

## A LEGACY OF EXCELLENCE: A TRIBUTE TO JUDGE JANE E. MAGNUS-STINSON

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I confess to feeling the full weight of my 69 years as I write. Where has the time gone? It seems like just yesterday that Jane Magnus, as she was then known, and I were young, idealistic lawyers starting our legal careers in Indianapolis. But while about a half-century has passed, our idealism and belief in our judicial system have never diminished. The journey has been a privilege and illuminating. To paraphrase Bob Dylan: “We were so much older then, we’re younger than that now.”<sup>1</sup>

Judge Jane E. Magnus-Stinson’s transition to senior status marks the culmination of an extraordinary and inspiring career, one defined by her unwavering commitment to the law, unrivaled integrity, and tireless service to the state and federal judiciary. As someone who has had the privilege of working closely with her, I am deeply honored to join the *Indiana Law Review* in celebrating her remarkable legacy.

This tribute carries a personal significance, not only because of my admiration for Judge Magnus-Stinson but also because it provides me with an opportunity to collaborate with my son, Beau Bayh. Beau, who completed an internship in Judge Magnus-Stinson’s chambers during his third year at Harvard Law School, witnessed firsthand the exceptional qualities that have defined her career. His insights and contributions have enriched this tribute, making it a shared effort that reflects the deep and lasting impact Judge Magnus-Stinson has had on all those who have had the privilege of working with her.

In this tribute, I seek to highlight the milestones that define her legacy of excellence: her achievements as a litigator, her contributions to Indiana’s governance, and her exemplary service on the bench. It is my hope that these reflections will underscore the exceptional legal acumen and commitment to justice that have distinguished Judge Magnus-Stinson throughout her career. While her professional accomplishments are remarkable, it is equally important to celebrate the personal qualities that complement them. Judge Magnus-Stinson is a devoted wife, a loving mother to her two daughters, and a committed mentor who has strongly influenced the careers of many young lawyers, including my son, Beau. Her ability to inspire and uplift those around her is a testament to the depth of her character and the breadth of her impact.

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1. See BOB DYLAN, *My Back Pages*, on ANOTHER SIDE OF BOB DYLAN (Columbia Records 1964).

## I.

Judge Magnus-Stinson's career began with a display of exceptional legal skill and a commitment to excellence. Fresh out of law school, she joined Lewis, Bowman, St. Clair and Wagner, LLP (now Lewis Wagner, LLP), where she quickly earned a reputation for handling complex insurance defense and commercial litigation matters. In her first seven years of practice, she tried an impressive thirty cases to either verdict or judgment, serving as sole counsel in nearly half of them.<sup>2</sup> This achievement was a testament to her extraordinary capability and composure under pressure. These qualities, evident from the start, would become the hallmarks of her distinguished career.

Jane Magnus-Stinson attributes much of her early success to the mentorship of Robert Wagner, whom she fondly recalls as an invaluable guide during her formative years. While having a great mentor certainly played a role, it is clear that Jane Magnus-Stinson's relentless work ethic, sharp wit, and unwavering determination were the true engines of her success. Robert Wagner, like anyone fortunate enough to work with her, undoubtedly recognized her exceptional abilities and felt inspired to support her growth. Her knack for connecting with people, combined with her impeccable taste in music, has always made her a joy to collaborate with—qualities that have remained constant throughout her career.

One case that illustrates Jane Magnus-Stinson's ingenuity and skill as a litigator is *Guffy v. Clinton Prairie School Corp.*, in which she proposed a novel jury instruction based on Indiana's equal knowledge doctrine, a principle with limited precedent in the state's legal landscape at the time.<sup>3</sup> Her carefully crafted instruction was accepted and issued in the case, leading to a favorable verdict for her client. She then successfully defended both the instruction and the verdict on appeal, demonstrating her creativity, legal acumen, and ability to deliver results and setting the stage for her future accomplishments.<sup>4</sup>

## II.

When the people of Indiana honored me with a second term as Governor in 1992, a few key positions within my administration needed to be filled. From the start, I sought individuals who, even without prior state government

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2. BIOGRAPHY OF THE HONORABLE JANE MAGNUS-STINSON, INDYBAR 3 (on file with journal).

3. See *United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees (Jane Magnus-Stinson)*, SENATE JUDICIARY 34–35 (Jan. 18, 2010), available at <https://www.judiciary.senate.gov/imo/media/doc/JaneMagnusStinson-PublicQuestionnaire.pdf>. Indiana's equal knowledge doctrine provides that there is no liability for injuries arising from dangers equally known to both the plaintiff and the defendant. 57B AM. JUR. 2d *Negligence* § 789 (2024).

4. *Guffy v. Clinton Prairie Sch. Corp.*, 478 N.E.2d 1258 (Ind. Ct. App. 1985) (mem.); *United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees (Jane Magnus-Stinson)*, *supra* note 3, at 34–35.

experience, demonstrated the vision, leadership, and capability necessary to build on Indiana's progress.

Initially, Jane Magnus-Stinson was considered for a position in one of our agencies based on her reputation as a skilled advocate and her ability to masterfully handle complex legal matters. However, my wife Susan, recognizing Jane Magnus-Stinson's exceptional qualities, suggested she join my staff. From there, it quickly became clear to me that Indiana would be best served by bringing Jane Magnus-Stinson into the heart of the administration.

Her impact was immediate. As Counsel to the Governor, she provided direct legal guidance and oversaw significant litigation involving the Governor, the State, and its agencies. Among her many contributions, Jane's stewardship of the *Tioga Pines Living Center v. State Board of Public Welfare* case stands out.<sup>5</sup> It was a class action lawsuit brought by the nursing home industry challenging the State's Medicaid reimbursement rates for providing care to indigent Medicaid recipients.<sup>6</sup> Thanks to her leadership and meticulous oversight, the State prevailed, with the Indiana Supreme Court reversing the trial court's adverse decision against the State.<sup>7</sup>

Jane Magnus-Stinson also played a vital role in the judicial appointment process—a responsibility we both regarded with the utmost gravity—by overseeing the initial vetting process. Thanks in no small measure to Jane Magnus-Stinson's dedication and foresight, the Bayh Administration succeeded in placing over forty exceptionally competent and highly qualified judges on benches throughout the State, including Myra Selby to the Indiana Supreme Court, the first woman and the first African-American to serve on the Indiana Supreme Court, and Patricia Riley to the Indiana Court of Appeals, the fourth woman to sit on the Indiana Court of Appeals.<sup>8</sup>

Lastly, Jane Magnus-Stinson's leadership extended well beyond her core responsibilities as Counsel to the Governor. Her ability to lead with determination and deliver results made her an invaluable asset in numerous roles. She served as my liaison to the Judiciary, the State Ethics Commission, the Office of the Attorney General, the Department of Insurance, the Alcoholic Beverage Commission, and the Hoosier Lottery. Additionally, she represented the Governor's Office on the Indiana Sexual Harassment Task Force, an initiative of the Bayh Administration aimed at drafting an anti-sexual harassment policy that could be easily adopted by small employers. Her efforts

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5. See *Indiana State Bd. of Public Welfare v. Tioga Pines Living Ctr., Inc.*, 622 N.E.2d 935 (Ind. 1993).

6. *Id.*

7. *Id.* at 947.

8. 141 CONG. REC. E152-53 (daily ed. Jan. 20, 1995) (extension of remarks, Tribute to Myra Selby by Hon. Andrew Jacobs, Jr.), available at <https://www.congress.gov/104/crec/1995/01/20/141/12/CREC-1995-01-20.pdf>; *Court of Appeals of Indiana Judge Patricia A. Riley Announces Retirement*, IN.GOV (June 18, 2024), <https://www.in.gov/courts/appeals/news/2024-0618/>; *United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees (Jane Magnus-Stinson)*, *supra* note 3, at 36.

were instrumental—she recruited members, coordinated the drafting of the policy, and oversaw its dissemination to state and local businesses. She also represented the Governor’s Office on the Indiana Code Revision Commission and the Indiana Women’s Commission, ensuring that these critical initiatives benefitted from her insight and commitment to excellence.<sup>9</sup>

### III.

In 1995, when Jane Magnus-Stinson approached me about a judicial vacancy in Marion County, I was thrilled—but not the least bit surprised. After serving with distinction as part of the heart of my administration for four years, she was ready to take the next step in her career and pursue her dream of serving as a trial court judge. Nominating her to fill the vacancy at the Marion Superior Court, Criminal Court Six, major felony division, was one of the proudest moments of my second term.

While Jane Magnus-Stinson’s experience had not focused heavily on criminal law, the decision to nominate her was made with no hesitation. Her proven intellect, sound judgment, and approach to the law made her the obvious and unequivocal choice. The people of Marion County clearly saw the same qualities, reaffirming her appointment with their votes in both the 1996 and 2002 elections.<sup>10</sup> This resounding support was a testament to the deep respect and trust she had earned from the community she served with such dedication and integrity.

One highly publicized case that underscores Judge Jane Magnus-Stinson’s legal acumen and poise under pressure is *State v. Albrecht*.<sup>11</sup> This two-week jury trial involved the defendant’s prosecution for the brutal murder of his estranged wife—a case fraught with challenging evidentiary issues. If asked about her favorite area of law, Judge Magnus-Stinson might name the Rules of Evidence, a preference aptly demonstrated in this case, as well as *Walton*. With no physical evidence tying the defendant to the crime after five years of investigation, the prosecution relied entirely on circumstantial evidence. Witnesses testified about the defendant’s inquiries into murder-for-hire, and the trial hinged on several pivotal evidentiary rulings made by Judge Magnus-Stinson—all of which were upheld by the Indiana Supreme Court.<sup>12</sup>

Key rulings included allowing testimony from an alibi witness who recanted years later, admitting to lying to protect the defendant. Over defense objections, Judge Magnus-Stinson permitted an FBI agent to testify about the victim’s statement despite the loss of the agent’s original notes. She excluded evidence of another potential suspect’s polygraph test, preventing the defense from

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9. *Id.*

10. *United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees (Jane Magnus-Stinson)*, *supra* note 3, at 16.

11. 737 N.E.2d 719 (Ind. 2000).

12. *Id.* at 734.

introducing its results. She also admitted statements the defendant made to police, a recorded conversation between the defendant and another individual, and a graphic autopsy photograph of the victim.<sup>13</sup>

Despite the lack of physical evidence, the jury convicted the defendant.<sup>14</sup> The Indiana Supreme Court later affirmed both the conviction and all of Judge Magnus-Stinson's rulings.<sup>15</sup> This case highlights her mastery of evidentiary law, judicial temperament, and ability to handle the most challenging legal landscapes with fairness and precision.

Lastly, one of Judge Magnus-Stinson's most impactful contributions during her time on the Marion County bench deserves special recognition. Reflecting her deep commitment to plain and accessible language—a hallmark of her judicial opinions—she served as Chair of the Indiana Judges Association Criminal Pattern Jury Instructions Committee from 1998 to 2002. In this role, Judge Magnus-Stinson led a dedicated group of judges from across Indiana in a comprehensive revision of the state's Criminal Pattern Jury Instructions. Over more than three years, Judge Magnus-Stinson guided the Committee in transforming the Criminal Pattern Jury Instructions, ensuring they would be more readily understandable for jurors. This ambitious undertaking and monumental achievement stand as a testament to her forward-thinking leadership and dedication to improving the judicial process for the benefit of all.

#### IV.

As her exceptional record demonstrates, it was no surprise that after twelve distinguished years serving the people of Marion County, Judge Magnus-Stinson transitioned in 2007 to a broader role as a United States Magistrate Judge for the Southern District of Indiana, where she continued to make an extraordinary impact. This new position allowed her to bring her expertise, dedication, and tireless commitment to an even larger community, further solidifying her reputation as a devoted public servant.

An even more significant milestone followed shortly thereafter. In November 2008, Judge Larry J. McKinney announced his decision to assume senior status, creating a vacancy on the United States District Court for the Southern District of Indiana. At that time, I had the privilege of representing Indiana in the United States Senate. With her extensive experience as a Federal Magistrate Judge and her twelve years of service as a state court major felony judge, Judge Magnus-Stinson emerged as the clear and most qualified candidate to fill the vacancy. She had my full and enthusiastic support from the start.

Several moments from her journey to the District Court bench stand out as personal favorites. One was the phone call I made to her on April 29, 2009, coincidentally her birthday, to share that I would be recommending her to the

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13. *See id.* at 723–34.

14. *Id.* at 723.

15. *Id.* at 734.

White House for consideration. I still smile every time I think about that conversation. Another came on January 20, 2010, when President Obama formally nominated her to fill the vacancy—a testament to her excellent qualifications and commitment to public service.

A particularly noteworthy aspect of Judge Magnus-Stinson's confirmation process was the bipartisan support she received from Senator Richard Lugar.<sup>16</sup> His strong backing reaffirmed the respect that my father and I always had for him. This collaborative and bipartisan effort further underscored the esteem in which Judge Magnus-Stinson was, and continues to be, held across Indiana. On June 7, 2010, the Senate unanimously confirmed her nomination by a voice vote—a true testament to her credentials and widespread respect.<sup>17</sup>

It is worth taking a moment to reflect on the vision that Senator Lugar and I brought to judicial nominations, which stands in stark contrast to the partisan climate we often see today.<sup>18</sup> Together, we believed in evaluating judicial candidates based on their intellect, experience, character, and temperament—qualities Americans deserve from their judges—rather than on partisan considerations or predictions of how they might rule on contentious issues. Judge Magnus-Stinson's exemplary career embodies this vision, setting a high standard for judicial excellence. Her dedication to fairness, deep legal knowledge, and unwavering commitment to justice stand as a testament to the enduring value of selecting judges based on merit, not ideology.

Over the past 15 years, Judge Magnus-Stinson's record as a United States District Judge has been nothing short of extraordinary. Her work has been highly productive, marked by fairness, rigor, and a steadfast commitment to justice. She has earned the deep respect of her peers and the legal community nationwide.

Among her many noteworthy cases, one stands out as a testament to her firm adherence to her judicial oath, which states in part: "*I will administer justice without respect to persons, and do equal right to the poor and to the rich.*"<sup>19</sup> The case of *Littler v. Martinez* exemplifies this principle.<sup>20</sup> Littler, a prisoner at Wabash Valley Correctional Facility, represented himself for most of the lawsuit. He brought a case against prison guards, alleging excessive use of force after being shot in the face with a pepper-ball gun at point-blank range

16. *Confirmation Hearings on Federal Appointments Before the S. Comm. on Judiciary*, 111th Cong. 2nd Sess. (2010), available at <https://www.govinfo.gov/content/pkg/CHRG-111shrg65688/html/CHRG-111shrg65688.htm>.

17. 156 CONG. REC. S4587, S4608 (daily ed. June 7, 2010), available at <https://www.congress.gov/congressional-record/volume-156/issue-84/senate-section/page/S4603-4608>.

18. *Confirmation Hearings on Federal Appointments Before the S. Comm. on Judiciary*, 111th Cong. 725 (2009) (prepared statement of Hon. Richard Lugar, U.S. Sen., Ind.) available at <https://www.govinfo.gov/content/pkg/CHRG-111shrg65688/html/CHRG-111shrg65688.htm>.

19. 28 U.S.C. § 453.

20. *Littler v. Martinez*, et al., No. 2:16-cv-00472-JMS-DLP (S.D. Ind.); see, e.g., *Littler v. Martinez*, 2018 WL 4361636 (S.D. Ind. Sept. 13, 2018); *Littler v. Martinez*, 2018 WL 4591964 (S.D. Ind. Sept. 25, 2018); *Littler v. Martinez*, 2019 WL 1043256 (S.D. Ind. Mar. 5, 2019); *Littler v. Martinez*, 2020 WL 42776 (S.D. Ind. Jan. 3, 2020).

at the direction of the Assistant Superintendent of the prison. The allegations went further, revealing a subsequent cover-up that included multiple instances of dishonesty to the Court.<sup>21</sup>

Despite the challenges inherent in cases involving pro se litigants, Judge Magnus-Stinson approached the matter with her characteristic fairness and care. She held all parties—regardless of status—to the same high standards under the law. She issued numerous opinions throughout the life of the case, one of which was a striking 34-page opinion that meticulously documented the misconduct of the State defendants, exposing their unethical behavior and attempts to mislead the Court.<sup>22</sup> Through her incisive and thorough handling of the case, she ensured accountability from the State and affirmed her commitment to protecting the rights of even the most vulnerable litigants. Such dedication to justice, particularly for those who might otherwise be overlooked, stands as a defining feature of her judicial philosophy and approach to the bench.

One of the unique aspects of federal court is the wide variety of issues and areas of law that come before the bench. A particularly notable state law case under Judge Magnus-Stinson’s purview was *Webster v. CDI Indiana, LLC*.<sup>23</sup> Judge Magnus-Stinson was tasked with resolving a question of Indiana law on an issue where the Indiana Supreme Court had not yet provided clear guidance.

True to her meticulous approach, Judge Magnus-Stinson demonstrated her remarkable ability to analyze complex legal questions and reach a sound conclusion. Cognizant of a district court’s role in applying state law, she authored what the Seventh Circuit later described as “a well-reasoned and thorough opinion.” Her decision artfully anticipated how the Indiana Supreme Court might resolve the issue, and in March 2022, that prediction was validated. Several years later, when the Indiana Supreme Court decided *Arrendale v. American Imaging & MRI, LLC*, it addressed the same legal question raised in *Webster* and praised Judge Magnus-Stinson’s meticulous analysis, noting that it was “persuaded by many” of her observations.<sup>24</sup> Her thoughtful and precise reasoning served as a key piece of the Indiana Supreme Court’s ultimate analysis, affirming her exceptional skill and insight.

Judge Magnus-Stinson’s legacy also undoubtedly includes her outstanding ability to manage large, multifaceted cases with precision and clarity—an ability she demonstrated early on and honed to perfection over the course of her career. In fact, it was this very skill that cemented my confidence in her when she joined my administration as Counsel to the Governor. Throughout her judicial service, she applied this talent to some of the most complex and challenging cases, setting a standard for excellence in case management and decision-making.

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21. *Id.*; see Dale Chappell, *Federal Court Grants Default Summary Judgment in Favor of Indiana Prisoner as Sanction for State’s Lies*, PRISON LEGAL NEWS (May 1, 2020), <https://www.prisonlegalnews.org/news/2020/may/1/federal-court-grants-default-summary-judgment-favor-indiana-prisoner-sanction-states-lies/> [https://perma.cc/P49X-6QWS].

22. *Little v. Martinez*, 2020 WL 42776 (S.D. Ind. Jan. 3, 2020).

23. 2017 WL 3839377 (S.D. Ind. Aug. 31, 2017).

24. 183 N.E.3d 1064 (2022).

On the criminal side, her skill was equally evident in a high-profile, multi-defendant drug conspiracy case involving Richard Grundy III and his extensive criminal network.<sup>25</sup> This case, involving over a dozen defendants, culminated in a three-week trial with five who exercised their right to a jury trial. The proceedings presented a range of intricate legal issues, including attorney conflicts of interest, attempted witness tampering, and even a mistrial. One of the most notable aspects of the case was Mr. Grundy's motion to represent himself after the mistrial but before the retrial—a decision that raised the often-complicated legal issue of self-representation in a criminal trial.

Judge Magnus-Stinson handled the motion with her characteristic diligence and care, holding a thorough hearing to ensure that Mr. Grundy's waiver of his right to counsel was knowing and intelligent. Ultimately, after her detailed discussion of the challenges of self-representation, Mr. Grundy withdrew his motion. Following his conviction and life sentence, he appealed, claiming that the court had unduly discouraged him from representing himself, thus violating his Sixth Amendment rights. As the Seventh Circuit aptly noted, self-representation places a trial judge in a "constitutional double-bind": either risk a claim that the right to counsel was improperly waived or face an argument that the court's warnings about the dangers of self-representation were overly persuasive.<sup>26</sup> The Seventh Circuit affirmed Judge Magnus-Stinson's handling of the matter, commending her approach as "important and responsible" and recognizing the careful balance she struck in navigating this difficult constitutional terrain.<sup>27</sup> Her thoughtful and meticulous management of the case exemplified her mastery of complex legal challenges and her commitment to justice.

One of Judge Magnus-Stinson's most endearing and unique traits, however, is her ability to infuse a touch of humanity into her writing. Tucked into a footnote or a passing sentence, one might find a clever pun or a reference to song lyrics that brings a smile to the reader's face.<sup>28</sup> These moments, while rare, reflect her warmth and sense of humor, reminding us all that the practice of law, while serious, need not always be devoid of levity. It is this combination of skill, compassion, and approachability that truly sets Judge Magnus-Stinson apart and defines her lasting impact on the world of jurisprudence.

Although my official work with Jane Magnus-Stinson ended when she ascended to the bench in 1995, I have had the privilege of witnessing her

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25. *See* *United States v. Vizcarra-Millan*, 15 F.4th 473, 484 (7th Cir. 2021).

26. *Id.* at 485.

27. *Id.* at 491.

28. *See, e.g.*, Order at 2, *Knowles v. Midwest Caulking, Inc.*, No. 1:24-cv-00272-JMS-MG (S.D. Ind. Feb. 13, 2024), ECF No. 7 (incorporating lyrics from *The Times They Are A-Changin'* by Bob Dylan); *CSX Transportation, Inc. v. Zayo Group, LLC*, 2024 WL 1743156, at \*1 (S.D. Ind. Apr. 23, 2024) (quoting lyrics from *Midnight Train to Georgia* by Gladys Knight & The Pips and *Crazy Train* by Ozzy Osborne, among others); *Indianapolis Motor Speedway, LLC v. Global Live, Inc.*, 2017 WL 3478985, at \*5–6 (S.D. Ind. Aug. 14, 2017) (incorporating, in a case involving facts about a Rolling Stones concert, multiple Rolling Stones songs and lyrics).



enduring impact on the next generation. My son, Beau, was fortunate to complete an internship with Judge Magnus-Stinson during his final year at Harvard Law School. Over his winter break, Beau worked in chambers alongside Judge Magnus-Stinson and her dedicated team, gaining invaluable insight into the qualities that make her an exceptional jurist—her sharp intellect, her ability to inspire and lead, and her unyielding commitment to justice.

When I asked Beau about his time in Judge Magnus-Stinson’s chambers, he described an environment marked by collegiality, intelligence, and a shared commitment to excellence. Under her leadership, a team of capable and kind individuals worked seamlessly together, embodying the values she has championed throughout her career. Beau spoke with admiration about Judge Magnus-Stinson’s ability to foster a culture rooted in justice and excellence—a hallmark of her chambers and a testament to her own principles. He also highlighted her genuine kindness and her dedication to mentoring young attorneys, including himself, his co-intern, and all other “Stinterns,” as they are fondly named, as she invested time and effort in nurturing their growth and expanding their understanding of the law.

One lesson Beau observed firsthand, which deserves particular recognition, is Judge Magnus-Stinson’s commitment to adjudicating Social Security Administration cases with efficiency and compassion. These cases, often marked by medical complexities and intricate legal issues, present unique challenges—ask any federal law clerk. Yet Judge Magnus-Stinson approaches them with the same care and diligence she brings to all her work. By the time these cases reach federal court, the litigants have often endured years of delays and are frequently in poor health. Judge Magnus-Stinson ensures these cases receive the urgency they demand, embodying her unwavering dedication to justice for the most vulnerable and her profound respect for the judiciary’s role in protecting those in need.

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Judge Magnus-Stinson’s career has been a shining example of what it means to serve the public with intellect, integrity, and an unwavering commitment to justice. Her wit and warmth, combined with her brilliant legal mind, have made her an unparalleled colleague, friend, and mentor to young lawyers. She has left an indelible mark on the State of Indiana, the entire judiciary, the legal profession, and the countless lives she has touched, especially those who have had the privilege of working with her.

Thank you, Judge Magnus-Stinson, for your lifetime of service to Indiana, to our nation, and to the rule of law. Your dedication and integrity stand as a beacon of rare brilliance, illuminating the path of justice and excellence for all. There is no doubt that your senior years on the bench will be as distinguished and impactful as the remarkable career you have crafted thus far. But may this new chapter also bring you the opportunity to enjoy more time with family,

attend more concerts, and embrace the joys of life beyond the courtroom.

It has been an honor to work alongside you and to know you so well, but above all, it has been the privilege of a lifetime to call you a friend through all these years. For that, and for everything, thank you.