

Riley continued from p. 3

the Washington, D.C.-based International Judicial Academy to The Hague, Netherlands, to observe the International Criminal Court and two International Criminal Tribunals that are hearing cases from Sierra Leone and the former Yugoslavia. And in 2012 she participated in the 3rd Sino-U.S. Law Conference, which was held in Beijing at the National Judges College of the People's Republic of China, which oversees all aspects of that country's judicial training, placement and promotion. In 2013 Judge Riley attended the Justice Academy of Turkey where she presented her paper about Ethic Rules in the U.S. Judge Riley has two sons and two grandsons. She was retained on the Court by election in 1996 and 2006.

Bradford continued from p. 3

instructions in criminal cases, and a former member of both the Indiana Judges Criminal Policy Committee and the Board of Directors of the Indiana State Judicial Conference.

He is Chair of the Indiana Pro Bono Commission; a member of the Indiana Bar Foundation and McKinney School of Law Alumni Association Boards; a Senior Distinguished Fellow of the Indianapolis Bar Association; and teaches at various seminars on a variety of legal topics. From 2005 to 2007, Judge Bradford hosted "Off the Bench with Judge Cale Bradford," a legal commentary program on Marion County's government access network. He also served on the Judicial Technology and Automation Committee (JTAC), helping to draft the state judiciary's policies on technology and electronic case management. Judge Bradford currently serves as an adjunct instructor in forensic science and the law at Indiana University Purdue University Indianapolis.

Judge Bradford is a former director of Indianapolis's John P. Craine House, a residential alternative to incarceration for women offenders with pre-school-aged children. Judge Bradford regularly attends St. Luke's United Methodist Church. He and his wife, a full-day kindergarten teacher, have five children.

Altice continued from p. 3

Marion Superior Court from 2009 to 2011.

Judge Altice moved to the civil division of the Marion Superior Court in 2013 and was appointed chair of the Marion Court Civil Term in January 2015.

Throughout his judicial career, Judge Altice has held leadership roles in organizations that improve the administration of justice. He accepted special assignments from the Indiana Supreme Court on the Judicial Performance Task Force and the Cameras in the Courtroom project, which allowed cameras in certain courtrooms under limited conditions. The Duval Work Release Center was built and opened during his tenure on the Marion County Community Corrections Advisory Board.

Judge Altice is a member of the Indiana Judges Association, the Indiana State Bar Association, and the Indianapolis Bar Association. In April 2015, Judge Altice was appointed to serve on an ad hoc Indiana Tax Court Advisory Task Force.

His community activities include prior service on the Board of Directors of these organizations: Indianapolis Police Athletic League; the Martin Luther King Community Development Corp.; and Coburn Place Safe Haven, a transitional housing facility for domestic abuse victims.

He has presented on legal and ethical issues for the Indiana Continuing Legal Education Forum, the Indiana Judicial Center, and various Indiana bar associations. In his spare time, he enjoys gardening, golf and reading.

He and his wife, Kris, who is also an attorney, have two adult children.

What happens after oral argument?

After oral argument, the judges confer to decide the outcome. A designated writing judge drafts an opinion for the others' review. Final language may involve several drafts and significant collaboration. Generally, opinions affirm or reverse lower court rulings in whole. But some affirm in part, some reverse in part, and some do both. Not infrequently, the opinion instructs the trial court about the next appropriate course of action. Many opinions are unanimous, although non-unanimous decisions (2-1) are not uncommon. Dissenting judges usually express their views in a separate opinion that becomes part of the permanent record of the case. Judges might also write separate, concurring opinions that emphasize different points of law or facts than the main opinion. No rules or laws govern how fast the court must issue an opinion. But the court strives to decide cases within four months of receiving all briefs, transcripts and other records. Once issued, all opinions are published on www.courts.in.gov and maintained in the permanent records of the Clerk of Appellate Courts. Parties can appeal decisions of the Court of Appeals to the Indiana Supreme Court by filing a petition to transfer within a prescribed number of days. But transfer is not automatic; the Supreme Court can grant or deny transfer with or without giving a reason. If the petition is denied, the Appeals Court decision stands.

Court of Appeals Mission Statement

"To serve all people by providing equal justice under law"

SYNOPSIS

Following an incident with a student during basketball practice, David McCollough, a teacher and the boys' basketball coach at Noblesville High School, was first placed on administrative leave with pay for five days and then informed he would not be offered a contract to be basketball coach the following year. McCollough filed a lawsuit against Noblesville Schools and Jeff Bryant, the high school principal, alleging causes of action for defamation, intentional interference with a business relationship, intentional infliction of emotional distress, breach of contract, and negligence. The Defendants moved for summary judgment on all claims. The trial court denied the motion as to the defamation claim, but granted it as to all others. On appeal, McCollough contends the trial court erroneously granted summary judgment to the Defendants because genuine issues of material fact remain to be resolved by the fact finder with respect to each claim. The Defendants cross-appeal, asserting the trial court erred in denying their motion for summary judgment as to the defamation claim.

Court of Appeals of Indiana

Hearing oral argument at
Clinton Prairie High School
Wednesday, October 5, 2016 @ 10 a.m.



David McCollough v. Noblesville Schools et al.
29A02-1512-CT-02181

*On appeal from Hamilton Circuit Court
The Honorable Paul A. Felix, Judge*

Indiana Bicentennial 1816 - 2016

Attorneys For The Parties

Appellee Attorney

Brent Borg is an attorney with Church Church Hittle + Antrim and practices out of the firm's Fishers office. Brent is originally from Naperville, Illinois. Brent graduated Indiana University (Bloomington) in 2002 with a B.A. in history and Indiana University (Indianapolis) Law School (now McKinney) in 2007. Brent's appellate experience includes a clerkship with the Honorable Margaret G. Robb of the Indiana Court of Appeals from 2007 to 2009 and participation in over a dozen appeals since then, including submitting a "Friend of the Court" brief to the Supreme Court of the United States. Brent has also participated in oral arguments before the Indiana Court of Appeals, the Seventh Circuit United States Court of Appeals in Chicago, and the Indiana Supreme Court. Brent and his wife Mandy have been married 11 years and have four boys: Henry, Abraham, Weston, and Emmett. When not chasing his boys, Brent's interests include CrossFit and chess.

Appellant Attorney

S. Matthew Cook is a lifelong Noblesville resident, having graduated from Noblesville High School as a Valedictorian in 1987. He earned his B.S. in Business from the Indiana University School of Business in Bloomington in 1991 and earned his J.D. from the Indiana University School of Law in Bloomington in 1994, where he was named to the Order of Barristers. He was admitted to the Indiana Bar in 1994, and is also admitted to practice before the United States District Courts for the Northern and Southern Districts of Indiana. He is a member of the Hamilton County and Indiana State Bar Associations. Mr. Cook currently serves as the Activities Chairman and Assistant Scoutmaster of Boy Scout Troop 101 and serves on the Board of the Megan S. Ott Foundation, which assists women undergoing breast cancer treatment. His past community involvement has also included: Deacon, New Hope Presbyterian Church; President, Noblesville Noon Kiwanis; Board Member, Noblesville Chamber of Commerce; Board Member, Noblesville School Education Foundation; Board Member, Meals on Wheels of Hamilton County; youth Coach, Noblesville Babe Ruth Baseball; Youth Coach, Noblesville Youth Baseball; Youth Basketball Coach, Noblesville Boys and Girls Club; Cub Scout Leader, Pack 135. He and his wife, Lynn, an elementary school counselor, have three sons ages 17, 15, and 12. Mr. Cook practices law with his father, Stephen W. Cook, and their firm Cook & Cook Attorneys at Law has its offices in Noblesville.

*The ultimate touch stone of
constitutionality is the Constitution itself
and not what we have said about it.*

- Justice Felix Frankfurter

To the Judge

by James Whitcomb Riley, 1849-1916

A Voice From the Interior of Old Hoop-Pole
Township

Friend of my earliest youth,
Can't you arrange to come down
And visit a fellow out here in the woods--
Out of the dust of the town?
Can't you forget you're a Judge
And put by your dolorous frown
And tan your wan face in the smile of a friend--
Can't you arrange to come down?

Can't you forget for a while
The arguments prosy and drear,--
To lean at full-length in indefinite rest
In the lap of the greenery here?
Can't you kick over 'the Bench,'
And 'husk' yourself out of your gown
To dangle your legs where the fishing is good--
Can't you arrange to come down?

Bah! for your office of State!
And bah! for its technical lore!
What does our President, high in his chair,
But wish himself low as before!
Pick between peasant and king,--
Poke your bald head through a crown
Or shadow it here with the laurels of Spring!--
Can't you arrange to come down?

'Judge it' out _here_, if you will,--
The birds are in session by dawn;
You can draw, not _complaints_, but a sketch of the
hill
And a breath that your betters have drawn;
You can open your heart, like a case,
To a jury of kine, white and brown,
And their verdict of 'Moo' will just satisfy you!--
Can't you arrange to come down?

Can't you arrange it, old Pard?--
Pigeonhole Blackstone and Kent!--
Here we have 'Breitmann,' and Ward,
Twain, Burdette, Nye, and content!
Can't you forget you're a Judge
And put by your dolorous frown
And tan your wan face in the smile of a friend--
Can't you arrange to come down?

Today's Panel of Judges



The Honorable
Patricia A. Riley

Jasper County

Patricia A. Riley was named to the Court of Appeals of Indiana by Governor Evan Bayh in January of 1994. A native of Rensselaer, Indiana, Judge Riley earned her bachelor's degree from Indiana University-Bloomington in 1971 and her law degree from the Indiana University School of Law-Indianapolis in 1974. Early in her career she served as a Deputy Prosecutor in Marion County and a public defender in Marion and Jasper counties before entering into private practice in Jasper County. She served as a judge of the Jasper Superior Court from 1990 to 1993. She is a former associate professor at St. Joseph's College in Rensselaer and the Indiana University School of Law-Indianapolis.

Judge Riley's legal memberships include the Indianapolis Bar Association, the Marion County Bar Association, and the Indiana State Bar Association. Judge Riley is the former chair of the Appellate Practice Section of the Indiana State Bar Association, and is a member of the ABA's Judicial Division. She is a member of the Indiana Judges Association and the National Association of Women Judges.

Judge Riley's civic associations include being on the Board of Directors of Recycle Force. She serves on the Board of Visitors of the Robert H. McKinney School of Law - Alumni Association, and is a member of the Indianapolis Metro Rotary Club.

She also has extensive international legal experience. In 2008, she co-founded the Legal Aid Centre of Eldoret, Kenya (LACE), which provides legal access to justice for HIV/AIDS patients in the AMPATH medical center.

In 2011, Judge Riley traveled with

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The Honorable
Cale J. Bradford

Marion County

Cale J. Bradford was appointed to the Court of Appeals by Governor Mitch Daniels and took his seat on August 1, 2007.

Prior to his elevation to the Court of Appeals, Judge Bradford served for more than 10 years as Judge of the Marion Superior Court, seven years in the criminal division and three in the civil division. He was twice elected presiding judge by his colleagues.

During this tenure, Judge Bradford chaired the Marion County Criminal Justice Planning Council, a group of local elected and appointed officials who recommended ways to improve the county's response to criminal justice problems, including jail overcrowding, staffing, and budget issues. His efforts led to the end of 30 years of federal oversight of the Marion County Jail and to security improvements at the county's Juvenile Detention Center.

Before joining the bench, Judge Bradford served in the Marion County Prosecutor's Office for two years, overseeing a staff of more than 100 attorneys. For five years, he was an Assistant United States Attorney for the Southern District of Indiana, prosecuting major felony drug trafficking cases. He engaged in the private practice of law from 1986 to 1991, and served as both a deputy prosecutor and public defender during his career.

A native of Indianapolis, Judge Bradford received a B.A. in labor relations and personnel management from Indiana University-Bloomington in 1982 and his J.D. from the McKinney School of Law-Indianapolis in 1986. He is the Court of Appeals' liaison to the Indiana Judges Criminal Instructions Committee, which provides guidance to judges on jury

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The Honorable
Robert R. Altice, Jr.

Marion County

Robert R. Altice, Jr., was appointed to the Court of Appeals by Gov. Mike Pence and began his service on Sept. 2, 2015.

Judge Altice earned his undergraduate degree from Miami University, Oxford, OH, a master's degree in criminal justice administration from the University of Central Missouri, and his law degree from the University of Missouri-Kansas City School of Law.

Judge Altice began his career handling felony cases as a deputy prosecutor in Jackson County, MO, before being promoted to Chief Deputy Prosecutor for the Drug Unit. He then practiced with a Kansas City civil law firm, focusing on medical malpractice defense. After moving to Indianapolis, he concentrated on insurance defense in private practice.

Judge Altice returned to prosecution in 1994, handling a major felony caseload as a deputy prosecutor for the Marion County Prosecutor's Office. He served as Chief of the Felony Division from 1997-2000, trying more than 100 major felony jury trials, including 25 murder cases. While serving briefly as the Office's Chief Counsel, he helped amend Indiana laws on domestic battery and possession of firearms by violent felons.

Judge Altice was elected to the Marion County bench in 2000. As judge of Marion Superior Court, Criminal Division 2 from 2001-2012, he presided at 250 major felony jury trials, including 75 murder trials (seven death penalty trials).

Judge Altice also served as chair of the Marion Superior Court Criminal Term from 2005-2007, as a member of the Executive Committee for the Marion Superior Court from 2007-2009, and as Presiding Judge of the

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