



INDIANA
SUPREME
COURT

Annual
Report
2023-2024





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Photography

Nathaniel Edmunds, Rob Banayote, Chris Bucher, Kathryn Dolan, Vincent Morretino, and other friends of the court.

On the cover

The five Supreme Court justices along with chambers and administrative staff stand for a photo at the Statehouse.

FROM YOUR

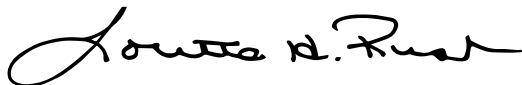
Indiana Supreme Court

On behalf of the entire court, I am honored to present the 2023-2024 Supreme Court annual report. This report tells the story of our year's work—and the work of our extraordinary administrative staff and our steadfast partners in justice from all branches of government.

This year, we:

- established a new Office of Behavioral Health to coordinate statewide efforts to aid courts in addressing the serious mental health and substance use issues they confront daily
- continued to address a lawyer shortage in our state by convening a Commission on Indiana's Legal Future to study the problem and recommend solutions
- held the court's first "night court" for legislators event, hearing an evening oral argument with state lawmakers and their staffs in attendance
- enjoyed a successful first year of local judges deciding when to allow cameras into their courtrooms—a transparency effort that most judges and media tell us is going well
- disposed of 735 cases and handed down 47 majority opinions

It continues to be my honor to serve as Indiana's chief justice and to work every day with my exceptional colleagues on the Supreme Court bench and across the state. I am so proud of the progress we make each year toward the promise that we can always do better, and we are deeply committed to keeping that promise in every year to come.



Loretta H. Rush
Chief Justice of Indiana



Contents

7	Justices		
10	Cases		
18	Opinions		
28	Year in Review		
39	Judicial Administration		
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44	Judicial branch education	55	Public access & transparency
46	Addressing Indiana's lawyer shortage	56	Language access
47	Pro bono contributions by attorneys	57	Case management & technology
48	Bar admissions	58	Special courts & programs
49	Continuing legal education	59	Judicial selection & retention
50	Rules of Court	60	Attorney & judicial discipline
52	Significant update to Child Support Guidelines	62	Rural justice summit
53	Children & families	63	District meetings
54	Cameras in court	64	Grants
		65	Well-being



Justices



Loretta Rush

Chief Justice

Appointed

2012 by Gov. Mitchell E. Daniels, Jr.
2014, 2019, and 2024 as Chief Justice

Education

Purdue University
Indiana University Maurer School of Law



Mark Massa

Justice

Appointed

2012 by Gov. Mitchell E. Daniels, Jr.

Education

Indiana University
Indiana University McKinney School of Law



Geoffrey Slaughter

Justice

Appointed

2016 by Gov. Michael R. Pence

Education

Indiana University
Indiana University Kelley School of Business
Indiana University Maurer School of Law



Christopher Goff

Justice

Appointed

2017 by Gov. Eric J. Holcomb

Education

Ball State University
Indiana University Maurer School of Law



Derek Molter

Justice

Appointed

2022 by Gov. Eric J. Holcomb

Education

Indiana University
Indiana University Maurer School of Law





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.



748
Cases
Received



735
Cases
Disposed



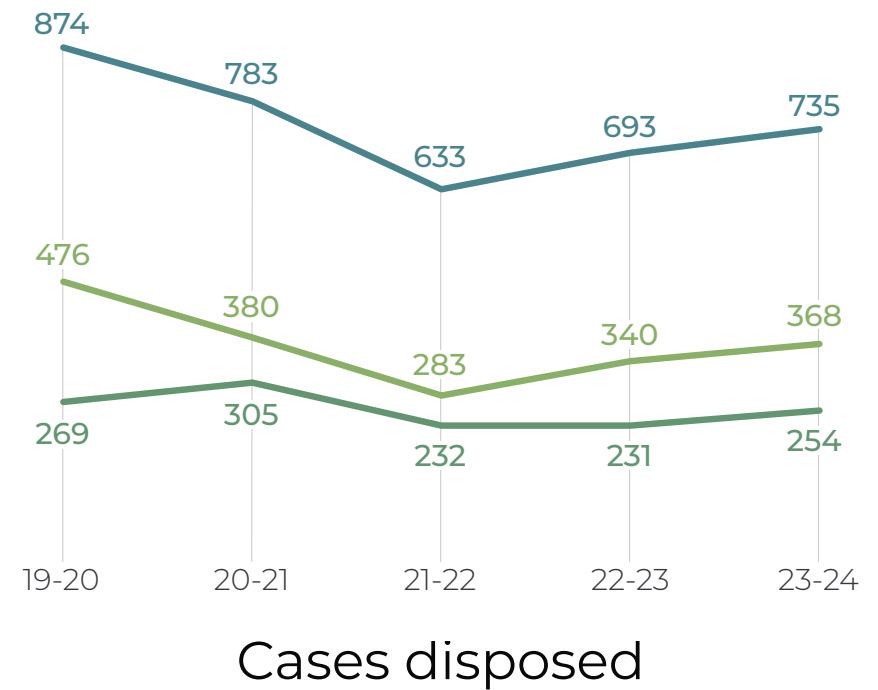
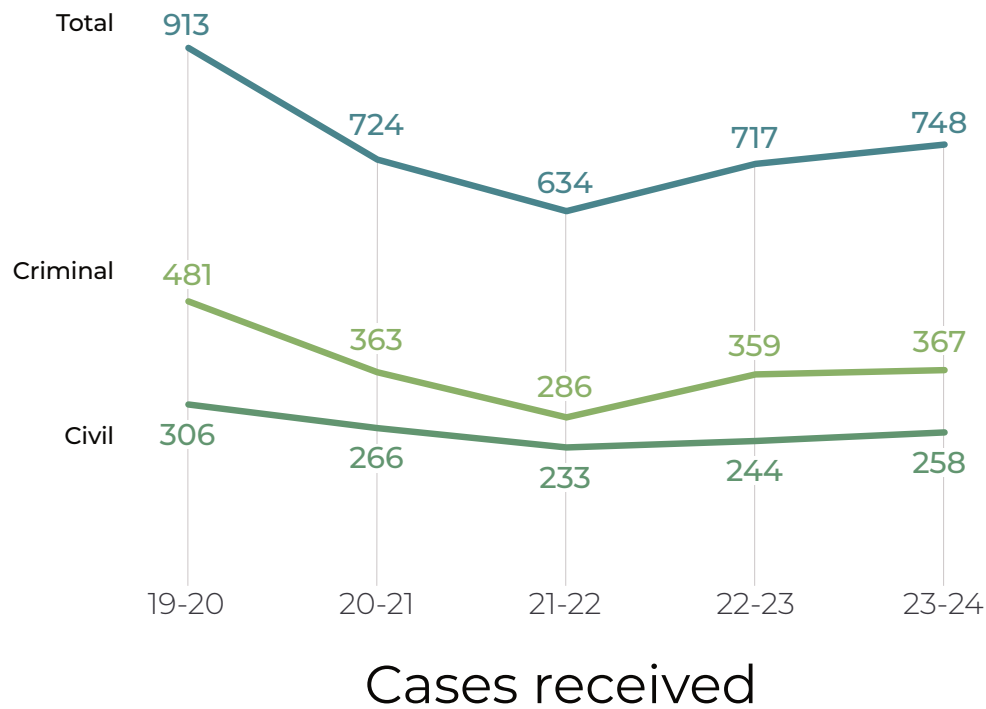
42
Transfers
Granted



44
Oral
Arguments

Trends

Total cases received and disposed by the court across a five-year period, also comparing the criminal and civil cases included in the totals.



CASES

Inventory

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

	Pending 7/1/23	Received 7/1/23 – 6/30/24	Disposed 7/1/23– 6/30/24	Pending 6/30/24
Criminal	43	367	368	42
Civil	54	258	254	58
Tax	-	-	-	-
Original Actions	-	36	35	1
Board of Law Examiners	-	-	-	-
Mandate of Funds	-	-	-	-
Attorney Discipline	26	83	73	36
Judicial Discipline	1	1	2	-
Certified Questions	1	2	2	1
Other*	-	1	1	-
Total	125	748	735	138

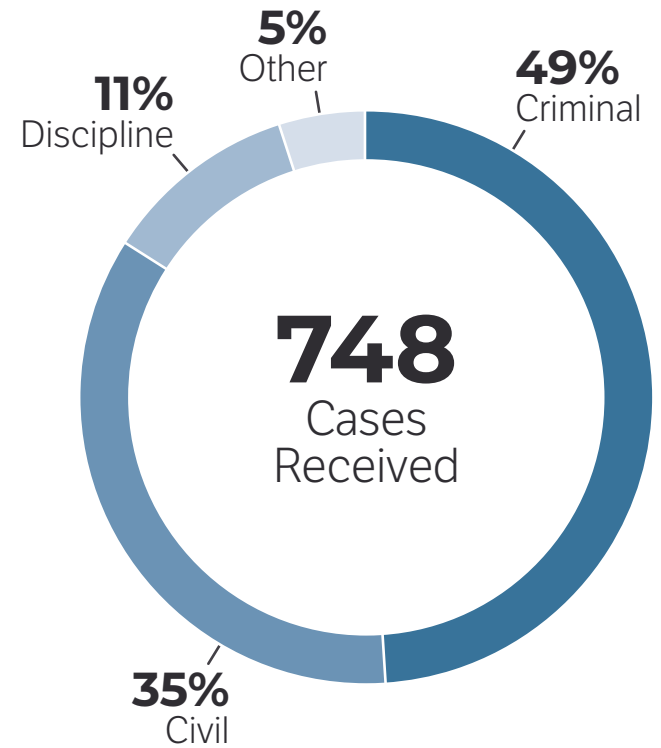
*One case was improperly filed under an invalid case category, and the filing was dismissed.

Received

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

Criminal	367
Petitions for rehearing	2
Direct appeals – life without parole	1
Post-conviction appeals – capital	1
Post-conviction appeals – non-capital	58
All other criminal	305
Civil	258
Petitions for rehearing	9
Direct appeals	3
All other civil	246

Discipline	84
Attorney discipline matters	83
Formal judicial discipline charges	1
Other Types	39
Original actions	36
Certified questions	2
Other	1



Disposed

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

Criminal 368

Petitions to transfer denied, dismissed, or appeal remanded by order	355
Opinions on petitions to transfer	7
Opinions on direct appeals	2
Orders on rehearing	2
Opinions on rehearing	1
Other opinions and dispositions	1

Civil 254

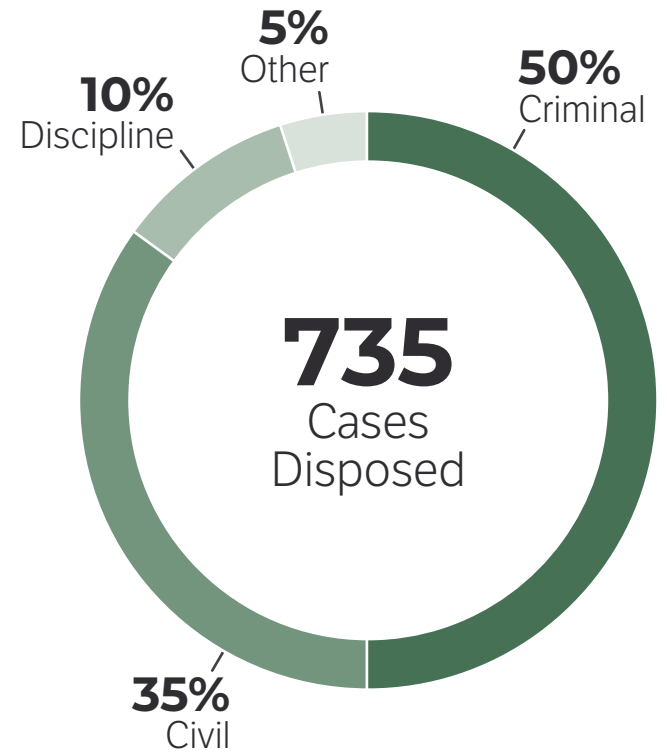
Petitions to transfer denied, dismissed, or appeal remanded by order	215
Opinions on petitions to transfer	29
Orders on rehearing	8
Opinions on rehearing	1
Opinions on direct appeals	1

Discipline 75

Opinions and published orders in attorney discipline cases	33
Other dispositions in attorney discipline cases	40
Opinions and published orders in judicial discipline cases	2

Other Types 38

Original actions disposed without opinion	34
Opinions in original actions	1
Opinions and orders on certified questions	2
Other	1



Attorney Discipline

Details on the types of attorney discipline matters received and the result of each matter disposed.

Received	83	Disposed	73
Petitions to show cause for noncooperation	43	Dismissal on compliance with show cause order	24
Verified complaints for disciplinary action	17	Terminating noncooperation suspension on compliance with show cause order	2
Notices of findings of guilt (felony) and requests for interim suspension	7	Dismissal of show cause proceeding due to other suspension	2
Notices of foreign discipline and requests for reciprocal discipline	1	Converting noncooperation suspension to indefinite suspension	4
Petitions for reinstatement	2	Public reprimand	3
Petitions to revoke probation	1	Suspension with automatic reinstatement*	6
Petitions to terminate probation	11	Suspension without automatic reinstatement*	1
Affidavits of resignation	1	Suspension with conditions/probation*	6
		Disbarment	1
		Accepting resignation	3
		Interim suspension on finding of guilt (felony)	4
		Reciprocal discipline	1
		Withdrawal or dismissal of petition for reinstatement	1
		Denying reinstatement	1
		Revoking probation	1
		Terminating probation	7
		Miscellaneous	6

*after verified complaint

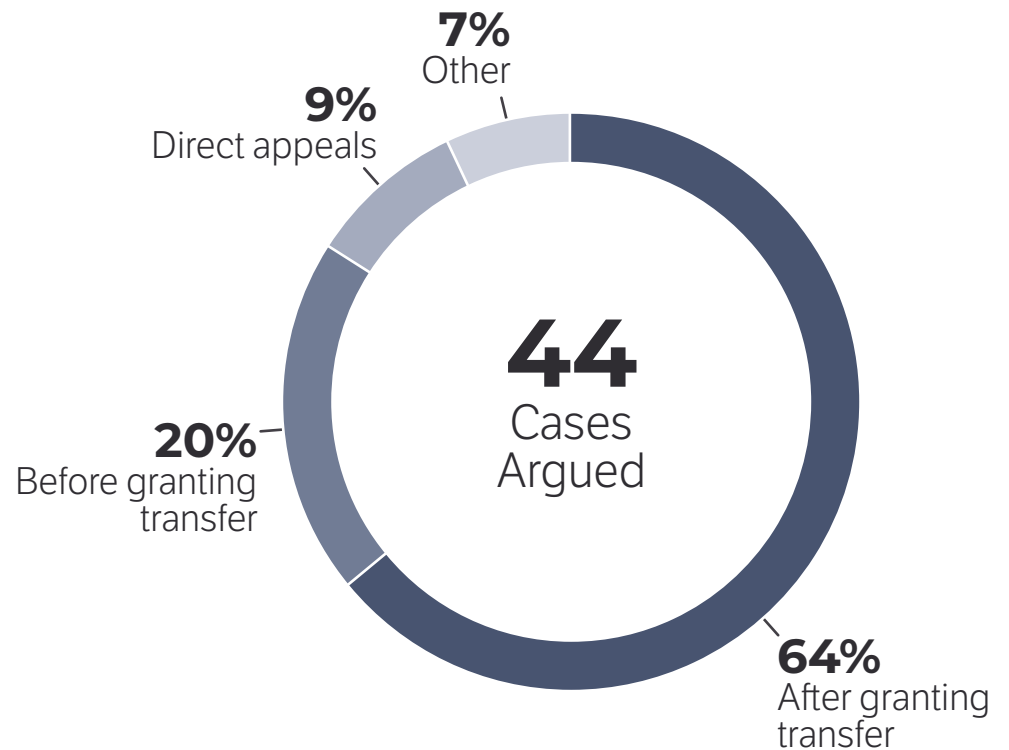
Oral Arguments

The Supreme Court heard 44 oral arguments during the fiscal year.

Forty-three arguments were held in the courtroom at the Statehouse, including the first "night court" event attended by legislators and legislative staff. One argument took place at Trine University in Steuben County. All arguments were streamed live, recorded, and can be viewed online.

The following details the types of cases presented at oral argument:

All Cases Argued	44
Criminal (before decision on transfer)	5
Criminal (after transfer granted)	4
Criminal (direct appeals)	3
Civil/Tax (before decision on transfer/review)	4
Civil/Tax (after transfer/review granted)	24
Civil (direct appeals)	1
Certified questions	2
Original actions	1



50th Oral Argument

ON THE ROAD

The September 27 traveling oral argument to Trine University in Steuben County marked the 50th time since 1994 that the Supreme Court took to the road to hear arguments outside of the Indiana Statehouse. This argument also marked the 25th county in which the court has provided students, local dignitaries, media, and members of the public the opportunity to see the state's highest appellate court in action.

Trine University's T. Furth Center for Performing Arts served as a beautiful venue for the court to hear argument in the civil case *WEOC, Inc. d/b/a Wings, Etc., et al. v. Christopher Adair, et al.* The court carefully considered the responsibility of businesses that serve alcohol when people they served later injure someone else.

Following the argument, students demonstrated their engagement with a series of insightful questions giving the justices the opportunity to explain their path to the bench, reflect on the responsibilities outlined in their oath of office, and offer advice and encouragement to those aspiring to the practice of law.





Night Court

@ THE STATEHOUSE

On February 19, nearly 40 lawmakers and 25 legislative staffers made the walk down the third floor hall of the Statehouse from their chamber to the courtroom, joining media, court staff, and others for evening oral arguments during the first-ever night court for legislators. Before arguments began—as honorary bailiffs—Senator Rodric Bray, senate president pro tempore, provided

case background and Representative Todd Huston, house speaker, gavelled court into session.

Guests heard oral argument in *Angela Y. Smith and Dylan Williams and \$11,180 in United States Currency v. State of Indiana*, a civil forfeiture dispute concerning whether the state can seize cash found during the search of a person on parole without first proving it was connected to a crime.



Opinions

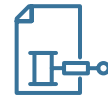
Justices published 76 opinions during the fiscal year.



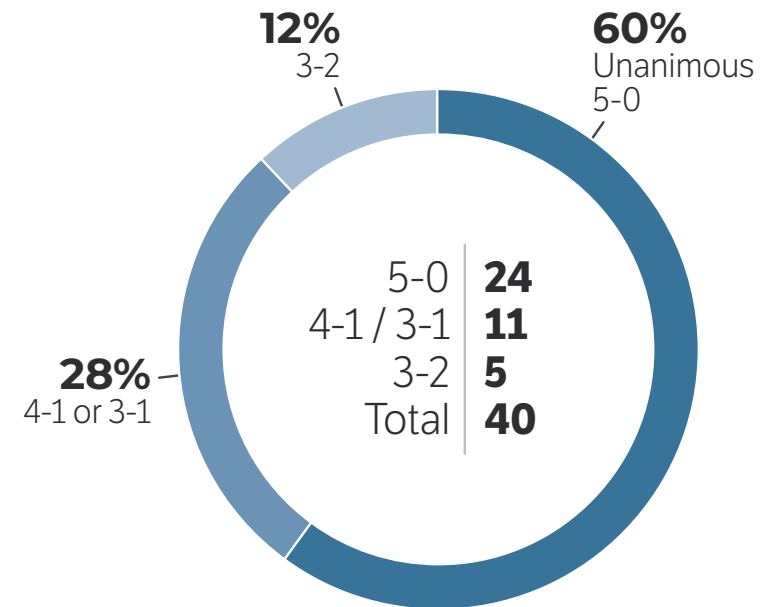
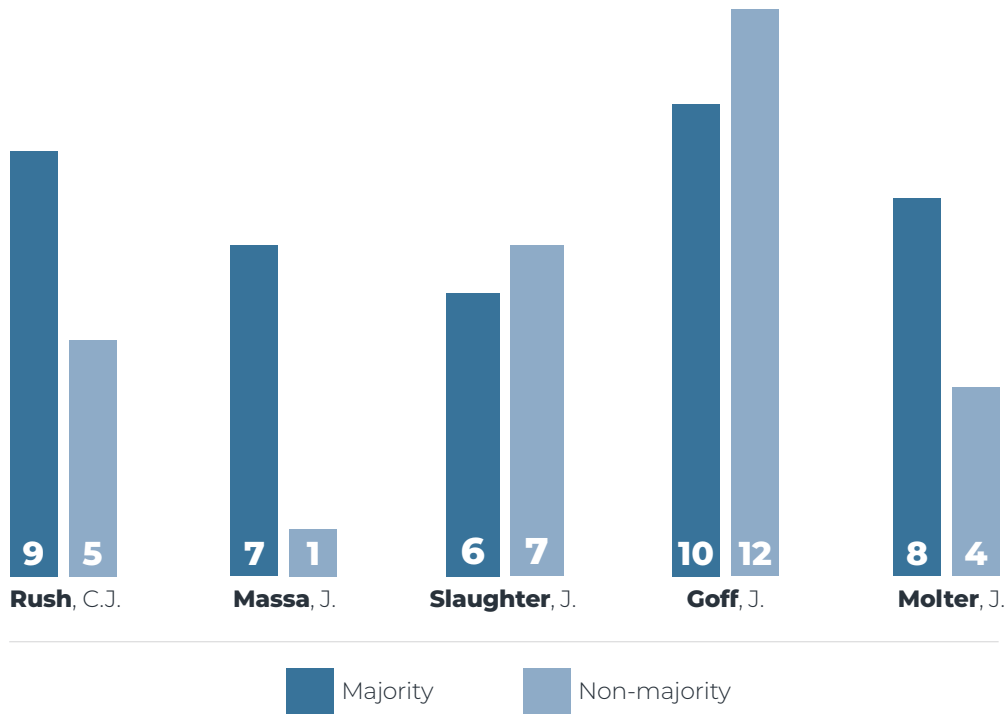
76
Total
opinions



47
Majority
opinions



29
Non-majority
opinions



Opinions by author

In addition to 7 *per curiam* opinions handed down by the court, the justices wrote 40 majority and 29 non-majority opinions.

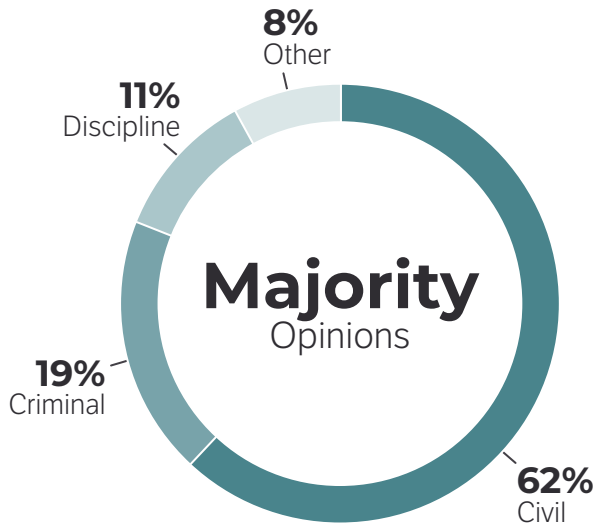
Consensus of opinions

The court is mostly unanimous in its decisions. There can be some split decisions and rare “other” cases in which fewer than three justices are in complete agreement as to result. There were no “other” cases during the fiscal year. The chart excludes 7 *per curiam* opinions.

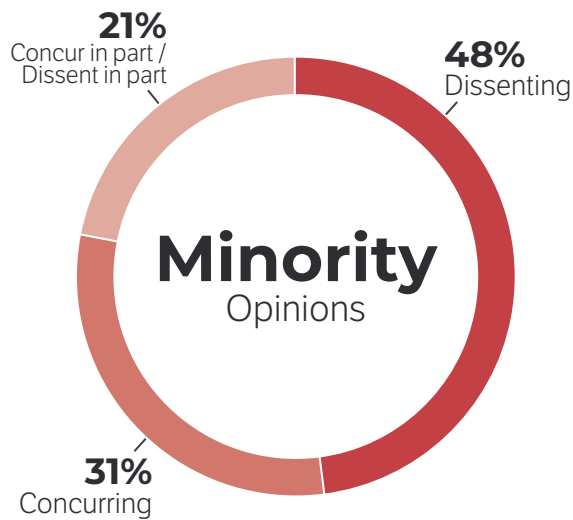


Majority opinions in detail

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



	Rush, C.J.	Massa, J.	Slaughter, J.	Goff, J.	Molter, J.	By the court	Total
Criminal transfer	-	-	1	4	1	1	7
Criminal direct appeal	1	-	-	-	1	-	2
Civil transfer	8	6	5	5	3	1	28
Civil direct appeal	-	1	-	-	-	-	1
Certified questions	-	-	-	-	1	-	1
Original action	-	-	-	-	1	-	1
Discipline	-	-	-	-	-	5	5
Rehearing	-	-	-	1	1	-	2
Total	9	7	6	10	8	7	47



Non-majority opinions in detail

Non-majority opinions are not dispositive.

	Rush, C.J.	Massa, J.	Slaughter, J.	Goff, J.	Molter, J.	Total
Concurring	2	-	1	4	2	9
Dissenting	3	1	3	6	1	14
Concur in part / Dissent in part	-	-	3	2	1	6
Total	5	1	7	12	4	29

Case Work of the Indiana Supreme Court

The Indiana Supreme Court’s 47 civil and criminal opinions in the fiscal year included issues of first impression on restitution orders in juvenile delinquency cases, the right to a jury trial in civil forfeitures, and the removal of a criminal defendant’s counsel against his will. They also spanned other questions of federal and Indiana constitutional law; contract, commercial, and insurance matters; election law; juvenile delinquency; utility law issues; attorney and judicial discipline; and questions of trial and appellate procedure. The following digests much of the year’s caseload.

Exclusive Jurisdiction Cases

Original Actions

The Supreme Court has exclusive, original jurisdiction to use writs of mandamus to supervise the jurisdiction of Indiana’s courts. In *State ex rel. Richard Allen v. Carroll Circuit Court, et al.*, 226 N.E.3d 206 (Ind. 2024), Allen—facing murder charges in Carroll County—asked the Court for a writ reinstating his court-appointed attorneys, ordering a trial to begin within seventy days, and appointing a new special judge. The Court issued a writ granting the first request and denying the other two requests.

Direct Appeals

John Rust, who wished to run for U.S. Senator as a Republican but could not obtain certification from his county party chair, sought a declaratory judgment that Indiana Code section 3-8-2-7 was unconstitutional. The trial court agreed and blocked enforcement of the law. But on direct appeal, in *Morales v. Rust*, 228 N.E.3d 1025 (Ind. 2024), a majority of the Court upheld the statute and remanded with instructions to enter judgment in the State’s favor on all claims.

Life Without Parole

The Court exercises exclusive jurisdiction over direct appeals from cases involving life without parole (LWOP) sentences. The defendant in *Jerry E. Russell, Sr. v. State of Indiana*, 234 N.E.3d 829 (Ind. 2024), was convicted of murder and sentenced to LWOP plus 120 years. In 2001, the Court affirmed Russell’s convictions but modified the judgment and sentence to LWOP plus seventy-three years. Years later, Russell agreed with the State to dismiss his petition for post-conviction relief in exchange for resentencing. The trial court again sentenced Russell to LWOP plus seventy-three years. The Court affirmed that decision on direct appeal.

The Court affirmed four LWOP sentences in *Cohen Hancz-Barron v. State*, 235 N.E.3d 1237 (Ind. 2024). There, a jury convicted Hancz-Barron of murdering a young mother and her three children, and the trial court adopted the jury’s LWOP recommendation, ultimately imposing four LWOP sentences to run consecutively. The Court affirmed the convictions and sentence, holding there was sufficient evidence to support Hancz-Barron’s murder convictions, the trial court did not abuse its discretion in allowing the State to recall a witness over Hancz-Barron’s objection, and the LWOP sentences were neither inappropriate nor unconstitutional.

These summaries are not official opinions of the court and constitute no part of the opinions summarized, but have been prepared by the Indiana Office of Court Services, Division of Supreme Court Services for the convenience of the reader.

Civil Transfer Cases

Appellate Standing and Mootness

Appellate courts can acquire jurisdiction in several ways, including through appeals of final judgments. In *Thomas DeCola v. Norfolk Southern Corp.*, 222 N.E.3d 938 (Ind. 2023), the Court granted transfer and dismissed DeCola’s appeal for lack of appellate jurisdiction, holding that the denial of his summary-judgment motion was not a final judgment because, among other reasons, it did not resolve all claims as to all parties.

Appellate Practice and Procedure

In *Expert Pool Builders, LLC v. VanGundy*, 224 N.E.3d 309 (Ind. 2023), the Court held that when a defendant is defaulted after appearing and presenting argument opposing a motion for default judgment, the defendant need not file a Trial Rule 60(B) motion to avoid appellate waiver. But when the trial court enters default judgment before a defendant opposes it, the defendant must bring a Trial Rule 60(B) motion before they can appeal the court’s decision. Ultimately, the Court reviewed the case on the merits and affirmed the trial court’s entry of default judgment.

Constitutional Law

In *James A. Crowe, et al. v. SAVVY IN LLC*, 218 N.E.3d 1274 (Ind. 2023), the Court affirmed the trial court’s denial of the Crowes’ motion for relief from a tax sale judgment. The unanimous opinion held that the tax sale purchaser’s act of sending the Crowes notices of the sale by certified and first-class mail met both the due process requirement of “notice reasonably calculated” under the Fourteenth Amendment to the U.S. Constitution and the statutory notice requirements under Indiana law.

In *State v. \$2,435 in United States Currency & Alucious Q. Kizer*, 220 N.E.3d 542 (Ind. 2023), the Court concluded that Article 1, Section 20 of the Indiana Constitution provides civil parties with the right to a jury trial (1) in cases that were triable by jury at the adoption of the 1851 constitution; or (2) if no such cause existed at the time, cases that are essentially legal, rather than equitable, as those terms were understood in 1851, considering the complaint, rights and interests involved, and relief demanded. The Court then held that Article 1, Section 20 protects the right to a jury trial for in rem civil forfeitures.

After Ball State switched to online instruction during the COVID-19 pandemic, a student sued the university for breach of contract and unjust enrichment. While the case was pending, the legislature passed a law retroactively

prohibiting these COVID-19-related lawsuits from being brought against universities on a class action basis. In *Keller J. Mellowitz v. Ball State University, et al.*, 221 N.E.3d 1214 (Ind. 2023), *reh’g denied*, the Court upheld the law as constitutional and noted the student could still pursue his claims individually.

Contracts and Commercial Law

In *Tonia Land v. IU Credit Union*, 218 N.E.3d 1282 (Ind. 2023), *as aff’d on reh’g*, 226 N.E.3d 194 (Ind. 2024), IU Credit Union changed its account agreement to require members to opt out of an arbitration requirement. Land filed a proposed class action, but IUCU moved to enforce arbitration. In declining to compel arbitration, the Court held IUCU provided reasonable notice by mail of its offer to amend the agreement, but it adopted section 69 of the Restatement (Second) of Contracts to hold Land’s inaction did not amount to agreement to the changed terms. On rehearing, the Court left open the possibility of adopting a different standard governing the offer and acceptance of unilateral contracts between businesses and consumers in a future case.

Easements

The Court clarified its precedent on implied easements in *Jason Morehouse, et al. v. Dux North LLC*, 226 N.E.3d 758 (Ind. 2024). There, Dux North sued the Morehouses after they denied Dux access to its landlocked property over their private road. The trial court granted summary judgment to Dux, finding it had an implied easement by prior use. But the Court reversed and remanded, holding that an implied easement by prior use requires the claimed servitude to predate the creation of separate parcels. Further, the Court concluded an implied easement of necessity requires a showing that access by other means is not just impractical but impossible.

Election Law

In response to a certified question from the U.S. Court of Appeals for the Seventh Circuit, the Court found that Indiana Code sections 3-9-2-3 to -6 prohibit corporate contributions to political action committees earmarked for independent campaign-related expenditures. *Ind. Right to Life Victory Fund, et al. v. Diego Morales, et al.*, 217 N.E.3d 517 (Ind. 2023).

Family Law

The Court reasserted a trial court’s broad statutory authority to secure property division in divorce in *Cooley v. Cooley*, 229 N.E.3d 561 (Ind. 2024). There, the Court affirmed the trial court’s judgment requiring the husband to obtain and subsidize a life insurance policy to ensure his ex-wife received her share of his police pension—the bulk of the marital estate.

Juvenile Delinquency

The trial court failed to advise a juvenile of his rights under the juvenile-waiver statute before accepting his delinquency admission in *T.D. v. State*, 219 N.E.3d 719 (Ind. 2023). The Court held this error made the judgment voidable and T.D. was entitled to relief from the judgment under Trial Rule 60(B)(8) because the State did not present evidence that his waiver was valid despite the error.

In *G.W. v. State*, 231 N.E.3d 184 (Ind. 2024), the Court addressed the proper appellate remedy for curing a deficient juvenile dispositional order. There, the juvenile court failed to support its order—which committed G.W. to the Department of Correction—with the statutorily required findings and conclusions. The Court held the appropriate remedy in these situations is to remand the case under Appellate Rule 66(C)(8) while holding the appeal in abeyance.

In *A.W. v. State*, 229 N.E.3d 1060 (Ind. 2024), the Court adjusted the second part of the three-part test announced in *Wadle v. State*, 151 N.E.3d 227 (Ind. 2020), for resolving substantive double jeopardy claims. The opinion held that possession of a dangerous firearm is a “lesser-included” offense of possession of a machine gun and violated juvenile A.W.’s right to be free of substantive double jeopardy under *Wadle*. Going forward, courts must construe ambiguities in a charging instrument in a defendant’s favor.

For the first time, the Court addressed the statutory requirements for restitution orders in juvenile delinquency cases in *B.K. and S.K. v. State*, 235 N.E.3d 142. There, two juveniles were ordered to pay Costco \$28,750 in restitution, enforceable as a civil-judgment lien, for damages incurred when fireworks they threw into a dumpster exploded and damaged the parking lot. The Court reversed and remanded, holding that while restitution is available in delinquency cases, no provision in the juvenile restitution statute allows imposition of a civil judgment lien.

Medical Malpractice

The Court addressed an invasion of privacy claim premised on the public disclosure of private facts in *Z.D. v. Community Health Network, Inc.*, 217 N.E.3d 527 (Ind. 2023). Z.D. sued Community, alleging claims of negligence and unauthorized disclosure of private health information after a hospital employee erroneously mailed Z.D.'s medical diagnosis to her daughter's classmate and the classmate posted the letter on Facebook. The Court partially affirmed summary judgment on Z.D.'s negligence claim holding that the modified-impact rule barred recovery of emotional distress damages. But the Court reversed summary judgment on Z.D.'s public-disclosure claim holding genuine issue of material fact existed as to whether the employee's disclosure of Z.D.'s diagnosis was communicated in a way that it would reach a large enough number of people making it sure to become public knowledge.

In *Bojko, et al., v. Anonymous Physician, et al.*, 232 N.E.3d 1155 (Ind. 2024), the Court held for the first time that trial courts have no statutory authority to redact or otherwise exclude evidence a party submits to a medical review panel. There, six patients of a deceased physician sued his estate and included in their submission a wrongful death complaint

the physician's wife had filed in a separate malpractice action. The Court found the complaint fell within the statutory definition of evidence allowable by the panel and reversed the trial court's order requiring the patients to redact their submissions.

In *Korakis v. Mem. Hosp. of South Bend, et al.*, 225 N.E.3d 760 (Ind. 2023), the Court resolved a split in precedent as to whether an expert affidavit must expressly state the standard of care. Holding that the standard of care may be inferred from the content of the affidavit and need not be expressly stated, the Court reversed the grant of summary judgment in one physician's favor.

And in *Edward Zaragoza v. Wexford of Indiana, LLC, et al.*, 225 N.E.3d 146 (Ind. 2024), the Court clarified what makes a medical expert's affidavit both admissible and substantively sufficient to create an issue of fact. There, an inmate who was denied alternative medication to treat his hypothyroidism filed a medical malpractice lawsuit against several providers. The Court found the expert's affidavit tendered by the inmate created a material issue of fact and reversed the trial court's order granting summary judgment to the providers.

Negligence

The Court held in *WEOC, Inc. et al. v. Niebauer*, 226 N.E.3d 771 (Ind. 2024), that the Dram Shop Act modified, but did not eliminate, common-law liability against entities that furnish alcohol. After an intoxicated driver killed another individual, the decedent's estate asserted a negligence claim against the two restaurants that had served the driver. In holding the estate could pursue both common-law negligence and statutory claims, the Court noted the Dram Shop Act imposed additional requirements to establish liability but did not eliminate common-law liability against alcohol-furnishing entities.

Landowners have a common-law duty to exercise reasonable care to protect visitors against foreseeable risks of harm. In *Jennifer Pennington and Joshua Pennington v. Memorial Hospital of South Bend, Inc., et al.*, 223 N.E.3d 1086 (Ind. 2024), the Court addressed this principle in the context of an allegedly defectively designed swimming pool, reversing the trial court's grant of summary judgment for the pool operator but affirming summary judgment for the pool's architects.

Standing

In *Hoosier Contractors, LLC v. Sean Gardner*, 212 N.E.3d 1234 (Ind. 2023), *reh'g denied*, a contractor sued a homeowner for breach of contract. The homeowner counterclaimed on behalf of himself and a class of similarly situated customers, alleging the contract violated the Indiana Home Improvement Contractors Act and the Indiana Deceptive Consumer Sales Act. The Court affirmed the denial of the homeowner's request for summary judgment and remanded with instructions to dismiss his counterclaim, finding he lacked standing based on his failure to allege an actual injury under the DCSA.

Statutory Interpretation

The Court interpreted a local ordinance in *Noblesville, Indiana Board of Zoning Appeals v. FMG Indianapolis, LLC*, 217 N.E.3d 510 (Ind. 2023). After a storm damaged a legal nonconforming billboard, the billboard owner attempted repairs—which required it to move the billboard a few feet from its original location. Finding this was a “relocation” prohibited by local ordinance, the City ordered the owner to remove the sign. The Court found the ordinance was ambiguous as to whether “relocate” included this type of de minimis movement of a sign and affirmed the trial court's judgment in the owner's favor.

The State is required, by statute, to pay a judgment entered against a government employee for civil rights violations occurring due to a noncriminal act or omission that was within the scope of employment. After a federal jury found a DNR officer liable for false arrest based on his actions after Leonard hit and killed his dog, the officer assigned his indemnification rights to Leonard and her attorney. In *State by and through its Department of Natural Resources v. Kailee M. Leonard, et al.*, 226 N.E.3d 198 (Ind. 2024), the Court held the State was required to indemnify the officer and pay the federal judgment because the evidence established the officer's actions were noncriminal.

In *Angela Y. Smith, Dylan Williams, and \$11,180 in United States Currency v. State of Indiana*, 232 N.E.3d 109 (Ind. 2024), the Court clarified that Indiana's civil forfeiture statutes always require the State to show that money is subject to forfeiture in a contested hearing. If the State fails to meet its burden, it must release the money to its owner—either the person from whom it was seized or the person contesting the forfeiture, if they are different people. Finding the State's evidence failed to support the trial court's forfeiture order, the Court held that the forfeited money must be returned to the intervenor because she alone claimed ownership, she presented evidence

establishing the money belonged to her, and the trial court neither concluded she was not the owner nor made any findings or statements questioning her credibility.

Trial Practice and Procedure

The Court addressed spoliation of evidence in *Safeco Insurance Company of Indiana v. Blue Sky Innovation Grp., Inc.*, 230 N.E.3d 898 (Ind. 2024). There, after a kitchen fire damaged a home Safeco insured, Safeco sued the restoration company for discarding a dehydrator alleged to have caused the fire. The Court affirmed the dismissal of Safeco's complaint, finding it failed to state a third-party spoliation claim under the narrow circumstances Indiana law recognizes.

After plaintiffs rested their case at trial, defendants moved for and received a directed verdict in *Cosme v. Warfield Clark, Churilla, and Erie Insurance Exchange*, 232 N.E.3d 1141 (Ind. 2024). The Court held that at the directed-verdict stage, a trial court can review whether inferences from the evidence are reasonable, but it cannot weigh conflicting evidence or assess witness credibility without violating a plaintiff's constitutional right to a jury trial.

In *Red Lobster Restaurants LLC v. Fricke*, 234 N.E.3d 159 (Ind. 2024), the Court held that a plaintiff who failed to disclose her pending personal injury lawsuit in Chapter 13 bankruptcy proceedings had standing to pursue the lawsuit even though she may not have been the real party in interest. The Court also held that judicial estoppel does not bar the lawsuit if the bankruptcy court permits the plaintiff-debtor to cure the omission by amending their asset schedule.

Indiana law has long held that parties may agree to resolve their disputes through arbitration. In *Illinois Casualty v. B&S of Fort Wayne, Inc.*, 235 N.E.3d 827, the Court answered, for the first time, “who decides”—the arbitrator or the courts—whether the parties agreed to arbitrate. The Court held that an agreement to arbitrate reflects “clear and unmistakable” evidence of an intent to delegate arbitrability to an arbitrator. But because not all the claims asserted were covered under an agreement to arbitrate, the Court affirmed in part and reversed in part the trial court’s order compelling arbitration.

The Court clarified the application of Trial Rule 41(E) in *Foster v. First Merchants Bank*, 235 N.E.3d 1251 (Ind. 2024). The trial court granted the defendant’s motion to dismiss the plaintiffs’ lawsuit under Rule 41(E), which

allows a litigant to seek dismissal of a civil case that has been inactive for at least sixty days. But the Court reversed and remanded, holding the defendant’s motion was not timely because it was filed after the plaintiffs resumed prosecution by requesting a case management conference.

Utility Law

In *Duke Energy Ind., LLC v. City of Noblesville*, 234 N.E.3d 173 (Ind. 2024), the Court addressed a trial court’s jurisdiction over an ordinance-enforcement action. There, the City sued to enforce its ordinances governing Duke’s demolition and construction of a new garage. The Court held the trial court had jurisdiction over the City’s enforcement action because municipal ordinances presumptively apply to regulated public utilities, but only the Indiana Utility Regulatory Commission can decide whether the municipal ordinances interfere unreasonably with Duke’s utility functions.

The City of Carmel asked the Indiana Utility Regulatory Commission to determine whether two of Carmel’s municipal ordinances on utility locations were reasonable in *City of Carmel v. Duke Energy Ind., LLC, et al.*, 234 N.E.3d 816 (Ind. 2024). The Commission found the ordinances were unreasonable and void.

This Court reversed the Court of Appeals’ order striking the Commission’s brief, finding the Commission is a proper party on appeal of its own decision. The Court then affirmed the Commission’s decision, finding it was supported by sufficient evidence.

Criminal Transfer Cases

Court Fines, Fees, and Costs

In *Tailor Spells v. State*, 225 N.E.3d 767 (Ind. 2024), the Court addressed whether trial courts must consider a defendant’s ability to pay before retaining cash bail to pay certain costs and fines. The Court affirmed retaining the defendant’s cash bail to cover her public defender jury fees based on the language of an agreement she signed, but it held a court may retain cash bail to pay most other fines, costs, and fees only after considering a defendant’s ability to pay.

Jury Instructions

In *Sabrina Dunn v. State*, 230 N.E.3d 910 (Ind. 2024), the Court vacated Dunn’s murder conviction because misleading jury instructions produced fundamental error. Dunn was charged with murder after she shot and killed her ex-husband who, armed with three

knives, entered Dunn's home in violation of a protective order. At trial, the court instructed the jury that the State had the burden to prove beyond a reasonable doubt that Dunn “did not act in self-defense and/or act in defense of her dwelling.” The Court held the phrase “and/or” was misleading and cautioned against using it.

Trial Practice and Procedure

The Court vacated a criminal sentence that was pronounced in a hospital in *Jamone M. Williams v. State*, 213 N.E.3d 729 (Ind. 2023) (*per curiam*). Wanting to have sentencing “somewhere else,” the hospitalized defendant refused to participate in the hearing. The Court determined Williams did not knowingly and intelligently waive his right to be physically present at the sentencing hearing and remanded for re-sentencing.

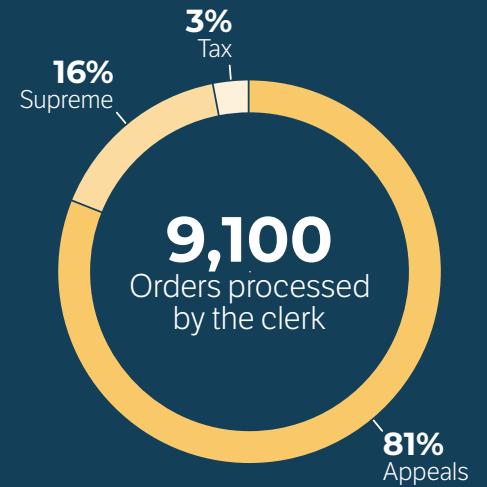
Criminal Rule 4 entitles a defendant to dismissal of criminal charges if they are not timely brought to trial. In *William Grimes v. State*, 235 N.E.3d 1224 (Ind. 2024), the Court applied Criminal Rule 4’s burden-shifting test and remanded with instructions to dismiss the charges against the defendant. It held the defendant was entitled to relief because he showed that the trial court’s calendar did not require his trial to be continued, and the court provided no explanation in response.

Sentencing

Indiana Appellate Rule 7(B) allows appellate courts to revise a criminal sentence that is inappropriate in light of the nature of the offense and the character of the offender. In *Dustin Lane v. State*, 232 N.E.3d 119 (Ind. 2024), the Court clarified that this relief may be granted even when only one of these two elements is met, but a showing under that single element must be strong. Lane violated a no-contact order multiple times, and the trial court sentenced him to more than eight years. The Court affirmed, noting that sentencing courts may consider lengthy sentences for dangerous offenders with a history of committing violent crimes.

Sufficiency of Evidence

Article 6, Section 6 of the Indiana Constitution requires all township officers to reside within their townships. But during the pandemic, a township trustee sold her West Lafayette home and began exploring the country in a travel trailer. She was convicted of twenty-one counts of theft, one for each paycheck she collected while allegedly residing outside of Indiana. In *Jennifer Teising v. State*, 226 N.E.3d 780 (Ind. 2024), the Court vacated the convictions, finding the State did not introduce evidence that the trustee acted with the requisite criminal intent.



3,600
appellate cases managed by the clerk



13 K
e-filed briefs processed by the clerk



18 K
transcript/exhibit volumes processed by the clerk




Year in Review

FISCAL YEAR: JULY 1, 2023 TO JUNE 30, 2024


July 3 The court requested public comments on proposed changes to the Access to Court Records, Appellate, and Trial rules, as well as the Interpreter Code of Conduct.


July 11 Nearly 400 people attended the Trial Court and Clerk Employee Conference for networking and education opportunities. Participants heard opening remarks by Chief Justice Loretta Rush and learned from experts about topics like compassion fatigue, nonverbal language, de-escalation techniques, cybersecurity, ethics, and technology.

July 20 Chief Justice Rush was named one of Indiana's Top 250 most Influential Business Leaders by the *Indiana Business Journal*. For the second consecutive year, she was honored for the positive impact she has in government.

July 26  The Indiana Conference for Legal Education Opportunity welcomed 19 new fellows as they completed the 2023 Summer

Institute at Indiana University Maurer School of Law in Bloomington. ICLEO focuses on teaching concepts that students will learn in the first year of law school and provides opportunities for professional development.

August 14  Justice Derek Molter hosted a one-hour interactive session presenting the artificial intelligence capabilities of legal research products to staff attorneys at the Office of Judicial Administration.

August 15  Over 40 federal and state judges from throughout Indiana gathered in the Statehouse for lunch and a program with former Chief Justice Randall Shepard as the guest speaker.

August 17 The Disciplinary Commission issued the first of two advisory opinions to Hoosier lawyers during the fiscal year answering the question, "What ethical obligations do lawyers have regarding fee

agreements, refunds, and fee disputes?" Advisory opinion #2-23, "Ethical Considerations about Getting Paid," starts by explaining that the fiduciary relationships between lawyers and their clients are not typical contracts and extend beyond the end of the attorney-client relationship.

September 6 The Adult Guardianship program held a virtual symposium for people serving as guardians, with a panel discussion on VASIA and education topics including cultural competency, capacity and independence, and the guardianship process.

Pictured at right. Top: The 2023 ICLEO cohort gathered for a mixer in Indianapolis where they connected for the first time with each other and with OJA staff overseeing the program. **Bottom left:** Justice Derek Molter leads a discussion on using artificial intelligence for legal research. **Bottom right:** State and federal judges gathered at the Statehouse for a networking event.



YEAR IN REVIEW



The Supreme Court hears oral arguments in a packed auditorium at Trine University.



CASA Volunteer of the Year Andrea Herschberger holds her award and stands with her family.

September 9 📷 More than 600 CASA volunteers and directors attended the annual GAL/CASA Conference in Indianapolis. Participants heard from survivors of domestic violence, former youth in the child welfare system, and an autism advocate—himself autistic—who tells his story through magic, music, and comedy. This year’s conference, with the theme, “Imagine the CASA-bilities,” included education sessions on talking with traumatized teens, the goal of reunification, collaboration between agencies, and a panel discussion on best practices for supporting older foster youth.

YEAR IN REVIEW



Chief Justice Rush presents Magistrate Kathleen Belzeski (Lake County) with an award for 24 years of service.



Magistrate Lisa Reger visits a class at Greenville Elementary School in Clark County.



Justice Christopher Goff and Lieutenant Governor Suzanne Crouch present lawyer Emily Guenin-Hodson with the Lt. Gov.'s Leadership Award at the Wabash summit.

September 13 The Office of Admissions & Continuing Education announced that 285 applicants passed the July 2023 bar exam; another 75 later passed the February 2024 exam.

September 13-15 📷 Judges from across the state gathered in French Lick for the annual meeting of the Judicial Conference of Indiana. During the conference, judges were given time to collaborate within their judicial districts to discuss strategic plans, local justice reinvestment activities, and other topics. More than 50 judicial officers were recognized for educational achievements, and six were honored for 24 years of service.

September 17 📷 Forty-six judicial officers met with nearly 3,500 students and civic group members to celebrate Constitution Day and teach young people about the judicial branch.

September 27 📷 The justices heard oral arguments in *WEOC, Inc. d/b/a Wings, Etc., et al. v. Christopher Adair, et al.* at Trine University's T. Furth Center for Performing Arts in Steuben County. The court occasionally schedules arguments outside the capital, allowing students, the press, and the public in other areas of the state the opportunity to see the work of the Supreme Court.

October 12-13 Thirty-two city and town court judges attended their two-day annual meeting in Hamilton County.

October 13 📷 Justice Christopher Goff gave closing remarks at the Rural Justice and Public Health Summit in Wabash—a cross-branch partnership and multidisciplinary collaboration that addressed the unique challenges faced by justice and healthcare professionals in rural communities. Two-hundred twenty-four participants accessed resources and strategies to meet the needs of rural professionals and learned about opportunities for collaboration.

i Read more about District Meetings on page 63

i Read more about the Wabash Summit on page 62

YEAR IN REVIEW



October 26 Justice Geoffrey Slaughter spoke during the opening plenary session at the Civil Legal Assistance Conference hosted by the Coalition for Court Access. The agenda included time to attend five breakout sessions, with a total of 30 sessions in six tracks, including family law, consumer law, workforce development, ethics and professionalism, health and benefits, and housing.

October 27 📷 The National Association of Women Judges held their annual meeting in Indianapolis where they honored Chief Justice Rush with the Lady Justice Award.



Top: Hon. Toni Clarke (Maryland) presents Chief Justice Rush with the National Association of Women Judges' Lady Justice Award. **Bottom:** The annual meeting of the National Association of Women Judges was held in Indianapolis, and participants visited the Indiana Supreme Court Courtroom for conference events.

November 1 📷 National Adoption Month kicked off around the country. The Supreme Court authorized trial courts to allow the first photos and videos of new forever families around the state to be taken in courtrooms during uncontested adoption proceedings.

November 3 Ninety-nine attendees participated in a Domestic Relations Workshop, hearing remarks about the work of the Family Law Taskforce and learning about changes to the Child Support Guidelines.

November 14 The court requested public comments on proposed changes to the Admission and Discipline Rules and the Trial Rules.

November 15 After distributing over 3,400 ballots to eligible voters and counting the votes received, the Clerk's Office announced Daniel Vinovich as the winner of the District 3 election to fill an attorney vacancy on the Judicial Nominating Commission.

i [Read more about the Child Support Guidelines on page 52](#)

Pictured at right. Courts celebrate adoptions around the state with new forever families. **Clockwise from top left:** Marion, Hamilton, Fountain, and Elkhart counties.





December 1 Nearly 140 judicial officers attended the winter workshop on artificial intelligence, participating in education sessions on understanding the roots of AI, how to use AI for research, the legal and ethical considerations of AI, as well as privacy and data concerns.

December 11 📷 Indiana celebrated its 207th birthday. Around 425 students and guests visited the Supreme Court Courtroom for Statehood Day, where Justice Molter answered questions and took photos with them. Chief Justice Rush addressed the crowd of 500 in the Statehouse atrium during the state's primary ceremony.

December 12 📷 The Supreme Court held its annual employee recognition ceremony to celebrate staff members with long years of service and thank all staff for their hard work throughout the year. Twenty-four staff were honored, including eight with 20 or more years, and together they had a combined 395 years working for the Supreme Court.

Pictured at left. Clockwise from top left: On Statehood Day, Chief Justice Rush helps a student try on a judge's robe; another student poses for a photo while wearing a judge's robe; Justice Molter answers questions in the Supreme Court Courtroom.



We give thanks for their service to the Indiana Supreme Court

35 years
Vicki Davis

30 years
Greg Anderson

25 years
Michelle Shorter
Nita Wright

20 years
Allison Avery
Valerie Brooks
Mary Kay Hudson
Robin Meyers



Above: Governor Eric Holcomb and Lieutenant Governor Crouch stand and applaud at the end of the State of the Judiciary. **Left:** Vicki Davis (Office of Court Services) and Mike Wilson (Office of Court Technology) were honored for long years of service to the State of Indiana at a celebration hosted by Governor Eric Holcomb.

January 10 📷 Chief Justice Rush delivered her tenth State of the Judiciary to a joint session of the Indiana General Assembly. In the speech, titled "Indiana Courts' Return on Investment," the Chief Justice thanked the legislature for investing state funds in the judicial branch and the important work judges and court staff are doing in their communities. She gave lawmakers a tour around the state, drawing attention to judges' various outreach efforts and highlighting behavioral health, family recovery, veterans, and commercial courts.

YEAR IN REVIEW

January 31 Nine city and town court judges attended a two-day orientation program offering education on misdemeanor and infraction procedures, specialized driving privileges, cultural diversity and civility, and evidentiary issues.


February 2 The Limited Weapons Disqualification Data application launched for law enforcement officers to search court data. The app includes data from the Odyssey case management system, the Protection Order Registry, and Indiana's National Instant Criminal Background Check Reporting System, which contains domestic violence, mental health, and red flag data. The search is one tool that officers can use as part of the process to determine if an individual is legally allowed to carry, conceal, or transport a handgun within the State of Indiana.

February 5 Judges across the state began meticulously tracking how they spent their time each day on case-related activities, such as preparing for trial, handling settlements, research, orders, trials and other hearings. This once-in-a-decade weighted caseload time study ran through March 1, with 500

judicial officers participating. Once analysis is completed in the next fiscal year, it will plainly identify—based on the number of cases and the time needed to decide the cases—how many judicial officers are needed in a county and identify which counties are most in need of new judges.

February 5 The Commission on Improving the Status of Children in Indiana released its 2023 annual report, outlining actions the commission took during the fiscal year, offering testimonials from its two youth members, and listing the 200+ committee and task force members from across state government who contributed to the commission's overall goals.

February 19 Nearly 40 lawmakers and 25 legislative staffers made the walk down the third-floor hall of the Statehouse from the House and Senate chambers to the Supreme Court chambers for the Supreme Court's first-ever Night Court for legislators event. The justices heard oral arguments in *Angela Y. Smith and Dylan Williams and \$11,180 in United States Currency v. State of Indiana*.

February 27  Over 400 staff and volunteers heard from Court of Appeals Judge Dana Kenworthy and Senior Judge Darrin Dolehanty about best interest advocacy for abused and neglected children during CASA Day 2024 at the Statehouse.

March 28 In its second advisory opinion for lawyers published during the fiscal year, the Disciplinary Commission explores how a public defender can maintain compliance with professional conduct rules while providing meaningful and efficient representation to multiple clients at initial hearing. Advisory Opinion #1-24, "Navigating Limited Representation at an Initial Hearing," touches on ethical minefields involving conflicts of interest, duties to former clients, limits on the scope of representation, and advising clients of their rights.

March 31 ICLEO received 120 applications and accepted 16 students to the 2024 Summer Institute at IU McKinney School of Law in Indianapolis.

Pictured at right. Clockwise from top left:
Senior Judge Darrin Dolehanty and Court of Appeals Judge Dana Kenworthy address CASA volunteers; Volunteers in blue shirts fill the atrium at the Statehouse; Participants applaud the presentation.



YEAR IN REVIEW

April 5 The Supreme Court created a 23-member Commission on Indiana’s Legal Future to explore ways to address Indiana’s attorney shortage. The commission includes members from each branch of government, judges, lawyers, leaders from Indiana legal education institutions, and experts from the Office of Judicial Administration. Their written report is due July 1, 2025.

April 9-11 More than 400 judicial officers participated in the Spring Judicial College in Indianapolis, where education topics included mental health detentions, issues surrounding pretrial activities and sentencing for impaired driving defendants, the lethality of intimate partner violence, best practices for remote hearings, social media, and well-being.

April 12 More than 530 judicial officers from around the state attended district meetings, which took place over six days in April and May. Hometown meals provided the backdrop for local judges to meet with appellate judges. The meetings take place every two years, when the Supreme Court justices travel the state to have a meal with judges in or near their county and discuss challenges and successes.



Chief Justice Rush presents the Order of Augustus to Chief Juvenile Probation Officer Kevin Elkins.

May 8-10 📷 About 1,100 judicial and probation officers and other court staff attended the annual Justice Services Conference in Indianapolis. During the conference, the Probation Officers Advisory Board awarded Kevin Elkins, chief probation officer for Lake County Juvenile Probation, with “The Order of Augustus.” Participants attended courses on due process, election season ethics, juvenile legislation, interpersonal violence, therapies for trauma survivors, addiction, brain mapping, and artificial intelligence.

May 14 The court requested public comments on proposed changes to the Appellate, Criminal, Post-Conviction, and Trial rules.

June 12-14 160 judicial officers attended the Joint Juvenile & Family Court Judicial Officer Conference in Plainfield where they learned about youth with complex needs, planning for permanency, dual status coordination, and various family law sessions.

June 16-21 36 judicial officers attended the first year of the two-year Graduate Program for Judges in French Lick which featured courses on legal issues in intercollegiate athletics, education and voting in a constitutional democracy, and the changing landscape of judging and judicial decision-making.

June 27 Guardians and other stakeholders participated in the annual Adult Guardianship Symposium, a virtual education event featuring topics including guardianship in family violence situations, recruiting, best practices, and reform.

June 30 The court closed the fiscal year; it heard 44 oral arguments, wrote 47 majority opinions, and disposed of 735 cases.

 **Read more about the Legal Future Commission on page 46**

Office of Judicial Administration

Justin P. Forkner • Chief Administrative Officer

The Office of Judicial Administration consists of eleven agencies and the Clerk of the Appellate Courts. The Chief Administrative Officer, who oversees OJA, reports directly to the Chief Justice of Indiana and serves as the link between the Chief Justice and the court's agencies.

OJA agencies work collaboratively to support the Supreme Court's case work and administrative obligations. Often with dual roles of compliance enforcement and providing support, the office provides education, outreach, innovation, funding, and standards to courts, clerks, and judicial branch stakeholders across Indiana. OJA also licenses attorneys, aids in judicial selection, provides support for lawyers and judges, and monitors their professional accountability. OJA managers and staff gain valuable guidance from judicial officers, lawyers, and other leaders who serve on the court's many boards and commissions.



32
people hired
to fill open positions



86
bulk data
requests



273
days of
education



11.4 M
page views at
courts.in.gov



\$22.8 M
in grants distributed
to counties

Office of Judicial Administration

 REGULATORY

Admissions & Continuing Education

Judges & Lawyers Assistance

Judicial & Attorney Regulation

 MANAGEMENT

Access to Justice

Communication, Education & Outreach

Fiscal, Personnel & Operations

General Counsel

Innovation

 OPERATIONS

Behavioral Health

Court Services

Court Technology

Appellate Clerk's Office

Agencies

Clerk of the Appellate Courts

Gregory R. Pachmayr • Clerk

The *Office of the Clerk of the Supreme Court, Court of Appeals, and Tax Court* processes incoming filings and outgoing orders and opinions for Indiana's appellate courts. The clerk's office responds to inquiries from attorneys, litigants, and the public and oversees the archiving of closed cases.

REGULATORY

Admissions & Continuing Education

Bradley W. Skolnik • Executive Director

The *Office of Admissions & Continuing Education* provides staff support to the Board of Law Examiners and Commission for Continuing Legal Education. ACE also maintains the Roll of Attorneys, which is the roster of attorneys licensed to practice law in Indiana. BLE certifies that all individuals admitted to practice law have fulfilled the requirements for admission. CLE oversees the legal education requirements of attorneys, judges, and mediators; maintains a mediator registry; and accredits independent attorney specialization organizations.

Judges & Lawyers Assistance

Terry L. Harrell • Executive Director

The *Judges & Lawyers Assistance Program* provides compassionate support to judges, lawyers, and law students. By promoting well-being and fostering connection, it serves to elevate the competence of the profession. All interactions with JLAP are confidential, including those that are court-ordered and those that are voluntary.

Judicial & Attorney Regulation

Adrienne L. Meiring • Executive Director

The *Office of Judicial & Attorney Regulation* provides staff support to the attorney Disciplinary Commission, the Judicial Qualifications Commission, and the Judicial Nominating Commission. These commissions serve to protect the public, courts, and members of Indiana's bar from misconduct on the part of attorneys and judges while also protecting attorneys and judges from unwarranted claims of misconduct.

At the direction of the commissions, the office investigates and prosecutes allegations of judicial and attorney misconduct and fitness to practice law. It also provides ethical guidance and advisory opinions for judges and lawyers. Office staff support the work of the Judicial Nominating Commission, which interviews applicants and selects nominees for appellate court vacancies, selects the chief justice, and certifies senior judges.

✓ MANAGEMENT

Access to Justice

Rob R. Love • Chief Diversity Officer

The *Access to Justice Office* manages and develops projects designed to bolster public trust in the judiciary for all people regardless of race, ethnicity, religion, sex, gender, disability, age, language, immigration, and socioeconomic status. The office staffs the Race & Gender Fairness Commission, Coalition for Court Access, and other committees; certifies court interpreters and distributes statewide grants; manages ICLEO, a law school preparatory and scholarship program for underrepresented students; and consults with court agencies to ensure matters of equity and inclusion are considered in OJA projects. A2J also provides training to judicial branch stakeholders, equipping them to build relationships through common ground while acknowledging the perspective of others with different lived experiences.

Communication, Education & Outreach

Kathryn R. Dolan • Chief Public Information Officer

The *Office of Communication, Education & Outreach* manages media inquiries and creates opportunities for the community to engage with Indiana's courts. OCEO oversees the judicial branch website and social media accounts, oral argument webcasting, the Supreme Court law library, and supports justices who serve as local nominating commission chairs. The office also creates and distributes press releases and coordinates messaging campaigns on a variety of topics.

Fiscal, Operations & Personnel

Aaron V. Hood • Chief Financial / Operating Officer

The *Fiscal, Operations & Personnel Office* manages the Supreme Court's budget and assets; processes financial transactions and invoices, including payroll and benefits; provides accurate, timely financial information to the court and other government officials; provides security to the justices and court agencies; manages building operations and continuity of operations for the court; and assists Supreme Court agencies with hiring, performance, and employee engagement.

General Counsel

Aaron Johnson • General Counsel

The *Office of General Counsel* provides ethical guidance and legal services to the Supreme Court and its agencies, including drafting internal policies, managing legal research projects, responding to discovery requests, reviewing and negotiating contracts, and ensuring compliance with state and federal laws. The office also provides contract and employment law counsel to state courts, provides legal advice on county authority and general legal problems, and consults with the Attorney General on litigation involving the courts as a party.

Innovation

Robert A. Rath • Chief Innovation Officer

The *Office of Innovation* leads process improvement initiatives and promotes innovation, creative problem-solving, and a culture of continuous improvement within the Office of Judicial Administration.

OPERATIONS

Behavioral Health

Brittany Kelly • Behavioral Health Administrator

The *Office of Behavioral Health* prioritizes behavioral health related needs of Indiana's courts and the litigants they serve. The office connects judicial officers and justice system professionals to resources in their communities and provides education on matters of behavioral health. The office supports the Behavioral Health Committee in equipping justice system stakeholders with best practices to recognize and respond appropriately to mental health, substance use, and co-occurring conditions in the courts.

Court Services

Mary Kay Hudson • Executive Director **Vicki Davis • Interim Executive Director**

The *Indiana Office of Court Services* develops education, programs, and projects to improve both the administration of justice and outcomes for those involved in the court system. The office certifies local court programs, supports pretrial and probation services, distributes grant funds, collects court data, and provides a wide variety of training. IOCS serves as the legal and administrative staff agency for the Supreme Court. And it supports the Judicial Conference of Indiana—the body of elected trial court judges, which is chaired by the chief justice—its board of directors, and its various committees.

Court Technology

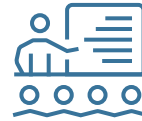
Mary L. DePrez • Executive Director

The *Indiana Office of Court Technology* provides support to trial and appellate court staff for day-to-day operations; assists the Supreme Court with creating a vision for how technology can improve court operations and access to justice; develops custom applications for data sharing with the public and local, state, and federal agencies; and supports thousands of users across the state with case management, e-filing, and other technology needs.

Judicial Branch Education

OJA offered nearly 1,200 hours of training to judicial officers and other justice system stakeholders covering a variety of topics, including:

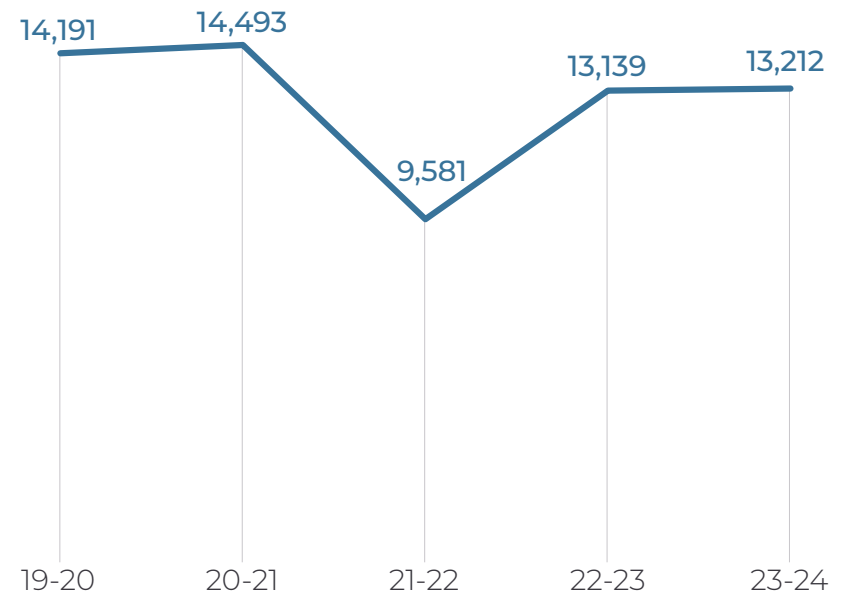
- Behavioral health and mental health emergency detentions
- Access to justice, language access, procedural fairness and remote hearing best practices
- Youth, family, intimate partner violence; adult guardianship; and domestic relations
- Cameras in the courtroom
- Applying principles of criminogenic risk and need, due process and expedited time frames
- Addiction, psychopharmacology, drug trends, alcohol use and withdrawal
- Assessment best practices, motivational interviewing, juvenile probation standards
- Presentence reports, predisposition reports, officers' safety, working with clients with serious mental illness, cultivating connection and well-being



13 K
justice stakeholders
at education events



1 K
users in the learning
management system



ATTENDEES AT EDUCATION EVENTS

Five-year trend

JUDICIAL ADMINISTRATION



181
on-demand
courses available



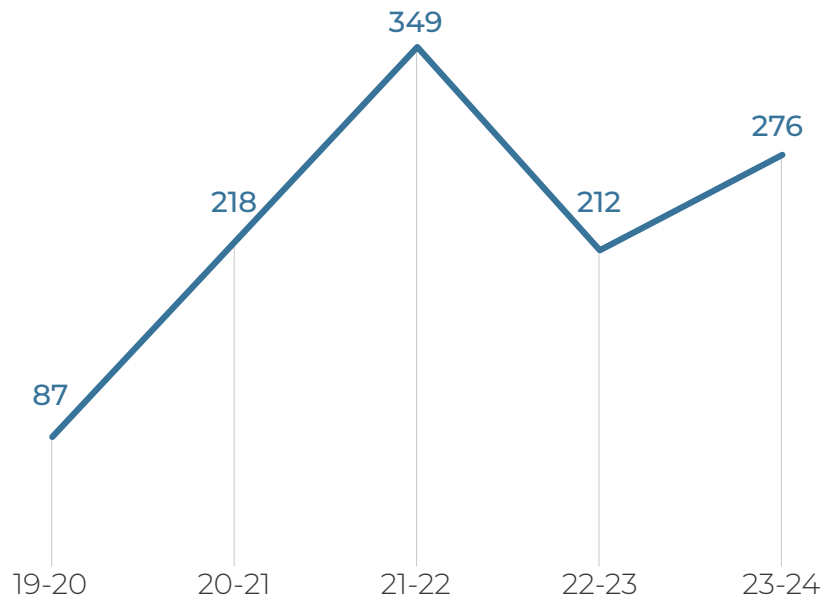
95
virtual training
programs offered



250
new judges and staff
attended an orientation
program

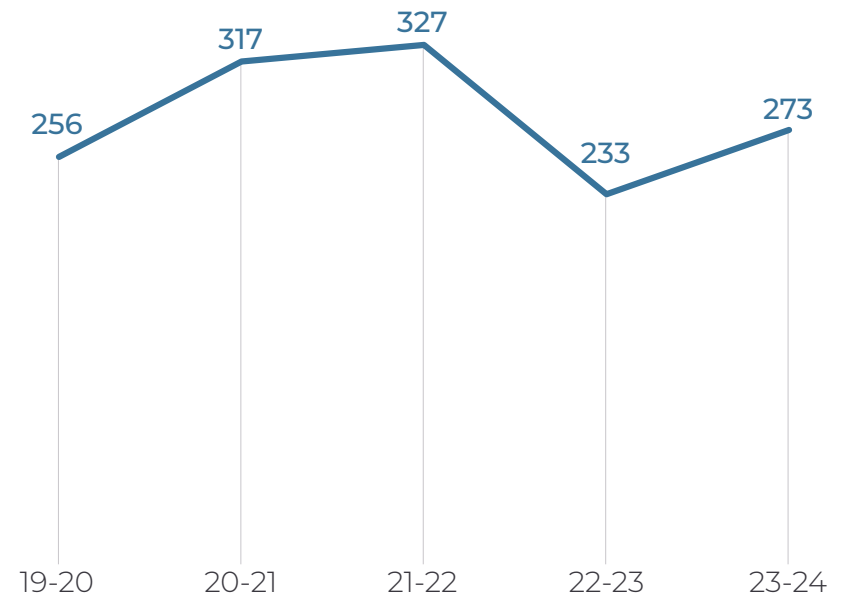


600
people received a
certification (e.g., new
probation officers)



LIVE AND ON-DEMAND COURSES

Five-year trend



DAYS OF EDUCATION

Five-year trend

ADDRESSING INDIANA'S Lawyer Shortage

Indiana has a shortage of practicing attorneys, especially in rural areas of the state, and our legal leaders have been engaged in an ongoing conversation about how to remediate the problem.

Bar exam

Several years ago, a Study Commission on the Future of Indiana's Bar Exam recommended—and the Supreme Court approved—adoption of the Uniform Bar Exam, which is used in most states across the country. This change makes it easier for out-of-state lawyers to become Indiana lawyers. The commission noted in their final report that “the UBE recognizes the realities of today's legal market in which it is far more common than it may have been a generation ago for lawyers to move from firm to firm, city to city and, in increasing numbers, from jurisdiction to jurisdiction.”

Law school accreditation

Indiana Admission and Discipline Rule 13 has long held that bar exam applicants must graduate from a law school accredited by the American Bar Association. Effective July 1,

“it is far more common ... for lawyers to move from firm to firm, city to city and, in increasing numbers, from jurisdiction to jurisdiction.”

2024, the Supreme Court approved a change allowing applicants to apply for a waiver of that rule if they meet one of two criteria:

- The applicant has graduated from a U.S. law school not accredited by the ABA and is eligible to take the bar exam in another state, or
- The applicant has graduated from a law school outside of the U.S. and obtains a Master of Laws from a law school that is accredited by the ABA.

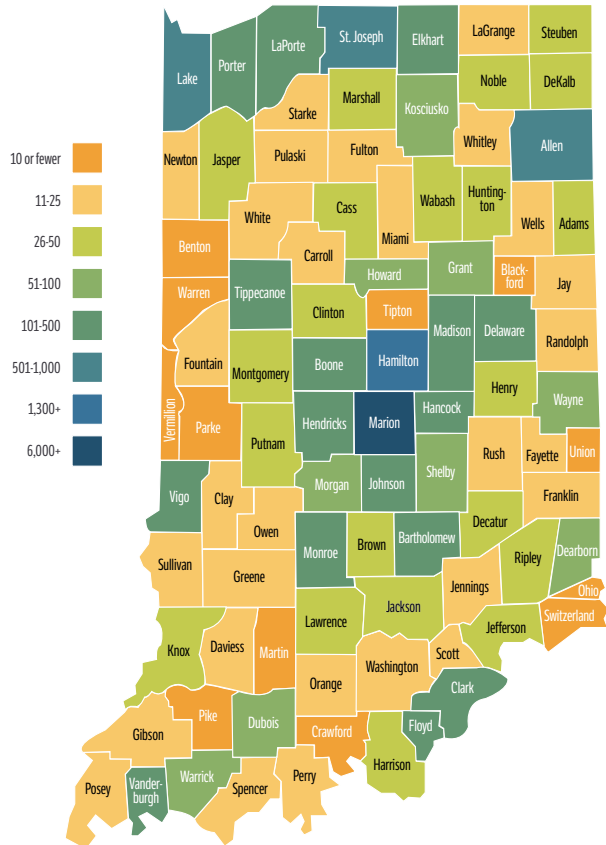
If such an applicant requests a waiver and the Board of Law Examiners finds the applicant is qualified by education or experience, they will be permitted to take the Indiana bar exam. This change opens the door for more non-traditional law students—such as those with full-time jobs studying law online part-time—to enter the legal profession in Indiana.

What's next

In April 2023, the Supreme Court established a Commission on Indiana's Legal Future tasked with addressing five key areas:

- Business & Licensure Models
- Pathways to Admission & Education
- Incentivizing Rural Practice
- Incentivizing Public Service Work
- Technology Applications

Co-chaired by Court of Appeals Judge Nancy Vaidik and Supreme Court Chief Administrative Officer Justin Forkner, the commission will provide a written report by July 1, 2025. Chief Justice Rush expressed confidence in the commission members—leaders in the legal and education professions—to “come back to us with meaningful, transformative recommendations.”



WHERE ATTORNEYS WORK

Distribution of attorneys by business address county



986
registered
mediators



19,055
active attorneys in the
Roll of Attorneys

Pro Bono Contributions

by Indiana attorneys in 2022



8,131

attorneys contributed time and/or money to pro bono legal services



53%

of attorneys contributed (of the 15,365 lawyers who reported their pro bono data for 2022, 7,234 attorneys reported no contributions of money or hours)



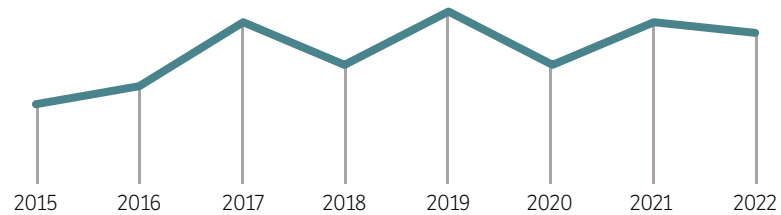
293,737

hours of legal work at no charge (another 184,711 hours offered at a reduced rate)



\$1.36 M

in monetary contributions

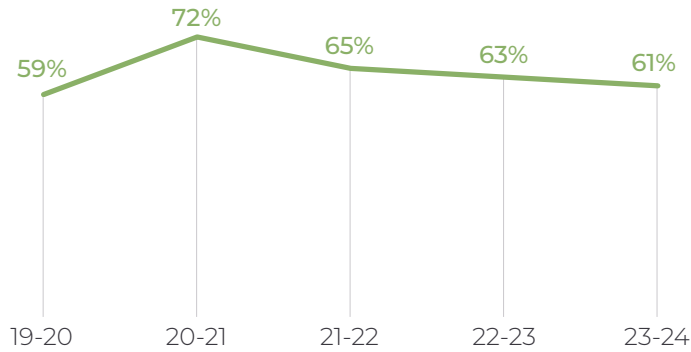


MONETARY CONTRIBUTIONS OVER TIME

from about \$775 K in 2015 to as high as \$1.55 M in 2019

This data, current as of Jan. 10, 2024, was self-reported by 22,126 attorneys licensed in Indiana during annual attorney registration. Of those, 6,761 attorneys were exempt from reporting because—as judicial officers, government employees, or retired/inactive attorneys—they cannot provide pro bono services.

Bar Admissions



BAR PASSAGE RATES
Five-year trend



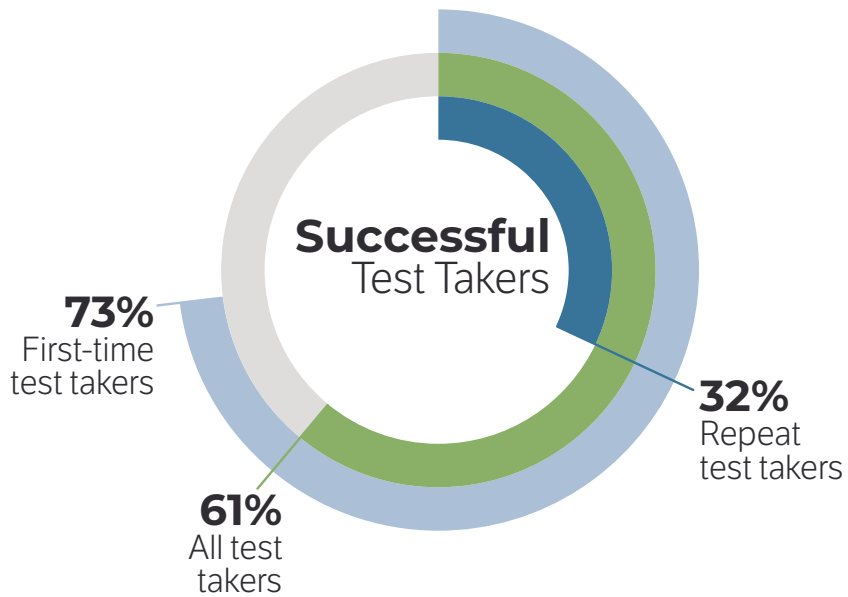
359 of 590
applicants passed
the bar exam



225
applicants transferred a
UBE score from another
jurisdiction



74
out of state lawyers
admitted on motion



Continuing Legal Education



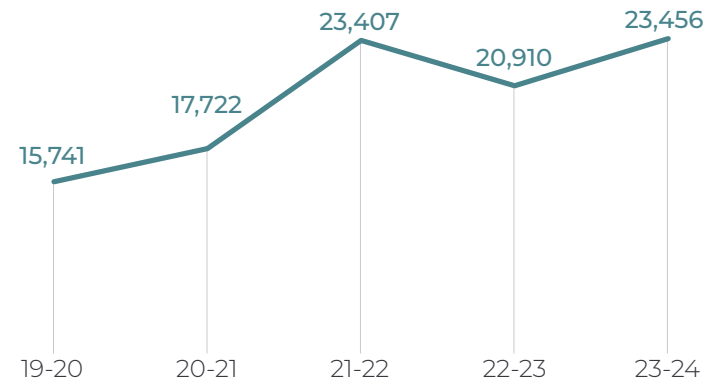
8 K

CLE events submitted by attorneys



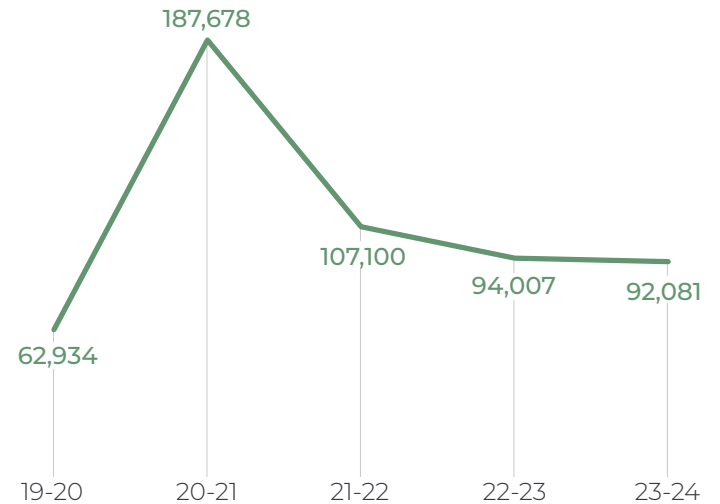
14 K

CLE attendance reports submitted by attorneys



CLE COURSES ACCREDITED

by ACE, five-year trend



DISTANCE EDUCATION CREDITS REPORTED

by attorneys and sponsors, five-year trend

Pictured at left. At the April 2024 bar admission ceremony new lawyers take the oath of office.

Rules of Court

The Supreme Court handed down 14 rule amendments during the fiscal year. In addition to making it possible for graduates of law schools not accredited by the American Bar Association to be admitted as Indiana lawyers, the court also relaxed parameters for admission on motion, began allowing legal interns to practice law under certain conditions, and approved a major overhaul to Indiana's Child Support Guidelines.

Rule Set	Effective	Description of Amendment
Access to Court Records	1/1/2024	Rule 5(A) Court Records That Shall Be Excluded from Public Access in Entirety. Makes a case confidential in Odyssey when the clerk has opened the case with an incorrect case type.
Administrative	7/7/2023	Rule 4 Committees and Commissions. Streamlines language in the rule and creates the Supreme Court Innovation Committee.
Administrative	1/4/2024	Rule 4 Committees and Commissions. Corrects a scrivener's error. Rule 8 Uniform Case Numbering System. Notes abolishment of four municipal courts and establishment of one municipal court.
Administrative	4/3/2024	Rule 4 Committees and Commissions. Moves both the provisions regarding the Supreme Court Committee on Rules of Practice and Procedure from Trial Rule 80 and those regarding the Supreme Court's Coalition for Court Access from Rules of Professional Conduct Rule 6.6 to Administrative Rule 4.
Administrative	1/1/2024	Rule 5 Payment and Administration of Special Judges and Senior Judges Program. Clarifies that a senior judge appointed by a judge serves subject to the Code of Judicial Conduct and has the same authority as the judge of the court where the appointing judge serves; clarifies that certified senior judges have authority to perform marriages/ administer oaths. Creates new Rule 5.1 from previous 5(C).
Administrative	7/26/2023	Rule 20 Office of Judicial Administration. Streamlines language establishing the office, the organization of its agencies, and its relationship to the appellate clerk's office.
Admission & Discipline	6/28/2024	Rule 2.1 Legal Interns. Allows certified legal interns who have graduated law school to practice law in Indiana without the need for direct attorney supervision in certain high-need public service fields immediately upon passing the Indiana bar exam if the participant is otherwise qualified for admission and the legal work is within the scope of their employment. Rule 6 Admission Without Examination. Eases the availability of admission on motion, shortens the minimum practice requirement before lawyers are eligible to move for admission, and eliminates the "predominant practice" requirement.

JUDICIAL ADMINISTRATION

Rule Set	Effective	Description of Amendment
Admission & Discipline	7/1/2024	Rule 13 Educational Requirements for Admission by Examination. Gives the Board of Law Examiners discretion to waive Rule 13's American Bar Association accreditation requirement for applicants under certain circumstances; sets out the materials a waiver applicant must provide the Board; makes clear the Board's decision is subject to final approval by the Supreme Court; removes outdated provisions; and makes non-substantive changes for consistency across the rules.
Alternative Dispute Resolution	10/25/2023	Rule 2.5 Qualifications of Mediators. Adds a provision allowing graduates of international institutions with degree programs recognized by the National Association of Credential Evaluation Services to become mediators in Indiana.
Appellate Procedure	1/1/2024	Rule 22 Citation Form. Adds a citation format for memorandum decisions allowed under Appellate Rule 65(D) and modernizes the rule.
Child Support Guidelines	1/1/2024	All rules. Revises weekly schedule for child support based on more recent economic data; amends low-income adjustment to account for income of both parents; simplification of uninsured and unreimbursed healthcare expenses; new language permitting calculation of the parenting time credit when a parent spends a different amount of overnights with each child; emphasis on giving the rationale for any deviation from the presumptive child support guideline amount, even when parents agree; clarification of split custody and child support calculations; and updated language on payment of birth and postpartum expenses in paternity cases.
Child Support Guidelines	5/14/2024	Weekly Guidelines Schedule. Corrects a scrivener's error.
Trial Procedure	1/1/2024	Rule 30 Depositions Upon Oral Examination. Removes outdated reference to TR 43(B) and allows—provided all parties participating the deposition agree—for the original deposition to be electronically certified by the officer and delivered to each party electronically.
Trial Procedure	1/1/2024	Rule 79 Special Judge Selection. Aligns the rule with changes made to the senior judge program in the Administrative Rules. Rule 81.1 Procedures for Cases Involving Family or Household Members. Precludes guardianship case types from being given a common case number under the family procedures case consolidation; a separate "GU" case for each protected person is necessary for the case to be accessible in the registry.

SIGNIFICANT UPDATE TO Child Support Guidelines

The Supreme Court approved a new version of the Indiana Child Support Guidelines, and it's the most substantial revision to the guidelines since they were first adopted in 1989. Effective January 1, 2024, the changes embody a significant shift in methodology for determining child support, an adaptation to the evolving landscape of modern families, and a deeper understanding of the economic realities faced by families and co-parents in Indiana.

Worksheets & deviations

The new version requires both parents to file a child support obligation worksheet even if they agree about support. And if the court approves a deviation from the worksheet's recommended support amounts, the parties must provide an explanation beyond the statement that they agree to deviate. Both of these changes help ensure the integrity of the record for future modifications.

Calculating parenting time credit

The updated guidelines introduce a new and more precise method for calculating parenting time credit when a parent spends a varying number of overnights with different children. This change acknowledges the intricate dynamics of modern families and ensures the child support system accurately accounts for these nuances.

Health care expenses

The committee removed the 6% rule for uninsured health care costs, which had caused confusion that led to its limited usefulness. Instead, the committee notes uninsured health care expenses should be considered an "add-on" in the same way health insurance premiums are currently treated under the guidelines, with parents sharing the cost in proportion to their incomes.

Revisions to weekly support schedules

The economic model underpinning the current child support schedule relies on family economic theories and consumer data from the 1970s. The revised weekly support schedule reflects more current child-rearing costs and is calculated using the Rothbarth economic model. A slight revision to the support schedules for parents making a combined \$4,000 to \$5,000 weekly was made effective May 14, 2024. In general, the adoption of these new estimates has led to increased obligations for parents across all income levels, except for those falling under the low-income adjustment.

The Indiana Judicial Conference Domestic Relations Committee is responsible for maintaining the guidelines, which must be reviewed every four years as required by the federal government. In addition to using recent economic data and updating the economic theory on which the guidelines are based, the revision addresses, clarifies, or eliminates a number of other issues to help streamline the process of establishing child support for Indiana's families.

Children & Families



700*

families in 14 counties benefited from family court projects



800*

adults in 52 counties served by guardianship programs



18 K*

children received CASA advocacy



2,800

total CASA volunteers in Indiana



500*

new CASA volunteers trained



87

counties with certified GAL/CASA programs



Top. CASA Director of the Year, Lee Anne Owens (left) with Rae Feller, State Director of GAL/CASA.
Bottom: CASA Staff Member of the Year, Sue Brassel (left) with Jane Christophersen of Montgomery County CASA.

* calendar year 2023

Cameras in Court

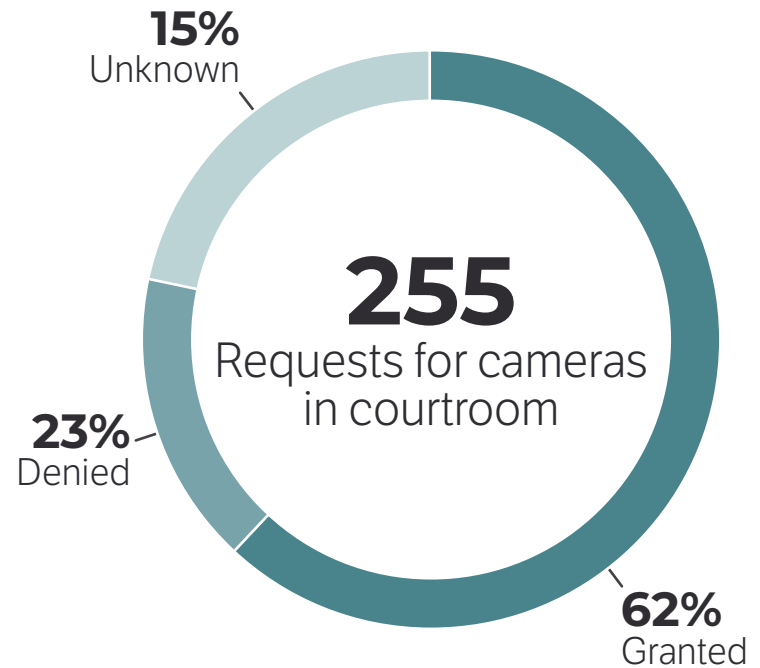
Since May 1, 2023, judicial officers around the state have had the authority to allow news media into their courtrooms to record, photograph, and broadcast court proceedings that are not confidential. Rule 2.17 of the Code of Judicial Conduct had long prohibited broadcasting, recording, or taking photographs of court proceedings without prior approval by the Indiana Supreme Court. However, with a rule change—meant to promote accessibility, accountability, and transparency—the Supreme Court gave discretion to allow cameras to the local judges.

“I am grateful that the rule allows judges to have discretion.”

—Judicial survey respondent

Staff from the Office of Judicial Administration worked with judicial conference committees, local courts, and the press to provide resources for both media and judges. A best practices guide was developed and roundtable discussions along with training sessions provided an avenue to help those involved navigate the new rule.

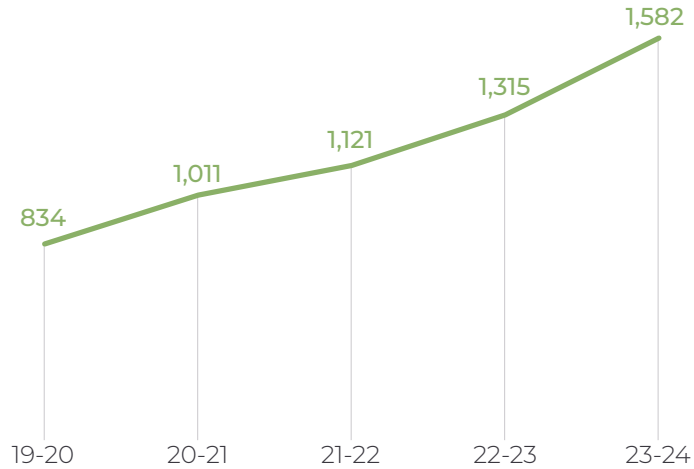
Surveys show that 88% of media and 85% of judges think that the initiative is going well—with room for improvement. And data shows that more than 60% of requests to allow cameras have been approved.



JUDGE AND MEDIA SURVEY RESULTS



Public Access & Transparency



PUBLIC RECORDS REQUESTS

Total number of requests for public records received, including FOIA and APRA requests



2.4 M

times attorneys signed into mycase



71 M

page views at mycase.in.gov



313 K

remote hearing participants in trial courts



16 K

hours of trial court remote hearings streamed

COMMUNICATION OFFICE ANSWERED



120

judge questions



482

media questions



247

public questions



594

library reference questions

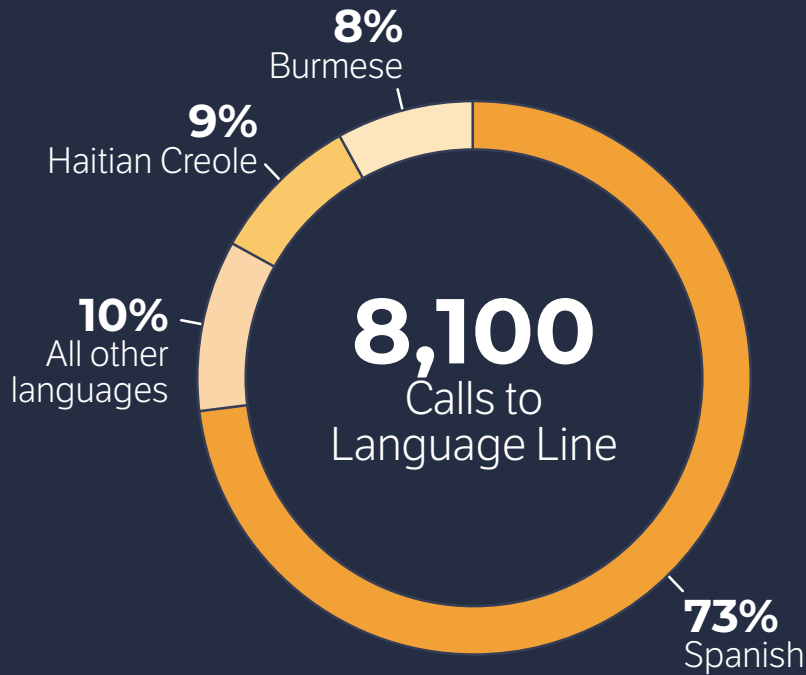
Language Access



183

certified and qualified interpreters in 19 languages

- American Sign Language
- Amharic
- Arabic
- Bosnian Serbian Croatian
- Burmese
- Cantonese
- French
- Gujarati
- Haitian Creole
- Hindi
- Mandarin
- Polish
- Portuguese
- Punjabi
- Romanian
- Russian
- Spanish
- Tongan
- Vietnamese



8,100
Calls to
Language Line

CALLS TO LANGUAGE LINE

Top 5 languages for which Language Line provided service during the year:

1. Spanish
2. Haitian Creole
3. Burmese
4. Punjabi
5. Mandarin



67 K

hearings required court interpreter services



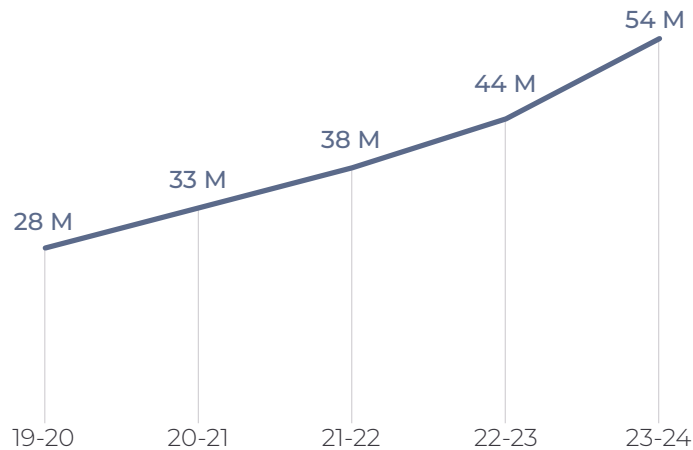
116 K

minutes of interpreter service provided by Language Line

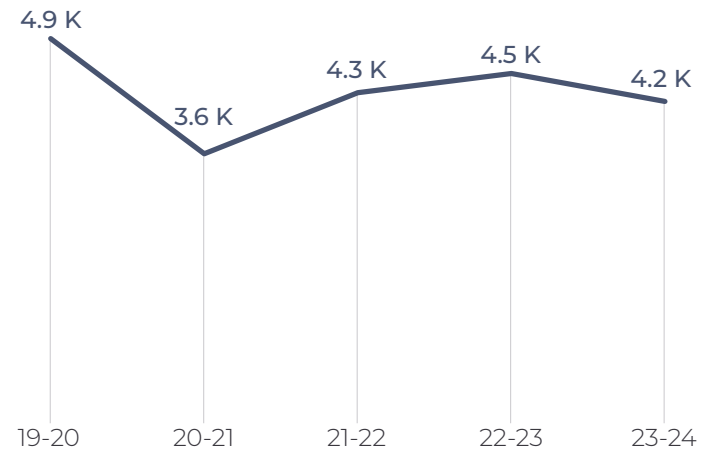


15 minutes
average duration of calls to Language Line

Case Management & Technology



VISITS TO MYCASE.IN.GOV



MENTAL HEALTH SCREENINGS

Using MAYSI-2 Assessment App



8.8 M

documents e-filed statewide



124 K

people paid traffic tickets online



21 K

people paid criminal fees online



15 K

protection order cases e-filed statewide



315 K

tax warrants processed



\$759 K

unpaid court fees recovered from tax refunds



56 K

help desk tickets resolved



194 K

criminal cases e-filed into Odyssey



193 K

adult & juvenile risk assessments completed



43 K

marriage licenses issued

Special Courts & Programs

OJA works with probation, problem-solving courts, court alcohol and drug programs, and juvenile justice stakeholders to help criminal offenders successfully transition into the community and to offer community-based alternative programs for youth.

CERTIFIED OR IN PLANNING



161

problem-solving courts



31

veterans treatment courts



24

family recovery courts



43

pretrial service agencies



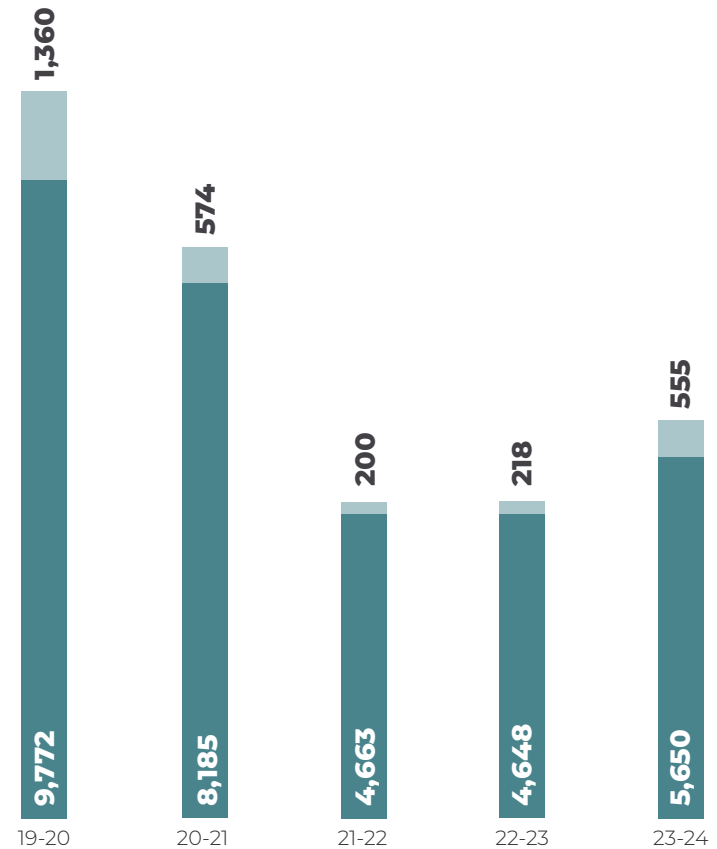
49

certified court alcohol and drug programs



36

counties implementing juvenile detention alternatives



PROBATION CASES

Adult and juvenile probation cases managed by interstate compact staff

Judicial Selection & Retention

Appellate vacancies

The Judicial Nominating Commission, chaired by Chief Justice Rush, worked to fill one vacancy during the fiscal year.

Hon. Patricia A. Riley retired

- 8 applicants
- 3 nominees

County vacancies

Four Indiana counties use a merit selection system to nominate superior court judges: Allen, Lake, Marion, and St. Joseph. Each of the local nominating commissions in these counties is chaired by a Supreme Court justice. During the fiscal year, Marion and St. Joseph counties worked to fill multiple vacancies.

Marion County

Hon. Heather A. Welch retired and

Hon. Shatrese M. Flowers passed

- 24 applicants to fill both vacancies
- Hon. Richard Blaiklock and Hon. Marie Kern appointed
- February 2024 by Gov. Holcomb

Hon. Cynthia J. Ayers retired

- 13 applicants
- Hon. Patricia McMath appointed
- July 2024 by Gov. Holcomb

St. Joseph County

Hon. John M. Marnocha retired

- 13 applicants
- Hon. David Francisco appointed
- January 2024 by Gov. Holcomb

Hon. Cristal Brisco appointed to federal court

- 9 applicants
- Hon. Christopher Fronk appointed
- June 2024 by Gov. Holcomb

Both Judge Brisco and Judge Welch served as commercial court judges. The Supreme Court appointed Marion County Judge Christina R. Klineman to replace Judge Welch and St. Joseph County Judge Stephanie Steele to replace Judge Brisco.

Judicial Retention

The Marion County Judicial Selection Committee interviewed incumbent judges who were eligible for retention. Eighteen incumbent judges will appear on the 2024 General Election ballot for a yes/no retention vote. Two incumbent judges opted to retire at the end of their terms, and the committee will select nominees to replace them in the next fiscal year.

Attorney & Judicial Discipline

Allegations of attorney misconduct

The Disciplinary Commission received 1,499 complaints against attorneys from the public and, after review, dismissed 1,184 as having no valid issue of misconduct.

The court issued three *per curiam* opinions in discipline cases detailing how the lawyers in question violated ethics rules. The court disbarred one attorney for neglecting numerous clients on immigration matters and for other malfeasance. In deciding that disbarment was the appropriate sanction, the court noted that the attorney had completely abandoned his law practice, neglected and lied to vulnerable clients, collected unreasonable fees and then retained unearned funds, and repeatedly failed to comply with the disciplinary process.



109
requests from attorneys
for ethics guidance



17
verified complaints
against attorneys



31
overdraft notices
sent to attorneys

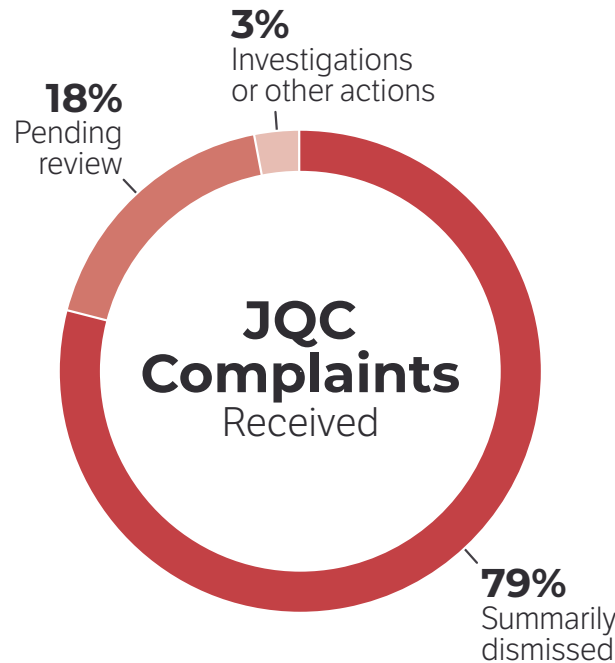
Another lawyer was suspended for questioning a represented witness without notifying the witness' counsel and for making false statements to the trial court about that communication. In the third opinion, the court accepted an agreed public reprimand of a public official who made a disparaging statement on national television about a professional under investigation by the official. The Disciplinary Commission and the official agreed the remark had a substantial likelihood of materially prejudicing an adjudicative proceeding and had no substantial purpose other than to embarrass or burden the professional.

Allegations of judicial misconduct

The Judicial Qualifications Commission began the year with 96 complaints pending. The commission received 824 complaints alleging judicial misconduct during the fiscal year and had 168 awaiting review at the end of the year. This is a higher number than years' past due to an upsurge in filings during the last quarter. Of the 752 remaining complaints, 728 were dismissed summarily as failing to raise valid issues of ethical misconduct or were dismissed with advisory letters on better practices.

In the remaining 24 cases, the commission required judges to respond to the allegations or conducted formal inquiries or investigations. Two of these matters were dismissed as not establishing ethical misconduct. The commission issued two advisory letters after inquiry or investigation, two private cautions, and three deferred resolutions. Four other investigations were closed after the judicial officers resigned or took corrective action.

The commission issued two public admonitions in lieu of filing disciplinary charges. In one case, a judge was admonished for making injudicious remarks to a third



party at the scene of a police investigation. In another case, a former judge was admonished for making a loan to a litigant in a case pending before the judge.

Public disciplinary charges were filed in two matters. In one case, the commission filed formal charges against a judge for continuing

to serve as a fiduciary for a non-family member after taking judicial office, abusing the prestige of office to benefit a family member, and failing to disclose his role as trustee of a charitable foundation from which he drew funds to further court improvement projects. The commission and the judge entered into a conditional agreement for discipline resulting in a forty-five-day suspension without pay.

In another case, the commission filed formal charges against a judge for failing to supervise staff in the processing of civil case orders, which gave the appearance that the judge was presiding over cases in which he or his son appeared as the attorney of record; erroneously issuing an ex parte custody order; and failing to supervise staff in the processing of criminal cases, which led to delays in issuing warrants, missing orders and case entries, and involuntary dismissals of sixteen criminal cases due to delay. The court accepted a conditional agreement for discipline submitted by the commission and the judge, resulting in a forty-five-day suspension without pay.

At the end of the fiscal year, there were seven pending investigations.

Rural Justice Summit

October 13, 2023, was a busy day in Wabash at the Honeywell Center. Over 200 justice stakeholders and healthcare partners from across the state attended the Rural Justice and Public Health Professionals Summit. The summit addressed unique challenges of these professionals in rural communities—including scarce resources, red tape, and isolation. Participants learned about opportunities for collaboration, resources, and strategies to meet the needs of rural professionals during sessions including:

- Deinstitutionalization and the Justice Reinvestment Advisory Council
- Shared Responsibilities, Understanding the Sequential Intercept Model
- Public Safety and Wellbeing
- Criminal Justice and Behavioral Health
- Funding Resources

The summit was a partnership between the Indiana Supreme Court, the Wabash County Bar Association, the Association of Indiana Counties, the Court of Appeals of Indiana, the Defense Trial Counsel of Indiana, Indiana University, Indiana Justice Reinvestment Advisory Council, the Indiana Department of Health, the Indiana Trial Lawyers Association, NAMI (National Alliance on Mental Illness) Indiana, and the Office of Governor Holcomb. Funding support was provided by DTCL and ITLA and the State Justice Institute, Grant No. SJI-22-T-046.

The cross-branch partnership and multidisciplinary collaboration gave attendees and presenters alike a chance to connect with resources.

A panel of experts addresses the audience at the summit in Wabash.





During the judicial conference, with all judicial officers around the state together, district leaders had an opportunity to meet with one another.

District Meetings

Each Indiana judge is a member of one of the state's 26 judicial districts. The grouping of counties into districts allows judges from neighboring counties to come together, collaborate, identify their common needs, overcome barriers, and implement solutions—ultimately improving our justice system.

For the first time, all 26 districts held concurrent meetings at the 2023 annual judicial conference in September. The dedicated time allowed each district to review the district's governance plan and rules and exchange ideas for future improvements. The judges identified ways courts can further collaborate with each other to create opportunities to better serve the people of Indiana.

And in April, the appellate courts took to the road to hold ten district meetings throughout the state. The five justices held the meetings closer to where the judges live and work. The prominent portion of the agenda was to pass the microphone—where every judicial officer had a chance to relay their success and concerns with members of the appellate courts and the Office of Judicial Administration. Every meeting included a meal, which allowed the justices and judges the time to hear stories about statewide initiatives as implemented locally and what impediments judges face as they serve their local community.



530 judicial officers attended spring district meetings in Columbus, Indianapolis, Jeffersonville, Lafayette, Martinsville, Middlebury, Muncie, New Harmony, Valparaiso, and Wabash.

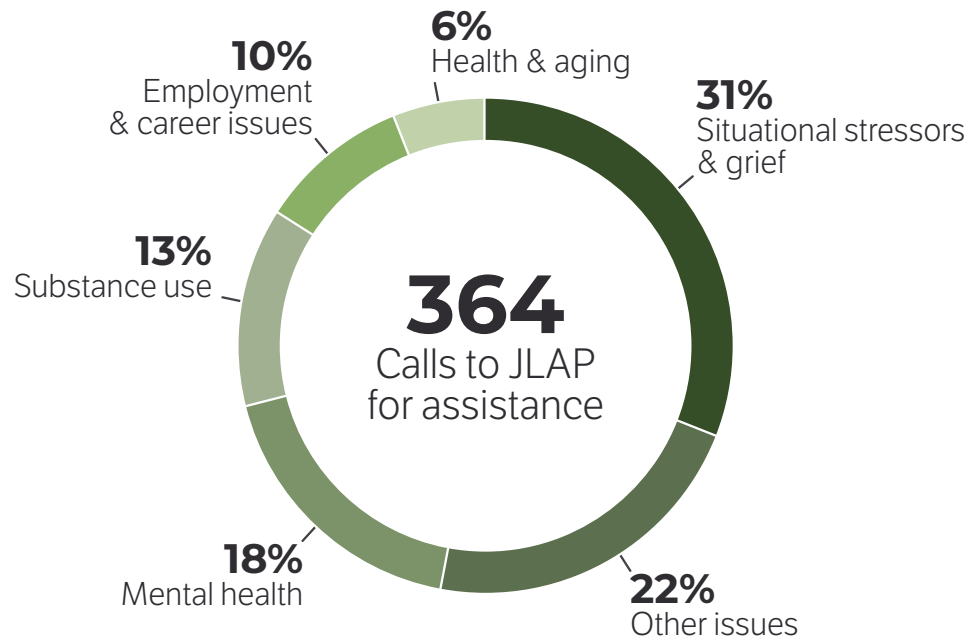
Grants

OJA is responsible for distributing grants to local courts to aid in funding a variety of programs and specialty courts. Grants are available to cover the cost of court interpreter services, to assist in the development of pretrial services agencies, and to improve court technology and facilities. For example, during the fiscal year, court reform grants helped fund local projects like:

- Digital recording systems installed in courtrooms and upgrades to court audio/video equipment for displaying evidence
- Various types of security updates to court buildings, including cameras, secure windows, and panic buttons
- Wayfinding systems such as signage and kiosks installed in public court spaces

Grant Program	Award
Adult guardianship (VASIA) matching	\$ 1,350,800.00
Alcohol and drug program	\$ 8,200.00
Applied professionalism	\$ 108,200.00
Commercial courts	\$ 367,948.46
Court interpreters	\$ 876,264.67
Court improvement programs	\$ 105,365.77
Court reform	\$ 280,527.02
Educational scholarships	\$ 25,587.60
Family recovery courts	\$ 1,994,608.75
GAL/CASA	\$ 5,268,990.53
Pretrial services agencies	\$ 4,087,815.57
Problem-solving courts	\$ 5,040,331.75
State opioid response	\$ 3,271,423.39
Total	\$ 22,786,063.51

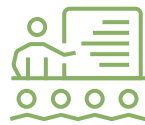
Well-being



10
monthly support
groups



120
peer group
sessions



94
presentations
given



Supreme Court staff visit Pokagon State Park while traveling with the court for an oral argument in Steuben County.



INDIANA SUPREME COURT

courts.in.gov

