



Annual Report

2017 - 2018

Indiana Supreme Court



INDIANA SUPREME COURT

Annual Report

2017 - 2018



PUBLISHED BY THE
Indiana Supreme Court

Office of Communication,
Education, and Outreach
251 North Illinois Street, Suite 1600
Indianapolis, Indiana 46204
(317) 234-4722

courts.in.gov

PHOTOGRAPHY:

Rachel Anderle
Lindsey Borschel
Chris Bucher
Don Distel
Kathryn Dolan
Nathaniel Edmunds
Jonathan Hawkins
Sarah Kidwell
Marc Lebryk
Haley Loquercio
Patrick McCauley
John McCauley
Vincent Morretino
Elizabeth Randolph
Jessica Strange
Mike Wolanin, *The Republic*
Nita Wright
... and Other Friends of the Court

Icons made by Freepik from www.flaticon.com



The Justices of the Indiana Supreme Court during Justice Goff's investiture ceremony in September 2017.

FROM YOUR
Indiana Supreme Court

On behalf of my Supreme Court colleagues and our staff, I am pleased to present our 2017-2018 annual report. It provides detailed information about the work of the Court and our agencies. Thanks to the dedication of our staff, judicial officers across the state, and partners in all branches of government, we celebrate a year of success and look toward a hope-filled future.

The fiscal year began with the commemoration of 20 years of the Indiana Conference for Legal Education Opportunity, bringing diversity to the legal profession. In July, Wabash County Judge Christopher Goff joined the Court as the 110th Justice. We closed the 2017 calendar year with 23 counties participating in National Adoption Day, where 220 children joined forever families.

2018 began with a renewed focus on how Indiana could lead the way to combat the opioid epidemic, including hosting the National Judicial Opioid Task Force. Throughout the year, over 400 new lawyers were admitted to the bar. The Court brought oral arguments to nearly 1,100 students in Vanderburgh and Owen counties. By the end of the fiscal year, implementation of electronic filing included 83 counties taking part, filing more than six million documents.

Thank you for supporting the Indiana judiciary. It is an honor to serve with my judicial colleagues and our many allies in justice. The pages that follow showcase the successes of our numerous Court programs, as well as our continued diligence to meet the challenges ahead.



Loretta H. Rush
Chief Justice of Indiana



Members of the Indiana Supreme Court, Court of Appeals, and Tax Court sit among federal judges at the bar admission ceremony in May 2018 at the Indiana Roof Ballroom.

Table *of* Contents

1	Year in Review
8	Justices
10	Cases
18	Opinions
20	Boards & Commissions
25	Agency Reports
58	Definitions



Current and former Supreme Court Justices pose for a photo in the Supreme Court Law Library prior to Justice Goff's investiture ceremony in September 2017.

Year *in* Review

Fiscal Year: July 1, 2017 to June 30, 2018



Justice Christopher Goff is sworn in as the 110th Justice by Governor Eric Holcomb in the Supreme Court Courtroom in September 2017.



GAL/CASA volunteers pose for a picture at their annual conference in September 2017.

July 20 The Indiana Conference for Legal Education Opportunity celebrated its 20th anniversary with a program in the Supreme Court Courtroom.

July 25 The **Coalition for Court Access** provided guidance to attorneys on reporting *pro bono* hours and financial contributions. Data was gathered during annual attorney registration on the Indiana Courts Portal for the second consecutive year.

July 31 The Court **amended its rules** to require that lawyers and judges must understand the benefits and risks of relevant technology to be competent in the performance of their duties.

August 29 The **courts.in.gov** website was updated to reflect the changing structure of the Court's administrative offices and to improve the overall function of the site.

September 1 📅 The **ceremonial swearing-in** for Justice Christopher Goff took place in the Supreme Court Courtroom and featured remarks from friends and colleagues. A **private oath of office** was previously administered on July 24 to allow him to begin deciding cases and handling administrative matters.

September 9 📅 The **Indiana Office of Guardian Ad Litem/Court Appointed Special Advocates (GAL/CASA)** hosted its 21st annual conference with 20 speakers and over 700 volunteers in French Lick.

September 13-15 At the annual Indiana Judicial Conference, **49 judges were recognized** as graduates of the Indiana Judicial College for completing 120 hours of continuing education, and 9 judges were recognized for serving 24 years on the bench.

Year *in* Review



New lawyers raise their hands as they are sworn in at the Indiana Convention Center during the October 2017 ceremony.



Justice Steven David, a U.S. Army veteran, at the "Heroes from the Heartland" display at the Indiana State Museum in November 2017.

September 17 In celebration of **Constitution Day**, more than 40 judges and attorneys visited over 4,000 students across the state.

September 21 Chief Justice Loretta Rush was named co-chair of the **National Judicial Opioid Task Force**, which is charged with addressing the epidemic's impact on the justice system. State court leaders from across the country met on June 4-5 in Indianapolis to find solutions and make recommendations.

October 16 📧 306 new lawyers were **sworn in** after successfully completing the July 2017 bar exam; another 104 would pass the February 2018 bar exam and be **admitted in May**.

October 19 The Commission on Continuing Legal Education (CLE) commemorated 30 years of mandatory CLE by hosting a **half-day symposium** on the structure of education meeting the needs of a modern law practice.

October 30 The Supreme Court held an **oral argument** at the University of Southern Indiana's Carter Hall with nearly 600 guests.

November 11 📧 Justice Steven David was recognized as part of the Indiana State Museum's "Heroes from the Heartland" exhibit. In celebration of Veterans Day, the exhibit honored the military contributions of Hoosiers.

November 16 In celebration of National Adoption Day, an **online gallery** was published featuring select photos from the 27 participating counties. Through a Supreme Court order, families and press were allowed the rare opportunity to photograph and videotape the adoption proceedings.

Year *in* Review



Court of Appeals Judge Cale Bradford and Justice Mark Massa attend the first meeting of the Marion County Judicial Selection Committee in November 2017.



Chief Justice Loretta Rush presents the State of the Judiciary to lawmakers and special guests in the Indiana House Chamber in January 2018.

November 29 📍 The **Marion County Judicial Selection Committee**, chaired by Justice Mark Massa, met for the first time. During the fiscal year, the 14-member committee would retain 17 judges and submit 9 names to the governor for appointment to 3 judicial positions.

December 1 More than 200 judicial officers attended the Winter Workshop, "Understanding Race: Beyond Black & White," to discuss the power of the legal system to combat racism.

December 11 The Court's Office of Judicial Administration completed its move to Capital Center North. The new building brings administrative offices closer to the State House with significant savings to taxpayers.

December 11 To celebrate **Statehood Day**, the Supreme Court justices spoke to over 1,000 students in the State House and various locations around Indianapolis.

December 11 Justice Geoffrey Slaughter, Justice Christopher Goff, and Chief Justice Loretta Rush spoke at the Indiana Bar Foundation's "**We the People**" state finals in Indianapolis. The competition aims to educate students on the Constitution and to promote civic responsibility.

January 10 📍 Chief Justice Rush delivered her fourth **State of the Judiciary** address focusing on the Court's administrative reorganization, technological improvements, and enhanced training.

February 16 The Advisory Task Force on Remote Access to and Privacy of Electronic Court Records **recommended extending access** to Mental Health and Adoption cases for attorneys of record.

Year *in* Review



Retiring Indiana Office of Court Services Executive Director Jane Seigel smiles during a standing ovation from the Indiana General Assembly in February 2018.



An audience member asks the Court a question following a traveling oral argument in Owen County in April 2018.

February 21 Trial Court Technology developed a new online **Parenting Time Calendar** tool for parents, attorneys, and courts to create a visual calendar based on the Indiana Parenting Time Guidelines for children over 3 years of age.

February 22 📧 Retiring Indiana Office of Court Services Executive Director Jane Seigel was honored by a concurrent resolution and standing ovation from the Indiana General Assembly in recognition of her nearly 20 years of service to the Court.

February 26 The **Commercial Court Pilot Project**, which is designed to make complex business litigation more efficient, submitted a mid-pilot progress report to the Court highlighting 215 cases filed and 85 cases closed.

March 22 The Judicial Branch joined the Executive and Legislative branches in strengthening sexual harassment policies and procedures. The Court is committed to a workplace where everyone is treated with fairness, respect, and dignity.

April 3 Governor Holcomb signed a bill into law officially recognizing the administrative reorganization of the Judicial Branch with the restructuring of the Office of Judicial Administration.

April 9 For the first time, the Disciplinary Commission **began taking an advisory role for attorneys** by creating formal written advisory opinions as well as providing informal individual guidance.

April 20 📧 The Court visited Owen Valley High School to hear **oral argument**, marking the first time an appellate court had visited Owen County. Over 550 students, public officials, local attorneys, judges, and media attended.

Year *in* Review



Justice Geoffrey Slaughter speaks at the NCSC Pretrial Justice Reform Summit in May 2018.



Supreme Court staff members pose for a picture during the deployment of the Odyssey Case Management System in Lake County in May 2018.

April 30 The Judicial Nominating Commission began public interviews of 12 applicants for the **Court of Appeals third district vacancy** created by the retirement of Judge Michael Barnes. 6 finalists were interviewed in May, after which 3 nominees were sent to the Governor.

May 1 In celebration of Law Day, 3 Indiana students placed in the **National Center for State Courts' (NCSC) civics education writing contest**, in which students reflected on why the founding fathers created 3 branches of government.

May 2 📖 The NCSC's Pretrial Justice Reform Summit came to Indianapolis to discuss the challenges facing the pretrial system and strategies to make reforms. All 5 justices participated in the 3-day summit by delivering remarks and participating in panel discussions.

May 21 📖 Trial Court Technology completed deployment of Odyssey in Lake County. With this addition, 62 counties use the **Odyssey case management system** and nearly 80% of the state's new cases are filed in Odyssey.

June 29 Ripley Circuit & Superior Courts begin voluntary **e-filing**, bringing the total number of counties to 83, with more than 6 million documents filed electronically during the fiscal year.

June 30 The Supreme Court closed the fiscal year having heard 56 oral arguments, written 71 majority opinions, and disposed of 851 cases.

Year *in* Review



Clockwise from top left: Chief Justice Loretta Rush makes remarks as leaders from the executive, legislative, and judicial branches announce new harassment training policies in March 2018; Justice Steven David presents a Supreme Court Challenge Coin to retired Court of Appeals Judge Michael Barnes in June 2018; Justice Mark Massa participates in Statehood Day activities at the Indiana State Library in December 2017; Justice Christopher Goff stands with participants of the "We the People" competition in December 2017; Justice Geoffrey Slaughter speaks to students in the Supreme Court Courtroom as part of Statehood Day in December 2017; Marion County Small Claims Court Judge John Kitley participates in Constitution Day in September 2017; Judge Charles Pratt with a family following adoption proceedings in Allen County in November 2017.



National Judicial Opioid Task Force

The opioid epidemic is a devastating public health crisis that critically affects the administration of justice nationwide. State courts handle 95% of all litigation in the country and are positioned to play a crucial role in combatting the opioid epidemic.

Court leaders from around the country formed the **National Judicial Opioid Task Force** to find solutions, examine efforts, and make recommendations. Indiana Chief Justice Loretta Rush was selected to co-chair the Task Force with Tennessee State Court Administrator Deborah Taylor Tate.

In June 2018, for the first time, all 29 members of the Task Force convened in Indianapolis at a two-day meeting to address goals for helping affected individuals, families, and communities. The meeting culminated with three workgroups (Children and Families, Civil and Criminal Justice, and Collaboration and Education) offering suggestions on how courts can play an active role in providing solutions to the epidemic.



Members of the National Judicial Opioid Task Force convened in Indianapolis in June 2018. The Task Force includes representatives from 24 states, most of whom are pictured above.

42,249
deaths nationally due
to opioid use in 2016

11.5 million
people misused
RX opioids in 2016

757
opioid deaths in
Indiana in 2016

160%
increase in Indiana opioid
deaths since 2008

Justices

The five Justices of the Indiana Supreme Court meet nearly every week to discuss cases and administrative matters. In addition, each Justice spends significant time reading briefs, hearing oral arguments, and writing opinions.



CHIEF JUSTICE LORETTA RUSH

BORN 1958 in Scranton, PA

HOMETOWN Childhood in Pennsylvania; attended high school in Richmond (Wayne County); 15 years in private practice and 14 years as a trial court judge in Lafayette (Tippecanoe County)

EDUCATION Purdue University; Indiana University Maurer School of Law

APPOINTED 2014 as Chief Justice; 2012 by Governor Mitch Daniels, Jr.



JUSTICE STEVEN DAVID

BORN 1957 in Fort Wayne, IN (Allen County)

HOMETOWN Childhood and private practice in Columbus (Bartholomew County); 6 years in corporate practice and 16 years as a trial court judge (Boone County)

EDUCATION & MILITARY SERVICE Murray State University; Indiana University McKinney School of Law; 28 years of Military Service (RET COL U.S. Army)

APPOINTED 2010 by Governor Mitch Daniels, Jr.



JUSTICE MARK MASSA

BORN 1961 in Milwaukee, WI

HOMETOWN Childhood in Milwaukee area; newspaper reporter in Evansville (Vanderburgh County); 20-year legal career in government and private practice; state and federal prosecutor and General Counsel to Governor Mitch Daniels, Jr. (Marion County)

EDUCATION Indiana University; Indiana University McKinney School of Law

APPOINTED 2012 by Governor Mitch Daniels, Jr.

To the end that justice be established...



JUSTICE
GEOFFREY
SLAUGHTER

BORN 1962 in Gary, IN (Lake County)

HOMETOWN Childhood in Crown Point (Lake County); 4 years in Chicago private practice; 15 years as a partner at Indianapolis law firm (Marion County)

EDUCATION Indiana University; Indiana University Kelley School of Business; Indiana University Maurer School of Law

APPOINTED 2016 by Governor Mike Pence



JUSTICE
CHRISTOPHER GOFF

BORN 1972 in Wabash, IN (Wabash County)

HOMETOWN Childhood in Wabash (Wabash County); 8 years at Huntington law firm (Huntington County); 12 years as a trial court judge (Wabash County)

EDUCATION Ball State University; Indiana University Maurer School of Law

APPOINTED 2017 by Governor Eric Holcomb



Cases

Most cases in Indiana are decided by trial courts. Less than 1% of the cases in the state are appealed to the Supreme Court. During the fiscal year, the Court was asked to decide 845 cases.

 **845**
cases received

 **851**
cases disposed

 **56**
oral arguments

 **41**
hours of
arguments
& events
webcast

Case Search
mycase.in.gov

Cases Received

Five-year comparison

2017 - 2018	845
2016 - 2017	885
2015 - 2016	847
2014 - 2015	945
2013 - 2014	995

Cases Disposed

Five-year comparison

2017 - 2018	851
2016 - 2017	879
2015 - 2016	900
2014 - 2015	977
2013 - 2014	970



12% increase

in civil cases
received compared
to previous year

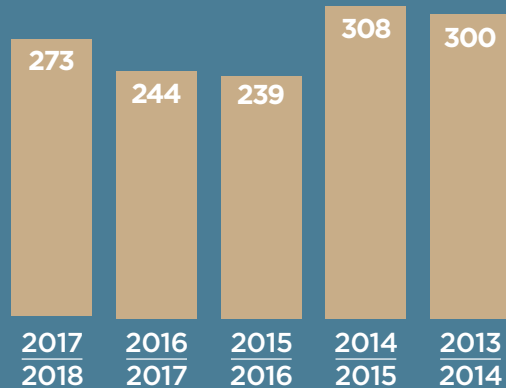


11% decrease

in criminal cases
received compared
to previous year

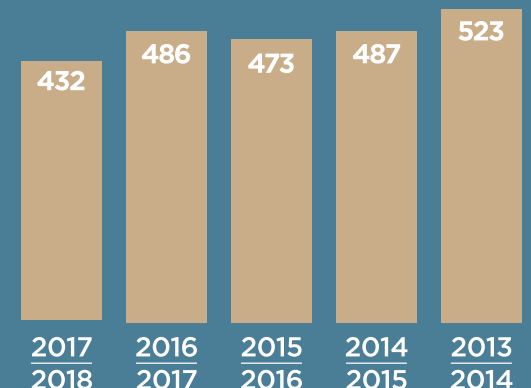
Civil Cases received

Five-year comparison



Criminal Cases received

Five-year comparison



Case Inventory

An accounting of the number of cases pending at the beginning and end of the fiscal year by case types.

	Cases Pending JUL 1, 2017	Cases Received JUL 1, 2017 - JUN 30, 2018	Cases Disposed JUL 1, 2017 - JUN 30, 2018	Cases Pending JUN 30, 2018
Criminal*	35 (85)	432	430	37
Civil*	32 (76)	273	266	39
Tax*	1 (2)	7	6	2
Original Actions	1	29	30	-
Board of Law Examiners	1	3	4	-
Mandate of Funds**	2	-	1	1
Attorney Discipline	60	96	111	45
Judicial Discipline***	1	1	1	1
Certified Questions	-	3	2	1
Other†	-	1	-	1
Total	133	845	851	127

† Petition for appointment of Judge *Pro Tempore*

* Previous fiscal years' "pending" figures in these categories (indicated in parentheses) reported all open cases in which a petition to transfer or petition for review had been filed. In this and future years, only fully-briefed cases the Clerk has transmitted on transfer (or review) will be reported as "pending."

** The 2017 report showed 2 cases received and 0 disposed, with 2 pending at year end. The correct figures are 3 received, 1 disposed, and 2 pending.

*** The 2017 report showed 4 cases received and 4 disposed, with 0 pending at year end. The correct figures are 4 received, 3 disposed, and 1 pending.

Cases Received

All cases received by the Supreme Court during the fiscal year, organized by case type.



Received in Detail

Criminal Cases

Petitions for rehearing	3
Direct appeals, life without parole	1
Post-conviction appeals, death penalty (including successive requests)	4
Post-conviction appeals, non-capital (including successive requests)	72
All other criminal	352
Total	432

Civil Cases

Petitions for rehearing	2
All other civil	271
Total	273

Tax Cases

Tax Court petitions for review	7
Total	7

Attorney Discipline Matters*

Petitions to Show Cause for Noncooperation	53
Verified Complaints for Disciplinary Action	25
Affidavits of Resignation (tendered before filing Verified Complaint)	1
Petitions for Emergency Interim Suspension	1
Notices of Findings of Guilt (Felony)/Requests for Interim Suspension	2
Motions for Release from Reciprocal Suspension	1
Petitions for Reinstatement	5
Petitions to Terminate Probation	4
Contempt of Court Proceedings	3
Miscellaneous	1
Total	96

*** NOTEWORTHY**

Additional information on attorney discipline is available on pages 54-55.

Cases Received

Judicial Discipline Matters

Formal disciplinary charges	1
Total	1

Original Actions

Original actions	29
Total	29

State Board of Law Examiners

Petitions for review	3
Total	3

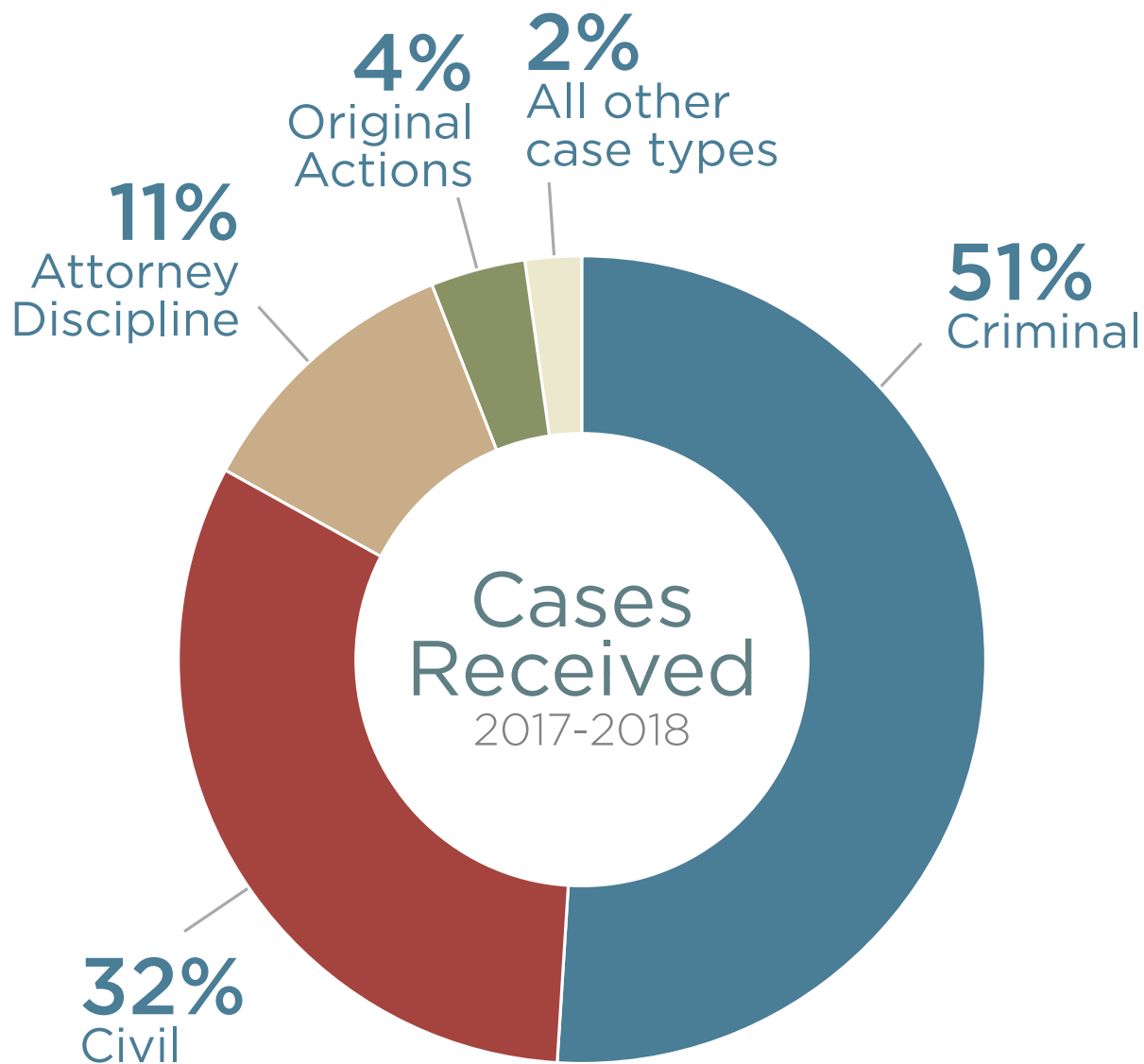
Certified Questions

Certified questions	3
Total	3

Other cases

Other matters	1
Total	1

Total Received	845
-----------------------	------------



Cases Disposed

All cases considered and disposed by the Supreme Court during the fiscal year, organized by case type.

Disposed in Detail

Criminal Cases

Opinions on direct appeals	3
Opinions on petitions to transfer	24
Orders on rehearing	3
Petitions to transfer denied, dismissed, or appeal remanded by order	398
Petitions to transfer granted and remanded by order	1
Other opinions and dispositions	1
Total	430

Civil Cases

Opinions on petitions to transfer	28
Orders on rehearing	2
Petitions to transfer denied, dismissed, or appeal remanded by order	236
Total	266

Original Actions

Disposed of without opinion	30
Total	30

Attorney Discipline Matters*

Dismissal on Compliance with Show Cause Order	22	Accepting Resignation	6
Terminating Noncooperation Suspension on Compliance with Show Cause Order	3	Emergency Interim Suspension Granted	1
Dismissal of Show Cause Proceeding Due to Other Suspension	16	Interim Suspension on Finding of Guilt (Felony)	2
Converting Noncooperation Suspension to Indefinite Suspension	11	Release from Reciprocal Suspension	1
Public Reprimand	2	Finding or Judgment for Respondent	1
Suspension with Automatic Reinstatement (after Verified Complaint)	3	Granting Reinstatement	2
Suspension without Automatic Reinstatement (after Verified Complaint)	16	Withdrawal or Dismissal of Petition for Reinstatement	1
Suspension with Conditions/ Probation (after Verified Complaint)	4	Terminating Probation	4
Suspension Due to Disability Determination	1	Finding Contempt of Court	3
Disbarment	3	Miscellaneous Dismissing or Withdrawing Action	3
		Miscellaneous	6
		TOTAL	111

*** NOTEWORTHY**

Additional information on attorney discipline is available on pages 54-55.

Cases Disposed

Tax Cases

Opinions on Tax Court petitions for review	1
Dispositive orders on Tax Court petitions for review	5
Total	6

Judicial Discipline Matters

Opinions and published orders	1
Total	1

State Board of Law Examiners

Petitions for review/revoke	4
Total	4

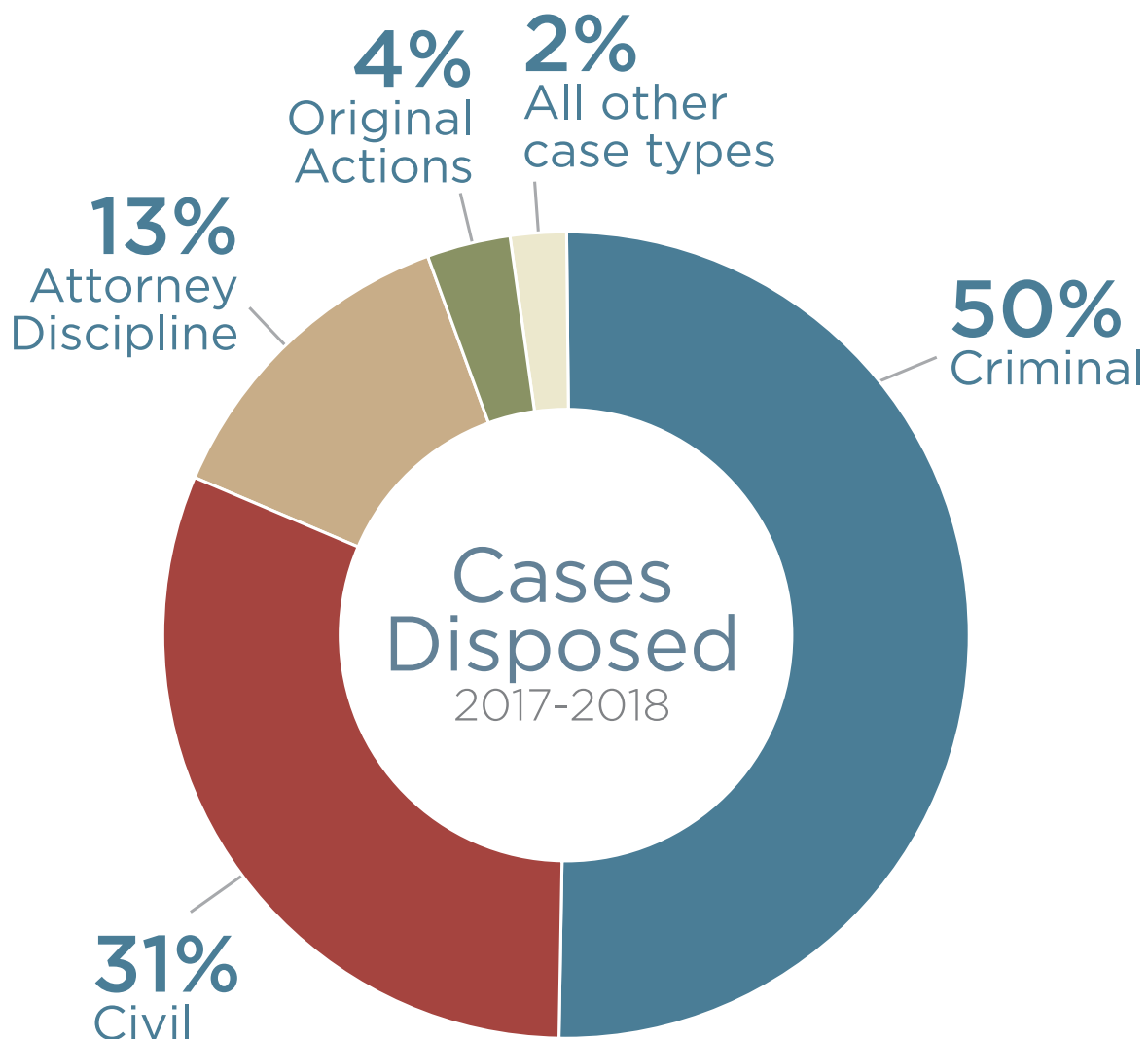
Certified Questions

Certified questions	2
Total	2

Mandate of Funds

Opinions and published orders	1
Total	1

Total Dispositions	851
---------------------------	------------



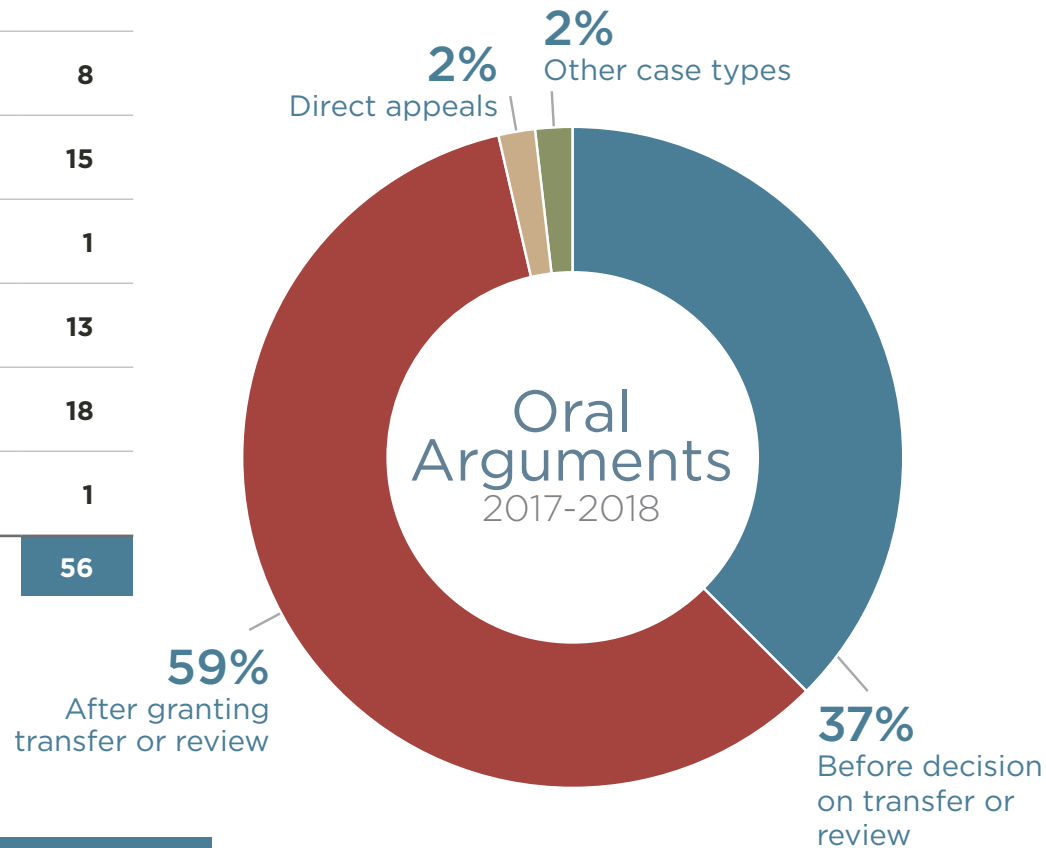
Cases Heard at Oral Argument

Oral Arguments Heard

The Supreme Court heard 56 oral arguments during the fiscal year, including one at the University of Southern Indiana in Vanderburgh County and one at Owen Valley High School in Owen County.

All arguments were recorded and can be viewed online. Arguments were also broadcast live on the web. The following details the types of cases presented at oral argument:

Criminal Before transfer decision	8
Criminal After transfer granted	15
Criminal Direct appeals	1
Civil/Tax Before transfer/review granted	13
Civil/Tax After transfer/review granted	18
Other case types	1
Total	56



Related Article
Taking arguments outside the State House PAGE 36

Webcasting Statistics

Supreme Court staff operated the webcasting equipment in the Courtroom. Since 2001, the Court has webcast:

- 798 hours of oral arguments, educational programs, and ceremonies
- 1,093 Supreme Court arguments webcast from the Courtroom

During this fiscal year, 54 Supreme Court arguments, one Court of Appeals argument, and two ceremonies were webcast from the Supreme Court Courtroom for a total of 41 hours. Two traveling oral arguments were recorded at off-site locations.

Oral Argument Video
mycourts.in.gov/arguments



The Indiana Supreme Court interacts with an attorney during an oral argument in April 2018.

Opinions

The Court disposed of 851 cases in fiscal year 2017-2018 and handed down a written majority opinion in 71 of those cases. Justices also wrote 14 non-majority opinions either agreeing or disagreeing with the majority.

Opinions by Author

Majority and Non-Majority opinion counts by author

Chief Justice Rush



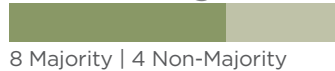
Justice David



Justice Massa



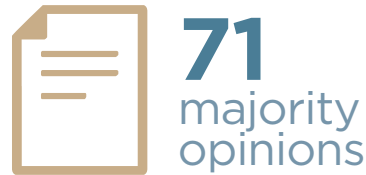
Justice Slaughter



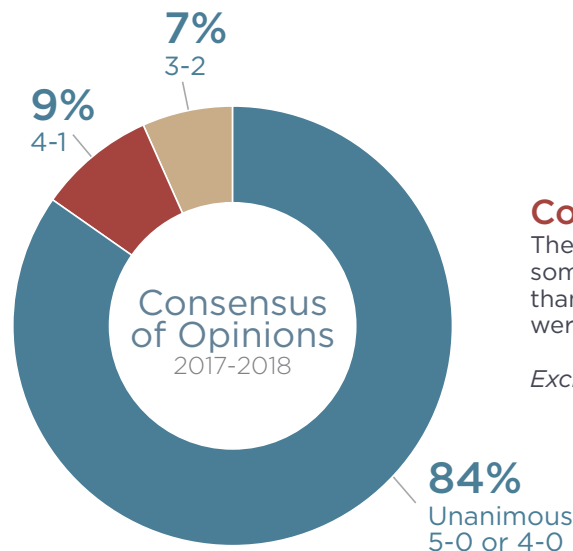
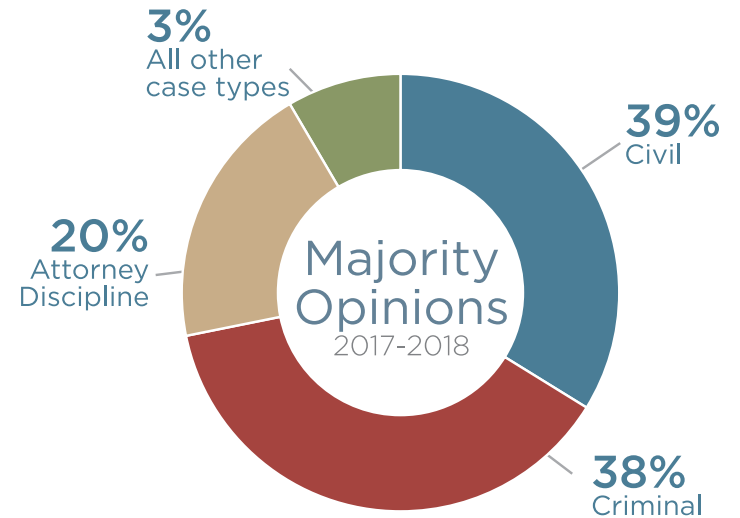
Justice Goff



Appellate Decisions
courts.in.gov/opinions



including 25 per curiam opinions



Consensus of Opinions

The Court is mostly unanimous in its decisions. There are some split decisions and rare “other” cases in which fewer than three justices were in complete agreement. There were no “other” cases during the fiscal year.

Excludes per curiam opinions.

Opinions

Majority Opinions by Author and Type

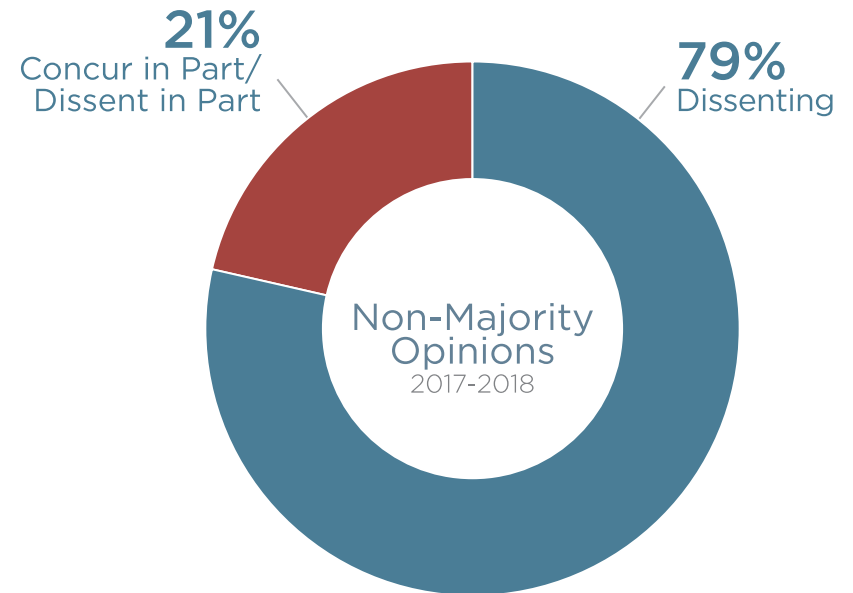
A breakdown of the number of majority opinions authored by each justice for each case type heard by the Supreme Court.

	Rush, C.J.	David, J.	Massa, J.	Slaughter, J.	Goff, J.	By the Court	Total
Civil Transfer	5	4	4	7	3	5	28
Criminal Direct Appeal	1	-	1	1	-	-	3
Criminal Transfer	5	7	5	-	2	5	24
Attorney Discipline	-	-	-	-	-	14	14
Tax Review	-	-	-	-	1	-	1
Judicial Discipline	-	-	-	-	-	1	1
Total							71

Non-Majority Opinions by Author and Type

Non-majority opinions are not dispositive.

	Rush, C.J.	David, J.	Massa, J.	Slaughter, J.	Goff, J.	Total
Dissenting	2	5	2	2	-	11
Concur in Part / Dissent in Part	-	1	-	2	-	3
Total						14



Boards & Commissions

The Supreme Court is grateful to the many judges, lawyers, and citizens who volunteer their time to increase the effectiveness of the judiciary and provide guidance to the Court. The following individuals served on boards, commissions, and committees during the past fiscal year:

Board of Law Examiners

Scott B. Ainsworth
Hon. David R. Bolk
Hon. Barbara Brugnoux
Kathryn H. Burroughs
Jane Ann Himsel
Prof. Michael J. Jenuwine
Gary K. Kemper
Cathleen M. Shrader
Shelice R. Tolbert
Charlotte F.
Westerhaus-Renfrow

Commission for Continuing Legal Education

Hon. David J. Avery
Steven M. Badger
Hon. Jennifer L. DeGroot
April R. Drake
Angela L. Freel
Hon. Barbara Harcourt
Shontrai D. Irving
Christina J. Miller
Dr. Howard Mzumara
Hon. Rudolph R. Pyle
Hon. Terry C. Shewmaker
Steven A. Spence
Catherine Springer

Disciplinary Commission

Brian K. Carroll
Nancy L. Cross
Molly Kitchell
John L. Krauss
Trent A. McCain
Andrielle M. Metzel
William Anthony Walker
Kirk White
Leanna K. Weissmann

Judges and Lawyers Assistance Program

Hon. Tim A. Baker
Joseph Baruffi
Tonya J. Bond
Hon. Elaine Brown
Aimee M. Gong
Hon. Warren Haas
Cornelius J. Harrington III
Hon. Stephen R. Heimann
Ellen F. Hurley
Robert William Jonas
Hon. Gina L. Jones
Hon. Marc R. Kellams
Cassandra A. McNair
Ann Carol Nash
Hon. David Ready
J. Mark Robinson
David D. Sanders
Inge Van der Cruysse

Judicial Conference Board of Directors

Hon. Brent Almon
Hon. Kelly S. Benjamin
Hon. Craig Bobay
Hon. Diane R. Boswell
Hon. Nancy Eshcoff Boyer
Hon. John Broden
Hon. Marla Clark
Hon. Dean A. Colvin
Hon. William E. Davis
Hon. Mary Ellen Diekhoff
Hon. Darrin M. Dolehanty
Hon. John T. Evans
Hon. Paul A. Felix
Hon. Thomas Felts
Hon. Kurtis G. Fouts
Hon. Robert W. Freese
Hon. Clayton A. Graham

Hon. Maria D. Granger
Hon. Steven L. Hostetler
Hon. Robert Hunley II
Hon. Matthew C. Kincaid
Hon. Kenton W. Kiracofe
Hon. Michael J. Kramer
Hon. Robert D. Krieg
Hon. Chad E. Kukulhan
Hon. Jeryl F. Leach
Hon. Peggy Quint Lohorn
Hon. Gretchen Lund
Hon. Sheryl Lynch
Hon. Rick Maughmer
Hon. Sally McLaughlin
Hon. Gary L. Miller
Hon. Sheila M. Moss
Hon. Jason M. Mount
Hon. Thomas Newman
Hon. Timothy Oakes

Hon. David N. Riggins
Chief Justice Loretta H. Rush
Hon. Jose Salinas
Hon. Leslie C. Shively
Hon. Michael A. Shurn
Hon. Gregory A. Smith
Hon. Timothy P. Spahr
Hon. Thomas P. Stefaniak
Hon. Mark D. Stoner
Hon. Rhett M. Stuard
Hon. John F. Surbeck, Jr.
Hon. Charles K. Todd, Jr.
Hon. Wayne Trockman
Hon. Nancy Vaidik
Hon. Marianne L. Vorhees
Hon. Joseph P. Weber
Hon. Bob Witham
Hon. James D. Worton

Judicial Qualifications/ Judicial Nominating Commission

Charlie Berger
Michael Daigle
John Feighner
Molly Kitchell
Lynette Long
Chief Justice Loretta H. Rush
Dan Vinovich
Rudy Yakym, III
James Young



Clockwise from top left: The Justices of the Indiana Supreme Court meet to discuss cases and administrative matters in the Supreme Court Conference Room; Interim Chief Administrative Officer Jane Seigel displays a certificate of appreciation from the Court during a retirement celebration in April 2018; Office of Judicial Administration (OJA) agency directors stand with Governor Holcomb and others during the signing of Senate Bill 238 which officially recognized the OJA, in April 2018; Justice Geoffrey Slaughter reviews cases and administrative matters.

Clockwise from top left: Chief Justice Loretta Rush encourages a student wearing a judicial robe during a Statehood Day program at the Indiana State House in December 2017; the Justices of the Court take questions from audience members following a traveling oral argument at the University of Southern Indiana in October 2017; Justice Christopher Goff smiles during his investiture ceremony in September 2017; Justice Steven David participates in a Statehood Day activity at the Indiana Historical Society in December 2017; Justice Mark Massa chairs the Marion County Judicial Selection Committee during an April 2018 meeting.





The Justices of the Indiana Supreme Court meet with members of the media in September 2017 to discuss case statistics and other matters featured in the 2016-2017 annual report.

Agency Reports

- 27** Office of Judicial Administration
- 28** Clerk of the Indiana Appellate Courts
- 29** Supreme Court Services
- 30** Fiscal Office
- 31** Office of Personnel & Operations
- 32** Court Technology - Trial & Appellate
- 34** Office of Communication, Education, and Outreach
- 38** Indiana Office of Court Services
- 50** Office of Admissions and Continuing Education
- 52** Judges and Lawyers Assistance Program
- 54** Disciplinary Commission
- 56** Judicial Qualifications/Nominating Commission

The working locations of the Supreme Court and agencies in Indianapolis



The **Indiana State House**, which houses the Supreme Court Courtroom, chambers for each Justice, the office of the Clerk of the Indiana Appellate Courts, and other administrative offices.



251 North Illinois, which houses most of the Office of Judicial Administration. The move to Capital Center North was completed in December 2017, following a relocation from the previous administrative offices at 30 South Meridian.



320 North Meridian, which houses the Indiana Judges & Lawyers Assistance Program (JLAP). To maintain confidentiality, JLAP operates from a small office in a separate building.



INDIANA SUPREME COURT

Office of Judicial Administration

Mary G. Willis

Chief Administrative Officer
July 2016 - April 2018

Jane A. Seigel

Interim Chief Administrative Officer
Starting April 2018

The **Office of Judicial Administration** consists of nine agencies, the Office of the Clerk of the Indiana Appellate Courts, and the Commission on Judicial Qualifications/Judicial Nominating Commission.

The Office is overseen by the Chief Administrative Officer, who reports directly to the Chief Justice of Indiana and serves as the link between the Chief Justice and the agencies of the Court.

In April 2018, the restructuring of the Office of Judicial Administration was recognized with Governor Holcomb signing Senate Bill 238 into law.

courts.in.gov



Attorney Services

Office of Admissions & Continuing Education | Attorney Disciplinary Commission
Indiana Judges & Lawyers Assistance Program



Clerk of the Indiana Appellate Courts



Court Technology

Trial & Appellate



Fiscal Office



Indiana Office of Court Services



Judicial Ethics

Commission on Judicial Qualifications/Judicial Nominating Commission



Office of Communication, Education, and Outreach



Office of Personnel & Operations



Supreme Court Services



Clerk of the Indiana Appellate Courts

Gregory R. Pachmayr, Clerk

The Office of the Clerk of the Supreme Court, Court of Appeals, and Tax Court

processes incoming filings and outgoing orders and opinions for Indiana's appellate courts.

The Clerk's Office responds to inquiries from attorneys, litigants, and the public; oversees the archiving of closed cases; and maintains the Roll of Attorneys, which is the roster of attorneys licensed to practice law in Indiana.

courts.in.gov

Related Information

Indiana Supreme Court Cases and Opinions Data PAGES 10-19

HIGHLIGHTS

During the fiscal year, the Clerk's Office processed 2,169 opinions and 9,375 orders. The Office worked closely with technology staff on electronic filing, including laying the groundwork for electronic appellate case initiation.

The Office distributed over 3,600 ballots for the election of the District 3 attorney member of the Judicial Nominating Commission and tabulated the results with the Offices of the Attorney General and the Secretary of State.



18,582

active attorneys in the Roll of Attorneys

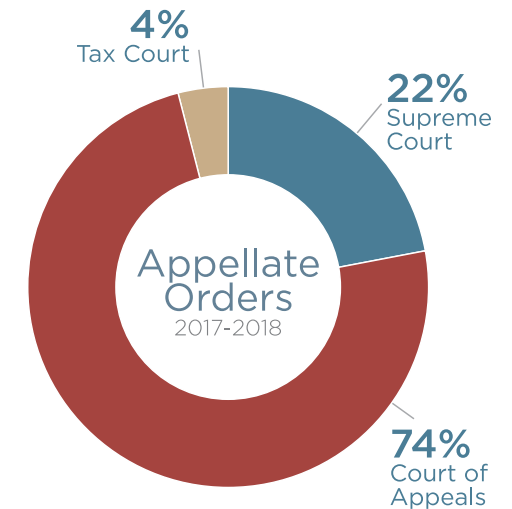


71

Supreme Court majority opinions processed

Orders processed for the Appellate Courts

9,375 orders for the Supreme Court, Court of Appeals, and Tax Court



11,350

briefs filed electronically in 3,757 cases for the three appellate courts



Supreme Court Services

Jason W. Bennett, Supervisor of Supreme Court Services

Supreme Court Services

provides legal research, analysis, and drafting of legal memoranda for the Court; manages the Court's pending cases; and maintains the Court's law library.

courts.in.gov

Related Information

Indiana Supreme Court Cases and Opinions Data PAGES 10-19

HIGHLIGHTS

Supreme Court Services oversaw case management in all cases presented to the Court for review, providing advisory memoranda in over one-third of those. Supreme Court Services also administered the Court's weekly conference agenda, oral argument schedule, and case statistical reporting.



Nearly 2,300 patrons were served by the Supreme Court Law Library, which houses 72,668 volumes.



705

cases overseen and presented to the Court for review



1,282

orders drafted



260

legal memoranda drafted



30

original actions prepared



269

requests for information fulfilled



Fiscal Office

Aaron V. Hood, Chief Financial Officer

The **Fiscal Office** manages the Supreme Court budget and assets, processes financial transactions and invoices, and provides accurate, timely financial information to the Court and other government officials.

HIGHLIGHTS

The Fiscal Office worked on streamlining business processes and made financial education more accessible. Paper processes were reduced, the timeline for payments to vendors was shortened, and purchase orders were utilized by all Court staff. To increase knowledge and ensure compliance for federal grant funding, the Office attended multiple trainings. In addition, an asset inventory of more than 1,000 items was completed.

State judiciary constitutes
LESS THAN 1%
of the Indiana
state budget



8,804

invoices processed



\$8.5 million

in grants distributed



1,596

deposits made



Office of Personnel & Operations

Brenda F. Rodeheffer, General Counsel

The **Office of Personnel & Operations** provides a wide scope of services to Supreme Court staff and agencies, including drafting internal policies, assisting with hiring and disciplinary issues, processing payroll and benefits, reviewing contracts for legality, and ensuring disability compliance, security, and continuity of operations for the Court.

The Office also provides employment law counsel and assistance with contracts for all state judges.

courts.in.gov



1,000

employees' payroll and benefits were processed
includes Supreme Court staff, state judges, magistrates, and prosecutors

HIGHLIGHTS

In December 2017, the Office managed the move of 197 employees and contractors to Capital Center North at great taxpayer savings.

Logistics included appropriate individual furniture configurations and the setup of 12 conference rooms, 9 break areas, 5 production rooms, and 22 storage rooms. The Office collaborated with Appellate IT on the installation of computers, telephones, and other technology equipment.

Supreme Court managers and supervisors were given new tools to provide feedback to employees through an online personnel management system. All employee salaries and job descriptions were analyzed with the goals of achieving pay parity, increasing employee satisfaction, and documenting performance.



498

consultations with judges and court staff managers on employment issues



190

contracts reviewed for legality and form

During the fiscal year, the Supreme Court joined other branches of government to strengthen sexual harassment policies and practices. Sexual harassment is not tolerated in the Indiana Judicial Branch. The Court announced an increased emphasis on civility training for all staff and encouraged trial courts across the state to implement similar training and policies.



Court Technology - Trial & Appellate

Mary L. DePrez, Director & Counsel for Trial Court Technology

Robert A. Rath, Director of Appellate Court Technology

**Justice Steven David
Judge Paul Mathias**
Technology Co-Chairs

Court Technology provides support to appellate court staff for day-to-day operations; assists the Supreme Court with creating a vision for how technology can improve trial and appellate court operations and access to justice; develops custom applications for data sharing with the public and state agencies; and supports thousands of users across the state with case management, e-filing, and other technology needs.

courts.in.gov

E-Filing County Implementation Progress

83 of 92 counties have voluntary or mandatory e-filing as of June 30, 2018.



E-Filing Statistics

as of June 30, 2018

6,027,984
documents
e-filed statewide

115,923
documents
e-filed weekly

417,870
criminal cases and citations e-filed into Odyssey

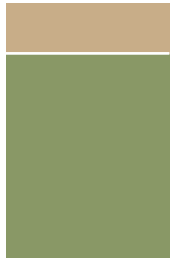


172,070
adult & juvenile
risk assessments
completed



52,437
protection
orders created
in Protection Order Registry

preparing courts for the next generation



80%
of newly filed cases are in the Odyssey CMS

Statewide case management

The state's Odyssey Case Management System (CMS) was implemented in Dearborn, Lake, Lawrence, Montgomery, Ohio, and Ripley counties, and in the Decatur Township Small Claims Court in Marion County. By June 2018, case data from 298 courts in 62 counties—nearly 80% of the state's caseload—was in Odyssey and available at mycase.in.gov.

Attorneys now have more access to cases and documents at mycase.in.gov, with Court Technology adding access to confidential cases and documents for attorneys of record, including adoption, mental health, and protection order cases.

Paperless courts

Implementation of statewide electronic filing was nearly completed, with 83 of 92 counties e-filing by the end of the fiscal year. Eight of the nine remaining counties await implementation of Odyssey before they can begin using the statewide e-filing system.

Supervised release and pretrial support

Court Technology continued development and implementation of the Supervised Release System which was designed for use by probation and community corrections agencies to manage defendants who are released back into the community before trial or upon sentence completion. Four counties collect data for the analysis and improvement of pretrial release programs.

By the end of the fiscal year, 24 counties and 2 city and town courts were using text messages to help defendants meet their pretrial release obligations with scheduling reminders, and had sent 54,338 text messages in 59 days.

Court Technology Statistics



55,347
people paid a traffic ticket online



300+
calendars created by users of the new Parenting Time Calendar

Internal IT support

Court Technology developed and supported systems for Supreme Court agencies to more efficiently accept electronic materials, including:

- 448 statements of economic interests
- 53 applications for court vacancies
- materials for annual registration of 22,510 attorneys
- 17 requests for ethical guidance since implementation in April 2018
- 3,722 reports of attendance at 2,735 CLE events

In addition, Court Technology deployed a Judicial Dashboard application allowing the Justices to work through cases electronically and providing access to all materials from a central location.



Office of Communication, Education, and Outreach

Kathryn R. Dolan, Chief Public Information Officer

The **Office of Communication, Education and Outreach (OCEO)** manages media inquiries, public information, and opportunities for educators to engage with the judicial branch.

OCEO oversees the Supreme Court's website, webcasting, and social media accounts; creates and distributes press releases; and coordinates messaging campaigns on a variety of topics.

courts.in.gov

Related Articles

Traveling Oral Arguments
PAGE 36

National Adoption Day
PAGE 37

Communication Statistics

as of June 30, 2018

MORE THAN
12 million
website page views
at courts.in.gov

100+
targeted email campaigns

57
arguments and
special events webcast
totaling more than 40 hours

48
judges assisted
for everyday media matters
and high-profile cases



5,002
Twitter
followers



457
tweets

including opinions, transfer
dispositions, articles, and
announcements



341
media
inquiries
answered

regarding a variety of
court-related topics

Liaisons to the press & public

Working with the Press

OCEO answered 341 media inquiries during the fiscal year, a number that has declined in recent years as the Office proactively distributes more information via courts.in.gov, Twitter, and various direct-messaging campaigns. Over 500 members of the media received 35 press releases announcing events, highlighting programs, and providing details on judicial vacancies.

Website and messaging

The Office manages daily content publishing of the courts.in.gov website, with more than 12 million page views each year. Staff from each agency are trained in using the content management system, which requires OCEO to review and analyze content before publishing updates.



A local attorney and others take photos of Judge Steven Nation and a family following adoption proceedings in Hamilton County.

During the fiscal year, OCEO distributed weekly messages to trial court judges, a monthly newsletter to Court staff, and more than 50 technology-related notifications. The Office also published *Indiana Court Times*, a magazine and blog on topics of interest to the judiciary.

Outreach efforts

OCEO coordinated and promoted National Adoption Day with 35 judges in 26 counties for the annual November event. Families and press were allowed the opportunity to photograph and videotape certain adoption proceedings.

In addition, the Office participated in Statehood Day events and coordinated Constitution Day activities with 40 judges who visited over 4,000 students across the state.



The Justices of the Indiana Supreme Court hear oral arguments in Owen County in April 2018.

Traveling Oral Arguments

The Office coordinated two traveling oral arguments during the fiscal year. Students in Owen and Vanderburgh counties had the opportunity to witness a Supreme Court oral argument in their area and interact with the Court during Q&A sessions.



TAKING ARGUMENTS

outside the STATE HOUSE

To provide a unique and interactive experience for those who are not able to travel to the State House, the Supreme Court schedules oral arguments on the road twice a year. The Office of Communication, Education, and Outreach organized the arguments to allow students, press, and the public in other areas of the state an opportunity to see the Court in action. Since 1994, the Supreme Court has held 43 arguments away from its Indianapolis Courtroom.

In October 2017, the Court traveled to Vanderburgh County to hear **oral argument at the University of Southern Indiana** in Evansville. Nearly 600 guests, including students from 11 area schools, attended argument in *B.A. v. State of Indiana*, a juvenile delinquency case.

In April 2018, the Court traveled to Owen County to hear **oral argument at Owen Valley High School** in Spencer. It was the first time any appellate court heard arguments in the county. Over 550 guests, including students from eight area schools, attended argument in *J.W. v. State of Indiana*, a juvenile delinquency case.

After each oral argument, the Court answered questions from the audience, providing students and community members an opportunity to develop a deeper understanding of the Court and the way cases move through the judicial system.



Top: The Justices of the Indiana Supreme Court hear oral arguments in Vanderburgh County in October 2017.

Above: A student asks the Court a question following oral arguments in Owen County in April 2018.

SAY, "CHEESE!"

Allowing cameras into courts for National Adoption Day

In November 2017, 35 judges in 23 counties across Indiana participated in **National Adoption Day** where 220 children joined their forever families. The Office of Communication, Education, and Outreach encourages family members and press to take photos and videos of the adoption proceedings.

The Indiana Supreme Court has **issued an order** every year since 2012 allowing photos and videos of uncontested adoptions at National Adoption Day events in county courtrooms. Since then, 745 children and their new families from 33 counties have participated.

National Adoption Day events celebrate the children being adopted as well as raise awareness of children in the foster care system and the value of adoption. Every year approximately 3,600 adoptions take place in Indiana.

ONLINE GALLERY

[flickr.com/photos/incourts/albums](https://www.flickr.com/photos/incourts/albums)





Indiana Office of Court Services

Jane A. Seigel, Executive Director (Through March 2018)

Justin P. Forkner, Executive Director (Appointed in March 2018)

The **Indiana Office of Court Services (IOCS)** assists the Supreme Court in its role as the head of Indiana’s judicial system by developing education, programs, and projects for all courts to improve the administration of justice.

IOCS also supports the Judicial Conference of Indiana and its Board of Directors, composed of judicial officers from across Indiana, and provides staff support to multiple committees.

courts.in.gov

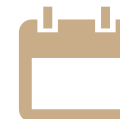


Judicial officers attend a session at the Spring Judicial College in South Bend in April 2018.

BY THE NUMBERS



\$8.5 million
in grants given to counties



214
days of educational opportunities



95
certified problem-solving courts



Judicial officers attend a session of the Spring Judicial College in South Bend in April 2018. More than 214 days of educational opportunities were provided to judicial officers throughout the fiscal year.

Assisting courts, leading initiatives

The successful move of Supreme Court agencies to Capital Center North allowed the **Indiana Office of Court Services** to now have all staff on a single floor, providing for greater collaboration between divisions and the sharing of ideas and approaches.

Additional Information
Highlights from the four divisions
PAGES 40-43

Related Data
Grant Funding
PAGE 48

As a single agency with four divisions—Education, Justice Services, Legal Support, and Programming & Projects—IOCS:

- Provided **214 days of training** to judicial officers, court and clerk staff, and other partners and stakeholders in the justice system
- Developed over **1,200 hours of program curricula**
- Awarded approximately **\$8.5 million in grants** to help develop and fund initiatives such as Court Appointed Special Advocates, pretrial release, problem-solving courts, Volunteer Advocates for Seniors or Incapacitated Adults, and court interpreters
- Provided **legal research, statistical analysis, and data collection support** for trial and appellate courts



The **Education Division** ensures that Indiana’s citizens interact with well-trained judges and judicial branch staff. A combination of in-person training programs in Indianapolis, various regional county workshops, and distance education modules provide a blended learning environment.

Training

IOCS developed 1,205 hours of education program content during the fiscal year. The robust training program provided 214 days of educational opportunities to nearly 8,000 people including:

- judicial officers
- court and clerk staff
- guardian *ad litem* and Court Appointed Special Advocates
- court interpreters
- probation and community corrections officers
- court alcohol and drug programs personnel
- problem-solving team members
- Juvenile Detention Alternatives Initiative stakeholders

BY THE NUMBERS



7,900
in attendance
during 214 days
of education



1,205
hours of
education
programming
developed

Indiana Courts Education Network

Designed to support and enhance in-person training programs, IOCS developed and deployed training modules on the Indiana Courts Education Network, which currently houses distance education for judicial office candidates, Court Substance Abuse Management Specialist credentialing, and internal personnel management.



Justice Christopher Goff speaks at the Juvenile Judicial Officer Annual Meeting in Indianapolis in June 2018.



The **Justice Services Division** works with probation, problem-solving courts, court alcohol and drug programs, and juvenile justice stakeholders to help criminal offenders successfully transition into the community. The Division offers community-based alternative programs for youth and supports county-level efforts to implement evidence-based practices in sentencing and community supervision.

Certified Courts and Programs

IOCS certified nine court alcohol and drug programs and 32 problem-solving courts during the fiscal year. In total, 53 certified court alcohol and drug programs and 95 certified problem-solving courts are active, with nine problem-solving courts in the planning stages. IOCS awarded \$1,117,272 in grants to 18 veterans courts with funding appropriated by the Indiana General Assembly and \$449,000 in grants to 52 problem-solving courts with funding from the Supreme Court.



Justice Steven David speaks at the National Center for State Courts Pretrial Justice Reform Summit in May 2018.

EBDM

IOCS continued to support the 11 counties participating in the pretrial release pilot project in collaboration with the Evidence-Based Decision Making (EBDM) initiative. Four additional counties have started developing evidence-based pretrial practices. IOCS provided \$820,000 in grants to support local pretrial efforts.

JDAI

IOCS identified potential sites for expansion of the Juvenile Detention Alternatives Initiative (JDAI). During the fiscal year, 32 JDAI counties received more than 170 hours of education; the Indiana Department of Education joined the JDAI state executive team as a partner agency; and IOCS hosted the JDAI Inter-site Conference for over 300 local, state, and national juvenile justice professionals.

Interstate Compact

IOCS administered the interstate compact processing 7,338 adult cases, 1,268 juvenile cases, 227 runaways, and 280 travel permits during the fiscal year. Staff also provided training at various conferences and assisted with drafting interstate transfer policies for problem-solving court participants.

Related Article

Leading the way in Pretrial Release
PAGE 44



The **Legal Support Division** is responsible for court and probation data collection, responding to legal questions from trial courts, and monitoring legislative changes affecting the judicial branch.

Statistical Analysis

IOCS reviewed 46 new bulk/compiled data requests and processed 26 renewals of existing requests as well as reviewed 18 public record requests. To ensure an even distribution of cases, IOCS assessed caseload allocation plans for 48 counties, 52% of the state, before submitting a proposal to the Supreme Court.

Physical Assistance to Courts

Trial courts relied on IOCS to provide in-person assistance visiting over 50 courthouses and providing guidance to clerks and court staff on record retention. Training sessions on court record confidentiality, new case types, and procedures for collecting court statistics were presented to organizations including the State Board of Accounts and the Association of Clerks of Circuit Courts of Indiana.

BY THE NUMBERS

46
Bulk data requests

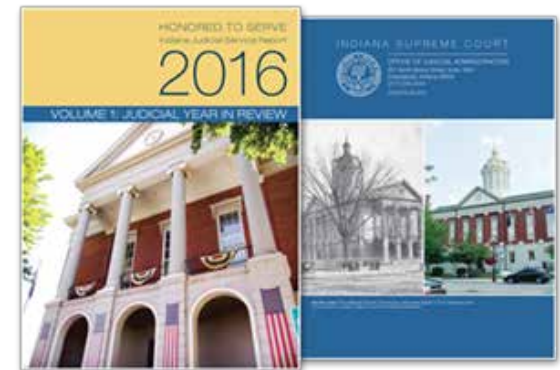
18
Public records requests

48
County visits conducted

Published Information

During the fiscal year, IOCS compiled 50 issues of *Case Clips* summarizing approximately 150 cases, posted nearly 190 entries to the *Legislative Updates* blog detailing work of the General Assembly that is of interest to the judiciary, and published the 2016 *Judicial Service Report* which includes:

- Court and probation case statistics
- Revenues collected by trial courts
- Expenditures made by state, county, and local municipalities for Indiana’s court systems



Online
courts.in.gov/iocs
indianacourts.us/legislative
indianacourts.us/blogs/caseclips



The **Programming & Projects Division** works to ensure equal access to justice through initiatives focusing on families, children, victims of domestic violence, and others.

Protecting Hoosiers in Need

The **Adult Guardianship Office** awarded grants to 18 volunteer-based guardianship programs, serving nearly 600 vulnerable and incapacitated adults in 42 counties, representing a 200% increase in counties served since 2014. The Office also worked on a pilot project for supported decision making in Wayne County.

The **State Office of Guardians Ad Litem and Court Appointed Special Advocates** awarded \$4.9 million in grants to 65 certified programs in 83 counties across Indiana. Through those programs, 4,273 volunteers advocated for more than 30,000 abused and neglected children.*



The **Family Violence Resource Attorney** trained 613 judicial officers, advocates, law enforcement personnel, and other professionals in matters of family violence, civil protection orders, sexual assault, and criminal domestic violence.

The **Family Court Project** supported 20 counties and nearly 3,000 families through court-related programs such as document preparation, co-parenting counseling, and legal assistance.*

The **Court Improvement Program** awarded more than \$9,000 in professional development scholarships and \$286,000 in grant funds supporting family dependency drug courts, National Adoption Day activities, and data collection and analysis.

Promoting Equal Justice

The **Court Interpreter Certification Program** awarded 27 grants to counties for interpreter services promoting equal access to the courts. Staff provided training, maintained a registry of 100+ certified interpreters, and assisted with in-person and telephonic interpreter services.

The **Indiana Conference for Legal Education Opportunity's** 20th anniversary celebration in July 2017 focused on the more than 550 underrepresented students who entered law school. Twenty students completed this year's intensive preparatory program and enrolled in an Indiana law school.

*Calendar year 2017

Related Articles

CCA promotes justice for all
PAGE 45

ICLEO 20th Anniversary Celebration
PAGE 46

Leading the way *in* Pretrial Release

In 2014, a pretrial release pilot project was developed in collaboration with Indiana's Evidence-Based Decision Making Initiative. Indiana Criminal Rule 26 (CR26) is the foundation for 11 counties participating in the pilot project which aims to keep communities safe while using evidence-based decisions to inform pretrial supervision.

Work Group

A work group, with members from all three branches of government and criminal justice stakeholders, developed the Indiana Pretrial Practices Manual. Additional areas of policy development include:

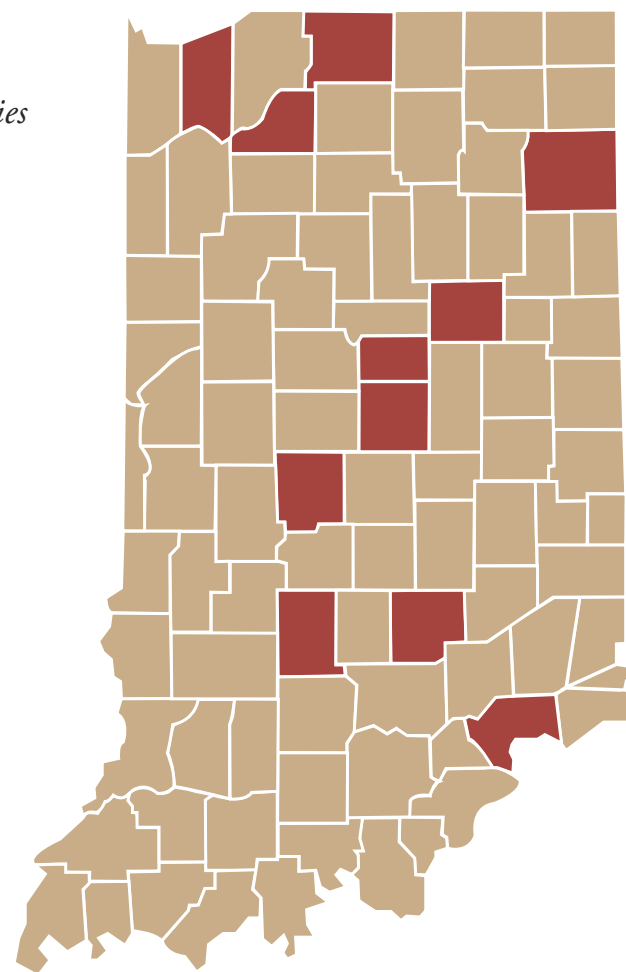
- Using pretrial risk assessments to inform release decisions
- Developing pretrial conditions based upon risk for failure to appear or new arrest during the pretrial stage
- Reminding pretrial defendants of court dates using emails, phone calls, and text messages
- Having defense counsel at initial hearing for in-custody defendants
- Collecting data to measure pretrial outcomes

Available Tools

Pilot counties can use the Risk Assessment Tool to help make release decisions and set pretrial supervision conditions. Using data from this tool from January 2017 through April 2018, 16,040 arrestees were placed into three categories, with only 18% of arrestees posing a high risk for failure to appear/rearrest during the pretrial period.

Forty-six percent of the arrestees posed a moderate risk, while the remaining 36% posed a low risk. The Indiana Office of Court Services assists counties with the initiative. CR26 is effective for all Indiana courts January 1, 2020.

 11 counties participating in a pretrial release pilot project



CCA promotes justice for all

The **Coalition for Court Access (CCA)** was created to provide a focused and comprehensive organizational structure for Indiana's civil legal aid programs. One of the CCA's goals is the improvement of access to and delivery of civil legal services to persons of limited means and low to moderate income.

In 2016, the Supreme Court began collecting information on *pro bono* practices from attorneys during annual registration. While providing *pro bono* services is not required in Indiana, it is encouraged. Data from the past two years captured baseline information and was provided to the CCA to assist with its mission.

Most recent *pro bono* data shows 54% of non-exempt* Indiana attorneys contributed time and/or money in 2016, an 8% increase from the previous year. In addition, nearly 450,000 hours were contributed, and financial contributions totaled more than \$1M.

2016 pro bono practices of non-exempt attorneys

15,406 ATTORNEYS*

8,280
ATTORNEYS
contributed
time and/or
money in 2016

54%
of attorneys
contributed time
and/or money

"The Court is inspired to see that so many attorneys are willing to help those in need of legal assistance. In just one year, we saw an 8% increase in the number of attorneys who contributed time and/or money. We encourage attorneys to continue providing pro bono assistance to those who need it most."

Hon. Loretta H. Rush, *Chief Justice of Indiana*

By the numbers

Time contributions

257,452
hours contributed
at no charge

191,457
hours contributed
at reduced charge

Total hours contributed
448,909

Financial contributions

\$906,043
in monetary contributions

\$370,202
in-kind contribution
of tangible property

Total financial contributions
\$1,276,245

* Over 6,000 of the nearly 22,000 attorneys in Indiana during 2016 were exempt from providing *pro bono* legal services because they were retired, inactive, employed by the government, or members of the judiciary.

Data: Self reported through the Indiana Courts portal during annual attorney registration. As of 02/21/2018

ICLEO celebrates 20 Years

In July 2017, in celebration of the Indiana Conference for Legal Education Opportunity's (ICLEO) 20th anniversary, 160 judges, lawyers, program graduates, and supporters met in the Supreme Court Courtroom. Former Chief Justice Randall Shepard told the story of ICLEO's founding, which began with a few lines in his State of the Judiciary address and culminated in legislation that received support in both the House and Senate.

Twenty years later, the Court continues to be dedicated to its success. Chief Justice Loretta Rush spoke of her longtime involvement with the program, assuring everyone that she is "in it for the long haul."

courts.in.gov/cleo



Speakers not only celebrated the merits of the program, but expressed the need for diversity. Court of Appeals Judge Rudolph Pyle III painted a picture of a diverse world where "lawyers will look like all Hoosiers, judges will look like all Hoosiers, and the law will be more likely to be applied equally to all Hoosiers."

While the event celebrated the program's long-term success, it was also marked by an eagerness to continue the legacy by supporting the program at an administrative and personal level. ICLEO alum and Indianapolis Power & Light Company President and CEO Rafael Sanchez noted, "I don't know where I would be today, I don't know if I would have had the opportunities that I've had, if not for the ICLEO program."



Top: The 2017 ICLEO class stands during the ICLEO 20th anniversary celebration in the Indiana Supreme Court Courtroom.

Above: Court of Appeals Judge Rudolph Pyle, III speaks during the anniversary celebration.



Clockwise from top left: Indianapolis Power & Light Company President and CEO Rafael Sanchez speaks during the ICLEO anniversary celebration; Chasity Thompson, Assistant Dean - Office of Professional Development, and Patricia Kinney, Assistant Dean of Admissions - Indiana University McKinney School of Law, speak during the anniversary celebration; Norris Cunningham, ISBA Diversity Committee Chair, delivers remarks; former ICLEO Program Director Ashley Rozier and ICLEO student Kendra Key make remarks during the anniversary celebration; former Chief Justice Randall Shepard and current Chief Justice Loretta Rush stand with the Coleman family.



Grant Funding

BY PROGRAM AND AMOUNT

Nearly all Indiana counties received funding for at least one court program during the fiscal year.

Adult Guardianship Program

42 Counties | \$1,137,785

Court Improvement Program

9 Counties | \$286,055

Court Interpreter Program

28 Counties | \$500,000

Family Court Project

22 Counties | \$175,660

Guardian *ad Litem*/ Court Appointed Special Advocates

83 Counties | \$4,900,000

Pretrial Grants

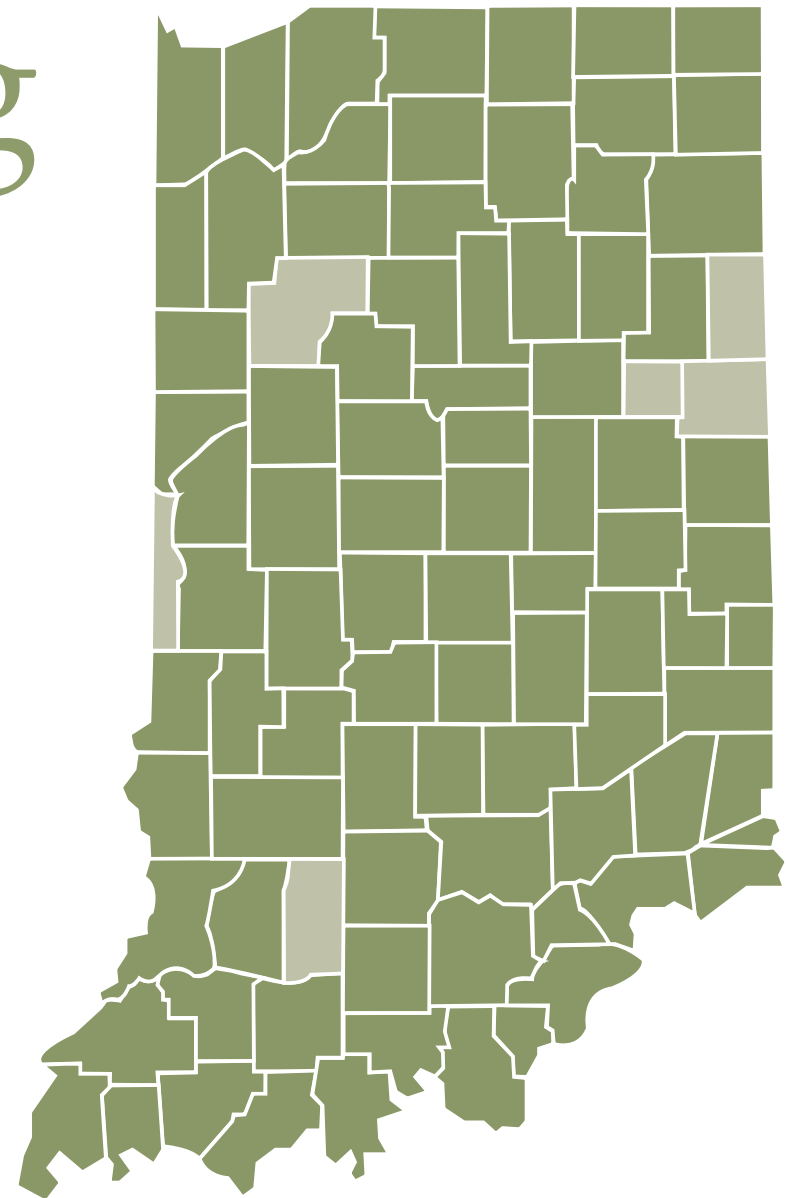
10 Counties | \$820,000

Problem-Solving Courts

52 Counties | \$449,000

Veterans Courts

18 Counties | \$1,117,272



86 counties received a total of \$8,566,592 in grants

RECOGNIZING LEADERSHIP

During the fiscal year, several administrative agency directors were recognized for their hard work, leadership, and ingenuity.

Trailblazer honored by IAPABA

July 2017: Disciplinary Commission Executive Director **G. Michael Witte** received the Trailblazer Award from the Indiana Asian Pacific American Bar Association. According to the association, the award “recognizes the outstanding achievements, commitment, and leadership of lawyers who have paved the way for the advancement of other Asian Pacific American attorneys.”

PIO named to national board

August 2017: The Chief Public Information Officer (PIO) **Kathryn Dolan** was voted President-Elect of the National Conference of Court Public Information Officers. The organization is dedicated to the role of court communicators across the country and provides training, networking opportunities, and professional enhancement tailored to the unique duties of PIOs.

JLAP director leads the way

August 2017: Judges and Lawyers Assistance Program (JLAP) Executive Director **Terry Harrell** served as a member of the National Task Force on Lawyer Well-Being. The Task Force released a report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, which includes recommendations and action plans with simple checklists.

CFO named local honoree

December 2017: Chief Financial Officer (CFO) **Aaron Hood** was selected as an honoree of the Indianapolis Business Journal's CFO of the Year awards program. Aaron was selected from several nominations in the Not-for-Profit/Government category. The program recognizes financial professionals for outstanding performance in their roles as top financial executives.

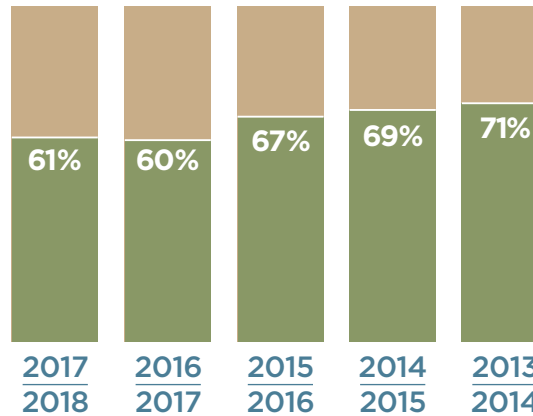


The **Indiana Office of Admissions and Continuing Education (ACE)** provides administrative support to the Board of Law Examiners (BLE) and Commission for Continuing Legal Education (CLE).

BLE certifies that all individuals admitted to practice law have fulfilled the requirements for admission. CLE oversees the legal education requirements of attorneys, judges and mediators, maintains a mediator registry, and accredits independent attorney specialization organizations.

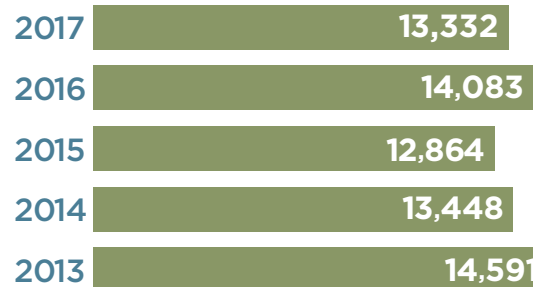
Bar Exam Success Rate

Five-year comparison



CLE Courses Accredited

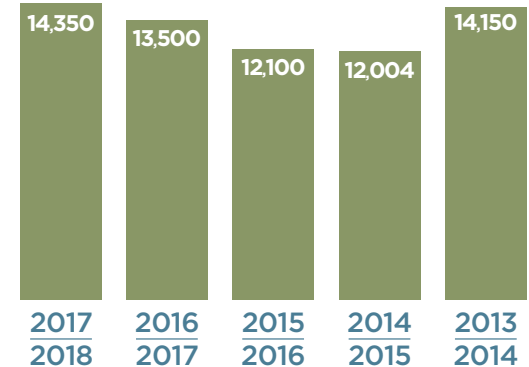
Five-year comparison



Nearly
14,350
distance credits
reported by attorneys

Distance Credits

Five-year comparison



Serving Lawyers and Future Members of the Bar

Celebrating 30 Years of CLE

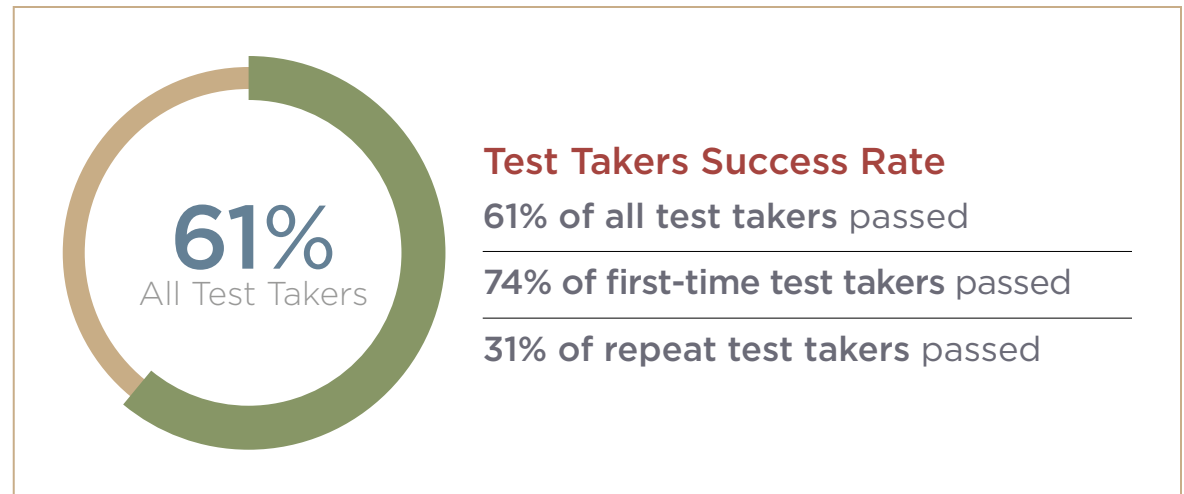
In October 2017, CLE commemorated 30 years of mandatory continuing legal education in Indiana during a **half-day symposium** on the structure of education meeting the needs of a modern law practice. Topics ranged from changing demands on lawyers and judges in the digital age to new techniques in delivering and administering mandatory CLE.

Bar Exam

The bar exam is administered twice a year, in February and July. During the fiscal year, 485 out of 799 applicants passed the exam. The February bar exam was the first in which applicants could be tested on new law topics, including Indiana debt collection, Indiana employment, and residential landlord-tenant.

Lawyers admitted on motion

BLE is responsible for the admission of attorneys from other states who seek to be admitted in Indiana without taking the bar exam. Those admissions on motion include foreign license and limited business counsel license. During the fiscal year, a total of 75 out-of-state lawyers were admitted on motion in Indiana, a decrease of 6.25% from the prior fiscal year.



From left, former Commission for Continuing Legal Education Executive Director Julia Orzeske, Gina Roers-Liemandt, and ACE Executive Director Brad Skolnik participate in the CLE 30th anniversary event: "CLE in the 21st Century." Judges and legal leaders came together to discuss ways to improve CLE and meet the challenges of a modern law practice.



ATTORNEY SERVICES

Judges and Lawyers Assistance Program

Terry L. Harrell, Executive Director

The **Indiana Judges and Lawyers Assistance Program (JLAP)** assists judges, lawyers, and law students with personal issues—addiction, mental health, physical, age-related, and other concerns—that have the potential to reduce their effectiveness.

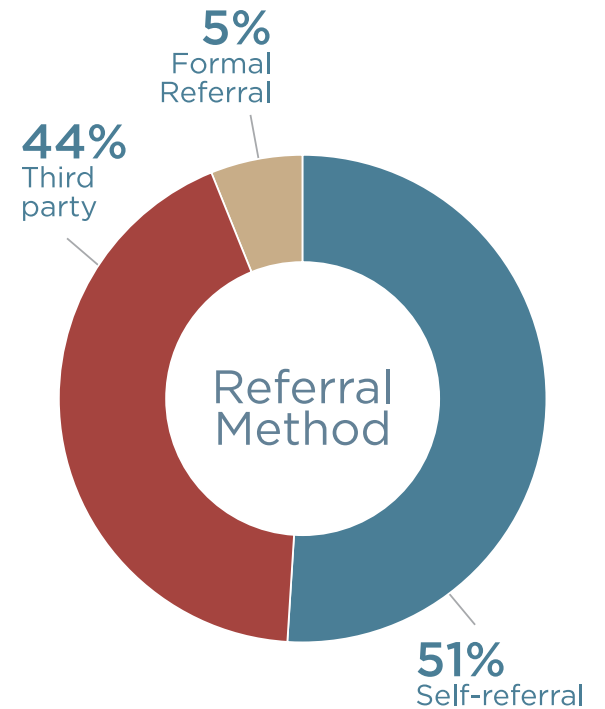
JLAP works to educate the bench and bar and reduce potential harm caused by impairment. All interactions with JLAP are confidential.

courts.in.gov



JLAP referral method

More than half of JLAP clients are self-referred



Reasons JLAP was contacted
A variety of support is provided

2 Retirement

4 Career change

9 Requests for information

10 Legal issues

11 Practice management issues

11 Age-related issues

13 Physical health

85 Situational stressors

89 Substance use

99 Mental health

Lawyer well-being takes center stage

Well-being

During the fiscal year, JLAP continued to collaborate with local, state, and national organizations to provide education and resources that promote lawyer well-being. Staff are members of the National Task Force on Lawyer Well-Being and gave 29 presentations on the topic.

The focus on lawyer well-being extended to JLAP support groups. JLAP established a new support group to serve northwest Indiana and broadened the focus of local support groups to include well-being in addition to mental health and substance use. A pilot eight-week grief support group was well received and will be repeated at regular intervals.

Outreach to law students

JLAP increased its presence at Indiana law schools through dedicated office hours, presentations, and permanent promotional displays. In addition, therapy dogs provided stress relief to students at Maurer School of Law and Robert H. McKinney School of Law.

Training

JLAP provided more advanced and comprehensive training for its 325 volunteers, including interactive role-play to enhance peer support skills during a full day training and weekend retreat. Recruitment of new volunteers was targeted to meet specific demographic needs including geography, gender, ethnicity, and life experience.



12%
increase in
self-referrals



10%
increase in
law student calls



ATTORNEY SERVICES Disciplinary Commission

G. Michael Witte, Executive Director

The **Disciplinary Commission** is responsible for investigating attorney misconduct and prosecuting lawyer discipline proceedings. The Commission is primarily a reactive agency that responds to grievances filed by other individuals.

The Commission is not tax supported; it is funded primarily through the \$180 annual registration fee paid by Indiana lawyers in good standing.

courts.in.gov

Related Information

Discipline Matters Received and Disposed by the Court PAGES 12-15

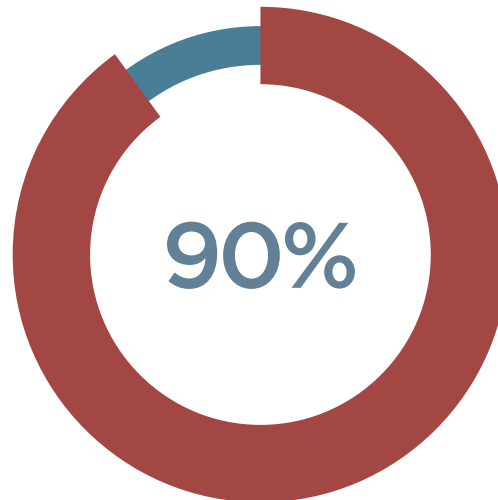


25 verified complaints

Misconduct charges filed by the Commission

Dismissed Summarily

Percentage of complaints dismissed as having no valid issue of misconduct



Commission Business

Fiscal year statistics

91 Commission Grievances

25 Verified Complaints

53 Counts of Misconduct

111 Final Orders of Discipline

81 Overdraft Notices

56 Overdraft Inquiries Closed

158 CLE/Fees Suspensions

Enhancing professionalism

Caution letters

During the fiscal year, 13 caution letters were issued for rule violations as a method of case disposition. Rule violations that were addressed more than once included:

- Minor criminal conduct
- Unauthorized practice of law
- Prejudicial pre-trial public statement
- Special responsibilities of a prosecutor
- Advertising violations
- Breach of client confidentiality



Advisory Opinion #1-18 - Lawyer participation in online legal referral services (April 9, 2018)

Offering ethical guidance

For the first time, the Commission undertook an advisory role to lawyers with the goal of preventing ethical mishaps and enhancing the overall professionalism of the Indiana Bar. In April 2018, the Commission issued its **first formal written advisory opinion** on lawyer participation in online legal referral services with a marketing fee.

In addition, the Commission began providing **informal individual guidance** to lawyers through the Indiana Courts Portal. Confidential informal guidance is directed to an individual lawyer and is based on a given set of facts.

Attorney Discipline Case Highlights

Cases reviewed by the Commission

1,411 Complaints submitted
(requests for investigation against attorneys)

1,267 Dismissed summarily
(no valid issue of misconduct)

144 Complaints
(investigations)

75 Dismissed after investigations

13 Caution/Warning letters sent

42 Sent back
(not a commission matter/
no attorney listed/illegible)

34 Dismissed pending
reinstatement
(attorney is already suspended)

2 Dismissed as moot
due to death

14 Referred out
(to JQC/other states)

2 Referred to local bar
for investigation

186 Investigations pending
(at the end of the fiscal year)



Indiana Commission on Judicial Qualifications & Indiana Judicial Nominating Commission

Adrienne L. Meiring, Counsel

The Indiana Commission on Judicial Qualifications/Judicial Nominating Commission are seven-member bodies chaired by the Chief Justice of Indiana.

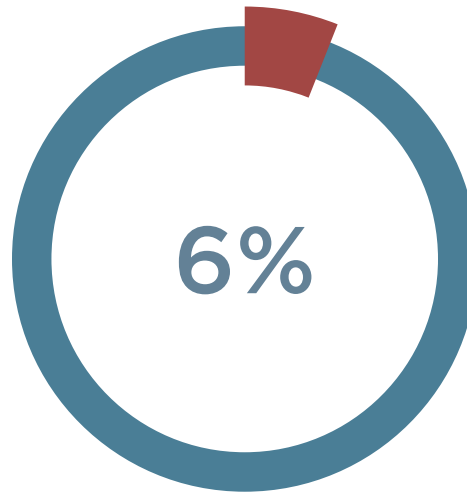
The **Judicial Qualifications Commission (JQC)** provides ethical advice to Indiana trial judges and investigates and prosecutes allegations of judicial ethical misconduct.

The **Judicial Nominating Commission (JNC)** recruits and interviews applicants for appellate court vacancies, selects the Chief Justice, and certifies senior judges.

courts.in.gov

Investigations v. Grievances

Grievances resulting in a formal investigation



Senior Judges

102 certifications/recertifications

11 Certified

91 Recertified

Judicial Discipline Action

Breakdown of 25 cases

11 Pending investigations or charges filed

1 Suspension after public hearing

1 Public Commission Admonition

2 Advisory Letters (not classified as formal discipline)

3 Private Cautions

3 Deferred Resolutions

2 Investigations closed (after judicial officer resigned)

2 Investigations closed (with no misconduct found)

Reviewing vacancies & judicial misconduct

Court of Appeals Vacancy

In January 2018, Court of Appeals Judge Michael Barnes announced his intent to retire. The JNC solicited applications and interviewed 12 applicants in April with six finalists invited back for a second interview in May. The Chief Justice, on behalf of JNC, submitted three nominees to the Governor for consideration on May 25: Hon. Steven Hostetler, Hon. Elizabeth Tavitas, and Mr. David Van Gilder. On July 19, Governor Eric Holcomb selected Tavitas to become the next judge on the Indiana Court of Appeals.



Chief Justice Loretta Rush leads the Judicial Nominating Commission during the second day of interviews for the Court of Appeals judicial vacancy.

Judicial Discipline

During the fiscal year, JQC received 424 complaints alleging judicial misconduct, of which 60 were waiting for review at the end of the fiscal year. In total, 339 were dismissed summarily as failing to raise valid issues of ethical misconduct or were dismissed following informal investigation by JQC staff and a determination that no misconduct occurred.

In the remaining 25 cases, the Commission required the judge to respond to the allegations or conducted formal inquiries or investigations. One judge was issued a public commission admonition after being involved in two separate gun incidents in his personal life which prompted law enforcement investigations. Another judge had a formal disciplinary hearing for banning the Clerk from the courthouse without sufficient due process, which resulted in a six-day suspension and costs assessed against the judge.

The Commission closed another investigation relating to a judge's inappropriate relationships in the workplace after the judge resigned and agreed to no future judicial service.



424
complaints
received



339
dismissed
summarily

Two matters were dismissed as not establishing ethical misconduct, and one was closed after the judicial officer resigned. In addition, JQC issued two advisory letters, three private cautions, and three deferred resolutions. At the end of the fiscal year, there were 11 pending investigations or charges filed.

Advising Judges and Judicial Candidates

The Commission issued one advisory opinion during the fiscal year. Advisory Opinion #2-17 addresses how taking judicial notice of prior court cases can impact the prohibition against *ex parte* communication under Code of Judicial Conduct Rule 2.9.

Definitions

A **certified question** is a request from a federal court to the Indiana Supreme Court asking for the Court’s opinion on a specific matter of Indiana law that the federal court is considering in a pending matter.

A **dispositive order** presents the decision of the Court in a case, but does not typically include a detailed explanation of legal reasoning as do opinions. Examples of dispositive orders include orders resolving attorney or judicial discipline cases and orders denying transfer of cases.

In a **mandate of funds** case, the Supreme Court reviews an order by a special judge that requires the county commissioners to fund court operations or other court-related functions. Mandate of funds cases typically arise when a county executive branch does not provide adequate funding to its local judicial branch.

A **majority opinion** in a case is authored by one justice and approved by two or more additional justices who agree with the decision and the legal reasoning for it. A majority opinion may also be *per curiam*, meaning “by the court” and not attributed to a specific author.

A **non-majority opinion** is attached to a majority opinion or dispositive order and may be concurring or dissenting. In a *concurring opinion*, the justice agrees with the majority opinion but adds additional analysis of the issues. In an *opinion concurring in the result*, the justice agrees with the ultimate result, but disagrees with the majority’s reasoning. In a *dissenting opinion*, the justice disagrees with the majority opinion and offers different legal reasoning in support of a different result.

An **original action** is a request by a party asking the Supreme Court to order a lower state court to perform an act required by law or to stop acting in a way the law does not allow.

A **petition for rehearing** is a request by a party asking the Supreme Court to reconsider a case it has already decided. If the Court denies the petition, the decision stands. If the Court grants the petition, then it issues a new opinion affirming or altering its decision.

A **petition to transfer** is a request by a party asking the Supreme Court to assume jurisdiction over a case already decided by the Court of Appeals.

A **verified complaint** in an attorney discipline case is the charging document in which the Disciplinary Commission alleges misconduct by the attorney being charged and asks the Supreme Court to impose appropriate discipline for the misconduct.



Indiana Supreme Court
courts.in.gov