



Indiana Supreme Court

ANNUAL REPORT | 2018 - 2019





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PUBLISHED BY THE
INDIANA SUPREME COURT

Office of Communication,
Education, and Outreach

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courts.in.gov

ON THE COVER:

Indiana's five Supreme Court justices stand with staff from their chambers and the various agencies overseen by the Court.

PHOTOGRAPHY:

Chris Bucher, John P. Cleary, Kathryn Dolan,
IU McKinney/John Gentry, Josh Hicks,
Patrick McCauley, John McGauley, Vincent Morretino,
Nita Wright, and *Other Friends of the Court*.

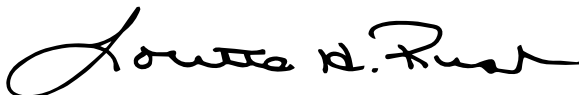
FROM YOUR
Indiana Supreme Court

I am pleased to present the 2018-2019 annual report, which shows the dedication of our staff, judicial officers across the state, and partners in all branches of government. Highlights from the year include:

- A statewide opioid summit, where every county was represented with nearly 1,000 in attendance
- National Adoption Day festivities in 24 counties, which included 270 children joining a forever family
- Certification of the 100th Indiana problem-solving court
- Creation of indianalegalhelp.org by the Coalition for Court Access to provide legal resources to those of limited means
- Admission of about 400 new lawyers to the bar
- Recognition of 8,445 attorneys contributing over 440,000 hours and nearly \$1.9 million to *pro bono* efforts
- The excitement of traveling oral arguments in Wabash and Madison counties attended by about 1,500 students

By the end of the fiscal year, the statewide implementation of electronic filing was nearly complete, and we crossed the mark of all 92 counties in August. The pages that follow showcase these successes and more.

It is an honor to serve with my judicial colleagues as we continue our efforts to put our customers at the center of the judicial system.



Loretta H. Rush
Chief Justice of Indiana



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Year *in* Review

Fiscal Year: July 1, 2018 to June 30, 2019

July 16 The Office of Judicial Administration launched a website with information on Justice Geoffrey Slaughter and Court of Appeals Judge Robert Altice, Jr., who were on the ballot for retention in November. Both judges were retained.

July 18 Trial Court Technology began a service for Odyssey courts to send automated text messages about upcoming hearings to defendants. By the end of the fiscal year, 617,021 texts had been sent by courts in 49 counties.

July 25 The Indiana Supreme Court convened teams from every county to attend the *Statewide Opioid Summit: A Medication Assisted Treatment and Addictions Primer for Justice Professionals*. Nearly 1,000 state leaders attended the event, which was sponsored by the Supreme Court, Family and Social Services Administration, Indiana University Addictions Grand Challenge, and the Association of Indiana Counties.

August 10 Governor Eric Holcomb announced appointments to the Marion Superior Court, the first since passage in 2017 of House Enrolled Act 1036, creating merit selection of judges in the county. Justice Mark Massa chaired the Marion County Judicial Selection Committee.

August 15 The Commission on Improving the Status of Children in Indiana released its annual report, detailing collaboration among all three branches of government to improve the lives of Hoosier children—especially the most vulnerable.

August 17 The Domestic Relations Committee held a public hearing attended by parents, legal professionals, judges, and others who provided feedback on the Indiana Child Support Guidelines. The committee also reviewed more than 400 written comments about the guidelines, which are used to make decisions about child support in divorce, separation, paternity, and other cases.

Year *in* Review



Magistrate Mary DeBoer (Porter County) accepts her graduate program certificate from Chief Justice Loretta Rush.



Justice Steven David speaks to students at Zionsville Middle School on Constitution Day.



A student asks the members of the Court a question after listening to the oral argument at Anderson University.

September 5-7 📺 At the annual meeting of the Judicial Conference of Indiana, 14 judicial officers were recognized as graduates of the Indiana Judicial College for completing 120 hours of continuing education; 29 received a certificate for completing the Indiana Graduate Program for Judges, an intensive learning experience; and 11 were honored for their years of service on the bench.

September 6 The Office of Admissions and Continuing Education announced that 295 applicants passed the July 2018 bar exam; another 120 passed the February 2019 exam.

September 17 📺 Forty-eight appellate and trial court judges visited with nearly 3,000 students across the state in celebration of Constitution Day. Indiana courts recognized the anniversary of the signing of the U.S. Constitution (September 17, 1787) with a program that brought judges into schools.

September 25 The Lake County Judicial Nominating Commission announced three nominees to fill the first of four judicial vacancies during the fiscal year. The commission was chaired by Justice Geoffrey Slaughter.

September 26 📺 The Indiana Supreme Court traveled to Anderson University in Madison County to hold oral argument, which was attended by approximately 700 students, community members, and members of the judiciary.

October 1 The Allen Superior Court Judicial Nominating Commission announced three nominees to fill the first of two judicial vacancies during the fiscal year. The commission was chaired by Justice Steven David.

Year *in* Review



A new family gets their portrait taken to celebrate National Adoption Day in Marion County.

October 16 Justin Forkner was named Chief Administrative Officer of the Indiana Supreme Court. He previously served as Executive Director of the Indiana Office of Court Services.

November 17 📹 Thirty Indiana judicial officers celebrated National Adoption Day by allowing families and press the opportunity to photograph and videotape adoption proceedings. Participating counties welcomed approximately 270 children to join their forever families.



Justice Christopher Goff speaks to students at the Indiana State Museum on Statehood Day.

November 29 The Coalition for Court Access launched indianalegalhelp.org, a website providing legal resources to Hoosiers of limited financial means.

December 4 A 14-member study commission was created by Supreme Court order to review the Indiana Bar Examination and determine whether changes in its format or content are needed. The commission held six open meetings during the fiscal year.



Trial judges from around the state stand to be recognized for their public service during the State of the Judiciary.

December 11 📹 Indiana celebrated Statehood Day with each of the five justices talking to children in the State House and various locations around Indianapolis.

January 16 📹 Chief Justice Loretta Rush delivered the annual State of the Judiciary address discussing the work of courts statewide and honoring Indiana trial judges for their continued efforts to make justice accessible to all.

Year *in* Review



Child advocate volunteers from across the state gather at the Indiana State House on CASA Day.

March 6 Mary Kay Hudson was named Executive Director of the Indiana Office of Court Services. She previously served as the Deputy Director for Justice Services at IOCS.

March 19 📹 Volunteers from Court Appointed Special Advocates gathered at the Indiana State House for their annual CASA Day event. Over 450 people attended, interacting with legislators about important issues facing children and advocating for the best interests of foster children.



Current justices celebrate with former Chief Justice Brent Dickson at the unveiling of his official portrait in the Court's conference room.

April 8 Indiana certified its 100th problem-solving court, a veterans treatment court in Pulaski County, bringing the total number of Indiana counties served by a problem-solving court to 50.

April 12 The Coalition for Court Access released two studies showing the importance of providing civil legal aid. For every \$1 invested in Indiana's civil legal aid services, there is \$6.70 in immediate and long-term consequential financial benefits.



Justice Mark Massa (left) and Justice Geoffrey Slaughter (third from left) with student escorts behind the scenes at the Wabash argument.

April 15 The Court held a district meeting in Carmel, commencing a series of nine meetings that provided a forum for justices to hear the concerns of trial court judges across the state.

April 16 📹 Portraits of former Justices Robert Rucker and Myra Selby and a painting of former Chief Justice Brent Dickson were unveiled in the Supreme Court Conference Room. A brief ceremony was held to commemorate the historical significance of these additions.

Year *in* Review

April 18 📹 The Supreme Court held a traveling oral argument in Justice Christopher Goff's hometown of Wabash with 20 schools and community groups in attendance.

May 17 Clinton Circuit and Superior Courts and Pike Circuit Court began voluntary e-filing, bringing the total number of counties with e-filing available to 91. More than 7.6 million documents were filed electronically during the fiscal year.

June 24 Trial Court Technology completed deployment of Odyssey in Dubois and Whitley counties. With these additions, 74 counties use the Odyssey Case Management System, and nearly 85% of the state's new cases are filed in Odyssey.

June 30 The Supreme Court closed the fiscal year; it heard 49 oral arguments, wrote 65 majority opinions, and disposed of 869 cases.



Clockwise from top left. Several justices meet with members of the press to discuss the previous annual report; Justices Goff, David, and Slaughter attend the State of the State address; students with Jane Seigel (second from left) wait to ask the Court a question after the oral argument in Anderson.





J U S T I C E S

JUSTICE
**MARK
MASSA**

APPOINTED 2012 by Gov. Mitchell E. Daniels, Jr.

EDUCATION Indiana University; Indiana University McKinney School of Law

JUSTICE
**STEVEN
DAVID**

APPOINTED 2010 by Gov. Mitchell E. Daniels, Jr.

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

CHIEF JUSTICE
**LORETTA
RUSH**

APPOINTED 2014 as Chief Justice; 2012 by Gov. Mitchell E. Daniels, Jr.

EDUCATION Purdue University; Indiana University Maurer School of Law

JUSTICE
**CHRISTOPHER
GOFF**

APPOINTED 2017 by Gov. Eric J. Holcomb

EDUCATION Ball State University; Indiana University Maurer School of Law

JUSTICE
**GEOFFREY
SLAUGHTER**

APPOINTED 2016 by Gov. Michael R. Pence

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



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.



869
cases received



869
cases disposed



50
civil & criminal
transfers granted



49
oral arguments

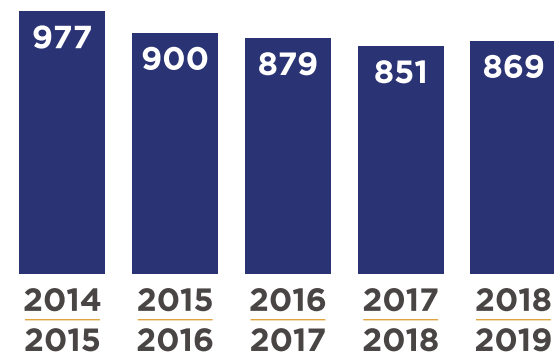
Cases received

Five-year comparison



Cases disposed

Five-year comparison



5% increase
in civil cases received
compared to previous year



2% increase
in criminal cases received
compared to previous year



Case Search
mycase.in.gov



CASE INVENTORY

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

	Cases Pending JUL 1, 2018	Cases Received JUL 1, 2018 - JUN 30, 2019	Cases Disposed JUL 1, 2018 - JUN 30, 2019	Cases Pending JUN 30, 2019
Criminal ¹	35	441	443	33
Civil ²	34	288	280	42
Tax	2	1	3	-
Original Actions	-	28	28	-
Board of Law Examiners	-	1	1	-
Mandate of Funds	1	1	1	1
Attorney Discipline	45	105	106	44
Judicial Discipline	1	4	5	-
Certified Questions	1	-	1	-
Other Matters*	1	-	1	-
Total	120	869	869	120

* Petition for Appointment of Judge Pro Tempore

¹ The 2017-2018 report showed 35 cases pending at the beginning of the year, with 432 received, 430 disposed, and 37 pending at year end. The correct figures for 2017-2018 were 32 pending at the beginning of the year, with 433 received, 430 disposed, and 35 pending at year end.

² The 2017-2018 report showed 32 cases pending at the beginning of the year and 39 pending at year end. The correct figures for 2017-2018 were 27 beginning and 34 ending.

CASES RECEIVED

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

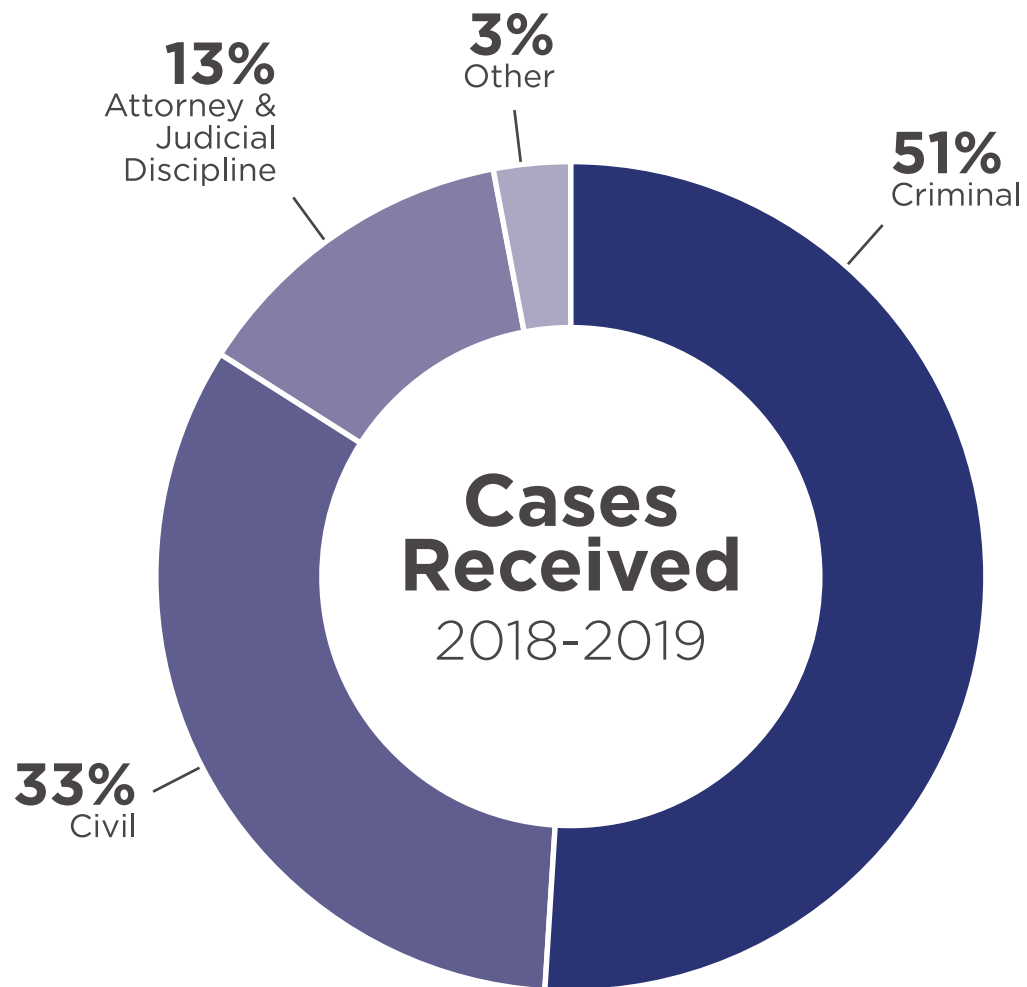
CRIMINAL CASES		ATTORNEY DISCIPLINE		JUDICIAL DISCIPLINE	
Petitions for rehearing	3	Petitions to show cause for noncooperation	51	Formal disciplinary charges	4
Post-conviction appeals – death penalty <i>(including successive requests)</i>	1	Verified complaints for disciplinary action	28	Judicial Discipline Total	4
Post-conviction appeals – non-capital <i>(including successive requests)</i>	84	Private administrative admonitions tendered	1	OTHER CASE TYPES	
All other criminal	353	Affidavits of resignation <i>(tendered before filing Verified Complaint)</i>	1	Mandate of funds	1
Criminal Total	441	Petitions for emergency interim suspension	3	Original actions	28
CIVIL CASES		Notices of findings of guilt (felony) / Requests for interim suspension	3	State Board of Law Examiners <i>(Petitions for review / Petitions to revoke)</i>	1
Petitions for rehearing	6	Notices of foreign discipline / Requests for reciprocal discipline	3	Other Total	30
All other civil	282	Petitions for reinstatement	3	Total Received 869	
Civil Total	288	Petitions to revoke probation	3		
TAX CASES		Petitions to terminate probation	6		
Tax Court petitions for review	1	Contempt of court proceedings	1		
Tax Total	1	Miscellaneous	2		
		Attorney Discipline Total	105		

During the year, the Supreme Court received none of the following types of matters: direct appeals in death penalty or life without parole cases, civil direct appeals, motions for release from reciprocal suspension in attorney discipline cases, and certified questions.

More attorney discipline data available
on pages 46-47



CASES RECEIVED



CASES DISPOSED

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

CRIMINAL CASES

Opinions on direct appeals	2
Opinions on petitions to transfer	18
Orders on rehearing	3
Petitions to transfer denied, dismissed, or appeal remanded by order	420
Criminal Total	443

CIVIL CASES

Opinions on petitions to transfer	27
Opinions on rehearing	1
Orders on rehearing	4
Petitions to transfer denied, dismissed, or appeal remanded by order	248
Civil Total	280

TAX CASES

Opinions on Tax Court petitions for review	1
Dispositive orders on Tax Court petitions for review	2
Tax Total	3

ATTORNEY DISCIPLINE

Dismissal on compliance with show cause order	33	Disbarment	2
Terminating noncooperation suspension on compliance with show cause order	2	Accepting resignation	3
Dismissal of show cause proceeding due to other suspension	13	Emergency interim suspension granted	2
Converting noncooperation suspension to indefinite suspension	3	Interim suspension on finding of guilt (<i>felony</i>)	3
Private administrative admonition	1	Reciprocal discipline (<i>suspension</i>)	2
Private reprimand	1	Granting reinstatement	2
Public reprimand	5	Withdrawal or dismissal of petition for reinstatement	2
Suspension with automatic reinstatement (<i>after verified complaint</i>)	1	Denying reinstatement	1
Suspension without automatic reinstatement (<i>after verified complaint</i>)	6	Revoking probation	1
Suspension with conditions / probation (<i>after verified complaint</i>)	8	Terminating probation	6
Suspension due to disability determination	1	Finding contempt of court	3
		Miscellaneous dismissing or withdrawing action	2
		Miscellaneous	3
		Attorney Discipline Total	106

During the year, the Supreme Court had none of the following types of dispositions: opinions on rehearing; petitions to transfer granted and remanded by order; opinions or orders on certified questions; opinions on civil direct appeals; and in attorney disciplinary cases, rejections of private administrative admonition, denials of emergency interim suspension, release from reciprocal suspension, or finding or judgment for respondent.

CASES DISPOSED

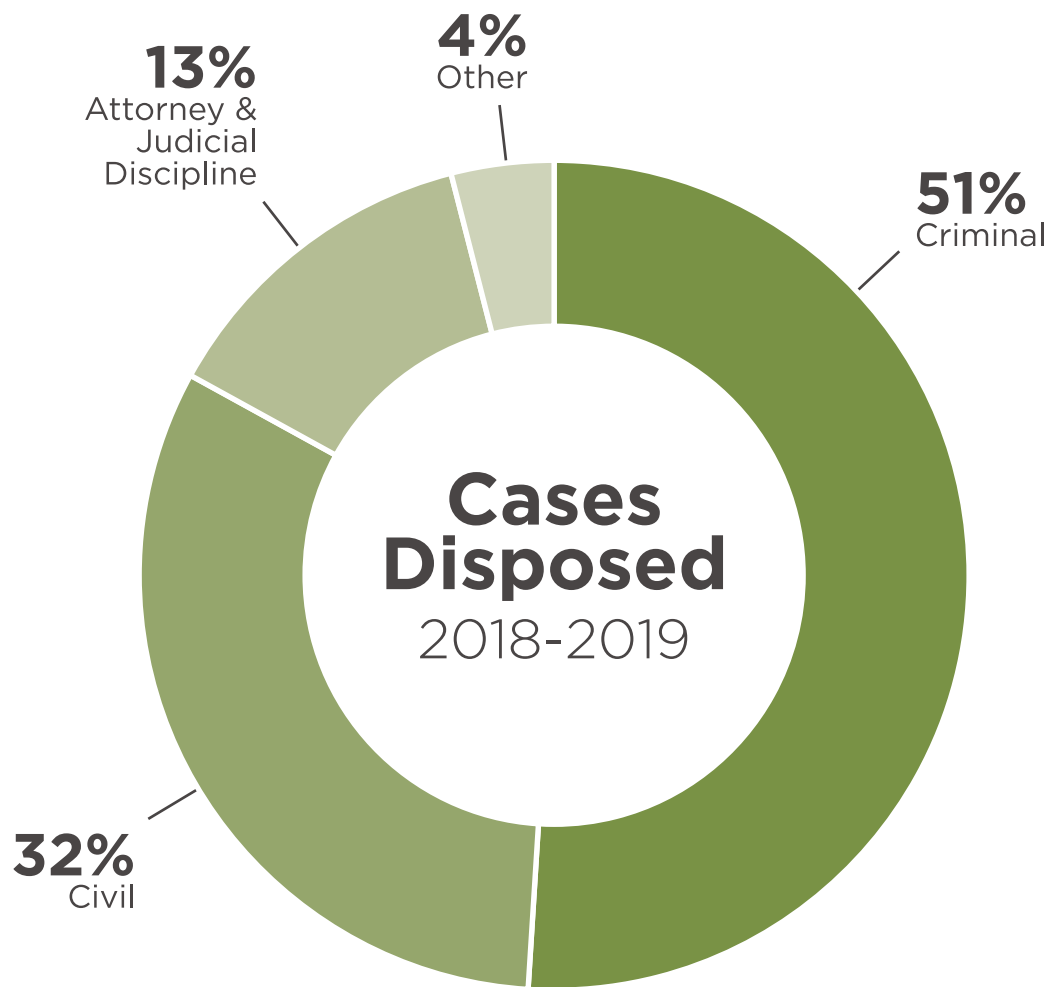
JUDICIAL DISCIPLINE

Opinions and published orders	5
Judicial Discipline Total	5

OTHER CASE TYPES

Certified questions	1
Mandate of funds <i>(opinions and published orders)</i>	1
Original actions <i>(disposed of without opinions)</i>	28
State Board of Law Examiners <i>(Petition for review/Petitions to revoke)</i>	1
Petition for Appointment of Judge Pro Tempore	1
Other Total	32

Total Disposed	869
-----------------------	------------



More attorney discipline data available on pages 46-47





Twice a year, the Supreme Court hears oral argument in an Indiana community outside of Indianapolis. These traveling oral arguments, organized by the Office of Communication, Education, and Outreach, provide unique and interactive experiences for students, press, and the public in other areas of the state. There have been 45 arguments away from the State House Courtroom since 1994.

In September 2018 at Anderson University in Madison County, nearly 650 students from 13 local schools attended argument in *Marcus Zanders v. State of Indiana*, a criminal search-and-seizure case.

VISITING LOCAL COMMUNITIES

Top: Counsel argues in *Zanders v. State* at Anderson University in Madison County.

Right: A student asks the justices a question after arguments in *Seo v. State* in Wabash County.



The April 2019 argument took the Court to Wabash County, where Justice Christopher Goff served as a trial judge. Over 800 guests, including students from 20 schools and community groups, attended arguments in *Katelin Seo v. State of Indiana*, a case regarding the Fifth Amendment's privilege against self-incrimination.

After arguments concluded, attendees were given the opportunity to ask the Court questions to further their understanding of the judicial system.

WEBCASTING STATISTICS

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

- 837 hours of oral arguments, educational programs, and ceremonies
- 1,140 Supreme Court arguments

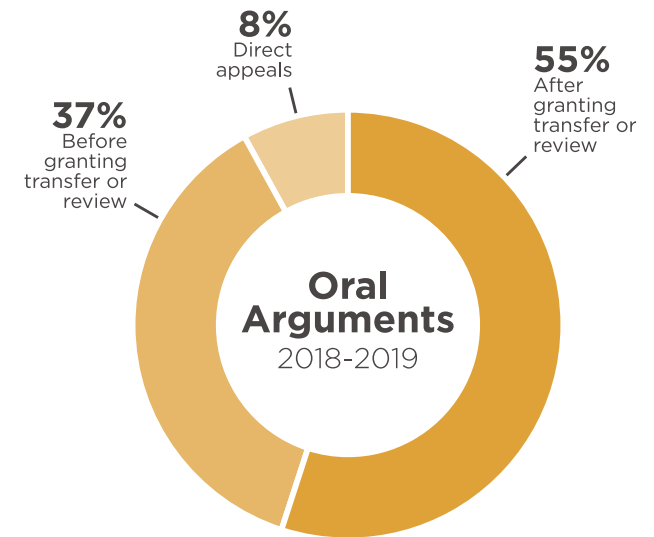
During this fiscal year, 47 Supreme Court arguments, 3 Court of Appeals arguments, 1 public hearing, and 1 ceremony were webcast from the Supreme Court Courtroom for a total of 39 hours.

Two traveling oral arguments were webcast live and recorded at off-site locations.

CASES HEARD AT ORAL ARGUMENT

The Supreme Court heard 49 oral arguments in 51 cases during the fiscal year, including two traveling arguments in Madison and Wabash counties. 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 <i>Before transfer decision</i>	6
Criminal <i>After transfer granted</i>	9
Criminal <i>Direct appeals</i>	4
Civil/Tax <i>Before transfer/review granted</i>	13
Civil/Tax <i>After transfer/review granted</i>	19
Total	51



Oral Argument Video
mycourts.in.gov/arguments

OPINIONS

Justices published 86 opinions during the fiscal year.



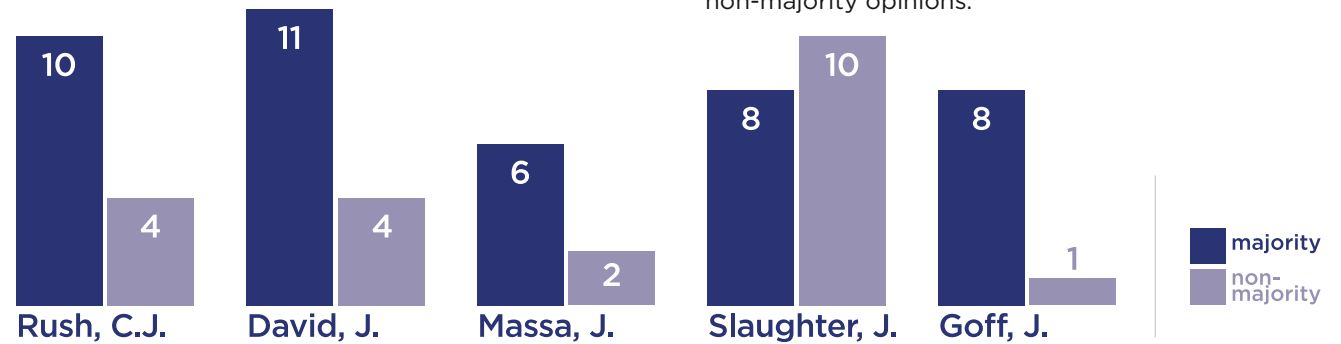
65
majority opinions



21
non-majority opinions

Majority opinions by author

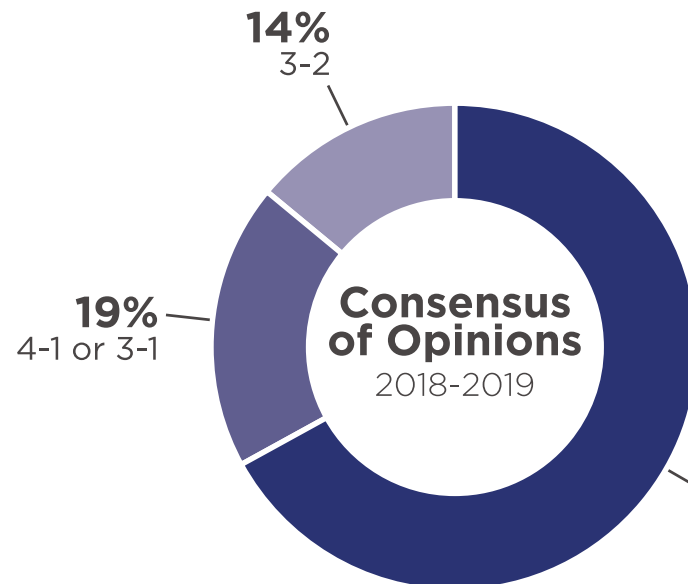
In addition to 22 *per curiam* opinions handed down by the Court, the justices wrote 43 majority and 21 non-majority opinions.



Consensus of opinions

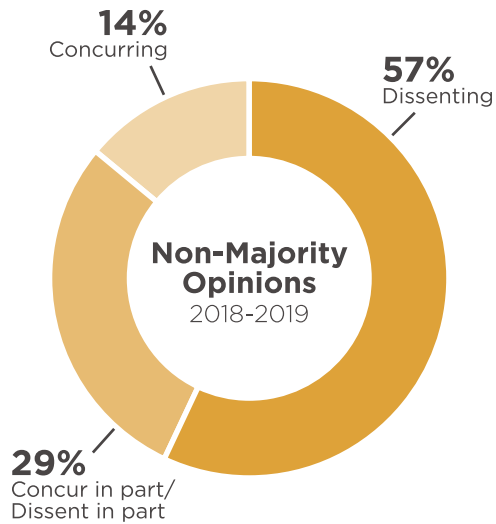
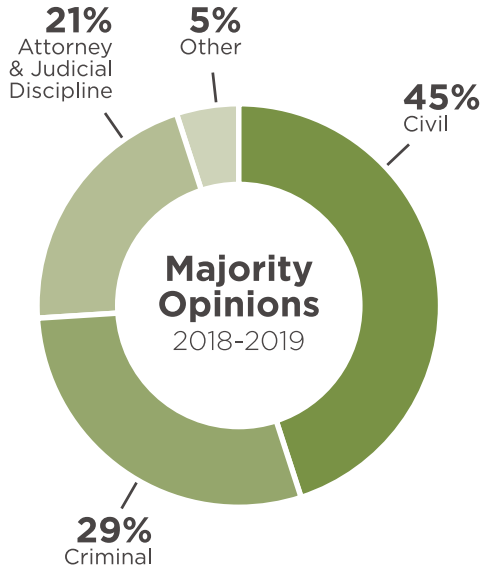
The Court is mostly unanimous in its decisions. There are some split decisions and rare "other" cases in which fewer than three justices were in complete agreement as to result. There were no "other" cases during the fiscal year.

Excludes 22 per curiam opinions.



5-0 or 4-0 (Unanimous)	29
4-1 or 3-1	8
3-2	6
Total	43

OPINIONS



Majority opinions by author and type

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

	<i>Rush, C.J.</i>	<i>David, J.</i>	<i>Massa, J.</i>	<i>Slaughter, J.</i>	<i>Goff, J.</i>	<i>By the Court</i>	<i>Total</i>
Criminal Transfer	3	3	2	-	5	5	18
Criminal Direct Appeal	-	2	-	-	-	-	2
Civil Transfer	7	5	3	7	3	2	27
Civil Rehearing	-	-	-	1	-	-	1
Tax Review	-	-	1	-	-	-	1
Attorney Discipline	-	-	-	-	-	11	11
Judicial Discipline	-	-	-	-	-	3	3
Certified Question	-	1	-	-	-	-	1
Mandate of Funds	-	-	-	-	-	1	1
Total							65

Non-majority opinions by author and type

Non-majority opinions are not dispositive.

	<i>Rush, C.J.</i>	<i>David, J.</i>	<i>Massa, J.</i>	<i>Slaughter, J.</i>	<i>Goff, J.</i>	<i>Total</i>
Concurring	-	-	-	3	-	3
Dissenting	1	4	1	5	1	12
Concur in part / Dissent in part	3	-	1	2	-	6
Total						21

During the fiscal year, the Supreme Court issued no opinions in original actions, civil direct appeals, or Board of Law Examiners matters.

This page, clockwise from top left.

Leaders from all three branches of state government convene for the 2019 State of the Judiciary; the Domestic Relations Committee hears concerns from parents and other community members about the state's Child Support Guidelines; Justice Massa answers press questions in the Supreme Court Conference Room.

Next page, clockwise from top left. Fourth grade students try on judges' robes in the Supreme Court Courtroom on Statehood Day; Chief Justice Rush addresses volunteer child advocates on CASA Day; Marion County Judge Bill Nelson (center), pictured with Judge Sheryl Lynch (Marion County) and Judge Darren Dolehanty (Wayne County), receiving an Indiana Judges Association award; Justice David and Capt. Erwin Faulk (Indiana State Police) pose for a fictional traffic stop photo to be used in a presentation about Indiana's electronic ticketing system.







Office of Judicial Administration

Jane A. Seigel

Interim Chief Administrative Officer
(Until October 2018)

Justin P. Forkner

Chief Administrative Officer
(Beginning October 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.

Agency Reports

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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.

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



The Supreme Court Law Library—which houses over 69,000 volumes—served more than 6,800 patrons and answered over 250 reference requests.



869

cases overseen and presented to the Court for review



1,613

orders drafted



277

legal memoranda drafted



28

original actions prepared



156

requests for information fulfilled

Related Information

Indiana Supreme Court Cases and Opinions Data PAGES 8-17

Clerk of the Indiana Appellate Courts

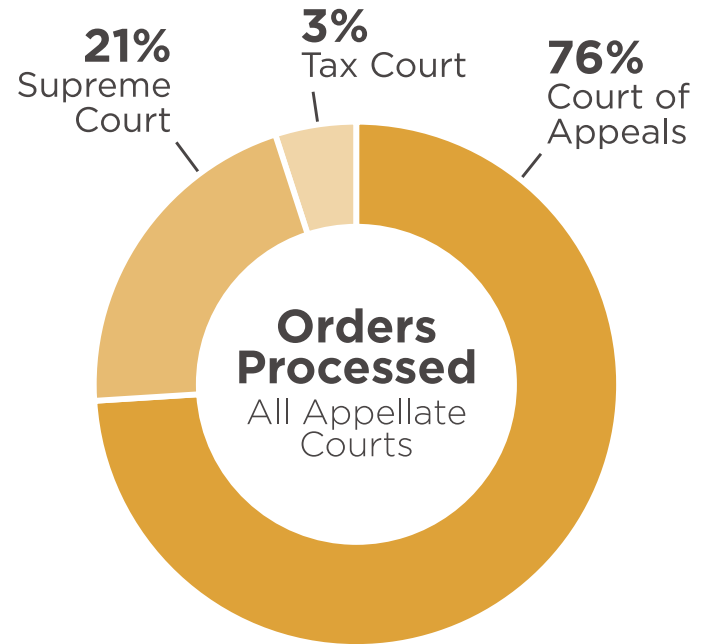
Gregory R. Pachmayr, Clerk

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.

During the fiscal year, the Clerk's Office processed 2,174 opinions and 9,743 orders for the three appellate courts. The Office worked closely with technology staff to roll out electronic appellate case initiation, which became mandatory for attorneys on September 1, 2018.

The Office distributed approximately 4,400 ballots for the election of the District 1 attorney member of the Judicial Nominating Commission and tabulated the results with the Offices of the Attorney General and the Secretary of State.



19 Hours

median time to docket an e-filed document



9,743

orders processed for the Supreme Court, Court of Appeals, and Tax Court



13,705

briefs electronically filed in 3,769 cases for the three appellate courts



18,621

active attorneys in the Indiana Roll of Attorneys

Related Information

Indiana Supreme Court Cases and Opinions Data PAGES 8-17

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.

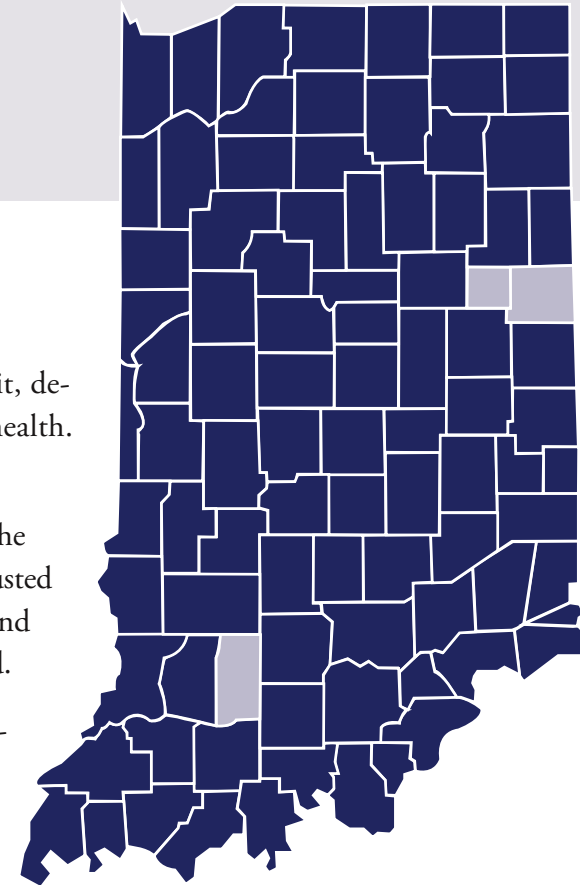
OUR
JUDICIAL
BRANCH
USES
LESS THAN 1%
OF THE
TOTAL
STATE
BUDGET

The State Audit Director complimented the Supreme Court for receiving a perfect audit, declaring the Court has a clean bill of fiscal health.

The Fiscal Office generated the 2020-2021 budget, which was approved by the General Assembly and the Governor. In addition, the Office reviewed and adjusted quarterly department budgets, found cost savings, and reverted about \$104,000 to the state's General Fund.

In partnership with the Indiana Office of Court Services and Trial Court Technology, the Fiscal Office helped secure new federal and state grants for court projects.

Fiscal staff began paying all invoices through an entirely paperless process and completed an asset inventory of more than 1,600 items, such as furniture and computer equipment.



\$15.8M
in grants distributed

Including grants to 89 of 92 counties for alcohol and drug programs, problem-solving courts (such as veterans treatment and family recovery courts), court interpreters, court reform and court improvement, family courts, adult guardianship programs, Guardians *ad Litem*/Court Appointed Special Advocates, pretrial release, and commercial courts.

Office of Personnel & Operations

Brenda F. Rodeheffer, General Counsel

The **Office of Personnel & Operations** provides services to Supreme Court staff and agencies, including drafting internal policies; hiring, performance, and employee engagement; processing payroll and benefits; reviewing contracts; ensuring compliance with federal laws; security; and continuity of operations for the Court.

P&O also provides employment law counsel and assistance with contracts for all state judges.

During the fiscal year, P&O presented to all staff an interactive civility and sexual harassment training program specifically designed for court employees. These trainings were then tailored and presented to numerous judges and local judicial staff. All Supreme Court managers and supervisors were also given an introductory course in management.

Another major initiative P&O completed during the year was a new formal process designed to engage employees, provide a record of employee performance, and allow the Court to improve pay parity.

P&O also assisted with hiring 39 new employees, which required hundreds of job postings, interviews, background checks, and pay analysis.



982

workers' payroll processed, including state employees, state judges, and prosecutors



455

consultations with judges and court staff managers on employment issues



212

contracts reviewed for legality and form



26

trainings given to judges and staff on court employment

Trial & Appellate Court Technology

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

Robert A. Rath, Director of Appellate Court Technology

Court Technology provides support to trial and 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.

Statewide case management

The state's Odyssey Case Management System was implemented in Clinton, Dubois, Howard, Kosciusko, Miami, Pike, Putnam, Sullivan, Wabash, Wayne, Wells, and Whitley counties, and in the Crown Point, East Chicago, Hobart, Merrillville, and Schererville city and town courts in Lake County. By June 2019, case data from 334 courts in 74 counties—nearly 85% of the state's caseload—was in Odyssey and available at mycase.in.gov.

In addition, Odyssey can now track whether a defendant has a military record, once the record is confirmed by the Department of Veterans Affairs. This new feature alerts the judge that the defendant may be eligible for comprehensive, often life-saving services through the VA.

Paperless courts

Supreme Court justices and staff manage their work with a Judicial Dashboard application, custom-developed during the past few years, integrating data and documents from the state's Odyssey CMS. The Dashboard allows them to review case documents, manage administrative matters, and vote on many case-related questions before the Court.

Implementation of electronic filing was nearly completed, with the final county joining the statewide system in August 2019.

The initial filing of criminal cases and appellate cases became mandatory for attorneys during the fiscal year.



85%

of newly filed cases are in the Odyssey CMS



\$1 Million+

intercepted tax refunds to pay outstanding court costs

Statewide E-filing

Electronic filing in court cases is available in all three appellate courts and in trial courts across the state. By the end of the fiscal year (June 30, 2019), 91 counties had e-filing available with the final county scheduled to begin using the system just after the start of the next fiscal year.

E-filing provides attorneys and litigants with a host of benefits, including fewer visits to the courthouse, reduced costs, and online access to certain types of documents.

The project to implement a statewide e-filing system began in 2014 when the Supreme Court launched a search for a vendor to provide the technology. One free state-offered provider and numerous commercial e-filing providers are available, and more than 16 million documents have been e-filed since Hamilton County first piloted the statewide system in 2015. With the addition of Sullivan County in August 2019, e-filing is truly statewide.



7.6 Million
documents e-filed
statewide



4.7 Million
documents downloaded
from mycase.in.gov



74,000
traffic tickets paid online



57,000
support tickets answered
from court & clerk staff,
attorneys, and the public

Public access

At mycase.in.gov, the public has access to documents and orders in many non-confidential cases; and attorneys continue to access additional cases and documents, if they have filed an appearance in the case.

Two new web applications were made available: one to look up the demographics (race, age, gender) of individuals who have received an electronic traffic ticket; another to search for judgments in civil cases.

Internal IT support

Court Technology supported a system through the Indiana Courts Portal for many Supreme Court agencies to efficiently accept electronic materials from attorneys, including:

- 806 statements of economic interests
- 46 applications for court vacancies
- 22,580 annual attorney registrations
- 114 requests for ethical guidance
- 5,553 reports of attendance at 3,922 CLE events

Office of Communication, Education & Outreach

Kathryn R. Dolan, Chief Public Information Officer

The **Office of Communication, Education, and Outreach** 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.

Working with the press

OCEO answered nearly 600 media inquiries during the fiscal year. The Office proactively distributes information via courts.in.gov, Twitter, and various direct-messaging campaigns. More than 450 members of the media received 40 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 to use the content management system, which requires OCEO to review and analyze content before publishing updates.

During the fiscal year, OCEO distributed weekly messages to trial court judges, a monthly newsletter to Court staff, and 38 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 two traveling oral arguments in Madison and Wabash counties during the fiscal year. Area students had the opportunity to witness a Supreme Court oral argument and interact with the Court during Q&A sessions. In addition, OCEO coordinated and promoted National Adoption Day, participated in Statehood Day events, and coordinated Constitution Day activities with 48 judges who visited nearly 3,000 students across the state.



12.3 Million
website page views
at courts.in.gov



5,339 followers
& 434 tweets, including articles,
opinions, and announcements



578
media inquiries on various
court-related topics answered

Related Information

Oral arguments and webcasting
PAGES 14-15



Marion County



Allen County



Allen County

CAPTURING BIG MOMENTS

Cameras enter courtrooms for National Adoption Day

Thirty judicial officers in 24 counties opened their courtrooms to cameras in November 2018 as part of National Adoption Day. A Supreme Court order allowed certain adoption proceedings to be photographed throughout November. The Office of Communication, Education, and Outreach encouraged judges, case workers, family members, and the press to take pictures and video of the 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. In November 2018, approximately 270 children found their forever families; and over 1,000 children have been a part of National Adoption Day events since the Supreme Court first issued the annual order in 2012.

While National Adoption Day events celebrate the children being adopted, they also help to raise awareness of children in the foster care system and the value of adoption. Indiana has nearly 3,600 adoptions a year.



Elkhart County

Online Photo Gallery

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





Clockwise from top left. Justice Massa speaks to ICLEO fellows; Justice Slaughter and Justice Goff with the 2018 ICLEO fellows class; Chief Justice Rush introduces a screening of the film *Foster*; Justice David speaks during a presentation to legislative staff.



Indiana Office of Court Services

Justin P. Forkner, Executive Director (Until March 2019)

Mary Kay Hudson, Executive Director (Beginning March 2019)

The **Indiana Office of Court Services** 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 dozens of committees.

INDIANA OFFICE OF COURT SERVICES

Education

Justice Services

Legal Support

Programming & Projects

Assisting courts, leading initiatives

IOCS is a single agency with four divisions—Education, Justice Services, Legal Support, and Programming & Projects. Highlights from the fiscal year include:



7 regional training events

7 regional training opportunities for local teams to address the addiction crisis at every point in the justice system



297 days of training

297 days of training to judicial officers, court and clerk staff, and other partners in the justice system



587 public record requests

Review of 587 public record requests



\$14 Million in grants

\$14 million in grants distributed during the fiscal year 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

100+

PROBLEM SOLVING COURTS



Clockwise from left. Participants graduate from veterans courts in Howard, Lake, and Bartholomew counties.

ON April 8, 2019, trial court judges and their partners reached a remarkable milestone with the certification of Indiana’s 100th problem-solving court, a veterans treatment court in Pulaski County. Problem-solving courts include drug, reentry, mental health, veterans, family recovery, and domestic violence specialized courts. The certified courts seek to promote outcomes that benefit the litigants and their families, victims, and society.

The addition of the Pulaski County veterans treatment court also brought the total number of Indiana counties served by a problem-solving court to 50 and the number of judicial officers working with a problem-solving court to 93. Each of Indiana’s 26 judicial districts has at least one problem-solving court.

Indiana Chief Justice Loretta Rush believes the collaboration of problem-solving courts makes them unique. “The innovative approach requires pioneering judges to coordinate with numerous resources in their supportive communities to provide intensive services and frequent court appearances for oversight.”

+ By the end of the fiscal year, Indiana had 103 certified problem-solving courts.





Clockwise from top left. Participants graduate from drug court in Hamilton County, family recovery court in Grant County, and drug courts in Rush, Grant and Madison counties.



The Education Division ensures that Indiana’s citizens are served by 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.



297
days of educational opportunities



9,000
attendees at education events throughout the year



35
courses available in the online education network

Training

IOCS delivered more than 1,500 hours of education over 297 days to Indiana’s judicial branch and justice system stakeholders, covering a variety of subject areas, including:

- recent case law, rule, and legislative changes
- Family First Prevention Services Act
- impaired driving
- criminal jury instructions
- protection order practices
- search and seizure
- dual status youth
- judge as manager/supervisor

The *Statewide Opioid Summit: A Medication-Assisted Treatment and Addictions Primer for Justice Professionals* in July 2018 was a premier event.

During the fiscal year, IOCS trained over 9,000 people, including:

- judicial officers
- court and clerk personnel
- court interpreters
- probation and community supervision officers
- staff and volunteers advocating for children and adults
- juvenile detention alternatives stakeholders
- court alcohol and drug program personnel
- problem-solving and other specialized court staff

Online learning

The Division manages the Indiana Courts Education Network, a website delivering electronic training to judicial branch staff and stakeholders. By the end of the fiscal year, there were 35 courses available to more than 1,100 active users. Although the Network is not yet fully implemented, the system represents a paradigm shift to a blended learning environment that combines distance education and in-person training for court staff.

During the fiscal year, training modules on court security and active shooter events became available to judicial officers. In addition, the Court Substance Abuse Management Specialist credential examination and the revised Probation Officers examination were administered through the Network.

The Justice Services Division works with criminal and juvenile justice agencies and stakeholders to provide supervision, services, and support to court-involved individuals and families. The Division offers alternative programs for youth and supports evidence-based practices in sentencing and community supervision.

Certified courts & programs

The Division certified 31 problem-solving courts during the fiscal year, bringing the total number of these courts to 103 across the state. At the end of the year, another 18 problem-solving courts were in the planning stages.

The Supreme Court partnered with the Governor and the Department of Child Services to expand the number of certified family recovery courts from seven to 18, which were either certified or in the planning stages by the end of the fiscal year.

Indiana has 54 certified court alcohol and drug programs, 12 of which were certified by the Division during the fiscal year.

IOCS awarded nearly \$1.2 million in grants to 22 veterans treatment courts with funding appropriated by the Indiana General Assembly and over \$580,000 in grants to 66 problem-solving courts with funding from the Supreme Court. IOCS also awarded more than \$880,000 in grants to 15 family recovery courts, with funding from the Governor.

Pretrial release

IOCS supported 11 counties participating in the pretrial release pilot project in collaboration with the evidence-based decision-making initiative. Sixteen additional counties have started developing evidence-based pretrial practices. IOCS awarded more than \$1.7 million in grants to support local pretrial efforts.

Juvenile detention alternatives initiative

IOCS provided more than 175 hours of education to 32 counties implementing the Juvenile Detention Alternatives Initiative (JDAI). JDAI launched the Race, Equity, and Inclusion Lead County Project, challenging nine sites to improve racial and ethnic equity in the juvenile justice system. IOCS held the third JDAI Implicit Bias Training Institute, graduating 40 professionals equipped with skills to train local stakeholders.



10,379

matters handled by the interstate compacts staff

Interstate compact

The Division administered the interstate compacts for adult and juvenile supervision processing 8,608 adult cases; 1,248 juvenile cases; 237 runaways; and 286 travel permits during the fiscal year. Staff provided interstate compact training in cooperation with Ohio's interstate compact office, as well as several regional and state-level trainings for supervision agencies, judicial officers, prosecuting attorneys, and defense attorneys.

Related articles

100+ Problem-Solving Courts PAGE 32
Working Toward Recovery PAGES 36-37

“The summit was the catalyst for change. We will now create a committee on our advisory board to solve some of the issues we have implementing MAT in our jail.”

—Sarah Lochner, Wabash County Chief Probation Officer

“I am here to get a different perspective than what I usually see in the courtroom.”

—April Drake, Wayne County Prosecutor

“I am impressed by not only the number of people here, but the different types: judges, prosecutors, public defenders, probation officers, county and state police, and correctional officers.”

—Hon. Matthew Cox, Union Circuit Court

WORKING TOWARD RECOVERY

The July 2018 Statewide Opioid Summit began with nearly 1,000 audience members hearing a devastating 911 call: a panicked mother and stepfather talking to emergency dispatchers after finding their son was dying of an overdose. The call was made by Marion Superior Court Judge Bill Nelson, who agreed to share his story to show addiction can touch any family.

Event sponsors—Supreme Court, Family and Social Services Administration (FSSA), Indiana University Grand Challenges, and the Association of Indiana Counties—spoke to press about the importance of the Summit. Dozens of media from Indiana and Kentucky attended and reported on their local justice stakeholders working with state leaders to combat the addiction crisis.

UNDERSTANDING ADDICTION

Justice professionals from all 92 counties participated in education sessions focused on opioid use disorder (OUD) and medication assisted treatment (MAT), as well as evidence that underlies treatment types, best practices, and legal implications. The Sequential Intercept Model (SIM) served as the focus of the working lunch.

THE CHALLENGES

The summit sparked discussion. Participants did not shy away from the challenges associated with such a complex problem including lack of resources, jail overcrowding, high caseloads, and funding. The thoughtful questions posed at the summit could not be answered in one day.

Chief Justice Loretta Rush, who co-chairs the National Judicial Opioid Task Force, pledged continued support, funding, and training. “From the initial 911 call to getting someone back into the community, a person struggling with addiction interacts with many justice professionals, and it is important that everyone becomes educated on best practices.”

HOPE FOR RECOVERY

Though the day’s opening session was heavy hearted, the closing session was optimistic. The final speaker of the day was Brandon George, Executive Director of the Indiana Addictions Issues Coalition. Mr. George admitted feeling hopeless and isolated at the beginning of his recovery but demonstrated that treatment works and recovery is possible.

In partnership with FSSA, the Court is offering continued training and \$11 million in grants (\$120,000 to each county) over two years to address substance use and other mental health disorders.

Top. A reporter interviews Dr. Jennifer Walthall, FSSA Secretary, during the opioid summit. **Bottom.** More than 1,000 stakeholders heard from experts and recovering addicts during the one-day event.



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



587
public record requests



93
bulk data requests



47
county visits

Statistical analysis

During the fiscal year, members of the public could, for the first time, submit a public record request using an online form. As a result, IOCS received 587 requests, a significant increase over the previous year.

The Division reviewed 93 new bulk/compiled data requests, processed 45 renewals of existing requests, and assessed caseload allocation plans for 46 counties to ensure an even distribution of cases.

Physical assistance to courts

Trial courts relied on IOCS to provide in-person assistance visiting over 47 courthouses and providing guidance to clerks and court staff on record retention as well as city court closing assistance. 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.

Published information

During the fiscal year, IOCS compiled 50 issues of *Case Clips* summarizing 187 cases, posted approximately 270 entries to the *Legislative Updates* blog detailing work of the General Assembly that is of interest to the judiciary, and published the *2017 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

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 granted more than \$1.1 million in matching funding to volunteer-based guardianship programs across Indiana. Nineteen programs served 49 counties and nearly 700 incapacitated adults, representing a 250% increase in counties served since 2014.

During the 2018 calendar year, the State Office of Guardians *ad Litem* and Court Appointed Special Advocates awarded \$4.8 million in grants to 68 certified programs in 84 counties across Indiana (10 programs cover multiple counties). Through those programs, 4,718 volunteers advocated for more than 26,000 abused and neglected children.

The Family Violence Resource Attorney trained 485 judicial officers, advocates, law enforcement personnel, and other professionals in matters of family violence, civil protection orders, sexual assault, and criminal domestic violence.

During the 2018 calendar year, the Family Court Project supported 23 counties and nearly 2,500 families through court-related programs such as document preparation, co-parenting counseling, and legal assistance.

The Court Improvement Program awarded more than \$15,000 in professional development scholarships and \$187,000 in grant funds supporting family recovery courts, National Adoption Day activities, mediation, facilitation, dual status initiatives, and data collection and analysis.



250% increase
in counties served by
Adult Guardianship Office
since 2014



\$4.8 Million
in GAL/CASA grants
to counties during
calendar year 2018

Promoting equal justice

The Court Interpreter Certification Program awarded 37 grants to courts for interpreter services promoting equal access to the courts. Staff provided training, maintained a registry of 155 certified and qualified interpreters, and assisted with in-person and telephonic interpreter services. In addition, the Judicial Conference Board of Directors approved a statewide Language Access Plan for court interpreting.

Since 1997, the Indiana Conference for Legal Education Opportunity has helped more than 590 diverse ICLEO fellows enter law school. Twenty-one students completed the intensive preparatory program and enrolled in an Indiana law school this year. ICLEO also launched new initiatives designed to boost bar exam performance and expose fellows to law practice with civil legal aid organizations and in rural communities.

Related article

Justice for all PAGES 40-41



JUSTICE FOR ALL

THE Coalition for Court Access works to develop and implement a statewide plan to improve the availability and quality of civil legal services for people of limited means.

During the fiscal year, the CCA released the *Indiana Civil Legal Needs Study and Legal Aid System Scan* and the *Economic Impact and Social Value Return on Investments Analysis for 2017*. Those studies and data on *pro bono* contributions provide information on civil legal aid:



\$6.70 for \$1.00

For every \$1 invested in Indiana's civil legal aid services, there is \$6.70 in immediate and long-term consequential financial benefits



100 full-time attorneys

Only about 100 full-time attorneys provide civil legal aid in Indiana



55% of attorneys contributed

8,445 (of 15,388 non-exempt) attorneys contributed time or money to *pro bono* efforts (CY 2017)



less than half in need are served

Of the total eligible civil legal problems presented to Indiana's civil legal aid providers, more than half are not fully served because of insufficient resources

“Justice only for those customers who can afford it is not justice *for all*. In fact, it is not justice *at all*.”

—Chief Justice Loretta Rush,
2019 State of the Judiciary

BY THE NUMBERS



**Time
Contributed**

256,267

hours contributed at no charge

+

186,318

hours contributed
at reduced charge

442,585

total hours contributed



**Financial
Contributions**

\$1,452,365

in monetary contributions

+

\$436,183

in-kind contribution
of tangible property

\$1,888,548

total financial contributions



The CCA also developed a website, indianalegalhelp.org, to help with civil matters (non-criminal issues) including family, housing, consumer, healthcare, benefits, employment, and educational services.

The website provides contact information for legal service providers in each county, questions to ask when hiring a lawyer, and a variety of self-help forms.

Office of Admissions & Continuing Education

Bradley W. Skolnik, Executive Director

The **Office of Admissions and Continuing Education** provides administrative support to the Board of Law Examiners and Commission for Continuing Legal Education.

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.

More distance education

Indiana attorneys may now earn half of their CLE credits via distance education. The Supreme Court amended Admission & Discipline Rule 29 (effective January 1, 2019) allowing attorneys to get up to 18 distance education credits toward the 36 credits required every three years.



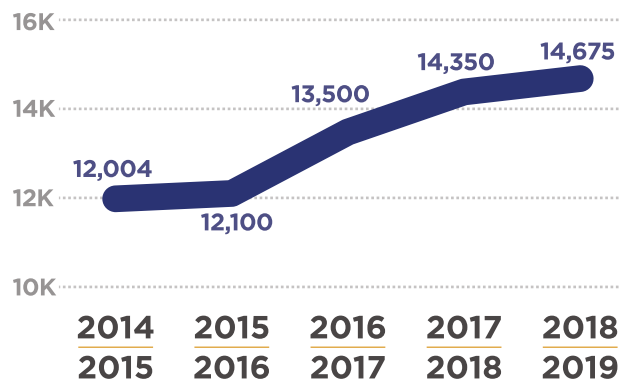
14,675
distance education credits
reported by attorneys



13,655
continuing education courses
accredited

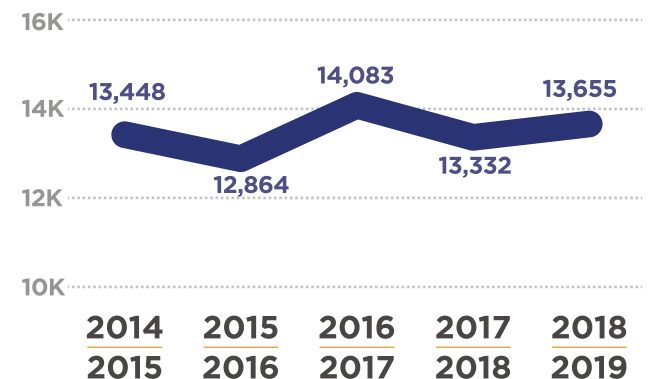
Distance credits reported

Five-year comparison



CLE courses accredited

Five-year comparison





415 of 693
applicants passed
the bar exam

Bar exam

The bar exam is administered twice a year, in February and July. During the fiscal year, 415 out of 693 applicants passed the exam.

In December 2018, the Supreme Court appointed a 14-member Study Commission on the Future of the Indiana Bar Exam to evaluate the content and format of the exam and recommend whether changes are warranted. The Study Commission met six times during the fiscal year and is charged with filing a report by the end of 2019.

Lawyers admitted on motion

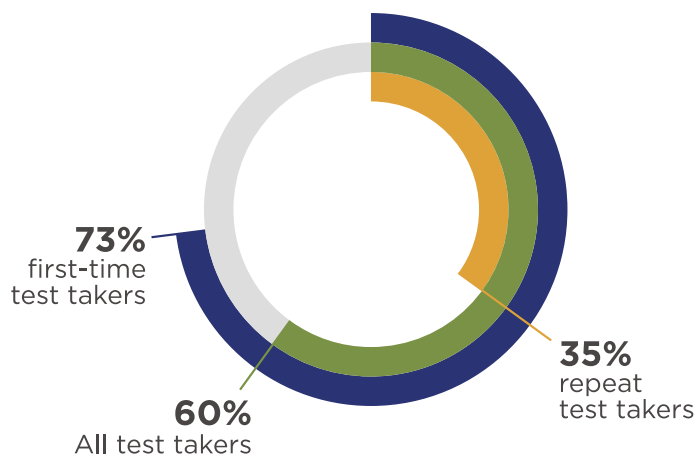
BLE is responsible for the admission of attorneys from other states who seek to be admitted in Indiana without taking the bar exam. Those admissions on motion include foreign license and limited business counsel license. During the fiscal year, 67 out-of-state lawyers were admitted on motion in Indiana, a decrease of nearly 11% from the prior fiscal year.



New attorneys take their oath at the bar admission ceremony in October 2018.

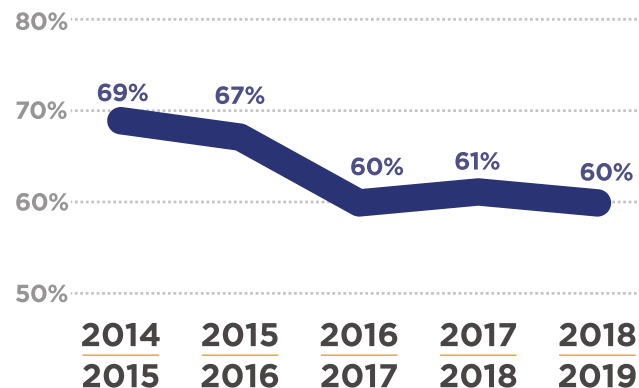
Successful test takers

First-time test takers, repeat test takers, and the average success rate for this fiscal year.



Bar exam average success rate

Five-year comparison



Judges & Lawyers Assistance Program

Terry L. Harrell, Executive Director

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

JLAP works to educate the bench and bar about the link between well-being and professional competence. All interactions with JLAP are confidential.

Addressing stigma in the profession

JLAP collaborated with local, state, and national organizations to address the stigma related to members of the legal profession seeking assistance with personal issues. Staff gave 74 presentations throughout the fiscal year, spreading the message “It’s okay not to be okay” and encouraging legal professionals to reach out for help with situational stressors, such as grief or caregiving. This campaign to normalize asking for help coincided with a 51% increase in calls over the previous fiscal year.

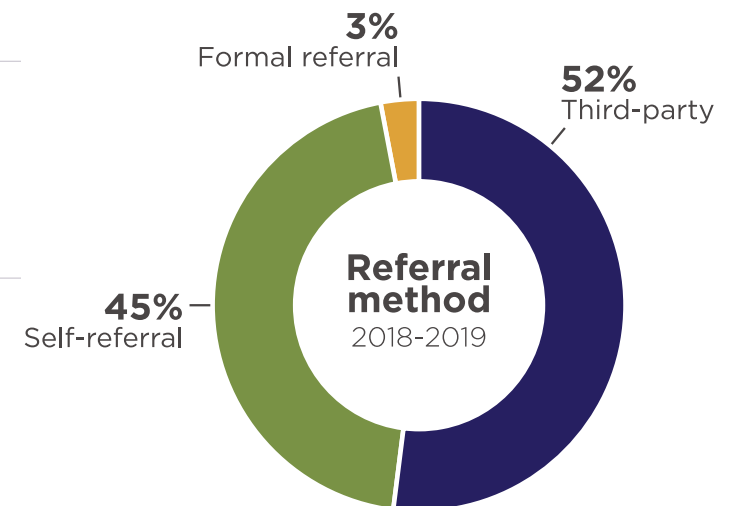
“It’s okay not to be okay”



104
peer support group sessions



4,687
people attended 74 presentations about JLAP



Outreach to judicial officers

JLAP increased participation in judicial officer training by attending every program during the fiscal year, presenting at five of them, and bringing therapy dogs to provide stress relief at several others. The percentage of calls for help regarding judicial officers doubled over the previous year.

Outreach to legal employers

In conjunction with the Indiana State Bar Association, JLAP hosted a symposium on April 5 about what legal employers can do to support well-being in the profession. Leaders from large and small law firms, government entities, and in-house legal counsel gathered to share strategies and opportunities for improving well-being.

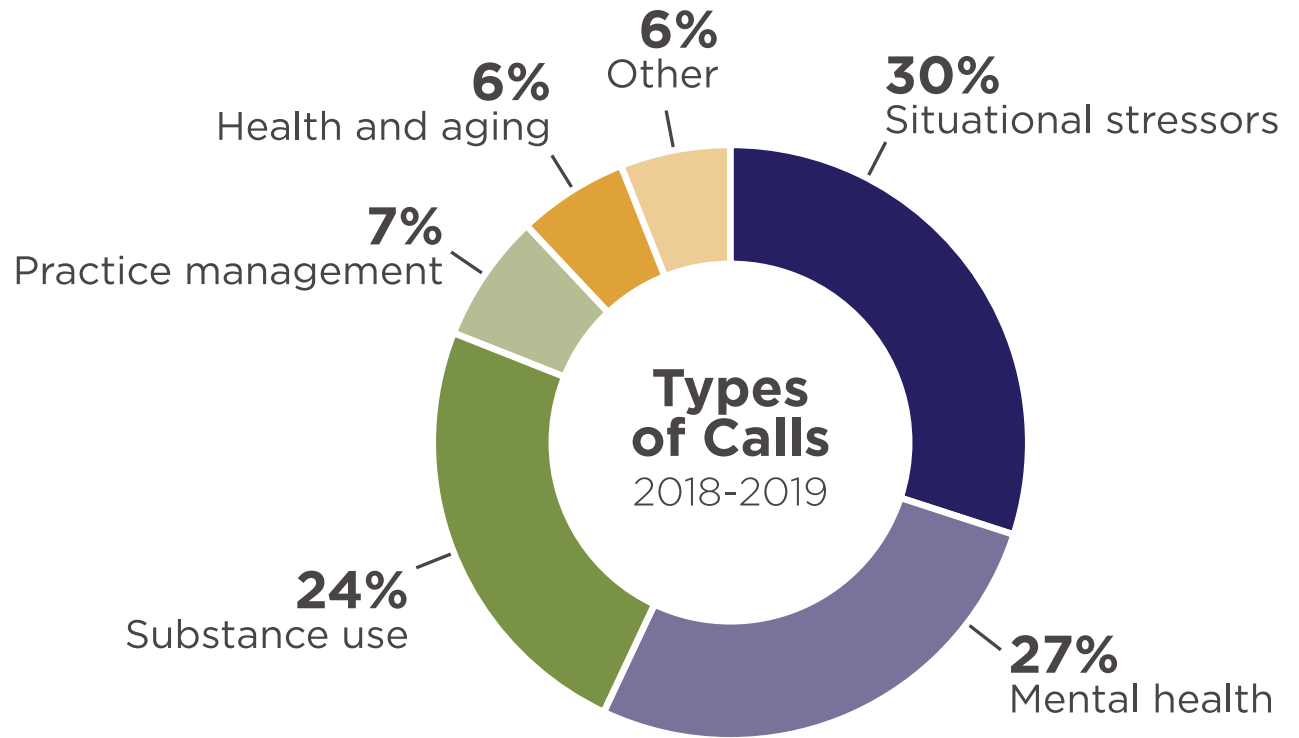
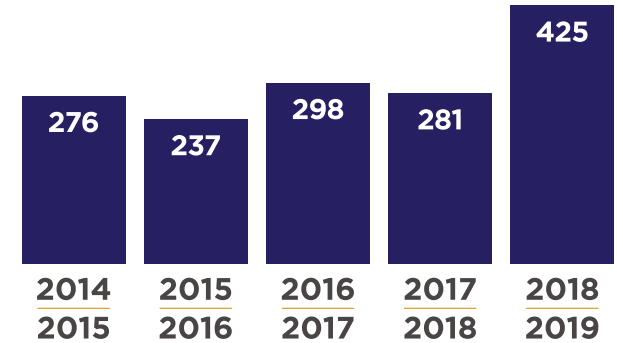


100% increase
calls regarding judicial officers doubled



425
total calls for assistance

Calls for help
Five-year comparison



Disciplinary Commission

G. Michael Witte, Executive Director

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

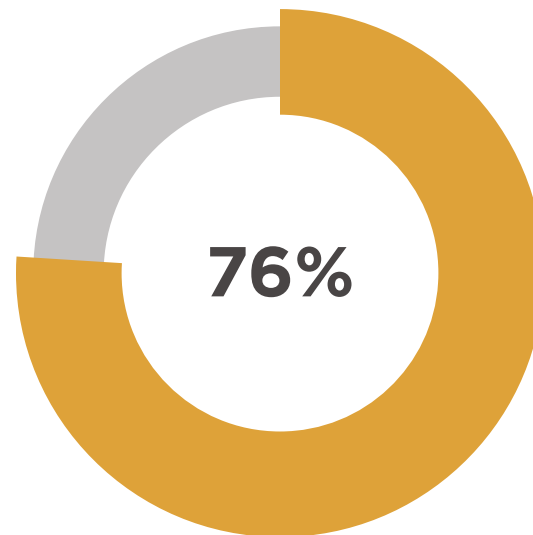


28 verified complaints

Misconduct charges filed by the Commission

Dismissed summarily

76% of complaints were dismissed by the Commission as having no valid issue of misconduct.



Related Information

Discipline matters received and disposed by the Court PAGES 10-13

COMMISSION BUSINESS

FISCAL YEAR STATISTICS

113 Commission Grievances

48 Counts of Misconduct

106 Final Orders of Discipline

65 Overdraft Notices

49 Overdraft Inquiries Closed

144 CLE/Fees Suspensions

Caution letters

During the fiscal year, the Commission issued 14 caution letters for violations of the Rules of Professional Conduct as a method of case disposition. Rule violations that were addressed more than once included:

- **Rule 1.4: Diligent communication with client**
- **Rule 4.4: Respecting rights of third person**
- **Rule 5.5: Unauthorized or multijurisdictional practice of law**
- **Rule 7.1: False or misleading communication**
- **Rule 7.5: Firm names and letterheads**
- **Rule 8.4: General misconduct**

Offering ethical guidance

Before the beginning of the fiscal year, the Commission formally undertook an advisory role for lawyers seeking ethical guidance. As part of this duty, the Commission issued its second formal written ethics opinion, which addresses the risks of rent-a-license schemes from out-of-state unlicensed legal entities.

Commission staff also received 114 informal requests for ethical guidance, which are confidential. Twenty-six different sections of the Rules of Professional Conduct were addressed, including rules on confidentiality (Rule 1.6), current client conflict of interest (Rule 1.7), and former client conflict of interest (Rule 1.9).

CASE HIGHLIGHTS

ATTORNEY DISCIPLINE ALLEGATIONS REVIEWED BY THE COMMISSION

1,414 Complaints submitted
(requests for investigation against attorneys)

1,078 Dismissed summarily
(no valid issue of misconduct)

336 Complaints *(investigations)*

71 Dismissed after investigations

14 Caution / Warning letters sent

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

27 Dismissed pending reinstatement
(attorney already suspended)

3 Dismissed as moot due to death

17 Referred out *(to JQC / other states)*

17 Referred to local bar for investigation

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

Commission on Judicial Qualifications & 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** provides ethical advice to Indiana trial judges and investigates and prosecutes allegations of judicial ethical misconduct.

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

Related Information

Discipline matters received and disposed by the Court PAGES 10-13



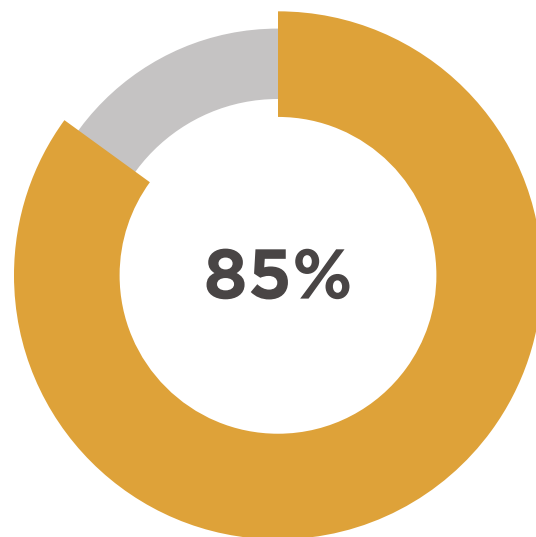
477
complaints received



407
dismissed summarily

Dismissed summarily

85% of complaints were dismissed by the Commission; 9% resulted in formal investigations; 6% were waiting for review.



Judicial discipline

During the fiscal year, JQC received 477 complaints alleging judicial misconduct. Twenty-eight complaints were waiting for review at the end of the fiscal year.

Four hundred seven complaints were dismissed summarily as failing to raise valid issues of ethical misconduct or were dismissed with a determination that no misconduct occurred following informal investigation by JQC staff.

For 39 complaints, the Commission required the judge to respond to the allegations or conducted formal inquiries or investigations. Six matters were dismissed as not establishing ethical misconduct, and six were closed after the judicial officer resigned or corrective action was taken. JQC issued seven advisory letters, three private cautions, six deferred resolutions, and referred one matter to another agency. At the end of the fiscal year, there were ten pending investigations, including two interim suspensions with pay as a result of pending criminal charges.

The Commission filed public disciplinary charges against three judges this fiscal year.

JUDICIAL DISCIPLINE ACTIONS

BREAKDOWN OF 42 CASES

10 Pending investigations or charges

1 Suspension

1 Public Reprimand

1 Charge Dismissed
(after judicial officer resigned)

7 Advisory Letters
(not classified as formal discipline)

3 Private Cautions

6 Deferred Resolutions

6 Investigations Closed
(after judicial officer resigned or corrective action taken)

6 Investigations Closed
(with no misconduct found)

1 Referred to another agency

One judge received a public reprimand for not recusing from a case even though the defendant was a good friend and for suggesting to the prosecutor that he dismiss the same case.

A non-lawyer city court judge was charged for acting outside of his judicial role by filing and processing infraction tickets and offering litigants deferral agreements when the prosecutor had not authorized such filings and agreements. The Court accepted the parties' agreement to dismiss the case as moot after the judge resigned and the city court closed.

Another judge received a 45-day suspension without pay for failing to disclose a potential conflict to the parties in a trust and related estate case before appointing a trustee to their case and for not acting promptly and diligently when notified that the trustee was not complying with court orders and was not performing his fiduciary responsibilities.

Advising judges and judicial candidates

The Commission issued one advisory opinion during the fiscal year. Advisory Opinion #1-19 addresses political activities of retiring judges and senior judges under Canon 4 of the Code of Judicial Conduct.

An independent, fair
and impartial judiciary
is indispensable to our
system of justice.

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 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
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