Members

Sen. Richard Bray, Chairperson
Sen. Randall Head
Sen. Lonnie Randolph
Sen. Timothy Lanane
Rep. Linda Lawson,Vice-Chairperson
Rep. Matt Pierce
Rep. Kathy Richardson
Rep. Eric Koch
Chief Justice Randall Shepard
Thomas Felts
David Whicker
Michael J. Kruk
Jill Jackson

COMMISSION ON COURTS

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Mark Goodpaster, Fiscal Analyst for the Commission
Timothy Tyler, Attorney for the Commission

Authority: IC 33-23-10

MEETING MINUTES[1]

Meeting Date:	**July 29, 2010**
Meeting Time:	**10:00 A.M.**
Meeting Place:	**State House, 200 W. Washington St., Room 431**
Meeting City:	**Indianapolis, Indiana**
Meeting Number:	**1**

Members Present: **Sen. Richard Bray, Chairperson; Sen. Randall Head; Sen. Lonnie Randolph; Sen. Timothy Lanane; Rep. Linda Lawson,Vice-Chairperson; Rep. Matt Pierce; Rep. Kathy Richardson; Rep. Eric Koch; Chief Judge John Baker for Chief Justice Randall Shepard; Thomas Felts; David Whicker; Michael J. Kruk; Jill Jackson.**

Members Absent: **None.**

Chairman Bray called the meeting to order at 10:05 a.m. After an introduction of members Chairman Bray called on Mark Goodpaster to present a staff report to the Commission. (See Exhibit A).

Chairman Bray then began the substantive portion of the meeting.

Judge Terry Shewmaker, Elkhart Circuit Court and Member of the Strategic Planning Committee of the Indiana Judiciary Conference, presented to the Commission members the highlights of a strategic plan for the Indiana Judiciary (See Exhibit B).[2]

Judge Shewmaker indicated that the Judicial Conference proposed to improve the judiciary in three ways:

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[1] These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at http://www.in.gov/legislative Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of $0.15 per page and mailing costs will be charged for hard copies.

[2] The White Paper that these highlights are based on can be found at: http://www.in.gov/judiciary/committees/strategic/white-paper.pdf

1. Improving the professionalism of the Judiciary.

2. Simplifying the structure of the trial courts and providing more centralized funding.

3. Improving the impartiality of the judiciary by changing the judicial selection methods.

During questions and answers from the Commission members, Judge Shewmaker emphasized the following:

- This judicial improvement committee is currently working on language to proposed changes to both court rules and Indiana statutes concerning the state's court structure.

- This strategic plan proposes transferring some responsibilities from the clerk of the circuit court's office to the courts themselves to record court proceedings in the court's order book. The plan anticipates no changes in the way that marriage licenses and elections matters are currently administered.

- The plan anticipates moving more cases to courts that have lower workloads from courts that have higher workloads to even caseloads across contiguous counties.

- Currently, there are too many judicial officers with different titles. The committee proposes a limited number of titles for judicial officers.

Proposed Trial Court Reorganization

Chairman Bray told the members that the next part of the meeting would have to do with reorganizing the local trial court structures at the county level. He noted that three counties proposed unifying their courts as circuit courts and that two counties, Delaware and Monroe, had already unified in the past 10 to 30 years. He told the Commission members that he had asked that judges from Delaware and Monroe Counties appear before the Commission to describe their experiences since unification occurred to ensure that unification was the appropriate policy for other counties proposing unification.

Judge Marianne Vorhees, Delaware Circuit Court #1, told the Commission that Delaware courts have been unified since 2000 and that unification has been very effective for Delaware County. She noted that since the judges have the same jurisdiction, they can redistribute cases between courts more effectively to maintain an even workload. The judges use a case allocation plan so that courts will have some overlap between types of cases, such as juvenile and probate cases. This allows workload to be shifted when disparities occur.

Chief Judge Baker noted that the law concerning filling vacancies differs on whether circuit courts or superior courts are involved. For circuit courts, a new judge must be selected at the next general election, while a person appointed to fill a superior court position serves the remainder of the unexpired term.

Judges Ken Todd and Marc Kellams, Monroe County, described their experience on the bench since Monroe County circuit was unified in 1990. Judge Todd noted that the superior courts in Monroe County were unified in 1978 and the circuit and superior courts have been unified since

1990. Monroe County now has nine judges that are on the board of directors. He noted that Monroe County's courts have one court administrator, one budget, and generally uniform procedures.

Judge Todd also told the Commission members that he was skeptical at first about a unified court structure but now reported that he is a "true believer". He noted that he spends far less time in administrative tasks than he would if he operated as an independent court.

Judge Kellams noted the example of when Monroe County faced a jail overcrowding problem in the mid 2000s. Due to many defendants who were arrested and confined to jail while they were awaiting trial, the sheriff was under pressure from the Indiana Civil Liberties Union to reduce the number of persons who are held in the jail. The unified court developed a series of procedures to more efficiently hold pretrial hearings so that persons who were arrested could receive bail hearings more quickly. This helped to reduce the jail population so that Monroe County could avoid building extra jail facilities. Monroe County's judges are able to share caseloads without having to use senior judges or judges pro-tem, thus saving both the state and Monroe County money. Judge Kellams also noted that with a unified court system, the courts have been able to adopt the same personnel policy as the rest of county government.

Judge Kellams mentioned that the one drawback is that some administrative policy decisions are not made quickly because the judges work by committee and arrive at decisions by a consensus. Even then, he indicated that this is a far more efficient system for the taxpayers.

Judge Baker noted that the proposal to unify courts at the circuit level is a plea to use public resources more efficiently.

Mr. Kruk noted that when the county council develops a budget, council members only have to deal with one presiding judge under a unified court system rather than with a series of individual judges.

Clark Superior Court Judge Vicki Carmichael appeared next to propose that the three superior courts in Clark County be unified with the Clark Circuit Court. She distributed letters of support from the prosecuting attorney, bar association and the president of the Clark County Council (Exhibit C). She noted that the Clark County proposal is based heavily on Monroe County and Delaware County statutes.

Sen. Bray noted that the state constitution is silent concerning the retirement age of circuit court judges. Consequently, if all judges in a county are made part of the circuit court, then no mandatory retirement age would apply to any of these judges.

Henry Circuit Court Judge Mary Willis distributed letters of support from Henry County's superior court judges and from the Henry County Council (Exhibit D). She noted that Henry County is contiguous to Delaware County and that the trial court judges in Henry County have observed how well unification has worked for Delaware County. When the judges in Henry County found out that the judges in Madison County intended to propose unification, they decided to do the same.

Judge Willis also made the following points during her presentation:

- The courts would likely save money for copying expenses if the courts could combine contracts.

- The judges are working with the Henry County prosecuting attorney to clarify some issues about unification of the courts.

- The Henry County Council requested the courts to unify their operations.

Judge Thomas Newman, Madison Superior Court #3, distributed letters of support from the Madison County prosecuting attorney and the Madison County bar association. (Exhibit E) He noted that the trial courts in Madison County have already unified much of their operations, particularly since a new person has been appointed to fill the unexpired term of a circuit court judge. He told the members that both the Madison County Council and County Commissioners support unification, but they have not submitted formal documents.

Sen. Head moved to approve the request for unification of trial courts in Clark, Henry, and Madison Counties. This was seconded by Rep. Richardson. The motion was approved by unanimous voice vote.

Sen. Bray announced that the next commission meeting would be on August 26th at 10:00 a.m. He indicated that the Commission would then review requests for new courts.

The meeting was adjourned at 11:55 a.m.

Members

Sen. Richard Bray, Chairperson
Sen. Randall Head
Sen. Lonnie Randolph
Sen. Timothy Lanane
Rep. Linda Lawson, Vice-Chairperson
Rep. Matt Pierce
Rep. Kathy Richardson
Rep. Eric Koch
Chief Justice Randall Shepard
Thomas Felts
David Whicker
Michael J. Kruk
Jill Jackson

Exhibit A
Commission on Courts
July 29, 2010

COMMISSION ON COURTS

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Mark Goodpaster, Fiscal Analyst for the Commission
Timothy Tyler, Attorney for the Commission

Authority: IC 33-23-10

To: Members of the Commission on Courts
From: Mark Goodpaster
Date: July 23, 2010
Re: Staff Report for Members

Members of the Commission

1. Sen. Richard Bray, Chairperson
2. Sen. Randall Head
3. Sen. Lonnie Randolph
4. Sen. Timothy Lanane
5. Rep. Linda Lawson, Vice-Chair
6. Rep. Matt Pierce
7. Rep. Eric Koch
8. Rep. Kathy Richardson
9. Thomas Felts, Allen Circuit Court
10. David Whicker, Hendricks County Commissioner
11. Michael J. Kruk, St. Joseph County Council
12. Jill Jackson, Clerk of the Johnson Circuit Court
13. Chief Justice Randall Shepard

Recommendations from 2009 Interim

See Exhibit titled Recommendations from 2009 Interim Commission on Courts

Budget

- Current Budget $9,500
- Average Cost per Meeting $2,454 if all members attend
- Potential Number of Meetings – 3

Requests from Legislative Council (note: the contents of SR 71 - 2010 and HB 1179 -2010 have been included in this handout)

1. Use of mechanic's liens in the state (HB 1179 introduced by Rep Bartlett)
2. Renter safety (SR 71 - 2010)

Distribution of Meeting Notices, Agendas and Minutes of Meetings:

All notices, agendas, minutes and exhibits to members and interested parties from the Commission on Courts will be available at:

http://www.state.in.us/legislative/interim/committee/crts.html

	Recommendations from 2009 Interim Commission on Cou	
	Recommendations:	***Fate in 2010 Ge***
✔	1. Allow magistrates to serve as senior judges.	*Enacted in SEA 36-2010
	2. Increase automated record keeping fee from $7 to $10 from July 1, 2010, to July 1, 2014, and decrease fee to $7 after June 30, 2014.	*No legislation introduced.
	3. Eliminate the hearing officer position appointed by the judge of the Allen Circuit Court and instead allow the judge to appoint a second magistrate.	*SB 108 introduced but did not pa
✔	4. Allow Marion County to convert commissioner positions to magistrate positions.	*HEA 1154-2009 enacted to: Prc commissioner has same powers an the same salary. Permits a court in max $35 judgment for traffic vi judgment to a dedicated county fu county or state general fund; and (by the county fiscal body, only to p and pay costs of the county's guar
	5. Add third judge to the Bartholomew Superior Court effective July 1, 2011.	*Part of HB 1269 and SB 307; did
✔	6. Consolidate existing statutes that establish drug courts and reentry courts into a generic statute to allow other types of problem solving courts to be established that operate under oversight of IN Judicial Conference.	*Enacted in HEA 1271-2010
	7. The ongoing consolidation of probation services should continue to be left to the discretion of the Indiana Judicial Conference.	*(No legislation necessary.)
	8. Repeal provisions established in HEA 1001-2009(ss) relevant to the out-of-state placement of juveniles by trial courts and to instead restore the juvenile placement expedited review process established by HEA 1001-2008 (the so called "rocket docket").	*HB 1167 introduced but did not

Weighted Caseload Averages 2009				
Court	Need	Have	Utilization	Notes
Madison Circuit	1.95	1.4	1.4	
Madison Superior 1	1.98	1.46	1.35	
Madison Superior 2	3.45	1.6	2.16	
Madison Superior 3	1.88	1.4	1.34	certified problem solving court
Madison Superior 4	1.52	1.1	1.38	
Madison Superior 5	1.6	1.1	1.46	certified problem solving court
Total for County	12.38	8.06	1.54	
Clark Circuit	1.84	1.1	1.67	
Clark Superior 1	3.04	1.2	2.53	
Clark Superior 2	2.37	1.05	2.26	certified problem solving court

Weighted Caseload Averages 2009				
Court	Need	Have	Utilization	Notes
Clark Superior 3	4.27	1.8	2.37	
Total for County	11.52	5.15	2.24	
Henry Circuit	1.85	1.3	1.42	
Henry Superior 1	1.05	1.25	0.84	
Henry Superior 2	1.01	1	1.01	
Total for County	3.91	3.55	1.10	
Statewide Average	597.59	442.15	1.35	

Introduced Version

SENATE RESOLUTION No. ___

DIGEST OF INTRODUCED RESOLUTION

A SENATE RESOLUTION urging the Legislative Council to assign to an interim study committee the study of issues pertaining to renter safety, or assign such a topic to an ongoing committee or commission.

ZAKAS, TAYLOR

_____, read first time and referred to Committee on

Introduced

Second Regular Session 116th General Assembly (2010)

SENATE RESOLUTION

MADAM PRESIDENT:

I offer the following resolution and move its adoption:

A SENATE RESOLUTION urging the Legislative Council to assign to an interim study committee the study of issues pertaining to renter safety, or assign such a topic to an ongoing committee or commission.

Whereas, A need may exist for more protection for renters who are victims of burglaries, residential entries, or criminal trespass; and

Whereas, An interim study committee would be able to investigate and research the most effective policy on the issue of renter safety: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Legislative Council is urged to assign to an interim study committee the study of issues pertaining to renter safety, or assign such a topic to an ongoing committee or commission.

SECTION 2. The committee, if established, shall operate under the direction of the Legislative Council and issue a report when directed to do so by the Council.

1 SECTION 3. The Secretary of the Senate is hereby directed to
2 transmit a copy of this Resolution to the Legislative Council through
3 the Executive Director of the Legislative Services Agency.

Introduced Version

HOUSE BILL No. 1179

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-28-3-1.5.

Synopsis: Mechanic's liens. Allows an incorporated or unincorporated association that represents employees, employers, suppliers, or an employee benefit fund to file a statement and notice of intention to hold a mechanic's lien on behalf of a person who: (1) is a member of or participant in the association; (2) performed labor or furnished materials as described in the mechanic's lien law; and (3) may have a lien as set forth in mechanic's lien law.

Effective: July 1, 2010.

Bartlett

January 7, 2010, read first time and referred to Committee on Labor and Employment.

Introduced

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1179

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 32-28-3-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. (a) An incorporated or unincorporated association that represents employees, employers, suppliers, or an employee benefit fund may file a statement and notice of intention to hold a lien under this chapter on behalf of a person who:**

(1) is a member of or participant in the association;

(2) performed labor or furnished materials as described in section 1(a) of this chapter; and

(3) may have a lien as set forth in section 1 of this chapter.

(b) If an incorporated or unincorporated association files a statement and notice of intention to hold a lien under this chapter on behalf of a member of or participant in the association, the association:

(1) has the same rights and remedies under this chapter as the member or participant;

(2) may enforce the lien by filing a complaint on behalf of the member or participant as provided in this chapter; and

(3) shall identify by name all the members or participants on whose behalf the association is acting under this chapter in:

(A) the statement and notice of intention to hold a lien;

(B) a complaint filed under this chapter; and

(C) any other document required under this chapter to have or enforce a lien.

THE NEXT STEP TO A NEW WAY FORWARD

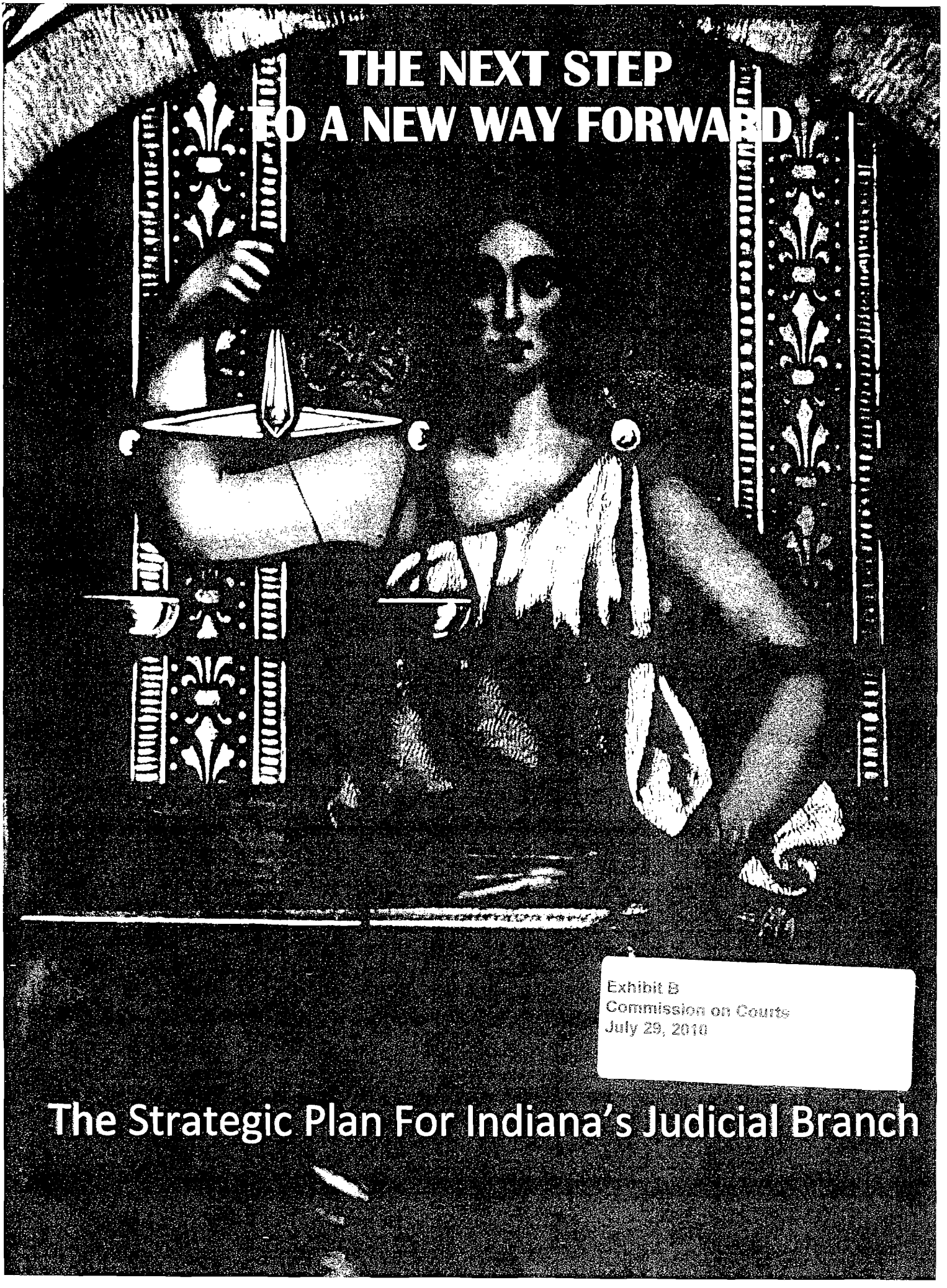


Exhibit B
Commission on Courts
July 29, 2010

The Strategic Plan For Indiana's Judicial Branch

JUDICIAL CONFERENCE OF INDIANA
Board of Directors 2009 - 2010

ex officio Members

Randall T. Shepard, Chair
Chief Justice of Indiana

J. Terrance Cody, President
Floyd Circuit Court
President, Indiana Judges Association

John G. Baker
Chief Judge, Indiana Court of Appeals

Stephen M. Sims
Allen Superior Court
President, Indiana Council of
Juvenile and Family Court Judges

District Representatives

Daniel J. Molter (1)
Newton Superior Court

David L. Chidester (1)
Porter Superior Court

Terry C. Shewmaker (2)
Elkhart Circuit Court

Allen N. Wheat (3)
Steuben Circuit Court

Frances C. Gull (3)
Allen Superior Court

Peggy L. Quint Lohorn (4)
Montgomery Superior Court

Thomas R. Lett (5)
Tipton Circuit Court

Mary G .Willis (6)
Henry Circuit Court

David R. Bolk (7)
Vigo Circuit/Superior #3 Court

Matthew C. Kincaid (8)
Boone Superior Court

William J. Hughes (8)
Hamilton Superior Court

Carol J. Orbison (8)
Marion Superior Court

Darrin M. Dolehanty (9)
Wayne Superior Court

Teresa D. Harper (10)
Monroe Circuit Court

William E. Vance (11 & 12)
Jackson Circuit Court

Wayne S. Trockman (13)
Vanderburgh Superior Court

Vicki L. Carmichael (14)
Clark Superior Court

Members at Large

Michael G. Gotsch
St. Joseph Circuit Court

Carl A. Heldt
Vanderburgh Circuit Court

John A. Rader
Warren Circuit Court

Mark D. Stoner
Marion Superior Court

Marianne L. Vorhees
Delaware Circuit Court

Contents

Summary 4

Background 6

Improving Professionalism 8
Where are we now 8
Why should we change 9
Where we want to be 10
Update 11

Improving Efficiency, Promptness and Accessibility 12
Where are we now 12
Why should we change 14
Where we want to be 15
Update 16

Improving Fairness and Impartiality 22
Where are we now 22
Why should we change 23
Where we want to be 23
Update 23

INDIANA NEEDS. . .

- ENHANCED EDUCATION FOR JUDGES
- TRIAL COURT STAFF WITH BASIC JOB DESCRIPTIONS AND FORMALIZED TRAINING
- A REORGANIZED TRIAL COURT STRUCTURE EASILY UNDERSTOOD BY THE PUBLIC
- TRIAL COURTS TO BE RESPONSIBLE FOR KEEPING TRIAL COURT RECORDS

A New Way Forward

THE FUTURE OF THE INDIANA JUDICIAL BRANCH

Trial court judges from across Indiana created a set of priorities to improve the Indiana Judicial Branch. The plan they drafted includes developing a new way forward in three main areas.

- Enhanced Education for Judges & Court Staff
- Simplified Structure of Trial Courts
- Improved System for Keeping Trial Court Records

Tough Questions & the Mission for Answers

To create a 21st century court system, the trial court judges set out to put a system in place that eliminates inefficiencies and streamlines efforts. They asked themselves a series of questions.

How do we improve. . .

the professionalism of the judiciary?

the efficiency, promptness, and accessibility of the judicial system?

the fairness and impartiality of the judiciary?

WHO DEVELOPED THE PLAN?

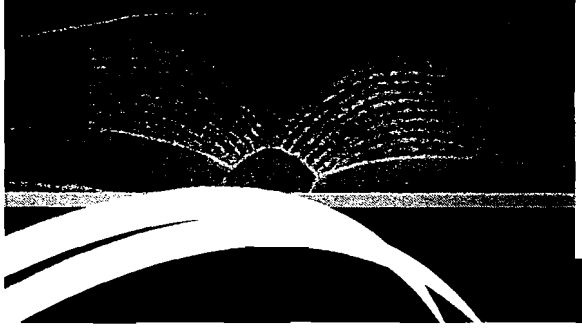
The Judicial Conference of Indiana, which is made up of judges from across the state developed the plan. A nine member committee of judges served as the steering committee. They used a grass-roots approach and hosted fifteen meetings across Indiana for judges to give input. That input, along with research from experts across the nation was used to develop the plan. "A New Way Forward," was endorsed by the Board of Directors of the Indiana Judicial Conference, presented to about 500 judges at the 2009 annual meeting and immediately unveiled to the public.

WHERE CAN I READ THE REPORT?

"A New Way Forward," is a 27-page document that can be found online at http://courts.in.gov/committees/strategic. It is not intended to be a detailed implementation plan, but rather a vision for the future.

DO I HAVE INPUT?

Yes, your feedback is valuable. The goal is to seek input from all our partners including clerks, lawmakers, judges, bar associations, local government officials and interested citizens. Contact anewwayforward@courts.state.in.us to offer suggestions or show support.



Three Areas To Improve

EDUCATION & TRAINING

Indiana needs enhanced education requirements for judges and standards for court staff. For example, not all judges have to be lawyers. We want all judges to have formal legal training and all court staff to have clear job descriptions.

STRUCTURE

Indiana needs to simplify the structure of the trial courts. Right now, it's tough to explain the jurisdiction of each Indiana court. We have many different kinds of courts and all sorts of different titles for judges. It should not be that difficult. All courts should have the ability to hear any type of case and generally only people with the title of judge or magistrate judge should hear cases.

COURT RECORDS

Indiana needs trial courts to be responsible for trial court records. Clerks would continue to focus on supervising elections, issuing marriage licenses and collecting money. The long-term plan is to attract clerks and others with specialized knowledge of the courts to be professional court administrators.

Long-Term Goals

FUNDING & JUDICIAL SELECTION

The Strategic Planning Committee is also reviewing how Indiana trial court judges are selected and reviewing how Indiana trial courts are funded. A New Way Forward is a long-term plan and neither area is ripe for immediate reform.

A New Way Forward

A Blueprint for Excellence and to Greater Accountability: Enhanced Access to Justice in Indiana's Judicial System

BACKGROUND

In June of 2008, Chief Justice Randall T. Shepard of the Indiana Supreme Court convened the Board of Directors of the Judicial Conference for a Strategic Planning Retreat. At this Strategic Planning Retreat, R. Dale Lefever, Ph.D. and consultant, acted as a facilitator. The goal was to create a strategic planning process for the Judicial Conference Board and Judiciary of the State of Indiana. The Board of the Judicial Conference participated in this group discussion and identified several strategic planning goals, which are addressed in this document. Chief Justice Shepard then asked the Judicial Conference Board to elect six members to the Strategic Planning Committee, and he appointed three additional members to the Committee. This election/appointment process resulted in the following judges comprising the Strategic Planning Committee:

John G. Baker, Chief Judge, Indiana Court of Appeals
J. Terrence Cody, Floyd Circuit Court
Thomas J. Felts, Allen Circuit Court
Frances C. Gull, Allen Superior Court
Peggy L. Quint Lohorn, Montgomery Superior Court #2
Terry C. Shewmaker, Elkhart Circuit Court
Mark D. Stoner, Marion Superior Court
Marianne L. Vorhees, Delaware Circuit Court
Mary G. Willis, Henry Circuit Court

Chief Justice Randall T. Shepard appointed Terry C. Shewmaker and Mark D. Stoner as Co-Chairmen of the Committee.

The Strategic Planning Committee met on July 17, July 18, August 8, August 22, September 5, September 19, October 3, October 17, November 14, and December 5, 2008. On October 31 and December 4, 2008, the Strategic Planning Committee met with the full Board of the Judicial Conference to review the proposed Strategic Planning document, A New Way Forward. In 2009, the Strategic Planning Committee met on February 6, February 27, April 17, June 12, August 14, and September 15. Also, on September 15, the Strategic Planning Committee made a report to the full Board of the Judicial Conference and again reviewed this document.

In reviewing and preparing this document, committee members have talked to fellow judges, chairpersons of various conference committees and relevant Supreme Court committees, and other Board of Director members. One or more members of the Indiana

Supreme Court regularly attended the meetings. Ms. Lilia Judson, Executive Director of the Division of State Court Administration, and Ms. Jane Seigel, Executive Director of the Indiana Judicial Center, also participated. In addition, Michelle Goodman, Staff Attorney with the Indiana Judicial Center, and David Remondini, Chief Deputy Executive Director with the Division of State Court Administration, also provided valuable input in this planning process.

At the December 2008 Judicial Conference in Indianapolis, the Strategic Planning Committee presented a preview of the Committee's work. The Committee then took its work "on the road" and invited all the judges in the State to a presentation in their districts. Fifteen meetings were held, and one or more Committee members attended each meeting and gathered valuable input from judges throughout the State.

The Committee adopted the following Mission Statement: ***"To improve our system of justice by assisting with the resolution of disputes under the rule of law while protecting individual rights and liberties in a fair, impartial, equally accessible, prompt, professional, and efficient manner."***

This document is a proposed planning outline for the future of the Indiana Judiciary. Many political and logistical obstacles may present themselves in implementing the ideas in this planning outline. This document is not intended to be a detailed implementation plan ready for adoption by the legislature, but rather an aspiration and vision for the future. It contains ideas central to improving the professionalism, efficiency, and effectiveness of the Indiana Judiciary. This plan should be used as a guideline for the Judiciary's future in serving the needs of all Hoosiers.

This plan should be used as a guideline for the Judiciary's future in serving the needs of all Hoosiers.

"A New Way Forward," was endorsed by the Board of Directors of the Indiana Judicial Conference, presented to about 500 judges at the 2009 annual meeting and immediately unveiled to the public.

Issue 1: How do we improve the professionalism of the judiciary?

Where are we now?

Education: The current continuing education requirements for the Judiciary mirror the requirements for practicing attorneys (thirty-six hours in three years, with a minimum of six hours per year, and three hours of Professional Responsibility in three years). Probation officers, court alcohol and drug program staff, and problem-solving court program staff already attend educational conferences provided by the Indiana Judicial Center. Generally, clerks receive updates and information through the Clerk's Association conference at which the Division of State Court Administration and JTAC routinely participate. Administrative court staff and clerks may also receive letters or documents regarding specific matters of an urgent nature. Court Reporters also have access to a handbook to assist with some of their duties. Currently, the Indiana Judicial Center is working with an Advisory Committee to help develop and deliver more detailed training for administrative court staff.

Currently, only a few categories of court staff are required to meet state minimum standards or qualifications for their specific job.

Standards for Court Staff: The functions of the court staff are extremely important for the proper administration of justice. Court staff must produce competent work product. Court staff also have constant contact with the public, which can greatly impact the public's perception and understanding of the judiciary. Currently, only a few categories of court staff are required to meet state minimum standards or qualifications for their specific job (i.e., probation officers and court alcohol and drug program staff). Other categories of administrative court staff (e.g., court reporters and bailiffs) may have local qualifications or standards, but these standards are not uniform. There is no set job description from county to county, nor is there comparable compensation from one county to the next for the same type of work.

Performance Evaluations: Currently, there is no measure or evaluation based on objective criteria for judicial officers or court staff. A task force is now meeting to study whether there should be performance evaluations for courts and judicial officers and what kind of evaluation, if any, should be implemented.

Why Should We Change?

The judicial branch must review its assets and abilities **to continue to improve the operation of the justice system.** The judicial branch is responsible for ensuring the citizens of Indiana that all judicial officers and court employees are properly trained and provide a high quality work product.

Judicial officers can and should be expected to improve and enhance their decision making through judicially related training. Administrative court staff have an obligation to assist the court in administering justice efficiently and fairly to all citizens in a competent and highly professional manner. **Without properly trained court staff, some counties will not be providing the same level of services, compromising equal access to justice across the State.**

Judicial officers and court staff should have objective expectations based on meaningful evaluations in order to measure their performance and to effectuate continued improvement and enhanced quality of the administration of justice. **The judiciary should do everything within its power to ensure that citizens and stakeholders continue to have confidence in the judicial system.** Without public confidence in the judicial system, citizens of this state will lose respect for the rule of law and the role of the judicial branch as a co-equal branch of government.

Where We Want To Be:

Increasing educational expectations for judicial officers is a priority. By adopting self-imposed, more stringent educational requirements, judicial officers will enhance their ability to administer justice for all litigants. Such educational requirements will assist in enhancing the quality and accuracy of judicial decisions, resulting in increased public confidence and perception of the judicial branch in Indiana.

Formalized training and orientation for court staff as well as minimum standards and qualifications will aid the judicial branch in providing the best services possible while striving to improve the delivery of those services. This will result in court staff being more proficient in carrying out their duties and responsibilities. By improving the work product of court staff, the citizens of Indiana will know the judicial system is operating in the most professional manner possible.

Performance evaluations will provide needed information regarding the administration of justice by illustrating where the judicial system needs to make improvements, resulting in improved quality of service and more accountability to the citizens of Indiana.

Proposals:
Education for Court Staff

- New court staff shall pass a minimum competency test on handling court records and finances and complete an orientation program provided by the Indiana Judicial Center.
- All Court staff shall attend staff training provided by the Indiana Judicial Center or approved by the supervising judge (customer service, Code of Judicial Conduct, records management, etc.).
- All Court staff shall sign an ethics agreement.

Proposals:
Minimum Standards for Court Staff Employment Should Include:

- Job descriptions and qualifications
- Code of conduct
- Salary structure
- Recruitment process

Proposals:
Performance Evaluations for Judges/Court Staff Should Include:

- Adopt standards to measure performance of courts, staff, and judges
- Publicize clearance rates and other data related to performance
- Develop methods to improve performance where indicated through the use of the adopted performance measures

Proposals:
Education For Judges

- All judicial officers of this State shall be admitted to the practice of law.
- Full-time judicial officers shall complete 50% more continuing legal education hours than the minimum required for attorneys admitted to practice law.
- All judicial officers shall graduate from the Indiana Judicial College within 10 years of commencing service as a judicial officer.
- All judicial officers shall be encouraged to complete the following supplemental educational programs: Indiana Graduate Program for Judges, Indiana Judicial College Master's Certificate Program, or equivalent (i.e. National Judicial College course).
- All judicial officers shall attend training with emphasis on judicially related education, including training on management, customer service, employment, courtroom decorum, jury trial management, and technology issues as well as substantive law.
- All judicial officers should be provided sufficient resources to attain additional CLE credit beyond Judicial Center offerings.
- All judicial officers should be encouraged to participate in Indiana Judicial Conference Committees, Supreme Court approved projects, or other projects to improve the judiciary.
- All senior judges shall be provided with a standard training program.

UPDATE:
IMPROVING THE PROFESSIONALISM OF THE JUDICIARY

The Board of Directors of the Judicial Conference of Indiana voted unanimously in favor of enhanced education requirements for judges. Basically, the proposal includes an increase in the number of education hours required for most judicial officers. Under the proposed change, the Judicial Education Committee also recommends the concept of Continuing Judicial Education (CJE) for judicial officers rather than the current Continuing Legal Education credits, which would remain in place for Indiana attorneys. "State level judicial officers" would be required to obtain at least fifty-four hours of CJE per three year reporting period. Any changes to education requirements need to be approved by the Indiana Supreme Court.

Issue 2: How do we improve

the efficiency, promptness, and accessibility of the judicial system?

Where are we now?

Court Structure: The present Indiana court structure has several levels. At the top we have the Supreme Court with five justices. The Court of Appeals, with fifteen judges divided into five districts, hears intermediate appeals. Indiana also has a single judge Tax Court. At the trial court level, Indiana has circuit courts, superior courts, probate courts, and small claims courts. These courts may have various judicial officers handling cases with titles including judge, commissioner, referee, and magistrate. Indiana also has seventy-five city and town courts. Explaining the jurisdiction of each court is difficult, complicated and confusing. Often there is no actual difference. The General Assembly has adopted numerous changes to the judicial system, as requested to address local concerns and specific issues. While this approach has resulted in a complex judicial system. To the occasional court user and the public, it must appear quite bewildering and likely does not inspire much confidence. We must simplify the current structure.

Trial courts often use "pro tem" judges to perform judicial functions when regular judicial officers are not available. To the casual observer/litigant, this can create the impression that an attorney acting as a "pro tem" has some special relationship with the regularly presiding judge. The outward appearance is problematic since the "pro tem" may act as a judge one day and a lawyer in the same court the next day.

Explaining the jurisdiction of each court is difficult, complicated and confusing. Often there is no actual difference.

While experienced senior judges are available to all courts, they are often unavailable at one time or another for a variety of reasons. This leads to an inefficient and inconsistent use of our senior judges and affects judicial administration within and between counties.

Likewise, multiple probation departments and criminal justice agencies (e.g., public defenders, community corrections, etc.) may exist in a single county. This duplication of effort results in substantial inefficiencies and greater taxpayer costs.

Caseloads also vary from county to county within a district. Certain cases require a great deal of specialized knowledge, while other cases simply require additional judicial officer time. Further, since some courts have different levels of jurisdiction, the workload cannot be adequately shared among the courts in a county or district, resulting in some courts being overworked and litigants waiting longer for decisions.

Currently, we divide our state into judicial districts. These districts provide little if any meaningful cooperative effort currently. Some judges voluntarily unite their efforts on a regional basis, but such instances are not uniform throughout the state. Further, each individual judge usually operates his or her own court and programs in the fashion he or she selects. There is little uniformity, peer review, or guidelines to assist new judges with these programs to ensure consistency between counties. Presently, there is no single, defined, measurable standard or policy to guide judges other than to administer justice.

We must simplify the current structure.

Why Should We Change?

The current Indiana court **structure remains fragmented**. While some localized issues have been mitigated by adding "judicial officers" of varying titles, there is no model or pattern to follow. **There is no uniformity**. This undoubtedly will continue to create confusion to those participating in this fractured system.

Often, perception is reality to the public. We can improve perception. **We can and should pursue uniformity and clarity of organization.**

We should encourage county, district, and regional cooperation. Clearly defining a vision and plan for the judiciary will enhance the perception of the Indiana courts. Eliminating inefficient, duplicative and multiple layers of court structure will result in economy and efficiency as well as increased public confidence.

Where We Want To Be:

In short, the current fragmented trial court structure would be unified into a more efficient and effective system. This unified court would be guided by these concepts:

Two types of judicial officers: Judges and Magistrate Judges

- Judicial officers would be either a judge or a magistrate judge. We will eliminate all other terminology for judicial officers. By implementing this simple change, the public will more easily understand our judicial system. Judges clearly would be answerable for decisions on appeal. Magistrate judges generally would answer to judges.

Unified Court System for Adjudicative Purposes

- All trial courts would have the same jurisdiction. All city and town courts would be absorbed into the trial courts.
- All magistrate judges would report to trial court judges.
- The use of "pro tem" judges would be minimized. Senior judges and other professional resources would be shifted or allocated where needed.
- The specialized tax court would continue to operate as it does today.
- Appellate review of trial and tax court decisions would continue to operate in accordance with the Indiana Constitution, applicable statutes, and rules promulgated by the Supreme Court.
- The Supreme Court would continue to have ultimate authority for adjudicative matters – both for decisions in individual cases and for promulgating rules, except for administrative rules discussed on page 16.
- The Supreme Court would continue to have authority over the admission, conduct, and discipline of lawyers, the conduct and discipline of judges, mandatory continuing legal education, and the Judges and Lawyers Assistance Program.

Unified Court System for Administrative Purposes

- The trial courts would be organized into administrative districts, based on population and geographic considerations. Certain large counties may comprise a single district.
- Each district would have a presiding judge and a district court administrator.
- Counties with multiple probation departments or multiple community correction programs would consolidate for greater administrative efficiency.
- Each district would develop its own (1) governance structure; (2) caseload allocation plan; (3) felony and misdemeanor case assignment; and (4) any additional plans tailored to its own specific needs, such as specialty judges or judges with an expertise on a particular field of law supported by training or education (e.g., medical malpractice or eminent domain).
- Each district would submit its plan to the Board of Directors of the Judicial Conference for approval (see page 16).

The Judicial Conference Board of Directors would have ultimate authority for administrative matters

- The Judicial Conference would continue to consist of all Supreme Court justices, Court of Appeals judges, the tax court judge, and all trial court judges.
- The Board of Directors would consist of the Chief Judge of each district selected by the trial judges within each district.
- The Chief Justice would continue to chair the Board of Directors.
- The Board of Directors would supervise the following functions: (1) educational development for judges and court employees; (2) support for certain programs established by the General Assembly, the Supreme Court, or the Judicial Conference; (3) administrative support services (including technology); and (4) budget and finance services for trial courts, assuming centralized funding is adopted.
- Under the long-term goals, the Board of Directors would prepare and submit the unified court system's budget request to the General Assembly. Each court would submit a budget request to the District, for submission to the Board of Directors.
- Each district's governance structure, case allocation plan, felony and misdemeanor case assignment plan, and any additional plans tailored to its own specific needs, would be subject to the Board of Directors' approval.

Implementing a unified court structure will enhance public confidence in the judiciary by better defining the role of each judicial officer. Simplicity usually results in comprehension – our court structure would be simplified with these changes. A uniform, defined structure and plan for the Indiana courts will provide direction for future efficiencies and savings.

These proposed changes will create a streamlined, modern, and cohesive court structure for Indiana's citizens.

UPDATE:

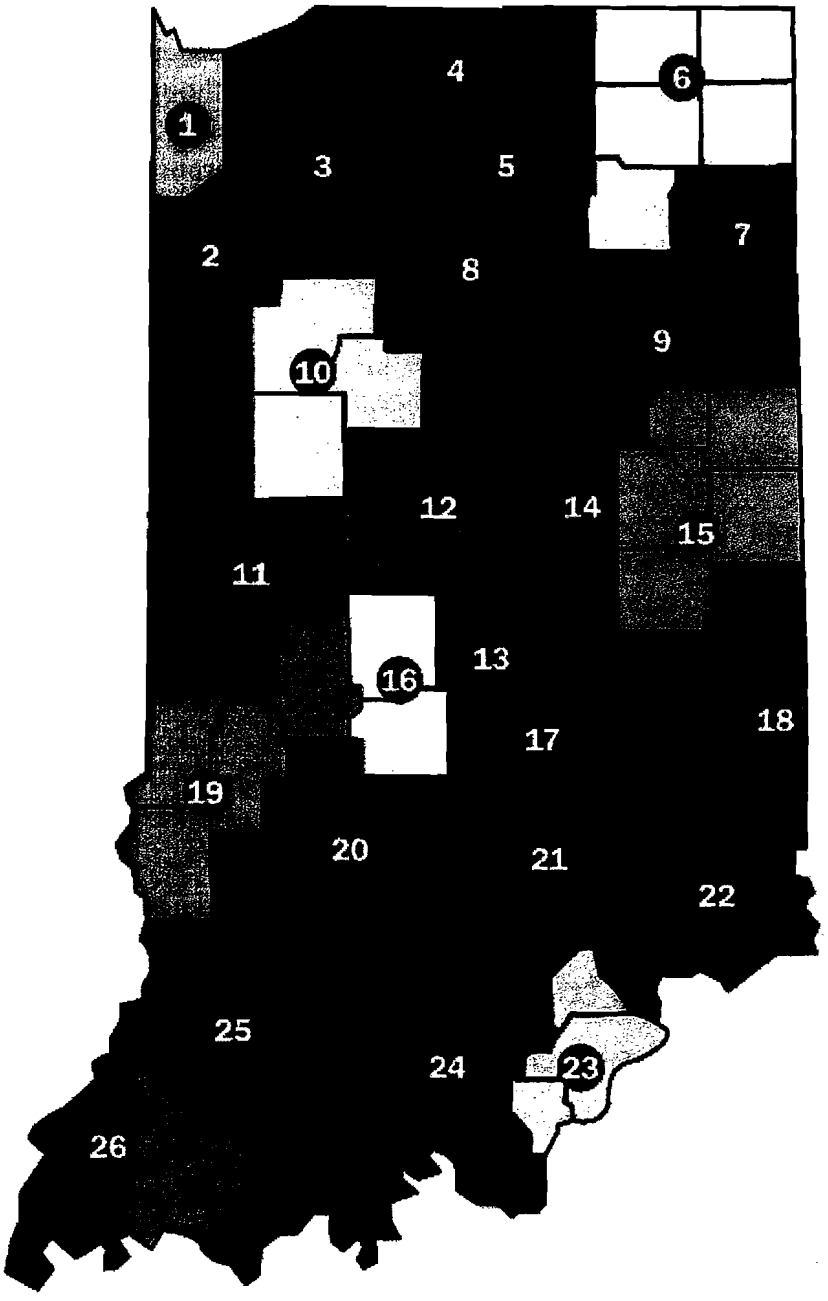
IMPROVING THE EFFICIENCY, PROMPTNESS, AND ACCESSIBILITY OF THE JUDICIAL SYSTEM

We are proposing 26 smaller districts that are easier to manage and include courts that naturally work together. These districts will be empowered with the authority to manage resources and caseloads.

The new districts are designed to have a chief judge selected by the district. With an effective governance structure the districts will be able to pool resources where appropriate and avoid unnecessary duplications. Part of the long-term plan also includes having district court administrators to assist the chief judges in efficiently managing the operations of the districts. We propose these positions be funded by the state.

We envision clerks and other individuals with knowledge of the courts, such as lawyers and probation officers, will be attracted to the professional court administrators' position for the counties and eventually for the districts. Many of them have a specialized skill set that the trial courts would like to tap into as a way to improve how we do business.

26 Districts



Total Number of Trial Judges by District:

1 = 17
2 = 11
3 = 8
4 = 10
5 = 14
6 = 12
7 = 10
8 = 13
9 = 8
10 = 11
11 = 7
12 = 13
13 = 37
14 = 10
15 = 14
16 = 10
17 = 10
18 = 11
19 = 12
20 = 15
21 = 11
22 = 8
23 = 10
24 = 7
25 = 11
26 = 15

Where we are now?

Centralized Funding:
Under our system, each trial court has a budget which is determined by local county councils or local governing agencies. Under our present structure, the State pays salaries and benefits for judges, magistrates, and prosecutors; however, their staff, public defenders, expert witness fees in pauper defense cases, probation officers, interpreters, etc. are paid from local funding and local budgeting determined by county councils. The sources of funds for the trial courts are as follows:

1. Fines, costs, and fees paid by offenders.
2. Local property tax.
3. Certain state funding.

State funding and support currently includes court alcohol and drug scholarships and grants, drug court scholarships and grants, translation services, professional membership services, computer training, the JTAC internet access, research through Lexis Nexis, jury pool lists, jury management system, jury orientation video, Bureau of Motor Vehicle products, and many other supplemental educational and training functions provided by the Indiana Judicial Center and the Division of State Court Administration.
Unfortunately, with local funding, certain trial courts receive more funding than others due to limited resources available to individual county councils. Although mandate powers exist, judges rarely use them because they create bad feelings with their county council and other agencies.

The current system provides numerous opportunities for inequities since resources are not distributed in an equal and equitable way across the State of Indiana.

Why Should We Change?

If we ignore unequal funding for trial courts across the State, the status quo will be maintained. Litigants in **some counties will have access to superior, progressive programs,** while litigants in **other counties will not have access to the same programs** due to financial constraints. The current property tax circuit breaker situation may further restrict the funds available to local government agencies.

Where We Want To Be:

We can do better by distributing resources across the State in a more equitable manner by pursuing centralized funding. More Hoosier citizens will benefit, particularly in counties without a large tax base.

The Division of State Court Administration is pursuing three studies regarding costs associated with centralized funding. The studies are by Larry DeBoer of Purdue University, the Indiana University SPEA school, and a local consultant.

At this point, we cannot say centralized funding will definitely create taxpayer savings. We can say, with certainty, efficiencies will result by combining resources and eliminating duplicated efforts.

We have yet to address many complex issues, including arrangements for state court personnel to use county facilities, whether to convert court employees to state employees, and if so, which court employees should be converted. We would have to address court, probation, and security staff, public defenders and pauper counsel, as well as guardian ad litems and court appointed special advocates, interpreters and other specialized court functions. Some judicial officers who now work as commissioners and referees would become state funded Magistrate Judges under a centralized funding scenario.

We can do better by distributing resources across the state in a more equitable manner.

We will also have to address a method for governance, budgeting, and allocating assets. It would be premature to render an opinion on how this funding change would work until such time as the three studies have been completed. Even without the results from the studies, we believe centralized funding will eliminate duplication and increase efficiency, as well as distribute resources in a uniform manner among all counties.

UPDATE:
IMPROVING THE EFFICIENCY, PROMPTNESS, AND ACCESSIBILITY OF THE JUDICIAL SYSTEM

Given current financial constraints centralized funding remains a long-term goal which the Board will continue to study and pursue when appropriate.

Where we are now?

Clerk Function:
Presently the Indiana Constitution provides for elected county clerks. County clerks customarily handle fees, costs, fines, and revenue, maintain judgment dockets, issue marriage licenses, supervise elections, maintain court records and digital information, and make entries in certain circumstances. Often a litigant's first contact is with the clerk's office and not the courts. They often ask the clerks questions, which may amount to legal questions requiring informed legal advice. Litigants, particularly those that are self-representing, believe they are talking with "the court" when in fact they are talking with a clerk who is not under the court's direction. Courts should manage the preparation of all documents and transcripts related to an appeal since the Courts, not the Clerks, are accountable for judicial decision.

Why Should We Change?

The Committee's proposed **change would make the court solely responsible for its own records**, information, and entries. The court should assume those clerk functions that directly involve record keeping, digital information and file maintenance, and contact with the public with respect to case filings. Additionally, the court would direct how the entries are made on the chronological case summary, and the court would assume responsibility for preparing transcripts and other documents for appeal.

This change would improve efficiency and result in one set of policies relating to the court system rather than duplicating effort with the clerk's office and court staff. It would also eliminate ethical challenges relating to alleged legal advice provided to litigants by the clerk's office. **The Court should control its own records and information since the court ultimately assumes responsibility for the proper record keeping and information maintenance.** Accountability should be placed upon the court and not the clerk.

Where We Want To Be:

The courts would assume court-related clerk functions. This would include record keeping, information and file maintenance, and contact with the public relating to case filings, entries, and preparing transcripts for appeals. The courts will assume responsibility to the public to assure this work is accomplished in a professional, timely and efficient manner. Other benefits would be eliminating confusion over what is and is not "the court" and simplifying service for litigants.

This option would transfer only limited, specific functions to the court and would leave all remaining functions with the clerks. Clerks would continue to issue marriage licenses, supervise elections, and collect all fines, costs, and other assessments. The clerks would continue to handle all functions related to bookkeeping and collecting funds. Allowing clerks to continue to collect funds would provide an additional check and balance against the court records and would insulate the court from exchanging money directly with litigants.

Such a change would streamline the litigation process, increase efficiency and provide for one voice and one set of policies issued by the trial court and not by other elected officials. Litigants would deal with the court in one stop. The court will assume responsibility for its own records and will be held accountable to the public for maintaining these records in an appropriate and professional manner.

UPDATE:
IMPROVING THE EFFICIENCY, PROMPTNESS, AND ACCESSIBILITY OF THE JUDICIAL SYSTEM

The clerks are our partners in improving the system. We're working with them to devise a plan where clerks would continue to focus on supervising elections, issuing marriage licenses and collecting money. The responsibility for trial court records would be shifted to the trial courts. A team of clerks and judges is developing a pilot project to identify best practices for improving trial court record management.

Issue 3: How do we improve the fairness and impartiality of the judiciary?

Where we are now?

Indiana's current method to select trial judges varies greatly depending on where you reside. Most judges are elected for a six-year terms by partisan election. Other judges are selected through nonpartisan elections, merit selection, or combinations. At least seven different selection processes exist in the State of Indiana. This creates a confusing landscape for the average citizen and outside observer.

In reality, in approximately 70% of all recent judicial elections, a judge runs for a specific court with no opposition or runs in a multiple court selection process where all judicial candidates win.

Why Should We Change?

As indicated earlier, Indiana already has a confusing variety of judicial selection methods. Independence and the rule of law are the hallmarks of the judiciary's role as an effective third branch of government. **Judges are often called upon to make difficult decisions that may be unpopular.** A system of judicial selection must be developed where the rule of law remains paramount.

Where We Want To Be:

The Committee has reviewed and studied the judicial selection process and the issues related to judicial selection. At this time, the Board of Directors is tabling further discussions on judicial selection but may visit the topic again in the future.

CONCLUSION

This contains a vision, and the Board of Directors recognizes many steps are necessary to implement the vision. We believe this is a perfect time in Indiana's history to make changes which will make our court system more responsive to all citizens, while using tax monies as efficiently as possible.

UPDATE:

IMPROVING THE FAIRNESS AND IMPARTIALITY OF THE JUDICIARY

We will continue to seek input from all our partners including clerks, lawmakers, judges, bar associations, local government officials and interested citizens who have fresh ideas on how to move forward. Our goal for 2010 is to present the Indiana Supreme Court with proposed rule changes and make a presentation to the Commission on Courts regarding this project.

Produced By Staff of:
Judicial Conference of Indiana
Division of State Court Administration

OFFICE OF THE PROSECUTING ATTORNEY

STEVEN D. STEWART

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CHILD SUPPORT DIVISION
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July 26, 2010

Exhibit C
Commission on Courts
July 29, 2010

Senator Richard Bray, Chairperson
Commission on Courts
Indiana Statehouse
Indianapolis, IN 46204

Re: Clark County Courts / Unified Court Legislation

Dear Senator Bray:

As Clark County Prosecuting Attorney, I am writing this letter of support for the proposed court unification bill for the Clark County courts. My office works with all of the courts and understands the advantages of having a unified court system.

If you need any additional information, please do not hesitate to contact me.

Sincerely,

Steven D. Stewart
Prosecuting Attorney

GUILFOYLE & THOMAS
Attorneys at Law

Telephone: (812) 288-1250
Facsimile: (812) 288-1261

J. Charles Guilfoyle
Thomas R. Thomas, Sr.*
*Licensed also in Kentucky

431 E. Court Avenue
P.O. Box 148
Jeffersonville, IN 47131-0148

July 26, 2010

Senator Richard Bray, Chairperson
Commission on Courts
Indiana Statehouse
Indianapolis, IN 46204

Re: Clark County Court Unified Court Legislation

Dear Senator Bray:

As President of the Clark County Bar Association, I am writing this letter of support for the proposed court unification bill for the Clark County courts. A bar meeting was called last fall to discuss the proposed legislation. At that time, several members of the local bar asked questions and sought information from the judges about the proposal. There were no negative comments received, and all present were in favor of the legislation moving forward.

If you need any additional information, please do not hesitate to contact me.

Sincerely,

Thomas R. Thomas, President
Clark County Bar Association

July 26, 2010

Senator Richard Bray, Chairperson
Commission on Courts
Indiana Statehouse
Indianapolis, IN 46204

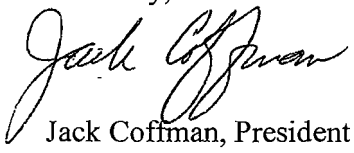
Re: Clark County Court Unified Court Legislation

Dear Senator Bray:

As President of the Clark County Council, I am writing this letter of support for the proposed court unification bill for the Clark County courts. The local judges have discussed the proposed legislation with the Council at various times over the past year. There is agreement among the Council members that such legislation unifying the courts in Clark County is a positive step. It is certainly the Council's desire to work with all of the courts as a unified department with one budget. The Council fully supports the proposed legislation.

If you need any additional information, please do not hesitate to contact me.

Sincerely,



Jack Coffman, President
Clark County Council

Henry Superior Court I
Henry County Justice Center
1215 Race Street, Suite 320
New Castle, Indiana 47362
(765) 529-6408
Fax (765) 599-2496

Michael D. Peyton
Judge

Lyn W. O'Neal
Commissioner

Beverly A. Shellenbarger
Court Reporter

Susan G. Hahn
Administrator-Bailiff

Barbara J. Estridge
Court Reporter-Secretary

July 28, 2010

Exhibit D
Commission on Courts
July 29, 2010

To the Members of the
Commission on the Courts

Dear Members:

I wish to express to you my full support for the proposed legislation to unify the courts in Henry County, Indiana. We originally believed that both Judge Willis and Judge Witham would be available for the hearings on this matter before the Commission and that I would maintain my current court calendar.

My absence should not be taken as any lack of support for the proposal and Judge Willis is free to speak on my behalf.

Should you have specific questions for me I will make myself available to answer the same.

Respectfully,

Michael D. Peyton
Judge

Henry Superior Court No. 2
1215 Race Street
New Castle, Indiana 47362
(765) 521-2554
Fax (765) 599-2497

Bob A. Witham
Judge

Sharon S. Custer
Court Reporter

Sharyl L. Widner
Court Bailiff

Nancy J. Lawrence
Assistant Court
Reporter/Bailiff

July 28, 2010

Sen. Richard Bray
Chairman, Commission on Courts
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, IN 46204

RE: UNIFICATION OF HENRY COUNTY COURTS

Dear Senator Bray & Commission Members:

Please excuse my absence from today's meeting of the Commission on Courts. I certainly hoped to attend to provide my input but unfortunately I am unable to do so. I do thank you for allowing me to provide my thoughts in writing. If you have any questions for me, I would certainly be willing to appear at a later meeting date or provide additional written follow-up information.

I do support the proposed unification of our courts here in Henry County. I have spoken to my colleagues on the bench in several counties who have a unified court system and they have nothing but good things to say about the unification. I have also discussed the unification proposal with Judge Willis and Judge Peyton and I feel comfortable in Henry County proceeding with a unified court system.

I have also had several members of our local bar who have asked about what changes they could expect if Henry County courts are unified. After answering the attorneys' questions, the vast majority have indicated they have no objection to the unification proposal.

While the three (3) current judges enjoy a very good relationship in working with each other, we have to face the prospect that at some point in the future there will be changes in the persons who serve as judges in the courts of Henry County. I think the unification of the courts will help to foster collegiality and a good working relationship between the judges, no matter who the judges might be.

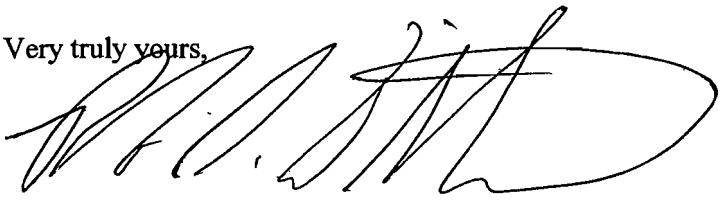
I believe that one (1) area of unification in particular that will be helpful is having a single budget for all the courts that would be presented to the county council instead of having each judge having to prepare and present his or her own budget. I also recognize the fact that the judge who is selected to serve as presiding judge in a unified system would have additional work that would have to be performed but I think this will help to promote the collegiality I mentioned above and also help to foster a greater understanding of the differences and difficulties that are faced by each of the county's courts, judges and staffs.

Having the single budget will also present the possibility of being able to purchase equipment or supplies in larger quantities in order to attempt to deal with a single supplier and achieve cost savings. As things currently exist, each of our courts have separate contracts for copiers and each court has various suppliers for office supplies, printed forms and other items used by the courts. By unifying, we could possibly receive less expensive prices for these items by purchasing from one (1) supplier instead of from three (3).

In closing, some might say that our courts here in Henry County are functioning well and things should not be changed. I would agree that things are functioning well and Judge Willis, Judge Peyton and I have a very good working relationship with each other. However, as I mentioned previously, things can change. Judges can change. Having unified courts in Henry County will help to make sure that whoever the judges are, they will have to be able to discuss the needs of each of the courts and come to a resolution about what the courts need and how those needs can be met.

Again, please accept my apology for not being able to attend today's meeting. If you would like to hear my thoughts in person or if you have additional questions for me, please do not hesitate to let me know. Thank you very much for your time and your consideration of our proposal.

Very truly yours,



Bob A. Witham, Judge
Henry Superior Court 2

BAWbw

HENRY COUNTY COUNCIL

COURTHOUSE
101 S. MAIN STREET
NEW CASTLE, INDIANA 47362
PHONE: 765-529-2800

July 28, 2010

To Whom It May Concern:

Henry County Council supports Judges Mary Willis, Michael Peyton, and Bob Witham in their efforts to unify Henry County's courts, similar to what Delaware and Madison Counties have done. Such court unification will result in more streamlined operations and overall cost savings.

Nate LaMar, President
Henry County Council, District 4

Richard Bouslog, Vice President
Henry County Council, District 1

Mike Thalls
Henry County Council-at-Large

Robin Reno Fleming
Henry County Council, District 2

Harold Griffin
Henry County Council-at-Large

Jeff Hancock
Henry County Council-at-Large

Jerry Manis
Henry County Council, District 3

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Deputy Prosecutor

Patrick R. Ragains
Deputy Prosecutor

Kevin Eads
Deputy Prosecutor

Evan B. Broderick
Deputy Prosecutor

Rosemary Khoury
Deputy Prosecutor

Andrew Hopper
Deputy Prosecutor

John J. McKay
Deputy Prosecutor, Juvenile Division

Jeffrey M. Ucchino
Managing IV-D Deputy Prosecutor

Eric Seltzmann
City Court Deputy

Edward L. Leonard
Chief of Staff/Investigator

Tamie Dixon-Tatum
Office Manager/ Executive Assistant

Mark Cole
Law Enforcement Liaison

Tom Brown
Adult Protective Services Director

Julie A. Griswold
Investigator/Pre-trial Diversion

Ryan T. Broderick
Criminal Division Paralegal

Cheryl Forman
Pre-Trial Diversion

Kelly Conover
Advocacy Services Director

July 26, 2010

Exhibit E
Commission on Courts
July 29, 2010

Commission on Courts
Senator Richard Bray, Chairperson and members
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789

Re: Madison County Court Consolidation

Dear Senator Bray and members,

This letter is written in support of the proposal to consolidate the Madison County Circuit Court and the Madison County Unified Courts (presently Superior Courts I through V) into one Circuit Court with 6 divisions.

I believe this consolidation, as it has been proposed, will assist in providing additional judicial efficiency and will also be a savings to taxpayers.

Sincerely,

Thomas J. Broderick, Jr.
Prosecuting Attorney

MADISON COUNTY BAR ASSOCIATION

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338 Historic West Eighth Street
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(765) 649-3840 PHONE
(765) 393-1846 FAX

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JIMMY L. McDOLE, Secretary
EVAN B. BRODERICK, Treasurer
TRACY CARRILLO-WHITTON, Director
MARK BENNENT, Director

July 28, 2010

Senator Richard D. Bray, Chairperson
Commission on Courts
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, IN 46204

Re: Consolidation of the Madison County Courts

Dear Senator Bray:

The purpose of this letter is to advise you, and the members of the Commission, of the support of the Madison County Bar Association for the proposed consolidation of the Courts of Madison County into a single Circuit Court with six (6) divisions. This consolidation is long overdue. It will promote efficiency in the judicial system, avoid duplication of administrative effort and, last but not least, reduce operational costs.

This proposed consolidation, in concert with the county's new Problem Solving Courts, will serve to enhance the image of and confidence in our judiciary. It will demonstrate to our citizens that there is a new paradigm; it is not just business as usual in the Courts of Madison County. It will be evidence that our judges are continuing to search for and promote better ways to serve the legal needs of our citizens.

We are proud to support this proposal and look forward to its passage.

Sincerely,

John N. Shanks II
President