



Executive Summary

Indiana Task Force on Public Defense

*Findings and Recommendations of the
Reporting Subcommittee to the
Indiana Public Defender Commission*



Executive Summary

The Issue:

The Indiana and United States Constitutions provide every person accused of a crime the right to be represented by an attorney when they cannot afford to hire one. The responsibility to provide those lawyers falls to Indiana’s public defense system. Several recent studies have revealed significant deficiencies in how our state system is administered. The Indiana Task Force on Public Defense was convened by the Indiana Public Defender Commission to recommend solutions to these system-wide issues.

With the emergence of criminal justice reform efforts both in Indiana and nationwide, a number of states are evaluating how to address systemic barriers to an effective public defense system. Around the country, innovative ideas are being implemented that not only improve public defense, but also improve the criminal justice system as a whole. Strides have been made by all three branches of Indiana’s state government to improve the quality of criminal justice in our state. Changes proposed by the Reporting Subcommittee of the Task Force build on the existing framework of Indiana’s public defense system.

The right to counsel is enshrined in both the Indiana and federal constitutions. Article 1, Section 13 of the Indiana State Constitution provides that “[i]n all criminal prosecutions, the accused shall have the right to . . . be heard by himself and counsel.” The Sixth Amendment to the United States Constitution states that “[i]n all criminal prosecutions, the accused shall . . . have the assistance of counsel for his defense.” This right extends to misdemeanor cases as well as felonies.³ This right also includes the appeal phase of a criminal case.⁴ Juvenile defendants also have the right to counsel in juvenile

delinquency proceedings.⁵

Additionally, the right to counsel exists in other important areas:

- Representation of **incarcerated individuals** is provided in post-conviction proceedings through the State Public Defender.⁶
- **Parents** have the right to counsel when facing Child in Need of Service, and Termination of Parental Rights (CHINS/TPR) cases.⁷
- A right to counsel for **juveniles** in some non-delinquency cases.⁸
- A right to counsel when facing **mental health commitments** or when indigent and petitioning to have a person committed.⁹
- A right to counsel for parents when facing **child support contempt** proceedings.¹⁰
- A right to counsel in certain **paternity** cases.¹¹

The complexity of the criminal justice system necessitates counsel to be appointed in order to preserve due process. As the Court concluded in *Gideon v. Wainwright*, “reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.”¹²

3 *Argersinger v. Hamlin*, 407 U.S. 25 (1972); *Bolkovac v. State*, 98 N.E.2d 250 (Ind. 1951).

4 *Halbert v. Michigan*, 545 U.S. 605 (2005); *Douglas v. California*, 372 U.S. 353 (1963); *Ross v. Moffitt*, 417 U.S. 600 (1974).

5 *In re Gault*, 387 U.S. 1 (1967).

6 I.C. § 33-40-1-2 (2018); IND. R. OF POST-CONVICTION REMEDIES § 9.

7 *In re G.P.*, 4 N.E.3d 1158, 1163-65 (Ind. 2014); I.C. § 31-32-2-5 (2018); I.C. § 31-32-4-1(2) (2108).

8 I.C. § 31-32-4-2(b) (2018) allows that a court may appoint counsel for a child in any proceeding other than delinquency (where the court should appoint). The reason children have representation at CHINS 6 hearings is because that is the one category where only the child can admit – the parent can’t admit on the child’s behalf. I.C. § 31-34-10-7 (2018).

9 I.C. § 12-26-2-2 (2018); I.C. § 12-26-2-5(c) (2018).

10 *In re Marriage of Stariha*, 509 N.E.2d 1117, 1121 (Ind. Ct. App. 1987).

11 *Kennedy v. Wood*, 439 N.E.2d 1367 (Ind. Ct. App. 1982).

12 *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963).



The Current System of Public Defense:

Indiana is largely a county-based, county-funded system of public defense. In our state, counties choose what type of public defense delivery system is best for their communities. Attorneys may be hired in a full-time public defender office, where they are employees of the county, hired as independent contractors, or be appointed to individual cases and paid hourly for their work. This is in contrast to many other states, where public defenders are hired by the state and managed by a centralized state office.

Partial state oversight provided in Indiana is through the Indiana Public Defender Commission, which is tasked with recommending standards for the improvement of public defense in Indiana and providing reimbursement to counties that meet Commission standards related to the provision of public defense services. Rather than directly manage an office of attorneys, the Commission works with counties to provide reimbursement for a portion of the county’s expenses. The reimbursement is provided for non-death penalty cases at the rate of forty percent, and covers all public defense expenses incurred by the county except for death penalty and misdemeanor cases. The Commission provides reimbursement for death penalty cases at the rate of fifty percent of defense costs. The Commission provides no reimbursement for misdemeanor costs because it is barred statutorily from doing so.

The Indiana model allows elected county officials to decide the type of public defense delivery system that best fits their county. Financial assistance from the state is dependent on compliance with state standards set by the Commission, which include the establishment of a public defender board, caseloads and experience of their attorneys, and the compensation provided to the attorneys.

A system with opportunities for improvement:

“I do believe without a doubt that the major problem facing indigent clients in this state is that they are appointed Public Defenders who often lack sufficient time, because of caseloads that are too high, and lack sufficient resources, financial and additional assistance, to provide an appropriate defense for their indigent clients.”¹³

Chief Public Defender of Noble County, James Abbs

Much of the current Indiana framework for providing public defense does not need to be changed if the systemic impediments to quality representation identified in previous studies and this report are addressed. However, if counties retain the authority to design and control their public defense system, it is imperative that the state recognize its responsibility to guarantee the right to counsel in all cases where it exist by constitutional provision, state statute, or case law. This responsibility includes oversight for quality and an increase in state funding for this vital public service.

Findings of the Task Force:

To create its findings, the Task Force reviewed multiple Indiana-specific reports, including historic as well as contemporary assessments of public defense quality, the opinions and reports from national experts, a survey conducted on behalf of the Task Force by ISP Consultants, the testimony provided at a statewide listening tour and independent site observations by staff. A summary of findings are as follows:

- **Uneven access to counsel:** Many Hoosiers who would qualify for the assistance of a defense attorney are either unable to access

¹³ Letter from James Abbs, Chief Public Defender of Noble County, to the Indiana Task Force on Public Defense 1-2 (on file with the Task Force).



counsel or encouraged to represent themselves, even when facing jail time and/or serious collateral consequences. According to a survey conducted by the Task Force, 76.34% of respondents agree there is pressure on courts to move through cases quickly due to time constraints.¹⁴

- **Excessive misdemeanor caseloads:** Because the Commission does not provide reimbursement for misdemeanor cases, compliance with the misdemeanor caseload standards are not required. As a result, even in counties eligible for state reimbursement, many counties have excessive misdemeanor caseloads. Misdemeanors carry the possibility of incarceration and have significant collateral consequences. For more information, see page 46-48 for further discussion of the ongoing damage that may be caused by even seemingly minor convictions.
- **No uniform system for assessing and measuring quality of service:** The Indiana Public Defender Commission is tasked with recommending how best to improve public defense in the state. Yet the Commission does not audit for quality of any attorney performance because of a lack of standards, and a lack of staff to enforce the standards adopted. Currently, the Commission only audits a county system on three metrics: caseloads, compensation, and experience. These subject matters are not adequate to ensure lawyers are meeting minimum standards of representation.
- **A need for more attorney training requirements:** While there are many committed, experienced public defenders, and excellent trainings offered by the Public Defender Council, there are few *requirements* for ongoing qualification and training beyond certain minimal Commission standards, especially in non-capital defense.

- **Inadequate compensation:** The compensation paid to salaried and contractual public defenders is inadequate and creates economic disincentives to adhere to best practices, such as conducting an independent factual investigation prior to advising a client to enter a guilty plea.
- **The presence of conflicts of interest:** Attorneys in some counties face a perceived conflict of interest because they are employed by the judge before whom they appear. This relationship has the potential to undermine the relationship between attorney and client.
- **A need for more investigators:** Given the rise in scientific techniques and new technologies, expert help is needed now more than ever for public defenders and appointed counsel. Independent investigation, including the use of experts and investigators—in addition to the efforts of the attorney—is a requirement set out in national practice standards.¹⁵ Since 1977, Indiana has seen 35 people exonerated after being wrongfully convicted.¹⁶ While not necessarily a direct cause of a lack of investigators, this fact illustrates the need to thoroughly and independently investigate cases.¹⁷
- **A need for interpreters and social workers:** Interpreters are essential to ensure defense attorneys are able to communicate with their clients; social workers are essential to ensure defendants are able to access treatment and to reduce recidivism. Yet these essential services are often beyond the reach of many public defenders and appointed counsel practicing in our state.
- **A need for greater service in child welfare:**

¹⁴ ISP Consultants, Indiana Task Force on Public Defense Stakeholder Survey: Executive Summary, 5 (2018), available at: <https://www.in.gov/publicdefender/files/Executive%20Summary%20Stakeholder%20Survey%20v2.pdf>.

¹⁵ American Bar Association, Criminal Justice Standards for the Defense Function, **Standard 4-4.1 Duty to Investigate and Engage Investigators (2015)**.

¹⁶ National Registry of Exonerations, Indiana-specific records, <https://www.law.umich.edu/special/exoneration/Pages/detailist.aspx?View={faf6eddb-5a68-4f8f-8a52-2c61f5bf9ea7}&SortField=Convicted&SortDir=Asc> (last visited July 9, 2018).

¹⁷ American Bar Association, *supra*, note 15.



The significant increase in CHINS/TPR cases throughout the state requires greater public defense resources from the state.

- **A possible requirement for counsel to be present at initial (or detention) hearings:** According to some interpretations, Criminal Rule 25 requires counsel to be appointed for a juvenile prior to an initial or detention hearing.¹⁸ The adoption of a new rule in Criminal Rule 26, and the creation of new evidence-based practices in pre-trial release, may require counsel to be present at the initial hearing and be prepared to be an advocate, if the risk assessment determination is held to be a critical stage of the proceeding. In the majority of counties, public defenders are not appointed until the initial hearing and are not present in-court to provide representation at this stage.
- **Inadequate Commission staff:** The size of the Commission’s staff is insufficient to determine county compliance with standards and guidelines.
- **An uneven application of standards:** The Task Force found that there are standards for Commission counties, but none for non-Commission counties that did not seek reimbursement. This leads to an uneven landscape of public defense quality across the state.

Recommendations:

These recommendations are submitted to address systemic deficiencies and other deficiencies present in the delivery of public defense services in Indiana.

A. The Need for Immediate Change

The following three reforms are of the highest priority:

- The Commission should be authorized to reimburse misdemeanors.

The statutory prohibition of misdemeanor reimbursement has led to an unequal application of standards across the counties, and even within the Commission’s participating counties. The collateral consequences associated with a misdemeanor conviction can be very severe. It is imperative that Indiana increase oversight of and support to public defenders who represent clients accused of misdemeanor crimes.

- The state should fund and manage a centralized state appellate office to provide direct services, oversight, and support.

The current system of providing appellate representation in Indiana does not ensure sufficient independence from the judiciary in all counties. In roughly one-third of counties, appellate counsel are selected and appointed by judges without any required training, experience or oversight. Appellate representation is a specialized area requiring specific skills, training, experience and standards. While the state has many excellent appellate lawyers, the experience and requirements for handling appeals in Commission counties are minimal, and there are no performance standards in place. Many counties do not have sufficient resources to ensure high quality appellate representation and oversight measures. One county, on the other hand, has a well-established appellate office which sets high standards for its lawyers, and works closely with the agency’s trial lawyers.

Creation of a statewide appellate office to centralize appellate representation, including criminal, juvenile, CHINS/TPR cases, and other cases eligible for public defenders can and should remedy the disparities in current access to qualified counsel and should include the ability to contract services to qualified appellate advocates as needed and provide regional support as appropriate.

- Counties should be authorized to enter into agreements to create a multi-county public defense delivery systems with a regional Chief.

The Task Force found that the current system of public defender boards is not effective at ensuring

¹⁸ Ind. R. Crim. Proc. 25.



quality or accountability in the provision of public defense services; further discussion of this issue is found beginning on page 65 of this report. The Task Force recommends amending I.C. § 33-40-7 to allow counties to develop multi-county public defense systems. If a multi-county system is developed, counties and the Commission should enter into a memorandum of understanding (MOU) specifying the cost-sharing by the counties. The multi-county system should be managed by a regional chief public defender.

B. Additional reforms are needed at the state level.

- The state should acknowledge a duty to provide effective and competent defense counsel for those who cannot afford representation.

It is ultimately the responsibility of the State of Indiana to provide for effective and competent defense counsel for those who cannot afford representation. Counties are a creation of the state, and the state may continue to delegate some responsibilities to the counties. However, the ultimate responsibility remains at the state level.

- The state should guarantee that counsel is provided at all critical stages of the proceeding where the right to counsel exists.

The guarantee of counsel is not applied consistently in Indiana courts. The initial hearing may soon require counsel to ensure due process is met. A new criminal rule, which is not yet mandatory, changes the practice of the initial hearing from the setting of money bail to the use of an evidence-based risk assessment tool to determine release conditions. Attorneys should be appointed and ready to interpret this risk-based tool at the initial hearing, and representation should continue through the appeal if necessary.

- The state should ensure every court that hears cases with a right to counsel meets Commission standards for quality.

In Indiana, there should be no “justice by geography.” Every Hoosier should have access to a quality public defense system. Every court in every county should be required to meet the standards for representation set out by the Public Defender Commission. To ensure county and court compliance with this obligation, the Commission should be given authority to oversee the quality of representation provided in all courts in all counties and given authority to enforce the standards.

- Greater state oversight, funding, and technical support should be provided in specialty areas such as parental representation in CHINS/TPR cases and juvenile delinquency cases.

The Task Force recognizes the increasing need for specialized representation, especially in the areas related to parental representation, juvenile representation, and mental health. To that end, more resources are necessary to meet client’s needs.

• ***CHINS/TPR***

The challenges of providing CHINS/TPR representation to parents include lack of independence, lack of oversight and compliance monitoring, high caseloads, and an overall lack of resources and time to adequately provide effective representation. Also, the civil nature of these cases (often coupled with long-term intensive family services, out of home placements, and the possibility of permanent severing of parent rights) requires specialized training, skills and resources not available in all public defender programs.

• ***Juvenile Defense***

Juvenile defense is a specialized area of practice which requires skilled, well-resourced and trained lawyers. Youth are entitled to early appointment of counsel and representation at all critical stages until the youth is no longer subject to dispositional orders. The establishment of a statewide juvenile defense office would be a large step toward creating lasting improvement in juvenile defense reform.



C. Additional reforms are needed at the county level.

- County public defender boards should have no more than one judicial appointment and have strengthened requirements for Board training and standards.

Public defender boards should have strengthened requirements for composition, training, and standards for membership; the role of public defender boards should be limited to deciding how public defenders are hired, deciding who will manage the public defenders (whether a county-paid chief or supervision by a Commission-paid Regional Public Defender), and ensuring fiscal responsibility.

- The county or multi-county defense plan should include appointment from the private bar.

The active participation of the private bar is critical to the overall success of Indiana’s public defense services and ensures that public defenders are not overloaded with cases.

- The Commission should consider how to implement regional support for investigators and social workers, and also consider pilot programs.

Current Commission standards should be strengthened to ensure support staff are provided to attorneys. Adequate staffing increases the efficiency of the attorney’s time and allows the client to benefit from the specialized work of paralegals, social workers, and investigators.

D. Additional reforms are needed to the Public Defender Commission.

- The Commission should have the authority to administer discretionary grants to spur innovation.

With approximately 30 non-Commission counties, the reforms recommended throughout this report will potentially place a significant

burden on local counties, both fiscally and from a technical implementation standpoint. By granting the Commission the authority to provide appropriate and targeted grants, opportunities for local innovation public defense services will be enhanced.

- The Commission should regularly update its attorney workload standards.¹⁹

The Task Force recognizes that the current Commission caseload standards need updating. The Task Force supports the efforts already underway at the Commission to pursue a workload study with the American Bar Association and the local office of the public accounting firm Crowe LLP. The Task Force recommends that the Commission pursue a regular review of the workload standards to ensure they remain a valid method of quality control.

- The Commission should track data on indigency appointments to ensure Commission standards are being followed.

The Commission currently requires each county in its program to set an indigency standard to govern who should be appointed a public defender. However, the Commission does not currently enforce the standard. The Task Force recommends that the Commission study the issue of indigency appointments further to ensure that people who need a public defender have access to counsel, and to ensure resources are not expended on people who could otherwise afford counsel.

- The Commission needs additional staff to develop new standards, coordinate with counties and/or regions, and implement data collection and quality controls.

Currently, the Commission employs five full-time employees, including two staff attorneys, one fiscal analyst, one research and statistics analyst, and one administrative assistant; to fully implement the reforms recommended by this report, more staff may be necessary to adequately audit all counties.

¹⁹ The Commission is currently undergoing an evaluation of workloads for public defenders in conjunction with the American Bar Association and Crowe LLP, a public accounting firm with offices in Indianapolis.



- The Commission should explore remedies to help counties when they face funding shortages.

Funding of public defense remains a constant concern for Indiana’s counties, who must deal with several important areas of local government other than the right to counsel. The Task Force recommends that the Commission study what remedies are available to assist the counties in meeting their public defense funding needs.

- The Commission should increase compensation standards for attorneys who provide public defense services.

Currently, the Commission requires pay parity with prosecutors for equal work. However, the Commission has created a subcommittee to re-evaluate this standard, because it is often impossible to truly compare the work of the prosecutor with the public defender or appointed counsel. For example, prosecutors may receive fringe benefits, such as health insurance, that should not be used to calculate the hourly rate of pay of a lawyer who represents citizens on a case-by-case, appointed counsel basis. While the Commission’s calculation of minimum pay standards is flawed, there is an even larger concern in counties outside the Commission, where there are no minimum standards for attorney compensation.

E. Independence is critical to public defense.

- Public defense attorneys should be as independent as possible from the judge before whom they appear.

Judges have the inherent authority to appoint lawyers to represent people accused of crimes in Indiana. However, a direct employment relationship between a judge and a defense attorney may create a perceived or actual conflict of interest as the defense attorney appears to be an employee of the judge. This conflict is apparent even if judges and

attorneys have the best of intentions. Best practices for public defense require that independence of defense counsel is protected at the system-level by ensuring that public defenders are appointed and paid independently.

F. More research is needed in several key areas of the criminal justice system.

- City & Town Courts should be studied to ensure compliance with state standards.

Cities & Towns that retain misdemeanor jurisdiction encounter situations where the right to counsel applies. However, there was not enough time in this Task Force process to fully study the issue of how to ensure access to counsel in these courts. The Task Force urges that the Commission conduct further study of the subject, in conjunction with Accelerating Indiana Municipalities, to better understand how to ensure that the right to counsel is protected and to make certain that standards for misdemeanor representation are the same throughout Indiana, no matter where the charges are filed.

- Representation issues in Civil Commitments require further study.

Much like CHINS/TPR cases, involuntary civil commitments are a specialized area of civil law not necessarily analogous to the criminal practice of law. While civil commitment cases are currently in the Commission’s reimbursement program, this area is ripe for further study by the Commission and policymakers to explore methods to ensure appointments for those vulnerable Hoosiers entitled to counsel and to increase the quantity and quality of attorneys who work in this challenging area of law.

- Consolidation of functions in existing state public defender agencies should be studied further.

The Task Force recognizes the need to increase financial efficiency. Currently, there are three separate state agencies provide varying levels of



support to Indiana’s county-based system. There may be ways to streamline services to lower costs and increase effectiveness through the re-evaluation of current practices.

The Benefits of Public Defense Reform:

- **Fairer Administration of Justice:** A robust public defense system is the first line of defense when government seeks to remove a person’s liberty. But an overworked and underfunded attorney or absence of legal representation can tip the scales of justice unfairly.
- **Reduction in Jail Overcrowding:** Many counties are experiencing significant jail overcrowding. A well-trained and well-funded public defense delivery system is critical in assuring persons convicted of crimes receive the appropriate sentence, which often includes treatment or monitoring, not incarceration.
- **Reformation of Individuals/Recidivism Reduction:** Most would agree the ultimate test of the effectiveness of the criminal justice system is its ability to reform an individual into a productive and self-sufficient member of society. Criminal defense attorneys, both private and public, are the actors in the criminal justice system who seek reformation opportunities to serve the needs of their clients and contribute to the goals of lowering recidivism.
- **Workforce Development:** With record low unemployment rates and Indiana’s focused efforts on workforce development, arrest and incarceration are barriers to an individual participating in gainful employment. When an individual is arrested and subsequently spends weeks or months incarcerated in a county jail with no access to an attorney, the individual often shifts from an able-bodied member of Indiana’s workforce to a state taxpayer fiscal liability.

- **Family Preservation:** The recently-released evaluation of Indiana’s Department of Child Services contained found the number of court-involved cases in DCS is more than double the national average. Beyond the obvious harm to familial stability, the separation of parents from their children takes a dramatic fiscal toll on Indiana. Estimates show that returning a child to the home from foster care saves Indiana taxpayers at least \$8,135.85 per year.²⁰ While cost should never outweigh the safety or well-being of a child, it is the defense lawyer who is charged with the difficult, yet critical, task of representing the interests of parents in these court proceedings and to seek a just and fair resolution.
- **Reduced costs to State Prison System:** Individuals in counties currently following Commission standards receive on average 140 day shorter sentences in DOC facilities, as measured by the Net Fixed Term of Incarceration. Each prisoner costs the DOC \$55.55 per day, according to the 2017 DOC per diem report.²¹

Indiana: An Emerging Leader in Criminal Justice Reform:

The Task Force acknowledges the important reforms taking place thanks to efforts from the Indiana General Assembly, the Indiana Supreme Court, and the Executive Branch.

“People often ask me the same question they are asking you: what can we do about this [opioid] crisis? I have only one answer: together, we must do everything. This is a situation where well-reasoned,

²⁰ Based on the Indiana DCS published per diem rate for a child aged 5-13 in foster care of \$22.29, at <https://www.in.gov/dcs/2985.htm> (last visited 6/22/2018).

²¹ Indiana Department of Correction, FY2016-2017 Expenditures All Facilities and Centers, 6, <https://www.in.gov/idoc/files/FY17%20Per%20Diem.pdf>.



evidence-based judicial interventions can get people to treatment, give consequences, cut the supply, support families, and save lives.”

Chief Justice of the Indiana Supreme Court,
Loretta Rush.²²

The Indiana Supreme Court has a number of programs underway to modernize and improve the state’s judicial system. Included among its projects are grant initiatives for court improvement, interpreters, family courts, and veteran’s courts. The Court has special projects focusing on juveniles through Juvenile Detention Alternative (JDAI) teams, as well as guardian *ad litem*/court appointed special advocate programs (GAL/CASA).

The Court has recognized the impact of the opioid epidemic on Indiana and has responded through a number of programs, including the expansion of problem solving courts. There are plans to have over 100 problem-solving courts within the state by the end of 2019.²³ As of 2018, there were 87 problem-solving courts in 45 counties.²⁴

“People with substance use disorder have a disease and they cannot overcome it alone. Recovery involves support, respect and growth in the community and the individual.”

NextLevel Recovery, an initiative by the State of Indiana²⁵

The Task Force acknowledges the work of the Executive Branch in responding to the opioid crisis through the creation of the Executive Director for Drug Prevention, Treatment, and Enforcement and NextLevel Recovery, an initiative to combat the opioid epidemic. The opioid epidemic has had

a large impact on criminal justice, causing a rise not only in drug cases, but also in child welfare cases. In Executive Order 17-01, Governor Eric Holcomb recognized that “since 1999, the State of Indiana has seen a 500% increase in the rate of drug overdose deaths, with thousands of Hoosiers losing their lives as a result of drug overdoses in recent years.”²⁶ The Governor’s office has been proactive in creating inter-agency, inter-disciplinary teams to tackle this ongoing epidemic. The NextLevel Recovery initiative provides “access to resources for prescribers, emergency personnel, community leaders, and persons with substance use disorder and their families.”²⁷ The Governor’s office has taken steps to increase treatment, access to funding, and to increase data collection efforts to effectively target initiatives to reduce opioid use disorder and to prevent abuse.²⁸

The Indiana General Assembly is also to be commended for its continued efforts to increase funding to the Indiana Public Defender Commission and for its focus on criminal justice reform, starting with the enactment of HEA 1006 (2014). This legislation was a significant overhaul of Indiana’s criminal code with an eye toward criminal justice reform. Study of the effectiveness of HEA 1006 is ongoing.

The full report details many ways to modernize Indiana’s public defender system to become a force multiplier for the efforts already underway in the three branches of government.

²² Loretta H. Rush, State of the Judiciary (Jan. 10, 2018), <https://www.in.gov/judiciary/supreme/files/sog-2018.pdf>.

²³ INDIANA SUPREME COURT, ANNUAL REPORT 2016-2017 53 (2017) [hereinafter Annual Report], <https://www.in.gov/judiciary/supreme/files/1617report.pdf>.

²⁴ *Id.*

²⁵ State of Indiana, NextLevel Recovery [hereinafter NextLevel Recovery], available at <https://www.in.gov/recovery/>.

²⁶ State of Indiana, Exec. Order 17-01 [hereinafter Exec. Order 17-01], https://www.in.gov/gov/files/EO_17-01.pdf.

²⁷ NextLevel Recovery, *supra* note 25.

²⁸ To see a full list of actions taken by the Executive Branch since January 2017, please visit: <https://www.in.gov/recovery/files/NLR%20accomplishments%2006.18.pdf>.