

SUPREME COURT

Chief Justice Loretta H. Rush
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March 11, 2016

The Honorable Mike Pence
Governor of Indiana
200 W. Washington Street
Room 206, State House
Indianapolis, IN 46204

Dear Governor Pence:

The Indiana Judicial Nominating Commission met February 17-19, 2016, and March 3-4, 2016, and selected a panel of nominees for the vacancy on the Indiana Supreme Court that will be created by Justice Brent E. Dickson's retirement. On behalf of the Commission, I am transmitting to you the candidates the Commission nominated as the three most highly qualified applicants: Judge Steven L. Hostetler, St. Joseph Superior Court; Judge Matthew C. Kincaid, Boone Superior Court; and Mr. Geoffrey G. Slaughter of Indianapolis.

In making this selection, the Commission extensively reviewed a wide range of pertinent information in considering the non-exclusive list of statutory factors: legal education and honors; legal writings; reputation in the practice of law; physical condition and health; financial interests; and public service activities, writings, speeches, and contributions to the improvement of the administration of justice.

With this letter we are forwarding to your office the nominees' complete applications and letters of recommendation. As required by statute, and on behalf of the Commission, I offer the following written evaluations of each candidate's qualifications.

St. Joseph Superior Court Judge Steven L. Hostetler

As a practitioner and a judge, Steven Hostetler has earned a reputation for insightful legal analysis, a diligent work ethic, and sound decision-making. From representing family farmers to presiding over a claim brought by one of the largest cable sports networks worldwide, Steven Hostetler brings a pragmatic, real-world approach to

the bench and is described by knowledgeable observers as a “great listener with an ear for nuance” and a true embodiment of the characteristics citizens should expect from our judiciary: kind, fair, even-tempered, and knowledgeable of the law. As one local practitioner praised, “I am always assured that my clients will be afforded the opportunity to have their case heard fairly, impartially, and efficiently.”

Steven Hostetler graduated *magna cum laude* from Olivet Nazarene University, earning a Bachelor of Science in business administration with a minor in economics. He then obtained his law degree from Indiana University Maurer School of Law, graduating *cum laude*.

After law school, Steven Hostetler joined the firm of Thorne Grodnik, LLP, becoming a named partner in 1998. His practice emphasized creditor rights and bankruptcy, but he also worked on business transactions and commercial, agricultural, and real estate litigation. As a practitioner, he served as the part-time Legal Officer for the St. Joseph County Sheriff’s Department (1999-2001) and was a member of the Board of Directors for Laidig Industrial Systems in Mishawaka (1998-2013).

He also served for four years as Chair of the St. Joseph County Bar Association’s Grievance Committee, which is responsible for investigating and reporting on attorney disciplinary matters assigned by the Indiana Supreme Court Disciplinary Commission. Steven Hostetler was a volunteer panel member of Indiana Legal Services, Inc., and he and his law firm were recognized in 2002 for performing the highest number of pro bono hours on a case involving a local woman who had been evicted from her family home and lost all her legal possessions. Due to Steven’s efforts as lead counsel, the woman regained some of her property.

As an attorney, Steven Hostetler participated in two civil jury trials: a construction dispute and a landlord-tenant case. He also tried a number of bench trials, ranging from small claims to construction disputes to bankruptcy matters.

Appointed to the St. Joseph Superior Court in 2013, Judge Hostetler presides over a civil docket consisting primarily of family law matters, foreclosures, collection, tort litigation, and various other types of civil law proceedings. On the criminal side, his experience includes issuing search warrants and making probable cause determinations. Recently, he became the presiding judge of the St. Joseph County Veterans Treatment Court, a problem-solving court aimed at addressing the mental health and substance abuse issues often facing military veterans who are in the criminal justice system. As a judge, he has presided over four civil jury trials and numerous bench trials.

During his three years of judicial service, Judge Hostetler has quickly distinguished himself among his peers, receiving the highest ratings by the St. Joseph County Bar Association’s annual survey of its attorney members. He was selected as his

district's representative on the Board of Directors of the Judicial Conference of Indiana and serves on the Civil Benchbook Committee of the Judicial Conference.

Judge Hostetler's work to improve the administration of justice is demonstrated by his various efforts to tackle administrative issues facing the courts and to engage in community outreach. Some administrative matters he has helped address include authoring the St. Joseph Superior Court Magistrate Review Policy, developing a procedure for referring to potential jurors during jury selection by number rather than name, and taking the lead in drafting a local court rule regarding return of summons forms in civil cases. He also has served as a judge of the "We the People" competition (a civics oral advocacy competition for secondary school students), made presentations to area high school students about the justice system for Constitution Day, and presided as a judge for students' mock trials at Notre Dame Law School.

Steven Hostetler is a member of the St. Joseph County Bar Association; the Indiana State Bar Association, formerly serving as a board member of the Bankruptcy & Creditors Rights and the Young Lawyers Sections; and the St. Joseph County Robert A. Grant Inn of Court, currently serving on the Executive Committee as Counselor. He has presented on business and litigation topics for the American Institute of Banking, Indiana Continuing Legal Education Forum, National Business Institute, and St. Joseph County Bar Association. His legal writings include articles for *Indiana Business Magazine* and *Res Gestae* about bankruptcy/reorganization issues.

Dedicated to his community, Steven Hostetler has been a mentor for at-risk youth at the South Bend Community School Corporation, volunteered in various capacities for Osceola Little League, and served as a member of the Board of Directors of The Children's Campus in Mishawaka. He also has donated his time and expertise to The Salvation Army of St. Joseph County and currently serves as Chairman of the Advisory Board. Previously, he served on the Kroc Center Advisory Council during the planning and construction stages of the Ray and Joan Kroc Corps Community Center and even provided pro bono legal services for the organization. He also is a member of the American Society of Composers, Authors and Publishers, and, in 2012, he collaborated on a song to encourage remembrance of fallen service members, which appeared on the Armed Forces Network.

In his spare time, Steven Hostetler enjoys writing and playing music, reading, and traveling to visit family members.

Boone Superior Court Judge Matthew C. Kincaid

Throughout his career, Matthew Kincaid has risen to any challenge presented and surpassed even lofty expectations, taking the Boone Superior Court bench after being

elected at age 33. Considered one of the solid members of Indiana's judiciary, he is recognized as possessing "a keen ability to see all perspectives" while demonstrating courtesy and respect to all who appear before him. As one prominent practitioner noted, "Matt is a respected jurist who thoroughly understands the law and applies it fairly with diligence and skill." His reputation as a fair jurist has led practitioners to agree and entrust Matthew Kincaid to serve as special judge in matters of the utmost public importance.

Matthew Kincaid graduated *cum laude* from DePauw University with a Bachelor of Arts in economics. During his time at DePauw, he was a Rector Scholar and a Business Fellow at the University of Chicago Graduate School during the summer of 1991. He earned his law degree from Loyola University of Chicago School of Law and was an articles editor for the *Loyola University Chicago Law Journal*.

After law school, he worked as an associate for Pretzel & Stouffer in Chicago. He then returned to Indiana in 1998 to work for Riley Bennett & Egloff, LLP. His private practice consisted of civil litigation, primarily defense of persons and entities sued for negligence, and workers' compensation law.

Elected to the Boone Superior Court in 2003, Judge Kincaid presides over a general jurisdiction docket which includes commercial and tort cases, domestic relations, all probate matters, domestic violence protective orders, mental health cases, mortgage foreclosures, and half the criminal felonies filed in Boone County. From 2009 to 2014, he also maintained a misdemeanor docket. As a special judge, Judge Kincaid presides at times over juvenile, small claims, misdemeanor, and alcohol-related driving offense cases.

During the last thirteen years, Judge Kincaid has presided over approximately 100 jury trials for complex commercial matters, civil torts, medical malpractice, premises liability, motor vehicle accidents, and all levels of felonies. He has presided over more than 200 bench trials on domestic relations cases, contested adoptions, trust disputes, and probate litigation. One of the high-profile cases Judge Kincaid presided over was the consolidated actions in the *Indianapolis-Marion County Public Library* matters, a highly-contested dispute involving the design and construction of the parking garage beneath the renovated public library. After ruling on various preliminary injunction and summary judgment motions, he presided over a five-week jury trial on the remaining claims between the Library and structural engineer.

His efforts to improve the administration of justice are demonstrated in part through his six years of service as his judicial district's selected representative on the Board of Directors of the Judicial Conference. Judge Kincaid serves on the Criminal Jury Instructions Committee of the Judicial Conference and has previously served on the Civil Benchbook Committee and the Civil Jury Instructions Committee. In 2011, Judge

Kincaid led Boone County's participation in the Supreme Court's Mortgage Foreclosure Trial Court Assistance Project, which provides pro bono facilitators to preside over mortgage foreclosure settlement conferences in which borrowers frequently are unrepresented by counsel.

Recognizing the significance that strong mentors played in his career, Matthew Kincaid has paid this effort forward, participating for eight years in the Indiana University McKinney School of Law's externship program. During his judicial career, he has mentored thirteen students: eleven law students and two undergraduates. He has been a speaker for the Indiana Bar Foundation's "We the People" program and participated in a video to educate high school students about the legal consequences of drunk driving. He also regularly speaks to students on field trips to the courthouse, even impromptu encounters when the only notice he is given is the opportunity to throw on his robe after lunch.

Matthew Kincaid has been a frequent speaker for seminars presented by the Indiana Continuing Legal Education Forum, the Boone County Bar Association, the Indianapolis Bar Association, and the National Business Institute on various trial practice topics, family law, and probate practice. As part of his service to the Judicial Conference of Indiana, he has contributed to presentations on family balance, best practices regarding unrepresented litigants, and served as a dramatic reader and discussion panelist in a program focusing on the trials of Clarence Darrow. For the past six years, he has helped coordinate the annual Boone County Courts/Bar Association Continuing Legal Education program.

He is a member of the Indiana State Bar Association, the Boone County Bar Association, and the Indiana Judges Association. He is a member of the Sagamore Inn of Court, serving as a board member since 2011, and actively recruits others to participate in this organization aimed at promoting civility and cooperation in the legal profession. He is a former member of the Defense Trial Counsel of Indiana.

His commitment to his community is demonstrated in his support of the Zionsville Educational Foundation. While serving two separate terms as a member of the grants subcommittee, Matthew Kincaid shared responsibility for reviewing and approving Zionsville School District teachers' grant applications for funding. He was a member of the Rotary Club of Zionsville, serving as president from 2007-2008. He also has coached youth soccer and basketball in Zionsville and been a Cub Scout den leader.

In his spare time, Matthew Kincaid is an avid runner and has completed nine marathons. He also enjoys sports, creative writing, acting in community theater productions, participating in his kids' extracurricular activities, and working in the yard.

Geoffrey G. Slaughter, Esq.

Respected by colleagues, clients, and opposing counsel alike, Geoffrey Slaughter has earned a reputation for his extensive knowledge of constitutional and antitrust law. Recognized for his keen intellect, rigorous analysis of complex legal issues, clear and concise writing skills, and courteous manner, Geoffrey Slaughter is a lawyer others consult when seeking advice or referring clients on complicated legal matters. As one practitioner summed up, "Geoff is uncommonly knowledgeable about Indiana law ... He is equal parts scholar, practitioner, and informed citizen. He is, in short, very well equipped to do the very important work of the Court."

Geoffrey Slaughter received a Bachelor of Arts in economics from Indiana University, earning high honors and departmental honors. As an undergraduate, he was selected as the Outstanding Freshman Latin Student, elected to Phi Beta Kappa, and awarded the Christensen Memorial Scholarship in Economics. Graduating *cum laude* from Indiana University Maurer School of Law, he served as articles editor for the *Indiana Law Journal* and authored an article about the Ninth Amendment's limited role in federal constitutional jurisprudence. While earning his law degree, he simultaneously obtained a Master of Business Administration from Indiana University Kelley School of Business.

After law school, Geoffrey Slaughter served for two years as a clerk to Chief Judge Allen Sharp, United States District Court Judge for the Northern District of Indiana, South Bend. As Chief Judge Sharp's law clerk, he worked primarily on the district court's civil docket, ranging from state law business disputes arising from the court's diversity jurisdiction to federal statutory and constitutional cases, including employment discrimination and school desegregation cases.

Following his clerkship, Geoffrey Slaughter joined Kirkland & Ellis's Chicago office, concentrating on antitrust, bankruptcy, and other complex business litigation. In 1995, the Indiana Attorney General's Office sought Geoffrey Slaughter out for his antitrust expertise, and he accepted a position as Special Counsel. In that capacity, he oversaw the state's antitrust enforcement efforts and served as the Attorney General's designee charged with reviewing rules promulgated by state administrative agencies. In addition to an extensive appellate practice that included civil, criminal, and death penalty litigation, he also worked on the prosecution and eventual fifty-state settlement of the State's claims against the tobacco industry.

Geoffrey Slaughter returned to private practice in 2001 as a partner of the Indianapolis firm Sommer Barnard PC, now known as Taft Stettinius & Hollister LLP. His practice has included prosecuting antitrust class actions, defending securities fraud claims, working on environmental disputes, prosecuting and defending state and federal constitutional claims, litigating land use restrictions, handling matters on judicial review

from administrative decisions, and assisting with breach-of-contract and other commercial disputes. He has argued numerous matters before the state and federal appellate courts.

From 2001 through 2004, Geoffrey Slaughter served as Chairman of the Indiana Public Employees Relations Board (PERB), an agency established to hear and resolve grievances filed by state employees alleging violations of union duties. As Chair, Geoffrey Slaughter often served as the fact-finding hearing officer in individual cases as well as presiding over hearings of the full board to consider whether to approve, modify, or reject other hearing officers' recommendations. During his tenure as Chair, the Board reduced a significant backlog of cases so that only one case remained when the PERB was dissolved in 2005.

His efforts to improve the administration of justice include having served as a member of the Northern District of Indiana's local rules advisory committee for more than ten years and serving as a life fellow of the Indiana Bar Foundation (IBF), which is the charitable arm of the Indiana State Bar Association (ISBA). As the IBF's current president, Geoffrey Slaughter is working with public and private stakeholders to help coordinate the funding and delivery of civil legal services to the unrepresented in Indiana.

Besides his work at the Foundation, Geoffrey Slaughter's volunteer efforts include providing pro bono representation to a first-time homeowner in a contract dispute over property tax liability and to a parent in child support litigation. He also donates significant time and expertise to the Indiana Appellate Institute, a collaborative endeavor designed to provide assistance to lawyers arguing to the appellate courts.

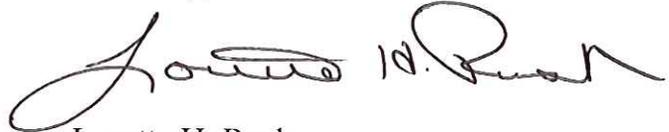
Committed to furthering civics and constitutional education, Geoffrey Slaughter has volunteered since 1996 as a judge for the "We the People" competition and has served since 2005 as a volunteer judge for the American Legion's National Oratorical Contest, a high school competition involving timely constitutional topics. He has served as a board member of the Indianapolis lawyers' chapter of the Federalist Society for Law and Public Policy Studies and participated in a 2013 symposium sponsored by the Liberty Fund and Sagamore Institute on "Liberty, Federalism, and the American Constitution." Geoffrey Slaughter is an active member of the Seventh Circuit Bar Association and the appellate sections of the ISBA and the Indianapolis Bar Association, currently serving as chair of the Indianapolis Bar's appellate section.

Geoffrey Slaughter's dedication to his local community can also be seen in his service as Secretary to the Board of Governors for Irvington Community School and as a member of the Local Leadership Board of the American Lung Association of Indiana. He is on the Board of Visitors for Indiana University Maurer School of Law and is a past-president of the Alumni Board. He also is a board member for the International Violin Competition of Indianapolis.

In his spare time, Geoffrey Slaughter is a fan of the Chicago Cubs and IU football and likes to play tennis, read, and garden.

I would be pleased to discuss any of these candidates with you in greater detail. I feel confident that all three nominees are of a high caliber and would be a lasting credit to the Indiana Supreme Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Loretta H. Rush". The signature is fluid and cursive, with a large initial "L" and a distinct "R" at the end.

Loretta H. Rush
Chief Justice of Indiana