

2015 STATE OF THE JUDICIARY



Indiana Courts: Working to Fulfill the Promise of Justice

Chief Justice Loretta H. Rush
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INTRODUCTION

Governor Pence, Lt. Governor Ellsperman, Members of the General Assembly:

What an honor it is for me to stand before you, the men and women of the Indiana General Assembly, in these historic chambers on behalf of my colleagues on the Supreme Court, Chief Judge Vaidik and our hard working Court of Appeals, and the heart and soul of the judicial branch—our trial court judges. It is on behalf of all of us that I offer you this address on the condition of Indiana's courts.

In countless ways, the sound current state of our courts is attributable to former Chief Justice Brent Dickson—a man of integrity whose calm, civil and thoughtful approach was instrumental in leading our judiciary during the last several years—a period of much change. Please join me in showing our appreciation for Justice Dickson.

The “condition of the courts” is best understood within a context of purpose: Is our system of justice in Indiana working for the people and businesses it promises to serve? As our Indiana Constitution set forth almost 200 years ago, our courts must be open to every person for every injury—so that citizens’ conflicts, whether criminal or civil, are decided in an impartial forum, at an efficient price, with fair outcomes. Today you will hear several of those citizens’ stories that speak to this purpose.

Your Indiana Supreme Court does much more than decide cases and write opinions. The Court is charged by the very Constitution of this State with critical administrative responsibilities and preservation of the rule of law. Our duties have grown tremendously over the course of the last three decades and will continue to grow through this new year.

- On December 5th, Justice Rucker continued his efforts to provide access to justice to litigants with limited English proficiency by swearing in 19 new certified and qualified court interpreters, bringing the total to 107—including for the first time an American Sign Language interpreter.

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promises to serve?*

- By the end of 2014, under Justice Massa's leadership, the Court had expanded its electronic case management system to 217 courts in 51 counties, representing nearly 60% of the 1.5 million new cases filed in Indiana courts annually.
- Recognizing that the path to justice can be tough for unrepresented Hoosiers, the Court followed Justice Dickson's vision to provide legal services to the poor by adopting an innovative rule requiring all attorneys to report their *pro bono* volunteer legal services.
- Under Justice David's leadership, the Juvenile Detention Alternatives Initiative has increased from 8 to 19 Hoosier counties in the last 2 years, covering 56% of the state's at-risk youth. You will hear more about this remarkable initiative in a few moments.

Just as independence is vital to judicial decision making, collaboration is essential to our daily operations. Our partnerships with the General Assembly and Executive Branch are woven throughout court administrative functions. My judicial colleagues and I are grateful for these valuable partnerships.

Three areas deserve special attention today: improving public safety, strengthening Hoosier families, and modernizing our courts in order to fulfill the promise of justice in Indiana.

INCREASING PUBLIC SAFETY

In terms of public safety, the courts are enthusiastic partners in implementing the legislature's masterful criminal code reform. There is every reason to believe that the new sentencing philosophy expressed in HEA 1006 will reduce recidivism (or re-offending), make communities safer, save money and improve our criminal justice system as never before. Success and validation of these reforms will require all three branches of government to work together. We are ready. We have already trained probation officers, judges and their staffs in record numbers this past year. We are adopting new probation standards and administering grants to our counties to ensure safe, effective and efficient community supervision.

With people like Aaron Loudon as probation officers, we are ready to stand with you to meet public safety needs. The General Assembly determined DNA should be collected from convicted felons, but without a central record showing whether the sample had been collected, officers like Aaron had to duplicate efforts. The folks in Jackson County where he works won't be surprised by this: he thought of a solution and recommended the courts include DNA data in our Offender Management System. We took his great suggestion and last June our court computer system, called INCITE, began showing whether a DNA sample had previously been collected from an offender. Yes, this saves State Police, their lab and corrections

time and money—but ultimately it is about public safety. Probation Officer Aaron Loudon is in the gallery today and I am pleased to publicly say “thank you.”

The ability to access and share offender information between courts, corrections and probation departments is vital to public safety. The Supreme Court and its agencies continue to develop technology for exactly that reason. And these enhanced court technologies also benefit law enforcement and executive branch agencies.

- The BMV can make licensing decisions, thanks to over 15,000 weekly court notices.
- The Department of Revenue can send tax warrants to clerks electronically.
- And police officers can issue electronic tickets.

All this becomes possible when courts can collect and integrate offender and court data information.

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The Protective Order Registry for victims of violence is an excellent example of court technology improving public safety. The Registry saves lives by making protection orders immediately available to local, state and federal police. This system also notifies the victim by email or text message when the order is issued. By the close of 2014, these critical notices were issued 96,000 times.

Another important piece of criminal justice reform involves our children. The Court partnered with the Department of Child Services, Department of Correction and the Indiana Criminal Justice Institute to implement the Juvenile Detention Alternatives Initiative. We refer to it as “JDAI.” This revolutionary program ensures juvenile offenders are in the right placement, for the right reasons and for the right length of time. The end result is fewer children locked up, lower recidivism, fewer arrests and fewer children made to stand trial in the adult system. Wayne County’s Judge Darrin Dolehanty, when speaking of JDAI reported: “The most exciting part for me is the tri-county partnership we have developed with the neighboring Henry and Delaware Counties. We have already started sharing resources and data, and hope to serve as an example to the rest of the State.” I am not surprised by our judges’ willingness to embrace cross-county partnerships to ensure statewide success. But I sure am proud.

In a similar vein, Indiana Problem Solving or Specialty Courts continue to be one of our greatest success stories. Participants in these courts take part in intensive treatment programs directly

under court supervision. These courts address the unique needs of offenders with drug addictions and mental illness instead of simply leaving the offenders untreated and sitting in a jail cell. They yield tangible results—including workforce development and preserving families—and are successful because of collaboration between the courts and their communities, businesses, prosecutors, defense attorneys, service providers and law enforcement.

The Indiana Supreme Court has certified 68 such specialty courts. The fastest growing are Veterans Courts. There are currently 12 in operation in Indiana with more in the works. According to the National Center for Veterans Analysis and Statistics, Indiana has approximately 476,000 veterans (one of the highest per capita in the nation)—a number of whom find themselves in our courts following their service to our country.

Floyd County's Judge Maria Granger, a leader in the implementation of Veteran Courts, told me Specialist Christopher Bunch's story. His story illustrates all that is good in our Hoosier court system—justice tempered with mercy and based upon the principles of reformative justice as set forth in our Indiana Constitution. Specialist Bunch served our country honorably for 6 years. He was assigned to Company C, 1st Battalion, 152nd Infantry Division. In 2008, he was deployed to combat in Operation Iraqi Freedom where he provided convoy security for route patrols in Tikrit, Iraq. In his own words,

One of our missions was to recover equipment after a vehicle rollover incident that killed one of our comrades. When we got back home, the mission was still taking a toll on us. Some of the soldiers that were part of that mission even committed suicide. I didn't realize at that time that there was something wrong with me, but my family could see it.

Specialist Bunch brought home several commendations and awards. But he also brought home severe post-traumatic stress, anxiety and night terrors from his war experiences. He struggled, using alcohol and prescription medications, to cope with life. Christopher said, "It took me five years to get into trouble."

He was arrested for threatening family members to get his pain medication. He admitted, "Going to jail was an awakening." Christopher was in the Scott County Jail awaiting trial for charges of felony Intimidation and Disorderly Conduct when the VA approached him. Christopher, his lawyer, the prosecutor and the judge agreed that Veterans Court was the best approach to justice for him, his family and the community.

While participating in Veterans Court, he completed the VA substance abuse treatment program and then moved into transitional housing and a relapse prevention program with mental health treatment for post-traumatic stress. All of his treatment was paid using the service member benefits that he had earned.

Ultimately, Specialist Bunch was reunited with his family. He has been substance-free for more than a year and no longer requires pain medication. Christopher is once again a supportive partner to his wife, a role model for his sons and a productive member of his community working as a finish carpenter. He says,

I don't know where I would be today without Veterans Court. Judge Granger and her team of mentors gave me a chance to really heal—something I hadn't been able to do on my own. The resources and contacts that I have made in the court have been lifesavers.

On November 4, 2014, Christopher graduated from Veterans Court. Please welcome Specialist Christopher Bunch and his judge, Maria Granger.

STRENGTHENING OUR FAMILIES

In addition to enhancing public safety, Indiana courts strengthen our Hoosier families. To that end, hundreds of Indiana judges ask daily: “What can I do to strengthen the families that come before me and improve the lives of children?” Being in court reflects a particularly vulnerable time—both personally and economically. The sooner a citizen can go to court and resolve differences with creditors; settle disputes with the landlord; obtain child support rulings; or be made whole in a suit over injuries; the sooner they can get back to work—

and back to their family. Stable families lead to increased graduation rates, which translates into a more educated and skilled workforce, which in turn translates into a healthier economy.

Justice for these children and families requires more than just issuing rulings. Hoosier judges are committed to the larger goal of strong families by working within their communities on the issues that brought the families to court; looking at what is working around the country in terms of evidence-based decision making; and searching for ways to improve safety, graduation rates and workforce development for vulnerable youth.

2014 represented the first full year of operation of the Children's Commission, which Governor Pence signed into law. This collaboration includes leadership from all three branches of government working on the toughest issues facing our children, including sex trafficking; the toll that methamphetamine and heroin use takes on our families; infant and child deaths; improving

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educational outcomes for vulnerable youth; and overcoming homelessness. I have never left a Children's Commission meeting without new insights about the dangers our children face along with a shared resolve of work to be done. Many of the hardworking Commission and Task Force Members are here today: Senators Holdman, Lanane, Broden, Yoder and Head, and Representatives Riecken and Mahan, and Attorney General Zoeller. I am personally appreciative of their hard work and I know you are too.

There are also many examples of how your judiciary strengthens Indiana families, such as family courts, the Mortgage Foreclosure Trial Court Assistance Project, child support and parenting time guidelines, mediation and parenting programs.

On National Adoption Day this past November, 100 children joined new families during special open adoption proceedings celebrated in trial courts across the state. Our Court handed down an order opening the proceedings to allow photographs, including media. This was done to allow families to capture that moment they legally came together—and also to promote the need for building healthy families through adoption. Judge Mary Willis of Henry County asks each child adopted in her court to pound her gavel and leave a mark on her bench. She sees those marks each day, and they remind her of the importance of strong families.

Court initiatives promoting Guardians *ad Litem* and Court Appointed Special Advocates (CASA) have produced thousands of volunteers. Those very special individuals, who represent abused and neglected children in legal proceedings, donated more than 400,000 hours last year to advocate on behalf of over 19,000 Indiana children.

In Allen County, Judge Charles Pratt and others gave all foster children a book and told them it was to celebrate their future. One 15-year-old boy started crying and said no one had ever told him that before. How long should that 15-year-old in foster care have to wait for a permanent home? Under Judge Pratt's leadership the Court last year implemented time standards and performance measures to all Indiana courts geared toward ensuring permanent, safe—and timely—homes for these children.

We have talked about our children. Now what about our aging parents? After “liberty and justice for all,” one of our society's most treasured tenets is “honor thy mother and father.” But for each member of the greatest generation who receives the tender care of family, there is another elderly citizen who has no one to protect them from abuse and neglect. Last year, Adult Protective Services received 40,000 reports of elder abuse in Indiana.

The population over age 65 in our state will more than double in the next several decades. Some of those individuals will need help in managing their affairs. And in many cases, this help will come

through the appointment of a guardian. Phillip, a developmentally disabled elderly man, collapsed at a gas station in Richmond. Doctors at Reid Memorial Hospital said he needed open heart surgery, but no family could be located. A guardian was assigned to assist with his medical emergency, and now he is in a group home, thriving and involved in Kiwanis. There are many stories like Phillip's.

In 2014, thanks to the initiative of Judges Susan Henderson of Fountain County and Diane Schneider of Lake County, Indiana became the first state in the nation to create a statewide Guardianship Registry. The Registry, which went online in May 2014, began in just four counties and grew to ten by the end of the year. Marion County will come online this month. In addition to offering clerks, courts and practitioners real-time case management tools, the Registry also has a public portal so that hospitals and health care providers, banks, law enforcement and others who may encounter emergency situations can quickly and accurately determine whether someone is subject to a guardianship and act accordingly.

Just as your judiciary works to improve the lives of children and families, we will also continue to work to ensure the safety and financial security of our mothers and fathers.

MODERNIZING COURT OPERATIONS

So what is new on the horizon for the judicial branch in 2015?

First, I bring you very exciting news from the Indiana Supreme Court technology team led by Justice David and Judge Paul Mathias—2015 will be the year that we begin the move to statewide electronic filing in Indiana courts. E-filing will transform the way Hoosiers interact with the courts. It will allow litigants, attorneys, businesses and other government agencies to interact with the courts electronically. What does this mean? Many examples of court programs discussed this afternoon depend on the ability to enter, store, retrieve and share information in a timely and cost effective way. Imagine the hours and costs required to shepherd tens of millions of pages of paper as they are filed and refiled, delivered and mailed, stored and shuffled, copied and recopied, and on and on throughout Indiana courts and agencies each year!

We're excited to rollout e-filing this year and we're asking for your assistance to make it successful. Our judiciary operates on less than 1% of the total state budget. We are fully committed to fiscal responsibility with taxpayer dollars, and a state investment in court technology, including electronic filing, offers us the best option for improving our courts while conserving our limited financial resources. Pennies of additional investment now will reap dollars of savings in future records management costs. And if our Indiana judicial system is to be on the right course, we must act now.

Second, to fulfill our promise of justice for businesses in Indiana, we are looking at improving how we process complex civil cases. The Court is currently working on the development of a business court model focused on complex commercial litigation. Creating this specialty court will bring together judges experienced in handling business and commercial law cases to preside over a specialized docket with business-specific resources. Our goal in this endeavor, along with the introduction of electronic filing, is to promote an attractive, predictable and consistent climate for doing business in Indiana. Many thanks to Justice David, Judge Heather Welch, Judge Craig Bobay and their committee for all their work here.

A third endeavor on the Court's horizon is an initiative that will refine how we determine whether those arrested on low-level offenses should sit in jail awaiting trial. The Court authorized pilot programs starting this year to improve the way courts make pre-trial release decisions. New practices can yield wide-ranging benefits, such as significant taxpayer savings for jail operations; improving arrestee appearance rates at trial; minimizing wealth-based disparities as to pre-trial release and enabling people to return more quickly to family and work while ensuring public safety. I appreciate the

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vision and work of Justice Dickson and this hardworking committee chaired by Judge John Surbeck and consisting of judges, probation officers, lawyers, and legislators including Senator Brent Steele and Representative Jud McMillin.

Modern court systems must bring both vision and action to the pursuit of justice—and I have highlighted today just a few examples of what our courts can accomplish. We are regularly confronted with new and increasingly challenging problems, not just in our decision making, but in our operations and the programs we administer—and those, too, are part of our responsibility and constitutional mission.

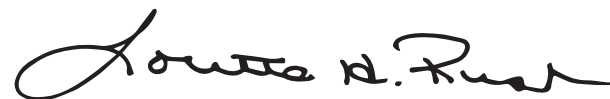
I firmly believe the “state of the judiciary” is best measured against its ultimate purpose: Is our system of justice in Indiana working for the people and businesses it promises to serve? Facts, figures and statistics are only meaningful if they support this end.

Your Indiana judiciary is strong—and over the next year we will grow stronger still, taking on new initiatives to stay modern and responsive as we strive to fulfill the promise of justice in Indiana.

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I am keenly aware, along with all of my judicial colleagues, that we have a privilege beyond description—and the responsibility of a lifetime—to labor in the cause of justice.

These remarks reflect our vision for the upcoming year to pursue justice for all Hoosiers with energy and innovation. Rest assured, your Indiana judiciary is vibrant and ever poised to meet the challenges of the future.

A handwritten signature in black ink, reading "Louise D. Rush". The signature is written in a cursive, flowing style with a large initial "L" and a distinct "R".

The State of the Judiciary Address is given each year by the Chief Justice of Indiana to a joint session of the Indiana General Assembly in the House of Representatives Chamber at the Indiana State House.

A video of this year's State of the Judiciary is available on the Supreme Court website:

courts.in.gov/supreme