

# SUPREME COURT

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Indiana's judicial branch budget accounts for less than 1% of the State's total budget. We're proud of that, and we don't ask for very much very often. We've operated efficiently and effectively for the past six years, for example, without any additional appropriations for our operations during that time. And we did the same during the pandemic without the benefit of American Rescue Plan funding.

But I'm here now because we need your help to continue court operations that are vital to our State and to you as partners in government. And we are not asking for much: **our requested operational increases below amount to only 7% of our total budget:**

- A net increase of **\$2.08 million** increase in our Court Technology appropriation, which would be achieved by returning to the State the Court's residual revenue from the State User Fee Fund which has averaged \$12.5 million over the last five years.
- **\$8.5 million** annually to fund veterans courts, mental health and problem-solving courts, family recovery courts, and pretrial programs.
- **\$500,000** annually to fund the Commercial Courts and a **\$1.5 million** annual increase in the Civil Legal Aid Fund.

Our court system is a busy one. In 2021 alone, over one million new cases were filed in Indiana. Added to the cases already pending before our judges—a number that includes ongoing pandemic-driven backlogs—our court system faced nearly three million cases last year. The 2022 data reflects a similar workload: with just three quarters of data reported, our court system is still managing over 2.5 million cases.

Moreover, our operations are critical to ensuring public safety in our communities, and we have proven to be innovative drivers of economic development and prosperity for Hoosiers. We have partnered with you in these efforts successfully throughout the years; each time you've asked for something new, we've delivered.

First, our Court Technology office is the lynchpin to so many of our public safety efforts—it is the means by which our court system stayed afloat through the pandemic by shifting to Zoom hearings statewide and maximizing statewide electronic filing. On a daily basis, to share just a few examples, our Court Technology office

- enables law enforcement officers to issue and access traffic tickets electronically;
- shares protection orders with law enforcement officers;
- shares risk assessment tools on offenders with the Department of Correction;
- blocks the purchase of meth precursors by sharing drug-related convictions;

- shares domestic violence and criminal convictions to prohibit the purchase of firearms by those who should not have them; and
- protects students in Indiana schools by sharing felony conviction data with the Department of Education.

We also developed and provide our Supervised Release System to all community corrections agencies, the DOC, adult and juvenile probation departments, problem solving courts, and pretrial services agencies. This comprehensive system connects presentence investigation reports, abstracts of judgment, risk assessments, and case information and documents into a single system for those agencies to manage and track individuals not being housed in a detention facility.

Additionally, in 2019, you asked the Court to lead a statewide jail overcrowding task force to address the challenge of expanding jail populations that posed a very real economic and public safety threat to Hoosier communities. The task force issued a report that is online at <http://www.in.gov/courts/IOCS/files/jail-overcrowding-report.pdf>. One of the problems identified in that report is the need for unified, real-time data on our jail population statewide; data that could interface with Odyssey, the case management systems for prosecutors and public defenders, DOC systems, and our Supervised Release System.

So our Court Technology stepped up once again. We have begun developing a statewide jail management system—INjail—that will interface directly with all our current systems and provide, if adopted by a county, the real time data that decision-makers like yourselves know you need. We will be able to track offenders from arrest and initial detention through the pretrial process, through trial, and—if guilty—through the completion of their sentence in whatever form it takes. Three pilot counties will begin using this revolutionary tool in 2023.

The jail overcrowding task force also called for continued expansion of collaborative justice efforts like pretrial reform and problem-solving courts; initiatives that are smarter on crime and criminals for whom the principles of accountability, responsibility, and justice do not require the heavy and expensive hammer of incarceration.

These programs work. We know they do. They're vital components in our shared responsibility to promote public safety, and Indiana is a national leader in these collaborative justice efforts. In 2019, we had 103 problem-solving courts and 16 pretrial programs certified or in planning stages. Today, we have 123 problem-solving courts in 58 counties, with 18 more courts in the planning stages. And we have certified pretrial programs in 17 counties with 28 more in the planning stages.

We also know these programs are resource-and-time intensive for counties and courts. But by investing State resources and time to the front end of the criminal justice process, we alleviate the burden of those investments on the back end. And along the way, we return those eligible arrestees and offenders to their communities—safely—to serve as productive members of society. They are better able to obtain and maintain employment, contribute to the economies of their communities, and responsibly participate in their social networks and families.

In a similar way, our courts have specialized dockets and programs to better resolve disputes between businesses. These Commercial Courts are a collaborative development between legislators, litigators, general counsels, the Chamber of Commerce, and the judiciary. Over 1,500

cases have been filed in our Commercial Courts since they started as a six-court pilot in 2016. And they now operate in ten counties across Indiana, with specially trained judges and dedicated licensed attorney staff.

Cases filed in these courts can reach resolution in weeks as opposed to what might be years in a traditional civil litigation model. And by providing businesses with that predictability and speed, business owners can make better decisions on the costs and risks of potential legal issues. This, in turn, makes Indiana a more attractive climate for economic development and expansion.

But it's important to remind ourselves that Indiana's economy doesn't just run on business. It runs on Hoosiers. And for some Hoosiers, the need for civil legal aid support is urgent and real.

Indiana's attorneys step up to help. In 2020, for example—despite the onset of the COVID-19 pandemic—Indiana's legal community provided 277,913 hours of pro bono service and 169,288 hours of "low bono" service. That's 18,633 collective days—51 years—of free or reduced-cost legal services provided to Hoosiers in need. But it's not enough.

Our communities also rely on a network of legal aid providers around the State. These programs receive funding through Indiana's Civil Legal Aid Fund, which the General Assembly created in 1997 and funded with \$1 million annually. A decade later, in 2007, that funding was increased to \$1.5 million annually.

In the fifteen years since, it has not changed despite an increased need. But State dollars invested in helping Hoosiers resolve their legal problems will pay exponential economic dividends for individuals and communities through increased housing stability, stronger income and property tax bases, individual employability and community work force depth, and family stability and growth.

Again, we in Indiana's judicial branch and the Hoosier legal community are proud of our ability to do a lot with a little. We don't ask for more if we don't need it. But now we do. And we know your continued investment in us today, just like your previous support to our partnerships, will pay dividends for everyone across Indiana in improved public safety and economic prosperity.

## **\$12,580,000: Net Operational Budget Request**

- **\$2,080,000 (Court Technology - Net).** Increasing Court Technology annual appropriation from \$3M to \$17.58M; returning to the State the Court's share of the annual State User Fee, which has averaged \$12.5M over the last five years.
- **\$8,500,000 (Problem-Solving Courts and Pretrial).** A total of \$8.5M annually for problem-solving courts and pretrial programs:
  - An annual increase of \$2M for veterans courts, from \$1M to \$3M;
  - A new annual appropriation of \$1.5M for mental health courts and other criminal justice problem-solving courts;
  - A new annual appropriation of \$1M for family recovery courts; and
  - A new annual appropriation of \$1.5M for pretrial programs
- **\$500,000 (Commercial Courts).** A new annual appropriation.
- **\$1,500,000 (Civil Legal Aid).** Increasing the Civil Legal Aid Fund annual appropriation from \$1.5M to \$3M.

## **State User Fee Distributions by Year:**

- 2017: \$13,835,962
- 2018: \$13,708,941
- 2019: \$13,487,212
- 2020: \$11,300,373
- 2021: \$10,338,721

Five-Year Average: \$12,534,242