

## TRIBUTE TO JUSTICE (NOW PROFESSOR) FRANK SULLIVAN, JR.

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Though he is perhaps best known for his time as an Associate Justice on the Indiana Supreme Court, Frank Sullivan, Jr., brings a broad range of legal and public service experience to the law school as he begins the next chapter in his career as our first professor of practice. Sullivan is no stranger to the law school. He has been a frequent guest at our lectures,<sup>1</sup> and he taught public finance law here as an adjunct professor from 2007-2009.

Justice Sullivan was a lawyer at what is now the state's largest law firm, Barnes & Thornburg, before leaving to become the state budget director from 1989 to 1992. After that, he served as then-Governor Evan Bayh's executive assistant for fiscal policy, where he directed the preparation of the Bayh Administration's budget proposals and oversaw the implementation of state budgets passed by the legislature. But the legal community esteems him for his work on the Indiana Supreme Court, following his appointment by Governor Bayh in 1993.<sup>2</sup>

He is known for his tenacious questioning of lawyers during their presentations in oral argument. Litigants could count on Justice Sullivan insisting that they join with him in a verbal exploration of the potential outcomes of their cases.<sup>3</sup> The court holds about seventy oral arguments each year;<sup>4</sup> that's a lot of sparring and speculating about the future of the law. He wrote approximately 500 majority opinions while on the court.<sup>5</sup>

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1. See, e.g., *Fellowship Symposium, Maximizing Judicial Fairness & Efficiency: Should Indiana Consider Creating an Office of Administrative Hearings?*, IND. UNIV. ROBERT H. MCKINNEY SCH. OF LAW, PROGRAM ON LAW & STATE GOV'T 2 (Oct. 1, 2004), available at [http://indylaw.indiana.edu/programs/law\\_state\\_gov/archive/Brochure04.pdf](http://indylaw.indiana.edu/programs/law_state_gov/archive/Brochure04.pdf) ("reflect[ing] on whether a central office of administrative hearings [would have] implications for judicial review . . . and the constitutional distribution of powers among the branches of government" as a featured speaker of the program); Symposium, *Reflecting on Forty Years of Merit Selection*, IND. UNIV. ROBERT H. MCKINNEY SCH. OF LAW, IND. L. REV. (Apr. 5, 2012), <http://indylaw.indiana.edu/cle/events.cfm?eid=492> (delivering a welcome address).

2. *Justice Frank Sullivan, Jr.*, COURTS.IN.GOV, <http://www.in.gov/judiciary/citc/2831.htm> (last visited Dec. 20, 2012).

3. The Indiana Supreme Court provides both live webcasting and archived recordings of its oral arguments. To view Justice Sullivan's questioning techniques in specific cases, see *Oral Arguments Online*, IND. COURTS, <https://mycourts.in.gov/arguments/default.aspx?id=&view=table&yr=&when=&court=sup&page=1&search=&direction=%20ASC&future=False&sort=&judge=&county=&admin=False> (last visited Dec. 20, 2012).

4. See *Ind. Supreme Court: Quick Facts*, COURTS.IN.GOV, <http://www.in.gov/judiciary/files/media-supreme-facts.pdf> (last visited Dec. 20, 2012).

5. Lesley Weidenbener, STATEHOUSE FILE, *Ind. Supreme Court Justice Sullivan to Retire*, NUVO (Apr. 3, 2012), <http://www.nuvo.net/indianapolis/ind-supreme-court-justice-sullivan-to->

He is recognized for his work in making Indiana courts more connected. Justice Sullivan chaired the court's Judicial Technology and Automation Committee from its inception in 1999, and he has tirelessly advocated for adequate funding for this work.<sup>6</sup> He also championed the implementation of the Odyssey system, which connects courts with each other, as well as with police and other state agencies, while at the same time making court information available online at no cost.<sup>7</sup> The goal is for the system ultimately to be implemented in every Indiana county; it is in place in well over 100 courts and more than forty Indiana counties at the time of this writing.

He is a national leader, having served as chair of the Appellate Judges Conference of the American Bar Association from 2008-2009, and chair of the Board of Directors of the Appellate Judges Education Institute from 2009-2010.<sup>8</sup> Justice Sullivan's service to the profession truly shines in the area of diversity. He served as a leader of the ABA Judicial Clerkship Program that encourages minority law students to seek judicial clerkships<sup>9</sup> and has received several awards for advancing opportunities for minority lawyers in the legal profession.

Justice Sullivan has been recognized for his work and the tangible results he has achieved in the field of diversity. In 2002, he was honored with the Rabb Emison Award from the Indiana State Bar Association.<sup>10</sup> The Indiana State Bar Association created the award in 1996 and bestows it each year on an attorney "who best serves the goal of assisting minority lawyers" achieve their career

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6. See *Judicial Technology and Automation Committee*, COURTS.IN.GOV, <http://www.in.gov/judiciary/admin/2336.htm> (last visited Dec. 20, 2012); see also Michael W. Hoskins, *Justice: Fee Hike Could Mean Statewide Case Management System by 2017*, IND. LAWYER (Aug. 26, 2010), <http://www.theindianalawyer.com/justice-fee-hike-could-mean-statewide-case-management-system-by-2017/PARAMS/article/24594> (briefing the Commission on Courts about the progress of JTAC and its need for additional funding, Justice Sullivan stated, "The reason good technology costs so much is because the economic and intangible benefit is so great.").

7. See Jennifer Nelson, *Justice Touts Odyssey, Counties Seek Addition Judicial Officers*, IND. LAW. (Aug. 25, 2011), <http://www.theindianalawyer.com/justice-touts-odyssey-counties-seek-addition-judicial-officers/PARAMS/article/27008>.

8. *Justice Frank Sullivan, Jr.*, *supra* note 2.

9. For more information about the ABA Judicial Clerkship Program from Justice Sullivan's perspective, see Frank Sullivan, Jr., *The ABA Judicial Clerkship Program Celebrates its 10th Anniversary*, 48 JUDGES' J. 14 (2009), available at [http://www.americanbar.org/content/dam/aba/migrated/divisions/Judicial/PublicDocuments/Sullivan\\_JCP.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/divisions/Judicial/PublicDocuments/Sullivan_JCP.authcheckdam.pdf).

10. See *Racial Diversity in the Legal Profession*, IND. STATE BAR ASS'N, <http://www.inbar.org/ISBALinks/Committees/Diversity/tabid/129/Default.aspx> (last visited Dec. 20, 2012) (listing the individual recipients of the Rabb Emison award since its creation by the Indiana State Bar Association in 1996); See also DIV. OF SUPREME COURT ADMIN., INDIANA SUPREME COURT 2008-2009 ANNUAL REPORT 11-12 (2008-2009), available at <http://www.in.gov/judiciary/supreme/files/0809report.pdf> (describing his receipt of the award for his "significant contribution made in advancing opportunities for minority lawyers in legal employment and the legal profession").

aspirations.<sup>11</sup> In 2010, Sullivan was presented with the Diversity Leadership Award of the American Bar Association Section of Litigation.<sup>12</sup> The group cited his “conviction and passion to making a difference in improving the opportunities for minorities in the judicial system. He has become an inspirational role model for others to follow in his footsteps.”<sup>13</sup> “The award was established in 2008 to recognize individuals or organizations who have demonstrated a commitment to promoting full and equal participation in the legal profession through proactive encouragement and inclusion of women, people of color, persons with disabilities, and persons of differing sexual orientations and gender identities.”<sup>14</sup>

We couldn’t ask for a better example of a fine lawyer for our students have as a role model. The IU Robert H. McKinney School of Law is truly fortunate to have Justice Sullivan here to impart his vast knowledge to students, as well as to mentor and guide them to become attorneys with integrity of whom we can all be proud.

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11. Michael W. Hoskins, *Former ISBA President Rabb Emison Dies*, IND. LAWYER (Sept. 15, 2010), <http://www.theindianalawyer.com/former-isba-president-rabb-emison-dies/PARAMS/article/24710>.

12. *See Section of Litigation Recognizes Diversity, Pro Bono and Public Service*, ABA NOW (May 7, 2010), <http://www.abanow.org/2010/05/section-of-litigation-recognizes-diversity-pro-bono-and-public-service/>.

13. Meghan Lazier, *Justice Frank Sullivan, Jr. Receives the Section of Litigation's 2010 Diversity Leadership Award*, A.B.A. (Mar. 2, 2010), [http://www2.americanbar.org/divisions/Judicial\\_migrated/Lists/Announcements/DispFormNew.aspx?List=b7d42f44-edf2-4bde-a477-5c7a6e0e29fa&ID=14](http://www2.americanbar.org/divisions/Judicial_migrated/Lists/Announcements/DispFormNew.aspx?List=b7d42f44-edf2-4bde-a477-5c7a6e0e29fa&ID=14).

14. *Diversity Leadership Award*, A.B.A. SECTION OF LITIGATION, [http://www.americanbar.org/groups/litigation/initiatives/diversity\\_initiatives/award.html](http://www.americanbar.org/groups/litigation/initiatives/diversity_initiatives/award.html) (last visited Dec. 1, 2012).