

“A Court System with Reform in its Heart”

State of the Judiciary Address

To a Joint Session of the Indiana General Assembly

By Chief Justice Randall T. Shepard

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Governor Daniels and Members of the General Assembly:

My exertion over the last few months as respects reform in local government obliges me to report on what we're doing to reform Indiana's courts. What have we in the courts changed and what can we change to provide thoughtful and expeditious justice to the 6.3 million people who call Indiana home.

In contemplating the changes we are making, I especially thought of the many ways that Indiana's courts are seeking to serve better by embracing technology. Technology is perhaps the dominant story line of our age, in some ways a story about the generations. My grandmother used to tell me about the day when electricity came to town; my daughter Mattie has no memory of the day before laptops.

This will not be a report about bytes and bandwidth, but rather about what we can do that will actually make a difference in the lives of people.

For example, how can we do better at combating the scourge of domestic violence? A good many of society's institutions are engaged on this front, from police officers to prosecutors to social agencies to shelter sponsors. To be sure, the court system metes out punishment after the fact through criminal prosecution, but in the field of prevention, one of the leading tools is the protective order, which seeks to keep the abuser separated from potential victims. When a woman or child is threatened by the abusing boyfriend or the ex-husband, and a patrolman answers to a call of domestic disturbance, when that moment of truth is at hand, how does the officer sort out the situation at the scene? Should the boyfriend even be there? How does the officer know whether the boyfriend is there in violation of a protective order, subject to arrest under a criminal statute you've recently toughened up.

It used to be that the officer could verify the existence of a protective order only by calling the county clerk's office, assuming the confrontation occurred during business hours. These gaps in information have sometimes resulted in tragedy.

Soon, every officer in the state will be able to access every protective order around the clock and virtually from the moment it is issued. We are more than halfway through installing a statewide registry that immediately sends these orders directly to the local police and sheriff's department (and enters them into the databases of the Indiana State Police and the FBI for good measure) so responding officers can act on them at the scene. No one doubts that this change, made possible through technology, will literally save life and limb for endangered women and children.

Combating Drunk Driving

And so it is with impaired driving. When the police arrest someone for drunk driving and they appear in court, the court suspends that person's license pending trial. From time immemorial, the news of that suspension went to the Bureau of Motor Vehicles by sending paper through the mail, so it was weeks before the suspension showed up in the computers. It was entirely possible for a drunk driver to leave the courtroom, get behind the wheel of his car and head for the nearest tavern. An officer who stopped him for, say, a tail light violation, would check the computer, see the driver's license as being in good standing, issue a tail light citation, and send the potential drunk driver on his way.

As recently as two years ago, this was exactly the sort of thing that could happen most places in Indiana, because most suspension orders went to Indianapolis by hard copy. Now, ninety-five percent of the state's courts send that information by computer directly to BMV and law enforcement agencies. There can be no doubt that people who would otherwise have been the victims of drunk drivers are alive today because of this reform in the court information system.

And, so it will soon be with another kind of tragedy. We all cringe on those occasions when a state trooper or a local law enforcement officer is injured or even killed while writing a traffic citation at the roadside a few feet away from motorists passing by at 60 or 70 miles per hour.

Within the last few months, we launched an electronic citation system that uses hand-held equipment like that you see at rental-car agencies. Officers can scan the bar code on the back of a driver's license to create a ticket in five or six minutes rather than hand writing one in fifteen or twenty. It's the result of collaboration with the State Police, the BMV, the Criminal Justice Institute, and the judicial branch. The General Assembly has supported this project by making certain statutory changes, and the collaboration between the executive branch and the courts has been superb. There can't be a state where the three branches work in closer harmony on such projects. Because of this cooperation we'll get the officers and the drivers off the shoulder faster and everybody will be safer.

Faster Child Support

In yet another field, people who experience disintegration of a family rely on courts in a host of ways. To name but one, families, mostly the women and children, face hard times until they can get into court and obtain an order for child support. Our child support guidelines have helped move that along because lawyers handling divorces can estimate how much support a court is likely to order, depending on family income and expenses. What's new is that parents can now calculate that for themselves, over the internet. Last year, about 800 people a day did just that. It promotes settlement, reduces litigation, saves time, and translates into faster help for children in need.

That's a good story about simplifying, but there are still lots of things that can be confusing and difficult for people working their way through the courts. I'll mention three examples.

How do people summoned for jury duty know where in the courthouse to report? If you want to file a small claim on your own, how do you learn how to do that? If you forget your hearing date, how do you find out when you are due in court?

People who are going to the courthouse can now find their way through virtual courthouse tours, available so far in twenty-one counties. The internet program walks you through the building and guides you to the right room.

If you need to file something on your own, the Indiana court webpages will show you how to complete certain simple transactions, like uncontested divorces or name changes. We supply standard forms for those kinds of straightforward legal matters, and last year people downloaded 528,000 of them before going to court.

One Case Management System

And, as for problems like forgetting your court date, we are on the brink of something much bigger and more far-reaching: a twenty-first century case management system that connects all Indiana courts to each other and to state agencies that need and use court information. And 2007 was a watershed year for that initiative.

Three weeks ago Monday, ten Indiana courts, nine in Monroe County and the Washington Township Small Claims Court in Marion County, began using a new system (it's called "Odyssey") that provides internet access to all manner of case information, scheduling, court rulings, financial calculations made by county clerks, nearly everything about the 1.8 million cases filed in our state each year. Turning this system on for testing by real live court personnel reflected years of work by everyone from judges to clerks to prosecutors and, of course, technology experts. It will vastly improve the work we do in sentencing criminals, administering estates, collecting taxes, pursuing child support, and all the other things that people rely on courts to do for society.

This is all not just pushing a button. As Judge Ken Todd said to me last week, only when you see a change of this scale in action can you begin to appreciate the effort required. This massive undertaking has many hands on the lever, especially leaders like Lilly Judson and Mary DePrez, and others supporting our State Court Administration and our Judicial Technology and Automation Committee. People like Paul Mathias, Jeff Dywan, Andy Cain, Donna Edgar, John Kellam, Mary Wilson, our lead contractor Tyler Technologies, represented today by Kristin Wheeler, and the Daniels administration's Indiana Office of Technology, and the many legislators who carried or supported bills. The heroes in Monroe County include Chief Judge Ken Todd and his colleagues, County Clerk Jim Fielder, and the Prosecutor Chris Gaal. In Washington Township, our heroes include Judge Kimberly Brown of the Small Claims Court.

And, finally, the individual whom everyone involved recognizes as having supplied the vision and the acumen and the monumental commitment to make all this happen: Justice Frank Sullivan, Jr.

I used the word heroes a moment ago because we don't call these pilot courts for nothing. These partners are working out the kinks for all of us. This is the most massive venture in the history of the Indiana court system, and the benefits to our citizens will exceed even the many we can already identify.

Reform in Many Fields

And there are a host of other initiatives, some using technology and others not, that reflect a court system with reform in its heart.

- In Steuben County and many others an automated telephone link advises potential jurors if their trial is still on schedule, so they can go to work instead of trudging to the courthouse only to learn the trial has been settled or postponed.
- In Indianapolis, a GPS system called Sentinel protects domestic violence victims before and after trial. The defendant and the alleged victim each receive a handset similar to a cell phone, keyed to areas the defendant cannot visit. If the defendant comes near the victim, an alert warning goes off. In one case, the defendant was arrested 31 minutes after the alert.
- In Noble County and others, television or the internet links the courthouse and the jail and many DOC facilities so arraignments, conferences, and hearings can be conducted by video.
- The Hendricks County courts are about to open a work release center with space for educational classes and substance abuse counseling, saving taxpayer dollars because inmates pay to serve there and because it frees up jail cells.
- Marion County has devised an interactive system to handle the 10,000 probationers required to call in every day to learn if they are one of the 500 randomly selected for drug tests the next day. The number is easy to remember, 327-DRUG.
- Problem-solving courts represent a new technique of intensive intervention in specific problems. Vanderburgh and Dubois and Monroe and twenty-five other counties now have drug courts. A recent independent evaluation of Monroe County showed a 66% reduction in recidivism. Madison County is planning for a re-entry court based on the model invented in Fort Wayne that helps inmates reintegrate after returning from prison.
- Benton County and scores of others take our nationally-recognized jury pool list, feed it to their own database, and reach 99% of the eligible citizens in the county.
- Our Judicial Conference has launched an initiative to plan ahead for how courts will be ready for the retirement of the Baby Boom generation.

- We began offering county clerks a jury management system to use in the 2,000 jury trials we conduct each year.
- We signed on to be your partners in the new “Indiana Channel” and published and posted a host of materials to promote the study of civics and citizenship in schools.
- In Lake County, with JTAC help, a new case management system is upgrading operation of the city and town courts. The Lake County Clerk’s office has introduced on-line payment for traffic violations. Lake County will soon become our first county to begin electronic filing.
- We’re about to pilot plans for operating local courts after disasters like tornadoes and floods.
- We celebrated the tenth anniversary of Indiana CLEO that helps minority and disadvantaged students become lawyers (and learned that New York has launched a similar initiative).
- We’re at work recruiting and training a record number of volunteer advocates for abused and neglected children, with help from the Indiana Retired Teachers Association.
- We’re modernizing the code of ethics for judges (ethics is important for lawyers and judges, who spent 27,000 hours in classrooms studying how to do right).
- We’ve quadrupled the number of trained mediators who help people resolve their disputes without the cost of litigation (and established a new record of counties where mediation is free).
- We devised a new system that will assure felons on probation who move from one county to the next can be monitored in the places where they live and work.

Conclusion

In short, this is a judiciary with reform in its heart, its feet on the ground, and its mind focused on its customers. I thank you for helping us make it so.