

## Judge Frank Sullivan Jr.

By Judge John E. Sparks Jr.

**A**nyone who knows Judge Frank Sullivan Jr. can't help but be impressed with his wide-ranging impact on the legal community in Indiana and across the country.

Judge Sullivan was born in South Bend, Indiana, in 1950. His father had originally come to Indiana to attend the University of Notre Dame on the GI bill after serving in the Navy during World War II. It's a point of family pride that, while at Notre Dame, Sullivan's father worked as secretary to the revered Notre Dame football coach Frank Leahy.

Sullivan himself went on to graduate from Dartmouth College. He spent most of his 20s working in democratic politics, most notably spending five years on the staff of then Congressman (later New York University president) John Brademas, whom he calls "the great mentor of my life." Figuring that political life was not conducive to stability and raising a family, in his late 20s Sullivan switched gears to attend law school. The decision was based on a conversation with a lawyer who worked closely with Rep. Brademas and who characterized legal work as "helping clients solve their problems." It struck Sullivan that this was what he most loved about working for Rep. Brademas: helping constituents navigate problems with the government. So he and his wife Cheryl moved back to Indiana, where Sullivan enrolled as a full-time student at Indiana University's Maurer School of Law.

After several years practicing corporate finance and securities law, Sullivan was appointed to serve as Indiana state budget director and then executive assistant for fiscal policy under Governor Evan Bayh. In 1993, Bayh appointed Sullivan to the Indiana Supreme Court. In his 19 years on the court, Sullivan authored nearly 500 majority opinions covering criminal, civil, and tax law issues. During that time, he also became active with the Appellate Judges Conference of the American Bar Association (ABA), acting as its chair from 2008–2009 and then as chair of the Appellate Judges Education Institute (AJEI) from 2009–2010.

After resigning from the State Supreme Court, in 2012 Sullivan transitioned to yet another career as a popular professor of practice at Indiana University's Robert H. McKinney School of Law. He has been the recipient of numerous honors and awards, including, in 2017, the prestigious American Inns of Court Professionalism Award for the Seventh Circuit, which honors "a lawyer or judge whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession and the rule of law."

**As a member of the Indiana Supreme Court, aside from hearing cases, you also contributed to the fiscal operations of the court and played a significant role in modernizing the court system's technology base. Can you tell us a little about those efforts?**

When I was appointed to the court, I had been working as the state budget director under Governor Evan Bayh for four years. Prior to that, I worked as a transactions lawyer, which meant I worked regularly with the chief financial officers of my corporate clients. The Indiana Supreme Court operates as sort of a board of directors for the entire state judicial system. I tried to help then Indiana Chief Justice Randall Shepard—one of the great leaders of state courts nationally—with the fiscal management side of things.

By 1999, it had become apparent that our state's trial courts were very behind when it came to technology. I'd developed an appreciation for the importance of technology while still in school and had tried to embrace it and keep up to speed with recent advances. So when the court decided to make some changes, I headed those efforts. It became something like a second full-time job, but we were able to make some very important advances, including giving judges access to legal research materials and creating a shared computer system so all the state courts could access the same case information.

**While on the bench, you chaired the ABA's Appellate Judges Conference and headed the Board of Directors of the Appellate Judges Education Institute. Can you speak about these two roles?**

In 2005, I was appointed to the Executive Committee of the Appellate Judges Conference (AJC) and through that appointment I became involved with the AJEI, the AJC's professional development arm. Most states—including Indiana—don't have professional development programs specifically geared toward appellate judges. There aren't enough of us in most states for that to make financial sense. The concept behind the AJEI is to provide a vehicle for running education programs across the country and money to support them for those states that don't have enough appellate judges to justify doing it on their own.

When I came on board, the fiscal management of the AJEI had grown very complicated and difficult to understand. I volunteered to analyze the financial situation and to make recommendations for

going forward. Those recommendations were well-received, many were implemented, and eventually the AJEI achieved fiscal stability. Later, I went on to serve as the chair of both the AJC and the AJEI.

**Your commitment to diversity in the legal profession is legendary. One initiative dear to your heart, which you led for a number of years, is the ABA's Judicial Clerkship Program, which encourages minority law students to seek judicial clerkships. Can you tell us a little about this program and your role?**

First of all, I want to be very clear that I did not start the judicial clerkship program. It was originally founded by three very talented and committed individuals: Judge Eileen Kato from Seattle; Luke Bierman, then the director of the Judicial Division of the ABA; and Judge Ellen Rosenblum, then an Oregon judge and now Oregon Attorney General. The genesis of the program was a 1998 protest in front of the Supreme Court against the lack of minority law clerks. Subsequent research showed that minority law students were less likely to apply for judicial clerkships than their white counterparts. So the ABA set out to design a program to put clerking on the radar of minority students.

An Indiana appellate judge, Judge Ezra Friedlander, was on the original organizing committee and he recruited me. When it was decided that the clerkship program should be managed by the AJC, I was asked to serve as chair. I've been involved with the program ever since. Later, then Judicial Division Chair Judge James "Jamie" Sledge decided to expand the clerkship program to involve everyone in the Judicial Division, not just the appellate judges. That was a huge turning point. It made for a far richer experience for the students who participate. It's a fantastic program, and I'm as proud as can be that an Indiana trial court judge, Judge Heather Welch, heads it now.

**Recently, you have received two interesting and important appointments. One is adviser to the American Law Institute's Principles of Law Policing project. The other one is president of the Indianapolis Civilian Police Merit Board.**

**Can you tell us a little about these two entities and how your duties and responsibilities in one possibly aid you in your responsibilities in the other?**

These appointments just go to show that no matter how old you get, you never know when something new might come up! Until recently, I had no direct involvement in policing, though, of course, police work played a central role in many of the criminal cases we heard on the court. And I do think that police–community relations is one of the top issues facing American cities today. Still, it was a surprise when Indianapolis Mayor Joe Hogsett asked me in December 2018 to chair the Civilian Police Merit Board. But when the mayor asks you to do something, you say yes.

It's been fascinating so far. The Merit Board plays both administrative and adjudicative roles. Our consent is required before the chief of police can hire, promote, or discharge any sworn police officer. We also help to set the standards for hiring and promotion, which has led to looking at a lot of the best practices in police training.

For the last few years, the American Law Institute (ALI) has been working on a best practices for policing project, which is addressing many of the same kinds of questions we deal with at the Merit Board. I went to the ALI and volunteered myself as an adviser to this project, feeling I could bring some valuable knowledge and experience. So far it's been quite educational and rewarding. I've found that, in the ALI material developed to date, there is information we can deploy in Indianapolis and vice versa. For example, in Indianapolis we've developed a very successful "mobile crisis assistance team" program to help deal with situations where the police confront individuals with mental health or drug issues. I was able to pass on information about this program to the ALI for consideration in its best practices recommendations.

**You are the recipient of a long list of honors and awards. In December 2018 you were recognized for your work promoting diversity in the legal profession. In fact, the mayor of Indianapolis proclaimed December 11 "Frank Sullivan**

**Jr. Day" in the city. Can you tell us how much this honor meant to you?**

It was a wonderful honor. The whole thing was arranged behind my back. I was asked to deliver a speech to the Indianapolis Bar Association. I had the entire speech all prepared. When I showed up, my life was arrayed before me—family, friends, clerks, and former colleagues. Judge Toni E. Clarke of Maryland, then chair of the Judicial Division, was there. The mayor told me that the good news was that it was Frank Sullivan Jr. Day. The bad news was that it was already 7 p.m.

**You're currently a professor of practice at Indiana University. The law school students voted to award you their Red Cane Award for best new professor in 2014 and their Black Cane Award for best professor in both 2015 and 2018. Last year you were named an Indiana University Bicentennial Professor. How does teaching compare to the other roles you've played in your life?**

I enjoy teaching very much, though I suspect I'm more amusing to my students than anything else. I did a little calculation and found that about 40 percent of my students come back for a second course. So that is somewhat validating for a numbers guy.

Being named one of the Bicentennial Professors for the entire university was really quite astonishing. In honor of the 200th anniversary of the university, and as a chance to give back to the good people of Indiana whose tax dollars support the school, a group of 25 Bicentennial Professors were appointed by the trustees to travel throughout the state and deliver lectures. Being included in such a group came as an enormous surprise and really is such an honor. As so often has been the case in my life, I feel like a very lucky man. ■