Id.*

205. Givan Speech, *supra* note 196, at 5.

206. *Obituaries*, *supra* note 193, at 33.

207. *Id.*

(Fifty-sixth Justice)

Justice Erwin was born July 11, 1860, in Union Township, Adams County, Indiana, and died on October 5, 1917, in Fort Wayne, Indiana.²⁰⁸

He was educated in the district school and attended one term at Methodist College, in Fort Wayne, Indiana.²⁰⁹ While studying law, he taught school in Allen and Adams counties.²¹⁰ He was admitted to the Indiana bar in 1886.²¹¹

In 1891, Justice Erwin was elected to the Indiana House of Representatives, and then re-elected in 1893.²¹² From 1889 to 1897, he was county attorney of Adams County, Indiana and then became judge of the 26th Indiana Judicial Circuit from 1901 to 1907.²¹³ He was elected to the Indiana Supreme Court in 1912 by a plurality of 120,330 votes, the largest ever given any Indiana Supreme Court Justice.²¹⁴ He served on the Indiana Supreme Court from January 6, 1913 until his death on October 5, 1917.²¹⁵

EWBANK, LOUIS B.
(Sixty-second Justice)

Justice Ewbank was born September 5, 1864, in Guilford, Indiana, and died March 6, 1953, in Guilford, Indiana.²¹⁶

He was educated in the Dearborn County Indiana schools and studied law in the offices of William Watson Woollen, beginning in 1891.²¹⁷

He practiced law in the firm of Hanan, Ewbank, & Hanan in Lagrange, Indiana from 1910 to 1912 and then moved to Indianapolis.²¹⁸ In 1914, he was elected Marion County Circuit Court Judge, a position he held until 1920 when Governor James P. Goodrich appointed him to the Indiana Supreme Court to fill the vacancy created by the death of Justice Harvey.²¹⁹ Justice Ewbank was subsequently elected for a six-year term, serving until January 1927.²²⁰ In 1927, he returned to private practice at Whitcomb, Ewbank, & Dowden.²²¹ In 1940, he

208. 1 MONKS, *supra* note 25, at 290; C.J. Spencer, *In Memoriam*, 186 INDIANA REPORTS xxxvi, xxxvi (1918) [hereinafter *Erwin Memoriam*].

209. 1 MONKS, *supra* note 25, at 290.

210. *Erwin Memoriam*, *supra* note 208, at xxxvi.

211. 1 MONKS, *supra* note 25, at 290.

212. 1 *id.*

213. 1 *id.*

214. 1 *id.*

215. *Erwin Memoriam*, *supra* note 208, at xxxvii.

216. Herman W. Kothe et al., *In Memoriam*, 231 INDIANA REPORTS xlv, xlv (1953) [hereinafter *Ewbank Memoriam*].

217. *Id.*

218. *Louis B. Ewbank Dies, Noted in Law Career*, INDIANAPOLIS STAR, Mar. 8, 1953, sec. 2, at 5, reprinted in 39 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 111.

219. *Ewbank Memoriam*, *supra* note 216, at xlv.

220. *Id.*

221. *Id.* at xlv.

entered a practice with his brother, Richard L. Ewbank.²²²

He served on the faculty of the old Indiana Law School from 1897 to 1914, and also lectured at the Indiana University School of Law—Bloomington.²²³ He is noted for the following publications: *Manual of Indiana Appellate Practice*; *Indiana Trial Practice*; *Indiana Criminal Law* (which was known as “the prosecutor’s Bible”); *Modern Business Corporations* (co-author); and *Indiana Cumulative Digest* (editor from 1904-1914).²²⁴

FANSLER, MICHAEL LOUIS
(Sixty-ninth Justice)

Justice Fansler was born on July 4, 1883, in Logansport, Indiana, and died July 26, 1963, in Indianapolis.²²⁵

He attended the University of Notre Dame from 1901 to 1905 and was admitted to the bar in 1905.²²⁶

He held various positions, first, as an assistant prosecuting attorney and then as a Logan County Prosecutor, from 1906 to 1914.²²⁷ He entered private practice, until he was elected to the Indiana Supreme Court.²²⁸ He served two terms on the Indiana Supreme Court, from January 1933 to January 1945.²²⁹

He chaired the Indiana Judicial Council from 1951 to 1960.²³⁰

FLANAGAN, DAN COLLINS
(Eighty-third Justice)

Justice Flanagan was born April 23, 1899 in Lafayette, Indiana, and died February 28, 1960 in Fort Wayne, Indiana.²³¹

Upon graduation from high school in Frankfort, he enlisted in the armed services, and served as a sergeant in World War I.²³² In 1921, he received an LL.B. from Benjamin Harrison Law School (now Indiana University School of Law—Indianapolis) and passed the bar.²³³

He served as a deputy prosecutor in both Fort Wayne and Allen County, Indiana.²³⁴ He was also the county attorney for Allen County in 1940.²³⁵

222. *Id.*

223. 39 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 111.

224. *Id.*

225. *Deaths of Indiana Lawyers*, RES GESTAE, July 1963, at 29, 29.

226. *Id.*

227. 4 WHO WAS WHO 298 (Marquis 1968).

228. 4 *id.*

229. 4 *id.*

230. *Deaths*, *supra* note 226, at 29.

231. *In Memoriam*, 240 INDIANA REPORTS xli, xli (1960) [hereinafter *Flanagan Memoriam*].

232. *Id.*

233. 4 WHO WAS WHO, *supra* note 227, at 316.

234. *Flanagan Memoriam*, *supra* note 231, at xlii.

235. *Id.*

He taught at Valparaiso University and at the University of Notre Dame.²³⁶ He was appointed to, and served on the Appellate Court of Indiana from 1941 to 1949, and on the Indiana Supreme Court from 1953 until January of 1955.²³⁷ He returned to private practice in Fort Wayne between his court terms and following his tenure on the supreme court, continuing to practice until his death in 1960.²³⁸

FRAZER, JAMES SOMERVILLE
(Eighteenth Justice)

Justice Frazer was born July 17, 1824, in Hollidaysburg, Pennsylvania, and died February 20, 1893, in Warsaw, Indiana.²³⁹

He moved to Wayne County, Indiana in 1837 and studied law there.²⁴⁰ In March 1845, he was admitted to the Indiana bar.²⁴¹

He served in the Indiana House of Representatives in 1847-48 and 1854.²⁴² From 1865 to 1871, he was an Indiana Supreme Court Justice.²⁴³

In 1871, President Ulysses S. Grant appointed him a commissioner to adjust the claims between Great Britain and the United States arising from the Civil War.²⁴⁴ He devoted himself to that task until 1875.²⁴⁵ In 1879, he was appointed to revise and codify the laws of Indiana, which resulted in the Revised Statutes of 1881.²⁴⁶ In 1889, he was appointed Kosciusko Circuit Court Judge.²⁴⁷

GAUSE, FRED C.
(Sixty-fourth Justice)

Justice Gause was born August 29, 1879, in Wayne County, Indiana, and died February 15, 1944, in Indianapolis.²⁴⁸

He studied at Indiana University from 1898 to 1900 and graduated from the Law Division.²⁴⁹ He was admitted to the Indiana bar in 1900 and began practice as a county attorney in New Castle.²⁵⁰ He served as the Henry County Attorney

236. *Id.* at xliii.

237. *Id.* at xlii.

238. *Id.* at xliii.

239. 1 MONKS, *supra* note 25, at 254-55.

240. 1 *id.* at 254.

241. 1 *id.*

242. 1 *id.*

243. 1 *id.*

244. 1 *id.*

245. 1 *id.*

246. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 134.

247. 1 MONKS, *supra* note 25, at 255.

248. 2 WHO WAS WHO 206 (Marquis 1950).

249. *F.C. Gause, Former Judge, Succumbs*, INDIANAPOLIS STAR, Feb. 16, 1944, at 1, reprinted in 27 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 29.

250. 2 WHO WAS WHO, *supra* note 248, at 206.

from 1902 to 1912, and as Henry Circuit Court Judge from 1914 to 1923.²⁵¹ When Indiana Supreme Court Justice Howard Townsend died in office, Justice Gause was appointed as his successor.²⁵² He completed Justice Townsend's term of office from November 21, 1923 to January 5, 1925, but failed to win a bid for re-election.²⁵³ He then returned to private law practice with the firm of Pickens, Gause & Pickens.²⁵⁴

GEMMILL, WILLARD BEHARRELL
(Sixty-fifth Justice)

Justice Gemmill was born on August 7, 1875 in Rigdon, Indiana, and died May 24, 1935 in Marion, Indiana.²⁵⁵

He received a Bachelor of Philosophy from DePauw University in 1897 and an LL.B. from the Indiana Law School in 1902.²⁵⁶ He was admitted to the Indiana bar in 1902 and practiced law in Marion, Indiana.²⁵⁷ He served in the Indiana House of Representatives from 1909 to 1911 and in the Indiana Senate from 1914 to 1918.²⁵⁸ He became Marion City Attorney in 1918, but resigned after only one month to take the position of Indiana Special Deputy Attorney General. After having served in that capacity from 1918 to 1920, he resigned to return to private law practice.²⁵⁹ He was an Indiana Supreme Court Justice from 1925 to 1931.²⁶⁰ After losing a re-election bid, he returned to Marion to practice with the law firm of Gemmill, Brown & Campbell.²⁶¹

GILKISON, FRANK EARL
(Seventy-eighth Justice)

Justice Gilkison was born November 3, 1877 in Martin County, Indiana, and died February 25, 1955 in Indianapolis.²⁶²

He received an LL.B from Indiana University in 1901.²⁶³ He practiced law in Shoals, Indiana from 1901 to 1935, where he served as deputy prosecuting

251. 2 *id.*

252. 27 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 29.

253. *Id.*

254. *Id.*

255. 2 BIOGRAPHICAL DIRECTORY OF THE INDIANA GENERAL ASSEMBLY 151-152 (Justin Walsh et al. eds., 1984) [hereinafter BIOGRAPHICAL DIRECTORY]

256. 2 *id.* at 151.

257. 2 *id.*

258. 2 *id.*

259. *All Around the Town*, INDIANAPOLIS NEWS, June 5, 1930, at 3, *reprinted in* 4 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 156.

260. 2 BIOGRAPHICAL DIRECTORY, *supra* note 255, at 152

261. *Former Judge of High Court Dead*, INDIANAPOLIS NEWS, May 25, 1935, at 3, *reprinted in* 4 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 83.

262. 3 WHO WAS WHO 324 (Marquis 1960).

263. 3 *id.*

attorney from 1907 to 1909.²⁶⁴ He served as a circuit court judge in the 49th Circuit from 1935 to 1945 and as an Indiana Supreme Court Justice from 1945 until his death during his term of office.²⁶⁵

GILLETT, JOHN HENRY
(Fiftieth Justice)

Justice Gillett was born September 18, 1860, in Medina, New York, and died March 16, 1920, in Hammond, Indiana.²⁶⁶

He was educated in the public schools of Valparaiso, Indiana.²⁶⁷ He studied law under the direction of his father, Judge Hiram A. Gillett and was admitted to the Indiana bar in 1881.²⁶⁸

He practiced law from 1881 to 1885, and he was also a law instructor at Northern Indiana Normal School.²⁶⁹ In 1885, he was appointed City Attorney of Valparaiso, Indiana.²⁷⁰ He served as Deputy Attorney General of Indiana from 1886 until 1890.²⁷¹ In 1890, he moved to Hammond, Indiana, and formed a law partnership with Peter Crumpacker which continued until June 1892.²⁷² He was appointed judge of the 31st Indiana Circuit Court, and was elected for a full term at the next election.²⁷³ He served on the circuit court from 1892 to 1902, when he was appointed to the Indiana Supreme Court to fill the vacancy created by the resignation of Justice Baker.²⁷⁴ In November 1902, he was elected for a full term and served until January 3, 1909.²⁷⁵

Among his other accomplishments, he authored two legal volumes: *Criminal Law and Indirect and Collateral Evidence*.²⁷⁶

GIVAN, RICHARD MARTIN
(Ninety-sixth Justice)

Justice Givan was born June 7, 1921, in Indianapolis.²⁷⁷

He graduated from Decatur Central High School in Indianapolis in 1939.²⁷⁸ He received an LL.B. from Indiana University in 1951, and was admitted to the

264. WHO'S WHO AND WHAT'S WHAT IN INDIANA POLITICS 809 (James E. Perry ed., 1944).

265. *Id.*

266. 1 MONKS, *supra* note 25, at 284.

267. 1 *id.*

268. 1 *id.*

269. 1 *id.*

270. 1 *id.*

271. 1 *id.*

272. 1 *id.*

273. 1 *id.*

274. 1 *id.*

275. 1 *id.*

276. 1 *id.*

277. 2 BIOGRAPHICAL DIRECTORY, *supra* note 255, at 155.

278. Givan Speech, *supra* note 196, at 5.

Indiana bar in 1952.²⁷⁹

While he was a law school student, he was assistant librarian for the Indiana Supreme Court in 1949, and then became a research assistant for the Indiana Supreme Court.²⁸⁰ He was appointed deputy public defender of Indiana after graduation from law school and served in that post until 1954.²⁸¹ From 1954 to 1966, he was Assistant Attorney General of Indiana, pleading cases before both the Indiana and U.S. Supreme Courts.²⁸² In 1967, he was a representative and a ranking member of the Judiciary Committee in the Indiana Legislature.²⁸³ He was elected to the Indiana Supreme Court in 1968 and served continuously until his retirement in December 1994.²⁸⁴ He was also chairman of the board of directors of the Indiana Judicial Conference from 1974 to 1987, served on the board of managers of the Indiana Judges Association from 1975 to 1987, and became an Indiana Judicial College graduate in 1989.²⁸⁵

In addition to his legal career, Justice Givan served as a pilot in the U.S. Army Air Corps during World War II and was later a flight instructor with the Air Corps Reservists.²⁸⁶

A fourth generation lawyer, his great-grandfather, Noah S. Givan, was a circuit judge in Dearborn County, Indiana before 1900.²⁸⁷ His grandfather, Martin J. Givan, was a Dearborn County trial lawyer.²⁸⁸ His father, Clinton H. Givan, was a Marion County Superior Court Judge and practiced law in Indianapolis for forty years.²⁸⁹

GOOKINS, SAMUEL BARNES
(Fifteenth Justice)

Justice Gookins was born May 30, 1809, in Rupert, Vermont, and died June 14, 1880, in Terre Haute, Indiana.²⁹⁰

279. 2 BIOGRAPHICAL DIRECTORY, *supra* note 255, at 155.

280. *Indiana Supreme Court is Reorganized*, RES GESTAE, Feb. 1969, at 24, 24.

281. Givan Speech, *supra* note 196, at 5.

282. *Id.*

283. *Id.*

284. *Id.*

285. *Id.*

286. *Indiana Supreme Court is Reorganized*, *supra* note 280, at 24; *Richard M. Givan New Chief Justice of Indiana*, RES GESTAE, Dec. 1974, at 1, 1 [hereinafter *Richard M. Givan*].

287. *Biographical Highlights of Seven Judicial Hopefuls*, RES GESTAE, Aug. 1974, at 12; *Richard M. Givan*, *supra* note 286, at 1; *Lawyers Polled on Judicial Retention*, 28 RES GESTAE 115 (1984).

288. *Biographical Highlights*, *supra* note 287, at 12; *Richard M. Givan*, *supra* note 286, at 1; *Lawyers Polled on Judicial Retention*, *supra* note 287, at 115.

289. *Biographical Highlights*, *supra* note 287, at 12; *Richard M. Givan*, *supra* note 286, at 1; *Lawyers Polled on Judicial Retention*, *supra* note 287, at 115.

290. TAYLOR, *supra* note 89, at 46.

He moved to the Terre Haute area in 1823.²⁹¹ When his mother died, he went to live with another family.²⁹² He learned the newspaper business and from 1834 to 1850 was widely known as a publisher.²⁹³

He was defeated in a race for the Indiana Supreme Court in 1852 while he was a member of the Indiana House of Representatives.²⁹⁴ In 1855, he ran again and won.²⁹⁵ He served on the Indiana Supreme Court from October 10, 1854 until December 1857, resigning for reasons of low pay and poor health.²⁹⁶ In 1857, a justice received only \$1200 per annum.²⁹⁷

He moved to Chicago, Illinois, and practiced law there until 1875, when he moved home to Terre Haute.²⁹⁸ He published a *History of Vigo County* in 1880.²⁹⁹

GREGORY, ROBERT CROCKETT
(Twenty-first Justice)

Justice Gregory was born February 15, 1811, in Kentucky and died January 25, 1885, in Lafayette, Indiana.³⁰⁰

At age two, his family moved to Indiana.³⁰¹ He lived in Crawfordsville, Indiana, from 1832 to 1843, and was admitted to practice there in 1838.³⁰²

He served in the Indiana Senate from 1841 to 1843.³⁰³ In 1843, he moved to Lafayette where he practiced law the rest of his life.³⁰⁴ He served on the Indiana Supreme Court from January 1865 to January 3, 1871.³⁰⁵

HACKNEY, LEONARD J.
(Forty-first Justice)

Justice Hackney was born March 29, 1855, in Edinburgh, Indiana, and died October 3, 1938, in Winter Park, Florida.³⁰⁶

He received very little public school education.³⁰⁷ In 1871, he was employed

291. *Id.*

292. *Id.*

293. *Id.*

294. *Id.*

295. *Id.*

296. *Id.*

297. *Id.*

298. 1 MONKS, *supra* note 25, at 251.

299. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 147.

300. *Id.* at 153.

301. 1 MONKS, *supra* note 25, at 255.

302. 1 *id.*

303. 1 *id.*

304. 1 *id.*

305. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 153.

306. 1 MONKS, *supra* note 25, at 278.

307. 1 *id.*

in the law office of Hord & Blair in Shelbyville, Indiana, where he later became an assistant.³⁰⁸ From 1873 to 1874, he was employed in the law office of John W. Kern in Kokomo, Indiana.³⁰⁹ He then became a clerk in the law firm of Baker, Hord, & Hendricks in Indianapolis and studied law there.³¹⁰

In 1876, he returned to Shelbyville, Indiana and opened a law office.³¹¹ He was elected prosecuting attorney of the 16th Indiana Judicial Circuit in 1878 and, after serving one term, resumed his private practice.³¹² On November 17, 1888, he took his seat on the bench of the 16th Indiana Circuit Court.³¹³ He was elected to the Indiana Supreme Court in 1892, assuming his official duties on January 2, 1893, and remained there until January 2, 1899.³¹⁴

In 1905, he became an attorney for the Cleveland, Cincinnati, Chicago, & St. Louis Railway Company.³¹⁵

HADLEY, JOHN VESTAL
(Forty-eighth Justice)

Justice Hadley was born in Hendricks County, Indiana, sometime between 1839 and 1842, and died November 17, 1915, in Danville, Indiana.³¹⁶

He attended Northwestern Christian (now Butler) University for one year before enlisting in the Union Army.³¹⁷

He served for three and one half years before the end of the Civil War.³¹⁸ He wrote a book regarding his experiences as a prisoner of war entitled, *Seven Months a Prisoner*.³¹⁹ He was wounded twice during the war and ultimately managed to escape from a POW camp in Columbia, South Carolina, and walk to Tennessee, where he found a camp of Union troops.³²⁰

After returning from the war, he studied at the Indianapolis Law School in 1866 and was admitted to the bar in the same year.³²¹ He was a circuit judge for eleven years and then served on the Indiana Supreme Court from January 1899 to January 1911.³²²

308. 1 *id.*

309. 1 *id.*

310. 1 *id.*

311. 1 *id.*

312. 1 *id.*

313. 1 *id.*

314. 1 *id.*

315. 1 *id.*

316. 1 *id.* at 282; *In Memoriam*, 185 INDIANA REPORTS xxxi, xxxi-xxxii (1916).

317. 1 MONKS, *supra* note 25, at 282.

318. 1 *id.*

319. 1 *id.*

320. 1 *id.*

321. 1 *id.*

322. 1 WHO WAS WHO, *supra* note 145, at 499.

HAMMOND, EDWIN POLLOCK
(Thirty-fourth Justice)

Justice Hammond was born November 26, 1835, in Brookville, Indiana, and died January 27, 1920, in Lafayette, Indiana.³²³

He moved to Columbus, Indiana, when he was fourteen, and later studied law in Indianapolis.³²⁴ In 1857, he was admitted to the senior law class at Asbury (now DePauw) University.³²⁵ Hammond was admitted to the Indiana bar in 1858.³²⁶

He practiced for two years prior to enlisting in the Union Army during the Civil War.³²⁷ After the war, he was appointed a circuit judge and he won election to a full term in 1878.³²⁸ He went from his circuit court seat to the Indiana Supreme Court in 1883.³²⁹ He sat on the high court from May 14, 1883, until January 6, 1885.³³⁰ He returned to private practice briefly, and then served two more years as a circuit judge.³³¹ He was also a trustee of Purdue University.³³²

HANNA, JAMES MCLEAN
(Sixteenth Justice)

Justice Hanna was born October 25, 1816 in Franklin County, Indiana and died January 15, 1872 in Curryville, Indiana.

He served as an Indiana State Senator from 1833 to 1835, as a 7th Circuit Prosecuting Attorney from 1844 to 1846 and as a Judge of the 6th Judicial Circuit from 1856 to 1857. He was appointed to the Indiana Supreme Court December 10, 1857, to fill the vacancy created by the resignation of Justice Gookins, and he was later elected to an additional term and remained on the bench until 1865. He then returned to his Sullivan County farm which supported the county's first underground coal mine.³³³

HARVEY, LAWSON MOREAU
(Fifty-ninth Justice)

Justice Harvey was born December 5, 1856, in Plainfield, Indiana, and died June 25, 1920, in Indianapolis.

323. *In Memoriam*, 191 INDIANA REPORTS xxxvi, xxxvi-xxxvii (1923) [hereinafter *Hammond Memoriam*].

324. 1 MONKS, *supra* note 25, at 272.

325. 1 *id.*

326. 1 WHO WAS WHO, *supra* note 145, at 513.

327. *Hammond Memoriam*, *supra* note 323, at xxxvii.

328. 1 MONKS, *supra* note 25, at 272.

329. 1 *id.*

330. 1 *id.*

331. *Hammond Memoriam*, *supra* note 323, at xxxvii.

332. *Id.*

333. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 64; 1 MONKS, *supra* note 25, at 253.

He was educated in the public schools of Indianapolis and attended the Indianapolis Classical School. He also studied at Butler College in Indianapolis and at Haverford College in Pennsylvania. He graduated from the Central Law School in Indianapolis in 1882.

He entered the private practice of law, and, in 1894, he was elected to the Marion County Superior Court. After his term expired in 1898, he returned to private practice until 1907, when he returned to the bench in Marion County Superior Court. He served in this position for one year, again returning to private practice afterward. He took his seat on the Indiana Supreme Court on January 1, 1917 and died in office in 1920.³³⁴

HENLEY, GEORGE WASHINGTON
(Eighty-sixth Justice)

Justice Henley was born May 13, 1890 in Washington, D.C., and died February 19, 1965 in Bloomington, Indiana.³³⁵

He attended Indiana University and received an A.B. in 1913 and an LL.B. in 1914. He was admitted to the Indiana bar in 1914 and represented a variety of corporate clients in his private practice. He was an Indiana State Representative from 1937 to 1947.³³⁶ On March 15, 1955, this prominent Republican was appointed by Governor George S. Craig to the Indiana Supreme Court to fill the vacancy created by the death of Justice Gilkison.³³⁷ From the start, it was apparent that Justice Henley's appointment was designed to be temporary. Immediately after the announcement of his appointment, Henley told the press that he did not want the appointment, but he only wanted the prestige of having served.³³⁸ On April 14, 1955, Governor Craig announced the imminent resignation of Justices Henley and Levine (another 1955 appointee). Justice Henley was replaced by Justice Arterburn. Justice Arterburn was one of the candidates at the time of Justice Henley's appointment.³³⁹ The Governor defended this temporary appointment by pointing out that the \$13,000 salary

334. 3 *id.* at 1163; 1 WHO WAS WHO, *supra* note 145, at 531; *In Memoriam*, 191 INDIANA REPORTS xxxii, xxxii-xxxv (1923).

335. 2 BIOGRAPHICAL DIRECTORY, *supra* note 255, at 188-89.

336. 2 *id.*

337. *State High Court Vacancy Filled*, INDIANAPOLIS TIMES, Mar. 16, 1955, at 19, *reprinted in* 44 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 36.

338. *Attorneys Vie for Brief Tenure on Bench of Supreme Court*, INDIANAPOLIS STAR, Mar. 17, 1955, at 1 (Henley appointed with the understanding that he would serve until May 21, 1955); *Craig Names Two State Supreme Court Judges*, INDIANAPOLIS STAR, Apr. 14, 1955, at 1 ("Levine and Henley were appointed with the understanding that they would enjoy the honor briefly and resign.").

339. *State High Court Vacancy Filled*, INDIANAPOLIS TIMES, Mar. 16, 1955, at 19, *reprinted in* 44 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 36 (reporting that Norman Arterburn was among those mentioned to replace Justice Gilkison).

level made it difficult to convince attorneys to give up private law practice.³⁴⁰ As it turned out, George Henley's moment of glory was fleeting. Newspaper reports covering the 1956 judicial elections indicated that Governor Craig appointed Justices Arterburn and Landis to replace Justices Gilkison and Draper, relegating Henley to immediate obscurity.³⁴¹

HOLMAN, JESSE LYNCH
(Third Justice)

Justice Holman was born on October 24, 1784, in Danville, Kentucky, and died on March 28, 1842 in Aurora, Indiana.³⁴²

He attended a public school in Kentucky, and he read law in the Lexington office of Henry Clay.³⁴³ He moved to Indiana in 1810, and he was named the Prosecutor of Dearborn County, Indiana in 1811.³⁴⁴ He was elected to the Indiana Territorial Legislature in 1814, but resigned the same year to accept an appointment as a judge of the 2nd District of the Indiana Territory. He sat on the Indiana Supreme Court from December 1816 to December 1830.³⁴⁵ He was an unsuccessful candidate for the U.S. Senate, losing to John Tipton by only one vote.³⁴⁶ In 1835, he became a federal district court judge, a post he held until death.³⁴⁷

It appears he came into a considerable estate soon after he turned twenty-one. Five years later, he brought his slaves to Indiana for the sole purpose of liberating them. He was the preacher at the Aurora Baptist Church for most of his life. He was also on the Board of Visitors of Indiana University for twenty years. He is considered a founder of both Indiana University and Franklin College.³⁴⁸

HOVEY, ALVIN PETERSON
(Fourteenth Justice)

Justice Hovey was born September 6, 1821, in Mt. Vernon, Indiana, and died November 23, 1891, in Indianapolis.

340. *Top Lawyers Shun High Court*, INDIANAPOLIS TIMES, May 20, 1955, at 1 (reporting the governor's defense of stop-gap appointments).

341. *Three Judges of the All Republican Supreme Court Announce Renomination Bids*, INDIANAPOLIS STAR, Jan. 27, 1956, at 19 (indicating that the re-election announcement states that Governor Craig appointed Arterburn and Landis to replace Gilkison and Draper).

342. TAYLOR, *supra* note 89, at 33; WHO WAS WHO, HISTORICAL VOLUME, 1607-1896, at 257 (Marquis 1963).

343. TAYLOR, *supra* note 89, at 33.

344. *Id.*

345. 1 MONKS, *supra* note 25, at 186-87.

346. TAYLOR, *supra* note 89, at 32. This may seem somewhat unusual, but it must be remembered that until 1913, U.S. Senators were chosen by the state legislatures. U.S. CONST. art. I, § 3, cl. 1 (amended 1913).

347. 1 MONKS, *supra* note 25, at 186; 2 *id.* at 411.

348. 1 *id.* at 186-87.

He was virtually self-educated in the law, having received only a common school education before he began his legal studies. He was admitted to the Indiana bar in 1843 and began legal practice at Mount Vernon, Indiana. In 1850, he was elected a member of the Indiana Constitutional Convention and was later chosen judge of the Third Indiana Judicial Circuit, because of his exemplary service at the convention. He served as circuit judge for three years and was then appointed to be an Indiana Supreme Court Justice on May 8, 1854, to fill the vacancy caused by the resignation of Justice Roach. He held that position only a few months, suffering defeat in his 1855 election bid. Justice Hovey was then appointed U.S. District Attorney for Indiana by President Franklin K. Pierce, and held that office until his removal by President James Buchanan.

When the Civil War began, Justice Hovey was appointed a colonel in the Union Army by Governor Morton and served throughout the war. When he left the military in October 1865, he held the rank of major general. In 1865, he was appointed U.S. Minister to Peru and held that position for five years. He resigned in 1870, and returned to Indiana to resume his law practice. In 1886, he was elected to the U.S. House of Representatives. Two years later, he made a successful bid for governor of Indiana on the Republican ticket. He died in office in 1891.³⁴⁹

HOWARD, TIMOTHY EDWARD
(Forty-third Justice)

Justice Howard was born on January 27, 1837 in Northfield, Michigan, and died July 9, 1916 in South Bend, Indiana.

He attended the University of Michigan from 1855 to 1857, but received his degrees, an A.B. in 1862, an A.M. in 1864, and an Honorary LL.D. in 1893, from the University of Notre Dame.³⁵⁰ He left school in 1862, shortly before graduation, to enlist in the 12th Michigan Infantry. During his Civil War service, he was wounded at Shiloh and was discharged because of a disability. Howard then returned to Notre Dame to continue his studies.³⁵¹ He was admitted to the Indiana bar in 1883. He held a variety of public offices, including Inspector of Schools in 1858, and served several terms between 1878 and 1913 as South Bend City Councilman. From 1879 to 1883, he was also the St. Joseph County Clerk. He was an Indiana State Senator from 1887 to 1891, and from 1888 to 1891, he was also the South Bend City Attorney. He served on the Indiana Supreme Court from 1893 to 1899. Later, he was the President of the Indiana Fee and Salary Commission and a member of the Commission for Revising and Codifying the Laws of Indiana.³⁵²

He began his professional career teaching in public school and was a

349. 1 MONKS, *supra* note 25, at 250-51; 2 *id.* at 481-84.

350. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 192-193.

351. UNIVERSITY OF NOTRE DAME, SILVER JUBILEE JUNE 23, 1869, at 113-14 (Joseph A. Lyons ed., Chicago, E.B. Myers & Co. 1869).

352. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 193.

professor of rhetoric and English at the University of Notre Dame, but he taught a variety of subjects including mathematics and astronomy.³⁵³ He apparently left the university for a short period, indicating to the Reverend Father Sorin, the Founder of the University, in a letter dated January 22, 1867 that "as a college, Notre Dame is not successful." In his opinion, it was at best a prosperous high school because it required the instructors to teach too many disparate subjects. He later returned to teaching at Notre Dame and must have had a lighter teaching assignment because he was able to find time to read and practice law. In later years, he was a law professor, and during his time on the Indiana Supreme Court, he was an adjunct professor for a course on the appellate jurisdiction of the Indiana Supreme Court.³⁵⁴ In 1898, he was awarded the Laetare Medal, a prestigious award for catholic laypersons given by the University of Notre Dame.³⁵⁵ The Laetare Medal goes to an American Catholic distinguished in literature, science or art.³⁵⁶ His publications include: *History of St. Joseph County, Indiana* (1907), *Excelsior* (1868), *History of Notre Dame, 1842-1891* (1895), *Laws of Indiana* (1900), *Indiana Supreme Court* (1900), *Musings and Memories* (1905).³⁵⁷

HOWK, GEORGE VAIL
(Twenty-eighth Justice)

Justice Howk was born September 21, 1824, in Charlestown, Indiana, and died January 13, 1892 in New Albany, Indiana.³⁵⁸

He studied law with Charles Dewey (the Seventh Justice) and later married Justice Dewey's daughter.³⁵⁹ He held a variety of public posts. He was a New Albany City Judge from 1852 to 1853 and served several terms as a New Albany City Councilman between 1850 and 1863. He was an Indiana State Representative in 1863 and an Indiana State Senator in 1867 and 1869. He was elected to the post of judge in the 6th Court of Common Pleas District in 1858. Howk was elected to the Indiana Supreme Court and served as justice from 1877 to 1889. He then returned to private law practice and later was appointed Floyd Circuit Court Judge.³⁶⁰

HUGHES, JAMES PETER

353. 1 ENCYCLOPEDIA OF BIOGRAPHY OF INDIANA 257-60 (George I. Reed ed., Chicago, Century Publ. & Engraving Co. 1895) [hereinafter ENCYCLOPEDIA].

354. REV. PHILIP S. MOORE, A CENTURY OF LAW AT NOTRE DAME 8 n.18 (1969).

355. UNIVERSITY OF NOTRE DAME GOLDEN JUBILEE: 1842-1892, at 192-93 (Chicago, Werner Co. 1895).

356. ARTHUR J. HOPE, NOTRE DAME: ONE HUNDRED YEARS 233 (1943).

357. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 193.

358. 1 *id.*

359. TAYLOR, *supra* note 89, at 611.

360. *Id.* at 611-612; 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 193; ALUMNAL RECORD DEPAUW UNIVERSITY 12 (Martha J. Ridpath ed., 1920).

(Seventieth Justice)

Justice Hughes was born December 18, 1874, near Terre Haute, Indiana, and died August 30, 1961, in Greencastle, Indiana.

He received a Bachelor of Philosophy (Ph.B.) from DePauw University in 1898 and an LL.B. from Indiana University in 1900. He was admitted to the Indiana bar in 1900 and practiced law in Greencastle, where he was a prosecutor from 1902 to 1911, and a circuit judge from 1911 to 1933. He then served on the Indiana Supreme Court from 1933 to 1936. He practiced law until 1941 and retired to Greencastle.³⁶¹

HUNTER, DONALD HERBERT
(Ninety-fourth Justice)

Justice Hunter was born October 21, 1911, in Anderson, Indiana, and died October 27, 1991, in LaGrange, Indiana.

In 1937 he received an LL.B. from the Lincoln Law School and was admitted to the Indiana bar. He served in the Indiana House of Representatives, as a deputy attorney general of Indiana, as a hearing officer with the Public Service Commission, and then from 1948 to 1962 as a circuit judge. In 1963, he joined the Indiana Court of Appeals, and was chief judge in 1966. In 1967, he joined the Indiana Supreme Court. He served as a justice until 1985, when he reached the mandatory age of retirement.³⁶²

He was also a member of the Indiana Constitutional Revision Commission from 1967 to 1971.³⁶³

JACKSON, AMOS WADE
(Eighty-ninth Justice)

Justice Jackson was born June 25, 1904, in Versailles, Indiana, and died September 30, 1972, in Madison, Indiana.³⁶⁴

He received an A.B. from Hanover College in 1926. In 1925, while still a senior at Hanover, he was admitted to the Indiana bar.³⁶⁵ He served as Ripley County Prosecuting Attorney from 1937 to 1940.³⁶⁶ During World War II, he served as an associate attorney for the U.S. Army Corps of Engineers.³⁶⁷ He was

361. 4 WHO WAS WHO, *supra* note 227, at 472; *In Memoriam*, 241 INDIANA REPORTS xl-xlii (1962).

362. *Obituaries*, INDIANAPOLIS STAR, Oct. 29, 1991, at D9.

363. WHO'S WHO IN AMERICA 1592 (Marquis, 43rd ed. 1984); *Judicial Retention Subject of Bar Poll*, 26 RES GESTAE 108, 108 (1982).

364. *In Memoriam*, 246 INDIANA REPORTS xxxii, xxxii-xxxiv (1973) [hereinafter *Jackson Memoriam*]; *Obituaries*, RES GESTAE, Nov. 1972, at 23, 23.

365. *Alumni Portraits*, HANOVER COLLEGE ALUMNI NEWS, Spr. 1964, at 3.

366. *Jackson Memoriam*, *supra* note 364, at xxxii-xxxiv; *Obituaries*, RES GESTAE, Nov. 1972, at 23, 23.

367. *Id.*

appointed to the Indiana Supreme Court in 1959 and served on the court until he retired for health reasons in 1970.³⁶⁸

JASPER, PAUL GEORGE
(Eightieth Justice)

Justice Jasper was born December 15, 1908, in Fort Wayne, Indiana.

He received his LL.B. from Indiana University in 1932 and was licensed to practice law in Indiana the same year.³⁶⁹

He practiced law in Fort Wayne until he joined the Indiana Supreme Court. He served on the high court from 1949 to 1953 and then served as general counsel to Public Service Indiana.³⁷⁰ He also served on the State Police Board for many years.³⁷¹

JOHNSON, JOHN
(First Justice)

Justice Johnson was born in Kentucky, date and place unknown, and died September 17, 1817, during the first recess of the Indiana Supreme Court and before any significant opinions were delivered.

He was an active early Indiana politician. He worked on the 1806 codification of Indiana law and was a Knox County delegate to the 1816 Indiana Constitutional Convention.³⁷²

JORDAN, JAMES HENRY
(Forty-fifth Justice)

Justice Jordan was born December 21, 1842, in Woodstock, Virginia, and died April 5, 1912, in Martinsville, Indiana.³⁷³

He attended Wabash College, but graduated in 1868 from Indiana University, where he received an LL.B. in 1871.³⁷⁴ During the Civil War, he served with the 45th Indiana Volunteers, 3d Indiana Cavalry and participated in all of the important battles of the Army of the Potomac.³⁷⁵ He fought in seventy-six engagements and was wounded twice.³⁷⁶ He read law with Judge William A. Porter and Thomas C. Slaughter, and was admitted to the Indiana bar in 1868.³⁷⁷ He was the prosecuting attorney of the Common Pleas District, which included

368. *Id.*; HANOVER COLLEGE ALUMNI NEWS, Spr. 1964, at 3.

369. WHO'S WHO IN AMERICA 1577 (Marquis, 38th ed. 1974).

370. WORLD WHO'S WHO IN FINANCE AND INDUSTRY 377 (Marquis, 16th ed. 1971).

371. WHO'S WHO IN AMERICA, *supra* note 369, at 1577.

372. 1 MONKS, *supra* note 25, at 184-85.

373. *In Memoriam*, 177 INDIANA REPORTS xl, xl-xli (1913) [hereinafter *Jordan Memoriam*].

374. *Id.*; MYERS, *supra* note 60, at 405.

375. *Jordan Memoriam*, *supra* note 373, at xl-xli.

376. *Id.*

377. MEN OF PROGRESS, INDIANA, *supra* note 20, at 281.

Morgan, Johnson, Monroe, Brown, and Shelby counties, and served as the city attorney of Martinsville from 1873 to 1885.³⁷⁸ He was elected to the Indiana Supreme Court in 1894 and served three terms. Justice Jordan died in office.³⁷⁹

KRAHULIK, JON D.
(One hundred-first Justice)

Justice Krahulik was born December 31, 1944, in Indianapolis.

He received both an A.B. in 1965 and a J.D. *cum laude* in 1969 from Indiana University. He was admitted to the Indiana bar in 1969. He was also admitted to practice before the U.S. Court of Appeals, Seventh Circuit; the U.S. District Court, Southern District of Indiana, and the U.S. Tax Court.

He served from 1967 to 1969 on the *Indiana Legal Forum*, the predecessor to the *Indiana Law Review*, and was director of the Indiana Lawyers Commission in 1973. He was an adjunct professor of State Constitutional Law at Indiana University School of Law—Indianapolis in 1992.³⁸⁰

LAIRY, MOSES BARNETT
(Fifty-seventh Justice)

Justice Lairy was born August 13, 1859, in Cass County, Indiana, and died April 9, 1927, in Logansport, Indiana.³⁸¹

He went to the public schools and then taught there following graduation. He attended Valparaiso University, and then entered the law department at the University of Michigan, where he graduated in 1889. He was admitted to the Indiana bar the same year.³⁸²

He was appointed a circuit judge in 1895, and in 1910, he was elected to the Indiana Appellate Court. In 1914, he was elected to the Indiana Supreme Court and served from 1915 to 1921.³⁸³

LANDIS, FREDERICK, JR.
(Eighty-seventh Justice)

Justice Landis was born January 17, 1912, in Logansport, Indiana, and died March 1, 1990, in Logansport.

He received both his A.B. (1932) and his LL.B. (1934) from Indiana University. He was admitted to the Indiana bar in 1934. He was the prosecuting attorney for the 29th Circuit from 1938 to 1940. He served as an Indiana State

378. 2 ENCYCLOPEDIA, *supra* note 353, at 322-23.

379. MYERS, *supra* note 60, at 405; MEN OF PROGRESS, INDIANA, *supra* note 20, at 281; 2 ENCYCLOPEDIA, *supra* note 353, at 322-23; *Jordan Memoriam*, *supra* note 373, at xl-xli.

380. INDIANA LEGAL DIRECTORY (Biographical Section) 306 (1995 ed.).

381. *In Memoriam*, 198 INDIANA REPORTS xxviii, xxviii-xxx (1927).

382. *Id.*

383. *Id.* at xxix; 1 MONKS, *supra* note 25, at 290.

Representative in 1951, and as an Indiana State Senator in 1953 and 1955.³⁸⁴ He resigned from the Senate on April 13, 1955 to accept an appointment to the Indiana Supreme Court. He replaced Justice Levine, who was appointed amid speculation that Levine would serve for a brief time before he was replaced by Landis.³⁸⁵ Justice Landis resigned from the Indiana Supreme Court on November 8, 1965, and on the same day accepted an appointment as judge of the U.S. Court of International Trade.³⁸⁶ He held that position until 1983.³⁸⁷

LEVINE, ISADORE EDWARD
(Eighty-fifth Justice)

Justice Levine was born March 25, 1897, in Michigan City, Indiana, and died April 5, 1963, in LaPorte, Indiana.

He attended the University of Michigan and received an A.B. in 1920 and a J.D. in 1921. He was admitted to the Indiana bar in 1919 and opened a general law practice in LaPorte. In January 1955, he was appointed by Governor George S. Craig to the Indiana Supreme Court to fill the vacancy created by the resignation of Justice Floyd S. Draper.³⁸⁸ Justice Levine had never before held public office. He was appointed amid speculation that he would hold the office briefly and then resign with Senator Frederick Landis, Jr. as a possible replacement.³⁸⁹ In March 1955, newspaper reports continued the speculation that Levine would quit in favor of Landis.³⁹⁰ On April 14, 1955, Governor Craig announced the imminent resignation of Justices Levine and George Henley (another 1955 appointee).³⁹¹ Governor Craig defended the temporary appointment by pointing out that the \$13,000 salary level made it difficult to convince attorneys to give up private law practice.³⁹² As was the case with Justice Henley, Levine's brief "service" was quickly forgotten. In the next judicial elections, held in 1956, newspaper reports indicated that Governor Craig appointed Justices Arterburn and Landis to replace Justices Gilkison and Draper

384. 2 BIOGRAPHICAL DIRECTORY, *supra* note 255, at 247.

385. Edward Ziegner, *Levine Hinted Giving Up New Judgeship Soon*, INDIANAPOLIS NEWS, Jan. 18, 1955, at 1; *Attorneys Vie for Brief Tenure on Bench of Supreme Court*, INDIANAPOLIS STAR, Mar. 17, 1955, at 1 (reporting speculation that Levine would quit for Landis to join the court).

386. *Judge Landis Takes Oath of Office*, RES GESTAE, Dec. 1965, at 18, 30.

387. *In Memoriam*, 33 RES GESTAE 488, 488 (1990).

388. WILLIAM M. HEPBURN, WHO'S WHO IN INDIANA 133 (1957).

389. Edward Ziegner, *Levine Hinted Giving Up New Judgeship Soon*, INDIANAPOLIS NEWS, Jan. 18, 1955, at 1.

390. *Attorneys View for Brief Tenure on Bench of Supreme Court*, INDIANAPOLIS STAR, Mar. 17, 1955, at 1.

391. *Craig Names Two State Supreme Court Judges*, INDIANAPOLIS STAR, Apr. 14, 1955, at 1.

392. *Top Lawyers Shun High Court*, INDIANAPOLIS TIMES, May 20, 1955, at 1.

thus overlooking the abbreviated terms of Justices Henley and Levine.³⁹³

LEWIS, DAVID M.
(Ninety-third Justice)

Justice Lewis was born March 15, 1909, and died on September 24, 1985, in Indianapolis.

He graduated from DePauw University and the University of Chicago School of Law. He was admitted to the Indiana bar in 1932. He served as Marion County Prosecutor. He was appointed to the Indiana Supreme Court by Governor Branigan in 1967 to fill the vacancy created by the death of Justice Walter Myers. He served on the Indiana Supreme Court from June 21, 1967 to January 9, 1969.

His most notable Indiana Supreme Court opinion abolished the doctrine of charitable immunity, which had declared charitable institutions not responsible for their torts, thus preventing injured plaintiffs from recovering damages.³⁹⁴

MARTIN, CLARENCE R.
(Sixty-sixth Justice)

Justice Martin was born December 10, 1886, in Aberdeen, Ohio, and died May 2, 1972, in Indianapolis.

He graduated from the University of Michigan and its law school in the early 1900s. He was admitted to the Indiana bar in 1907. He began his legal practice in Indianapolis in 1907. In 1908, he became active in the Republican party, serving as chairman of the Speakers' Bureau in the early 1920s.³⁹⁵ In 1920, he was counsel to a U.S. Senate committee investigating radical activities. In 1922, he became campaign manager for U.S. Senator Albert J. Beveridge.³⁹⁶ He served on the Indiana Supreme Court from January 3, 1927, to January 3, 1933.³⁹⁷

He was also an army veteran of World War I, attaining the rank of major and commanding an infantry battalion at the front from 1917 to 1918.³⁹⁸

MCBRIDE, ROBERT WESLEY
(Thirty-ninth Justice)

Justice McBride was born January 25, 1842, in Richland County, Ohio, and

393. *Three Indiana Supreme Court Judges Announce for Renomination*, INDIANAPOLIS STAR, Jan. 27, 1956, at 19.

394. *David Lewis Was State Chief Justice*, INDIANAPOLIS NEWS, Sept. 25, 1985, at 28, reprinted in 94 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 121 (referring to *Harris v. YWCA of Terre Haute*, 237 N.E.2d 242 (Ind. 1968)).

395. *Ex-Chief Justice C. R. Martin Dies*, INDIANAPOLIS STAR, May 4, 1972, at 19, reprinted in 75 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 36.

396. *Id.*; *Obituaries*, RES GESTAE, June 1972, at 32, 32.

397. *Ex-Chief Justice C. R. Martin Dies*, *supra* note 395, at 19.

398. *Obituaries*, *supra* note 396, at 32.

he died May 15, 1926, in Indianapolis.

He attended school in Ohio and Iowa. He later taught school in Iowa, but in 1862 returned to Ohio and joined a cavalry company. He was a bodyguard to President Lincoln for about six months in 1863. In 1866, he moved to Waterloo, Indiana. In 1867, he was admitted to the Indiana bar after working as a clerk in the Indiana Senate.

In 1882, he was elected a circuit judge. In 1890, he was appointed to the Indiana Supreme Court to fill the vacancy caused by the death of Justice Joseph Mitchell. He served from December 17, 1890 until January 2, 1893. Coincidentally, he had been defeated by Mitchell in the November 1890 election for the same Indiana Supreme Court seat. He practiced law in Indianapolis until his death.³⁹⁹

McCABE, JAMES
(Forty-second Justice)

Justice McCabe was born July 4, 1844, in Darke County, Ohio.⁴⁰⁰ He died in 1911, in Williamsport, Indiana.⁴⁰¹

His parents left Ohio and moved to Illinois during McCabe's childhood. He did not attend school until he was seventeen years old, while he was working as a section hand for the Monon Railroad in Crawfordsville, Indiana.⁴⁰² After attending a trial in Crawfordsville, he made up his mind to practice law. He taught school in the winter and began to study law in his spare time. He was admitted to the Indiana bar in 1871.⁴⁰³

He was an avid Democrat and twice ran unsuccessfully for the U.S. Congress. In 1892, he was elected to the Indiana Supreme Court, and served one six-year term, from January 2, 1893, until January 2, 1899. He was defeated in his bid for re-election, along with the rest of the Democratic slate. He returned to Williamsport, where he practiced law until his death.⁴⁰⁴ Former presidential candidate William Jennings Bryan journeyed from Nebraska to speak at Justice McCabe's memorial service.⁴⁰⁵

McKINNEY, JOHN TALIAFERRO
(Sixth Justice)

Justice McKinney was born in 1796, in Caroline County, Virginia, and died March 4, 1837, at Brookville, Indiana.⁴⁰⁶

399. 1 MONKS, *supra* note 25, at 276.

400. 1 *id.* at 279.

401. TAYLOR, *supra* note 89, at 187; *In Memoriam*, 177 INDIANA REPORTS xxxix, xxxix-xl (1913) [hereinafter *McCabe Memoriam*].

402. 1 MONKS, *supra* note 25, at 279.

403. 1 *id.*

404. 1 *id.*

405. *McCabe Memoriam*, *supra* note 401, at xl.

406. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 254-55.

He was admitted to the Indiana bar on March 15, 1815. Two years later, he pleaded guilty to fistfighting in court and was fined five dollars. He practiced law in Brookville, Indiana. McKinney served two terms as an Indiana State Representative and three terms as an Indiana State Senator. He served in the senate until January 28, 1831, when he was appointed to the Indiana Supreme Court. He apparently saw military service during the War of 1812, but his biographical records are sketchy. Unfortunately, he contracted tuberculosis and died during his term of office.⁴⁰⁷

MILLER, JOHN DONNELL
(Fortieth Justice)

Justice Miller was born December 2, 1840, in Clarksburg, Indiana, and died March 18, 1898, in Decatur County, Indiana.

He attended Hanover College from 1859 to 1861, where he studied law. Miller was admitted to the Indiana bar in 1866. He was the Greensburg City Clerk from 1866 to 1870 and the Greensburg City Attorney in 1871. He was appointed to the Indiana Supreme Court in February 1891 to fill the unexpired term of Justice Berkshire, who had died in office. In 1893, he lost his election bid for another term on the court. He served as a judge in the 8th Circuit from 1894 to 1898.⁴⁰⁸

MITCHELL, JOSEPH A. S.
(Thirty-fifth Justice)

Justice Mitchell was born December 21, 1837, near Mercersburg, Pennsylvania, and died December 12, 1890, in Goshen, Indiana.

He was educated in the Pennsylvania public schools. In 1854, he moved to Illinois and attended Blandisville Academy for two years. He returned to Pennsylvania in 1856 and studied law. He was admitted to the Indiana bar in 1859.

He opened a law office in Goshen in 1860. When the Civil War began, he enlisted in the Union Army, serving in the cavalry for two years. He re-entered legal practice at Goshen and formed a partnership with Judge John H. Baker. From 1872 to 1874, he served two terms as mayor of Goshen. He also served on the Board of Trustees of DePauw University.

He was elected to the Indiana Supreme Court in 1884 and re-elected for a second term, but died before his first term was completed. He served on the Indiana Supreme Court from January 6, 1885 to December 12, 1890.⁴⁰⁹

MONKS, LEANDER JOHN
(Forty-sixth Justice)

407. 1 MONKS, *supra* note 25, at 197-98; 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 254-55.

408. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 273.

409. 1 MONKS, *supra* note 25, at 272, 273, 276.

Justice Monks, in his autobiographical sketch, states that he was born July 10, 1843, in Winchester, Indiana.⁴¹⁰ He died April 19, 1919, in Indianapolis.⁴¹¹

He entered Indiana University in 1861 and stayed there until 1863. He was admitted to the Indiana bar in 1865. He practiced with various attorneys until 1878, when he was elected a circuit judge. He was twice re-elected and served until his election to the Indiana Supreme Court in 1894. He served eighteen years on the Indiana Supreme Court, from January 7, 1895 until January 7, 1913. He was chief justice in 1904.⁴¹²

After leaving the bench he practiced law in Indianapolis. He is the author of the extremely valuable *Courts and Lawyers of Indiana*.⁴¹³

MONTGOMERY, OSCAR HILTON
(Fifty-first Justice)

Justice Montgomery was born April 27, 1859, near Seymour, Indiana, and died May 5, 1936, in Seymour.⁴¹⁴

He attended public schools until he was seventeen. He entered Hanover College and graduated from the classical department in 1881. He taught school for three years and studied law during vacations. He was admitted to the bar in 1884 and maintained a solo practice for over twenty years.

He was the city attorney of Seymour for ten years and held no other office until he was elected to the Indiana Supreme Court. He served from January 1905 until January 1911. He returned to Seymour to practice law and serve as a bank officer.⁴¹⁵

MORRIS, DOUGLAS J.
(Fifty-fourth Justice)

Justice Morris was born January 5, 1861, at Knightstown, Indiana, and died July 8, 1928, in Rushville, Indiana.

He graduated from DePauw University in 1882 and was admitted to the bar the following year in Rushville. He was elected a circuit judge in 1898. When his six-year term expired, he returned to private practice. In the fall of 1910, he was elected to the Indiana Supreme Court. He served as a justice from January 1911 to January 1917.⁴¹⁶

MOTE, DONALD ROOSEVELT
(Ninety-second Justice)

410. 1 *id.* at 281.

411. 1 WHO WAS WHO, *supra* note 145, at 854.

412. *In Memoriam*, 188 INDIANA REPORTS xxvii, xxvii-xxxi (1920).

413. MONKS, *supra* note 25 (3 volumes).

414. 1 WHO WAS WHO, *supra* note 145, at 856.

415. 1 MONKS, *supra* note 25, at 285-86.

416. 1 *id.* at 288.

Justice Mote was born April 27, 1900, in Randolph County, Indiana, and died September 17, 1968, in Indianapolis.

He attended DePauw University, but graduated with an A.B. in 1923 from Wabash College, where he played tackle on the varsity football team. He received his LL.B from George Washington University Law School in 1927. During his time in Washington, D.C., he worked for Secretary of Commerce Herbert Hoover, and for the U.S. Department of Justice. He practiced law for thirty-five years in Indiana, first in Indianapolis and then in Wabash County.⁴¹⁷ He served as Indiana Deputy Attorney General in 1928 and as Wabash County Attorney from 1957 to 1962. He was a judge on the Indiana Appellate Court from 1962 to 1966. He was then elected to the Indiana Supreme Court in 1966, where he died in office two years later.⁴¹⁸

MYERS, DAVID ALBERT
(Fifty-eighth Justice)

Justice Myers was born August 5, 1859, in Cass County, Indiana, and died July 1, 1955, in Greensburg, Indiana.

He attended Smithson College, Danville Normal College, and Union University. He received a law degree from Union (now Albany) Law School at Albany, New York in 1882.⁴¹⁹

He began practicing law in 1883 at Greensburg, Indiana. In 1886, he was elected city attorney of Greensburg, Indiana. In 1899, he was appointed judge of the 8th Indiana Judicial District. In 1890 and 1892, he served as county prosecutor for the Decatur-Rush Judicial District.⁴²⁰ In 1904, he was appointed judge of the 1st District Indiana Appellate Court and was subsequently elected to the post, serving until 1913. He was elected to the Indiana Supreme Court in 1916, and re-elected in 1922 and 1928, serving altogether from January 1, 1917, to December 31, 1934. In thirty years as a member of Indiana's two highest courts, he served under eleven governors.⁴²¹

MYERS, QUINCY ALDEN
(Fifty-second Justice)

Justice Myers was born September 1, 1853, near Logansport, Indiana, and died December 27, 1921, in Indianapolis.⁴²²

417. HUBERT H. HAWKINS & ROBERT M. McCLARREN, *INDIANA LIVES* 554 (1967).

418. *Id.*; *In Memoriam*, 248 *INDIANA REPORTS* xxxvii, xxxvii-xliii (1969); *State Supreme Justice Mote Dies*, *INDIANAPOLIS STAR*, Sept. 18, 1968, at 1, *reprinted in* 68 *INDIANA BIOGRAPHY SERIES*, *supra* note 2, at 107.

419. *In Memoriam*, 233 *INDIANA REPORTS* xlvii, xlvii-xlix (1955).

420. *Id.*

421. *Id.*; *David Myers, Ex-Judge, Dead*, *INDIANAPOLIS NEWS*, July 1, 1955, at 19, *reprinted in* 45 *INDIANA BIOGRAPHY SERIES*, *supra* note 2, at 24.

422. *In Memoriam*, 191 *INDIANA REPORTS* xlii, xlii-xlviii (1923) [hereinafter *Myers*

In 1875, he received a B.A. from Dartmouth College, where he was editor of the student newspaper. In 1875, he studied law with the city attorney of Logansport for more than one year and then attended the Union (now Albany) Law School at Albany, New York, where he received a Bachelor of Laws in 1877. He was admitted to the Cass County bar in 1877 and worked in several law partnerships in Logansport.⁴²³ He was the Logansport City Attorney from 1885 to 1887 and twice was Cass County Attorney, from 1895 to 1897 and from 1903 to 1909. He was elected to the Indiana Supreme Court and served one term (1909 to 1915). He unsuccessfully sought the Republican nomination for governor in 1916.⁴²⁴ He then returned to private practice in Indianapolis.⁴²⁵

MYERS, WALTER, JR.
(Ninetieth Justice)

Justice Myers was born on June 9, 1914, in Indianapolis, and died June 2, 1967, in Indianapolis.

He attended Shortridge High School in Indianapolis. He graduated from Yale University in 1935, and received a law degree from Yale Law School in 1938.

He opened a legal practice in Indianapolis in 1939. Myers also lectured in business law at Butler University beginning in 1943. He was elected in 1958 to a four-year term on the Indiana Appellate Court where he served until 1962. He was then elected to the Indiana Supreme Court, where he served from January 7, 1963, until his death in 1967.⁴²⁶

NIBLACK, WILLIAM ELLIS
(Twenty-seventh Justice)

Justice Niblack was born May 19, 1822, in Dubois County, Indiana, and died May 4, 1893, in Indianapolis.

He attended a log school until age sixteen, when he entered Indiana University. The death of his father made it impossible for him to graduate. He took up surveying and then studied law, being admitted to the bar in 1854. He held various seats in the Indiana General Assembly and, in 1855, he was elected to the U.S. Congress. He served a total of fourteen years as a U.S. Representative and was very active in national Democratic politics. In January 1877, he joined the Indiana Supreme Court, and he remained on the bench until January 1889.⁴²⁷

He was elected in the "Upholstery War" of 1876, when Republican partisans

Memoriam]; 1 WHO WAS WHO, *supra* note 145, at 886; *but see* 1 MONKS, *supra* note 25, at 287 (stating that Myers' date of death was December 21, 1921).

423. *Myers Memoriam*, *supra* note 422, at xlii.

424. *Id.* at xliii.

425. 1 WHO WAS WHO, *supra* note 145, at 886.

426. *In Memoriam*, 246 INDIANA REPORTS lv, lv-lxiv (1968); *Walter Myers, Jr. Is Dead at 52*, INDIANAPOLIS NEWS, June 2, 1967, at 1, *reprinted in* 66 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 75.

427. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 292.

began an uproar over the expenses of decorating the chambers of the Indiana Supreme Court. They claimed that lavish furnishings had been acquired, including upholstered chairs, carpets, lounge chairs, and other luxuries. Not to be outdone, many Democrats joined the fracas and denounced the waste of state funds. No corruption was found, but the members of the Indiana Supreme Court were affected by the taint of scandal.⁴²⁸

OLDS, WALTER
(Thirty-seventh Justice)

Justice Olds was born August 11, 1846, in Morrow County, Ohio, and died July 30, 1925, in Fort Wayne, Indiana.

He studied law at The Ohio State University. He was admitted to the Indiana bar in 1869. He served as an Indiana State Senator from 1877 to 1879 and was a judge in the 33rd Circuit from 1885 to 1888.⁴²⁹ He served on the Indiana Supreme Court from 1889 to June 15, 1893, when he resigned to practice law in Chicago. During the Civil War, he served as a private in the 174th Regiment, Ohio Volunteers.⁴³⁰

O'MALLEY, MARTIN JOSEPH "MART"
(Seventy-fifth Justice)

Justice O'Malley was born September 17, 1890, in Pittston, Pennsylvania, and died September 9, 1972, in Gainesville, Florida.⁴³¹

He attended St. Thomas College in Scranton, Pennsylvania, from 1910 to 1912, and received his LL.B. from Valparaiso University in 1915. He practiced law intermittently in Huntington, Indiana, from 1922 to 1965. He was Huntington County Attorney from 1930 to 1933, and twice Huntington City Attorney, from 1939 to 1943 and from 1955 to 1956. In 1942, he was elected to the Indiana Supreme Court, where he served until 1949.⁴³²

OSBORN, ANDREW LAWRENCE
(Twenty-fifth Justice)

Justice Osborn was born May 27, 1815, in Waterbury, Connecticut, and died April 13, 1891, in La Porte, Indiana.

He served as an Indiana State Representative from 1844 to 1846, and as an Indiana State Senator from 1846 to 1849. He was a judge in the 9th Circuit from 1857 to 1870. In December 1872, he was appointed to the Indiana Supreme Court, becoming the first to serve in the newly created Fifth Judicial District. He served until 1875, when he was defeated in his re-election bid. He then practiced

428. 1 MONKS, *supra* note 25, at 264-65; 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 292.

429. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 298.

430. 1 *id.*; 1 MONKS, *supra* note 25, at 274.

431. *Obituaries*, RES GESTAE, Oct. 1972, at 22, 22.

432. *Id.*

law in Chicago.⁴³³

PERKINS, SAMUEL ELLIOTT
(Ninth Justice)

Justice Perkins was born on December 6, 1811, in Brattleboro, Vermont, and died December 17, 1879, in Indianapolis.

Left as an orphan at age five, he lived with friends in Massachusetts and then read law in New York.⁴³⁴ He arrived in Indiana in 1836 and opened a law office in Richmond, Indiana.⁴³⁵

He was very active in Democratic politics and edited a newspaper that recruited new party members from those displeased over the failure of the canals and other improvement projects.⁴³⁶ Governor Whitcomb nominated him to the Indiana Supreme Court, and his nomination was twice rejected by the Indiana Senate.⁴³⁷ He served on the supreme court created by Indiana's first constitution, until January 3, 1853 and then joined the supreme court, created by the second Indiana Constitution, on the same day. The only justice to serve on both supreme courts, he remained on the bench until January 3, 1865. He returned to the Indiana Supreme Court, serving from 1877 to 1879. He is remembered for his publication of an *Indiana Digest* of more than 800 pages and his *Indiana Practice*.⁴³⁸

PETTIT, JOHN
(Twenty-second Justice)

Justice Pettit was born June 24, 1807, in Sackets Harbor, New York, and died June 17, 1877, in Lafayette, Indiana.

He studied law with Judge Potter in Waterloo, New York, and then came to Indiana where he was admitted to the Indiana bar in 1833.⁴³⁹ He served as an Indiana State Representative from 1838 to 1839, as a U.S. District Attorney from 1839 to 1843, and as U.S. Representative from 1843 to 1849.⁴⁴⁰ In 1853, he was appointed a U.S. Senator to fill the unexpired term of James Whitcomb. He served in that capacity until 1855. He was a member of the 1850-1851 Indiana Constitutional Convention. He served as a judge in Indiana's 12th Circuit in 1855 and 1857. He traveled west to Kansas Territory and served as Chief Justice of the U.S. Courts there from 1859 to 1861.⁴⁴¹ Returning to Indiana, he served as Lafayette City Attorney from 1861 to 1865, and as mayor of Lafayette from

433. 1 MONKS, *supra* note 25, at 259-60; 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 300.

434. 1 MONKS, *supra* note 25, at 207.

435. WHO WAS WHO, *supra* note 342, at 406.

436. 1 MONKS, *supra* note 25, at 207.

437. 1 *id.*

438. 1 *id.* at 206-07.

439. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 313.

440. 1 *id.*

441. 1 MONKS, *supra* note 25, at 257.

1867 to 1870.⁴⁴² He was elected to the Indiana Supreme Court in 1870. He completed just one term, leaving office in 1877.⁴⁴³

PIVARNIK, ALFRED J.
(Ninety-eighth Justice)

Justice Pivarnik was born in 1925 in Valparaiso, Indiana, and died June 3, 1995.

He received his law degree from Valparaiso University in 1951. During World War II, he served in the U.S. Army Air Force.⁴⁴⁴ He served as deputy prosecutor of Porter County from 1952 to 1958 and as prosecuting attorney from 1958 to 1962.⁴⁴⁵ He served as Porter Circuit Court Judge from 1962 to 1977, when he was appointed to the Indiana Supreme Court to fill the vacancy created by the retirement of Justice Arterburn.⁴⁴⁶ Justice Pivarnik was the first justice to join the Indiana Supreme Court through a nonpolitical merit system.⁴⁴⁷ He retired in 1990 due to poor health.⁴⁴⁸

PRENTICE, DIXON WRIGHT
(Ninety-seventh Justice)

Justice Prentice was born June 3, 1919, in Sellersburg, Indiana.

He received an LL.B. from Indiana University in 1942 and was subsequently admitted to the bar. From 1942 to 1946, he served in the Navy.⁴⁴⁹ He practiced law in Sellersburg from 1946 until 1970. He served on the Indiana Supreme Court from 1971 to 1985. He also served as a commissioner of the National Conference on Uniform State Laws.⁴⁵⁰

RAKESTRAW, FREDERICK EUGENE
(Ninety-first Justice)

Justice Rakestraw was born August 29, 1923 in Lima, Ohio.

He received an LL.B. from Indiana University in 1947 and was admitted to the Indiana bar in 1949. He served as a circuit judge from 1955 to 1965. He served on the Indiana Supreme Court briefly in 1966. He practices law in

442. 1 *id.* at 257-58.

443. 1 *id.*; 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 313.

444. *Biographies Trace Legal Careers Of Judges*, 24 RES GESTAE 415, 415 (1980).

445. *Ex-state Supreme Court Justice Alfred Pivarnik Dies*, INDIANAPOLIS STAR, June 5, 1995, at B1.

446. *Id.*

447. *Ceremonies Induct New Supreme Court Associate Justice—and Pay Tribute to Retiring Justice Arterburn*, 21 RES GESTAE 239, 239 (1977).

448. *Ex-state Supreme Court Justice Alfred Pivarnik Dies*, *supra* note 445, at B1.

449. WHO'S WHO 2253-54 (Marquis, 44th ed. 1986).

450. *Three Judges Subject to Bar Poll*, 20 RES GESTAE 344, 344-45 (1976).

Rochester, Indiana.⁴⁵¹

RAY, CHARLES A.
(Twentieth Justice)

There is very little information on his early life and background. The only record that exists states that he was appointed judge of Indiana's 12th Common Pleas District on September 30, 1861. He was elected judge of the same district in October 1862, and served on the bench until December 7, 1864, when he resigned to assume his newly-elected position on the Indiana Supreme Court. He served on the Indiana Supreme Court from January 3, 1865 to January 3, 1871. Justice Ray moved to California during the 1870s and became a judge there.⁴⁵²

RICHMAN, FRANK NELSON
(Seventy-fourth Justice)

Justice Richman was born July 1, 1881, in Columbus, Indiana, and died April 29, 1956, in Indianapolis.

He received an A.B. from Lake Forest (Illinois) College in 1904, and a J.D. in 1909 from the University of Chicago.⁴⁵³ He was admitted to the Indiana bar in 1908. He served on the Indiana Supreme Court from 1941 to 1947.⁴⁵⁴

He taught part-time at Indiana University School of Law—Indianapolis from 1944 to 1946, then became a professor there in 1947.⁴⁵⁵ He served as a judge of the American Military Tribunal, Division IV, Nuremberg Group in 1947.⁴⁵⁶ Later, he was the chair of the Indiana Judicial Council.⁴⁵⁷

ROACHE, ADDISON LOCKE
(Twelfth Justice)

Justice Roache was born November 3, 1817, in Rutherford County, Tennessee, and died April 24, 1906, in Indianapolis.

He moved to Bloomington, Indiana, in 1828. He graduated from Indiana University in 1836 and was admitted to the bar in 1839.⁴⁵⁸ In 1847, he was elected to the Indiana House of Representatives. On January 3, 1853, he took his seat on the supreme court. He resigned in May 1854 to become president of the Indiana & Illinois Central Railroad.⁴⁵⁹

451. INDIANA LEGAL DIRECTORY 429 (1990 ed.); Frederick E. Rakestraw, *Proposed Model Rules of Professional Conduct*, 28 RES GESTAE 475, 475 (1985).

452. 1 MONKS, *supra* note 25, at 256.

453. 4 WHO WAS WHO, *supra* note 227, at 791.

454. *In Memoriam*, 234 INDIANA REPORTS xlv, xlv (1956) [hereinafter *Richman Memoriam*].

455. 4 WHO WAS WHO, *supra* note 227, at 791.

456. 4 *id.*

457. 4 *id.*; *Richman Memoriam*, *supra* note 454, at xlv-xlvi.

458. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 332-33.

459. 1 *id.*; 1 MONKS, *supra* note 25, at 249-50.

ROLL, CURTIS WILLIAM
(Sixty-seventh Justice)

Justice Roll was born August 29, 1884, in Fredericksburg, Indiana, and died November 8, 1970, in Kokomo, Indiana.

He received both an A.B. (1909) and an LL.B. (1912) from Indiana University. He was admitted to the Indiana bar in 1912.⁴⁶⁰ He was the county attorney in Howard County from 1913 to 1914, and a prosecutor in Kokomo from 1912 to 1931. He served two terms on the Indiana Supreme Court, from 1931 to 1943.⁴⁶¹

SCOTT, JAMES
(Second Justice)

Justice Scott was born May 28, 1767, in Pennsylvania, and died on March 2, 1855, in Carlisle, Indiana.⁴⁶²

Records of his early education are sketchy, but the State University of Indiana granted him an honorary LL.D. in 1844 in recognition of his contributions to education in the state. In 1810, he was appointed Clark County Prosecutor by Governor William H. Harrison. He served as an Indiana State Representative in 1813. Scott resigned that position to become a chancery judge. In 1816, he attended the Indiana Constitutional Convention. He served on the Indiana Supreme Court from December 28, 1816, to December 28, 1830.⁴⁶³

He was a member of the judiciary committee that helped write the Indiana State Constitution. He is credited with authoring those sections that related to education.⁴⁶⁴

SCOTT, JOHN T.
(Twenty-ninth Justice)

Justice Scott was born May 6, 1831, in Glasgow, Kentucky, and died December 29, 1891.⁴⁶⁵

He attended public school in Glasgow until he was fourteen years old and then became an apprentice harnessmaker. He entered Franklin College in Tennessee at age nineteen. He attended Franklin College for two years, coming to Indiana in 1853, where he was employed as a surveyor on the railroad between Indianapolis and Decatur, Illinois.⁴⁶⁶

He began practicing law in 1856 in Montezuma, Indiana, and in 1860, he was

460. 7 WHO WAS WHO, *supra* note 11, at 490

461. 7 *id.*

462. 1 MONKS, *supra* note 25, at 186.

463. 1 *id.*

464. 1 *id.* at 185-86.

465. 1 *id.* at 266.

466. 1 *id.*

elected district attorney for the 10th Indiana Common Pleas District.⁴⁶⁷ He was re-elected in 1862, and moved to Terre Haute where he finished his term. He re-entered private law practice until he was elected judge of the Common Pleas Court of Vigo County in 1868.⁴⁶⁸ He was re-elected to this office in 1872, but only held the position until the court was abolished by the legislature in 1873.⁴⁶⁹ In 1875, he was appointed to the Board of Trustees of the Indiana State Normal School and served in this capacity until December 29, 1879.⁴⁷⁰ At that time, he was appointed to the Indiana Supreme Court by Governor Williams, to fill a vacancy created by the death of Justice Samuel Perkins.⁴⁷¹ He served on the Indiana Supreme Court until January 5, 1881, when he was defeated in his re-election bid.⁴⁷² He then returned to private practice until his death.⁴⁷³

SELBY, MYRA CONSETTA
(One hundred-third Justice)

Justice Selby was born July 1, 1955, in Bay City, Michigan.

She received a B.A. from Kalamazoo College, with honors, in 1977, and a J.D. from the University of Michigan in 1980. She practiced law in Washington, D.C. from 1980 to 1983.⁴⁷⁴ She specialized in health law in her practice at the Indianapolis law firm of Ice Miller Donadio & Ryan, and was Health Policy Director under Governor Evan Bayh.⁴⁷⁵ In 1995, she was appointed as a Justice of the Indiana Supreme Court to replace retiring Justice Givan. She represents several firsts for the Indiana Supreme Court. She is the first woman and the first African-American to serve on this court. The former quality required construction of a women's restroom for the Indiana Supreme Court.⁴⁷⁶ She was also the first African-American partner in a major Indianapolis law firm, Ice Miller Donadio & Ryan.⁴⁷⁷ In her words, "It is always an achievement for there to be a first . . . the barriers can be broken down only when people feel comfortable with things they are unaccustomed to. The first is probably the least enviable position, but it is very important."⁴⁷⁸ She hopes that "there will one day

467. 1 *id.*

468. 1 *id.* at 267.

469. 1 *id.*

470. 1 *id.*

471. 1 *id.*

472. 1 *id.*

473. 1 *id.*

474. WHO'S WHO OF AMERICAN WOMEN 971 (Marquis 20th ed., 1997).

475. *Id.*

476. *Justice Myra Selby Takes Low-key Approach to High-profile Position*, RES GESTAE, Feb. 1995, at 13, 13.

477. *Id.*

478. Suzanne McBride, *Female Justice Marks Another First*, INDIANAPOLIS NEWS, Feb. 3, 1995, at A2.

be no such thing as a first.”⁴⁷⁹

SHAKE, CURTIS GROVER
(Seventy-second Justice)

Justice Shake was born July 14, 1887, in Harrison Township, Knox County, Indiana, and died September 11, 1978.

He graduated from Vincennes University in 1906, and received an LL.B. from Indiana University in 1910.⁴⁸⁰ He was admitted to the Indiana bar in 1909 and practiced law primarily in Vincennes. He served in a variety of public positions, including terms as Knox County Deputy Prosecuting Attorney, Bicknell City Attorney, U.S. Commissioner, Knox County Attorney,⁴⁸¹ National Railroad Adjustment Board Referee, a member of a Presidential Emergency Board for Settlement of Railroad Strikes,⁴⁸² and, most prominently, as presiding judge for the U.S. Military Tribunal to try I.G. Farben Industries officials in Nuremberg, Germany.⁴⁸³ For this national recognition, he was elected to the Indiana Academy, an organization honoring people with a Hoosier background who have won national recognition for themselves or the state.⁴⁸⁴ He was an Indiana State Senator from 1928 to 1946. He was appointed to the Indiana Supreme Court in December 1938 to fill the vacancy created by the resignation of Justice Treanor.⁴⁸⁵ He was chief justice three times (1937, 1941 and 1946) and sat on the court until 1946.⁴⁸⁶ His publications include: *A History of Vincennes University* (1928), *The Old Cathedral and Its Environs* (1934) and *A Naval History of Vincennes* (1936).⁴⁸⁷

SHEPARD, RANDALL TERRY
(Ninety-ninth Justice)

Chief Justice Shepard was born December 24, 1946, in Lafayette, Indiana.

479. *Id.*

480. *Shake Named to Serve on Indiana Court*, INDIANAPOLIS TIMES, Dec. 23, 1937, at 1, reprinted in 18 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 53-54; *Curtis G. Shake was Judge at Nuremberg*, INDIANAPOLIS NEWS, Sept. 12, 1978, at 29, reprinted in 88 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 13.

481. *Shake Named to Serve on Indiana Court*, INDIANAPOLIS TIMES, Dec. 23, 1937, at 1, reprinted in 18 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 53-54; *Curtis G. Shake was Judge at Nuremberg*, INDIANAPOLIS NEWS, Sept. 12, 1978, at 29, reprinted in 88 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 13.

482. *See Curtis G. Shake was Judge at Nuremberg*, INDIANAPOLIS NEWS, Sept. 12, 1978, at 29, reprinted in 88 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 13.

483. *Id.*

484. *Id.*

485. *Shake Named to Serve on Indiana Court*, INDIANAPOLIS TIMES, Dec. 23, 1937, at 1, reprinted in 18 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 53-54.

486. 2 BIOGRAPHICAL DIRECTORY, *supra* note 255, at 377.

487. *Id.*

He received a A.B. *cum laude* from Princeton University in 1969. He studied law at Yale University and received a J.D. in 1972. He was admitted to the Indiana bar in the same year.⁴⁸⁸

He worked as the special assistant to the Undersecretary of the U.S. Department of Transportation from 1972 to 1974.⁴⁸⁹ From 1974 to 1979, he was the executive assistant to the mayor of Evansville, Indiana.⁴⁹⁰ Shepard served as a superior court judge in Evansville from 1980 to 1985. In 1985, he was elevated to the Indiana Supreme Court. In 1987, he was named Chief Justice of Indiana, a position which he still holds.⁴⁹¹

Shepard has authored a book on historic preservation, as well as many professional articles on other legal topics.⁴⁹² His activities with the National Trust for Historic Preservation include: member of its Board of Advisors, chair of its Board of Advisors, and trustee.⁴⁹³ He also served as chair of the Historic Landmarks Foundation of Indianapolis.⁴⁹⁴ He is a member of numerous boards, advisory bodies and other commissions.

Chief Justice Shepard has received numerous awards and much recognition for his civic interests.⁴⁹⁵

SMITH, THOMAS L.
(Tenth Justice)

His dates of birth and death are unknown.

There is no available history of his early life prior to coming to Indiana. He practiced law in New Albany, Indiana, beginning about 1839. He served on the Indiana Supreme Court from January 29, 1847 to January 3, 1853, after which he returned to life in New Albany.⁴⁹⁶

SPENCER, JOHN WESLEY
(Fifty-third Justice)

Justice Spencer was born March 7, 1864, at Mount Vernon, Indiana, and died June 28, 1939, in Madison, Wisconsin.

He graduated from Mount Vernon High School in 1880, and afterwards was a student at the Central Indiana Normal College at Danville for one year. He studied law in his father's law office in Mount Vernon, and was admitted to the

488. WHO'S WHO IN AMERICAN LAW 710 (Marquis, 9th ed. 1996); WHO'S WHO IN THE MIDWEST 586 (Marquis 25th ed., 1996).

489. WHO'S WHO IN THE MIDWEST, *supra* note 488, at 586.

490. *Id.*

491. *Shepard Installed as State Chief Justice*, 30 RES GESTAE 445, 445-46 (1987).

492. WHO'S WHO IN THE MIDWEST, *supra* note 488, at 586.

493. *Id.*

494. *Id.*

495. WHO'S WHO IN AMERICAN LAW, *supra* note 488, at 710; WHO'S WHO IN THE MIDWEST, *supra* note 488, at 586.

496. 1 MONKS, *supra* note 25, at 206.

Indiana bar on his twenty-first birthday.⁴⁹⁷

He practiced law in Mount Vernon until 1890, when he was elected prosecuting attorney of the 1st Indiana Judicial Circuit.⁴⁹⁸ He moved to Evansville, Indiana, in 1891. He was re-elected prosecuting attorney in 1892 and remained in this post until 1895.⁴⁹⁹ Judge Spencer was then affiliated with the firm of Spencer & Brill until he was appointed to the Vanderburgh Circuit Court in 1911.⁵⁰⁰ He was then elected to the Indiana Supreme Court, where he served from April 15, 1912 to January 17, 1919.⁵⁰¹

STARR, OLIVER
(Seventy-seventh Justice)

Justice Starr was born December 10, 1883, in Wells County, Indiana, and died March 1961 in Chesterton, Indiana.

He obtained his A.B. from Indiana University in 1905, his LL.B. from the University of Michigan in 1908 and was admitted to practice in Indiana the same year.⁵⁰² He held the posts of city attorney in Gary, and prosecuting attorney for Lake County.⁵⁰³ He practiced law in Gary for many years. He served on the Indiana Supreme Court from 1945 to 1951.⁵⁰⁴

STEVENS, STEPHEN C.
(Fifth Justice)

Justice Stevens was born in Kentucky in 1793, and died November 7, 1870, in Indianapolis.⁵⁰⁵

He came to Brookville, Indiana, sometime before 1812. During the War of 1812 at the Battle of New Orleans, he received a musket ball wound to the head which troubled him the rest of his life, and probably caused his insanity in old age.⁵⁰⁶ After the war, he returned to Brookville, studied law, and was admitted to the Indiana bar in 1817.⁵⁰⁷ He represented Franklin County in the Indiana General Assembly in 1817. Renowned for his quick temper, he fought with Senator Noble in the Franklin Circuit Court in 1817, and both were fined five

497. *J.W. Spencer Sr. Dies in Wisconsin*, INDIANAPOLIS STAR, June 29, 1939, at 11, reprinted in 19 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 39.

498. 3 MONKS, *supra* note 25, at 1365.

499. 3 *id.*

500. 1 WHO WAS WHO, *supra* note 145, at 1162.

501. *J.W. Spencer Sr. Dies in Wisconsin*, INDIANAPOLIS STAR, June 29, 1939, at 11, reprinted in 19 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 39.

502. 4 WHO WAS WHO, *supra* note 227, at 898.

503. Floyd S. Draper et al., *In Memoriam*, 240 INDIANA REPORTS xlv, xlv-xlvii (1961).

504. *Id.*

505. 1 MONKS, *supra* note 25, at 84; WOOLEN, *supra* note 129, at 357; *but see* 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 371-72 (stating that Stevens died in 1869).

506. 1 MONKS, *supra* note 25, at 195.

507. 1 *id.* at 196.

dollars.⁵⁰⁸

Justice Stevens moved to Vevay, Indiana in 1817 and helped organize a local branch of the state bank, serving as its president.⁵⁰⁹ When the bank failed, Justice Stevens returned to the practice of law. From 1823 to 1824, and again from 1826 to 1827, he represented Switzerland County in the Indiana House of Representatives. He held the position of speaker during 1824. In 1828, he was elected to the Indiana Senate, where he served until his appointment to the Indiana Supreme Court in 1830. He served on the Indiana Supreme Court from January 28, 1831 to May 30, 1836, when he resigned to open a law office in Madison, Indiana. He amassed quite a fortune but lost it in a failed railroad investment.⁵¹⁰ As a result, he was placed in the state mental hospital where he died penniless.⁵¹¹ It was said that the Indianapolis bar paid for his burial.⁵¹²

STUART, WILLIAM Z.
(Thirteenth Justice)

Justice Stuart was born December 25, 1811, in Dedham, Massachusetts, and died May 6, 1876, at Clifton Springs, New York.⁵¹³

He lived in Massachusetts with his parents until age nine when the family returned to Scotland.⁵¹⁴ He studied under his mother, who was a well-educated teacher. At the age of fourteen, he ran away from home and returned to the United States, arriving without money or other assistance.⁵¹⁵ He worked as a drug store clerk while he studied medicine at Amherst College, where he graduated in 1833.⁵¹⁶ He studied law, moved to Indiana, and was admitted to the Indiana bar in 1837.⁵¹⁷ He was prosecuting attorney in the 8th Circuit from 1843 to 1845, and served as an Indiana State Representative from 1851 to 1852. He was elected to the Indiana Supreme Court in 1852, but resigned in 1858 to become an attorney for a railroad company.⁵¹⁸

SULLIVAN, FRANK L., JR.
(One hundred-second Justice)

Justice Sullivan was born March 21, 1950, in South Bend, Indiana.

He received a B.A. *cum laude* from Dartmouth College in 1972, and a J.D. from Indiana University *magna cum laude* in 1982. He was admitted to the

508. 1 *id.*

509. 1 *id.*

510. 1 *id.* at 84, 195-97.

511. 1 *id.* at 197.

512. 1 *id.*

513. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 377.

514. 1 MONKS, *supra* note 25, at 246-47.

515. 3 DUNN, *supra* note 19, at 1343.

516. 3 *id.*

517. 1 MONKS, *supra* note 25, at 246-47.

518. 2 ENCYCLOPEDIA, *supra* note 353, at 48-51.

Indiana bar in 1982.⁵¹⁹

He served on the staff of U.S. Congressman John Brademas from 1974 to 1979, including three years as staff director. He practiced law with an Indianapolis firm, Barnes & Thornburg, from 1982 to 1989.⁵²⁰ From 1989 to 1992, he was the budget director of the State of Indiana.⁵²¹ In 1993, he assumed the position of executive assistant to Governor Evan Bayh. Later in 1993, he received his appointment to the Indiana Supreme Court.⁵²²

Justice Sullivan takes a strong interest in juvenile justice matters and has recently published an article in the *Indiana Law Review* on the history of the Indiana juvenile court system.⁵²³

SULLIVAN, JEREMIAH
(Eighth Justice)

Justice Sullivan was born July 21, 1794, in Harrisonburg, Virginia, and died December 6, 1870, in Madison, Indiana.⁵²⁴

After graduating from the College of William and Mary, he studied law and was admitted to the Indiana bar in 1812. In 1819, he was elected to the Indiana General Assembly and won re-election in 1820. Jeremiah Sullivan is credited with proposing the name “Indianapolis” for the capital city. In 1829, he represented Indiana in plans to build a canal between the Wabash River and Toledo, Ohio.⁵²⁵

He served on the Indiana Supreme Court from May 29, 1837, to January 21, 1846. In 1846, he left the Indiana Supreme Court and devoted his time solely to his law practice. In 1869, he was appointed judge of the Jefferson County (Indiana) Criminal Court, and was subsequently elected to the position but died suddenly only three hours before the court convened.⁵²⁶

SWAIM, HARDESSE NATHAN
(Seventy-third Justice)

Justice Swaim was born November 30, 1890, in Zionsville, Indiana, and died July 30, 1957, in Indianapolis.⁵²⁷

519. WHO’S WHO IN AMERICAN LAW, *supra* note 488, at 760.

520. *Id.*

521. *Id.*

522. *Id.*

523. Frank Sullivan, Jr., *Indiana as a Forerunner in the Juvenile Court Movement*, 30 IND. L. REV. 279 (1997).

524. 1 MONKS, *supra* note 25, at 202-03.

525. 1 *id.*

526. 1 *id.*

527. *Ailing U.S. Judge Swaim Dies at Home*, INDIANAPOLIS TIMES, July 30, 1957, at 1, reprinted in 49 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 1; *In Memoriam*, 236 INDIANA REPORTS xlviii, xlviii (1956) [hereinafter *Swaim Memoriam*]; WHO’S WHO 2704 (Marquis, 30th ed. 1959).

He attended Zionsville High School, graduated from DePauw University in 1913, and received a law degree *cum laude* from the University of Chicago in 1916.⁵²⁸ He joined the U.S. Army in 1917, reaching the rank of first lieutenant with the 87th and the 88th Infantry Divisions.⁵²⁹

He began legal practice in 1916 in Indianapolis. In the early 1930s, he became active in Democratic politics, serving as Marion County Democratic Chairman from 1930 to 1934, 12th District Chairman from 1936 to 1938, and Indianapolis City Controller from 1937 to 1938. In 1938, he was elected to the Indiana Supreme Court on the Democratic ticket. He served on the Indiana Supreme Court from January 1, 1939 to January 1, 1945.⁵³⁰

In 1949, President Truman appointed him to the U.S. Seventh Circuit Court of Appeals in Chicago, where he served until his death.⁵³¹

TOWNSEND, HOWARD L.
(Sixtieth Justice)

Justice Townsend was born in 1870, near Eaton, Ohio, and died March 20, 1950, in Florida.

His family moved to Angola, Indiana, where he went to high school. He obtained his A.B. from Bethany College in West Virginia. He returned to Angola to teach Greek, Latin, and mathematics.⁵³² After teaching for a few years, he enrolled at the Chicago Kent College of Law, from which he received an LL.B.⁵³³ He stayed in Chicago for a few years, but practiced law in Fort Wayne from 1904 onward.⁵³⁴

He sat on the Indiana Supreme Court from 1917 to 1923. He was very active in Republican politics. His love of literature and poetry was very well known.⁵³⁵

TRAVIS, JULIUS CURTIS
(Sixty-third Justice)

Justice Travis was born July 31, 1868, in La Porte County, Indiana, and died March 11, 1961, in Indianapolis.

He received an A.B. from the University of Michigan and then an LL.B. in 1894.⁵³⁶ He was manager for the Michigan varsity football and baseball teams for three years, and later was a sports editor for several newspapers, including the

528. *Swaim Memoriam*, *supra* note 527, at xlvii-L.

529. *Id.*

530. *Id.*; *Ailing U.S. Judge Swaim Dies at Home*, INDIANAPOLIS TIMES, July 30, 1957, at 1, reprinted in 49 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 1.

531. *H. Nathan Swaim, U.S. Judge, Dies in Home at Age 66*, reprinted in 60 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 19.

532. *In Memoriam*, 226 INDIANA REPORTS lxxvi, lxxvi (1950).

533. *Id.*

534. *Id.*

535. *Id.* at lxxvi-lxxvii.

536. 4 WHO WAS WHO, *supra* note 227, at 951.

Chicago Tribune.⁵³⁷

He was a prosecutor for a several years and served two terms on the Indiana Supreme Court, from 1921 until 1933.⁵³⁸ He also served on the Selective Service Appeals Board in World Wars I and II.⁵³⁹

TREANOR, WALTER EMANUEL
(Sixty-eighth Justice)

Justice Treanor was born November 17, 1883, in Loogootee, Indiana, and died April 26, 1941, in Indianapolis.⁵⁴⁰

He received an A.B., with honors (1912), an LL.B. (1922), and a J.D. (1923), all from Indiana University.⁵⁴¹ In 1927, he earned a Doctor of Juridical Science (S.J.D.) from Harvard University.⁵⁴² He was a teacher and administrator in the Petersburg public schools for thirteen years.⁵⁴³ He served as a second lieutenant in the U.S. Army during World War I.⁵⁴⁴ He taught law at Indiana University School of Law—Bloomington from 1922 to 1930, and was editor of the *Indiana Law Journal* from 1927 to 1930.⁵⁴⁵ He was elected to the Indiana Supreme Court in 1930 and re-elected for a second term in 1936. He served until December 27, 1937, when he was appointed to the U.S. Court of Appeals for the Seventh Circuit, a position he held until his death in 1941.⁵⁴⁶

TREMAIN, GEORGE LEE
(Seventy-first Justice)

Justice Tremain was born April 6, 1874, near Hartsville, Indiana, and died February 8, 1948, in Greensburg, Indiana.

He received an elementary education in county schools and entered Central Normal (now Canterbury) College in Danville, Indiana, in 1894.⁵⁴⁷ He taught school from 1895 to 1898, and re-entered Central Normal College for the 1898-

537. *In Memoriam*, 240 INDIANA REPORTS xlviii, xlviii (1961) [hereinafter *Travis Memoriam*].

538. 4 WHO WAS WHO, *supra* note 227, at 951.

539. *Travis Memoriam*, *supra* note 537, at xlix.

540. *Treanor Funeral to be Tomorrow*, INDIANAPOLIS STAR, Apr. 28, 1941 at 1, *reprinted in* 22 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 2-3; *In Memoriam*, 219 INDIANA REPORTS xxvi, xxvi (1942) [hereinafter *Treanor Memoriam*]; *but see* WHO WAS WHO, *supra* note 145, at 1251 (giving April 27 as Treanor's date of death).

541. *Treanor Memoriam*, *supra* note 540, at xxvi.

542. *Id.*

543. *Id.*

544. *Id.*

545. *Treanor Funeral to be Tomorrow*, INDIANAPOLIS STAR, Apr. 28, 1941 at 1, *reprinted in* 22 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 2.

546. *Id.*

547. *Ex-Judge G.L. Tremain Dies; Funeral Tomorrow*, INDIANAPOLIS STAR, Feb. 10, 1948, at 12, *reprinted in* 33 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 50.

99 term.⁵⁴⁸ He graduated from the Indiana Law School in Indianapolis in 1900.⁵⁴⁹

He began practicing law in Greensburg in 1901, in association with Judge James K. Ewing.⁵⁵⁰ He formed a partnership with Rollin A. Turner in 1907, specializing in criminal law.⁵⁵¹ In 1934, he was elected to the Indiana Supreme Court where he served until 1941, taking his rotation in the position of chief justice. In 1941, he returned to the practice of law in Greensburg.⁵⁵²

WILLOUGHBY, BENJAMIN MILTON
(Sixty-first Justice)

Justice Willoughby was born April 8, 1855, in Ripley County, Indiana, and died June 29, 1940, in Vincennes, Indiana.⁵⁵³

He graduated from high school in Vincennes in 1876.⁵⁵⁴ He received an LL.B. from Cincinnati College (now the University of Cincinnati) in 1879, and was admitted to the bar that year. He was an Indiana State Representative from 1895 to 1899, and a judge for the 12th Circuit from 1912 to 1918. He served on the Indiana Supreme Court from 1919 to 1931.⁵⁵⁵

WOODS, WILLIAM ALLEN
(Thirty-first Justice)

Justice Woods was born May 16, 1837, near Farmington in Marshall County, Tennessee, and died June 29, 1901, in Indianapolis.

He graduated from Wabash College in 1859, and was admitted to the Indiana bar in 1861.

William Woods grew up on a farm in Tennessee. Both of his grandfathers were slave holders, but his father and his stepfather raised him with anti-slavery sentiments. His parents were each given a slave girl as a wedding present. They kept the girl as a slave, but declared that she would become free at the age of twenty-one. His father died when he was very young, and his stepfather also died before Woods came of age. After his mother remarried, the family moved to Iowa because of their opposition to slavery, but a male child of the slave girl was left in Tennessee. To obtain his education, Justice Woods agreed to be a hod

548. *Id.*

549. *Id.*

550. *In Memoriam*, 227 INDIANA REPORTS xlii, xlii (1950).

551. *Biographical Sketch of George L. Tremain of Greensburg, Candidate for Judge of the Supreme Court*, INDIANAPOLIS PRESS, Apr. 21, 1900 (original publication page unknown), reprinted in 26 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 16-17.

552. *Ex-Judge G.L. Tremain Dies; Funeral Tomorrow*, INDIANAPOLIS STAR, Feb. 10, 1948, at 12, reprinted in 33 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 50.

553. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 420; but see *In Memoriam*, 219 INDIANA REPORTS xlii, xlii-xliv (1942) [hereinafter *Willoughby Memoriam*] (giving a birth date of May 18, 1855).

554. *Willoughby Memoriam*, *supra* note 553, at xlii.

555. *Id.* at xliv.

carrier to pay his tuition. When he was halfway through college and in debt to pay for it, Justice Woods was encouraged to sell the slave boy in Tennessee. To slave traders and owners, the slave boy had become a valuable piece of property. As a testament to his character, Woods not only refused to make a profit on a human being, but he also insisted that the boy be brought north and set free.⁵⁵⁶

He served as an Indiana State Representative in 1867, and as a judge in the 34th Circuit from 1873 to 1881. He was elected to the Indiana Supreme Court in 1880 and served there until 1883, when he was appointed to the U.S. District Court for Indiana.⁵⁵⁷ He remained on that court from 1883 to 1892,⁵⁵⁸ when he was appointed to the U.S. Court of Appeals for the Seventh Circuit, where he served until his death in 1901.⁵⁵⁹

WORDEN, JAMES LORENZO
(Seventeenth Justice)

Justice Worden was born May 10, 1819, in Sandisfield, Massachusetts, and died June 10, 1884, in Fort Wayne, Indiana.

He received his early education in the Ohio public schools. He began studying law in 1838 and was admitted to the Ohio bar in Lancaster, Ohio, in 1841. He opened his first law office at Tiffin, Ohio, and practiced there until 1844, when he moved to Columbia City, Indiana.⁵⁶⁰ In 1846, he opened a law office in Fort Wayne where he lived the rest of his life. He became the prosecutor for the 10th Indiana Judicial Circuit in 1851. He was appointed to the 10th Indiana Judicial Circuit Court in 1855, and was later elected for a six-year term.⁵⁶¹ He served until 1858, when he was appointed to the Indiana Supreme Court to fill the vacancy created by Justice William Stuart's resignation.⁵⁶² He was re-elected for three subsequent terms. He had served continuously for almost twenty-five years as a Justice of the Indiana Supreme Court when he left the bench on December 1, 1882.⁵⁶³

YOUNG, HOWARD SLOAN, SR.
(Seventy-sixth Justice)

Justice Young was born August 7, 1879, in Indianapolis, and died October 14, 1961, in Indianapolis.

He graduated from the University of Chicago in 1898, and received a law degree from the Indiana Law School in 1903. He was admitted to the Indiana bar

556. MEN OF PROGRESS, INDIANA, *supra* note 20, at 386-87.

557. *Id.*

558. *Id.*

559. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 428; 1 ENCYCLOPEDIA, *supra* note 353, at 12-15; WHO WAS WHO, *supra* note 342, at 595.

560. 3 MONKS, *supra* note 25, at 1431.

561. 3 *id.*

562. 3 *id.* at 1432.

563. 3 *Id.*

in 1903.⁵⁶⁴ He was U.S. Commissioner from 1920 to 1944. He practiced law from 1904 to 1944. He began as a solo practitioner, joined the law firm of Elam, Fesler, Elam & Young in 1916 and remained in the firm when it reorganized as Fesler, Elam, Young, & Fauvre in 1932.⁵⁶⁵ He served as president of the Indianapolis Bar Association from 1931 to 1932, and as a member of the Indianapolis School Board.⁵⁶⁶ He was elected to the Indiana Supreme Court in 1944 and served from January 1, 1945 to January 1, 1951, at which time he returned to the practice of law with his son, Howard S. Young, Jr.⁵⁶⁷

ZOLLARS, ALLEN
(Thirty-third Justice)

Justice Zollars was born September 3, 1839, in Licking County, Ohio, and died December 20, 1909, in Fort Wayne, Indiana.

He graduated from Denison University in Granville, Ohio, in or about 1863 with an A.B. He briefly studied law in Ohio before he entered the University of Michigan Law School, where he received an LL.B. in 1866.⁵⁶⁸ He was the Fort Wayne City Attorney from 1869 to 1875, and appointed as the first judge of the Allen Superior Court in 1877.⁵⁶⁹ He was an Indiana State Representative in 1869, and served as an Indiana Supreme Court Justice from 1883 to 1889. He ran for a second term in 1888, but was defeated along with the rest of the Democratic ticket that year.⁵⁷⁰

564. Harvey Grabill et al., *In Memoriam*, 241 INDIANA REPORTS xliii, xliii (1962).

565. *Id.*

566. *Id.*

567. *Howard Young Dies; High Court Ex-Judge*, INDIANAPOLIS STAR, Oct. 15, 1961, sec. 3, at 23, reprinted in 58 INDIANA BIOGRAPHY SERIES, *supra* note 2, at 119; 6 WHO WAS WHO 452 (Marquis, 1976); *In Memoriam*, 241 INDIANA REPORTS xliii, xliii-xliv (1962).

568. 1 BIOGRAPHICAL DIRECTORY, *supra* note 55, at 434.

569. *Id.*

570. *Id.*; MEN OF PROGRESS, INDIANA, *supra* note 20, at 130-32.

Members of the Indiana Supreme Court		
NAME	TERM	REMARKS.
1. John Johnson	December 28, 1816-September 10, 1817	Died in office.
2. James Scott	December 28, 1816-December 28, 1830	
3. Jesse Lynch Holman	December 28, 1816-December 28, 1830	
4. Isaac Newton Blackford	September 10, 1817-January 3, 1853	Appointed to fill the vacancy created by the death of Judge Johnson.
5. Stephen C. Stevens	January 28, 1831-May 30, 1836	Resigned to practice law in Madison, Indiana.
6. John Taliaferro McKinney	January 28, 1831-May 29, 1837	Died in office.
7. Charles Dewey	May 30, 1836-January 29, 1847	Appointed to fill the vacancy created by the resignation of Judge Stevens. He was rejected by the Senate twice before he was confirmed.
8. Jeremiah Sullivan	May 29, 1837-January 21, 1846	
9. Samuel Elliot Perkins	January 21, 1846-January 3, 1853	Appointed to fill the vacancy created by the death of Judge McKinney.
10. Thomas L. Smith	January 29, 1847-January 3, 1853	
9. Samuel Elliot Perkins	January 3, 1846-January 3, 1865 January 1, 1877-December 17, 1879	The only Justice to serve on the Indiana Supreme Court under the Indiana Constitution of 1816 and the Indiana Constitution of 1851.
11. Andrew Davison	January 3, 1853-January 3, 1865	
12. Addison Locke Roache	January 3, 1853-May 8, 1854	Resigned to become President of the Indiana & Illinois Central Railroad.
13. William Z. Stuart	January 3, 1853-January 3, 1858	Resigned because of salary and became attorney for the Toledo & Wabash Railroad.
14. Alvin Peterson Hovey	May 8, 1854-December 10, 1855	Appointed to fill the vacancy created by the resignation of Justice Roache. Elected Governor in 1888.

29. John T. Scott	December 29, 1879-January 5, 1881	Appointed to fill the vacancy created by the death of Justice Perkins.
30. Byron Kosciusko Elliott	January 3, 1881-January 2, 1893	
31. William Allen Woods	January 3, 1881-May 8, 1883	Resigned to become a U.S. District Court Judge. Later appointed to the U.S. Court of Appeals for the 7th Circuit.
32. William H. Coombs	December 2, 1882-January 1, 1883	Appointed to fill the vacancy created by the resignation of Justice Worden.
33. Allen Zollars	January 3, 1883-January 7, 1889	
34. Edwin Pollock Hammond	May 14, 1883-January 6, 1885	Appointed to fill the vacancy created by the resignation of Justice Woods.
35. Joseph A.S. Mitchell	January 6, 1885-December 12, 1890	Died in office. Term completed by Justice McBride.
36. Silas D. Coffey	January 7, 1889-January 7, 1895	
37. Walter Olds	January 7, 1889-June 15, 1893	Resigned to practice law in Chicago.
38. John G. Berkshire	January 17, 1889-February 19, 1891	Died in office. Term completed by Justice Miller.
39. Robert Wesley McBride	December 17, 1890-January 2, 1893	Appointed to fill the unexpired term of Justice Mitchell. McBride had been defeated by Mitchell in the November, 1890 election.
40. John Donnell Miller	February 25, 1891-January 2, 1893	Appointed to fill the unexpired term of Justice Berkshire.
41. Leonard J. Hackney	January 2, 1893-January 2, 1899	
42. James McCabe	January 2, 1893-January 2, 1899	
43. Timothy Edward Howard	January 2, 1893-January 2, 1899	
44. Joseph S. Dailey	July 25, 1893-January 7, 1895	Appointed to fill unexpired term of Justice Olds.
45. James Henry Jordan	January 7, 1895-April 10, 1912	Died in office.
46. Leander John Monks	January 7, 1899-January 7, 1913	

47. Alexander Dowling	January 2, 1899-January 2, 1905	
48. John Vestal Hadley	January 2, 1899-January 2, 1911	
49. Francis E. Baker	January 2, 1899-January 25, 1902	Resigned to become U.S. Circuit Judge. Term completed by Justice Gillett.
50. John Henry Gillett	January 25, 1902-January 4, 1909	Appointed to fill the unexpired term of Justice Baker.
51. Oscar Hilton Montgomery	January 2, 1905 -January 2, 1911	
52. Quincy Alden Myers	January 4, 1909-January 4, 1915	
53. John Wesley Spencer	April 15, 1912-January 7, 1918	Appointed to fill vacancy created by the death of Justice Jordan.
54. Douglas Morris	January 2, 1911-January 1, 1917	
55. Charles Elbridge Cox	January 2, 1911-January 1, 1917	
56. Richard Kenny Erwin	January 6, 1913-October 15, 1918	Died in office.
57. Moses Barnett Lairy	January 4, 1915-January 3, 1921	
58. David A. Myers	January 1, 1917-December 31, 1934	
59. Lawson Moreau Harvey	January 1, 1917-June 25, 1920	Died in office.
60. Howard L. Townsend	October 1917-November 1, 1923	Appointed in 1917 to fill the vacancy created by the death of Justice Erwin. Resigned.
61. Benjamin Milton Willoughby	January 6, 1919-January 7, 1931	
62. Louis B. Ewbank	August 1, 1920-January 3, 1927	Appointed to fill the vacancy caused by the death of Justice Harvey.
63. Julius Curtis Travis	January 3, 1921-January 3, 1933	
64. Fred C. Gause	November 1, 1923-January 5, 1925	Appointed to fill the vacancy created by the resignation of Justice Townsend.
65. Willard Benharrell Gemmill	January 5, 1925-January 4, 1931	

66. Clarence R. Martin	January 3, 1927-January 3, 1933	
67. Curtis William Roll	January 5, 1931-January 4, 1943	
68. Walter Emanuel Treanor	January 8, 1931-December 27, 1937	Resigned to become judge of the U.S. Court of Appeals for the 7th Circuit.
69. Michael Louis Fansler	January 4, 1933-January 1, 1945	
70. James Peter Hughes	January 3, 1933-January 1, 1936	
71. George Lee Tremain	January 1, 1935-December 31, 1940	
72. Curtis Grover Shake	January 4, 1938-January 7, 1946	Appointed January 4, 1938 to fill the vacancy created by the resignation of Justice Treanor.
73. Hardses Nathan Swaim	January 1, 1939-January 1, 1945	
74. Frank Nelson Richman	January 6, 1941-January 6, 1947	
75. Martin "Mart" Joseph O'Malley	January 4, 1943-January 3, 1949	
76. Howard Sloan Young, Sr.	January 1, 1945-January 1, 1951	
77. Oliver Starr	January 1, 1945-January 1, 1951	
78. Frank Earl Gilkison	January 1, 1945-February 25, 1955	Died in office. Term completed by Justices Henley and Arterburn.
79. James A. Emmert	January 7, 1946-January 5, 1959	
80. Paul George Jasper	January 3, 1949-March 31, 1953	Resigned to take position with Public Service Indiana. Term completed by Justice Flanagan.
81. Archie "Arch" Newton Bobbitt	January 2, 1951-January 7, 1963	
82. Floyd S. Draper	January 2, 1951-January 10, 1955	Resigned. Term completed by Justices Levine and Landis.
83. Dan Collins Flanagan	April 1, 1953-December 31, 1954	Appointed to fill the vacancy created by resignation of Justice Jasper.
84. Harold E. Achor	January 3, 1955-December 12, 1966	Retired due to illness. Term completed by Justice Rakestraw.

85. Isadore Edward Levine	January 13, 1955- May 23, 1955	Appointed January 13, 1955 to fill vacancy created by the resignation of Justice Draper. Resigned May 23, 1955.
86. George W. Henley	March 15, 1955- May 23, 1955	Appointed March 15, 1955 to fill vacancy created by the resignation of Justice Gilkison. Resigned May 23, 1955.
87. Frederick Landis, Jr.	May 23, 1955-November 8, 1965	Appointed May 23, 1955 to fill the vacancy created by the resignation of Justice Levine. Resigned to accept a seat on the United States Court of Customs Appeals.
88. Norman Frank Arterburn	May 23, 1955-May 13, 1977	Appointed to fill the vacancy created by the resignation of Justice Henley. Retired in May 1977. Term completed by Justice Pivarnik.
89. Amos Wade Jackson	January 5, 1959-January 4, 1971	
90. Walter Myers, Jr.	January 7, 1963-June 2, 1967	Died in office.
91. Frederick Eugene Rakestraw	January 7, 1966-January 2, 1967	Appointed to fill the vacancy created by the death of Justice Achor.
92. Donald Roosevelt Mote	January 3, 1967-September 17, 1968	Died in office. Term completed by Roger O. DeBruler.
93. David M. Lewis	June 21, 1967-January 6, 1969	Appointed to fill the vacancy created by the death of Justice Myers.
94. Donald Herbert Hunter	January 2, 1967-September 6, 1985	First to be elected under provision of 10 year terms. Retired. Succeeded by Justice Shepard.
95. Roger O. DeBruler	September 30, 1968-August 8, 1996	Appointed to fill the vacancy created by the death of Justice Mote. Retired. Term completed by Justice Boehm.
96. Richard M. Givan	January 6, 1970-January 4, 1995	Retired. Term completed by Justice Selby.
97. Dixon Wright Prentice	January 4, 1971-December 1985	Retired. Term completed by Justice Dickson.
98. Alfred J. Pivarnik	May 13, 1977-December 14, 1990	Appointed to fill the vacancy created by the resignation of Justice Arterburn. Retired. Term completed by Justice Krahulik.
99. Randall Terry Shepard	September 6, 1985-	Appointed to fill the vacancy created by the retirement of Justice Hunter. Retained by election of November 8, 1988. Current term expires December 31, 1998.

100. Brent E. Dickson	January 6, 1986-	Appointed by Governor Robert D. Orr to fill vacancy created by retirement of Justice Prentice. Retained by election of November 8, 1988. Current term expires December 31, 1998.
101. Jon D. Krahulik	December 14, 1990-October 31, 1993	Appointed to fill the vacancy created by the retirement of Justice Pivarnik. Resigned to pursue business opportunities.
102. Frank Sullivan, Jr.	November 1, 1993-	Appointed to fill the vacancy created by the resignation of Justice Krahulik.
103. Myra Consetta Selby	January 4, 1995-	Appointed to fill the vacancy created by the retirement of Justice Givan.
104. Theodore Reed Boehm	August 8, 1996-	Appointed to fill the vacancy created by the retirement of Justice DeBruler.