

**FAX MEMO**

To: **Mike Fichter, President and CEO, Indiana Right to Life**

At FAX Telephone Number: **888-276-5885**

Date: **October 14, 2008**

From: Justice Brent E. Dickson, Indiana Supreme Court. FAX (317) 233-8706

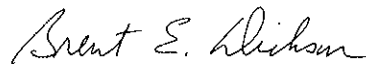
Total number of pages (including this page) - **3**

*(If there is any problem with this transmission, please call (317) 232-2549.)*

---

Memo:

**To comply with your requested response date, I am faxing my response to your questionnaire.**



Brent E. Dickson

**CONFIDENTIALITY NOTICE:** This FAX transmission including any accompanying pages are private and confidential. Any unauthorized disclosure, copying, distribution, or use of this transmission is prohibited. If you have received this FAX transmission in error, please immediately notify us by telephone, (317) 232-2549, to arrange for its return.

**BRENT E. DICKSON**  
200 W. WASHINGTON ST., SUITE 306  
INDIANAPOLIS, INDIANA 46204-2732

October 7, 2008

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

Re: Judicial Retention Candidate Questionnaire

Dear Mr. Fichter,

Thank you for your efforts to increase voter understanding as people prepare to vote in the upcoming election. I prefer to respond to your request for my personal views in narrative form because of the limitations inherent in responding to a multiple-choice questionnaire.

I'm saddened that personal ideology may seem to influence some judicial decisions, but I appreciate the important value of voters knowing the personal beliefs and values held by appellate judicial candidates. With respect to your principal concern, abortion is generally repugnant to my moral convictions. It is my strong conviction, however, that judges' personal ideologies should not determine their judicial decisions, and I strive to assure that my judicial decisions are not controlled by my own personal values or policy preferences.

As to many of the topics covered in your questionnaire, my past actual work with many of these issues can easily be seen in my published opinions. A new website developed through a bi-partisan effort has been created to help provide information about the appellate judges that are up for retention. The site includes a searchable list of all my past opinions. The website will be maintained until the upcoming election and may be found at: [www.in.gov/judiciary/retention](http://www.in.gov/judiciary/retention).

Your questions 2 and 7 request my views on matters of public policy. I firmly believe, however, that such matters are the province of our legislature, not the courts. My philosophy of judicial restraint and respect for the legislature as the proper source of law-making may be found in my opinion in *Fraley v. Minger*, 829 N.E.2d 476 (Ind. 2005) at page 492.

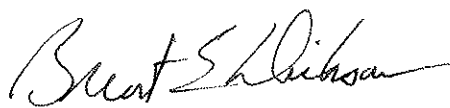
In questions 4 and 6, you seek my understanding of the Indiana Constitution as to intricate specific legal issues, in contrast to generally inquiring about my personal beliefs and values. I prefer to not express a view that may be misconstrued as expressing a promise or commitment on how I may view future cases. To the extent that my past opinions may aid you in assessing my fitness for retention, please see my separate opinion in the case of *Clinic for Women v. Brizzi*, 837 N.E.2d 973 (Ind. 2005) beginning at page 988. You may also find helpful some of my prior opinions, particularly *Embry v. O'Bannon*, 798 N.E.2d 157, 160 (Ind. 2003), that illustrate how I have gone about the interpretation and application of our state constitution, guided by its words as written and the intent of its framers and ratifiers.

As to your questions number 8 and 9 regarding wrongful life and wrongful birth, I addressed similar issues in my opinion in *Cowe v. Forum Group, Inc.*, 575 N.E.2d 630 (Ind. 1991), and in my dissenting opinion in *Bader v. Johnson*, 732 N.E.2d 1212 (Ind. 2000) beginning at page 1222.

I am proud to serve the public under Indiana's merit selection system for the appellate judiciary. In a system based on merit, our citizens can remove judges when necessary. Among its many advantages, the merit system also minimizes ethical questions tied to contributors and/or those in positions of power or personal influence who might try to prevent judges' decisions from being fair.

I earnestly hope that my above responses will be useful in helping voters determine my suitability for retention in judicial office.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brent E. Dickson". The signature is fluid and cursive, with the first name "Brent" being the most prominent part.

Brent E. Dickson