

SUPREME COURT

Chief Justice Loretta H. Rush
Indiana Supreme Court
311 State House
200 W. Washington Street
Indianapolis, IN 46204-2732



OF INDIANA

(317) 232-2548
fax (317) 233-8691
loretta.rush@courts.in.gov

September 1, 2020

Mr. Zachary Q. Jackson
State Budget Director
Room 212 State House
Indianapolis, Indiana 46204-2796

Dear Mr. Jackson:

On behalf of the Indiana Judicial Branch, I am pleased to submit this letter accompanying our biennial budget for the fiscal years ending in 2022 and 2023.

Our court system is active: 1,265,861 cases were filed in Indiana's trial courts in 2019, and 3,789 were initiated in our three appellate courts. But we are nevertheless always cognizant of our obligation to make the most effective use of every dollar and to be good and efficient partners in our operations. And in 2020, because of operational adjustments and self-imposed budget restrictions flowing from the COVID-19 pandemic, we reverted \$2.1 million: 11% of our operating fund.

While we expect increased needs and expenses, going forward into the next biennium we will not be seeking any change packages. We have put strict financial constraints on our operations—including limitations on training events, travel, and office operations—and will again revert funds from our operating budget at the end of this fiscal year.

The judiciary deeply appreciates the resources devoted to ensuring fair, impartial, and open access to the courts. If not for the generous and ongoing investment in court technology and other initiatives, justice would have stalled. Thanks to your support, Hoosier courts carry on serving our citizens through the current crisis and into the future.

Technology and Savings

Court Technology Costs and Funding. The Indiana Supreme Court's [Office of Court Technology](#) has been an engine of transformation over the last decade and particularly during the pandemic, and has supported and integrated elements of the justice system in broader, critical governmental functions, such as when we have been called upon to

- develop [an online platform](#) allowing landlords and tenants to request facilitated settlement conferences, available before or after an eviction lawsuit is filed;

- coordinate data between the protective order registries, prosecutor case management systems, and court case management systems;
- transmit information to the FBI on individuals who may be prohibited from possessing firearms;
- implement electronic traffic tickets;
- transmit conviction information to the Department of Correction from courts;
- provide NPLEx with conviction information to block the purchase of methamphetamine precursors;
- notify the Department of Education of certain child victim convictions that might impact educator licensing; and
- develop the Public Defender Information System in partnership with the Indiana Public Defender Council.

Each of these projects has costs that we absorb, in initial development and/or ongoing expenses. For example, we pay \$1 million a year to our Odyssey Case Management System vendor and \$5 million a year for our electronic filing system vendor, in addition to internal costs for the developments and upgrades to respond to requests like those listed above. Our data storage and server costs are nearly \$1 million a year. And in fiscal year 2020 alone, the purchase of necessary capital equipment and hiring of in-house and contracted developers cost more than \$12 million.

The Court Technology budget, however, has only a \$3 million appropriation from the General Fund, plus an amount of funding that reflects a residual percentage of the State's filing fees—a fluctuating revenue stream that has decreased over the last several years and dropped dramatically in 2020 because of the pandemic. We therefore supplement that funding with grants and additional Supreme Court funds. A drop in any of those funding streams would handcuff our ability to continue providing the statewide essential—and ultimately cost-saving—technology initiatives listed in this letter.

Electronic Filing and Case Management. In 2019, the last Indiana county went paperless with [electronic filing](#), making 24/7 filing available in the Circuit, Superior, and Small Claims courts in all 92 counties and the three appellate courts. We also continue to expand the use of [Odyssey](#), our uniform case management system which is provided at no cost to counties. Odyssey is currently running in [83 counties, the Tax Court, Court of Appeals, and Supreme Court](#), covering 92% of lower court filings—including trial court filings and filings in city and town courts—and all appellate filings. The remaining trial courts will be on board by the end of 2021.

Odyssey Growth by Biennium

- 2010: 18 counties; 22% of cases
- 2012: 22 counties; 40% of cases
- 2014: 48 counties; 53% of cases
- 2016: 56 counties; 65% of cases
- 2018: 74 counties; 85% of cases
- 2020: 83 counties; 92% of cases

With our statewide case management system, our judges control their dockets and hear cases both in the courtroom and remotely. And with electronic filing, court access is provided to attorneys and litigants twenty-four hours a day, seven days a week. Both come at a cost. But they are critical aspects of our infrastructure. Without them, justice for Hoosiers would be delayed and denied.

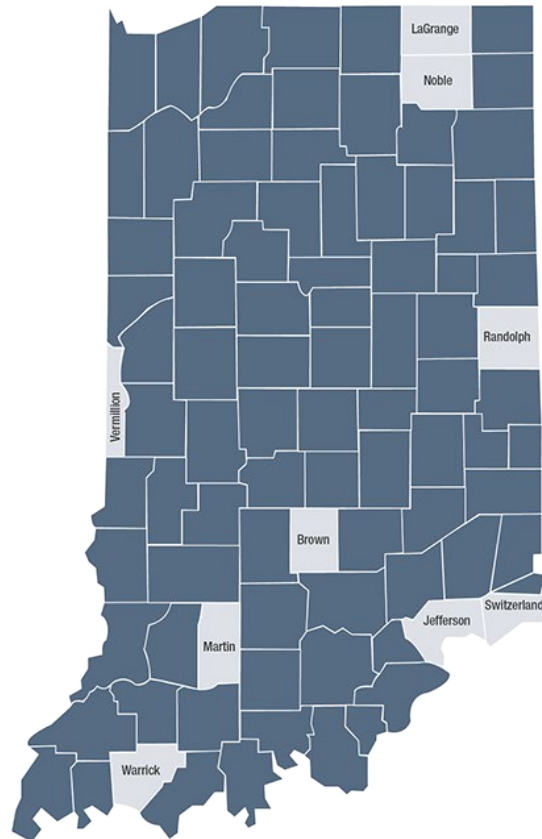
Remote Access to Hearings and Records.

When the pandemic hit, the Supreme Court's Office of Court Technology procured hardware and over 800 Enterprise Zoom licenses at a cost of over \$180,000 and made them available to trial courts to keep court hearings moving. We also built, at a cost of \$14,000, a [public-facing platform](#) for courts to securely live-stream remote proceedings at no cost to the county. This enables our court system to provide secure, remote hearings that are available to the public, in addition to already providing remote, public access to underlying court documents through [myCase.IN.gov](#).

- Over 13,000 Zoom hearings were held between April and July 2020, with 135 courts streaming nearly 2,500 hearings to the public platform.
- Over 90,000 Zoom participants utilized 3 million combined minutes of usage, equating to roughly 300 days of court proceedings.
- Over 26 million court documents have been remotely accessed on myCase since 2016, by more than 23 million myCase visitors—over 7 million in 2020 so far, by over 4 million visitors.

Judicial Branch Education. A well-trained judiciary is essential to the fair administration of justice. In 2019, we launched a distance-learning platform called the Indiana Courts Education Network to supplement our in-person education programming. Because of its availability, our judicial education system during the pandemic has—like the operations in our courts—shifted from traditional in-person, convention space meetings to a secure online

Odyssey Counties



model. All of our critical educational events have been made available to every judge staff member, stakeholder, and system partner, wherever they are in Indiana.

- Over 1,600 active users including judicial officers, court staff, and stakeholders.
- Over 20 presentations launched between April and June 2020.
- Over 60 presentations available now.
- Increased attendance at education events from 9,000 attendees in FY 2019 to over 13,500 in FY 2020.

Collaborative Work

Data-Sharing. The Court’s ability to pull and compile court data using our case management system provides a real-time snapshot of the trends and patterns emerging in our cases and populations. We are asked to share the data for several purposes. To accomplish this, the Court has [36 different shared-access applications](#), with over 33,000 users. They include, among others, the following:

- Electronic traffic tickets, sharing data with over 500 law enforcement agencies including the Indiana State Police, Excise Police, and Department of Natural Resources—over 1 million electronic tickets and warnings were issued in 2019;
- Protection orders, sharing data with all law enforcement agencies—over 55,000 orders were issued in 2019, and over 2.7 million have been created in almost 800,000 unique cases since the Protection Order Registry launched in 2006;
- Jury management, sharing data with all county courts—5,476,721 Hoosiers identified as potential jurors on the list in 2019;
- Marriage licenses, sharing data with the Indiana State Department of Health—41,580 marriage records sent to ISDH in 2019; and
- Risk assessment tools, sharing data with the Indiana Department of Correction—177,000 total risk assessments, almost 19,000 from DOC alone, were posted in 2019.

Support for Veterans. House Enrolled Act 1299 (2019) asked the Office of Judicial Administration to work with the U.S. Department of Veterans Affairs to better identify and provide for the needs of veterans in our criminal justice system. Court Technology accordingly built an application that submits daily information to the VA on new criminal cases filed in Odyssey. The VA then determines which defendants have a military record. To date, approximately 10,500 veterans—almost 6% of all criminal filings—have been identified through this program.

This enables the VA to contact eligible veterans to inform them about the services and benefits available. In addition, the VA also reports the results of its determination back to us so that an indicator can be placed on the case in Odyssey. This information alerts judges that a defendant appearing before them may be eligible for VA services and veterans court participation.

Assisting the Office of Administrative Law Proceedings. In late 2019, the Executive Branch’s new Office of Administrative Law Proceedings asked for assistance in identifying a case management system for its administrative law judges and their proceedings—one that would ideally interface directly with Odyssey as those proceedings progress to judicial review in the trial courts. Court Technology developed a new system that builds on other in-house systems like the Public Defender Information System. The OALP has paid the development costs for the system, but it is being provided with no current or future licensing expenses.

Joint Work on Pandemic Issues. Few, if any, [responses to the pandemic](#) have been undertaken by the Supreme Court in isolation. We have routinely called upon our partners in the justice system and legal profession—judges, lawyers, and academics—to help develop collaborative solutions and approaches.

- Leadership from both chambers of the Indiana General Assembly, the Governor, and I joined in [encouraging counties to responsibly address jail populations](#) at risk from the pandemic—thanks to those local efforts, jail populations dropped nearly 30% during the pandemic.
- Members of our [Study Commission on the Future of the Indiana Bar Exam](#) were actively engaged in [adapting the July Bar Exam](#) to changing pandemic and technological conditions.
- Our [Innovation Initiative’s](#) Family Law Task Force prepared [guidance on family matters](#) for judges, practitioners, and communities.
- A Resuming Operations Task Force—with input and assistance from private litigators, prosecutors, public defenders, Sheriffs, the Indiana State Bar Association, legal aid providers, and Indiana’s federal courts—drafted [guidance and templates](#) for Indiana’s Circuit, Superior, small claims, city, and town courts to use in safely returning from pandemic conditions.
- A Landlord Tenant Task Force of judges and members of the Bar created [best practices and guidelines](#) for trial courts to use in addressing evictions and foreclosures and helped develop the [Landlord and Tenant Settlement Conference Program](#), which we are funding with support from the Indiana Bar Foundation and Office of the Governor.
- Throughout the pandemic, a group of criminal justice stakeholders—executive branch partners, attorneys, judges, sheriffs, probation representatives, and others—met regularly to share information, best practices, and identify issues of statewide concern and possible solutions.

Public Safety Reform

Supervised Release System (SRS). The Court’s supervised release system, developed by Court Technology at a cost of roughly \$1.4 million, is provided—through an agreement with the Department of Correction—to all community corrections agencies at no cost to

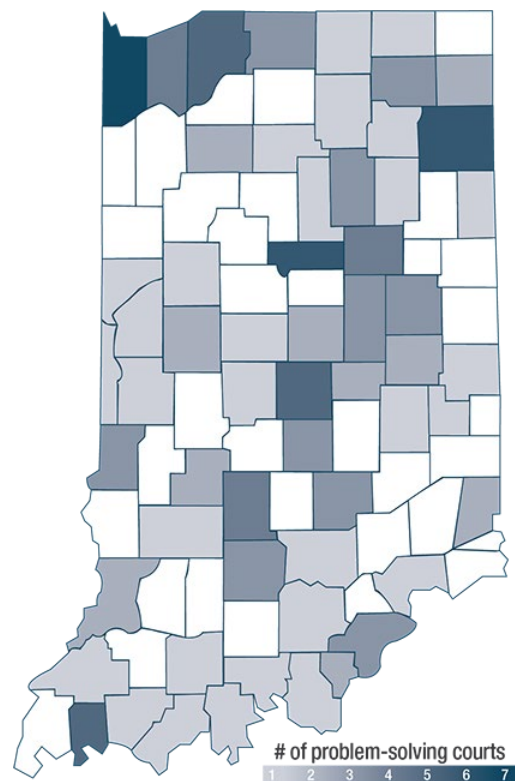
DOC except for training and implementation. The result is that every community corrections agency will be using a single, statewide system that interfaces directly with Odyssey to track an individual from the filing of a criminal case to completion of a sentence. SRS is also being offered to counties for use in their adult and juvenile probation departments, problem solving courts, and pretrial services—again at no cost.

Collaborative Justice. The traditional criminal justice model is adversarial. The process is a foundational pillar of our American system, preserved and protected by many of our most sacred constitutional protections. We know that this system has all the hallmarks of a fair process.

But we also know that while many who commit criminal acts deserve punishment, many more simply need help. For many criminal defendants, their conduct is the product of a complex web of social, economic, and behavioral problems that—with the right array of individualized services—can be addressed in a collaborative rather than adversarial way: one that enables those individuals to take responsibility but also turn their lives around and be brought back into their communities as productive citizens.

Indiana’s courts have embraced this [collaborative justice model](#). It takes many forms and has many names, including problem-solving courts, family recovery courts, veterans courts, and others. There are now 112 courts using this approach in 57 Indiana counties, with 15 more courts in planning stages:

- 45 Adult Drug Courts; 5 planned
- 1 Adult Problem-Solving Court
- 1 Domestic Violence Court
- 14 Family Recovery Courts; 6 planned
- 1 Juvenile Drug Court; 1 planned
- 2 Juvenile Problem-Solving Courts; 1 planned
- 8 Mental Health Courts; 1 planned
- 1 OVWI Court
- 11 Re-entry Courts
- 29 Veterans Courts
- 1 Truancy Court planned
- FY 2019: Over \$2.6 million in grants awarded to collaborative justice programs.
- FY 2020: Over \$2.8 million in grants awarded to collaborative justice programs.



Pretrial Release. An essential step to responsible management of county jail populations is application of the Court’s Criminal Rule 26, which became effective in all Indiana courts on January 1, 2020. This rule, in part, directs that courts should use an [approved evidence-based risk assessment](#), along with other information, in determining whether arrestees present a flight risk or danger to the community or if they might be released pending trial.

This leads to safe and accurate outcomes: a recently completed study of pretrial practices showed that Indiana’s pretrial risk assessment tool accurately predicts failures in pretrial supervision and using them resulted in higher release rates, fewer bonds, and fewer pretrial days in jail prior to release. Moreover, this process allows courts to more readily identify candidates for collaborative justice models and get them to treatment pretrial, rather than simply jailing them.

- FY 2019: Over \$1.7 million in grants awarded to 16 pretrial programs.
- FY 2020: Over \$2.5 million in grants awarded to 26 pretrial programs.
- Community supervision agencies project to administer almost 60,000 pretrial risk assessments in FY 2019 and FY 2020 combined.

Meeting Critical Needs for the State, Counties, and Hoosiers

Protecting the Vulnerable. A substantial portion of the Indiana Supreme Court’s operational and dedicated program funds go directly to counties, courts, and initiatives that support Hoosiers in dire circumstances. These programs include [court interpreters](#), [guardians for vulnerable adults](#), and [Court-Appointed Special Advocates](#) for children of families in crisis.

- \$11 million over two years to 86 certified GAL/CASA programs, with 9,218 volunteers advocating for thousands of children.
- \$2.4 million over two years to 20 guardianship programs serving almost 1,500 vulnerable and incapacitated adults in 50 counties.
- \$1.1 million over two years to provide in-person interpreters in almost 30,000 cases.
- \$40,000 over two years to provide 2700 telephonic interpreter calls, using roughly fifty different languages.

And again, we are committing \$250,000—with additional funding from the Indiana Bar Foundation and Governor—to provide facilitated settlement options for landlords and tenants in both eviction proceedings, in addition to the ongoing program for lenders and borrowers [in mortgage foreclosure cases](#).

Civil Legal Aid. The [Civil Legal Aid Fund](#) was created by the General Assembly in 1997 and funded at \$1 million per year; in 2007, that amount increased to \$1.5 million per year. The funding amount has not increased since, though we know that the state’s legal aid providers and volunteers turn away thousands of Hoosiers every year because of a lack of resources.

Thus, in 2019 the Court committed \$250,000 of its own funds to the Indiana Bar Foundation for distribution through its established high-impact civil legal aid programs:

- \$82,800 to civil legal aid services for individuals with substance use disorder in drug courts or recovery, including child support issues, driver's license issues, housing issues, and expungements;
- \$75,200 to assist veterans, military members, and their families by placing legal clinics in the VA hospitals in Fort Wayne and Marion; and
- \$80,000 to provide civil legal aid assistance to veterans in veterans court programs.

A social economic impact and return on funding analysis commissioned by the Bar Foundation showed that for every dollar invested by the Court in these programs, there will be a return of \$13.42 in immediate and long-term financial gain for individuals and communities.

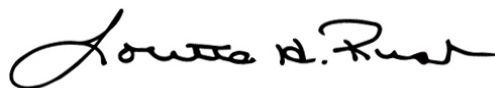
Commercial Courts. [Indiana's Commercial Court docket](#) makes Indiana more attractive to businesses by offering efficient and predictable resolution of disputes. It accomplishes this with specially trained judges in Marion, Lake, Vanderburgh, Elkhart, Floyd, and Allen counties; specific court rules; dedicated law clerks; and support from a collaborative committee of judges, in-house corporate counsel, commercial litigators, legislators, and organizations like the Indiana Chamber of Commerce. The Court invests \$266,000 per year toward training and law clerk salaries.

- 281 cases filed in 2019.
- Almost 200 filed through August 2020.
- Almost 900 cases filed since the docket's inception.

Conclusion

The Supreme Court's operational funding is less than 1% of the State's general funding, but its impact on Indiana is immense and essential. We hope that the proposed budgets will be met with the support of your agency, the Governor, and the Budget Committee; and we appreciate the cooperation and partnership of the Executive and Legislative Branches. We have stood beside you in this time of strife and will likewise stand beside you as we move into the future.

Sincerely,



Loretta H. Rush
Chief Justice of Indiana