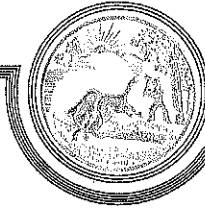


# STATE OF INDIANA

SUPREME COURT

RANDALL T. SHEPARD, CHIEF JUSTICE



INDIANAPOLIS 46204-2798

304 STATE HOUSE  
(317) 232-2550

October 10, 2008

Mr. Mike Fichter  
Indiana Right to Life  
8470 Allison Pointe Blvd., Suite 100  
Indianapolis, IN 46250

Subject: 2008 Candidate Questionnaire

Dear Mr. Fichter:

This is to let you know that I have received the questionnaire on which you ask that I check boxes so that you can accurately inform your constituents of my views on various "political, legal, and social issues."

I hope that you and your members will find much of value in examining my opinions and oral arguments as a member of the Supreme Court. These are relatively easy to find, and for free, at [www.in.gov/judiciary/](http://www.in.gov/judiciary/).

While the intricacy of your questionnaire reflects a lot of work, my view is that filling it out would be read by any reasonable voter as pledging to rule in future cases in accord with which box I checked. I think this would be incompatible with serving as a fair and impartial decider of disputes, a view I hold based on my oath of office and what most people expect out of judges, rather than on any prospect of judicial discipline.

Judges are different than Governors or Mayors, state legislators or county commissioners. They should not pledge, promise or commit ahead of time to rule a particular way on a case because that is inconsistent with the role of a judge. It's a little like asking the umpire to declare a favorite before refereeing the game.

Instead, judges must come to the bench with an open mind, doing their best to act without bias for any party or prejudice against any party. Not only must they be fair and impartial, they must appear to be fair and impartial. Were I to answer your questionnaire taking positions on disputed legal or political issues, such prejudgment would suggest unfitness for judicial office.

In the end, it is my view that a judge should not approach an election by committing to rule in a given way before the judge has heard the evidence or the arguments.

Many thanks for the commitment to active citizenship your efforts reflect.

Sincerely,

*Randall T. Shepard*

Randall T. Shepard  
Chief Justice of Indiana