



# Annual Report 2014-2015



INDIANA SUPREME COURT

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# Annual Report

## 2014-2015

Loretta H. Rush  
*Chief Justice*

Brent E. Dickson  
Robert D. Rucker  
Steven H. David  
Mark S. Massa  
*Justices*



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[courts.IN.gov](http://courts.IN.gov)

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*On the cover:* The 5-member court posed for a photograph in the robing room moments after Loretta Rush was sworn in as Chief Justice.

Photographs in this year's report were taken by: Brittany Babbitt, Jim Barnett, Lindsey Borschel, Chris Bucher, Garrett Dickerson, Kathryn Dolan, Elizabeth Osborn, John Gentry, Sarah Kidwell, Vincent Morretino, Carey Nigh, Greta Scodro, Jessica Strange, and other friends of the Court.

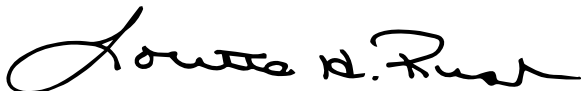
# Greetings

The Indiana Supreme Court does much more than decide cases and write opinions. The Court is constitutionally and statutorily charged with myriad administrative responsibilities, including making and enforcing trial and appellate court rules, oversight of nearly 19,000 lawyers, and providing leadership and assistance to 400 courts and 600 judicial officers.

The administrative work of the Court is the engine that makes the wheels of justice turn. My colleagues—Brent E. Dickson, Robert D. Rucker, Steven H. David, Mark S. Massa—and I are committed to making those wheels turn with greater efficiency, especially through the use of improved technology. Highlights in this report include:

- Details on the transformative move toward electronic filing of all cases statewide
- Using the state case management system, Odyssey, to maintain all appellate cases
- Holding traveling oral arguments for hundreds of students and community members in Lafayette and Columbus
- Developing additional specialized courts, including our state's first commercial courts
- Welcoming over 500 new lawyers who passed the bar exam
- Conveying thanks to the scores of board and commission members who advise the Court

This annual report is an overview of the work of the Court and its affiliated agencies from July 1, 2014 to June 30, 2015 (fiscal year 2015). More information can be found on the award-winning judicial branch website: [courts.in.gov](http://courts.in.gov).



Loretta H. Rush  
*Chief Justice*



The Court dedicated an historic marker honoring Helen Gougar, Tippecanoe County's first female lawyer. Pictured with the five justices are Mayor Tony Roswarski and students from St. Mary's Catholic School.

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Former and current justices of the Supreme Court gather in the Robing Room.

Left to Right: Ted Boehm, Myra Selby, Robert Rucker, Brent Dickson, Loretta Rush, Mark Massa, Steven David, Randy Shepard, and Frank Sullivan, Jr.

# Year *in* Review

Fiscal Year: July 1, 2014 to June 30, 2015

**July 1** Reform to the state's criminal code took effect. The new guidelines created felony ranges numbered from Level 1 to Level 6, instead of the previous Class A-D system. Supporting the reform measures, the judicial branch educated trial court judges during 4 all-day training sessions.

**July 16** A [WEBSITE](#) was launched as a way for voters to learn about the four appellate court judges up for retention on Election Day in November. The four judges—Justice Mark S. Massa, Justice Loretta H. Rush, Judge Rudolph R. Pyle III, and Judge Martha Blood Wentworth—were retained for another 10 years.

**July 22-23** Indiana's inaugural Juvenile Detention Alternatives Initiative (JDAI) Inter-Site Conference was held in Indianapolis with over 250 stakeholders from 19 Indiana counties and state agencies. Participants



Justice Dickson officially swears in Rush as Indiana's new Chief Justice during a brief ceremony in the court conference room.

gained valuable information from local, state, and national experts regarding best practices and promising programs used to implement the eight core strategies of JDAI.

**July 27** The 18th class of Indiana Conference for Legal Education Opportunity (ICLEO) was held at Valparaiso University School of Law—23 students completed the program. ICLEO is designed to assist minority, low-income, and educationally disadvantaged students in pursuing a law degree and legal career in Indiana.

**August 6** The Judicial Nominating Commission voted to select Loretta H. Rush as Indiana's next Chief Justice. Rush took the [OATH OF OFFICE](#) later in the month when Brent E. Dickson stepped down after serving for a little over two years as Chief Justice and having 28 years on the Court. Dickson remained on the Court as an Associate Justice.



# Year *in* Review



The Court provided information about the judiciary and an opportunity for students to try on a robe at the Indiana State Fair.

**August 7** As part of Hoosier Heritage Day, Courts in the Classroom, in conjunction with the State House Tour Office, hosted a booth at the Indiana State Fair which allowed children and families to learn about the history, function, and importance of Indiana government. Judicial robes were available for visitors to try on as part of the interactive display.



Judges who had served 4 terms (24 years) were recognized at the annual judicial conference.

**September 10-12** Judicial officers were recognized for their commitment to higher education and long-time service at the annual judicial conference. Twelve judicial officers received an Indiana Judicial College certificate and five judicial officers were honored for 24 years of service on the bench.



Justice David interacts with students during a classroom visit for Constitution Day.

**September 17** More than 50 Indiana judges visited 155 classrooms reaching about 4,100 students around the state in celebration of Constitution Day. The judges prompted students to consider their role as citizens through lesson plans designed to spark conversation about the U.S. and Indiana Constitutions as well as jury duty.

## Year *in* Review



An exhibit celebrating the Magna Carta's anniversary was on display outside the Supreme Court Courtroom.

**September 29** To celebrate the 800th anniversary of the Magna Carta, the Indiana State Bar Association (ISBA) hosted the American Bar Association's "Magna Carta: Enduring Legacy" traveling exhibit curated by the Library of Congress in the atrium outside the Courtroom. The ISBA also presented an educational session with Garrison Sergeant Major Billy Mott, Ceremonial Warrant Officer of London, as part of the project.

**October 6** 332 applicants who successfully passed the July 2014 Bar were admitted at the October ceremony. Another 121 applicants would pass the February 2015 Bar and be admitted on May 19, 2015. Attorney General Greg Zoeller moved for admission of the applicants at both ceremonies before the oath was administered.

**October 11** More than 600 Court Appointed Special Advocates received training on how to better advocate for abused and neglected children during its 18th annual conference. As a part of the program, the Supreme Court recognized Mary Kay Emmrich (Newton County) as volunteer of the year and Leslie Hendricks (Grant County) as program director of the year.



Purdue student Al Hassani acted as honorary bailiff during the Court's traveling oral argument.

**November 10** The Court traveled to Purdue University and heard [ARGUMENT](#) in the case of *Kramer v. Catholic Charities*. Purdue President Mitch Daniels welcomed the audience of 400 students from 7 schools, judges, attorneys, and government leaders. As part of the day, the justices, the students, Tippecanoe Bar, and members of the Indiana Historical Bureau dedicated a State Historical Marker to Helen Gougar: suffragist, women's rights advocate, and first female lawyer in Tippecanoe County. The presentation occurred outside Gougar's former Lafayette home.

# Year *in* Review

**November 20** The Court handed down an [ORDER](#) affirming its commitment to using technology to enhance the way courts do business and promote public safety. The Judicial Technology and Automation Committee was retired and all technology efforts were consolidated under direction of the Court.



Judge Steve Nation (Hamilton Co.) celebrating with a family on National Adoption Day.

**November 22** 10 Indiana trial courts participated in National Adoption Day by allowing families and press the opportunity to photograph and videotape certain adoption proceedings. The Court authorized cameras in court to celebrate the legal recognition of these forever families.

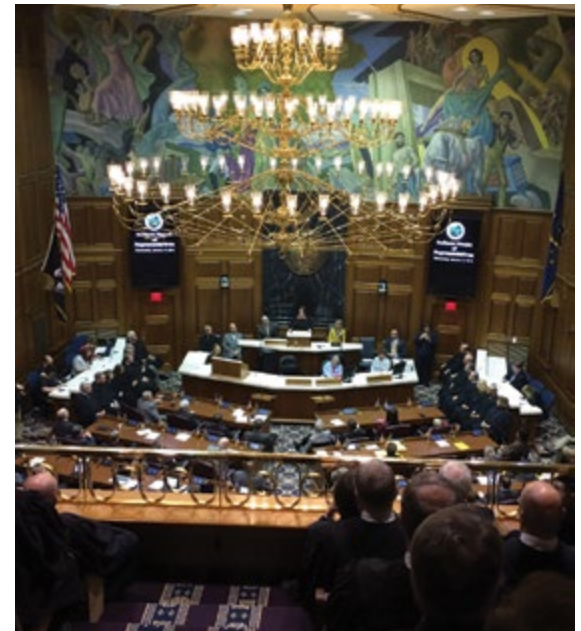


Justice Rucker administers the oath to new court interpreters.

**December 5** Justice Robert D. Rucker swore in one of the most diverse classes of court interpreters in Supreme Court history. Some of the new languages represented at the event were Thai and American Sign Language.

**December 11** Chief Justice Rush and Justices Steven H. David and Mark S. Massa participated in Statehood Day events educating fourth graders from across Indiana about the work and importance of the judicial branch.

**December 17** The Supreme Court presented its budget for the 2015-16 and 2016-17 fiscal years to the State Budget Committee. The Court would go on to present its budget to the House Ways and Means Committee on February 17 and to the Senate Appropriations Committee on March 19 before the General Assembly passed the final budget bill on April 29, 2015.



Chief Justice Rush delivered her first State of the Judiciary in the House chamber to lawmakers, judges, elected officials, and other special guests.

# Year *in* Review

**January 14** A multitude of trial court judges from across the state filled the House of Representatives gallery for the annual [STATE OF THE JUDICIARY](#) address to a joint session of the Indiana General Assembly. The Governor, bar leaders, and special guests were also in attendance for Chief Justice Rush's first official remarks on the condition of the courts.

**February 10** The Supreme Court selected Tyler Technologies to provide e-filing to Indiana courts following a competitive bidding process.

**March 3** The justices traveled around the state to meet with trial court judges. The Court discussed challenges and success stories with local judicial officers at annual district meetings.

**March 23** The second Indiana Civic Health Index, sponsored by the Supreme Court and others, revealed overall civic health through key measurements such as voter registration, volunteerism, and participation in group associations.

**April 10** The Court traveled to Columbus North High School and heard [ARGUMENT](#) in the case of *Dodson v. Carlson, et al.* 800 students from 10 area schools, judges, attorneys, and government leaders attended the event.



Media set up equipment to record the *en banc* hearing in Vanderburgh County.

**April 23** The Supreme Court granted permission for media to live broadcast an *en banc* hearing by the Vanderburgh Superior Court. The trial court judges heard an argument in a case involving a city council ordinance. There were no witnesses called and no jury. Press were permitted to videotape and photograph the argument.

**April 29** To celebrate the upcoming state bicentennial, the Court hosted a lecture on Indiana in 1816. A distinguished panel of legal and history scholars presented their views on issues and narratives related to the bicentennial in a free Continuing Legal Education format open to the public.

**May 4** The public gained access to all appellate case information through the state court record system, Odyssey. By the end of the fiscal year, 225 courts including appellate, circuit, superior, city, and town courts in 52 counties used Odyssey to maintain records. Information in more than 18 million cases is available on the Odyssey docket through [MYCASE.IN.GOV](#).

**June 2** The Court formalized plans to develop commercial courts with specially trained judges. Commercial courts are designed to promote efficient resolution of complex business litigation by reducing legal costs and promoting earlier and more frequent settlement of cases.

**June 30** The Supreme Court closed the fiscal year having heard 62 oral arguments, written 100 majority opinions, and disposed of 977 cases.

# Justices

The current five members meet nearly every week to discuss cases and administrative matters. In addition, each justice spends significant time reading briefs, hearing oral arguments, and writing opinions.

Complete biographies for the current Court, as well as all previous justices can be found on the Supreme Court website.

READ COMPLETE  
JUSTICE BIOGRAPHIES  
@ COURTS.IN.GOV/SUPREME



## Chief Justice Loretta Rush

**BORN** 1958 in Scranton, Pennsylvania

**HOMETOWN** Grew up in Richmond (Wayne County); 15 years in general practice and 14 years as trial court judge in Lafayette (Tippecanoe County)

**EDUCATION** Purdue University; Indiana University Maurer School of Law

**APPOINTED** 2014 as Chief Justice; 2012 by Governor Mitchell E. Daniels, Jr.



## Justice Brent Dickson

**BORN** 1941 in Gary, Indiana (Lake County)

**HOMETOWN** Childhood in Hobart (Lake County); 17 years in general and trial practice in Lafayette (Tippecanoe County)

**EDUCATION** Purdue University; Indiana University McKinney School of Law

**APPOINTED** 2012-2014 as Chief Justice; 1986 by Governor Robert D. Orr



## Justice Robert Rucker

**BORN** 1947 in Canton, Georgia

**HOMETOWN** Childhood and 12 years in legal practice, including Deputy Prosecutor, in Gary (Lake County)

### **EDUCATION & MILITARY SERVICE**

Indiana University; Valparaiso University School of Law; University of Virginia School of Law; Decorated combat infantryman in Vietnam War

**APPOINTED** 1999 by Governor Frank O'Bannon; 1991 to Court of Appeals of Indiana by Governor Evan Bayh



## Justice Steven David

**BORN** 1957 in Fort Wayne, Indiana (Allen County)

**HOMETOWN** Childhood and private practice in Columbus (Bartholomew County); 6 years in corporate practice and 16 years as trial court judge (Boone County)

### **EDUCATION & MILITARY SERVICE**

Murray State University; Indiana University McKinney School of Law; 28 years of Military Service (RET COL U.S. Army)

**APPOINTED** 2010 by Governor Mitchell E. Daniels, Jr.



## Justice Mark Massa

**BORN** 1961 in Milwaukee, Wisconsin

**HOMETOWN** Childhood in Milwaukee area. Newspaper reporter in Evansville (Vanderburgh County). 20-year legal career in government and private practice, state and federal prosecutor, and General Counsel to Governor Mitchell E. Daniels, Jr. (Marion County)

**EDUCATION** Indiana University; Indiana University McKinney School of Law

**APPOINTED** 2012 by Governor Mitchell E. Daniels, Jr.

# Cases

Most cases in Indiana are decided by trial courts. Less than 1% of the cases in the state are appealed to the Supreme Court. During the fiscal year, the Court was asked to decide 945 cases.

The following pages contain detailed statistics on those cases including case types and whether the Court granted transfer.

While reviewing the cases, the Court issued many orders and opinions. Statistics on the opinions begin on page 16.

SEARCH APPELLATE CASES  
@ PUBLIC.COURTS.IN.GOV/DOCKET

## Case Highlights

A variety of statistics about the cases heard by the Supreme Court during the fiscal year.

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**945** Total cases received

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**977** Total cases disposed

INCLUDING:

**114** Attorney discipline cases

**13** Petitions for rehearing

**3** Certified questions

**1** Civil direct appeal

**7** Criminal direct appeals

(death penalty and life without the possibility of parole)

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**62** Oral arguments heard

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**100** Majority opinions handed down

# Case Highlights

## Case Inventory

An accounting of the number of cases pending at the beginning and end of the year with a detailed breakdown of case types.

	Cases Pending on JUL 1, 2014	Cases Transmitted JUL 1, 2014 - JUN 30, 2015	Cases Disposed JUL 1, 2014 - JUN 30, 2015	Cases Pending JUN 30, 2015
Criminal	112*	487	486	113
Civil	124†	308	338	94
Tax	2	4	6	-
Original Actions	-	29	27	2
Board of Law Examiners	1	3	4	-
Mandate of Funds	-	-	-	-
Attorney Discipline	68‡	111	114	65
Judicial Discipline	-	2	2	-
Other	-	1	-	1
<b>Total</b>	<b>307</b>	<b>945</b>	<b>977</b>	<b>275</b>

*Corrections to statistics printed in the 2013-2014 annual report:*

\* *Criminal cases: The report listed 513 disposed and 113 pending on July 1, 2014. Those numbers should have been 514 disposed and 112 pending.*

† *Civil cases: The report listed 284 disposed and 123 pending on July 1, 2014. Those numbers should have been 283 disposed and 124 pending.*

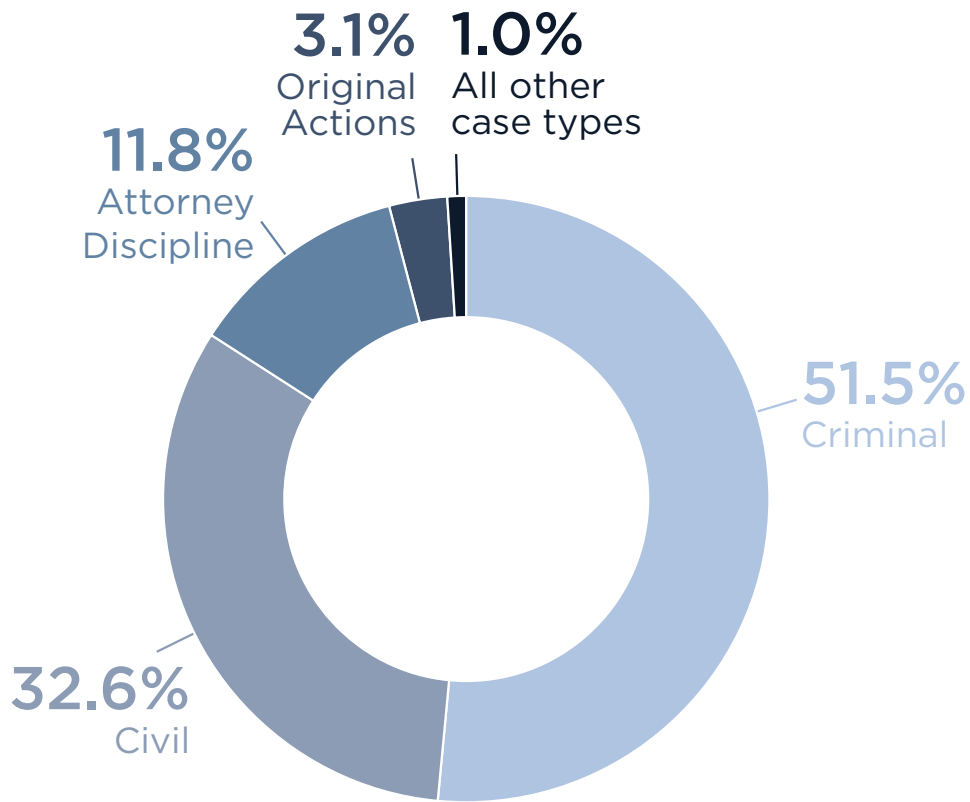
‡ *Attorney Discipline cases: The report listed 135 disposed and 69 pending on July 1, 2014. Those numbers should have been 136 disposed and 68 pending.*



# Cases Transmitted

## Received by Type

All cases transmitted to the Supreme Court during the fiscal year, organized by case type.



Criminal	<b>487</b>	<b>51.5%</b>
Civil	<b>308</b>	<b>32.6%</b>
Tax	<b>4</b>	<b>0.4%</b>
Original Actions	<b>29</b>	<b>3.1%</b>
Attorney Discipline	<b>111</b>	<b>11.8%</b>
Judicial Discipline	<b>2</b>	<b>0.2%</b>
Mandate of Funds	<b>0</b>	<b>0.0%</b>
Board of Law Examiners	<b>3</b>	<b>0.3%</b>
Other	<b>1</b>	<b>0.1%</b>
<b>Total</b>	<b>945</b>	<b>100%</b>

# Cases Transmitted

## Received in Detail

### Criminal Cases

Petitions for rehearing	7
Direct appeals, death penalty	2
Direct appeals, life without parole	5
Post-conviction appeals, death penalty (including successive requests)	0
Post-conviction appeals, non-capital (including successive requests)	0
All other criminal	473
<b>Total</b>	<b>487</b>

### Attorney Discipline Matters\*

All discipline matters received	111
<b>Total</b>	<b>111</b>

### Mandate of Funds

Mandate of funds	0
<b>Total</b>	<b>0</b>

### Civil Cases

Petitions for rehearing	6
Certified questions	1
Direct appeals	3
All other civil	298
<b>Total</b>	<b>308</b>

### Judicial Discipline Matters

Formal disciplinary charges	2
<b>Total</b>	<b>2</b>

### State Board of Law Examiners

Petitions for review	3
<b>Total</b>	<b>3</b>

### Tax Cases

Tax Court petitions for review	4
<b>Total</b>	<b>4</b>

### Original Actions

Original actions	29
<b>Total</b>	<b>29</b>

### Other Cases

Unauthorized practice of law	1
<b>Total</b>	<b>1</b>

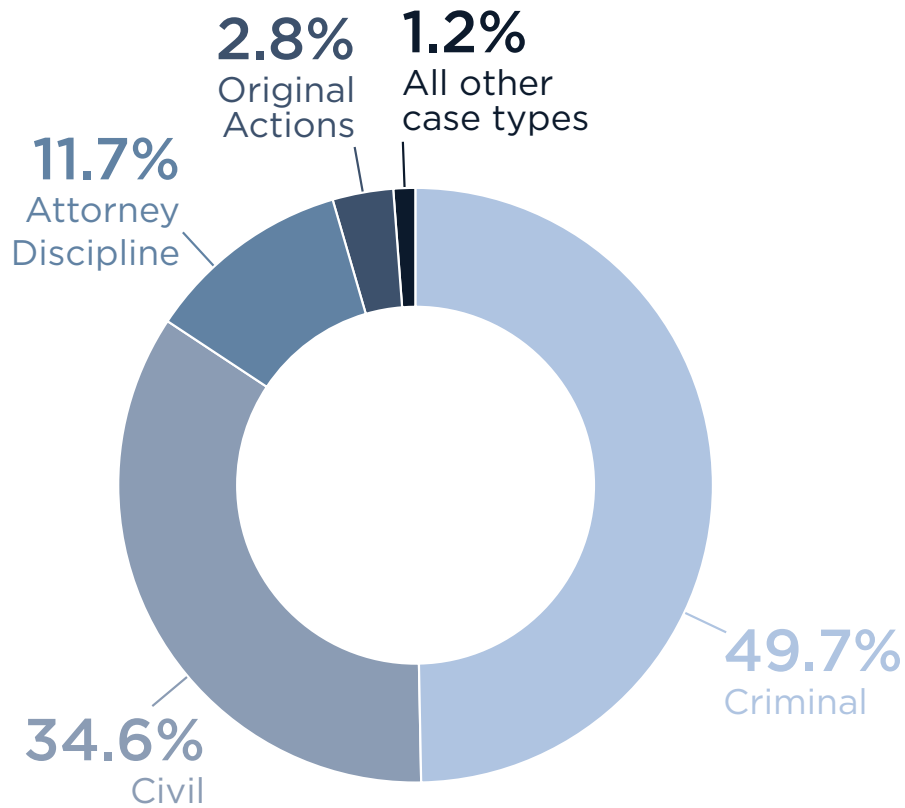
**Total Received 945**

\* For complete details of all attorney discipline matters received, see page 50.

# Cases Disposed

## Disposed by Type

All cases considered and disposed by the Supreme Court during the fiscal year, organized by case type.



Criminal	<b>486</b>	<b>49.7%</b>
Civil	<b>338</b>	<b>34.6%</b>
Tax	<b>6</b>	<b>0.6%</b>
Original Actions	<b>27</b>	<b>2.8%</b>
Attorney Discipline	<b>114</b>	<b>11.7%</b>
Judicial Discipline	<b>2</b>	<b>0.2%</b>
Mandate of Funds	<b>0</b>	<b>0.0%</b>
Board of Law Examiners	<b>4</b>	<b>0.4%</b>
Other	<b>0</b>	<b>0.0%</b>
<b>Total</b>	<b>977</b>	<b>100%</b>

# Cases Disposed

## Disposed in Detail

### Criminal Cases

Opinions on direct appeals	7
Opinions on petitions to transfer	32
Opinions on rehearing	0
Orders on rehearing	7
Petitions to transfer denied, dismissed, or appeal remanded by order	440
Petitions to transfer granted and remanded by order	0
Other opinions and dispositions	0
<b>Total</b>	<b>486</b>

### Attorney Discipline Matters\*

Opinions and published orders	57
Other dispositions	57
<b>Total</b>	<b>114</b>

### Mandate of Funds

Opinions and published orders	0
<b>Total</b>	<b>0</b>

### Civil Cases

Opinions and orders on certified questions	3
Opinions on direct appeals	1
Opinions on petitions to transfer	45
Opinions on rehearing	2
Orders on rehearing	4
Petitions to transfer denied, dismissed or appeal remanded by order	282
Other opinions and dispositions	1
<b>Total</b>	<b>338</b>

### Judicial Discipline Matters

Opinions and published orders	2
Other dispositions	0
<b>Total</b>	<b>2</b>

### State Board of Law Examiners

Petitions for review	4
<b>Total</b>	<b>4</b>

### Tax Cases

Opinions on Tax Court petitions for review	1
Dispositive orders on Tax Court petitions for review	5
<b>Total</b>	<b>6</b>

### Original Actions

Opinions issued	0
Disposed of without opinion	27
<b>Total</b>	<b>27</b>

### Other Cases

Opinions and published orders	0
Other dispositions	0
<b>Total</b>	<b>0</b>

**Total Dispositions 977**

\* For complete details of all attorney discipline matters disposed, see page 51.

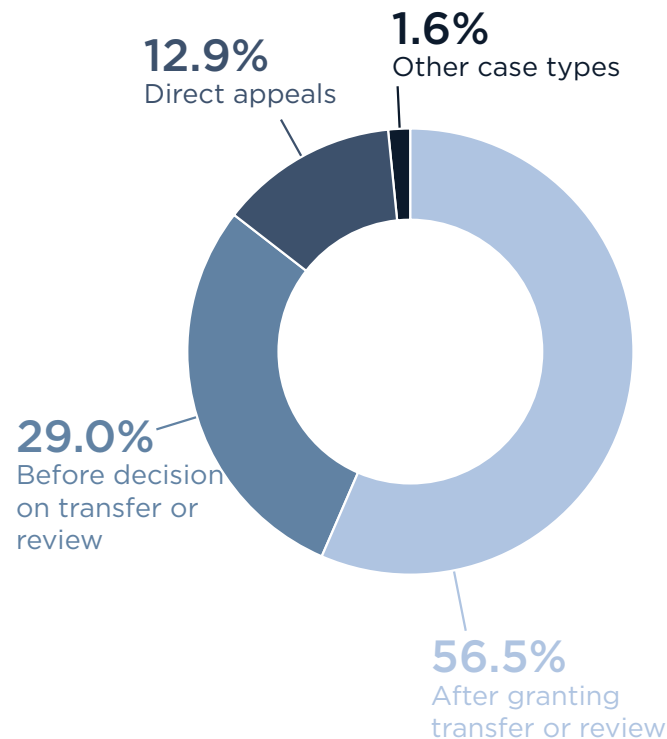
# Cases Heard at Oral Argument

## Oral Arguments Heard

The Supreme Court heard 62 oral arguments during the fiscal year, including one argument held at Purdue University and another at Columbus North High School.

All arguments were recorded and can be viewed online, and all but the two held outside the courtroom were broadcast live on the web. Following are details of the types of cases presented at oral arguments before the Court this year.

Criminal Before transfer decision	<b>7</b>
Criminal After transfer granted	<b>16</b>
Criminal Direct appeals	<b>6</b>
Civil/Tax Before transfer/review granted	<b>11</b>
Civil/Tax After transfer/review granted	<b>19</b>
Civil Direct appeals	<b>2</b>
Other case types	<b>1</b>
<b>Total</b>	<b>62</b>



## Webcasting Statistics

Staff members from OCEO, Appellate IT, and the Law Library operated the Supreme Court webcasting equipment during the fiscal year. Since webcasting began on September 19, 2001:

- 647 hours spent webcasting oral arguments, educational programs, and ceremonies
- 919 Supreme Court arguments webcast from the Courtroom

During this fiscal year, 60 Supreme Court arguments, 6 Court of Appeals arguments, and three CLEs (Magna Carta & Rule of Law, Indiana's 1816 Constitution, and Administrative Rule 9(G)) were webcast from the Supreme Court Courtroom for a total of 51 hours. Two traveling oral arguments were broadcast from off-site locations.

WATCH ORAL ARGUMENT VIDEO  
@ MYCOURTS.IN.GOV/ARGUMENTS

# When Classroom Meets Courtroom

## Oral Arguments on the Road

*The* Supreme Court is committed to providing an opportunity for students to learn about the courts even if they cannot attend oral argument at the State House. The Court is taking arguments to schools with a traveling educational program highlighting how the judicial process works and providing lessons on the importance of upholding the law.

To improve students' understanding, the Office of Communication, Education and Outreach created resources emphasizing case details and highlighting documents associated with the case—including the appellate briefs and Court of Appeals opinion.

In November 2014, Purdue University (Tippecanoe County) hosted oral argument and honored current Chief Justice Loretta Rush and former Chief Justice Brent Dickson because both are Purdue

alumni and both practiced law in Lafayette. Approximately 400 students from seven local schools attended.

In April 2015, the Court held a traveling oral argument at Columbus North High School (Bartholomew County) with nearly 800 students from 10 schools in attendance. School alum Justice Steven David served as host introducing his colleagues and leading a question and answer session after the argument.

During Q&A at both schools, students had a chance to learn about the day-to-day work of the Court and how a case works through the system. In sharing about the experience, Columbus North Social Studies Department Chair Libby Arthur said, "I have taught 37 years and I think this is one of my best education days ever."



The Court held two traveling arguments during the fiscal year. Top: Columbus North High School, where the Court heard *Estate of Eboni Dodson, Deceased v. Curt Carlson, Carmel Hotel Company, et al.*; Bottom: Purdue University, where the Court heard *Kramer v. Catholic Charities*.

# Opinions

The Indiana Supreme Court disposed of 977 cases in fiscal year 2015 and handed down a written opinion in 100 of those cases.

Justices also wrote 16 non-majority opinions—either agreeing or disagreeing with the majority.

READ APPELLATE DECISIONS  
@ COURTS.IN.GOV/OPINIONS

## Opinions by Type

Written decisions include majority opinions and orders that dispose of a case.

**100** Majority Opinions

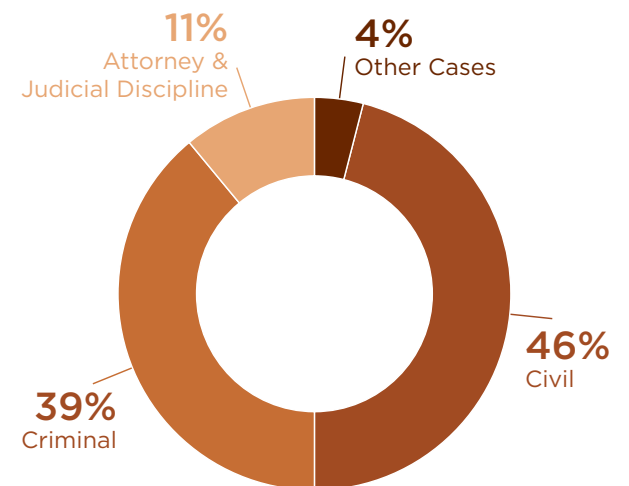
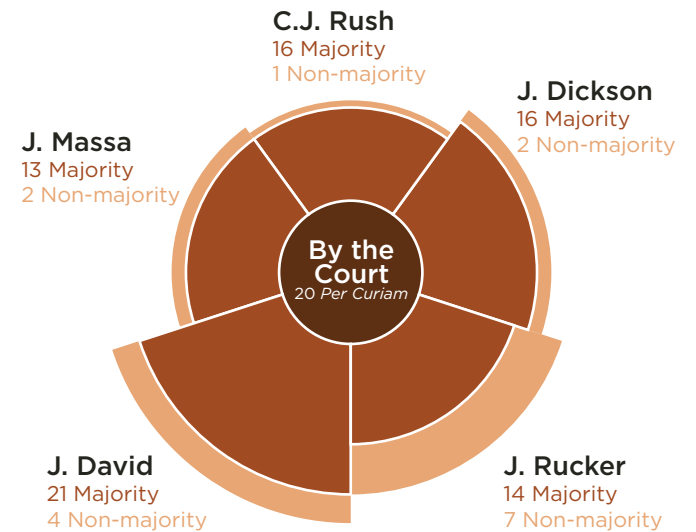
**16** Non-majority Opinions

## Majority Opinions by Case Type

While criminal matters represent the majority of cases submitted to the Supreme Court for consideration, the Court publishes more opinions in civil cases.

## Opinions by Author

Each justice authored a number of majority and non-majority opinions.



# Opinions

## Majority Opinions by Author and Case Type

A breakdown of the number of majority opinions authored by each justice for each case type heard by the Supreme Court.

	Rush, C.J.	Dickson, J.	Rucker, J.	David, J.	Massa, J.	By the Court	Total
Civil Direct Appeal	-	1	-	-	-	-	1
Civil Transfer	9	10	5	7	6	8	45
Criminal Direct Appeal	1	1	2	2	1	-	7
Criminal Transfer	4	4	6	11	6	1	32
Tax Review	1	-	-	-	-	-	1
Rehearing	-	-	1	1	-	-	2
Certified Question	1	-	-	-	-	-	1
Original Action	-	-	-	-	-	-	-
Attorney Discipline	-	-	-	-	-	9	9
Judicial Discipline	-	-	-	-	-	2	2
Board of Law Examiners	-	-	-	-	-	-	-
Mandate of Funds	-	-	-	-	-	-	-
<b>Total</b>	<b>16</b>	<b>16</b>	<b>14</b>	<b>21</b>	<b>13</b>	<b>20</b>	<b>100</b>

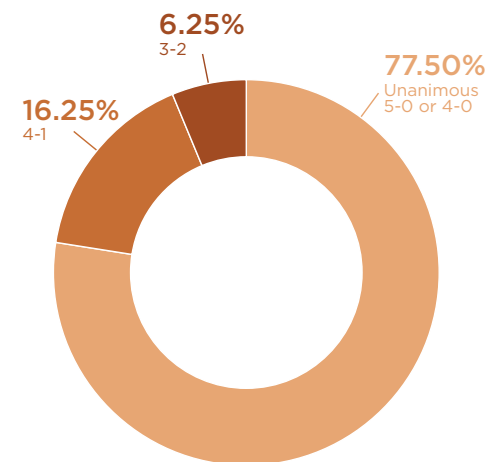
## Non-Majority Opinions by Author and Type

Non-majority opinions are not dispositive.

	Rush, C.J.	Dickson, J.	Rucker, J.	David, J.	Massa, J.	Total
Concurring	-	-	1	-	-	1
Dissenting	1	2	5	4	2	14
Concur in Part / Dissent in Part	-	-	1	-	-	1
Recusal	-	-	-	-	-	-
<b>Total</b>	<b>1</b>	<b>2</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>16</b>

## Consensus of Opinions

The Court is mostly unanimous in its decisions. There are some split decisions and rare “other” cases where fewer than three justices were in complete agreement. There were no “other” cases during the fiscal year.



*Excludes per curiam opinions.*



# Opinions

Authored by

**Hon. Loretta H. Rush**

## 16 MAJORITY OPINIONS

Gayle Fischer v. Michael and Noel Heymann

49S02-1309-PL-620  
July 17, 2014

Ind. Dept. of State Revenue v. Caterpillar, Inc.

49S10-1402-TA-79  
August 25, 2014

Antonio Hughley v. State of Ind., The Consolidated City of Indianapolis/Marion County, and The Indianapolis Metropolitan Police Dept.

49S04-1406-MI-386  
September 9, 2014

Barbara J. Pohl v. Michael G. Pohl

32S04-1404-DR-245  
September 9, 2014

Joseph Wysocki and M. Carmen Wysocki v. Barbara A. Johnson and William T. Johnson, both Individually and as Trustees of the Barbara A. Johnson Living Trust dated 12-17-1996

45S03-1407-CT-459  
October 15, 2014

Gary Wayne Oswalt v. State of Ind.

35S02-1401-CR-10  
October 22, 2014

Joseph K. Buelna v. State of Ind.

20S04-1404-CR-243  
November 13, 2014

In the Matter of the Adoption of Minor Children: J.T.D. and J.S.: Ind. Dept. of Child Services v. N.E.

45S03-1406-AD-387  
December 4, 2014

State of Ind. v. Michael E. Cunningham

19S05-1409-CR-599  
March 2, 2015

Ind. Restorative Dentistry, P.C. v. The Laven Insurance Agency, Inc. and ProAssurance Indemnity Co., Inc. f/k/a the Medical Assurance Co., Inc.

49S05-1407-PL-491  
March 12, 2015

In the Matter of Dennis Alan Howell

94S00-1405-CQ-321  
March 20, 2015

In the Matter of J.K., A Child in Need of Services: M.K. v. Marion County Dept. of Child Services and Child Advocates, Inc.

49S02-1505-JC-260  
May 12, 2015

The Bd. of Commissioners of the County of Jefferson v. Teton Corporation, Innovative Roofing Solutions, Inc., Gutapfel Roofing, Inc., and Daniel L. Gutapfel

72S04-1410-CT-642  
May 13, 2015

Billy Young v. State of Ind. and Marquise Lee v. State of Ind.

49S02-1505-CR-275 and 49S02-1505-CR-276  
May 14, 2015

In the Matter of the Adoption of Minor Children: I.B. and W.B.: B.B. v. B.C. and J.L., and Ind. Dept. of Child Services

82S05-1502-AD-63  
June 11, 2015

Andrew S. Satterfield v. State of Ind.

63S00-1401-LW-306  
June 26, 2015

## 1 NON-MAJORITY OPINION

Thomson Inc. (n/k/a Technicolor USA. Inc.) v. Insurance Co.

49A05-1109-PL-470  
May 15, 2015

Authored by

**Hon. Brent E. Dickson**

## 16 MAJORITY OPINIONS

Ind. Patient's Compensation Fund v. Judy Holcomb, Personal Representative of the Estate of Mable Louise Cochran, Deceased

49S05-1404-CC-209  
August 26, 2014

Gregory F. Zoeller, Attorney General and Rick J. Ruble, Commissioner of the Ind. Dept. of Labor v. James M. Sweeney, David A. Fagan, Charles Severs et. al.

45S00-1309-PL-596  
November 6, 2014

In Re: The Carroll County 2013 Tax Sale: Twin Lakes Regional Sewer District v. Richard C. Ray and Patricia A. Alford, et. al.

08S04-1402-MI-98  
December 4, 2014

# Opinions

In Re: The Carroll County 2012  
Tax Sale: Twin Lakes Regional  
Sewer District v. Steven E. Hruska,  
Virginia Hanna, et. al.

08S02-1402-MI-78  
December 4, 2014

Fishers Adolescent Catholic  
Enrichment Society, Inc. v.  
Elizabeth Bridgewater o/b/o Alyssa  
Bridgewater

93S02-1310-EX-704  
January 6, 2015

Jason Young v. Hood's Gardens, Inc.

29S02-1405-PL-314  
January 22, 2015

Brandon Brummett v. State of Ind.

49S02-1502-CR-69  
February 11, 2015

In the Matter of the Civil  
Commitment of T.K. v. Dept. of  
Veterans Affairs

49S02-1503-MH-138  
March 19, 2015



Justice Dickson (left) and Chief Justice Rush (right) ask questions of attorneys during oral argument at Columbus North High School.

WellPoint, Inc. f/k/a Anthem, Inc.  
and Anthem Insurance Companies,  
Inc. v. National Union Fire  
Insurance Co. of Pittsburgh, PA,  
AIG Europe (U.K.) limited, New  
Hampshire Insurance Co. et al.

49S05-1404-PL-244  
April 22, 2015

Charles Stephenson v. State of Ind.

15S00-1401-LW-40  
April 23, 2015

Cornelius Hines v. State of Ind.

52S05-1408-CR-563  
May 19, 2015

Rebecca Stafford, Individually and  
as Surviving Parent of Drayden Pow-  
ell, Deceased, and Drayden Powell,  
Deceased v. James E. Szymanowski,  
M.D. and GYN, Ltd., Inc.

89S01-1502-CT-64  
June 2, 2015

State of Ind. v. Brishen R.  
Vanderkolk

79S04-1411-CR-718  
June 9, 2015

Antonio Smith v. State of Ind.

71S04-1506-CR-364  
June 26, 2015

Celebration Worship Center, Inc.  
v. Patrick Tucker and Carolyn P.  
Tucker, a/k/a Patty Tucker

22S01-1506-PL-401  
June 29, 2015

Jeffrey M. Miller and Cynthia S.  
Miller v. Kristine C. Danz

49S05-1506-PL-400  
June 29, 2015

## 2 NON-MAJORITY OPINIONS

William A. Parks v. State of Ind.

79S04-1412-CR-730  
December 10, 2014

Jason and Justina Kramer v.  
Catholic Charities of the Diocese of  
Fort Wayne-South Bend, Inc.

71S03-1506-CT-350  
June 3, 2015

# Opinions

Authored by

**Hon. Robert D.  
Rucker**

## 14 MAJORITY OPINIONS

Joshua Gomillia v. State of Ind.

49S02-1408-CR-521  
August 12, 2014

Christopher Cross v. State of Ind.

73S01-1401-CR-29  
September 3, 2014

In the Matter of the Adoption of  
O.R., N.R. v. K.G. and C.G.

21S01-1409-AD-592  
September 25, 2014

Wayne A. Campbell v. State of Ind.

13S05-1410-PC-682  
October 30, 2014

Anthony Hollowell v. State of Ind.

49S02-1310-PC-684  
October 30, 2014

Teaching Our Posterity Success, Inc.  
v. Ind. Dept. of Education and Ind.  
State Bd. of Education

49S05-1411-PL-700  
November 13, 2014

First American Title Insurance Co.  
v. Stephen W. Robertson, Insurance  
Commissioner of the State of Ind.,  
in his official capacity, on Behalf of  
the Ind. Dept. of Insurance

49S04-1311-PL-732  
November 13, 2014

Frank Jacobs v. State of Ind.

49S04-1403-CR-162  
January 8, 2015

Ball State University v. Jennifer  
Irons; In Re the Marriage of:  
Jennifer Irons and Scott Irons

45S03-1503-DR-134  
March 18, 2015

Drakkar R. Willis v. State of Ind.

49S02-1410-CR-617  
March 24, 2015

Detona Sargent v. State of Ind.,  
and the Consolidated City of  
Indianapolis/Marion Co., and the  
Indianapolis Metro Police Dept.

49S02-1312-MI-790  
March 24, 2015

First American Title Insurance Co.  
v. Stephen W. Robertson, Insurance  
Commissioner of the State of Ind.,  
in his Official Capacity, on Behalf  
of the Ind. Dept. of Insurance (*On  
petition for rehearing*)

49S04-1311-PL-732  
March 26, 2015

Roy Bell v. State of Ind.

25S00-1310-LW-713  
May 20, 2015

Kevin Charles Isom v. State of Ind.

45S00-0803-DP-125  
May 20, 2015

## 7 NON-MAJORITY OPINIONS

Kenyatta Erkins v. State of Ind.

58S01-1309-CR-586  
July 22, 2014

Gregory F. Zoeller, Attorney  
General and Rick J. Ruble,  
Commissioner of the Ind. Dept. of  
Labor v. James M. Sweeney, David  
A. Fagan, Charles Severs et. al.

45S00-1309-PL-596  
November 6, 2014

Fishers Adolescent Catholic  
Enrichment Society, Inc. v.  
Elizabeth Bridgewater o/b/o Alyssa  
Bridgewater

93S02-1310-EX-704  
January 6, 2015

State of Ind. v. Michael E.  
Cunningham

19S05-1409-CR-599  
March 2, 2015

Kenneth Griesemer v. State of Ind.

49S04-1408-CR-564  
March 5, 2015

Donald W. Myers, III. v. State of  
Ind.

76S03-1407-CR-493  
April 8, 2015

Daniel Lee Pierce v. State of Ind.

78S05-1407-CR-460  
May 12, 2015

# Opinions

Authored by

**Hon. Steven H. David**

## 21 MAJORITY OPINIONS

Veolia Water Indianapolis, LLC, City of Indianapolis, Dept. of Waterworks, and City of Indianapolis v. National Trust Insurance Co. and FCCI Insurance Co. a/s/o Ultra Steak, Inc., et al. (*On petition for rehearing*)

49S04-1301-PL-8  
July 9, 2014

In Re: The Involuntary Termination of the Parent-Child Relationship of K.W., a Minor Child, and His Mother, C.C.: K.W. v. Ind. Dept. of Child Services and Child Advocates, Inc.

49S02-1407-JT-458  
July 10, 2014

Kenyatta Erkins v. State of Ind.

58S01-1309-CR-586  
July 22, 2014

Natural Resources Defense Council v. Poet Biorefining- North Manchester, LLC, Poet Biorefining-Cloverdale, LLC, Central Ind. Ethanol, Inc., et al.

49S02-1405-MI-313  
September 2, 2014

Old National Bancorp d/b/a Old National Trust Co. v. Hanover College

68S05-1404-TR-296  
September 3, 2014

TP Orthodontics, Inc., Christopher Kesling, DDS, MS, Adam Kesling, and Emily Kesling, et al. v. Andrew Kesling, Individually and as Trustee of the Andrew C. Kesling Trust Dated March 28, 2001 et al.

46S03-1405-MI-337  
September 3, 2014

State of Ind. v. Frank Greene

49S02-1403-PC-172  
September 17, 2014

Scott Logan v. State of Ind.

20S05-1405-CR-339  
September 24, 2014

William A. Parks v. State of Ind.

79S04-1412-CR-730  
December 10, 2014

Rodregus Morgan v. State of Ind.

49S02-1405-CR-325  
December 18, 2014

In Re: The Adoption of B.C.H.

41S04-1408-AD-515  
December 23, 2014

Jeffrey A. Cleary v. State of Ind.

45S03-1404-CR-295  
January 15, 2015

Ruben Rosales v. State of Ind.

48S02-1404-CR-297  
January 15, 2015

John O. Study v. State of Ind.

06S04-1407-CR-461  
February 4, 2015

Jeffrey A. Weisheit v. State of Ind.

10S00-1307-DP-492  
February 18, 2015

Charles Moore v. State of Ind.

71S00-1405-LW-361  
March 24, 2015

Lora Hoagland, On Behalf of Herself and All Others Similarly Situated v. Franklin Township Community School Corp.

49S02-1410-PL-643  
March 24, 2015

Donald W. Myers, III. v. State of Ind.

76S03-1407-CR-493  
April 8, 2015

James Bogner v. Teresa Bogner

45S04-1501-DR-23  
April 28, 2015

Peter Griffith v. State of Ind.

48S02-1501-CR-10  
June 2, 2015

Larry D. Russell, Jr. v. State of Ind.

84S01-1409-CR-583  
June 29, 2015

## 4 NON-MAJORITY OPINIONS

Henry L. Shell, Jr. v. State of Ind.

52A02-1307-CR-598  
January 27, 2015

Detona Sargent v. State of Ind., and the Consolidated City of Indianapolis/Marion Co., and the Indianapolis Metro Police Dept.

49S02-1312-MI-790  
March 24, 2015

Nancy Hay v. Richard Hay

11A01-1401-DR-22  
May 11, 2015

James Giles, Individually and as the Executor of the Estate of Ruth Giles, Deceased v. Anonymous Physician I, et al.

03A01-1306-CT-257  
May 12, 2015

# Opinions

Authored by

**Hon. Mark S. Massa**

## 13 MAJORITY OPINIONS

Douglas A. Guilmette v. State of Ind.

71S04-1310-CR-705  
August 13, 2014

Evansville Courier & Press and Rita Ward v. Vanderburgh County Health Dept.

82S04-1401-PL-49  
October 7, 2014

Ind. State Ethics Commission, Office of Inspector General, and David Thomas, in his Official Capacity as Inspector General v. Patricia Sanchez

49S02-1402-PL-80  
October 16, 2014

Jonathan D. Carpenter v. State of Ind.

02S05-1404-CR-246  
October 21, 2014

Michael E. Lyons, Individually; Denita L. Lyons, Individually et. al. v. Richmond Community School Corporation d/b/a Richmond High School; Joe Spicer et. al.

89S04-1312-PL-788  
October 28, 2014

Shawn Blount v. State of Ind.

49S02-1405-CR-338  
December 17, 2014

Kenneth Griesemer v. State of Ind.

49S04-1408-CR-564  
March 5, 2015

Dustin E. McCowan v. State of Ind.

64S03-1408-CR-516  
March 25, 2015

DePuy Orthopaedics, Inc. and Johnson & Johnson v. Travis Brown et al.

49S02-1504-CT-225  
April 24, 2015

Daniel Lee Pierce v. State of Ind.

78S05-1407-CR-460  
May 12, 2015

Jason and Justina Kramer v. Catholic Charities of the Diocese of Fort Wayne-South Bend, Inc.

71S03-1506-CT-350  
June 3, 2015

State Farm Mutual Automobile Insurance Co. v. Kimberly S. Earl and the Estate of Jerry Earl

35S05-1408-CT-562  
June 9, 2015

Robert Lewis, III v. State of Ind.

45S00-1312-LW-512  
June 17, 2015

## 2 NON-MAJORITY OPINIONS

Detona Sargent v. State of Ind., and the Consolidated City of Indianapolis/Marion Co., and the Indianapolis Metro Police Dept.

49S02-1312-MI-790  
March 24, 2015

Larry D. Russell, Jr. v. State of Ind.

84S01-1409-CR-583  
June 29, 2015



Justice Massa listens as attorneys argue the case of *Estate of Dodson, v. Curt Carlson, et al.*

# Opinions

Authored

## By the Court

In the Matter of Steve L. Brejensky  
29S00-1205-DI-277  
July 2, 2014

In the Matter of Patrick H. Stern  
49S00-1205-DI-255  
July 2, 2014

Camoplast Crocker, LLC, The  
Kelch Corporation, and Seats, Inc.  
v. Kris Schoolcraft, as Personal  
Representative of the Wrongful  
Death Estate of Rickie D.  
Schoolcraft, Deceased, et al.  
29S02-1407-CT-476  
July 21, 2014

Carol Sparks Drake v. Thomas A.  
Dickey, Craig Anderson, Charles E.  
Podell, and Duke Realty Corp.  
29S02-1407-CT-483  
July 24, 2014

In the Matter of Trezanay M. Atkins  
49S00-1306-DI-435  
September 22, 2014

Gersh Zavodnik v. Irene Harper  
49A04-1307-PL-316  
September 30, 2014



The justices take their seats on the bench at the start of oral arguments.

Robert Corbin v. State of Ind.  
75S03-1401-CR-13  
September 30, 2014

In Re: The Paternity of D.M.Y., et  
al., M.R. v. B.Y.  
34S04-1410-JP-607  
October 1, 2014

In the Matter of the Honorable  
Mickey K. Weber, Judge of the  
Clarksville Town Court  
10S00-1409-JD-606  
December 5, 2014

Mark Rolley v. Melissa Rolley  
87S01-1412-DR-739  
December 16, 2014

In the Matter of the Honorable  
Dianna L. Bennington, Judge of the  
Muncie City Court  
18S00-1412-JD-733  
February 10, 2015

Thomas H. Kramer, Member and  
Mgr. of Domus Property Invest-  
ments, LLC v. Mark Kramer, and  
Domus Property Investments, LLC  
71S04-1503-PL-132  
March 17, 2015

In the Matter of Christopher A.  
Hollander  
49S00-1402-DI-118  
March 24, 2015

Cohen & Malad, LLP v. John P.  
Daly, Jr., Golitko & Daly, P.C., and  
Golitko Legal Group, P.C.  
29S02-1504-PL165  
April 8, 2015

In the Matter of R. Mark Keaton  
02S00-1302-DI-95  
April 21, 2015

In the Matter of Andrew D. Thomas  
82S00-1305-DI-386  
May 12, 2015

YTC Dream Homes, Inc., et al. v.  
DirectBuy, Inc., et al.  
45S03-1505-PL-264  
May 12, 2015

In the Matter of Thomas R. Philpot  
45S00-1304-DI-224  
May 19, 2015

In the Matter of Bradley D.  
Hamilton  
49S00-1412-DI-752  
June 24, 2015

In the Matter of Robert E. Stochel  
45S00-1412-DI-738  
June 24, 2015

# Oath

## IN THE Law

# Library

Home to 72,000 books, the law library served as the perfect setting for the August 18 swearing-in ceremony for Loretta H. Rush as Chief Justice of Indiana. The intimate setting did not leave much space with appellate court judges, government leaders, family, and press all in attendance. However, Rush explained why she chose the room, “I love these law books for what they represent for our profession, which is almost 200 years of Indiana citizens coming to the courts seeking just decisions. This magnificent room further drives home our branch of government’s core purpose—to administer fair, impartial, effective, and timely justice.”

The library was created by an 1867 Act of the Legislature which gave custody of the law books to the Supreme Court. Rush considers the space to be “a jew-

el in our beautiful State House.” After Governor Mike Pence administered the Oath of Office, Rush reflected on the importance of the setting, “My favorite provision from the Indiana Constitution is proudly displayed on the corner of our library, Article I Section 12: All courts shall be open; and every person, for injury done to his person, property or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial, speedily, and without delay.”

The brief ceremony, in a magnificent setting, concluded with applause for all five members of the Court as Rush thanked her colleagues: “As Chief Justice, I am still just one vote. I have learned that the strength of our Supreme Court is based on the collective work and wisdom of all five of the justices.”





Members of the press gather to interview attorneys following oral argument in *Zoeller v. Sweeney*, the first case heard by the Court during the fiscal year.

# Outreach TO THE Press AND Public

The Office of Communication, Education, and Outreach (OCEO) manages media inquiries, public information, and opportunities for educators to engage with the judicial branch. OCEO is staffed by the Division of State Court Administration and collaborates with all Supreme Court agencies.

## Working with the press

The team interacts with press on a daily basis in an effort to ensure that accurate information about the courts can be relayed to the public. During the fiscal year, OCEO:

- Answered 525 media inquiries
- Distributed 39 press releases and advisories
- Provided assistance on about 82 occasions to trial court judges for everyday media matters and high-profile cases

## Courts in the Classroom

The Court provides outreach to educators and students in an effort to improve civic literacy on the work of today's judicial branch, including the following:

- Constitution Day programming reached more than 4,000 students in 29 counties
- Two traveling oral arguments reached approximately 1,200 students

## Website and social media

OCEO manages the [courts.in.gov](https://courts.in.gov) website (with over 9 million page views each year) and the Court's social media presence. During the fiscal year, OCEO:

- Tweeted 396 messages, including opinions, transfer dispositions, *Indiana Court Times* articles, and other announcements
- Webcast 62 Supreme Court oral arguments
- Launched [public.courts.in.gov](https://public.courts.in.gov) as a one-stop site for all court apps





Clockwise from top left:  
The 5-member Court poses  
for an official portrait;  
Justice David with Garrison  
Sergeant Major Billy Mott,  
Ceremonial Warrant Officer  
of London;  
Justice Rucker  
at bar admission ceremony;  
Justice Dickson speaking  
to ISBA Leadership  
Development Academy.





Statehood Day celebrations, clockwise from top left: Chief Justice Rush shares pictures of children who appeared in her trial court with students visiting the State House; an aspiring judge tries on a judicial robe in the historic Supreme Court Courtroom; Justice Massa talks with students at the State Library about why judges wear robes.

# Incorporating Web-Based Learning into Judicial Education

**JUDGES** and court employees need more and better education at reduced cost.

Traditional formal conferences are expensive, and on their own, may not be ideally-suited to the modern educational needs of the judicial branch. Educators at the Judicial Center have responded by building less-expensive, web-based learning into comprehensive educational programs through webinars.

Webinars use two-way communication for interaction between the presenter and learners with all parties using computers with webcams and Internet access. As judges and staff sign in to participate in the session, they download web-based software to facilitate the learning process. The software allows for screen sharing, quiz taking, and answering poll questions.

During the fiscal year, the Center provided seven webinars taught by Indiana court staff and judges for 87 judicial officers on the following topics:

- child custody
- child support
- cognitive bias
- contempt
- judicial writing
- media relations
- organizational change

The National Judicial College provided technical support for the webinars by facilitating the web-based software program. Webinars provide efficient, effective, and quality education. Because readers actively engage with the material, they retain more information. A Chinese proverb says it best: “What I hear, I forget; what I see, I remember; what I do, I understand.” Webinars provide interactive opportunities to “do” learning.



Dave Remondini (State Court Administration) moderates a panel of Indiana trial court judges sharing their perspectives on the role of the judiciary in cases of adult guardianship.



Professor Michael Jenuwine (Notre Dame Law School) and Erica Costello (State Court Administration) discuss elder abuse, neglect, and financial exploitation with symposium attendees.

# Adult Guardianship Symposium

**ON** June 12, the Office of Adult Guardianship held a symposium for 102 judges, court staff, and other representatives of the elder care industry. During the full-day conference, panelists and audience members discussed information on the following topics:

- Client Advocacy
- Determining an Adult's Decision-Making Capacity
- Elder Abuse
- Estate Management and Financial Accounting
- Ethics of Representing an Incapacitated Client
- Mental Health Services
- Veterans Affairs and the Social Security Administration

The symposium was sponsored by the Court, the Indiana Adult Guardianship State Task Force, the Indiana State Guardianship Association, the National Guardianship Association, and the ARC of Indiana.

A highlight of the conference was promotion of Indiana's online guardianship registry which is designed to be statewide. The registry is the first of its kind in the nation and was made possible by increased funding from the 2015 General Assembly. At the end of the fiscal year, there were 17 counties on the registry.

# Boards & Commissions

The Supreme Court is grateful to the many judges, lawyers, and citizens who volunteer their time to increase the effectiveness of the judiciary and provide guidance to the Court. The following individuals served on boards, commissions, and committees during the past fiscal year.

## Board of Law Examiners

Hon. Barbara Brugnoaux  
Kathryn H. Burroughs  
Prof. Michael J. Jenuwine  
Gary K. Kemper  
Gilbert King, Jr.  
Jon B. Laramore  
Jeffry A. Lind  
Cathleen M. Shrader  
Shelice R. Tolbert  
Charlotte F. Westerhaus-Renfrow  
Michael M. Yoder

## Commission for Continuing Legal Education

Hon. David J. Avery  
Steven M. Badger  
Hon. Nancy E. Boyer  
Hon. Jennifer L. Degroote  
Angela L. Freel  
Shontrai D. Irving  
Christina J. Miller  
Dr. Howard Mzumara  
Hon. Rudolph R. Pyle, III  
Hon. John T. Sharpnack  
Steven A. Spence  
Catherine Springer  
Hon. Charles K. Todd  
John D. Ulmer

## Disciplinary Commission

Brian K. Carroll  
Nancy L. Cross  
Maureen Grinsfelder  
John L. Krauss  
Trent A. McCain  
Andrielle M. Metzel  
William Anthony Walker  
Kirk White  
Leanna K. Weissmann

## Judges and Lawyers Assistance Program

Hon. Tim A. Baker  
Joseph T. Baruffi  
Cassandra A. McNair  
Hon. Elaine B. Brown  
Edmond W. Foley  
Hon. Stephen R. Heimann  
Ellen F. Hurley  
Hon. Gina L. Jones  
Hon. Marc R. Kellams  
John W. Porter  
Hon. David T. Ready  
J. Mark Robinson  
David D. Sanders  
Nicholas F. Stein, Sr.  
Shelice R. Tolbert  
Hon. Marianne L. Vorhees

## Judicial Conference Board of Directors

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Justice Brent E. Dickson  
Hon. Mary Ellen Diekhoff  
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Hon. Sheila M. Moss  
Hon. Lynn Murray  
Hon. Thomas Newman  
Hon. John R. Pera  
Hon. Robert J. Pigman  
Hon. John A. Rader  
Chief Justice Loretta H. Rush  
Hon. Jose D. Salinas  
Hon. Terry C. Shewmaker  
Hon. Michael A. Shurn  
Hon. William G. Sleva  
Hon. Gary L. Smith  
Hon. Greg Smith  
Hon. Terry K. Snow  
Hon. Timothy P. Spahr  
Hon. Thomas P. Stefaniak

Hon. Mark D. Stoner  
Hon. Wayne A. Sturtevant  
Hon. Joseph D. Trout  
Hon. Nancy Vaidik  
Hon. Marianne L. Vorhees  
Hon. Mary G. Willis  
Hon. Bob A. Witham

## Judicial Qualifications/ Judicial Nominating Commission

Lee Christie  
Justice Brent E. Dickson  
John O. Feighner  
Jean Northenor  
Tom Rose  
Chief Justice Loretta H. Rush  
David Tinkey  
John Ulmer  
Stephen L. Williams  
Rudy Yakym, III

## Staff Retirements

There are approximately 180 staff members at the Supreme Court and its agencies. One individual retired during the fiscal year after many years of service:

**Michael McMahon**

36 years

Indiana Judicial Center



State and federal court judges welcome new attorneys to the Bar during the October 2014 admission ceremony.

# Agency Reports

- 34** Supreme Court Administration
- 36** State Court Administration
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- 46** Continuing Legal Education
- 48** Disciplinary Commission
- 52** Judicial Qualifications/Nomination
- 55** State Public Defender
- 56** Judges & Lawyers Assistance Program



The **Division of Supreme Court Administration** serves the Indiana Supreme Court by assisting justices with legal and administrative duties, working generally at the direction of the Chief Justice.

The Division is comprised of the Office of Supreme Court Administration and the Office of the Clerk of the Supreme Court, Court of Appeals, and Tax Court.

[courts.in.gov/supreme](https://courts.in.gov/supreme)

[courts.in.gov/cofc](https://courts.in.gov/cofc)

# Division of Supreme Court Administration

Kevin S. Smith, Administrator and Clerk

## Legal Counsel

During the fiscal year, Administration Office attorneys:

- Drafted 330 legal memoranda on a variety of topics
- Oversaw 946 case-related matters and dozens of non-case-related administrative matters
- Assisted in drafting and issuing 2,066 orders and opinions
- Prepared for Supreme Court review 29 original actions challenging a trial court's jurisdiction

The Administration Office is also responsible for drafting and responding to correspondence for the Court, processing 222 separate pieces during this fiscal year.

## Day-to-Day Needs

The Administration Office assists the Chief Justice and other members of the Court with various administrative and logistical matters. The Office:

- Maintains the weekly Court conference agenda and oral arguments schedule
- Prepares regular reports on workload and case statistics
- Physically manages the case documents under review by the Court
- Prepares and oversees the Court's operating budget and processes expenditures, including payroll and benefits
- Manages work, storage, and meeting spaces in the State House

During the fiscal year, the Administration Office processed 301 expense and travel reimbursement requests and 1,232 invoices.

# Technology AND THE Court

## Clerk's Office

Each business day, the Clerk's Office processes scores of filings, responds to inquiries from attorneys, litigants, and the public, and oversees the microfilming of dozens of closed cases. The Clerk's Office is also responsible for maintaining Indiana's Roll of Attorneys—the roster of all attorneys licensed to practice law in Indiana.

## Technology Improvements

During the fiscal year, the Administration Office and Clerk's Office worked closely with appellate information technology staff to implement the Odyssey case management system in the Supreme Court, Court of Appeals, and Tax Court. The Offices are also preparing the appellate courts to accept electronic filing.

The Supreme Court's modern case management system—Odyssey—was adopted and implemented in the Supreme Court, Court of Appeals, and Tax Court during the fiscal year. Odyssey was already in place in more than 200 trial courts. Counties are able to move to the court record system because a statewide license has already been purchased. By the end of the fiscal year, more than 60% of the state's new caseload was being handled by Odyssey.

In creating better public access, the appellate docket was updated to connect to Odyssey data and, for most cases, includes links to opinions and orders. Additionally, the [public.courts.in.gov](http://public.courts.in.gov) website was launched as a one-stop shop for online services including case search, protection order search, ticket payment, marriage licenses, and child support calculator.

The Supreme Court's effort to develop statewide electronic filing continued this fiscal year with the selection of Tyler Technologies to manage the e-filing initiative. The e-filing system will allow cases to be filed online, reducing the need for costly paper copies, postage, and trips to the clerk's office.

The Indiana Supreme Court is committed to the most effective use of technology to ensure that courts operate with efficiency and fairness. To increase transparency, implement new technology, maintain court records, and seamlessly share information, the Court amended Administrative Rule 10 to affirm court records as the property of the courts and subject to the authority of the Supreme Court. Administrative Rule 4 was also amended to retire the Judicial Technology and Automation Committee. All court technology projects were moved under the direct supervision of the Supreme Court.

The **Division of State Court Administration** assists the Supreme Court in its role as the head of Indiana's judicial system.

The Division recommends improvements in court procedures, administers payroll for judges and prosecutors, reports caseload and fiscal information, provides technology support to all courts, and manages the judicial branch website. It administers programs that aid litigants and courts, help families and children, and improve access to justice.

Much of the Division's work and statistical information is maintained on a calendar rather than fiscal year.

[courts.in.gov/admin](http://courts.in.gov/admin)

# Division of State Court Administration

Lilia G. Judson, Executive Director

## Managing Caseload

About 1.3 million new cases were filed in Indiana trial courts in 2014. The case data collected by the Division suggests Indiana needs about 79 additional judicial officers to handle the state's caseload. By the end of the fiscal year, the Indiana General Assembly had approved 13 new magistrates.

During the fiscal year, 700 judicial officers and prosecutors were paid approximately \$86 million collectively. Senior judges—who are paid less than full-time judges—helped allevi-

ate the pressure of high caseloads. In 2014, 88 certified senior judges served a total of 3,870 days. These part-time judges represented the equivalent of 19 full-time judicial officers.

The Division compiles and annually publishes the *Indiana Judicial Service Report* containing information regarding the workload and finances of the Indiana judicial system. Caseload numbers included in the report are submitted quarterly by almost 400 trial courts through an online system. This information provides a factual basis for long-term planning by the trial courts, the Supreme Court, and other state leaders.

## Supporting Trial Courts

The Division works closely with judges and clerks across the state to provide guidance, training, and technology. During the fiscal year, the Division:

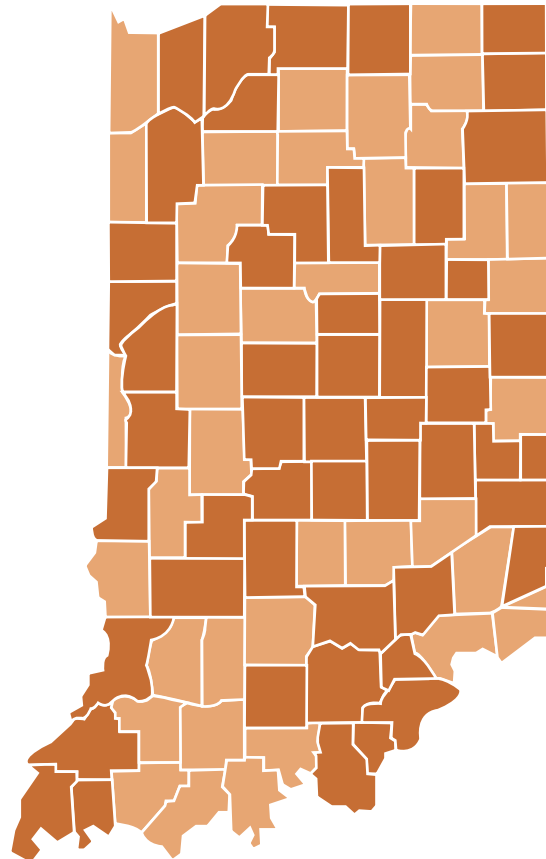
- Solicited bids and selected a vendor to implement statewide electronic filing
- Developed and provided expungement guidance to trial courts
- Reviewed and recommended approval on approximately 40 caseload allocation plans
- Reviewed 56 requests for bulk trial court data
- Completed the audio/visual court reporter transcript pilot project
- Provided employment law guidance to judges, court administrators, and chief probation officers in dozens of counties

In addition, the Division distributed:

- \$1.5 million to 13 organizations that provide legal services to Indiana's low-income residents, mostly for domestic relations cases
- \$312,000 in court interpreter grants to 37 counties
- \$299,000 in court reform grants to 17 counties with 13 projects seeking funds for Odyssey-compatible equipment

## 225 Courts in 52 Counties using Odyssey

As of June 30, 2015



52 counties have one or more courts using Odyssey

## Technology Improvements

By the end of the fiscal year, 225 appellate, trial, city, and town courts in 52 counties were using Odyssey—the state's case management system—to handle court records. Twelve applications, such as the protection order registry and the guardianship registry, link with Odyssey allowing counties using this statewide system to enter data only one time.

Odyssey docket information is available to courts and the public online at no charge. More than 18 million cases, representing approximately 60% of Indiana's newly filed cases, were in Odyssey by June 30, 2015.

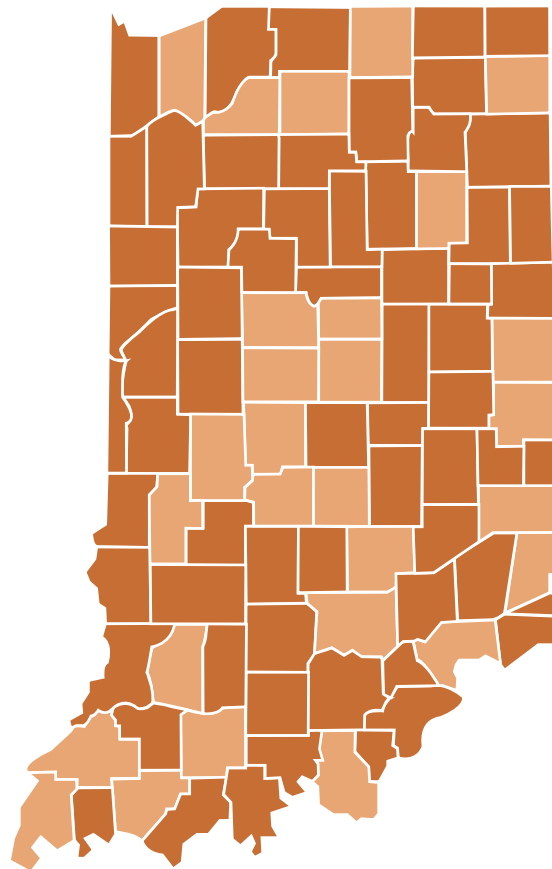
## Reimbursement for Public Defense Costs

Counties that met salary and caseload requirements were eligible for fiscal year state reimbursement from the public defense fund for indigent defense costs.

- 6 counties received more than \$268,000 to help pay for 12 capital (death penalty) cases
- 55 counties received nearly \$20 million to help pay for non-capital cases

## Helping Children, Families, and Those in Need

**Guardians Ad Litem (GAL)** and **Court Appointed Special Advocates (CASA)** speak on behalf of children in abuse, neglect, and termination of parental rights cases. In 2014, 78 Indiana counties had certified GAL/CASA programs; 3,402 volunteers (including 865 new volunteers) advocated for 18,690 children and donated an estimated 346,770 hours of their time.



64 counties participate in the Public Defender Commission program

The Division's **Family Violence Resource Attorney** functions as a single point of contact for all of the state's courts on matters related to family violence, including civil protection orders, criminal domestic violence case processing, best practices, and training. During the fiscal year, the Resource Attorney provided training to 800 GAL/CASA volunteers, child protective services case workers, and judicial officers on laws related to family violence and its effects on children. In addition, the Resource Attorney wrote articles for the *Indiana Court Times* on related topics such as children who witness violence, teen dating violence, and specialized courts.

**Alternative Dispute Resolution (ADR)**, established in 2003, allows counties to collect a \$20 filing fee for local programs. The funds are used primarily to help provide mediation services to litigants with the least ability to pay. County ADR plans are approved by the Division. During the calendar year, 41 counties participated in the program. ADR often works with the Family Court Project.



CASA volunteers rallied at the State House and heard remarks from court leaders, Senator Yoder, and former foster children who spoke about the importance of their advocates.

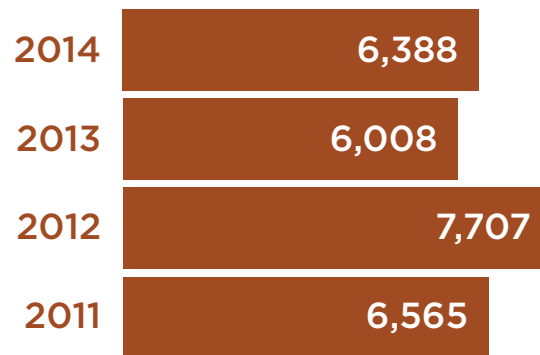
**Family Court Project** grants help local courts serve families going through the court system. Grants support document preparation services for unrepresented and low-income families, co-parenting education and counseling, assistance with court-ordered programming, and the development of ADR programs.

The grants are considered “seed money,” and pilot counties are expected to transition within a reasonable time to local funding. During the calendar year:

- Nearly \$300,000 was distributed to 20 programs operating in 22 counties
- 4 new counties began operating a Family Court Project

## Families served by Indiana Family Courts

Four-year comparison



The **Adult Guardianship Office** was established in 2013 with funding from the Indiana General Assembly. The Office serves older adults who are victims of abuse, neglect, and financial exploitation. During the calendar year, the Office:

- Provided assistance and support to programs serving more than 300 vulnerable and incapacitated adults
- Assisted in establishing the first statewide online guardianship registry in the nation
- Distributed more than \$300,000 in grant funding to 8 volunteer-based guardianship programs serving 14 counties
- Received a \$339,000 grant from the Department of Justice

The **Committee on Unrepresented Litigants** urges all people to hire a lawyer when going to court, but also provides basic resources for those who choose to go to court without a lawyer.

The Committee presented information at the Indiana Library Federation Conference to help librarians with unrepresented litigants who often request their assistance.

The **Indiana Judicial Center** supports the Indiana Judicial Conference, which has a Board of Directors made-up of judicial officers from across the state.

The Center provides education and research for judicial officers, trains probation officers, oversees specialized courts, formulates policy on judicial administration, and administers the interstate transfer compact for probationers. The Center also serves as the staff agency for nearly two dozen Judicial Conference committees.

[courts.in.gov/center](http://courts.in.gov/center)

# Indiana Judicial Center

Jane Seigel, Executive Director

## Education for Judges

The Center provided 224 hours of training to more than 600 judicial officers to ensure Indiana citizens appear before a well-educated bench and to satisfy the mandatory continuing judicial education requirements. The Center's program schedule included:

- The required annual meeting of judicial officers with over 60 judicial and non-judicial presenters
- One-day workshops on the new criminal code, family violence, evidence rules, and digital evidence in the 21st century
- Orientation for 68 newly elected/recently appointed judicial officers focusing on the transition from the bar to the bench, general jurisdiction, and juvenile jurisdiction
- Seven interactive webinars augmenting in-person training

## 2014-2015 Judicial Education at a Glance



**34 Days**  
of education



**224 Hours**  
of instruction



**2,077 People**  
in attendance

Marine Corporal Josh Bleill gave a motivational presentation to trial court and clerk employees at the Center's annual training conference. Corp. Bleill discussed his experience on active duty in Fallujah, two years of rehab, and his current job as community spokesman for the Indianapolis Colts.

## Education for Court and Clerk Staff

In addition to providing education for judicial officers, the Center also educates probation officers and court staff. During the fiscal year, the Center provided:

- 75 hours of Court Alcohol and Drug Program training
- 48 hours of Problem-Solving Court training
- 54 days of instruction for probation officers
- Two 6-week online orientations for court and clerk staff
- 12 days of instruction for trial court staff

## Professional Development (Title IV-D) Scholarships

Under the Court's Professional Development Scholarship Program, the Center authorized scholarships totaling nearly \$75,000 to 39 judicial officers for continuing education training.

## Court Improvement Program (CIP)

The CIP improves the safety, well-being, and permanency outcomes for children and families involved in Children in Need of Services (CHINS) and Termination of Parental Rights (TPR) proceedings. CIP is made possible by grants awarded to the Indiana Supreme Court from the U.S. Department of Health and Human Services.

During the fiscal year, CIP awarded \$324,446 to 13 sub-grant recipients. Funded projects include:

- CHINS drug court
- CHINS mental health court
- Mediation and facilitation
- Training and education
- Data collection and analysis

CIP also sponsored the Annual Meeting of Juvenile Court Judicial Officers and awarded ten professional development scholarships totaling nearly \$9,500 to those who exercise juvenile court jurisdiction.



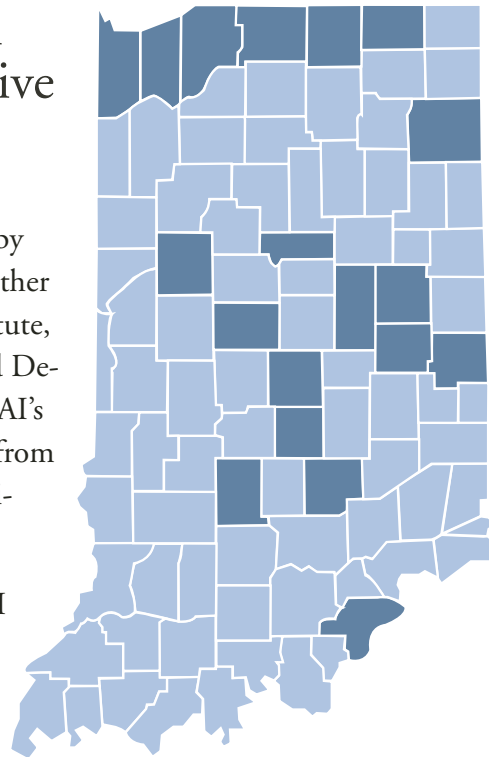


## Juvenile Detention Alternatives Initiative (JDAI)

JDAI, a project of the Annie E. Casey Foundation, is overseen by the Supreme Court and three other partners: Criminal Justice Institute, Department of Correction, and Department of Child Services. JDAI's goal is to move low-risk youth from secure detention into community-based alternative programs.

During the fiscal year, the JDAI team provided 40 trainings to over 1,300 attendees for 19 participating counties. The data continues to support the premise that alternatives to detention provide positive outcomes for youth and enhance public safety. During the first quarter of 2015:

- Alternatives to detention reduced admissions to secure detention from 3,376 to 1,747
- Failure to appear rates were reduced to 1%
- Re-offense rates were only 8%
- Commitments to the Department of Correction declined in all JDAI counties



19 Counties have a JDAI Program

## Evidence-Based Pre-Trial Release Study Committee

The Committee makes recommendations to the Court on the use of evidence-based decision-making to guide whether an accused individual is released from jail before going to trial. Indiana is one of three states chosen by the National Institute of Corrections to participate in a state-wide effort to improve the justice system.

## Court Services

The Center provides support to courts and probation offices around the state to implement problem-solving courts and community supervision. These programs are designed to help criminal offenders transition back into the community successfully.

The Center certifies and reviews problem-solving courts and programs to ensure they follow best practices. During the fiscal year:

- 10 court-administered alcohol and drug programs were recertified
- 5 new problem-solving courts were certified
- 16 problem-solving courts were recertified

One type of problem-solving court is a veterans court. Court Services certified three new veterans courts bringing the total number to 13:

- Noble (2015)
- Delaware (2014)
- Allen (2014)
- LaPorte (2014)
- Lake (2014)
- St. Joseph (2013)
- Montgomery (2013)
- Dearborn (2013)
- Greenwood City (2013)
- Grant (2012)
- Floyd (2012)
- Porter (2011)
- Vanderburgh (2011)

By the end of the fiscal year, there were a total of 54 certified court alcohol and drug programs and another 69 certified problem-solving courts.

Funded by a grant from the Indiana Criminal Justice Institute (ICJI), the Center completed its work on phase one of a project to create incentives and sanctions for probationers. With a new ICJI grant, the Center began work on phase two of the project to collect data on process and outcomes and added six probation departments to join phase one counties (Allen, Lawrence and Pulaski Counties):

- Bartholomew
- Hamilton
- Marion (Juvenile Division)
- Miami
- Wabash
- Wayne

## Interstate Compact

By statute, the Center administers the interstate compact for the transfer of adult and juvenile probationers in and out of Indiana; serves as the intermediary for the return of juvenile runaways, absconders, and escapees; and is actively involved in detecting and reporting possible victims of human trafficking.

The Center provides both adult and juvenile compact training to counties as needed. During the fiscal year, the Center supervised or processed:

- More than 5,100 adult cases
- Almost 800 juvenile cases
- Over 6,200 pending transfers, withdrawn cases, and closed case reports
- 46 juveniles as runaways, absconders, and escapees



Judge Heather Welch (Marion Co.) talks with news anchor Gerry Dick about the Court's plans to develop commercial courts with specially trained judges.

## Commercial Courts

The Court worked to develop specialized trial court dockets to handle complex business litigation. The courts, known as commercial courts, will have specially trained judges where the parties have agreed to have their dispute resolved through the specialized docket. Commercial courts are designed to promote efficient resolution of business disputes by reducing litigation costs and promoting earlier and more frequent settlement of cases.

The **Indiana State Board of Law Examiners** is responsible for certifying that all individuals admitted to practice law in Indiana have fulfilled the requirements for admission as specified in the Admission and Discipline Rules.

Admission is achieved primarily through one of three methods—examination, provisional license admission, and business counsel license—all of which are supervised by the Board.

In addition to its admission duties, the Board certifies legal interns and approves the formation—for the purposes of practicing law—of professional corporations, limited liability companies, and limited liability partnerships.

[courts.in.gov/ble](http://courts.in.gov/ble)

# State Board of Law Examiners

Bradley W. Skolnik, Executive Director

## Use of Technology

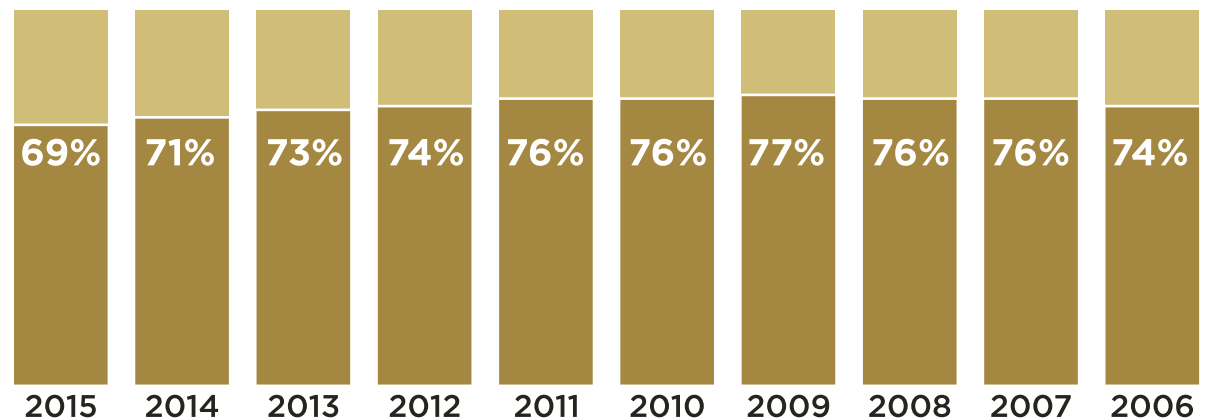
The Board of Law Examiners enhanced the admissions process for applicants through technology. Approximately 85% of applicants used their own laptop computer to answer the essay portion of the Indiana bar exam during the fiscal year. A portal to allow law students, bar applicants, and attorneys to manage their information entirely online has been used since July 2014.

## The Bar Exam

The bar exam is administered twice a year: once in February and once in July. During the fiscal year, 569 of the 821 applicants passed the exam.

## Success Rate for Test Takers Ten Year Comparison

The percentage of test takers that passed the bar exams for the previous ten years.

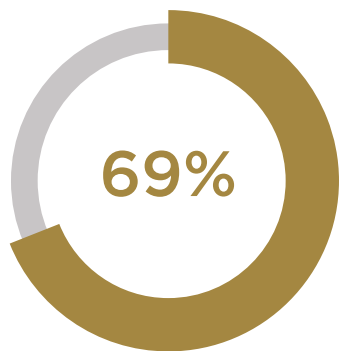




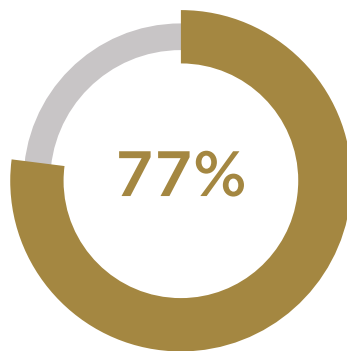
332 applicants who successfully passed the July 2014 Bar were admitted at the October ceremony.

### Success Rate for Test Takers in Fiscal Year 2014-2015

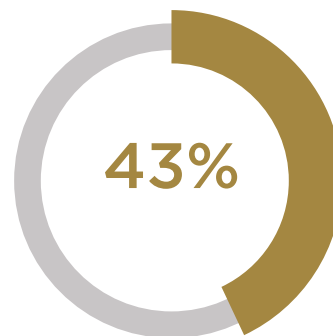
The percentage of test takers that passed the July 2014 and February 2015 bar exams.



All Test Takers



First Time Test Takers



Repeat Test Takers

### Foreign License

Attorneys licensed in other states may be granted a provisional admission on foreign license to practice law in Indiana. The attorney must demonstrate that they meet the requirements for admission set out in Admission and Discipline Rule 6. Lawyers licensed in another state whose sole employer is a person or entity engaged in business in Indiana—other than the practice of law—may also be eligible for admission on a business counsel license. During the fiscal year, a total of 67 out-of-state attorneys were admitted to the Indiana bar on a provisional admission or business counsel license.

The **Commission for Continuing Legal Education** regulates the legal education requirements of Indiana's attorneys and judges. It keeps a registry of mediators and regulates mediator education programs. The Commission also regulates the Independent Certifying Organizations that certify attorney specialists.

[courts.in.gov/cle](http://courts.in.gov/cle)

# Commission for Continuing Legal Education

Julia L. Orzeske, Executive Director

## New Computer System

During the fiscal year, the Commission completed the transition to a Customer Relationship Management (CRM) system. Moving data and services from an old, outdated system onto a modern platform allowed the Commission to improve on-line services and provide better records for mediators, attorneys, judges, specialists, and education sponsors.

## New Fees

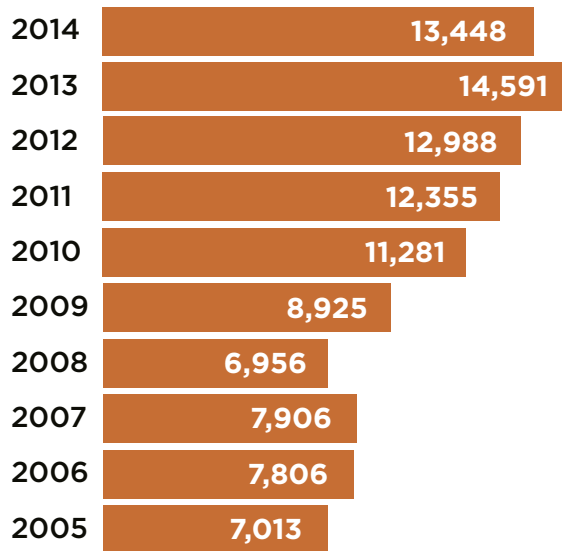
During the past ten years, Indiana's lack of application and processing fees attracted hundreds of applicants seeking accreditation to be used in states allowing reciprocal approval. From 2004 to 2013, course applications went from 7,221 applications to 14,591.

Additionally, the Commission processed many untimely submitted end-of-year applications. The practice of accrediting out-of-state courses at no cost and allowing attorneys to submit late CLE attendance reports with no penalty resulted in overtime and other costs.

In an effort to contain, reduce, and control this growth, the Indiana Supreme Court passed a rule amendment allowing the Commission to charge for certain applications and untimely submissions. The rule was effective January 1, 2015. The growth of applications slowed; during the fiscal year, the Commission reviewed 13,448 course applications.

## Courses Accredited Ten Year Comparison

The number of attorney and judicial education courses accredited by the Commission doubled over a decade, but slowed during this fiscal year.



## Mediator Registry

The Commission continues to manage the registry of court approved mediators which includes 1,022 registered mediators.

## Distance Education

Indiana attorneys are increasingly interested in taking interactive distance education courses. The Commission approved 4,149 distance education courses and attorneys reported 12,004 distance education credits. This is a 16-fold increase over fiscal year 2005-2006 when the first distance education credits were available.

## Attorney Specialty Certification

As of June 30, 2015, there were 291 Indiana attorney specialist listings in nine practice areas. This represents nearly a 100% increase over the number of certifications eight years ago.

The attorneys were certified by four Independent Certifying Organizations in the following practice areas:

- 25** Business Bankruptcy specialists

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- 27** Civil Pretrial Practice specialists

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- 34** Civil Trial Advocacy specialists

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- 13** Consumer Bankruptcy specialists

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- 3** Criminal Trial Advocacy specialists

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- 3** Creditors Rights specialists

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- 18** Elder Law specialists

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- 68** Family Law specialists

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- 100** Trust and Estate Planning specialists

The **Indiana Supreme Court Disciplinary Commission** is responsible for investigating attorney misconduct and prosecuting lawyer discipline proceedings. The Commission is primarily a reactive agency that responds to grievances filed by other individuals. The Commission is not tax supported; rather it is funded primarily through the annual registration fee paid by Indiana lawyers in good standing.

[courts.in.gov/discipline](http://courts.in.gov/discipline)

# Disciplinary Commission

G. Michael Witte, Executive Secretary

## Internal Case Management

The Commission continued efforts to reduce its case investigation backlog. For the past 18 months, the number of cases ready for monthly review by the Commission has hovered around 50. This is a significant improvement from the previous backlog which in July 2008 reached a peak of 352 cases.

The manageable average of monthly cases has allowed the Commission to move to the next phase of caseload control—proposing new rule amendments. Admission and Discipline Rule 23 governs the procedure for lawyer discipline actions. The Commission conducted a comprehensive review of Rule 23, which showed procedural delays built into the rule. In April 2015, the Commission submitted to the Court a first draft of proposed amendments.

## Resignation of License

License resignation is a sanction that can only occur if there is a pending misconduct investigation or prosecution. Resignation is not equivalent to retirement or inactive status. A resigned lawyer is not in good standing on the Roll of Attorneys. License resignation is a useful tool for removing attorneys from the practice of law in serious misconduct cases when the lawyer knows that defense to the misconduct would not be successful. Ten lawyers resigned their license during the fiscal year.

## Education and Training

Commission staff attorneys play an important role in educating Indiana's lawyers on professionalism and ethical conduct. They served as faculty at 39 education programs during the fiscal year and contributed to a law review article. Additionally, seven staff attorneys and six Commission members received specialized training at national conferences.

## Attorney Discipline Case Highlights

An overview of the number and types of cases reviewed by the Commission.

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**1422** **Requests for Investigation**  
(submitted to the Commission by the public)

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**69** **Commission Grievances**  
(initiated by the Commission)

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**32** **Verified Complaints**  
(misconduct charges filed by Commission)

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**59** **Counts of Misconduct**  
(from verified complaints)

---

**103** **Final Orders of Discipline**  
(57 published, 46 unpublished)

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**118** **Overdraft Notices**

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**97** **Overdraft Inquiries Closed**

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**316** **CLE/Fees Suspensions**  
(for failure to fulfill mandatory education requirements or pay fees)

## Charges Compared to Total Grievances

The percentage of grievances submitted to the Disciplinary Commission that resulted in charges being filed in a verified complaint to the Indiana Supreme Court.





## Attorney Discipline Case Inventory

An accounting of the number of cases pending at the beginning and end of the fiscal year.

**68** Matters Pending\*  
JUL 1, 2014

**111** New Matters Received

**114** Matters Disposed

**65** Matters Pending  
JUN 30, 2015

\* The 2013-2014 report listed 135 disposed and 69 pending on July 1, 2014. Those numbers should have been 136 disposed and 68 pending.

## New Discipline Matters Received

Details of the types of discipline matters filed with the Supreme Court between July 1, 2014 and June 30, 2015.

Petitions to Show Cause for Noncooperation	<b>42</b>
Verified Complaints for Disciplinary Action	<b>32</b>
Private Administrative Admonitions Tendered	<b>1</b>
Affidavits of Resignation (tendered before filing Verified Complaint)	<b>6</b>
Petitions for Emergency Interim Suspension	<b>2</b>
Notices of Findings of Guilt (Felony)/ Requests for Interim Suspension	<b>4</b>
Notices of Foreign Discipline/ Requests for Reciprocal Discipline	<b>2</b>
Motions for Release from Reciprocal Discipline	-
Petitions for Reinstatement	<b>7</b>
Petitions to Revoke Probation	<b>2</b>
Petitions to Terminate Probation	<b>8</b>
Contempt of Court Proceedings	<b>1</b>
Miscellaneous	<b>4</b>
<b>TOTAL</b>	<b>111</b>

## Discipline Matters Disposed

Some disciplinary matters are handled by the Commission; others are disposed of by the Supreme Court. The table below details how the Court handled the matters that came before it during the fiscal year.

Dismissal on Compliance with Show Cause Order	<b>10</b>	Accepting Resignation	<b>10</b>
Terminating Noncooperation Suspension on Compliance with Show Cause Order	<b>2</b>	Emergency Interim Suspension Granted	<b>2</b>
Dismissal of Show Cause Proceeding Due to Other Suspension	<b>25</b>	Emergency Interim Suspension Denied	-
Converting Noncooperation Suspension to Indefinite Suspension	<b>5</b>	Interim Suspension on Finding of Guilt (Felony)	<b>2</b>
Private Administrative Admonition	<b>1</b>	Reciprocal Discipline (Suspension)	<b>2</b>
Rejection of Private Administrative Admonition	-	Release from Reciprocal Suspension	-
Private Reprimand	<b>3</b>	Finding or Judgment for Respondent	-
Public Reprimand	<b>8</b>	Granting Reinstatement	<b>2</b>
Suspension with Automatic Reinstatement (after Verified Complaint)	<b>3</b>	Withdrawal or Dismissal of Petition for Reinstatement	<b>2</b>
Suspension without Automatic Reinstatement (after Verified Complaint)	<b>7</b>	Denying Reinstatement	-
Suspension with Conditions/Probation (after Verified Complaint)	<b>8</b>	Revoking Probation	<b>1</b>
Suspension Due to Disability Determination	-	Terminating Probation	<b>7</b>
Disbarment	<b>3</b>	Finding Contempt of Court	<b>1</b>
		Miscellaneous Dismissing or Withdrawing Action	<b>2</b>
		Miscellaneous	<b>8</b>
		<b>TOTAL</b>	<b>114</b>

The **Indiana Judicial Nominating Commission** and the **Indiana Commission on Judicial Qualifications** are established by the Indiana Constitution and staffed by the Division of State Court Administration. One 7-member body serves both Commissions.

The Nominating Commission is responsible for recruiting and interviewing applicants to fill vacancies on the appellate courts.

The Qualifications Commission investigates and prosecutes allegations of ethical misconduct by judicial officers and candidates for judicial office.

[courts.in.gov/jud-qual](http://courts.in.gov/jud-qual)

# Indiana Judicial Nominating Commission and Commission on Judicial Qualifications

Adrienne L. Meiring, Counsel

## Changes on the Appellate Courts

In June 2014, Chief Justice Brent E. Dickson announced his decision to step down as Chief Justice of Indiana and continue to serve as an Associate Justice. On August 6,

2014, the Nominating Commission publicly interviewed each of the four Associate Justices before selecting Loretta H. Rush as the next Chief Justice of Indiana.

Media interview Justice Rush in the Court conference room following the announcement by the Nominating Commission that she was selected as the next Chief Justice.



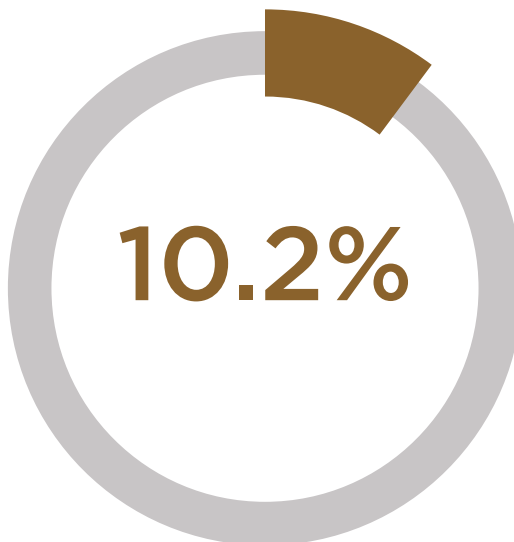
In February 2015, Court of Appeals of Indiana Judge Ezra H. Friedlander announced his plan to retire from the Court on August 31, 2015. The Commission made applications available to attorneys and judges in the second appellate district. Public interviews of the eight applicants took place on June 10, 2015. The Commission selected Hon. Robert R. Altice, Jr., Hon. Christopher M. Goff, and Ms. Patricia McMath as finalists for the vacancy. Their names were submitted to the Governor, who makes the final appointment.

## Handling Discipline Issues

During the fiscal year, the Qualifications Commission considered 372 complaints alleging judicial misconduct. It automatically dismissed 232 complaints that failed to raise valid issues of misconduct; they were primarily complaints about the outcomes of cases. Another 102 complaints were dismissed on the same grounds after Commission staff examined court documents or conducted informal interviews.

## Investigations Compared to Grievances Submitted

The percentage of grievances submitted to the Commission that resulted in the initiation of a formal investigation.



In the remaining 38 cases, the Commission required the judges to respond to the allegations and conducted investigations. After reviewing the judges' responses, the Commission dismissed four of the complaints as not establishing ethical misconduct. Two complaints were dismissed without prejudice because the judges' terms expired.

While the Commission dismissed the overwhelming majority of complaints because no misconduct had occurred, in 22 instances during the fiscal year the Commission took action:

- 2 judges left the bench after formal disciplinary charges were filed (September 2014 and December 2014). Both matters were settled prior to a court hearing because the judges resigned, agreed never to seek judicial office, and agreed to pay all court costs associated with the matter.
- 3 judges left the bench after investigations were underway (September 2014, October 2014, and March 2015). In all instances, the judges agreed never to hold judicial office again. Two judges resigned, and the other was not re-elected.
- 1 judge received a public admonition but remained on the bench (February 2015).
- 16 judges received private cautions and investigations were closed. Judges were advised how to avoid similar complaints in the future or required to take additional ethics continuing legal education courses.

Ten inquiries or investigations were pending at the end of the fiscal year.

## Judicial Discipline Case Highlights

Some disciplinary matters are handled by the Commission; others are disposed of by the Supreme Court. The following details the outcomes for Commission and Court handled matters.

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**372** **Grievances Submitted** (against judges to the Commission)

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**232** **Dismissed Summarily** (no valid issue of misconduct)

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**102** **Dismissed after Informal Review**

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**38** **Complaints** (investigations with responses from judges)

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**2** **Formal Disciplinary Charges**

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**2** **Public Settlements**

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**1** **Public Admonition**

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**1** **Private Settlement to Resign**

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**16** **Private Cautions**

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**10** **Investigations Pending** (at the end of the fiscal year)

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## Advising Judges and Judicial Candidates

Advisory opinions do not carry the weight of law, but they are intended to guide judicial officers in handling common ethical dilemmas. The Qualifications Commission issued two advisory opinions during the fiscal year:

- July 2014 – opinion addressing the extent to which a judge may participate in a family member’s campaign for elected office
- April 2015 – opinion cautioning judges against granting *ex parte* petitions for emergency guardianship when notice has not been provided to all parties

A judge’s adherence to the recommendations in such opinions is considered a good-faith effort to comply with the Code of Judicial Conduct.

The **Indiana State Public Defender's Office** provides investigation and representation at trial court hearings and on appeal to indigent prisoners in capital (death penalty) and non-capital post-conviction relief cases. Court rules allow a narrow challenge—called a post-conviction relief proceeding—to a conviction or sentence.

The Office serves as counsel for the prisoners who request representation in post-conviction cases. The Office also finds private counsel to provide representation in certain cases when requested by trial courts. The Indiana Supreme Court appoints the Public Defender and the Office follows procedural rules established by the Court.

[courts.in.gov/defender](http://courts.in.gov/defender)

# State Public Defender's Office

Stephen T. Owens, Public Defender of Indiana

## Life without Parole and Death Penalty Cases

This fiscal year, the Office represented 14 Department of Correction prisoners serving sentences of life in prison without parole. Representation in these cases is considerably more time-consuming than in general felony cases.

The Office also represented one prisoner sentenced to death, Michael Dean Overstreet. Overstreet was granted relief from his death sentence upon a judicial finding that he was not competent to be executed.

## Non-Capital Cases

Demand for the Office's services correlates with the Department of Correction's population, which reached 28,601 adult and juvenile prisoners on May 1, 2015.

The Office received 483 petitions from prisoners seeking post-conviction counsel. The petitions—written by prisoners without an attorney—are called *pro se*, self-represented, or unrepresented.

Upon receipt of a petition, the Office represents these prisoners in matters of post-conviction relief, and seeks a correction of sentence, a new trial, or other relief, if arguable merit exists in the case. Relief was granted in 35 cases during the fiscal year; the outcomes of these cases included:

- Sentence adjustments totaling almost 275 years
- Pre-trial jail time credit totaling nearly 5,000 days
- Convictions vacated in 5 cases
- Permission for a belated appeal granted in 1 case

The **Indiana Judges and Lawyers Assistance Program** (JLAP) assists judges, lawyers, and law students with personal issues—addiction, mental health, physical, and age-related problems—that have the potential to reduce their effectiveness.

JLAP works to educate the bench and bar and reduce the potential harm caused by impairment. All interactions with JLAP are confidential.

[courts.in.gov/ijlap](https://courts.in.gov/ijlap)

# Judges and Lawyers Assistance Program

Terry L. Harrell, Executive Director

## Caring for the Whole Person

JLAP assists members of the legal community with substance abuse issues. JLAP also provides assistance for a wide variety of other issues that impact legal professionals, including mental health issues such as anxiety and depression, life stressors, and age-related illness and impairment. During the fiscal year, JLAP received 278 calls for help.

In an attempt to promote overall wellness, JLAP participated in a number of activities:

- Presented a plenary session on Lawyer Happiness at the Indiana State Bar Association's Solo Small Firm Conference along with bringing therapy dogs, facilitating free health screenings, and organizing a 5k walk/run
- Organized 19 sessions on compassion fatigue and self-care for the legal profession
- Sponsored a Wellness Walk for Supreme Court employees to promote healthy habits and available JLAP resources

## Preparing the Next Generation of Lawyers

JLAP encouraged law students and bar applicants to focus on wellness and early identification/treatment of mental health and addiction issues in a variety of ways:

- Coordinated the first meeting of law school deans and administrators to address suicide prevention, substance abuse, barriers to help-seeking behavior, and general student wellness
- Staff and therapy dogs visited law school health fairs at Indiana University McKinney School of Law and Valparaiso Law School to provide stress relief
- In conjunction with the Dave Nee Foundation, provided suicide prevention information to multiple law school classes
- Provided substance abuse and mental health education to Board of Law Examiners' Character and Fitness interviewers for effective evaluation of bar applicants
- Presented at Applied Professionalism Courses to educate new lawyers on signs of trouble and self-care



JLAP staff, volunteers, and therapy dogs participate in a health fair for students at IU McKinney School of Law. They attended a similar event at Valparaiso School of Law in an effort to increase law students' awareness of JLAP services.

## Colleagues Investing In Colleagues

JLAP is rooted in the tradition of concerned lawyers reaching out to help their colleagues in need by investing both time and money to help others. JLAP has approximately 400 volunteers who frequently wear recognizable purple shirts to encourage colleagues to contact them for assistance.

During the fiscal year, JLAP volunteers:

- Started a lawyer support group in Fort Wayne
- Provided one on one support to those who were struggling
- Wrote articles and presented information on resources available

In partnership with the Indiana Bar Foundation, the JLAP Treatment Fund provided grants to lawyers who otherwise would not be able to afford treatment.





# Definitions

A **certified question** is a request from a federal court to the Indiana Supreme Court asking for the Court's opinion on a specific matter of Indiana law that the federal court is considering in a pending matter.

A **dispositive order** presents the decision of the court in a case, but does not typically include a detailed explanation of legal reasoning as do opinions. Examples of dispositive orders include orders resolving attorney or judicial discipline cases and orders denying transfer of cases.

In a **mandate of funds** case, the Supreme Court reviews an order by a special judge that requires the county commissioners to fund court operations or other court-related functions. Mandates of funds are typically ordered when a county executive branch does not provide adequate funding to its local judicial branch.

A **majority opinion** in a case is authored by one justice and approved by two or more additional justices who agree with the decision and the legal reasoning for it. A majority opinion may also be *per curiam*, meaning "by the court" and not attributed to a specific author.

A **non-majority opinion** is attached to a majority opinion or dispositive order and may be concurring or dissenting. In a *concurring opinion*, the justice agrees with the majority opinion but adds additional analysis of the issues. In an *opinion concurring in the result*, the justice agrees with the ultimate result, but disagrees with the majority's reasoning. In a *dissenting opinion*, the justice disagrees with the majority opinion and offers different legal reasoning in support of a different result.

An **original action** is a request by a party asking the Supreme Court to order a lower state court to perform an act required by law or to stop acting in a way the law does not allow.

A **petition for rehearing** is a request by a party asking the appellate court to reconsider a case it has already decided. If the court denies the petition, the decision stands. If the court grants the petition, then it issues a new opinion confirming or altering its decision.

A **petition to transfer** is a request by a party asking the Supreme Court to assume jurisdiction over a case already decided by the Court of Appeals.

A **verified complaint** in an attorney discipline case is the charging document in which the Disciplinary Commission alleges misconduct by the attorney being charged and asks the Supreme Court to impose appropriate discipline for the misconduct.



## Indiana Supreme Court

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