

In the Indiana Supreme Court

In re Order for Mandate of Funds Jackson
Circuit Court

Supreme Court Case Nos.
25S-CB-17
23S-SJ-336

Trial Court Case No.
36C01-2311-MI-86



Published Order

On April 15, 2024, the Hon. Richard Poynter of the Jackson Circuit Court issued an Amended Order for Mandate of Funds directing the Jackson County Council to either increase the compensation of the Circuit Court's four employees or, alternatively, reinstate funding for an eliminated fifth staff position. We appointed the Hon. Gregory F. Zoeller as Special Judge to preside over the trial of this matter as specified in Indiana Trial Rule 60.5. On October 15, 2024, Special Judge Zoeller issued "Findings of Fact, Conclusions of Law and Judgment" in favor of the County Council. Judge Poynter then filed a petition for review, and we heard oral argument.

The Court has reviewed Special Judge Zoeller's findings and judgment and the submitted record on review. All materials filed in connection with the petition for review have been made available to the Court. Each participating Justice has voiced his or her views on the case in conference with the other Justices; and each participating Justice has voted on the petition.

Being duly advised, the Court DENIES Petitioner's "Petition for Supreme Court Review."

Done at Indianapolis, Indiana, on 2/11/2026 .

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

Rush, C.J., and Massa, Slaughter, and Molter, JJ., concur.
Goff, J., dissents with separate opinion.

Goff, J., dissenting from denial of review.

In this case, a trial court judge faced an imminent staffing shortage. Of his five employees, a court reporter left for another position in the county auditor's office and his bailiff/office manager gave notice of her intent to leave for a job in the private sector. After struggling to fill the positions, the judge resolved to fix this problem "within [the] budget" appropriated to him by eliminating the court-reporter position, redistributing the workload, and re-allocating the salaries among his four remaining staff members. Tr. Vol. 2, pp. 21, 27. After failing to persuade the County Council to join his cause, the judge issued a mandate directing it to adopt and implement his reallocation plan.¹ See Ind. Trial Rule 60.5. A special judge appointed by this Court to resolve the matter vacated the mandate order and entered judgment in the Council's favor.

The Council's principal argument is that the reallocation plan directly conflicts with its statutory duties to appropriate county funds and to fix the compensation of county employees. Appellee's Br. at 26–30 (citing Ind. Code § 36-2-5-2(b); I.C. § 36-2-5-3(a)). I write separately because I believe the relevant statutes permit the type of reallocation plan proposed by the trial judge here. Specifically, code section 36-2-5-2 expressly recognizes that "money may be paid out of the [county] treasury only under an appropriation made by the fiscal body, *except as otherwise provided by law.*" I.C. § 36-2-5-2(b) (emphasis added). I see no reason why this qualifying language would exclude the well-settled "law" recognizing a trial judge's authority to order the payment of court employees' annual salaries "at levels sufficient to attract and retain qualified persons." *Order for Mandate of Funds Montgomery Cnty. Council v. Milligan*, 873 N.E.2d 1043, 1045–46

¹ The Council later eliminated its appropriation for the vacant court-reporter position and used a budget surplus to raise salaries for remaining court staff, albeit at amounts less than those they'd receive under the reallocation plan. In response, the judge issued an amended mandate order, directing the Council to either implement the reallocation plan or reinstate the court-reporter position.

(Ind. 2007).² What's more, nothing in the pertinent statutes vests *sole* authority in the Council to exercise the fiscal powers of county government. Cf. *In re Mandate of Funds for Ctr. Twp. of Marion Cnty. Small Claims Ct.*, 989 N.E.2d 1237, 1244 (Ind. 2013) (making a similar observation of a township trustee's statutory duty to ensure adequate court facilities). An analogous predecessor statute, by contrast, vested the power of appropriating funds from the county treasury "exclusively" in the county council and expressly prohibited a court from binding a county to an "amount of money" beyond what the council had "already appropriated" for the court. *Noble Cnty. Council v. State ex rel. Fifer*, 125 N.E.2d 709, 713 (Ind. 1955) (quoting statute). We can assume, then, that the legislature deliberately excluded such language, making it improper to read it back in to our current statutory scheme. See *McNeil v. Anonymous Hosp.*, 219 N.E.3d 789, 800, 801 (Ind. Ct. App. 2023), *trans. denied*.

Although this Court has rejected arguments like those raised by the Council here,³ I would urge our legislature to clarify the allocation of fiscal responsibilities among the legislative and judicial branches. Under Indiana's non-unified judicial system, our trial courts depend largely on county property taxes, often resulting in disparate funding among the courts. See Hon. John G. Baker, *Now or Never: Reforming Indiana's Court*

² The precedent recognizing this basic proposition is far-reaching. See, e.g., *Morgan Cir. Ct. v. Morgan Cnty. Council*, 550 N.E.2d 1303, 1304 (Ind. 1990) ("Salaries of court employees fall with the mandate authority and may be ordered paid at a sufficient level to attract and retain qualified persons in service, as a court cannot function at a reasonable rate and in a dutiful manner without assisting staff.") (citing *Vigo Cnty. Council v. Vigo Superior Ct., Div. 1*, 397 N.E.2d 969 (Ind. 1979)); *Carlson v. State ex rel. Stodola*, 220 N.E.2d 532, 534–35 (Ind. 1966) (stressing a judge's "inherent and constitutional authority" to "fix the salary of [its] personnel, within reasonable standards, and to require appropriation and payment therefor") (internal quotation marks and citation omitted); *Noble Cnty. Council v. State ex rel. Fifer*, 125 N.E.2d 709, 713 (Ind. 1955) (same). Notably, this authority applies to *all* judicial mandates related to court operations, *not* just those for the appropriation of additional funds. See *In re Mandate of Funds for Ctr. Twp. of Marion Cnty. Small Claims Ct.*, 989 N.E.2d 1237, 1240, 1243 (Ind. 2013) (denying township trustee's motion to dismiss a judicial mandate enjoining the court's relocation to a different facility).

³ See, e.g., *Marion Cnty. Small Claims Ct.*, 989 N.E.2d at 1244; *Fifer*, 125 N.E.2d at 712–13; *Carlson*, 220 N.E.2d at 533.

System, 41 Ind. L. Rev. 817, 819, 828 (2008). Potentially making matters worse, recent property-tax reforms are expected to leave a \$1.4 billion budget shortfall in local government in Indiana over the next three years. Michael Hicks, *The Unanticipated Effects of Indiana’s Senate Bill 1*, Muncie Star Press (April 21, 2025, at 10:44 ET), <https://tinyurl.com/mt7nyjwj>. Expected population declines in over seventy percent of Indiana’s ninety-two counties in the next three decades is likely to exacerbate this disparity in funding, making it even more difficult for many courts—especially those serving the state’s rural communities—to operate effectively. See Matt Kinghorn, *Indiana Population Projections to 2060*, 99 Ind. Bus. Rev. (2024), available at <https://tinyurl.com/bj4ynhv5>.

To ensure that our county courts can survive these fiscal constraints, the legislature, in my view, should clarify the allocation of responsibilities among the two branches of local government—allowing the county council to retain its overarching authority over public funds while expressly recognizing a trial judge’s right to exercise the mandate power, including the right to reallocate approved funds, when “reasonably necessary for the operation of the court or court-related functions.” See T.R. 60.5(A).

Harmonizing local funding statutes with our mandate-of-funds rule would provide our local partners—judges *and* county councils—and their communities with the flexibility they need to exercise their shared responsibility to keep Hoosier communities safe in an increasingly challenging fiscal environment. Such clarification would also help to alleviate the ongoing tension (acknowledged by the special judge here) “between the independence of the judiciary,” on the one hand, and, on the other hand, “the county council with statutory responsibility to fund the staff of the courts and all those paid from county funds.” Judgment at 1.