

Was Judge Terry Crone's biggest contribution unlinking judge pay from the Legislature?

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In his 20 years on the Indiana Court of Appeals, Judge Terry Crone helped decide several high-profile cases, including overturning Purvi Patel's 20-year sentence for feticide and child neglect, and blocking Indiana Attorney General Steve Carter from accessing Planned Parenthood's records.

But Crone, who retires Nov. 5, said that just as important to him are cases where, for example, a kid gets stopped on the street and the court must decide whether police had probable cause to detain him.

"To me," Crone said, "we're applying the law to a particular situation. And whether it's of major significance to somebody else, they're all of significance to me."

In fact, in an interview in his fourth-floor Statehouse office, Crone said his biggest contribution to Indiana's legal system came after Gov. Frank O'Bannon vetoed a pay raise for judges and legislators in 2001.

As Crone tells the story, he met with his longtime friend Pat Bauer, who was Speaker of the House, to try to come up with a way forward. Crone proposed tying an annual raise to the percentage increase that the governor gives to his top administrators.

Crone met with John Broden – then a state senator, now a circuit court judge in South Bend – and laid out his plan. Broden introduced a bill, which passed. Now, every year, judges get a small percentage raise in pay without having to go to the legislature.

"That change in our pay structure gave the judges in the state independence from the political aspect of having to go to the legislature," Crone said. "Every year, we get a little raise. We used to be 49th or 50th in the country, and now we're like 17th, which is about where we should be based on population. I consider it my biggest contribution because of the impact it had on judicial independence."

Crone started his career as a judge in 1986, when he was approached by St. Joseph Circuit Judge John Montgomery to be his magistrate. Crone, a trial attorney at the time,

did that for about two years. When Evan Bayh was elected governor, he appointed Crone, who had worked for his father, U.S. Sen. Birch Bayh, to the St. Joseph Circuit Court.



Indiana Court of Appeals Judge Terry Crone is taking senior status after 20 years on the appellate bench. (Indiana Court of Appeals photo/Anne Fuchs)

Crone stood for election to the circuit court three times before Gov. Joe Kernan appointed him to the Court of Appeals in 2004 – making him the last Democratic appointee on what he describes as an apolitical court. (“I have not found in this job any indication that my colleagues interject their political beliefs in their decision making.”) He said the appellate court appealed to him because he liked the idea of applying the law “in a more relaxed, conceptual manner” as opposed to the circuit court’s fast-paced “you win, you lose, this is the amount of child support, you’re guilty.”

“I’ve been incredibly lucky all my life,” Crone said. “I would never have gotten here without the help of a whole lot of people that had faith in me and gave me opportunities. I’m not going to say that I didn’t perform once I had those opportunities, but a lot of people never get those opportunities.”

Terry A. Crone

Senior Judge, Indiana Court of Appeals

Age: 73

Education: DePauw University, Notre Dame Law School

Family: wife of 51 years, Cheryl; daughters Jennifer (a lawyer), Michelle (an anesthesiologist), Kathryn (psychologist)

Quote: “I was a trial judge for 18 years before coming down here, and I tell people the difference is like going from combat to headquarters. I’ve had an opportunity to have time to actually think about the law and how it’s applied to different situations and cir-

cumstances, and you don’t have that luxury as a trial judge. So it’s been a great job, and I’ve enjoyed it very much.”

Source: Indiana Lawyer research

While Crone’s win on judge’s pay is a biggie in judicial circles, the public is probably most familiar with his ruling in the Patel feticide case.

Crone was part of a three-judge Indiana Court of Appeals panel that overturned Patel’s 2015 feticide conviction for a botched, self-induced abortion that became a part of the

national debate over abortion rights.

Crone wrote the majority opinion, which concluded that Indiana's feticide statute was not intended to apply to abortions. However, the court let stand a lesser conviction for neglect for failing to provide medical care to the baby, who experts said was alive and breathing after birth.



Mark Massa

For his enduring career, Crone has earned praise up and down the judicial circuit. Indiana Supreme Court Justice Mark Massa calls him "one of the very best judges to ever serve on the Court of Appeals. He followed the law and the facts where they go and decided cases with reasoned judgment and clear writing. What more could you ask for from an appellate judge?"

Court of Appeals Chief Judge Robert Altice calls him "one of the smartest people I've ever met, by far. When you circulate an opinion to him, you're always going to get a very insightful response. If he's got an issue, he will challenge you. He reads all the cases that come down and he's not afraid to call you and ask, 'Did you ever consider this when you made that decision?' I appreciate that."



Robert Altice

Circuit Court Judge Broden, who's known Crone since he started practicing law in St. Joseph County in 1992, said Crone "really went out of his way to try to help young attorneys, not only in the legal profession, but would sort of keep his eye out for opportunities to just help and serve in the community. He's truly one of my favorite people and I'm going to miss him a lot. He will be missed by all."

Crone said what he will miss is the interaction with his colleagues and staff – "Most of my clerks have been with me for most of my time down here" – and "the intellectual stimulation of working on issues that I find fascinating and the variety of issues that we get to deal with in the Court of Appeals."

What he won't miss, he said, is the stress and "the feeling that I have to keep churning and keep running."

"I'm at that point where I'd like to simplify my life and take it a little easier," he said. "You get to be my age, you look around and you've lost colleagues and friends either through death or through some form of disability where they can't do the things they enjoy. And you begin to realize that your time is limited."

In retirement, he plans to travel and spend more time with family. His first trip will be to Bonita Springs, Fla., where he has a condo, to play golf and relax.

But Crone also will be staying with the appeals court. He'll be a senior judge, which means a drastically reduced caseload.

As a full-time member of the appellate court, Crone wrote about 150 decisions a year. As a senior judge, the number will be more like 15. He



John Broden

estimates that over 20 years as a member of the Court of Appeals, he wrote more than 3,000 majority opinions and probably voted on close to 6,000 cases.

“Did we get them all right? Probably not,” he said. “The Supreme Court certainly doesn’t always think so. But I have no regrets. The beautiful thing about this job and the opportunity that I’ve had is I’ve had the opportunity to write what I believe the law is and should be. Not everybody does. And so I’ve been very lucky in that respect that I’ve been able to say my piece.”•