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of the Judicial Conference of Indiana, which is charged with improving people's access to Indiana courts and the quality of their experience there. In 2012, Judge Baker was appointed by the Indiana Supreme Court to a task force evaluating operations and procedures in Marion County Small Claims Courts. The task force's report to the Supreme Court formed the basis recently adopted by the General Assembly.

Judge Baker received his LLM from the University of Virginia in 1995 and is a member of the American, Indiana State, Monroe County, Boone County, and Indianapolis Bar Associations. He served on the Indiana Judges' Association Board of Managers from 1979 through 2011 and was its president from January 1987 through June 1989.

Judge Baker was a Captain in the U.S. Army Reserves and remains active in his community, his church, and the Boy Scouts of America, where he attained the rank of Eagle Scout as a youth. In 2011 he joined the Board of Trustees of Garrett-Evangelical Theological Seminary in Evanston, IL, where he serves on the Academic Affairs Committee.

Judge Baker was retained on the Court of Appeals by election in 1992, 2002 and 2012. He and his wife have five children and, so far, ten grandchildren. He is an avid reader, rower, and Nordic walker.

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chaired the Specialization Committee. She is currently on an Advisory Panel to the Specialization Committee. In 2005, she was named to the Indiana Pro Bono Commission and in July 2008, she was named as Chair of that Commission. While chair, she worked with the fourteen pro bono districts to train lawyers and mediators on how to assist homeowners facing foreclosure. In addition, she was a member of the Board of Directors of the Indiana Continuing Legal Education Forum from 1994-1999 and has been a co-chair of ICLEF's Indiana Trial Advocacy College from 2001 to present. Judge May also serves on the Civil Instruction Committee, an Indiana Judicial Conference Committee, which has been working to translate all of the civil jury instructions into "plain English." She frequently speaks on legal topics to attorneys, other judges, schools, and other professional and community organizations.

In 2003, Judge May was named to the American Bar Association's Standing Committee on Attorney Specialization. She is now special counsel to that committee. In the spring of 2004, Judge May became adjunct faculty at Robert H. McKinney School of Law, where she teaches a trial advocacy course. Also in the spring of 2004, she was awarded an Honorary Doctor of Civil Law from the University of Southern Indiana. In 2015, Judge May became a member of the American Board of Trial Advocates. Judge May was retained on the Court of Appeals in 2010, and lives in Morgan County.

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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 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 Superior 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 JudicialCenter, 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.

SYNOPSIS

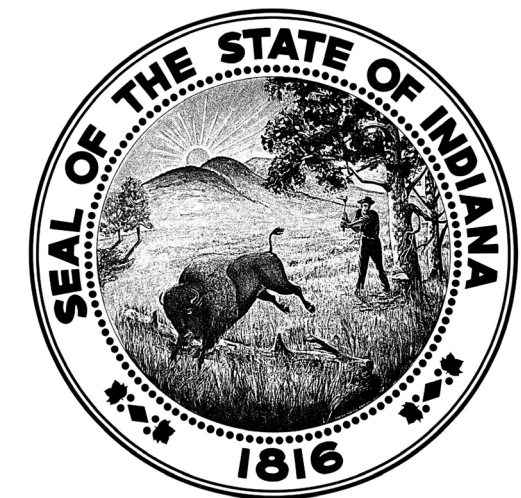
In an action before the Indiana Civil Rights Commission ("ICRC"), Mellissa Davis alleged the Knox County Association for Retarded Citizens ("KCARC") discriminated against her on the basis of her disability when it terminated her employment following a medical emergency during which she lost consciousness. An Administrative Law Judge ("ALJ") found in favor of Davis, and KCARC objected to that decision. The ICRC reviewed the ALJ's decision, affirmed it, and ordered KCARC to pay Davis \$35,151.46 for lost wages.

KCARC appeals the ICRC's decision, arguing the evidence does not support the findings and the findings do not support the conclusion that Davis was disabled. In the alternative, KCARC argues the ICRC's award of damages to Davis should be reduced because Davis failed to mitigate her damages.

Court of Appeals of Indiana

Hearing oral argument at the
Red Skelton Performing Arts Center
Vincennes, IN

Thursday, February 22 @ 1:00 p.m.



Knox County Association
for Retarded Citizens, Inc.

v.

Melissa (Cope) Davis

93A02-1701-EX-00141

*On appeal from the
Indiana Civil Rights Commission*

Attorneys For The Parties

Appellant Attorney

Dan Siewers was born in Vincennes and grew up on his parents' farm in southern Knox County. Dan attended South Knox High School and graduated as its Valedictorian in 1992. He then attended Franklin College in Franklin, Indiana and graduated first in his class in 1996 with a Bachelor of Arts degree in Economics and Business Finance. From Franklin, Dan moved on to the Indiana University Maurer School of Law in Bloomington and graduated in the top 5% of his class in 1999. Upon graduation from law school, Dan returned to Vincennes to practice with Hart Bell, LLC and was admitted to the bar in both Indiana and Illinois.

Dan has practiced in the areas of Medicaid Planning, Elder Law, Agriculture, Civil Litigation, Estate Planning, Real Estate and Business Law his entire career. Dan immensely enjoys helping families solve difficult problems whether it be how to pass the family farm to the next generation or how best to preserve and protect assets if a spouse or parent is in the nursing home. He speaks regularly on Elder Law and Medicaid Planning issues to the general public and at attorney continuing education events such as the Indiana Elder Law Institute.

Dan has also been an active litigator throughout his career. He has successfully argued cases before the 7th Circuit Court of Appeals and the Indiana Supreme Court. Among his reported cases are Massey v. Johnson, 457 F.3d 711 (7th Cir 2006) and Gilles v. Blanchard, 477 F.3d 466 (7th Cir 2007).

Appellee Attorney

Michael C. Healy serves as Staff Counsel to the Indiana Civil Rights Commission. Mr. Healy has represented complainants in hundreds of cases before the Commission, and in both the trial courts and appellate courts. Mr. Healy was a Deputy Prosecuting Attorney in Vigo County and was engaged in the private practice of law in Terre Haute and Indianapolis. He has lectured extensively in the areas of employment discrimination and fair housing. Mr. Healy graduated from Syracuse University with a Bachelor of Science degree cum laude and graduated from Western State University Law School with a Juris Doctor degree. Mr. Healy resides in Indianapolis with his wife and daughter.

About the Court of Appeals

As the second-highest court in Indiana, the Court of Appeals hears appeals from the state's trial courts and some state agencies. The Court does not preside over trials and must accept all appeals sent to it, with the exception of:

- Cases in which the death penalty or life-without-parole is rendered (appealed directly to the Indiana Supreme Court);
- Cases in which statutes are declared unconstitutional by a trial court (automatically appealed to the Supreme Court);
- Attorney disciplinary cases (which also go to the Supreme Court); and,
- Cases involving taxation (which go to the Indiana Tax Court).

As a result, the 15 members of the Court issue approximately 2,000 written opinions each year. A decision of the Court of Appeals of Indiana is final unless granted further review by the Indiana Supreme Court.

The Court hears cases only in three-judge panels. All panels have statewide jurisdiction and rotate three times per year. Cases are randomly assigned. In addition, there is no deadline for the Court to reach a decision in each case; however, the Court strives to issue decisions within four months of receiving an appeal. Opinions are often issued earlier.

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.

Today's Panel of Judges



The Honorable
John G. Baker

Monroe County

John G. Baker was named to the Court of Appeals in 1989, which makes him the longest-serving member on the current Court. He served as Chief Judge of the Court of Appeals from 2007-2010.

Judge Baker is a southern Indiana native who grew up along the Ohio River in Aurora, but attended high school at Culver Military Academy in northern Indiana. He earned a B.A. in history from Indiana University in 1968 and his J.D. from Indiana University School of Law-Bloomington in 1971.

He then practiced law in Bloomington as a partner in Baker, Barnhart and Andrews, and later served for 13.5 years as judge of Monroe County and Monroe Superior Courts. In that time, he disposed of more than 15,000 cases – solid preparation for the more than 5,000 majority opinions he has written for the Court of Appeals.

In 2013, Judge Baker retired after 33 years of teaching at the School of Public and Environmental Affairs, Indiana University-Bloomington. He retired in 2015 after teaching a class for foreign lawyers at Indiana University McKinney School of Law for over 10 years. He has also served on the faculties of the Indiana Judicial College, Indiana Continuing Legal Education Forum and the National Institute of Trial Advocacy.

Judge Baker has long been interested in court and judicial reform and history. He's been a member since its inception of the Strategic Planning Committee

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The Honorable
Melissa S. May

Vanderburgh County

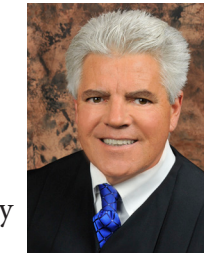
Melissa S. May was appointed to the Indiana Court of Appeals by Governor Frank O'Bannon in April of 1998. She was born in Elkhart, Indiana. She received a B.S. in criminal justice from Indiana University-South Bend and, in 1984, a J.D. from Indiana University School of Law-Indianapolis. She is also a graduate of the Graduate Program for Indiana Judges.

Prior to her appointment to the Court, Judge May practiced law for fourteen years in Evansville, Indiana, where she focused on insurance defense and personal injury litigation.

Judge May has been active in local, state, and national bar associations and bar foundations. She served the Indiana Bar Association on the Board of Managers from 1992-1994, as Chair of the Litigation Section from 1998-1999, as Counsel to the President from 2000-2001, as Chair of the Appellate Practice Section from 2008-2009, and as Secretary to the Board of Governors in 2008-2009. She is also a member of the Indianapolis Bar Association and the Evansville Bar Association. She is a fellow of the Indiana Bar Foundation and is currently serving on their Board of Directors. Judge May is a fellow for the American Bar Association, and a Master Fellow of the Indianapolis Bar Association.

From 1999 until December 2004, Judge May was a member of Indiana's Continuing Legal Education Commission, where she

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The Honorable
Robert R. Altice

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 cases).

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