

SUPREME COURT

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



OF INDIANA

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

August 20, 2018

Mr. Jason Dudich
State Budget Director
Room 212 State House
Indianapolis, Indiana 46204-2796

Dear Mr. Dudich:

On behalf of the Indiana Judicial Branch, I am pleased to submit this letter accompanying our biennial budget for the fiscal years ending in 2020 and 2021. The judiciary deeply appreciates the resources devoted to ensuring fair, impartial, and open access to the courts.

The Judicial Branch is funded by state general funds, federal and third-party grants, county general funds, municipal and township funds, and some dedicated funds. The Supreme Court and its legislatively created offices are funded by General Assembly appropriations.

The courts make up less than 1% of the State budget. For the first time ever, in 2018, we returned \$1.8 million to the general fund from our main operating fund. A one-time rent savings—from an administrative office move—created this opportunity, and we were pleased to return the savings to the State to benefit Hoosiers.

Constitutional Charge and Scope of Responsibility

As Indiana's court of last resort, the Supreme Court decides cases fairly and efficiently to establish legal precedent, interpret the General Assembly's laws, and apply the United States and Indiana Constitutions.

Designated by the Indiana Constitution as the head of Indiana's Judicial Branch, the Court is also responsible for the administration of justice by every court in the state's justice system: 3 appellate courts, 317 trial courts, and 74 courts of limited jurisdiction. These courts are filled by 677 judicial officers including justices; judges; magistrates; commissioners; referees; and city, town, small claims, and senior judges. Approximately 5,417 probation officers and other judicial employees also serve at the state, county, and local levels.

In the last biennium, our trial courts received 2,644,439 cases and disposed of 2,572,068. The Tax Court disposed of 172 cases. The Court of Appeals disposed of 4,062 cases and wrote 4,266 opinions. The Supreme Court disposed of 1,731 cases, heard 115 oral arguments, and issued 144 majority opinions.

Accomplishments, Challenges, and Objectives

A few of the Judiciary's numerous accomplishments in the face of evolving challenges are detailed below. Many center on improved technology, which is transforming the Judicial Branch's ability to fairly and efficiently resolve disputes.

Technology and Indiana Courts

Electronic Filing and Case Management. With support from the General Assembly, we are now providing 24/7 access to all levels of the courts. In the past year we made extensive progress in accepting electronic—rather than paper—case filings. We also expanded our uniform case management system, Odyssey, which underpins our technological advancements.

Odyssey not only enables our courts to function efficiently but also provides the structural framework for gathering specific data. It facilitates critical data collection by requiring the precise entry of event codes. The data—which are shared with the Legislature and other policymakers—are key to evaluating outcomes of the Legislature's criminal reform efforts. Odyssey has been deployed in 298 courts in 65 different counties and to the three appellate courts. The second largest county, Lake, was converted to Odyssey during FY 2018. Over 77% of all Indiana cases are now filed in Odyssey. Thirteen counties are scheduled to transition to Odyssey during the remainder of 2018 into 2019.

This transformation of how we do business is astounding: over 125,000 documents are now electronically filed each week. E-filing is available to attorneys and litigants in the majority of courts, and active case records are now digital.

Sharing Information. The Court has developed and maintains 35 different INcite applications, which provide a data-sharing framework. There are over 35,000 individual registered users in state, county, and local government in all 92 counties. INcite is a sophisticated software and hardware system with skilled staff. It provides the necessary bridge between the Executive and Judicial Branches, facilitating efficient work and critical information sharing. INcite systems include electronic traffic tickets, protection orders, jury management, and supervised release systems for probation and community corrections agencies. These systems also facilitate data gathering regarding juveniles with disproportionate contact with the justice system. And through the National Precursor Log Exchange (NPLeX), INcite allows automated record sharing (abstract-of-judgment records) with the Department of Correction. INcite also includes a help desk as well as technical software and hardware support. These applications, together with Odyssey, provide hard data needed to make informed decisions and plan for future improvements.

Digital case records through e-filing have also provided greater public access. The Indiana Supreme Court's Advisory Task Force on Remote Access to and Privacy of Electronic Court Records has studied the best practices and policies for electronic court records, balancing the benefits of transparency with privacy concerns. Those efforts and the

deployment of Odyssey allow free public online access to an array of court records, including through mycase.in.gov. Additionally, registered Indiana attorneys now have free online access to all public documents in public cases, and even broader access in all cases for which they are the attorney of record. This initiative, and its methodical and deliberate approach, has placed Indiana at the forefront nationally among states in providing online public access to court records.

Moving forward, our technology efforts remain three-pronged: (1) move courts from paper to digital records, (2) add courts to Odyssey, and (3) share non-confidential data with governmental agencies and the public. These continued technological advances will benefit courts, clerks, attorneys, law enforcement, Executive Branch agencies, policymakers, and all Hoosiers.

Access to Justice

Coalition for Court Access. Access to our courts is a fundamental constitutional guarantee. Article 1, Section 12 of the Indiana Constitution provides that “[a]ll courts shall be open,” and “[j]ustice shall be administered freely, and without purchase, completely and without denial, speedily, and without delay.” The Indiana Supreme Court’s Coalition for Court Access has spearheaded improvements and managed efforts to provide legal aid to those with limited financial resources. It has hosted two civil legal aid conferences, bringing together 200 legal aid providers, pro bono lawyers, law students, members of the judiciary, court staff, and community members who provide legal help to low- and modest-means Hoosiers. The Coalition also improved self-help forms and is developing a website to host those forms and other essential information. To assess the effectiveness and accessibility of court services, the Coalition developed Indiana’s first civil legal needs study since 2008. Its emphasis is on the civil legal needs of rural Indiana, and it will examine the number of people fully served, partially served, and unserved. The data we already have show a tremendous need.

Civil Legal Aid. With the creation of the Civil Legal Aid Fund, the General Assembly recognized the importance of competent legal representation in our courts.

Because they lack sufficient resources, Indiana’s volunteer lawyers and legal aid providers are forced to turn away thousands of Hoosiers every year. In 2017 alone, despite the efforts of 1,575 volunteer attorneys, Indiana’s 12 pro bono districts turned away 2,632 cases due to a lack of resources. For the state’s three largest civil legal aid providers, this meant that for every two cases they accepted, one was rejected. It is not the Hoosier way to turn away those in need, and we must make progress on this front.

Civil Legal Aid providers serve low income clients by providing legal information, advice, or representation in many areas, including custody, visitation, child support, veteran benefits, mortgage foreclosure, debtor relief, food stamps, wills, expungement, and powers of attorney.

According to a recent study commissioned by the Coalition for Court Access, every \$1.00 invested in Indiana’s civil legal aid services results in \$6.64 in immediate, verifiable, and long term financial benefits and assistance to disadvantaged Hoosiers. Time and again, a modest investment in civil legal services up front saves money many times over on the back end. As just one example, the person who keeps her car after a forfeiture or collection suit can continue to travel to work, keep a job, and maintain a paycheck, and thus avoid having to seek public assistance.

The Civil Legal Aid Fund was created in 1997 with funding of \$1 million per year; that amount was increased to \$1.5 million in 2007. There hasn’t been an increase since.

We are requesting an increase in the Civil Legal Aid Fund of \$500,000, so that more Hoosiers can receive adequate legal representation. An increase in funding will help close the gap between need and resources, which will benefit Indiana as a whole.

Innovating Courts and Justice Solutions

Attacking the Opioid Crisis. Opioid addiction has swept into every community and is flooding every court—not just in Indiana, but across our country. Our goal is to be a leader in finding ways to stem the tide, but we know we cannot fight this crisis alone. For this reason, we recently held a Statewide Opioid Summit on July 25, 2018. This one-day program brought together nearly 1,000 people, comprising multi-disciplinary teams from all 92 counties. To host the event, the Indiana Supreme Court partnered with the Indiana Family & Social Services Administration, Indiana University Addictions Grand Challenge, and the Association of Indiana Counties. The program had two points of concentration: (1) the science of addiction and medication assisted treatment and (2) the use of the sequential intercept model (SIM) as a means to address the opioid crisis locally, through focused community efforts. And while an immediate goal of this effort is to combat the opioid epidemic, we know that substance addiction will continue past this immediate crisis. We expect that the lessons we learn, partnerships we forge, and best practices we identify will apply to whatever crisis comes next.

Problem-Solving Courts. Many troubled Hoosiers have very complex problems, and they need particularized services to turn their lives around. To meet these needs, we turn to our growing number of specialized, certified dockets—our problem-solving courts. On June 30, 2016, there were 76 certified problem-solving courts. Two years later, there were 95. These courts include 39 adult drug courts, 26 veterans courts, 11 re-entry courts, 7 family recovery courts, 7 mental health courts, 2 juvenile drug courts, 2 juvenile problem-solving courts, and 1 domestic violence court. From January 1, 2016, to December 31, 2017, these courts collectively admitted 3,527 participants. Over the same period, 1,506 participants successfully graduated.

These courts find themselves on the front lines of the opioid crisis. In 2017, almost 30% of all problem-solving court participants—including over 75% of family recovery court

participants—reported heroin or prescription opioids as their drug of choice. To help address this, in 2018 the Indiana Supreme Court and the Department of Child Services established a partnership to expand family recovery courts to all 26 of Indiana’s judicial districts.

Problem-solving courts are primarily funded locally or through Indiana Department of Correction grants. The Indiana Supreme Court has also supported the problem-solving courts by providing \$432,218 to 56 problem-solving courts in FY 2017 and \$449,024 to 52 problem-solving courts in FY 2018. Grant funds supported partial salaries or contracts for program coordinators, compliance officers, group facilitators, and counselors. The funds also supported chemical testing, incentives, participant services, training, and program evaluation. We are currently exploring all possible funding sources to expand both the capacity and number of problem-solving courts given the urgency of the current drug crisis in Indiana. Depending on the success of those efforts, we may need to modify our request to include additional funding.

Taking a closer look at just one type of our problem-solving courts—veterans courts—illustrates how these specialized courts are developing.

Veterans Courts. Most of us will never serve in uniform, feel stress from the accompanying sacrifices, or face the horrors of combat and war. But for Hoosiers who have done so on our behalf, and who find themselves in our justice system, we can provide specialized problem-solving courts—our veterans courts. These courts now account for 26 of our 95 certified problem-solving courts, and there is a certified veterans court in 21 of Indiana’s 26 judicial districts. Over the past two years, these courts have provided supervision, case management, and referrals to about 615 Indiana veterans.

The Indiana Supreme Court aims to have a veterans court within reach of every Hoosier veteran who is involved in the State’s justice system. Over the next biennium we will continue to support these courts’ establishment in the remaining judicial districts and increase the number of veterans served by existing programs. To assist local jurisdictions in referring veterans to veterans courts, the Judicial Conference of Indiana’s Problem-Solving Courts Committee adopted Inter-County Transfers Practice Guidelines. These Guidelines provide a framework for referring veterans across county lines to problem-solving court services and supervision.

With an appropriation from the Indiana General Assembly and some additional Supreme Court funding, the Indiana Supreme Court provided \$500,000 in grants to 10 veterans courts in FY 2017 and \$1,117,272 in grants to 15 veterans courts in FY 2018.

Juvenile Detention Alternative Initiative (JDAI). Disposing of juvenile cases using data-informed methods results in better outcomes for youth, improved public safety, and saves public funds related to the costs of secure detention and residential placements. JDAI is a collaborative approach that incorporates critical self-analysis of system dynamics and

decision points. To ensure the right children are detained, it focuses on youth placed in out-of-home care. Thirty-two Indiana counties now utilize JDAI, accounting for 70% of Indiana's youth ages 10–17. Compared to their baseline year, those counties in 2017 experienced a 59% reduction in admissions to secure detention, a 47% reduction in felony petitions filed, and a 48% reduction in commitments to the Indiana Department of Correction.

Pretrial Practices. Throughout our justice system, we have committed to what is known nationally as Evidence-Based Decision-Making (EBDM). One area of focused EBDM efforts is the Supreme Court's Pretrial Release Project. Pilot counties include Allen, Bartholomew, Grant, Jefferson, Hamilton, Hendricks, Monroe, St. Joseph, Starke, Porter, and Tipton. In FY 2017 and FY 2018, the Indiana Supreme Court provided approximately \$2.5 million in grants to support local pretrial efforts. The Court also provided multiple trainings for state and local criminal justice professionals. Staff from our Office of Court Services—including now a full-time EBDM/pretrial coordinator—are also working closely with Cass, LaPorte, Madison, Pulaski, and Vigo counties to develop evidence-based pretrial practices.

Commercial Courts. Kevin Brinegar of the Indiana Chamber of Commerce said, "Businesses locate in states that resolve disputes consistently and reliably. Establishing commercial courts promotes confidence and predictability and keeps Indiana's business environment competitive." In this vein and to enhance the accuracy, consistency, and predictability of decisions in business and commercial cases, Indiana's Commercial Courts Pilot Program was launched June 1, 2016, in six counties—Marion, Allen, Lake, Vanderburgh, Elkhart, and Floyd. A dedicated docket, e-filing technology, specially trained judges, and four Commercial Court clerks contribute to efficient resolution of commercial disputes. In the first two years of the program, 271 cases have been filed in the pilot courts, and 167 of them (62%) have already been closed.

Race and Gender Fairness. For nearly 200 years, Indiana's legal profession has worked alongside civil rights activists, the Executive and Legislative Branches, and others to ensure the justice system is free from bias and discrimination. A critical component of this goal is a court system that reflects all Hoosiers. In 2017, the Indiana Supreme Court's Commission on Race and Gender Fairness held five community meetings across the state. These meetings revealed the need for additional research on the structural, economic, and academic barriers that discourage or impede under-represented populations from becoming lawyers, judges, or other legal professionals. The Commission will engage in this research and partner with the Indiana State Bar Association to create diversity and inclusion training for all Indiana judicial officers and attorneys.

Language Access. A litigant in an Indiana courtroom who cannot understand the proceedings because of a language barrier does not truly have access to justice. For this reason, we are working diligently—through the Supreme Court's Language Access Task Force and the Court Interpreter Certification Program—to improve access to courts for

Limited English Proficient (“LEP”) and hearing-impaired individuals. The interpreter program provides statewide standards, training, and certification to interpreters who work at the trial court level. Certification is a rigorous multi-step process that includes orientation, a written exam, a skill-building workshop, an oral proficiency exam, and a criminal background check. The Supreme Court’s registry shows 151 qualified and court-certified interpreters for 17 languages: Spanish, American Sign Language, Arabic, Bosnian, French, Polish, Mandarin, Cantonese, Russian, Vietnamese, Burmese, Hindi, Punjabi, Gujarati, Romanian, Thai, and Tongan. In the next biennium, the Language Access Task Force will expand the interpreter certification program by adding on-site training locations and offering online interactive courses. Plans are underway to incorporate a remote, video interpreting program for rare languages, for times when in-person interpretation is not feasible. The Task Force is also working with the National Center for State Courts to complete and implement a comprehensive statewide Language Access Plan.

Protecting Hoosiers in Need

Indiana’s most vulnerable citizens include increasing populations of older adults, incapacitated adults, and children in the family-law and child-welfare systems. Through the General Assembly’s continued financial support of the Indiana Supreme Court’s Adult Guardianship Office and Office of Guardian Ad Litem/Court-Appointed Special Advocates (GAL/CASA), we have been able to provide programs and volunteers to help protect these Hoosiers and address their needs.

Adult Guardianship. In 2013, the General Assembly established our Adult Guardianship Office (AGO) to create and fund programs involving Volunteer Advocates for Seniors and Incapacitated Adults (VASIA). In FY 2018, AGO distributed over \$1.1 million to 18 VASIA programs, covering 42 counties and serving more than 630 adults—a 48% increase in adults served since the last biennium and a 200% increase in the number of counties served by VASIA programs since 2014. Five more counties have been identified for further expansion in the next biennium.

The General Assembly also funded an online public guardianship registry, which launched in five counties in May 2014. The registry is a vital tool for hospitals, banks, law enforcement, mental health facilities, government agencies, and other service providers who are often placed in emergency situations. In those situations, knowing whether someone is under a guardianship, and who needs to be notified is critical. Tracking the number and types of guardianship filed in each jurisdiction is also informative for courts. A total of 60 counties have now joined the registry—a 50% increase since the last biennium—and the registry currently tracks more than 8,800 active cases and over \$63.3 million in guardianship assets. In the next biennium, at least ten other counties are implementing the Odyssey case management system and will be added to the registry.

GAL/CASA. For many reasons—including the opioid crisis—the number of children entering Indiana’s child welfare system increased dramatically over the last four years. And

Indiana law mandates that trial courts appoint a GAL/CASA for each of these children to protect and represent the child's best interests. As of July 2018, certified GAL/CASA programs are in 83 of Indiana's 92 counties. The State Office of GAL/CASA certified and assists all of them.

To meet the surge of children needing a GAL/CASA, the General Assembly in 2016 increased the State Office of GALA/CASA's appropriation from \$5 million to \$6.3 million. More than 90% of this funding went directly to certified GAL/CASA programs. The result was a 23% increase in total volunteers and a 28% increase in total children served by our programs over the last biennium. Since 2014, the total children served has increased 61%. In 2017 alone, 4,273 GAL/CASA volunteers advocated for 30,168 children involved in Child in Need of Services (CHINS) cases. The State of Indiana's GAL/CASA programs now serve more children than those of any other state in the nation except Florida.

The additional funds also allowed the State Office of GAL/CASA to purchase and implement a statewide case management system for GAL/CASA programs and volunteers. Every certified program in the state uses the program to manage cases and to collect data, statistics, and outcomes on children served.

In the next biennium GAL/CASA programs will continue to expand into counties that do not yet have them. Two new programs were started in 2018, and three additional counties are planned for 2019, putting GAL/CASA volunteer programs in 93% of Indiana counties. In addition, the State Office will assist counties in building capacity and recruiting additional volunteers. GAL/CASA programs currently represent 83% of the abused and neglected children in counties with a GAL/CASA program. We hope to serve 100% in the near future so that every abused and neglected child has a voice in court through a GAL/CASA volunteer.

Judicial Branch Education

An effective, professional court system requires well-educated judicial officers and court staff. Thanks to funding and support from the General Assembly, Indiana's Judicial Branch education system is a model envied around the country. It ensures that when Hoosiers come to court, they interact with the best-trained court professionals possible.

Last year, we provided 250 days of training for over 9,000 individuals. These included judicial officers, probation and community supervision officers, CASA and VASIA volunteers, court staff and clerks, problem-solving court mentors, and other partners.

We continue to innovate in the delivery of this education and training. In FY 2018, our Office of Court Services developed an online learning management system to provide distance education; it is expected to be available in FY 2019. This is both a new way to enhance education and training and an example of how technology is transforming experiences in our court system.

Operations

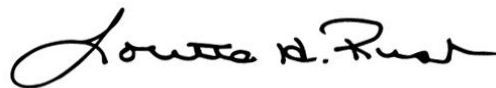
Consistent with last biennium, we are requesting a base increase of \$266,442 to our main operating fund to fund prior year salary adjustments of 2.1% each year and benefit cost increases for current employees to ensure an adequate appropriation in the upcoming biennium. This is to supplement the 3.3% change package that was included in the budget instructions.

Conclusion

The Judicial Branch makes up less than 1% of the State's general funding. Yet as you can see, our impact on Hoosiers' daily lives and business is immense. We hope that the proposed budgets will be met with the support of your agency, the Governor, and the Budget Committee. Thank you for your consideration.

As I said in my most recent State of the Judiciary address, I am confident that your courts are ready to meet the challenges ahead. And we appreciate the cooperation and partnership of the Executive and Legislative Branches. The state of your judiciary is strong, and we are filled with hope for the future.

Sincerely,

A handwritten signature in black ink that reads "Loretta H. Rush". The signature is fluid and cursive, with the first name being the most prominent.

Loretta H. Rush
Chief Justice of Indiana