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Judge Surbeck to retire at year's end

MATTHEW LEBLANC | The Journal Gazette

What's next?

Gov. Eric Holcomb will choose his replacement from among finalists selected by the Allen County Judicial Nominating Commission. That person will complete the remainder of Surbeck's term, which ends Dec. 31, 2020.

It's difficult to fully put in perspective a legal career that has spanned nearly 50 years, 30 of those as an Allen Superior Court judge.

For the most part, John Surbeck Jr. won't try. He's looking toward the future.

But Surbeck, 72, who announced Thursday he will retire at the end of the year in part because of health issues he called "not severe," admits there are tough cases that have affected him – like the one in which Indianapolis police officer David Bisard drove drunk in his squad car in 2010, killing a man and critically injuring two others.

The Marion County case was moved in 2013 to Allen County, where a jury convicted Bisard and drew national attention.

"Probably the most difficult case I've ever tried," Surbeck said.

There have been successes, too. One is Re-Entry Court, which he started in 2001 as the state's first program to offer inmates early release in exchange for close court supervision including drug testing and monitoring of their whereabouts.

Nearly 2,700 inmates have since gone through the program, which is designed to keep low-level offenders from cycling back through courts and into prison.

Surbeck in 2012 was presented the William H. Rehnquist Award for Judicial Excellence at the U.S. Supreme Court for his work to put the program in place. He is the only person from Indiana to receive the award given each year to a state court judge who takes “bold steps to address a variety of issues affecting their communities,” according to a website for the National Center for State Courts.

“Judge Surbeck retiring is going to represent the end of an era,” said Kim Churchward, executive director of Allen County Community Corrections, the agency that administers Re-Entry Court. “(The program) has operated very successfully all of these years. It was a somewhat radical notion at the time.

“Judge Surbeck has always led with a mind to community safety ... and rehabilitation.”

Surbeck was born in Evansville and moved with his family at age 2 to Virginia. He lived in Pittsburgh before enrolling at Indiana University in Bloomington, where he earned bachelor's and law degrees.

He moved to Fort Wayne and started practicing law in 1972, after serving as a clerk for Alfred Moellering. He chaired the board of the Indiana Public Defenders Council, a group that provides training and support for public defenders.

He was appointed an Allen Superior Court judge in 1988 by Gov. Robert Orr and was elected to the position five times.

“It has been one of my life's great privileges to be a part of the judiciary, doing a job in a community I love,” Surbeck said in a statement. “Many young lawyers aspire to a judgeship, and I'm one of the lucky few who got that opportunity. There is no more fulfilling work than that of delivering justice fairly and impartially.”

Colleagues and friends call Surbeck knowledgeable, sincere and respectful.

“I think we were all hoping he'd be on the bench a little while longer,” Allen County Prosecutor Karen Richards said. “He brings an excellent perspective from the bench. He's compassionate.

“We're definitely going to miss him, both on a friendship level and a judge level.”

A news release announcing his retirement cites Re-Entry Court and Surbeck's work on a statewide pilot program to develop alternatives to cash bail for low-risk arrestees as accomplishments.

“His programming that he implemented – they've become nationally recognized,” said defense attorney Bob Gevers, a former Allen County prosecutor. “He will be missed.”

He called Re-Entry Court “a game-changer.”

Surbeck said the program was born in part from seeing the same defendants – and families of the same defendants – come through his courtroom.

“I represented the first generation,” he said. “I represented or sentenced the second generation, and sentenced the third generation.

“The best things that have come out (from my career) have come out of Re-Entry – guys that have completely turned their lives around. Throwing people in jail does no good.”

Asked if the program is his legacy, Surbeck said he's not sure.

“Somebody else decides what legacies are,” he said.

Judge Fran Gull has worked with Surbeck in the court's criminal division since 1997. She said many contributions will leave him fondly remembered.

“He has presided over some of the most difficult and complex cases the Allen County courts have witnessed during his career,” Gull said in a statement. “He brings a steady hand and a calming voice to circumstances where both can be the difference between order and chaos.”

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