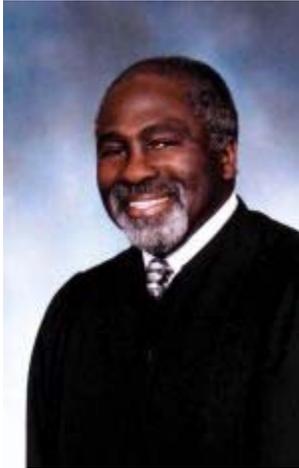


Carr L. Darden



Introduction

Carr L. Darden (born 1937) served nearly 18 years as a judge on the Indiana Court of Appeals and has been a valuable member of the Indianapolis legal community for over 40 years. He is the second African-American, after Indiana Supreme Court Justice Robert Rucker, to serve on the court. The Honorable Margret Robb, Chief Judge of the Indiana Court of Appeals, praised Darden at his retirement ceremony: “Judge Darden is an esteemed colleague, a trusted friend and a delightful man. . . . He’s served our state with distinction and all of us here at the court extend our warmest congratulations and best wishes to him.”^[3]

Darden is a mentor to innumerable attorneys and an advocate of fairness. He currently serves as a senior judge on the Indiana Court of Appeals.

Contents

- 1. Personal life**
- 2. U.S. Air Force & move to Indianapolis**
- 3. College and law school**
- 4. Legal career**
 - a. Public defender’s office & private practice**
 - b. Marion County master commissioner**
- 5. Marion Municipal Court & Superior Court Judge**
- 6. Indiana Court of Appeals Judge**
 - a. Nomination**
 - b. Judgeship**
 - c. Notable opinions**
 - d. Retirement**
- 7. Senior judge**
- 8. Other activities and associations**
 - a. Bar associations**
 - b. Commitment to diversity**
 - c. Volunteer**
 - d. Teaching and education**
- 9. Awards and honors**
- 10. External links**
- 11. References**

Personal life

Darden was born on July 21, 1937 in Springfield, Tennessee. His family moved to Nashville—about a 30 minute car ride away—when Darden was two years old.^[1] Darden describes both his parents as hard workers; in particular, his father was a laborer for an aircraft part manufacturer. Recently retracing his family tree, Darden recounted that a great-grandfather owned a 600 acre farm in Tennessee.^[1] He fondly remembers visiting the family farm—perhaps the same 600 acres—during the summers with his niece and nephew, who were in his age range.^[1]

Darden recalls his home of Nashville as a “close knit community” where he and his friends were involved in sports, boy scouts, and a social club designed to build character for kids: the “Straight Arrow Club.”^[1] His wife of over 55 years, Lundy, was also a member, and his sister was a leader of the club.^[1] In middle school, Darden played basketball and baseball, sang in the glee club, and performed in the school’s band.^[1] Not all was fun and games.^[1] In high school, Darden had to work to support his family and was unable to play ball. In 2005, Darden was honored by the House of Representatives of the State of Tennessee by Proclamation.^[4]

Darden has lived in Indiana most of his life, however, and proudly considers himself a Hoosier by choice.^[4] Darden first came to Indianapolis when he was about eight years old.^[1] After his parents separated, Darden’s mother remained in Nashville while his father moved to Indianapolis.^[1] Each summer thereafter, Darden would visit his father and brother in Indianapolis.^[1]

U.S. Air Force & move to Indianapolis

After finishing high school in 1955, at the age of 18, Darden married his wife Lundy and joined the U.S. Air Force.^[1] Darden’s military service kept him away from the South during much of the civil rights movement.^[1] Nevertheless, Darden remembers what it was like to grow up in a segregated society:

I used to ask my mother: “Momma, I don’t understand. Why is it my brothers and sisters—especially my brothers who went overseas and fought the Germans and Italians during World War II, when they returned to the United States, they had to ride on the back of the bus.” I couldn’t understand that at nine or ten years old. . . . She used to always tell me: “One of these days you’ll understand that you have to fight against these kind of injustices.” So, I guess there was a spark that was lighted in me at a very young age. I knew something was wrong.^[1]

He adds that Nashville was probably not as bad as other Southern segregated cities because of the renowned area universities, the resulting educated population, and the strong presence of churches.^[1]

Darden spent his military career in California, a place he describes as “an opportunity to see how people should live, free to move where they wanted to go without fear of being discriminated against because of their race.”^[1] When Darden left the service in 1959, he was disturbed by the

upheaval in Little Rock, Arkansas and made two decisions: first, not to return to Nashville, and second, to become an attorney and “fight the good fight.”^[1]

After his retirement, to bolster those who wish to pursue public service, Darden established the Judge Carr L. Darden and Mrs. Lundy M. Darden Public Sector Legal Education Scholarship at his alma mater, the Indiana University Robert H. McKinney School of Law.^[1,9] Darden explains his support for civil rights: “Many citizens don’t know what their rights are, and as a result, they tend to shy away from confrontation. I always believe that, if you see something out there that has been done wrongly, you confront it; you cannot sweep it under a rug.”^[1]

College and law school

Darden’s first step was to earn a BS degree from Indiana University Kelley School of Business in 1966. In 1970, he graduated from Indiana University Robert H. McKinney School of Law.

After leaving the military, Darden decided to take a month off.^[1] He had worked nearly every day since he was 13.^[1] Darden submitted a couple of job applications, figuring it would take two to three weeks for them to work through the system. But that same day, Kroger called to offer him a clerk position!^[1] Then, about a month later, the U.S. Postal Service called, and Darden gave Kroger his two weeks’ notice.

For fifteen years, from 1959 to 1976, Darden worked the night shift for the USPS, eventually becoming a time keeper/supervisor.^[1] While working full-time for the USPS, Darden used his daytime hours to attend school and, upon graduation, work part-time at the state public defender’s office while running a private practice.^[1] Ever on top of his schedule, Darden made the time to commute to Bloomington for the last two years of his undergraduate degree.^[1] Darden also ran a real estate practice until he passed the bar examination in Indiana.^[1] Throughout those 15 years, Darden not only worked hard—he also maintained a B average in both undergraduate and law school while being married with three small children. Darden describes his career with the USPS: “To me, it was the best job I could have got because it enabled me to go to school.”^[1]

Darden is also a 1998 graduate of the Judicial College of Indiana and, in 2004, the Indiana Graduate Program for Judges.

Legal career

Public defender’s office & private practice

By the time Darden had earned his J.D. in 1970, the Civil Rights Act and the Voting Rights Act were both in place, so his career took a path different than he had initially envisioned. Darden began working part-time at the Indiana State Public Defender’s Office while continuing to work full-time with the USPS.^[1] In 1975, Darden became Chief Deputy State Public Defender.^[1] At Darden’s retirement ceremony, Eugene (“Gene”) Hollander, who worked with Darden at the public defender’s office, spoke of Darden’s leadership and problem-solving skills. When the

public defenders were at an impasse on an issue, at a time before cell phones and e-mail, they would call Darden. Hollander went on:

We didn't like to bother Carr when he wasn't in the office, but Carr always has time for you. When Carr came into the office, Carr would resolve the issues that we had been talking about but not by saying you're right, you're wrong. He would resolve them in that Socratic Method for which Carr is so famous. He would have a discussion. He would allow you to develop your train of thought . . . Carr was a mentor to us.^[2]

The public defenders were a tight knit group, forming teams for basketball and softball leagues. "It was so much fun!" says Darden.^[1]

At Darden's retirement ceremony, Ali A. Talib added:

Of course, Carr as a supervisor was not the typical supervisor but he was to go-to guy for everybody in the office that had some concerns, whether they were business, personal, legal, or work-related. They also always went to Carr. . . . Carr had something very special and I considered it to be a God-given gift. I call it charisma.^[2]

In August 1981, Harriette B. Conn, the State Public Defender, passed away. Darden served as acting Public Defender until her successor was appointed. Darden had applied for the position but was unsuccessful.^[1] At Darden's retirement ceremony, Talib described Darden's loss as a blessing at the time, although no doubt bittersweet.^[2] Darden and Talib, then a new attorney, decided to go into practice together near the Indiana State Fairgrounds.^[2] Talib fondly recalled: "For me this was a dream come true. I had a chance to work alongside a veteran attorney who had great respect among his peers and members of the bench."^[2] He added, "Carr, you did not become Public Defender in 1980. You, of course, went on to achieve greater heights. Now, for the past 20 years or so, the State Public Defender has had to appeal to you."^[2]

In May 1982, while maintaining his private practice part-time, Darden began serving as a public defender in Marion Superior Court 2 (the Honorable Webster L. Brewer's court).^[1] Darden served there until 1987, when he became a Marion County master commissioner.^[1]

Marion County master commissioner

Darden says he originally laughed at the idea of becoming a judge when others suggested it.^[5] Darden later became a Marion County master commissioner, however, to see if it was a career path he would like to pursue.^[5]

Marion Municipal Court & Superior Court Judge

In 1988, Governor Evan Bayh appointed Darden to the Marion Municipal Court and soon after to the Superior Court. As a Marion Superior Court judge, Darden worked in Criminal Court 6, trying major felony cases.

The Honorable Heather A. Welch, now a judge in the Marion Superior Court and then a recent law graduate, was a legal intern and young deputy prosecutor for Darden in May 1994, just before his appointment to the Indiana Court of Appeals.^[2] She praised Darden’s mentorship:

He taught me so much in the short time that we were together. But he didn’t quit being my mentor and my friend when he left the Marion Superior Court to join the Court of Appeals. And over the last 18 years, he has spent a great deal of time mentoring me and making sure myself and many other lawyers make good decisions and become good lawyers and judges. . . . he has consistently taught us that it’s not about what we can get from our profession but it’s about what we can give back to our profession each and every day.^[2]

Fairness and impartiality have always been top priorities for Darden as judge. Perhaps as a result, in all the time that Darden was on the bench, he was reversed on appeal only twice and for only technical reasons.^[1] Darden explains: “When [an individual] comes in, I want to judge him or her based solely upon the evidence” (versus character too).^[1] He went on:

It should be based on fairness and equity, based upon the law of the constitution – both the Indiana and U.S. constitution. Indiana is a good state for protecting privacy, freedom, liberty We’re probably one of the top five states in the country that goes to great extent to make sure its citizens are protected.^[1]

Indiana Court of Appeals Judge

Nomination

Darden was named to the Indiana Court of Appeals by Governor Evan Bayh in October 1994. At Darden’s retirement ceremony, Talib, Darden’s colleague at the public defender’s office and partner for some seven years, recalled being contacted by the Indiana State Police detective assigned to perform a detailed background investigation on Darden.^[2] The detective told Talib that he had talked to many people in the legal community and elsewhere and that he could not find anything negative about Darden’s character or reputation.^[2] He then asked Talib for anything, anything that he could include in his report. Talib responded that one time with a difficult client, Darden frowned.^[2] “But he never once uttered a harsh word,” explained Talib.^[2]

Darden was retained on the Court by election in 1998 and 2008.

Judgeship

Darden says much of the way the Court of Appeals does business has changed significantly over the past 18 years—from a 14 percent increase in caseload and technological changes to how the appellate panels are structured to decide cases.^[2] When Darden began, the Court of Appeals consisted of four panels: three panels representing the southern, middle, and northern thirds of

the state and one panel consisting of one judge from each geographical district. Each panel was together for at least two years.^[2] Now, the Court of Appeals uses a rotating non-district-focused organization where five panels are composed of a random rotation of new judges every few months.^[2] The change has been a good thing Darden says, blurring divisional lines and allowing the court to collaborate better. “Now when we speak, we do so as a unified court of appeals that operates in three-judge panels representing the state,” he explains.^[2]

Notable opinions

Judge Darden reflects that he always tries to come up with a resolution that is within the framework of the law – the constitution and the applicable statute.^[1]

Northrop Corp. v. Gen. Motors Corp., 807 N.E.2d 70 (Ind. Ct. App. 2004).

Although Darden is proud of all his cases, he notes that *Allison v. Northrop* “was a case that we were very proud of” based on its importance, complexity, and sheer amount of work involved.^[1] Allison Engine Company, which had agreed to build a part for Northrop Grumman Corporation’s stealth military aircraft, brought a contract action to recover for increased costs attributable to contract changes and Northrop’s failure to disclose “superior knowledge.” 807 N.E.2d 70, 77–78 (Ind. Ct. App. 2004). Darden recalls that the case involved roughly 4,000 exhibits and arrived in 19 boxes.^[1] Indiana Court of Appeals Judge Rudolph Reginald “Rudy” Pyle III, then Darden’s law clerk, volunteered for the case, ultimately composing a 40-page opinion.^[1] Both the Indiana and U.S. supreme courts denied transfer, approving of Judge Darden’s work.

Darden also proudly remembers his non-majority opinions that have helped changed the law, especially those involving civil rights. He explains:

Those are the kind of cases that I look at very seriously and am extremely concerned about: human rights, civil rights, equal rights. To me, those are the cases that strike at the heart of our civilization. . . . Once you take away a person’s rights, have convicted improperly, you can never regain those years of imprisonment.^[1]

Retirement

Judge Darden retired from the Court of Appeals on July 21, 2012, his 75th birthday. Indiana law mandates retirement at the age of 75 for appellate judges. Governor Mitch Daniels selected former-Madison Circuit Judge Pyle to succeed Darden. Pyle was a law clerk for Darden on the Court of Appeals from 2000 to 2004.

On July 25, 2012, the Indiana Court of Appeals celebrated Darden’s 18 years of service at a ceremony held in the Indiana Supreme Court. The event included remarks from about a dozen individuals to whom Judge Darden has served as a colleague, mentor, family member, and friend.^[6]

Chief Judge Margret G. Robb presided over Darden’s retirement ceremony.^[2] The courtroom was filled with many judges, attorneys, legislators, and representatives from the Indiana State Bar Association, Marion County Bar Association, Indianapolis Bar Association, Defense Trial Council of Indiana, and Indiana Trial Lawyers Association.^[2] Chief Judge Robb praised Darden:

Like the wise philosopher who believes in the greatest good for the greatest number, Carr never forgot that [our] cases we deal with real people who have real problems and expect to be treated decently and fairly. This demands that, even when no one is looking, we do our best every day with the people with whom we come into contact and those we meet only as case numbers.^[2]

The Honorable Robert D. Rucker, Justice of the Indiana Supreme Court, read a letter addressed to Darden from the Honorable Brent Dickson, Chief Justice of Indiana:

Indiana citizens have been well served by the keen intellect, practical common sense, thoughtful insight, understanding compassion, courageous fairness, and overriding impartiality that have pervasively characterized your judicial service. And you do all of this with remarkable humility and an engaging personality. Your fellow judges and lawyers identify you with all these traits with even more frequency than your ubiquitous baseball cap.^[2]

Scott Chinn, then-President of the Indianapolis Bar Association, spoke of Darden’s “uncanny ability to ask probing questions accompanied with a sort of quizzical expression on his face, forcing the advocate to put up or shut up—but doing so without conveying any hint of meanness or superiority.” Chinn went on: “In that way, his judicial temperament has seemed completely in the service of his role to get it right and do justice.”^[2]

The Honorable Webster L. Brewer, retired Marion Superior Court judge and classmate and personal friend of Darden, talked of Darden’s great involvement with the Marion County Bar Association (“MCBA”):

I have known Judge Darden for more than forty years. We were in law school together. . . . We have traveled around the country . . . and the world has the same opinion of him as you. He’s a man of great distinction. . . . He invited me just two weeks ago to a meeting of the Marion County Bar, when he was encouraging young lawyers in their careers, and they all lit up in their faces as if a superstar had come into the room.^[2]

The MCBA held a retirement dinner for Darden on September 14th. Proceeds from the dinner benefitted the Dardens’ recently established scholarship. Following dinner and remarks, guests joined Darden in one of his favorite activities: dancing.^[7]

Senior judge

Darden currently serves as a senior judge on the Indiana Court of Appeals. He is dedicated to his new position while reserving greater time and freedom to share with his wife and family. Darden explains: “When I commit, I’m committed. You can take it to the bank.”^[1]

Darden also recalls a conversation with his friend, U.S. Senior Judge William Steckler, prior to his death.^[5] For so long, Steckler said, he and his wife had put off “living life off the bench” until he retired, and then within only a few years of his retirement, she died.^[5] Darden has used that experience as guidance in his own life, traveling and spending time with his family and doing church activities as much as he can. “I’ve been living my life while on the bench, not waiting until after I’ve left,” he said, noting that he and his wife have maintained a balance between his judicial work and leisure.^[5] “This has been the best job in the world and this is my home, but we’ve tried to make sure we’re not waiting for something that might never come.”^[5]

Other activities and associations

Bar associations

Darden is a member of the National Bar Association and the American, Indiana State, and Indianapolis Bar Associations and a Distinguished Senior Fellow of the Indianapolis Bar Foundation. Darden has been especially involved with the Marion County Bar Association, serving as a longtime member of the board of directors and mentor. The MCBA was founded in 1925 as an association for African-American attorneys who, until 1952, were excluded from the ABA. Today, the MCBA continues to support minority attorneys and work for diversity, fairness, justice, and equality.^[8]

At Darden’s retirement ceremony, Roderick H. Morgan, past president of the Indiana State Bar Association, praised Darden as “easy to talk to and always willing to help.”^[2]

Until his retirement, Darden served leadership roles with the Judges and Lawyers Assistance Program Committee, the Criminal Court Benchbook Committee of the Indiana Judges Association, and the Senior Judges Committee for the Indianapolis Bar Association.^[5]

Commitment to diversity

Darden has an unquestioned commitment to improving diversity and is a lifetime member of the NAACP.

Darden explains the importance of diversity on the Indiana Court of Appeals: “Having diversity on the court makes an impact, since we can enlighten each other on our own views and reading of the laws. We shouldn’t blindly follow that, but know that diversity is important and needed because everyone has to be represented in what we’re doing here.”^[5]

At Darden's retirement ceremony, Morgan spoke highly of Darden's involvement with ICLEO (the "Indiana Conference for Legal Education Opportunity" program) and the Gateway to Diversity Summer Employment Program. ICLEO graduates include a former Darden clerk and Darden's successor on the Indiana Court of Appeals: Judge Rudolph Pyle III. In July 2012, ICLEO announced that its summer institute would be renamed the "Carr L. Darden CLEO Summer Intern Program" in his honor.^[8]

Volunteer

Darden is deeply involved in his church and community and has served on the boards of many charitable organizations. He is a mentor to young lawyers and confidante to colleagues and periodically judges trial practice teams from the law school.^[1]

Teaching and education

Darden has participated at numerous legal and education seminars, including the Indianapolis Bar Association's annual Bench-Bar Conference in French Lick. At Darden's retirement ceremony, Chinn shared an anecdote from the 2012 conference to express why the Indianapolis Bar Association loves Judge Darden, a frequent panelist at Bench-Bar.^[2] Judge Robyn L. Moberly of the Marion Superior Court followed by reading a letter that recognized Darden's work with Bench-Bar and expounded upon his service and dedication to Indiana:

Carr Darden has been a true and trusted friend for more years than we can count. He never fails to visit when he is able, which frankly has been often through the years. He knows there is always a room for him with us. Although he is a native of Tennessee, his time, talent, and treasure have been spent with us and we have been greatly enriched by our association with Carr Darden. . . . He loves people, the law, and rules. He is one of the most honorable men, and he would rather lose than not play fair. Although his skills were quite evident while he was on the trial bench, his dedication to the rules, his consistent efforts to excel, and his collegiality with his cohorts only increased during his tenure on the appellate bench.

Carr Darden is known as a man who never gives up. He's been known to toil for hours, sometimes late into the night to achieve success. When matters are not going his way, he is never seen to complain or show discouragement, understanding that there was always another day. He is a man of conviction and he knows when to stand pat.

Carr Darden has been a valued member of the Indianapolis Bar Association and has never failed to participate in the Bench-Bar Conference at French Lick. Everyone in attendance at the conference can count on Carr's advice and dedication based on his many years of experience. . . . We anticipate that we will be seeing far more of Carr now that his official service to the State of Indiana is over. . . . For us, Carr Darden's retirement is a time to rejoice. We extend an open

invitation to visit and enjoy his newfound leisure time with us. Indiana's loss is our gain.

The attendees laughed when Moberly revealed that the letter was from French Lick Casino.^[2]

At his retirement ceremony, Darden revealed his "most publicly kept secret:"

I love attorneys and when I hear someone is going to school to become an attorney, it makes me good and fuzzy inside. But you know I have a special affinity for public defenders, for prosecutors, for lawyer legislators, for attorneys who practice in areas like ACLU . . . those attorneys who take up the causes of the oppressed and the underdog

To help defray the rising cost of law school for those who have demonstrated an interest in pursuing a career in public service, Darden and his wife have established the Judge Carr L. Darden and Mrs. Lundy Darden Public Sector Legal Education Scholarship Fund at his alma mater, the IU Robert H. McKinney School of Law. Darden said the scholarship would help those who defends the rights of the underdog, and in the process, all our rights. The scholarship also represented a way for him to give back. "My wife and I have been given so much," he said.^[2] The Marion County Bar Association was a sponsor of the scholarship and raised money through a dinner held in honor of Darden. Chief Judge Robb said Darden's fellow judges on the court had made contributions to the scholarship fund as his parting gift from the court.^[2]

Awards and honors

Darden has been a leader in the legal profession, an impact recognized through several prestigious awards.

In 2006, Darden was bestowed the Distinguished Alumni Award at the annual Indiana University Law Alumni Association reception. In 2004, he received the Paul H. Buchanan, Jr. Award of Excellence, the highest award the Indianapolis Bar Association and Indianapolis Bar Foundation can give a lawyer for service to the bar and profession. Darden is also the recipient of two Sagamores of the Wabash, Indiana's highest distinguished citizen award.^[8] The Sagamore of the Wabash is one of the highest honors the Governor of Indiana can bestow to recognize distinguished service to the State of Indiana or to the governor. At Darden's retirement ceremony, Chinn summed it up best: "For those achievements, he is simply the standard by which others are measured in our community."^[2]

For Darden, his most-cherished award has been the recognition by his peers of being "Exceptionally Qualified" to serve as a trial court judge.^[4]

At his retirement ceremony, Darden thanked those who had made his career a successful and enjoyable one:

None of us have made it on our own. There's no totally self-made successful person in this country. Looking back over your years, and if you look close

enough, you will see that somewhere along the way someone extended to you a helping hand. I believe as attorneys, and especially as we get older, we have to prepare the way for the next generation that will follow us. I believe that we have an obligation to try and make the next generation stronger and better if possible. I believe that we have an obligation to mentor younger attorneys and we should never forget that someone mentored us.”^[2]

External links

- [Biography of Carr Darden](#)
- [Carr Darden on Judgepedia](#)

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Legal offices	
	Senior Judge, Indiana Court of Appeals 2012–Present
Preceded by: Judge Stanley B. Miller Succeeded by: Judge Rudolph Pyle III	Judge, Indiana Court of Appeals 1994–2012
Succeeded by: Judge Jane Magnus-Stinson	Judge, Marion Superior Court, Criminal 6 1991–1994
	Judge, Marion Municipal Court 1988–1991
	Master Commissioner, Marion Superior Court 1987–1988
	Chief Deputy State Public Defender 1975–1981