

THE NEXT STEP TO A NEW WAY FORWARD

The Strategic Plan For Indiana's Judicial Branch

**JUDICIAL CONFERENCE OF INDIANA
Board of Directors 2009 - 2010**

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The Next Step To 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

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

Tough Questions



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 served as the steering committee. It 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 500 judges in September 2009 at the annual meeting and immediately unveiled to the public.

WHERE CAN I READ THE REPORT?

A New Way Forward: The Strategic Planning Committee's White Paper is a 27-page document that can be found 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. 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
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.

In 2008, 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. 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.

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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 the Judicial Technology and Automation Committee (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.

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 (e.g., 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.

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

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 Indiana shall be admitted to the practice of law.
- Full-time judicial officers shall complete 50% more continuing legal education (CLE) 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 (e.g. 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. 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 (CLE) 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 resolved local issues and concerns, it 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

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

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.

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. 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 (i.e., 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.

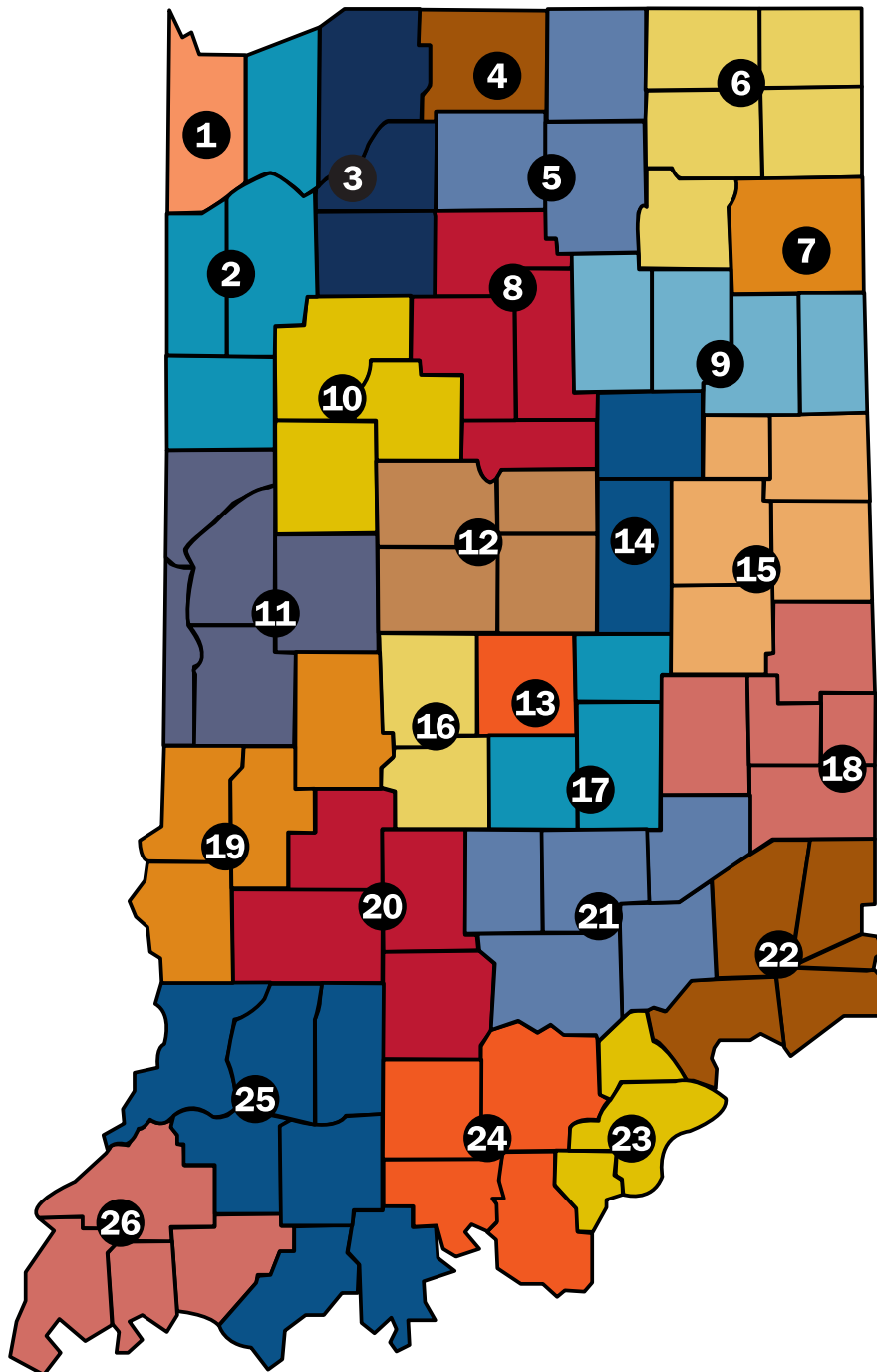
The new districts are designed to have a chief judge selected by the district. With an effective governance structure the districts will be able to pool resources where appropriate and avoid unnecessary duplications. Part of the long-term plan also includes having district court administrators to assist 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 are we 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 litem 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 are we 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 recordkeeping, 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 recordkeeping 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 recordkeeping, 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 are we now?

Indiana's current method for selecting trial judges varies greatly depending on where you reside. Most judges are elected for a six-year term 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.

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