



**John D. Tinder, Nominee for the United States  
Court of Appeals for the Seventh Circuit.**

**July 19, 2007**

On Tuesday, July 17, 2007, President Bush nominated John Daniel Tinder to the United States Court of Appeals for the Seventh Circuit.<sup>1</sup> President Reagan nominated Tinder to the U.S. District Court for the Southern District of Indiana in 1987,<sup>2</sup> and he has served there since.<sup>3</sup>

Tinder was born in Indianapolis, Indiana in 1950.<sup>4</sup> He received his undergraduate degree in 1972 from Indiana University and his law degree in 1975 from Indiana University School of Law.<sup>5</sup> He was a law clerk for the U.S. Attorney in Indianapolis in 1974 and then the Assistant U.S. attorney for the Southern District of Indiana through 1977.<sup>6</sup> He then worked in private practice until 1984,<sup>7</sup> working for the law firm of Harrison & Moberly LLP in Indianapolis.<sup>8</sup> He was also the public defender for the Marion County Criminal Court from 1977 to 1978.<sup>9</sup> “From

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<sup>1</sup> Press Release, White House, Office of the Press Secretary, Nominations Sent to Senate (July 17, 2007), at <http://www.whitehouse.gov/news/releases/2007/07/20070717-10.html>.

<sup>2</sup> Federal Judicial Center, *Tinder, John Daniel*, at <http://www.fjc.gov/servlet/tGetInfo?jid=2392> (last visited July 19, 2007).

<sup>3</sup> White House, *John Daniel Tinder*, at <http://www.whitehouse.gov/infocus/judicialnominees/tinder.html> (last visited July 19, 2007).

<sup>4</sup> Federal Judicial Center, *supra* note 2.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Bush Nominates 4 to the Federal Bench*, July 17, 2007, <http://www.townhall.com/News/News Article.aspx?contentGUID=613cc6ad-4484-42ef-a4ab-a13090773124>. Harrison & Moberly LLP, founded in 1950, is a medium sized law firm in Indiana with about thirty attorneys. <http://www.harrisonmoberly.net/>.

<sup>9</sup> Federal Judicial Center, *supra* note 2.

1984 to 1987, [he] was United States Attorney for the Southern District of Indiana.”<sup>10</sup> He was “responsible for criminal prosecutions and civil enforcement.”<sup>11</sup> Tinder also taught trial advocacy as an adjunct professor at his *alma mater* from 1980 to 1988.<sup>12</sup>

The recentness of Tinder’s nomination has meant that very little has been said about him on the Internet by news services and interested organizations. However, several Internet blogs discussing the nomination indicate that Tinder is a conservative and a well-liked judge.<sup>13</sup> Several comments by general readers of these blogs are by attorneys who have argued before him, and these comments are almost universally positive.<sup>14</sup>

Judge Tinder is a Catholic. During an interview he had with an online blogger, he was asked: “What role does your own religious faith play in your work as a federal judge?”<sup>15</sup> He responded:

No one who attended Catholic grade school for 8 years and a Jesuit high school in the 50’s and 60’s left unaffected. The experience shapes your perspective on matters of morality, religion, philosophy, discipline and many other subjects. But religious affiliation and religious beliefs should have no role in the performance of a judge’s duties. In my professional career, I have prosecuted death penalty cases, ruled that *Wicca* is a religion subject to anti-discrimination protection, and issued many other rulings that probably would have caused the nuns of my youth to rap my knuckles heavily. Decisions are to be made on the law and the facts, not slanted because of personal beliefs.<sup>16</sup>

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<sup>10</sup> White House, *supra* note 3.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> See, e.g., Topix, *Bush Picks Judge Tinder for Appeals Court*, <http://www.topix.net/forum/us/TI2LVS3TLRIM50NJ3> (last visited July 19, 2007); Advance Indiana, *Judge Tinder Tapped by Bush for 7th Circuit*, July 17, 2007, at <http://advanceindiana.blogspot.com/2007/07/judge-tinder-tapped-by-bush-for-7th.html>.

<sup>14</sup> See, e.g., Topix, *supra* note 13 (One comment reads: “I have practiced in Judge Tinder’s court several times. I have always found him to be fair and impartial with no preconceived liberal or conservative bias.”); Advance Indiana, *supra* note 13 (One comment reads: “I have appeared before Judge Tinder on numerous occasions and can state without reservation that he would be a welcomed addition to the 7th Circuit. While we are not of the same political stripe (I am much further to the left), I never thought that ideology was making the decision.”).

<sup>15</sup> Article III Groupie, *Questions Presented: Judge John D. Tinder!!! (Part 2)*, March 7, 2005, [http://underneaththeirrobes.blogspot.com/main/2005/03/questions\\_prese\\_1.html](http://underneaththeirrobes.blogspot.com/main/2005/03/questions_prese_1.html).

<sup>16</sup> *Id.*