



INDIANA SUPREME COURT
Annual Report 2012-2013



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Published by the

Indiana Supreme Court

Office of Communication, Education and Outreach

30 S. Meridian, Suite 500 • Indianapolis, Indiana 46204 • 317-234-4722

courts.IN.gov

On the cover: The bench in Indiana's historic Supreme Court courtroom.

Photographs in this year's report were taken by: Jim Barnett, Lindsey Borschel, Chris Bucher, Janean Deplanty, Kathryn Dolan, John Gentry, Sarah Kidwell, Greta Scodro, Jessica Strange, Renita Wright, and other friends of the Court.

Greetings

This Annual Report provides information about the work of the Indiana Supreme Court and its affiliated agencies during Fiscal Year 2013 (July 1, 2012 to June 30, 2013). The following pages include statistical data, an overview of significant events, information about important programs, and an appendix with definitions for legal terms that may not be familiar to our readers. Among the highlights in this report:

- Justice Frank Sullivan, Jr., left the bench after nearly 20 years of service
- 330 bar exam test takers used their personal laptops for essay questions
- Odyssey case management system—now under Justice Mark Massa’s direction—expanded to serve 46 counties
- With an approximate 70% approval rating, both Justice Steven David and Justice Robert Rucker were retained for 10 years
- Justice Loretta Rush joined the court as its 108th justice
- Several websites were updated, including the Roll of Attorneys and a new online search for appellate cases

It is only through the hard work and dedication of the employees of the Judicial Branch that all of this great work was accomplished. I applaud their effort and ask for all to strive to make additional improvements over the next fiscal year.



Brent E. Dickson
Chief Justice



Year *in* Review

Fiscal Year: July 1, 2012 to June 30, 2013

July 17-18 Press and public are invited to attend the [INTERVIEWS](#) of all 22 attorneys and judges who applied for a vacancy on the Indiana Supreme Court created by the departure of Justice Frank Sullivan, Jr.

July 17 Judicial Center hosts Trial Court Employee Conference with over 300 court staff members from 80 Indiana counties.

July 20 Television, radio, print, and Internet media attend [LAW SCHOOL FOR JOURNALISTS](#) to learn about court operations.



Nearly 30 journalists attend the Court-sponsored program at Indiana University McKinney School of Law.

July 24-25 For the first time, all bar exam applicants are allowed to use their own laptops for essay questions. 330 of 572 test takers trade in their pens for PCs.

July 31 After 19 years on the bench Justice Sullivan steps down and begins a new career as Professor Sullivan at the Indiana University McKinney School of Law.

August 6 More than 350 judges, lawyers, and community members attend a public [CEREMONY](#) in the State House Atrium as Brent Dickson is sworn in as Chief Justice by Governor Mitch Daniels.

September 4 Elkhart County goes online with the Odyssey case management system. 4 more counties join during the fiscal year, bringing the total number of counties on the state system to 46.



Trial court Judge John Surbeck (Allen County) receives a 24-year certificate from Chief Justice Dickson. Two months later, U.S. Supreme Court Chief Justice John Roberts would present Judge Surbeck with the [REHNQUIST AWARD](#) in Washington, DC.

September 12-14 The Supreme Court honors 8 judicial officers for 24 years of service. Dozens of others are recognized for completing continuing education programs such as Judicial College certificate (18), Master's Certificate (1), and Graduate Program (30).

Year *in* Review



Justice David speaks with students at New Tech Academy in Fort Wayne on Constitution Day.

September 17 Schools across the state celebrate [CONSTITUTION DAY](#) with visits from Chief Justice Brent Dickson, Justice Steven David, and Justice Mark Massa.

September 20 Members of all Supreme Court commissions—Disciplinary Commission, Commission for Continuing Legal Education, Judges and Lawyers Assistance Program, Judicial Qualifications Commission, and Board of Law Examiners—gather for a one-day training event.

October 26 Chief Justice Dickson speaks to the Indiana State Bar House of Delegates and asks lawyers for ideas on how to increase *pro bono* hours.

October 29 The 2011 [JUDICIAL SERVICE REPORT](#) is published, revealing details about the state’s 1.6 million new cases. Chief Justice Dickson meets the press to answer questions about the caseload statistics.

November 7 Justice Steven David and Justice Robert Rucker each receive more than 1 million “yes” votes in the General Election and are retained for 10-year terms. Each Justice garners about 70% of the vote.

November 16 Justice Rucker swears in 20 [NEW COURT INTERPRETERS](#) with certifications in Spanish (17), Mandarin (2), and Polish (1).



Justice Rucker administers an oath in which newly certified interpreters pledge to uphold the Indiana and U.S. Constitutions and fairly interpret witness testimony.

December 11 The Judicial Branch takes part in Statehood Day celebrations at the State House with students visiting the historic Supreme Court courtroom.

December 28 Justice Loretta Rush is publicly [SWORN IN](#) as the state’s 108th Justice by Governor Daniels. The official oath of office was administered in private by Chief Justice Dickson on November 7 so Rush could begin work on the high court.



Justice Rush takes the oath of office, administered by Governor Daniels, with her husband Jim by her side. Their four children were also present at the ceremony.

January 1 Orders amending Indiana’s various Rules of Court become effective.

Year *in* Review

January 23 Chief Justice Dickson presents his first [STATE OF THE JUDICIARY](#). He notes the 60% turnover on the high Court saying, “Despite the change of faces, we intend the ‘new court’ will be a continuance, and even an enhancement, of all the things admired in the ‘old’ one.”



Chief Justice Dickson’s State of the Judiciary is attended by Governor Mike Pence (left), Lt. Governor Sue Ellspermann (right), and both houses of the Indiana General Assembly.

February 1 The Roll of Attorneys [WEBSITE](#) is updated with new features, including access to attorney discipline case history.

March 1 New Parenting Time Guidelines become effective, with the first major adjustments since 2001. They include language to account for email, Internet, and Skype communication between parent and child.



Teachers from around the state learn about the Judicial Branch in a special civic education workshop.

April 12 80 teachers attend a Supreme Court workshop designed to showcase resources available for improving civic education. All Supreme Court members meet with the educators.

April 22 All five members of the Court begin a trip around the state to meet with trial court judges in all 26 districts. The meetings are valuable, allowing the Justices to learn firsthand about the challenges and opportunities facing local judges.

April 23 The Court hears [ORAL ARGUMENT](#) at Indiana University East in Richmond in the case of *Brian Yost v. Wabash College, et al.*

May 9 The Court hears [ORAL ARGUMENT](#) at Merrillville High School in the case of *Phillip T. Billingsley v. State of Indiana*, with 550 students from 11 schools in attendance.

May 11 Governor Mike Pence signs the Judicial Technology Oversight Committee bill.



The Judicial Technology Oversight Committee bill is signed into law by Governor Pence with the bill’s author, Rep. Greg Steuerwald, seated next to him. Chief Justice Dickson, Justice Massa, and Justice Rush are among the elected officials, state executives and state court administration leaders in attendance.

June 19 Appellate Clerk’s Office launches a new [ONLINE CASE SEARCH](#) and asks users to provide feedback about the site.



Justices

Chief Justice Brent E. Dickson



Born

1941

Hometown

Hobart, Indiana

Appointed

1986 by Governor Robert D. Orr; Chief Justice, 2012

Education

Purdue University; Indiana University McKinney School of Law, Indianapolis

Activities

Member: American, Indiana, Indianapolis Bar Associations; American Judicature Society; American Law Institute. Life Fellow of Indiana Bar Foundation. Co-founder of Sagamore Inn of Court in Indianapolis.

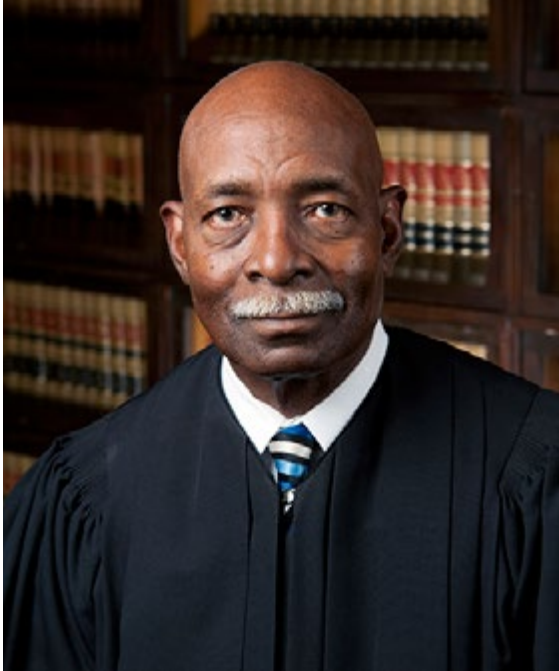
Chair: Indiana Judicial Nominating/Qualifications Commission.

Taught Indiana Constitutional Law at Indiana University Law Schools in Bloomington and Indianapolis. Seventeen years in general and trial practice in Lafayette, Indiana.

[More About Chief Justice Dickson](#)

[Chief Justice Dickson's Opinions](#)

Justice Robert D. Rucker



[More About Justice Rucker](#)

[Justice Rucker's Opinions](#)

Born

1947

Hometown

Gary, Indiana

Appointed

1999 by Governor Frank O'Bannon

Education

Indiana University; Valparaiso University School of Law; University of Virginia School of Law

Activities

Member: American, Indiana, James C. Kimbrough, Marion County Bar Associations; American Judicature Society. Fellow of Indianapolis Bar Foundation.

Former: Chair of Judicial Council of the National Bar Association, Vice-chair of Indiana Commission for Continuing Legal Education, member of Board of Directors of the Indiana Trial Lawyers Association, member of Board of Directors of the Northwest Indiana Legal Services Organization.

Adjunct professor at Indiana University McKinney School of Law.

Justice Steven H. David



[More About Justice David](#)

[Justice David's Opinions](#)

Born

1957

Hometown

Columbus, Indiana

Appointed

2010 by Governor Mitchell E. Daniels, Jr.

Education

Murray State University; Indiana University McKinney School of Law; U.S. Army Command and General Staff College, Military Judges School

Activities

Member: Boone, Indianapolis, Indiana, American Bar Associations; American Judicature Society; American Law Institute; Indiana and American Bar Foundations; Indiana and National Council of Juvenile and Family Court Judges; Lebanon Kiwanis; Zionsville American Legion.

Board of Directors of Community Foundation of Boone County. Adjunct Professor: McKinney School of Law, Notre Dame Law School, University of Indianapolis.

Trial court judge for 16 years, six years in corporate practice, two years in private practice, 28 years of military law practice. Enjoys golf, triathlons, marathons and Tough Mudders. Has hiked the Grand Canyon three times.

Justice Mark S. Massa



[More About Justice Massa](#)

[Justice Massa's Opinions](#)

Born

1961

Hometown

Milwaukee, Wisconsin

Appointed

2012 by Governor Mitchell E. Daniels, Jr.

Education

Indiana University; Indiana University McKinney School of Law

Activities

Member: American, Indiana, Indianapolis Bar Associations; Sagamore Inn of Court.

Chairman: Judicial Technology and Automation Committee (JTAC), Judicial Technology Oversight Committee (JTOC), Judicial Data Processing Oversight Committee, Judicial Nominating Commission for Superior Court of St. Joseph County.

Former: Executive Director of the Indiana Criminal Justice Institute, General Counsel to Governor Mitch Daniels, Assistant United States Attorney, Chief Counsel to the Marion County Prosecutor, law clerk to Chief Justice Randall T. Shepard.

Plays in weekly ice hockey league, has coached CYO sports, plays the piano and sings in a choir.

Justice Loretta H. Rush



[More About Justice Rush](#)

[Justice Rush's Opinions](#)

Born
1958

Hometown
Lafayette, Indiana

Appointed
2012 by Governor Mitchell E. Daniels, Jr.

Education
Purdue University; Indiana University Maurer School of Law

Activities
Member: Tippecanoe, Indianapolis, Indiana, American Bar Associations; Indianapolis Inn of Court; Indiana and National Council of Juvenile and Family Court Judges.

Chair: Commission on Improving the Status of Children; Indiana Conference for Legal Education Opportunity (ICLEO). Liaison to Judicial Conference Juvenile Justice Improvement Committee, Judicial Conference Problem Solving Courts Committee, State Board of Law Examiners.

Past President of the Indiana Council of Juvenile and Family Court Judges.

Fourteen years as Tippecanoe County trial court judge and 15 years in general practice in Lafayette, Indiana.



Justice Frank Sullivan, Jr., (right) in conversation with Governor Mitch Daniels (left) after receiving the Sagamore of the Wabash Award.

Justice Frank Sullivan, Jr.

On April 2, 2012, the Indiana University McKinney School of Law announced [JUSTICE FRANK SULLIVAN, JR.](#), would leave the high court and become a professor. Justice Sullivan was appointed as the 102nd justice of the Indiana Supreme Court on November 1, 1993, by Governor Evan Bayh and served for nineteen years.

During his tenure on the Court, Justice Sullivan authored 510 majority opinions. He was Chairman of the Judicial Technology and Automation Committee—which is bringing efficiencies to a growing number of Indiana trial courts. During his time as Chair, information in nearly half of all newly filed cases

became available online. He was a frequent participant in bench, bar, and legal education activities and was a leader of the American Bar Association’s Judicial Clerkship Program that encourages minority law students to seek judicial clerkships.

He is a graduate of Dartmouth College (A.B. *cum laude* in 1972), Indiana University Maurer School of Law (J.D. *magna cum laude* in 1982), and the University of Virginia School of Law (LL.M. in 2001).

Sullivan was presented with the Sagamore of the Wabash Award, a symbol of distinguished service to the State of Indiana, by Governor Mitch Daniels on July 30, 2012.

Retirements

There are approximately 180 staff members at the Supreme Court and its agencies. The following individuals retired during the fiscal year after many years of service:

Dawn Brown – 31 years

Division of State Court Administration

Pamela Wood – 28 years

Indiana Commission for Continuing Legal Education

Justice Frank Sullivan, Jr. – 19 years

Indiana Supreme Court

Michele Straub – 19 years

Justice Sullivan’s Chambers

Robert Shook – 19 years

Indiana Supreme Court Disciplinary Commission

Carol Kirk – 15 years

Indiana Supreme Court Disciplinary Commission

Janice Hood – 9 years

Division of Supreme Court Administration



Cases

Details about the number and types of cases heard by the high court during the fiscal year.

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 1,012 cases.

The following pages contain detailed statistics on those cases including case types and whether the Court granted transfer.

While reviewing the cases, the Court issued over 2,000 orders and opinions. Statistics on the opinions begin on page 19.

[Search Appellate Cases Online](#)

Case Highlights

A variety of statistics about the many cases heard by the Supreme Court during the fiscal year.

1,012 Total cases received

1,005 Total cases disposed

INCLUDING:

137 Attorney discipline cases

13 Petitions for rehearing

4 Capital cases on direct appeal

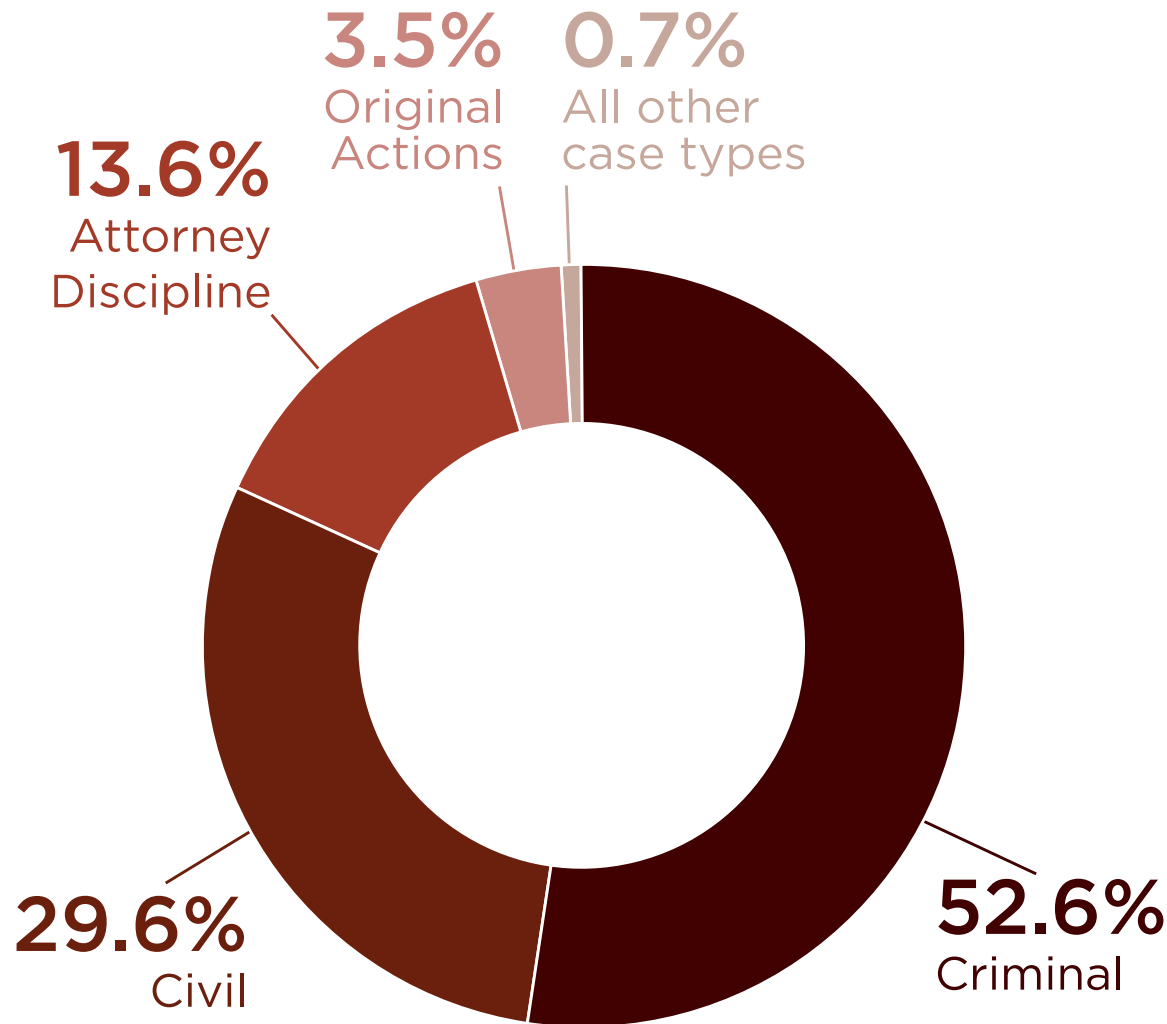
2 Certified questions

72 Oral arguments heard

78 Majority opinions handed down

Cases Disposed by Type

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



Criminal	529	52.6%
Civil	297	29.6%
Tax	2	0.2%
Original Actions	35	3.5%
Board of Law Examiners	0	0.0%
Mandate of Funds	1	0.1%
Attorney Discipline	137	13.6%
Judicial Discipline	3	0.3%
Unauthorized Practice of Law	1	0.1%
Total	1,005	100%

See next page for a more detailed view of dispositions.

Cases Disposed in Detail

Criminal Cases

Opinions on direct appeals	4
Opinions on petitions to transfer	30
Opinions on rehearing	1
Orders on rehearing	6
Petitions to transfer denied, dismissed, or appeal remanded by order	486
Petitions to transfer granted and remanded by order	2
Other opinions and dispositions	0
Total	529

Civil Cases

Opinions and orders on certified questions	2
Opinions on direct appeals	2
Opinions on petitions to transfer	35
Opinions on rehearing	0
Orders on rehearing	6
Petitions to transfer denied, dismissed or appeal remanded by order	252
Other opinions and dispositions	0
Total	297

Tax Cases

Opinions on Tax Court petitions for review	1
Dispositive orders on Tax Court petitions for review	1
Total	2

Original Actions

Opinions issued	1
Disposed of without opinion	34
Total	35

State Board of Law Examiners

Petitions for review	0
Total	0

Mandate of Funds

Opinions and published orders	1
Total	1

Attorney Discipline Matters

Opinions and published orders	71
Other dispositions	66
Total	137

Judicial Discipline Matters

Opinions and published orders	3
Other dispositions	0
Total	3

Unauthorized Practice of Law

Opinions and published orders	1
Other dispositions	0
Total	1

Total Dispositions 1,005

Case Inventory

An accounting of the number of cases pending at the beginning and end of the year with a detailed breakdown of case types.

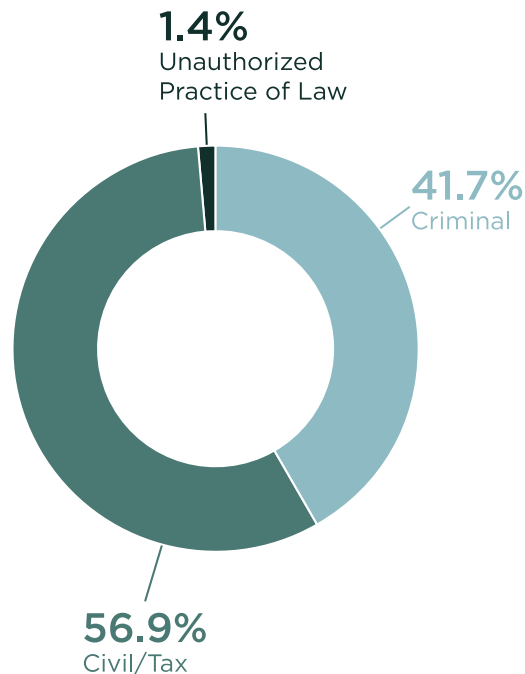
	Cases Pending on JUL 1, 2012	Cases Transmitted JUL 1, 2012 - JUN 30, 2013	Cases Disposed JUL 1, 2012 - JUN 30, 2013	Cases Pending JUN 30, 2013
Criminal	95	537	529	103
Civil	102	302	297	107
Tax	2	-	2	-
Original Actions	2	34	35	1
Board of Law Examiners	-	-	-	-
Mandate of Funds	-	1	1	-
Attorney Discipline	76	135	137	74
Judicial Discipline	-	3	3	-
Unauthorized Practice of Law	1	-	1	-
Total	278	1,012	1,005	285

Oral Arguments and Other Webcast Events

Oral Arguments Heard

The Supreme Court heard 72 oral arguments and webcast all but one of which were broadcast live on the web. Two arguments were held away from the Courtroom: one at Indiana University–East and the other at Merrillville High School. Following are details of the types of cases presented at oral arguments before the Court during the fiscal year.

Criminal - Before decision on transfer	9
Criminal - After transfer granted	18
Criminal - Direct appeals	3
Civil/Tax - Before decision on transfer/review	5
Civil/Tax - After transfer/review granted	34
Civil - Direct appeals	2
Unauthorized Practice of Law	1
Total	72



Webcast Statistics

Highlights of events webcast from the Supreme Court courtroom during the fiscal year.

- 70** Supreme Court arguments
- 7** Court of Appeals arguments
- 4** Continuing legal education programs
- 2** Robing ceremonies
- 7** Student programs

[Watch Oral Argument Videos](#)

[View Other Supreme Court Videos](#)



Opinions

Information about opinions handed down by the Indiana Supreme Court during fiscal year 2012-2013.

The Indiana Supreme Court disposed of 1,005 cases in fiscal year 2012-2013 and handed down a written opinion in 78 of those cases. Another 81 cases ended with a published dispositive order instead of an opinion.

Justices also wrote 24 non-majority opinions—either agreeing or disagreeing with the majority.

Opinions by Type

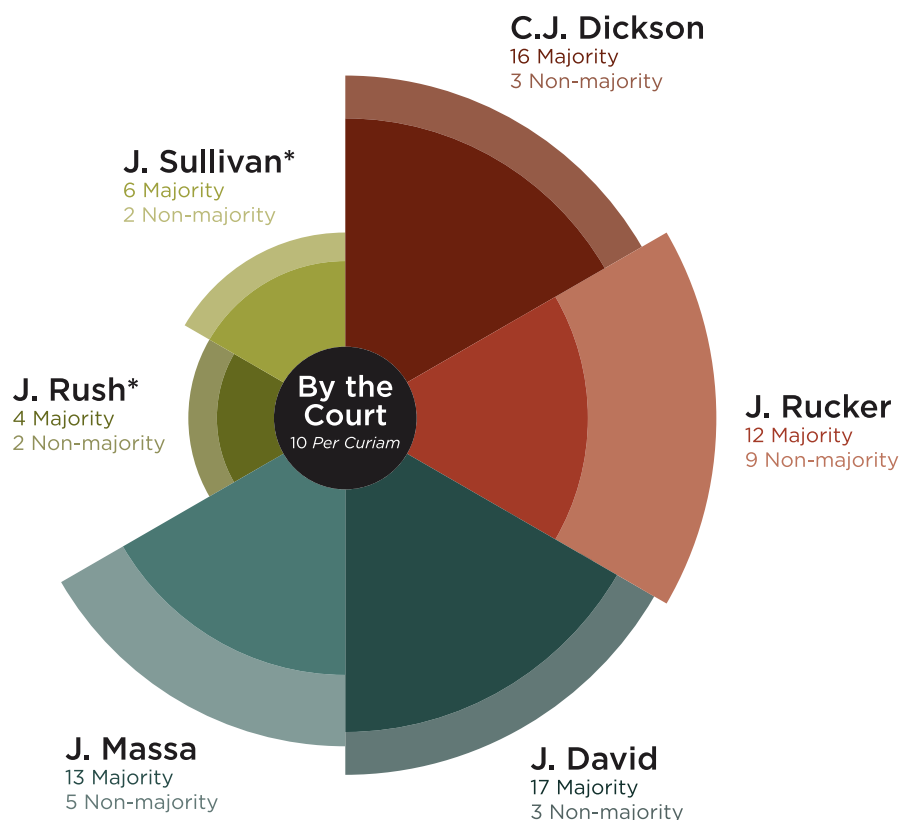
Written decisions include majority opinions and orders that dispose of a case.

78 Majority Opinions

24 Non-majority Opinions

Opinions by Author

Each justice authored a number of majority and non-majority opinions during the fiscal year. The following pages include a catalog of all majority and non-majority opinions by author.



* Served only part of the fiscal year.

Majority Opinions by Author and Case Type

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

	Dickson, C.J.	Rucker, J.	David, J.	Massa, J.	Rush, J.	Sullivan, J.	Entire Court	Total
Direct Appeal Criminal	2	-	2	-	-	-	-	4
Direct Appeal Civil	-	-	-	1	1	-	-	2
Transfer Criminal	4	5	4	7	1	3	6	30
Transfer Civil	10	5	11	4	2	3	-	35
Tax Review	-	-	-	1	-	-	-	1
Original Action	-	-	-	-	-	-	1	1
Attorney Discipline	-	-	-	-	-	-	2	2
Rehearing	-	1	-	-	-	-	-	1
Mandate of Funds	-	1	-	-	-	-	-	1
Unauthorized Practice of Law	-	-	-	-	-	-	1	1
Total	16	12	17	13	4	6	10	78

No opinions were issued during the fiscal year in the following case types: Certified Questions, Board of Law Examiners matters, or Judicial Discipline.

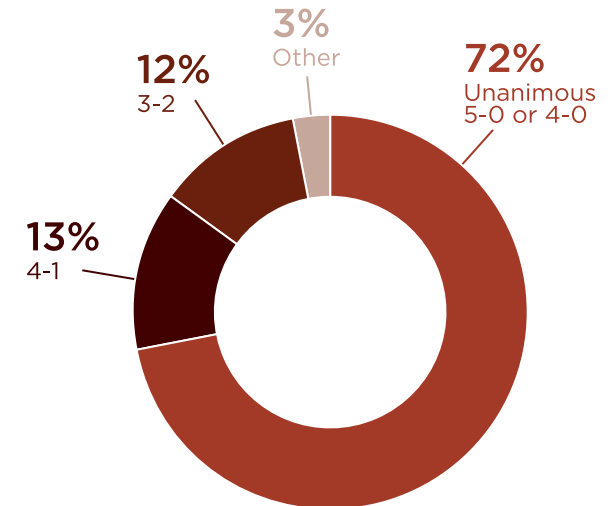
Non-Majority Opinions by Author and Type

Non-majority opinions are not dispositive.

	Dickson, C.J.	Rucker, J.	David, J.	Massa, J.	Rush, J.	Sullivan, J.	Total
Concurring	2	-	1	1	-	-	4
Dissenting	1	7	1	2	1	2	14
Concur in Part / Dissent in Part	-	2	1	2	1	-	6
Recusal	-	-	-	-	-	-	-
Total	3	9	3	5	2	2	24

Consensus of Opinions

The Court is mostly unanimous in its decisions. There are some split decisions and rare "other" cases where fewer than three justices were in complete agreement.



Excludes per curiam opinions.



Chief Justice Dickson presides over an oral argument.

Authored by
Hon. Brent Dickson

16 MAJORITY OPINIONS

*Robert L. Clark, Jr., et al. v.
Robert L. Clark, Sr., et al.*

01S02-1112-CT-690
July 23, 2012

*Engelica Castillo v. State of
Indiana*

45S00-1102-LW-110
July 31, 2012

*Presbytery of Ohio Valley, Inc, et
al. v. OPC, Inc., et al.*

82S02-1105-MF-314
July 31, 2012

*Margaret Kosarko v. William A.
Padula, et al.*

45S03-1206-CT-310
December 12, 2012

*Kathy Inman v. State Farm
Automobile Insurance Company*

41S01-1108-CT-515
December 12, 2012

*Andre Gonzalez v. State of
Indiana*

45S03-1206-CR-307
January 10, 2013

*Dennis Jack Horner v. Marcia
(Horner) Carter*

34S02-1210-DR-582
February 12, 2013

*Kimberly Heaton v. State of
Indiana*

48S02-1206-CR-350
March 5, 2013

*Michael & Katherine Dodd
v. American Family Mutual
Insurance Company*

12S02-1203-CT-170
March 5, 2013

*Dr. Teresa Meredith, et al. v.
Mike Pence, et al.*

49S00-1203-PL-172
March 26, 2013

*Daniel Ray Wilkes v. State of
Indiana*

10S00-1004-PD-185
April 4, 2013

*Brian Scott Hartman v. State of
Indiana*

68S05-1301-CR-395
May 31, 2013

*Tim Berry, et al. v. William
Crawford, et al.*

49S00-1201-PL-53 & 49S00-
1202-PL-76
June 18, 2013

*Sharon & Leslie Wright v.
Anthony Miller, D.P.M., et al.*

54S01-1207-CT-430
June 21, 2013

*Erving Sanders v. State of
Indiana*

49S02-1304-CR-242
June 25, 2013

*Valentin Escobedo v. State of
Indiana*

71S03-1306-CR-455
June 28, 2013

3 NON-MAJORITY OPINIONS

*Carlin Iltzsch v. State of
Indiana*

49S02-1301-CR-57
January 24, 2013

*Holiday Hospitality
Franchising, Inc. v. Amco
Insurance Company*

33S01-1206-CR-312
March 6, 2013

Loren Fry v. State of Indiana

09S00-1205-CR-361
June 25, 2013

Authored by

Hon. Robert Rucker

12 MAJORITY OPINIONS

State of Indiana v. Steven Hollin

69S05-1201-PC-6
July 12, 2012

An-Hung Yao and Yu-Ting Lin v. State of Indiana

32S02-1112-CR-704
September 13, 2012

John Kimbrough, III v. State of Indiana

45S04-1212-CR-687
December 19, 2012

Hugh David Reed v. Edward Reid, Reid Machinery, Inc., et al.

40S01-1107-PL-436
December 19, 2012

Abby Allen and Walter Moore v. Clarian Health Partners, Inc.

49S02-1203-CT-140
December 19, 2012

Timothy W. Plank, et al. v. Community Hospitals of Indiana, Inc., et al.

49S04-1203-CT-135
January 15, 2013

Anthony H. Dye v. State of Indiana (Rehearing)

20S04-1201-CR-5
March 21, 2013

Todd J. Crider v. State of Indiana

91S05-1206-CR-306
March 21, 2013

Utility Center, Inc., et al. v. City of Fort Wayne, Indiana

90S04-1208-PL-450
April 11, 2013

In re: Matter of Involuntary Term. of Parent-Child Relationship of K.T.K., T.K. and K.R.K

15A01-1201-JT-14
June 5, 2013

Brad D. Passwater v. State of Indiana

48S05-1210-PC-583
June 28, 2013

In Re: Center Township of Marion County Small Claims Court

49S00-1207-MF-420
June 28, 2013

9 NON-MAJORITY OPINIONS

Michael J. Lock v. State of Indiana

35S04-1110-CR-622
July 26, 2012

Indiana Department of State Revenue v. Miller Brewing Company

49S10-1203-TA-136
July 26, 2012

Andrew Conley v. State of Indiana

58S00-1011-CR-634
July 31, 2012

James C. Purcell v. Old National Bank

49S02-1201-CT-4
July 31, 2012

Quanardel Wells v. State of Indiana

49S05-1202-CR-68
February 21, 2013

Holiday Hospitality Franchising, Inc. v. Amco Insurance Company

33S01-1206-CR-312
March 6, 2013

Tim Berry, et al. v. William Crawford, et al.

49S00-1201-PL-53 & 49S00-1202-PL-76
June 18, 2013

Barbara Johnson, et al. v. Joseph Wysocki, et al.

45S04-1211-CT-634
June 25, 2013

Loren Fry v. State of Indiana

09S00-1205-CR-361
June 25, 2013

Authored by
Hon. Steven David

17 MAJORITY OPINIONS

Kenneth Dwayne Vaughn v. State of Indiana

45S05-1112-CR-684
July 25, 2012

Andrew Conley v. State of Indiana

58S00-1011-CR-634
July 31, 2012

Shepherd Properties Co. v. International Union of Painters

49S04-1112-PL-697
July 31, 2012

James C. Purcell v. Old National Bank

49S02-1201-CT-4
July 31, 2012

J.M. v. Review Board

93S02-1203-EX-138
October 17, 2012

National Wine & Spirits, et al. v. Ernst & Young

49S02-1203-CT-137
October 23, 2012



Justices engage with counsel during oral arguments.

John Haegert v. University of Evansville

82S01-1204-PL-235
November 13, 2012

D.C. v. J.A.C.

32S04-1206-DR-349
November 13, 2012

Hassan Alsheik v. Alice Guerrero

45S04-1212-CT-675
December 12, 2012

Jacqueline Wisner v. Archie L. Laney

71S03-1201-CT-7
December 12, 2012

Ronald B. Hawkins v. State of Indiana

20S03-1208-CR-499
February 19, 2013

Holiday Hospitality Franchising, Inc. v. Amco Insurance Company

33S01-1206-CR-312
March 6, 2013

Curtis A. Bethea v. State of Indiana

18S05-1206-PC-304
March 12, 2013

Gerald P. Van Patten v. State of Indiana

02S03-1205-CR-251
May 2, 2013

Barbara Johnson, et al. v. Joseph Wysocki, et al.

45S04-1211-CT-634
June 25, 2013

Loren Fry v. State of Indiana

09S00-1205-CR-361
June 25, 2013

Michael D. Perkinson v. Kay Char Perkinson

36S05-1206-DR-371
June 25, 2013

3 NON-MAJORITY OPINIONS

Engelica Castillo v. State of Indiana

45S00-1102-LW-110
July 31, 2012

Anthony Wade v. Terex-Telelect, Inc.

29S05-1209-CT-557
March 18, 2013

Sharon & Leslie Wright v. Anthony Miller, D.P.M., et al.

54S01-1207-CT-430
June 21, 2013

Authored by
Hon. Mark Massa

13 MAJORITY OPINIONS

Michael J. Lock v. State of Indiana

35S04-1110-CR-622
July 26, 2012

Indiana Department of State Revenue v. Miller Brewing Company

49S10-1203-TA-136
July 26, 2012

Citimortgage, Inc. v. Shannon S. Barabas

48S04-1204-CC-213
October 4, 2012

Lisa J. Kane v. State of Indiana

30S04-1206-CR-372
October 30, 2012

Stephen E. Robertson, Indiana Commissioner of Insurance v. B.O., et al.

49S04-1111-CT-671
October 31, 2012



In addition to hearing cases, Justices oversee the administration of court programs and agencies and occasionally participate in outreach programs. Above, during a continuing education program for K-12 teachers, Justice Massa discusses civics and the judicial branch.

State of Indiana v. Elvis Holtsclaw

49S02-1205-CR-264
November 5, 2012

Elmer J. Bailey v. State of Indiana

49S02-1204-CR-234
November 5, 2012

Kathleen Peterink v. State of Indiana

57S03-1302-CR-136
February 20, 2013

Joey Jennings v. State of Indiana

53S01-1209-CR-526
February 20, 2013

Brandy Walczak, et al. v. Labor Works - Fort Wayne, LLC

02S04-1208-PL-497
March 13, 2013

In re: Prosecutor's Subpoenas Regarding S.H. and S.C.; S.H. v. State of Indiana

73S01-1209-CR-563
March 27, 2013

State of Indiana v. John Doe

49S00-1201-CT-14
May 14, 2013

City of Indianapolis v. Rachael Buschman

49S02-1210-CT-598
June 4, 2013

5 NON-MAJORITY OPINIONS

Engelica Castillo v. State of Indiana

45S00-1102-LW-110
July 31, 2012

Anthony H. Dye v. State of Indiana

20S04-1201-CR-5
July 31, 2012

Anthony H. Dye v. State of Indiana (Rehearing)

20S04-1201-CR-5
March 21, 2013

Gerald P. Van Patten v. State of Indiana

02S03-1205-CR-251
May 2, 2013

Loren Fry v. State of Indiana

09S00-1205-CR-361
June 25, 2013

Authored by
Hon. Loretta Rush

4 MAJORITY OPINIONS

Felix Sickels v. State of Indiana
20S03-1206-CR-308
February 22, 2013

K.W. v. State of Indiana
49S02-1301-V-20
February 22, 2013

*Matter of M.L.B. [Kelly
Roach (K.J.R.) v. Michael A.
Biggerstaff (M.A.B.)]*
41S01-1209-MI-556
March 7, 2013

*Girl Scouts of So. Illinois v.
Vincennes Ind. Girls, Inc.*
42S00-1210-PL-597
May 14, 2013

2 NON-MAJORITY OPINIONS

*Andrew J. Humphreys v. State
of Indiana*
79S04-1212-CR-670
March 28, 2013

*Tim Berry, et al. v. William
Crawford, et al.*
49S00-1201-PL-53 & 49S00-
1202-PL-76
June 18, 2013

Authored by
Hon. Frank Sullivan, Jr.

6 MAJORITY OPINIONS

*Robert L. Smith v. State of
Indiana*
49S02-1109-CR-529
July 26, 2012

*Douglas Cottingham v. State of
Indiana*
06S01-1112-CR-703
July 26, 2012

*Dalmas Anyango, et al. v. Rolls-
Royce Corp., et al.*
49S04-1207-CT-434
July 30, 2012

*Thomas R. Crowel v. Marshall
County Drainage Board*
50S03-1202-MI-71
July 30, 2012

Anthony Dye v. State of Indiana
20S04-1201-CR-5
July 31, 2012

Sean T. Ryan v. Dee Anna Ryan
71S03-1111-DR-644
July 31, 2012

2 NON-MAJORITY OPINIONS

*Matter of Thomas E.Q.
Williams*
30S00-1101-DI-37
July 27, 2012

*James Kindred, et al., v. Betty
Townsend, et al.*
60A04-1101-PL042
July 31, 2012



During oral argument in *Meredith v. Pence*, members of the media and other audience members watched the case unfold on a large monitor just outside the courtroom. In addition to the monitor, all arguments are webcast and press can take live audio and video.

By the Court

10 PER CURIAM OPINIONS

Roger L. Bushhorn v. State of Indiana

40S01-1206-CR-309
July 26, 2012

Matter of Thomas E.Q. Williams

30S00-1101-DI-37
July 27, 2012

Michael K. Kucholick v. State of Indiana

12S02-1211-CR-630
November 7, 2012

State of Indiana ex rel. Indiana Supreme Court Disciplinary Commission v. Derek A. Farmer

94S00-1103-MS-165
November 30, 2012

Carlin Iltzsch v. State of Indiana

49S02-1301-CR-57
January 24, 2013

State ex rel. Glenn Commons, et al. v. Hon. Pera, Chief Judge Lake Sup. Ct., et al.

45S00-1303-OR-209
May 17, 2013

Calvin Merida v. State of Indiana

69S01-1301-CR-24
May 17, 2013

Kirk B. Lynch v. State of Indiana

40S05-1301-CR-23
May 17, 2013

In the Matter of Arthur J. Usher, IV

49S00-1105-DI-298
May 17, 2013

Robert Bowen v. State of Indiana

08S02-1306-CR-423
June 14, 2013

Court Improvement Program

The Court Improvement Program (CIP) is funded through the U.S. Department of Health and Human Services. The purpose of the program is to improve the judicial system for children and families involved in child welfare cases.

Indiana received \$750,000 in federal CIP funds. The grant funds were earmarked for basic court improvements, data collection and analysis, and training.

CIP is jointly administered by the Indiana Judicial Center and the Division of State Court Administration, which distribute the grant funds across programs, such as:

- Children in Need of Services (CHINS) drug court programs
- CHINS mental health court programs
- Mediation and facilitation programs
- Training and educational programs
- Technology support for processing child welfare cases
- Statewide data collection on performance measures in child welfare cases
- Annual meeting of Juvenile Court Judicial Officers



Clockwise from top-left: The nine most recent Supreme Court justices at Justice Rush's robing ceremony; 12th grader Jibria Ali of Merrillville serves as an honorary bailiff for oral argument on the road; Students Skype with Justice Rush; Justice Rucker is honored at Indiana Black Expo.





Clockwise from top-left: Justice Massa in the atrium outside the courtroom; the Supreme Court conference room; a photo is taken after Justice Massa joins the bench and before Justice Sullivan departs; students tour the court with Justice David.



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

Hon. Barbara Brugnaux
Kathryn Burroughs
Prof. Michael J. Jenuwine
Gary K. Kemper
Gilbert King, Jr.
Jon B. Laramore
Jeffrey A. Lind
Cathleen Shrader
Charlotte F. Westerhaus-
Renfrow
Michael M. Yoder

Commission for Continuing Legal Education

Steven M. Badger
Hon. Nancy Eshcoff Boyer
Angela L. Freel
Shontrai D. Irving
Hon. K. Mark Loyd
Christina J. Miller
Dr. Howard Mzumara
Hon. John T. Sharpnack
Steven A. Spence
Catherine Springer
Hon. Charles K. Todd
John D. Ulmer

Disciplinary Commission

Fred Austerman
Nancy L. Cross
Corinne R. Finnerty
Maureen Grinsfelder
Trent A. McCain
Andrielle Metzel
Catherine Nestruck
R. Anthony Prather
William Anthony Walker

Judges and Lawyers Assistance Program

Joseph T. Baruffi
Cassandra A. Bentley
Hon. Elaine B. Brown
Michele S. Bryant
Hon. Donald L. Daniel
Edmond W. Foley
Hon. Stephen R. Heimann
Ellen F. Hurley
Daniel G. McNamara
Hon. David T. Ready
J. Mark Robinson
Hon. David A. Shaheed
Nicholas F. Stein, Sr.
Shelice R. Tolbert
Hon. Marianne L. Vorhees

Boards & Commissions

Judicial Conference Board of Directors

Hon. Robert R. Aylsworth
Hon. Sheila A. Carlisle
Hon. Vicki L. Carmichael
Hon. David J. Certo
Hon. David C. Chapleau
Hon. David H. Coleman
Hon. W. Timothy Crowley
Hon. Roger D. Davis
Hon. Brent E. Dickson
Hon. Darrin M. Dolehanty
Hon. Thomas J. Felts
Hon. Kurtis G. Fouts
Hon. Christopher M. Goff
Hon. Michael G. Gotsch
Hon. Maria D. Granger
Hon. Teresa D. Harper
Hon. James R. Heuer
Hon. Michael D. Keele
Hon. Dana J. Kenworthy
Hon. Matthew C. Kincaid
Hon. Jeryl F. Leach
Hon. Peggy Quint Lohorn
Hon. Rick Maughmer
Hon. James B. Morris
Hon. Sheila M. Moss
Hon. Lynn Murray
Hon. John R. Pera

Hon. Robert J. Pigman
Hon. John A. Rader
Hon. Margret G. Robb
Hon. Jose D. Salinas
Hon. Terry C. Shewmaker
Hon. Michael A. Shurn
Hon. William G. Sleva
Hon. Gary L. Smith
Hon. Terry K. Snow
Hon. Thomas P. Stefaniak
Hon. Mark D. Stoner
Hon. Wayne A. Sturtevant
Hon. Joseph D. Trout
Hon. Marianne L. Vorhees
Hon. Mary G. Willis
Hon. Bob A. Witham

Judicial Qualifications/Judicial Nominating Commission

Chief Justice Brent E. Dickson
Molly Kitchell
James O. McDonald
Jean Northenor
Tom Rose
Ryan Streeter
John D. Ulmer
Stephen L. Williams
William E. Winingham

Public Defender Commission

Hon. James R. Ahler
Hon. Diane Ross Boswell
Hon. Mary Ellen Diekhoff
David J. Hensel
Sen. Gregory G. Taylor
Larry Landis
Andrew S. Roesener
Mark W. Rutherford
Rep. Vernon G. Smith
Sen. Brent Steele
Rep. Greg Steuerwald

Commission on Improving the Status of Children

During 2012, staff provided input for proposed legislation to create a statewide children's commission. The legislation was passed by the General Assembly during the 2013 session and was signed into law by Governor Mike Pence. The multi-branch Commission is charged with improving the status of children in Indiana. Justice Loretta Rush was selected to serve as the first chairperson.

Supreme Court Members as Liaisons to Agencies

Much of the work of the Indiana Supreme Court is accomplished through the efforts of various agencies, boards, committees, commissions, and task forces. Individual justices provide leadership, coordination, oversight, and communications between the entities and the Court. Often the justice—according to rule or statute—is the chairperson of a commission.

In November 2012, Chief Justice Dickson signed an [ORDER](#) appointing members of the Court to work as designated liaisons to the following specific agencies and programs:

Chief Justice Brent Dickson

- Division of State Court Administration
- Division of Supreme Court Administration and Clerk of Courts
- Indiana Judicial Center
- Judicial Nomination/Qualifications Commission (*Chair*)

Justice Robert Rucker

- Commission for Continuing Legal Education
- Commission on Race and Gender Fairness
- Judges and Lawyers Assistance Program
- Task Force on Access by Persons with Limited English Proficiency (*Chair*)

Justice Steven David

- Indiana Supreme Court Disciplinary Commission
- Judicial Conference Education Committee
- Judicial Conference Strategic Planning Committee
- Juvenile Detention Alternatives Initiative
- Records Management Committee (*Chair*)

Justice Mark Massa

- Judicial Data Processing Oversight Committee (*Chair*)
- Judicial Technology and Automation Committee (*Chair*)

Justice Loretta Rush

- Commission on Improving the Status of Children (*Chair*)
- Judicial Conference Juvenile Justice Improvement Committee
- Judicial Conference Problem Solving Courts Committee
- State Board of Law Examiners



Agency Reports

- 34** Supreme Court Administration
- 36** State Court Administration
- 40** Indiana Judicial Center
- 44** Board of Law Examiners
- 46** Continuing Legal Education
- 48** Disciplinary Commission
- 52** Judicial Qualifications/Nomination
- 54** Judges & Lawyers Assistance Program
- 56** State Public Defender

The **Division of Supreme Court Administration** serves the Indiana Supreme Court by assisting justices with legal and administrative duties, working generally at the direction of the Chief Justice. The Division is comprised of the Office of Supreme Court Administration and the Office of the Clerk of the Supreme Court, Court of Appeals, and Tax Court.

Division of Supreme Court Administration

Kevin S. Smith, Administrator and Clerk

Legal Counsel

During the fiscal year, the Division's attorneys:

- Drafted 291 legal memoranda on a variety of topics
- Oversaw 1,012 case-related matters and dozens of non-case-related administrative matters
- Assisted in drafting and issuing 2,134 orders and opinions
- Reviewed and submitted 34 original actions challenging a trial court's jurisdiction

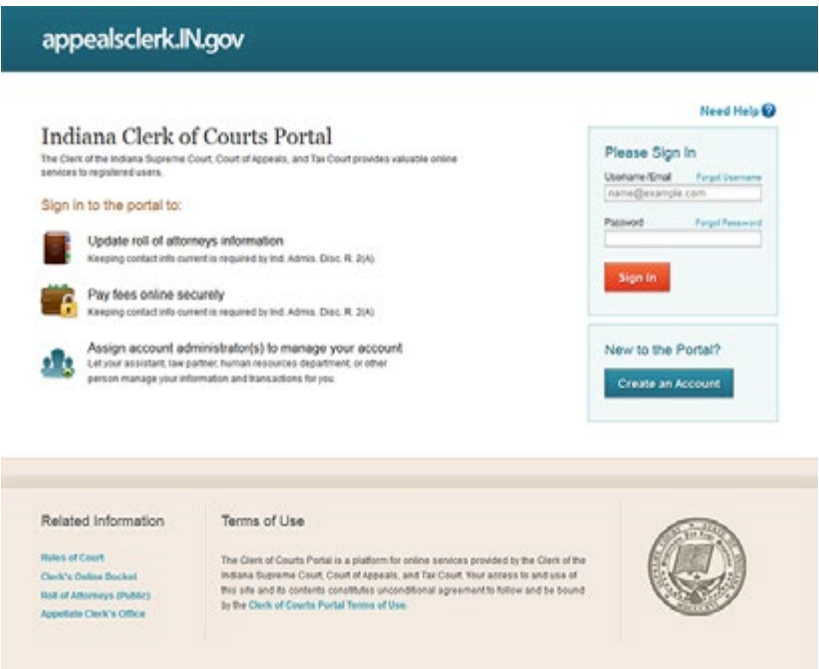
The Division is also responsible for drafting and responding to correspondence for the Court. During the fiscal year, 231 separate pieces of correspondence were processed.

Day-to-Day Needs

The Division assists the Chief Justice in preparing and overseeing the Court's operating budget. During the fiscal year, 440 expense and travel reimbursement requests and 1,085 invoices were processed.

The Division accumulates statistics, prepares regular reports on workload, maintains the justices' weekly conference agenda, and schedules oral arguments for the Court. Much of the physical handling of cases reviewed by the Court is managed by the Division.

When Justice Rush was appointed, the Administration Office assisted with robing ceremony details and logistical matters during her transition.



Clerk's Office

Each business day, the Clerk's Office processes scores of filings, responds to inquiries from attorneys and the public, and microfilms dozens of closed cases. The Office is also responsible for maintaining Indiana's Roll of Attorneys—the roster of all attorneys licensed to practice law in Indiana.

During the fiscal year, the Clerk's Office worked closely with the Court's appellate technology division to improve the Clerk of Courts Portal—a website that allows attorneys and judges to manage their Roll of Attorneys record, make fee payments, and other administrative functions.

Improving Online Services

During the fiscal year, the Court's appellate technology division collaborated with agencies to provide better services to the public via the courts.in.gov website.

- The [CLERK OF COURTS PORTAL](#) was redesigned to provide a better experience to attorneys paying their annual license fees online.
- A [JUDICIAL RETENTION](#) website was published with information about the six appellate judges up for retention in the 2012 General Election.
- Indiana's [ROLL OF ATTORNEYS](#)—a searchable database of all attorneys licensed to practice law in Indiana—was improved to include more complete attorney discipline information.
- The [ORAL ARGUMENTS](#) website, which offers live and archived videos of all Supreme Court oral arguments since 2001, was revamped to allow videos to function on various operating systems, tablets, and phones.
- A completely overhauled [APPELLATE DOCKET](#) was launched to allow for improved searching of appellate case information.

The **Division of State Court Administration** is responsible for assisting the Indiana Supreme Court in its role as the manager of Indiana's judicial system. The Division manages payroll for the state's judges and prosecutors, collects data on trial court caseload, provides updates on new court rules, and publishes the *Indiana Court Times* magazine. It also provides software and technology assistance to trial courts. Much of the Division's work and statistical information is maintained on a calendar rather than fiscal year.

Division of State Court Administration

Lilia G. Judson, Executive Director

Managing Caseload

There were 1.6 million newly filed cases in Indiana trial courts in 2012. The case data collected by the Division suggests Indiana needs more than 100 additional judicial officers to handle the state's caseload.

In 2012, 415 judicial officers were paid approximately \$55.3 million collectively. Senior judges—who are paid less than full-time judges—helped alleviate the pressure of increasing caseloads. In 2012 there were 103 certified senior judges who served on the bench a total of 4,066 days. These part-time judges represented the equivalent of 22 full-time judicial officers.

Courts and Community Funding

Each year the Division distributes grant money from federal and state sources to Indiana counties for special projects and the daily work of the judicial system.

- \$1.5 million during the fiscal year to 12 organizations that provided legal services to Indiana's poor, mostly for domestic relations cases
- \$421,385 in Court Reform Grants to 12 trial courts or agencies seeking funding for innovative ways to deliver court services

Counties that met salary and caseload requirements were eligible for fiscal year state reimbursement from the public defense fund for indigent defense costs.

- 53 counties received more than \$17 million to help pay for non-capital cases
- 5 counties received nearly \$400,000 to help pay for capital (death penalty) cases

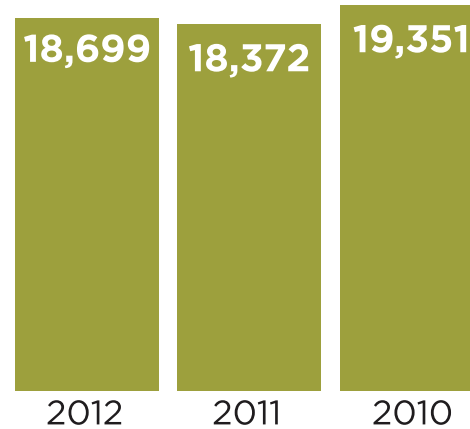
The project to help courts manage settlement conferences in mortgage foreclosure cases expanded to include 21 counties, which had 60% of statewide foreclosure filings.

- During fiscal year 2013, over 4,000 eligible borrowers requested a settlement conference.
- In 2012 the number of foreclosures was about 33,000—considerably less than the highest ever of 45,000 cases filed in 2008

Indiana became one of the first state court systems in the nation to receive a Department of Justice grant to educate judicial officers about domestic violence. Division and Judicial Center staff organized a series of regional trainings attended by more than 120 judicial officers during the fiscal year.

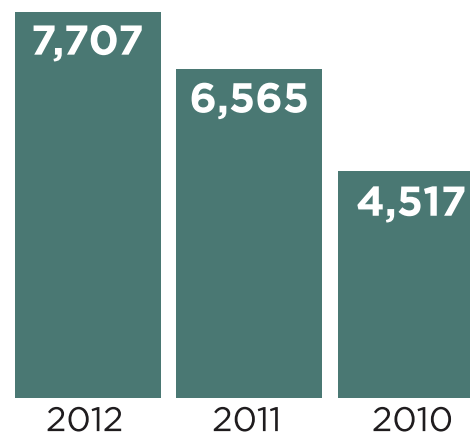
Children Served by GAL/CASA Volunteers

Three-year comparison.



Families Served by Indiana Family Courts

Three-year comparison.



Helping Children and Families

Guardians *Ad Litem* (GAL) and Court Appointed Special Advocates (CASA) speak on behalf of children in abuse, neglect, and termination of parental rights cases. In 2012, 73 Indiana counties had certified programs. 3,466 volunteers advocated for 18,699 children. Those volunteers donated an estimated 330,000 hours of their time.

The Family Court Project was initiated in 1999 as a joint effort of the legislature and the judiciary to better serve children and families with multiple cases in the court system. In 2012, five of the 27 counties receiving grant funding were new to the program.

Alternative Dispute Resolution (ADR) programs often work with the Family Court Project. Started in 2003, ADR programs were funded through a \$20 filing fee that remains in the county where it is collected. County ADR plans are approved by the Division. Plans for Grant and Vermillion counties were approved during the fiscal year for a total of 36 programs statewide.

Technology Improvements

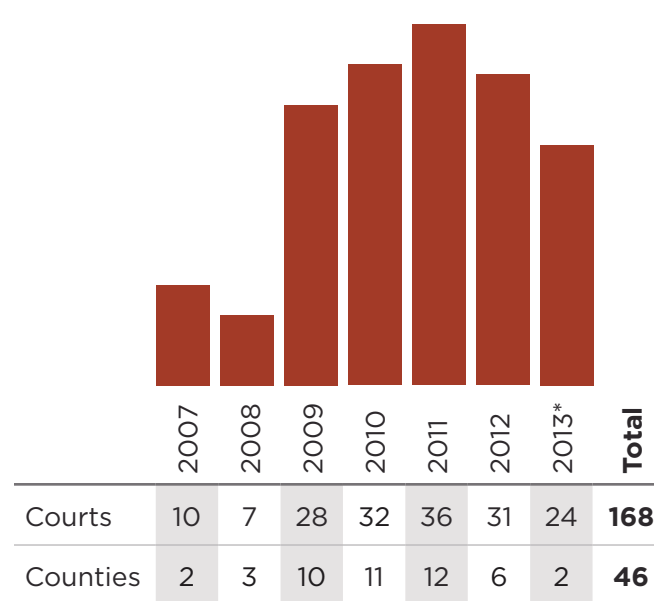
By the end of the fiscal year, 168 courts in 46 counties were using Odyssey—the state’s case management system—to handle court records. Odyssey docket information is available online at no charge. More than 12 million cases were in Odyssey by June 30, 2013.

To explore technological advances in court reporting, the Supreme Court approved a pilot project in three Indiana courtrooms. Courts in Allen, Marion, and Tippecanoe counties were approved to use audio and video equipment to record proceedings. The recordings will be used instead of paper transcripts if a case is appealed.

An advisory committee was formed to study and recommend rules to enable all courts to begin electronic filing (e-filing) of court cases. The committee determined that the pilot project launched under the current Administrative Rule 16 was too limited, so the committee began a comprehensive revision of the rules to submit to the Court.

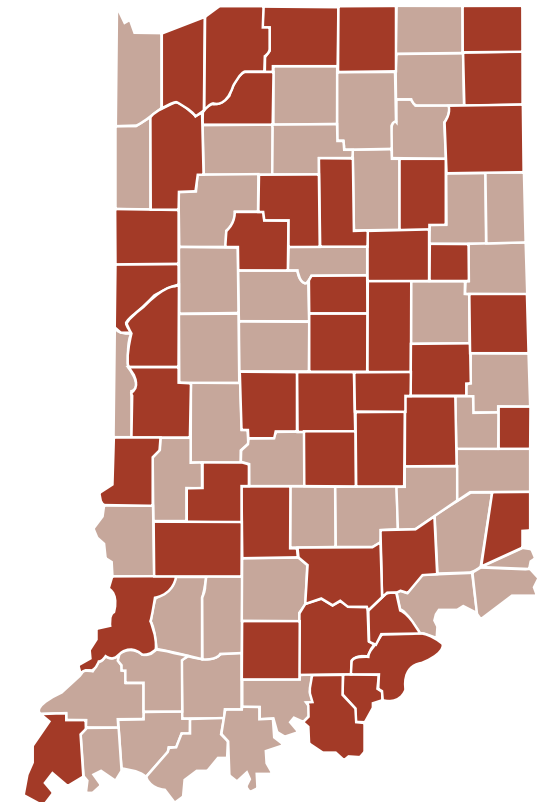
168 Courts in 46 Counties Using Odyssey

Odyssey is the record keeping system that connects courts, police and state agencies. Every year more courts adopt the system, and information in thousands of additional cases becomes available online. Details below show how many courts and counties adopted the system each year since it was launched in 2007.



* As of June 30, 2013

[Search Trial Court Cases Online](#)



46 counties have one or more courts using Odyssey

Programs to Serve a Diverse Audience

In an effort to overcome some of the language barriers that can occur in courts, in 2004 the Indiana Supreme Court began certifying court interpreters. Exam materials and standards come from the National Center for State Courts. At the end of the fiscal year, 97 interpreters were certified in the following five languages:

- Arabic
- French
- Mandarin
- Polish
- Spanish

Several states across the country initiated access to justice commissions in an effort to improve access to legal services. In 2011 Indiana began exploring the possibility of establishing its own commission. Following up on the groundwork laid at the 2012 Access to Justice Workshop, the Indiana task force submitted a recommendation to the Supreme Court to create an Access to Justice Commission in Indiana.

Indiana Conference on Legal Education Opportunity (ICLEO) helps minority and economically or educationally disadvantaged students succeed in law school. The 2012 class was made up of 28 students who completed an educational summer institute at the Indiana University Maurer School of Law. This fiscal year 12 former ICLEO students were sworn in to the Indiana Bar.



Working With the Press and Public

In fiscal year 2012-2013, the Supreme Court developed a single office to handle media and public outreach. The new Office of Communication, Education, and Outreach is housed at the Division.

During the fiscal year, the Office:

- Provided media relations assistance to dozens of trial court judges
- Distributed 42 press releases
- Answered 456 media inquiries
- Webcast 70 Supreme Court oral arguments
- Hosted more than 1,000 students at 9 courtroom educational events
- Managed courts.in.gov website with more than 9 million page views

Students participate in the Benjamin Harrison Day event using props and costumes to reenact a trial.

The **Indiana Judicial Center** supports the Indiana Judicial Conference, which has a Board of Directors made-up of judicial officers from across the state. The Center provides education and research for judicial officers, trains probation officers, oversees specialized courts, formulates policy on judicial administration, and administers the interstate transfer compact for probationers. The Center also serves as the staff agency for nearly two dozen Judicial Conference committees.

Indiana Judicial Center

Jane Seigel, Executive Director

Education for Judges

The Center provided 212 hours of training to judges, magistrates, and other judicial officers during the fiscal year to assist them in satisfying their continuing education requirements. Training included annual programming designed to keep more than 600 judicial officers up-to-date on new laws and resources available to manage their courts and caseloads.

Three orientation programs were held for 36 newly-elected judges and magistrates:

- A one-day orientation for judges before they took the bench
- A five-day session focused on general jurisdiction
- A three-day training specific to juvenile court matters

One specialized workshop held in August and November 2012 focused on the art of ruling on evidentiary issues. Judicial officers applied the Indiana Rules of Evidence to

scenarios dealing with opinion and expert testimony, character evidence, hearsay evidence, and the hearsay exceptions.

The Center maintains nearly 20 quick-reference guides for judges called benchbooks. In the past, the books were mailed in CD-ROM format to judges across the state. For the first time, distribution was modernized when the benchbooks became available online through a secure website.

The Center launched a new project during the fiscal year to explore producing educational webinars to allow education credit through online courses. A three-day faculty development workshop, “Presenting Effectively Online,” was held for 20 people who might serve as faculty for future online presentations. The webinars are expected to be available in 2014 through a partnership with the National Judicial College.



Indiana judges attend an education session at the 2012 Annual Judicial Conference and commonly serve as faculty for such programming themselves.

2012-2013 Judicial Education at a Glance

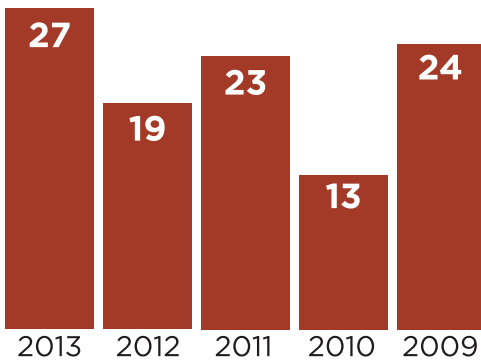
 **27 Days**
of education

 **212 Hours**
of instruction

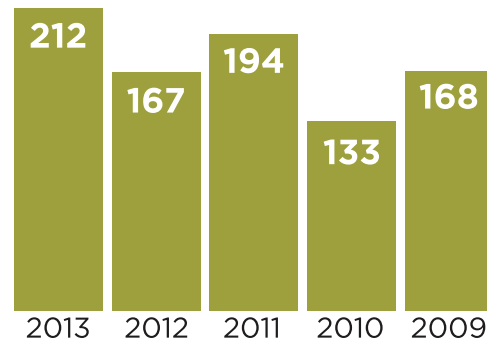
 **1,766 People**
in attendance

Judicial Education Five Year Comparison

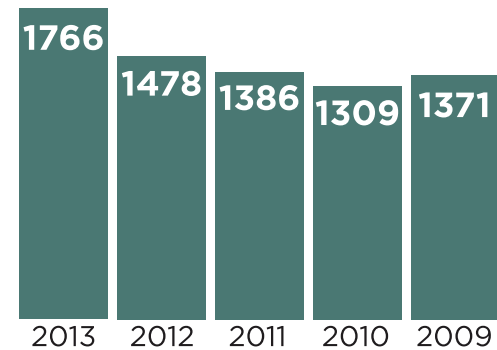
Days of Education



Hours of Education



People in Attendance



Education for Other Court Staff

In addition to providing education for judicial officers, the Center also educates probation officers and court staff. During the fiscal year, the Center provided:

104 Hours of Court Alcohol and Drug Program Training

39 Hours of Problem-Solving Court Training

45 Days of Instruction for Probation Officers

4 Online Orientations for Court Staff

Title IV-D Scholarships

Title IV-D is federal funding intended for use by states to pay for child support related services. In this fiscal year, scholarships totaling nearly \$36,000 were awarded under Title IV-D to 37 judicial officers for training.

Parenting Time Guidelines Updated

Judges recommended comprehensive changes to Indiana's Parenting Time Guidelines. The Supreme Court adopted those changes and the new guidelines became effective March 31, 2013. The guidelines now include language to account for the use of email and Internet communications—such as Skype—between a parent and child. The guidelines clarify that a parent may have time with a child three weekends in a row. The holiday schedule is also revised and a section on high-conflict parents was added.

A New Jury Video

The Center maintains an orientation video called “Indiana Jury Service: Duty, Privilege, Honor,” which trial courts can show to prospective jurors to help them understand their role in the process. During the fiscal year, an updated video was produced and made available online.

[Watch Jury Video on YouTube](#)

Community Supervision of Offenders

The Center provides support to courts and probation offices around the state to implement specialty courts and community supervision. These programs are designed to help criminal offenders transition back into the community successfully.

One facet of community supervision is risk assessment, a process that helps determine a plan for rehabilitation. The Center trains supervisors who conduct risk assessments. During the fiscal year, there were four new master trainers and nine new trainers certified in Indiana.

The Center also certifies and reviews the following courts and programs to ensure they follow best practices:

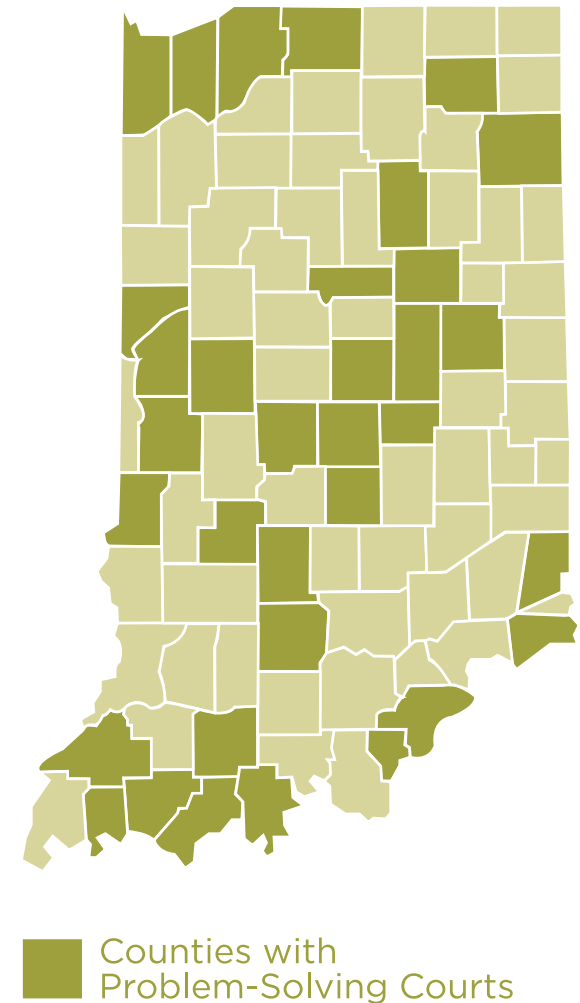
- Court-administered alcohol and drug programs
- Problem-solving courts

New certifications were issued to one alcohol and drug program and two problem-solving courts. By the end of the fiscal year, there were a total of 54 certified court alcohol and drug programs and another 54 certified problem-solving courts.

One type of problem-solving court is a veterans' court. Since 2011, the Center has certified five veterans' courts: Porter (2011), Vanderburgh (2011), Floyd (2012), Grant (2012), and Greenwood City Court (2013). On June 30, 2013, there were three additional courts in the planning stages of certification including Dearborn, Delaware, and St. Joseph counties.

The year also marked the mandatory collection of standardized data by the specialized programs and courts. Alcohol and drug programs are now able to note the education and income level of participants as well as gender and employment status. More than 16,000 participants successfully completed the program in calendar year 2012.

The Center received a grant from the Indiana Criminal Justice Institute for probation-related work during the fiscal year. The Center started a process to create incentive and sanction guidelines for probation departments—developed by judges, probation officers, public defenders, and prosecutors—as directed by the Indiana General Assembly.



State Board of Law Examiners

Bradley W. Skolnik, Executive Director

The **Indiana State Board of Law Examiners** is responsible for certifying that all individuals admitted to practice law in Indiana have fulfilled the requirements for admission as specified in the Admission and Discipline Rules.

Admission is achieved primarily through one of three methods—examination, provisional license admission, and business counsel license—all of which are supervised by the Board.

In addition to its admission duties, the Board certifies legal interns and approves the formation—for the purposes of practicing law—of professional corporations, limited liability companies, and limited liability partnerships.

The Bar Exam

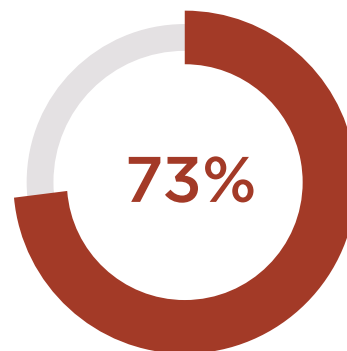
The Indiana bar exam is administered twice a year: once in February and once in July. During fiscal year 2012-2013, the Board administered the bar exam to a total of 866 applicants, of which 631 (73%) passed the exam.

The Board recently initiated a computer-based testing program that allows applicants to use their personal laptops to complete answers to the essay portion of the bar exam.

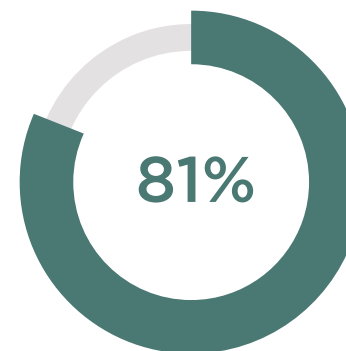
Applicants use a special software technology that enables them to securely take the exam by blocking access to files, programs, and the Internet during the exam. Participation by applicants in laptop testing continues to grow. At the February 2013 exam, more than two-thirds of all applicants participated in laptop testing.

Success Rate for Test Takers in Fiscal Year 2012-2013

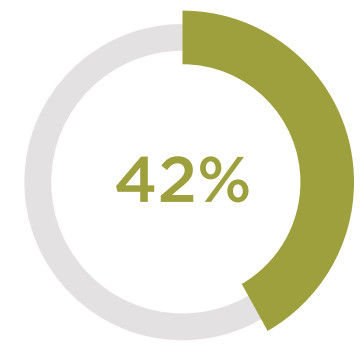
The percentage of test takers that passed the July 2012 and February 2013 bar exams



All Test Takers



First Time Test Takers



Repeat Test Takers



New Indiana attorneys take the oath at the [BAR ADMISSION CEREMONY](#) on May 5, 2013.

In December 2012, following more than a year of consideration and careful analysis, the Board announced it was considering changes to the topics addressed on the Indiana exam. The proposed changes to the essay portion include:

- Delete Commercial Law, Personal Property, and Taxation
- Add Debtor/Creditor Law, Employment Law, and several multistate bar exam subjects

The proposed changes were distributed to stakeholders across the state, including bar associations and accredited law schools. Official notice was posted on the Supreme Court website and in several editions of the Indiana State Bar Association's e-newsletter. Comments on the possible changes were accepted by the Board until May 31, 2013. The Board will submit their suggested exam changes to the Supreme Court for consideration.

Test Takers Ten Year Comparison

The number of law school graduates that take the exam each fiscal year has risen about 8% over the past decade.



Foreign License

Attorneys licensed in other states may be granted a provisional admission on foreign license to practice law in Indiana. The attorney must demonstrate that they meet the requirements for admission set out in Admission and Discipline Rule 6. Lawyers licensed in another state whose sole employer is a person or entity engaged in business in Indiana—other than the practice of law—may also be eligible for admission on a business counsel license. In the fiscal year, a total of 52 out-of-state attorneys were admitted to the Indiana bar on a provisional admission or business counsel license.

The **Commission for Continuing Legal Education** regulates the legal education requirements of Indiana's attorneys and judges. It also keeps a registry of mediators and regulates mediator education programs. The Commission also regulates the Independent Certifying Organizations that certify attorney specialists.

Commission for Continuing Legal Education

Julia L. Orzeske, Executive Director

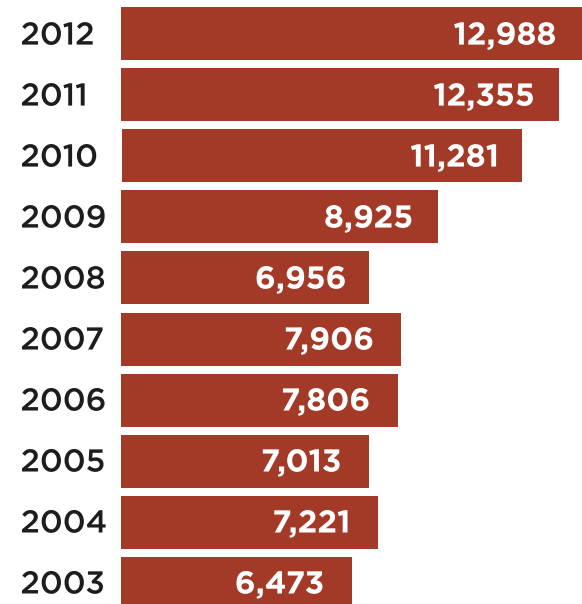
Accreditation of Courses and Hours

In fiscal year 2012-2013, the Commission reviewed nearly 13,000 requests to certify educational programming in Indiana and across the country. This is an increase of about 6,000 courses over the previous four years, due in part to escalating out-of-state requests.

Indiana attorneys are becoming increasingly interested in taking interactive distance education courses. The Commission approved 4,528 distance education courses and attorneys reported 11,595 distance education credits. This is a 16-fold increase over fiscal year 2005-2006 when the first distance education credits were available.

Courses Accredited Ten Year Comparison

The number of attorney and judicial education courses accredited by the Commission over the past decade has doubled.



Attorney Specialty Certification

As of June 30, 2013, there were 267 Indiana attorneys certified as specialists in their particular area of law. This represents nearly a 100% increase over the number of certifications six years ago.

The attorneys were certified by four Independent Certifying Organizations in the following practice areas:

26 Business Bankruptcy specialists

38 Civil Trial Advocacy specialists

12 Consumer Bankruptcy specialists

4 Criminal Trial Advocacy specialists

4 Creditors Rights specialists

18 Elder Law specialists

65 Family Law specialists

100 Trust and Estate Planning specialists

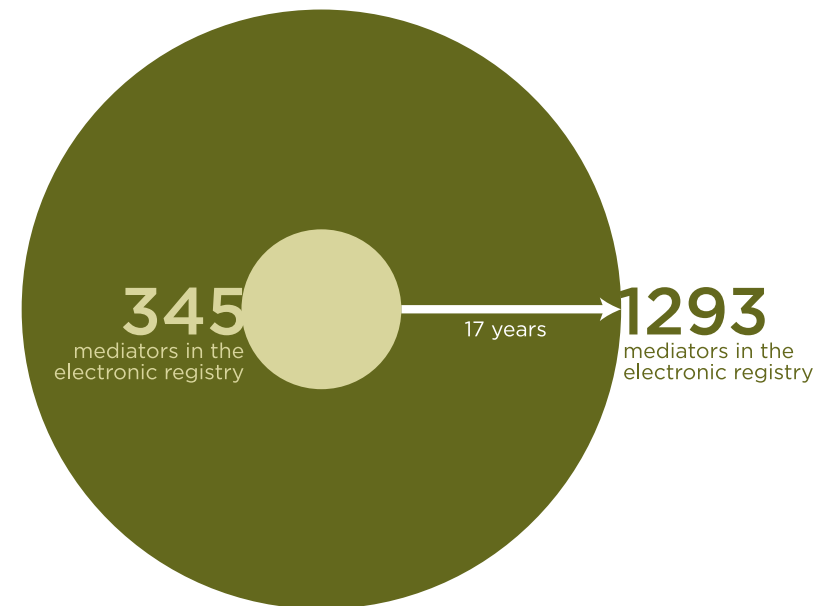
A new specialty area—Civil Pretrial Practice—was accredited by the Commission in April 2013.

Mediator Registry

This fiscal year the Commission continued administering and regulating a registry of court-approved mediators in Indiana. The first mediator registry—compiled in 1997—contained 235 civil mediators and 110 domestic relations mediators. As of June 30, 2013, the [REGISTRY](#) contained 634 civil mediators and 659 domestic relations mediators. For the second consecutive year, the number of domestic relations mediators exceeded the number of civil mediators.

Growth of the Electronic Mediator Registry

The number of mediators registered with the Commission and available on the electronic search of mediators has grown by 375% since it was first created.



The **Indiana Supreme Court Disciplinary Commission** is responsible for investigating attorney misconduct and prosecuting lawyer discipline proceedings. The Commission is not tax supported; rather it is funded primarily through the annual registration fee paid by Indiana lawyers in good standing. During the fiscal year, the fee was \$145 for active status and \$72.50 for inactive status.

Disciplinary Commission

G. Michael Witte, Executive Secretary

Overseeing Trust Accounts

An office restructuring allowed for a staff attorney and a paralegal to be dedicated to overseeing and prosecuting trust account violations. Such violations consist of account overdrafts or failure to abide by accounting rules set forth in the Admission and Discipline Rules. During the fiscal year, the Commission investigated more than 100 overdraft notices.

Internal Case Management System

After a two-year journey of development and design, the Commission's own electronic case management system was fully implemented. The modernized approach to recordkeeping allows for better time management, which the Commission anticipates will allow for expedited disposition of cases.

In March, an extensive water leak demonstrated the importance of the new electronic system. Flooding from the floor above caused extensive damage to records and other office documents. However, far greater damage was avoided because of the electronic system and off-site data storage. A quick response among office staff, building management, outside support, and the Indiana State Archives allowed water-damaged records to be recovered with minimal loss.

Education and Training

Commission staff attorneys worked to provide ethics education across the state serving as faculty in more than 55 continuing legal education programs during the fiscal year. Additionally, three staff attorneys and four Commission members received specialized training at the semi-annual meetings of the National Organization of Bar Counsel.

Attorney Discipline Case Highlights

An overview of the number and types of cases reviewed by the Commission

1474 Requests for Investigation
Submitted to the Commission by the public

47 Commission Grievances
Initiated by the Commission

52 Verified Complaints
Misconduct charges filed by Commission

81 Counts of Misconduct
From verified complaints

92 Final Orders of Discipline
69 published, 23 unpublished

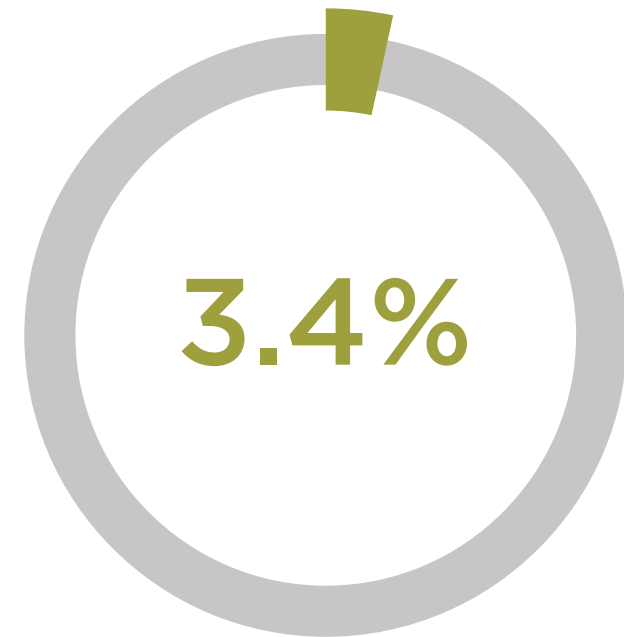
117 Overdraft Notices

101 Overdraft Inquiries Closed

268 CLE/Fees Suspensions
For failure to fulfill mandatory education requirements or pay fees

Comparison of Charges to Total Grievances

The percentage of grievances submitted to the Disciplinary Commission that resulted in charges being filed in a verified complaint to the Indiana Supreme Court.



[Search Attorney License Records](#)

Attorney Discipline Case Inventory

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

76 Matters Pending
JUL 1, 2012

135 New Matters Received

137 Matters Disposed

74 Matters Pending
JUN 30, 2013

New Discipline Matters Received

Details of the types of discipline matters filed with the Supreme Court between July 1, 2012 and June 30, 2013

Petitions to Show Cause for Noncooperation	50
Verified Complaints for Disciplinary Action	52
Private Administrative Admonitions Tendered	3
Affidavits of Resignation (tendered before filing Verified Complaint)	4
Petitions for Emergency Interim Suspension	0
Notices of Findings of Guilt (Felony)/Requests for Interim Suspension	9
Notices of Foreign Discipline/Requests for Reciprocal Discipline	4
Petitions for Reinstatement	5
Petitions to Revoke Probation	2
Petitions to Terminate Probation	4
Contempt of Court Proceedings	1
Miscellaneous	1
TOTAL	135

Discipline Matters Disposed

Some disciplinary matters are handled by the Commission; others are disposed of by the Supreme Court. The table below details how the Court handled the matters that came before it during the fiscal year.

Dismissal on Compliance with Show Cause Order	29	Disbarment (after Verified Complaint)	0
Terminating Noncooperation Suspension on Compliance with Show Cause Order	3	Accepting Resignation (1 disposed of 3 matters)	11
Dismissal of Show Cause Proceeding Due to Other Suspension	3	Emergency Interim Suspension Granted	0
Converting Noncooperation Suspension to Indefinite Suspension	11	Emergency Interim Suspension Denied	0
Private Administrative Admonition	3	Interim Suspension on Finding of Guilt (Felony)	4
Rejection of Private Administrative Admonition	0	Reciprocal Discipline (Suspension)	3
Private Reprimand	8	Finding or Judgment for Respondent	3
Public Reprimand	9	Granting Reinstatement	1
Suspension with Automatic Reinstatement (after Verified Complaint)	3	Withdrawal of Petition for Reinstatement	1
Suspension without Automatic Reinstatement (after Verified Complaint)	14	Denying Reinstatement	3
Suspension with Conditions/Probation (after Verified Complaint)	12	Revoking Probation	1
Suspension Due to Disability Determination	1	Terminating Probation	4
		Finding Contempt of Court	2
		Dismissing or Withdrawing Action	2
		Miscellaneous	6
		TOTAL	137

The **Indiana Judicial Nominating Commission** and the **Indiana Commission on Judicial Qualifications** are established by the Indiana Constitution and staffed by the Division of State Court Administration.

The Nominating Commission recruits and interviews applicants to fill vacancies on the appellate courts.

The Qualifications Commission investigates and prosecutes allegations of ethical misconduct by judicial officers and candidates for office.

Indiana Judicial Nominating Commission and Commission on Judicial Qualifications

Adrienne Meiring, Counsel

Filling Judicial Vacancies

The Nominating Commission worked to fill two appellate positions. Twenty-two attorneys and judges applied for Justice Frank Sullivan, Jr.'s position on the Indiana Supreme Court. In September, Governor Mitch Daniels appointed Hon. Loretta Rush of Tippecanoe Superior Court. Justice Rush's public oath and robing ceremony was held on December 28, 2012.

Fourteen attorneys and judges applied for Judge Carr Darden's position on the Court of Appeals of Indiana. In August, Governor Mitch Daniels named Hon. Rudolph R. Pyle III of Madison Circuit Court. Judge Pyle's public oath and robing ceremony was held on August 27, 2012.



Justice Loretta Rush during her SEMI-FINALIST interview. Interviews were open to press and public.



The Judicial Qualifications Commission held two rounds of interviews, one for all applicants and another for semi-finalists.

Handling Discipline Issues

During the fiscal year, the Qualifications Commission considered 361 complaints alleging judicial misconduct. It automatically dismissed 211 complaints that failed to raise valid issues of misconduct; they were primarily complaints about the outcomes of cases. Another 130 cases were dismissed on the same grounds after Commission staff examined court documents or conducted informal interviews.

Of the remaining 20 cases, the Commission required the judges to respond to the allegations and conducted investigations. Formal disciplinary charges were filed in three cases, while public admonitions in lieu of charges were issued in two cases.

In June 2013, the Commission issued its first advisory opinion in 6 years. The opinion noted that judges who are subject to variable pay arrangements must be very cautious as to the source of these funds and should avoid compensation arrangements that have any basis in the number of cases filed or disposed by the court.

Discipline Case Highlights

Some disciplinary matters are handled by the Commission; others are disposed of by the Supreme Court. The following details the outcomes for Commission and Court handled matters.

361 Grievances Submitted against judges to the Commission

211 Dismissed Summarily no valid issue of misconduct

130 Dismissed after Informal Review

20 Complaints Investigations with responses from judges

3 Cases with Formal Discipline Charges

2 Cases with Public Admonition in Lieu of Formal Charges

3 Investigations Pending at the end of the fiscal year

The **Indiana Judges and Lawyers Assistance Program**

(JLAP) assists lawyers and law students with personal issues—addiction, mental health, physical and aging problems—that have the potential to reduce their effectiveness. JLAP works to educate the bench and bar and reduce the potential harm caused by impairment. All interactions with JLAP are confidential.

Judges and Lawyers Assistance Program

Terry L. Harrell, Executive Director

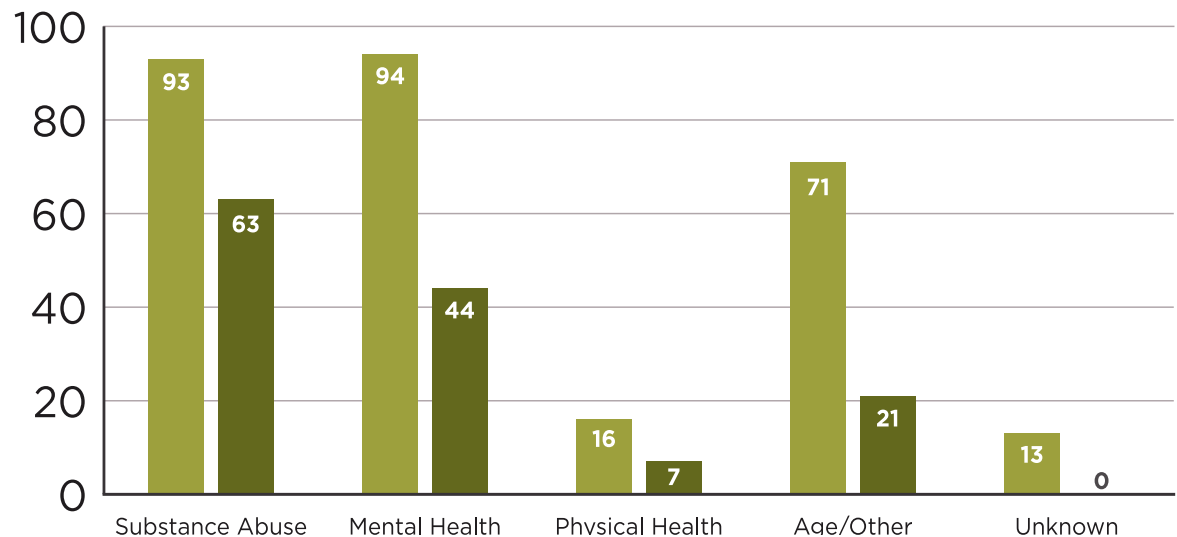
Prevention

During the fiscal year, volunteer training shifted toward early, soft intervention rather than formal group intervention. A soft intervention is more like suggesting a

person see a doctor about a lingering cough. Formal group intervention is a last resort used only when soft interventions have been unsuccessful.

Calls for Help by Issue Ten Year Comparison

The number of calls for help in all areas has increased. See each measured category during this fiscal year (left column) compared to a decade previous (right column).



Volunteers were trained to effectively motivate others to take proactive steps with personal problems before a crisis. Training included a day-long session on motivational interviewing, a style of counseling designed to empower the person to make positive changes. A positive outcome might include talking to a family physician or attending a support group. The goal is to encourage change at an earlier point so that fewer legal professionals have serious problems.

Working with the Indiana State Bar Association

JLAP collaborated with the Indiana State Bar Association Wellness Committee to communicate the importance of self-care. Together they created a Workplace Survival Guide and sponsored numerous programs including:

- fun runs and walks
- yoga
- water aerobics
- nutrition and exercise
- stress management



Attorney Surrogate Rule

JLAP made substantial efforts to educate attorneys and judges about the Attorney Surrogate Rule. The rule is designed to provide a safety net for clients should an attorney suddenly become unable to work because of illness, death, or some other circumstance.

One presentation on the rule occurred at the September 2012 Judicial Conference. Another was hosted in collaboration with the Indiana State Bar Association in May 2013. Both trainings encouraged attorneys to create their own plan and name their attorney surrogate during the attorney registration process. JLAP noted if a solo practitioner is suddenly impaired for any reason, clients will be at risk unless the lawyer has a good plan in place.

New Logo, New Outreach

In the past ten years calls to JLAP have more than doubled. Still, one of JLAP's most difficult tasks is communicating the availability of services. Outreach specialists conducted 38 presentations across the state during the fiscal year. After many presentations, attorneys admitted they had never previously heard of JLAP. It is a challenge to raise the visibility of a program where most of the work is confidential.

In an attempt to better communicate JLAP's mission, the Committee decided JLAP needed a distinctive brand. The Herron School of Art in Indianapolis provided assistance. A student at the school took on the development of a logo and branding plan for JLAP as a semester-long project.

The **Indiana State Public Defender's Office** provides investigation and representation at trial court hearings and on appeal to indigent prisoners in capital (death penalty) and non-capital post-conviction relief cases. Court rules allow a narrow challenge—called a post-conviction relief proceeding—to a conviction or sentence.

The Office serves as counsel for the prisoners who request representation in post-conviction cases. The Office also finds private counsel to provide representation in certain cases when requested by trial courts. The Indiana Supreme Court appoints the Public Defender and the Office follows procedural rules established by the Court.

State Public Defender's Office

Stephen T. Owens, Public Defender of Indiana

Life without Parole and Death Penalty Cases

This fiscal year, the Office represented ten Department of Correction prisoners serving sentences of life in prison without parole. Representation in these cases is considerably more time-consuming than in general felony cases.

The Office also represented one prisoner sentenced to death, Daniel Wilkes. Wilkes obtained partial relief and his death sentence was vacated. He was resentenced to life in prison without parole. The Court affirmed the post-conviction court's decision on April 4, 2013.

Non-Capital Cases

Demand for the Office's services correlates with the Department of Correction's increasing population, which reached 29,430 adult and juvenile prisoners on June 1, 2013. The

Office received 620 petitions from prisoners seeking post-conviction counsel, the most received in many years. The petitions—written by prisoners without an attorney—are called *pro se*, self-represented, or unrepresented.

Upon receipt of a petition, the Office represents these *pro se* prisoners in matters of post-conviction relief, and seeks a correction of sentence, a new trial, or other relief, if arguable merit exists in the case. Relief was granted in 37 cases during the fiscal year; the outcomes of these cases included:

- Sentence reductions totaling over 200 years
- Pre-trial jail time credit totaling nearly 2,900 days
- 3 new sentencing hearings
- Convictions vacated in 4 cases
- Permission for a belated appeal granted in 4 cases

Supreme Court Law Library

Terri L. Ross, Librarian

In 1867 the Indiana legislature transferred custody of the State's law books to the Supreme Court.

Today, there are more than 70,000 books available in the collection. The library's primary mission is to support the research needs of the appellate courts, and it is open to state agencies in all three branches of government, members of the bar, and the citizens of Indiana.

An online catalog was created in 2004 and during the fiscal year, more than 13,000 visits were made to the [LIBRARY'S WEBSITE](#). In addition to the number of students and visitors that tour the State House—including the Library—nearly 2,000 other visitors searched the Library's volumes in person.

Special items in the Library's collection include:

- A 1565 book—the oldest owned by the Library—summarizing the law of England
- An 1850s edition of Indiana statutes published in German (13% of Indianapolis' population was German at the time)
- Constitutions, statutes, laws, and acts of Native American tribes including the Cherokee, Creek, Choctaw, Chickasaw, Osage Nation, and the Indian Territory

This fiscal year, the Library discarded hundreds of items and added more than 700 new volumes to ensure legal materials are current.



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. Mandates of funds are typically ordered 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 appellate 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 confirming 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

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