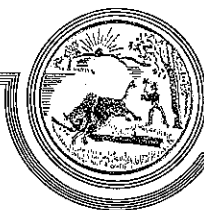


STATE OF INDIANA

SUPREME COURT

RANDALL T. SHEPARD, CHIEF JUSTICE



INDIANAPOLIS 46204-2798

304 STATE HOUSE
(317) 232-2550

October 1, 2010

Mr. Adam M. Horst
State Budget Director
Room 212 State House
Indianapolis, Indiana 46204-2796

Dear Mr. Horst:

This transmittal letter accompanies the proposed FY 2012 and FY 2013 biennial budget for the Indiana Supreme Court and the ancillary budgets that I manage as Chief Justice.

A. THE MISSION OF THE COURT

The Indiana Supreme Court is both the state's highest tribunal and the constitutional head of the judicial branch of government. It therefore has multiple responsibilities. The Court's mission is to decide appeals fairly and efficiently, establish the common law and legal precedent, interpret laws enacted by the legislature, give meaning and force to the United States and Indiana Constitutions, promulgate and enforce rules for operation of the courts and supervision of the legal profession, and provide leadership and assistance for Indiana's courts and judges.

B. SUPPORTING DIVISIONS AND COMMISSIONS AND THEIR FUNDING

The General Assembly has created various entities to assist the Court in its mission. The Division of Supreme Court Administration aids in our adjudicative duties and general administration, housing both the Office of Supreme Court Administration and the Clerk of the Supreme Court, Court of Appeals, and Tax Court. The Division of State Court Administration supports management of the trial court system. The Judicial Nominating and Qualifications Commissions have, over the past four decades, helped create in Indiana one of the country's best appellate judiciaries. The Indiana Judicial Conference improves the quality of justice in Indiana through judicial education and training, through research projects and studies to improve the administration of justice, and through Conference committees that work to improve, for example, judicial administration, juvenile justice, probation, criminal sentencing, and child support and parenting time. The Indiana Judicial Center, which staffs the Judicial Conference, also manages the Indiana Drug and Alcohol Programs fund and the funding for the interstate transfer of probationer and parolee supervision (also known as the Interstate Compact).

Pursuant to its constitutional authority, the Court has also created by rule additional entities. Three of these – the Disciplinary Commission, the Commission for Continuing Legal Education, and the Judges and Lawyers Assistance Program – *are financed completely by licensing fees paid by Indiana lawyers*. A fourth, the State Board of Law Examiners, is largely funded from bar-applicant fees. The work of the Judicial Technology and Automation Committee (JTAC) is and will be funded in the next biennium entirely from court filing fees and grants. The Court created the Commission on Race and Gender Fairness, and this year's submission requests funds to continue its important work.

This letter transmits the budgets for the following funds: the Supreme Court and its principal administrative divisions (including JTAC); the State's expenses in trial court operations; trial judge and prosecutor salaries and expenses; special judges' expenses; the Judicial Branch Insurance Adjustment Account; the Public Defender Commission; the Commission on Race and Gender Fairness; the Indiana Conference for Legal Education Opportunity; the Civil Legal Aid Fund; the Guardian Ad Litem/Court-Appointed Special Advocate (GAL/CASA) program and a fund for a small federal grant to GAL/CASA; a fund that pays for health care-related salary adjustments for Judicial Branch employees; federal reimbursements for expenses in Title IV-D enforcement actions; a fund for federal grants received for the benefit of our state courts; the Public Defender Commission; the Mortgage Foreclosure Trial Court Assistance Project, financed by a statutory fee of \$50 imposed on all mortgage foreclosure cases; and salary accounts for the Disciplinary Commission, the Commission for Continuing Legal Education, and the Judges and Lawyers Assistance Program (which, again, are funded entirely from attorney licensing fees). In addition, as Chief Justice I serve as the chairperson of the board of directors of the Indiana Judicial Conference, and in that capacity I oversee the funds managed by the Indiana Judicial Conference and its staff agency, the Indiana Judicial Center. Accordingly, this year we are including the budgets for those Judicial Conference funds with this transmission as well, instead of providing them under separate cover.

C. ACCOMPLISHMENTS DURING THE CURRENT BIENNIUM.

We believe Indiana citizens can be justly proud of their judicial system. Improving the system and our ability to dispense effective justice is always a goal, and a major challenge. We summarize below just a few of our most significant recent accomplishments.

1. Assisting Hoosiers during the current economic crisis.

Indiana has seen economic ups and downs during our lifetimes, but none as serious as the one it has faced during the current biennium and looks to face in the next. Just as demands on government services seem to peak, finances restrain our capacity to respond. The Judicial Branch has not been immune from the economic realities facing the rest of state government and the private sector. New case filings in our State's trial courts are at record numbers – a tangible indicator of a society under stress: more businesses short of cash suing people delinquent on their bills, more families dissolving in divorce, more children abused and neglected by parents at the breaking point, more receiverships, more foreclosures. In response, third branch has been working to help Hoosiers where it can.

a. Mortgage foreclosure cases

One area where our efforts have been evident this biennium is in mortgage foreclosures. To respond to the rise in foreclosures and the distress it reflects, we joined forces with the mortgage foreclosure task force led by Lieutenant Governor Skillman to bring training to judges and lawyers in the law, the economics, and the mechanics of modern foreclosure. Our goal was to train the largest number of judges, lawyers, and mediators anywhere in the country. At that time, the largest number trained by any state, Maryland, was 700. When we finished in the fall of 2009, we had trained over 1,100.

Another goal to ease the mortgage foreclosure strain was to encourage and increase the use of mediation and settlement conferences as an alternative to expensive and time-consuming trials. The General Assembly passed Senate Enrolled Act 492, two key aspects of which were creating a statutory right for mortgage foreclosure defendants to request a settlement conference with the lender, and the \$50 fee for new foreclosure actions, placed in a designated Mortgage Foreclosure Fund to help pay for court-appointed facilitators to conduct the settlement conferences. SEA 492 became effective July 1, 2009, but after six months the statistics showed that not many defendants were requesting settlement conferences, and of the conferences that were occurring, very few were resulting in success. Investigation into the causes of these problems revealed: (a) that defendants were not finding the settlement conference request forms delivered to them with the summons and complaint, and therefore not "opting in" to exercise their settlement conference right; and (b) that a clear need existed for more coordination between local pro bono commissions, courts, lenders, and homeowners, so that when settlement conferences occurred, the parties came adequately prepared.

Accordingly, our Division of State Court Administration, in partnership with the Indiana Housing and Community Development Authority, created a program for coordinating all settlement conferences on a county or district-wide basis and changing the settlement request system from "opt in" to "opt out." This new system has been tested on a pilot basis in Allen, Marion, Monroe, St. Joseph, Lake and Madison Counties, and the initial results are highly positive. Prior to the pilot program, the statewide percentage of borrowers requesting settlement conferences was somewhere between 2 to 10 percent, and the percentage of settlement conferences resulting in a successful "workout" was less than 25 percent. In the pilot counties, however, the conference request rate increased to between 40 and 45 percent, and nearly 75 percent of the conferences result in a "workout." Our goal is to continue rolling this program out county by county such that it will be statewide by the close of the next biennium.

b. Families and children in the legal system

A recession can put inordinate strains on families, and in 2009 we saw a surge in the number of divorce cases, as well as an increase in the number of cases involving children who are neglected, abused, or otherwise at risk.

One existing effort aimed at helping families in crisis is the Indiana Family Court Project. Initiated in 1999, the Project is a cooperative effort between the General Assembly and the Supreme Court to develop models for coordinating multiple cases involving the same families

pending before multiple judges. During 2009, 21 counties participated, serving 3,723 families and a total of 5,242 children. The Project has expanded beyond judicial coordination of cases to include non-adversarial dispute resolution and other programming for high-risk, low-income families. In this vein, in September 2009 the Project unveiled *Alternative Dispute Resolution: Real Dialogue, Real Answers*, an informational video designed to give litigants in family law cases information on the options available for resolving their cases outside of court.

Children are often the most vulnerable victims of families in crisis. Guardian ad Litem and Court-Appointed Special Advocates (collectively "GAL/CASAs") are volunteers recruited and organized through local programs to provide such children with advocates so that their interests are protected and their voices heard. To meet the rising tide of need for GAL/CASAs, by the close of 2009 there were at least 2,940 active GAL/CASAs serving Hoosier children, including 1,136 newly trained volunteers – the highest number of active and newly trained volunteers in Indiana history. GAL/CASA volunteers donated an estimated 531,850 hours in advocating for 16,853 children in "children in need of services" and termination of parental rights cases in 2009. At the going rate of \$50 per hour paid to non-volunteer appointed GALs, the volunteers contributed an estimated \$26.6 million worth of their time to the State of Indiana.

c. Increased use of senior judges

More judges are needed to preside over the record volume of cases. The General Fund cannot afford the cost of creating new courts, and yet Hoosiers cannot afford to have their cases languish in a backlog of matters awaiting judicial attention. One answer is increased use of "senior judges" -- retired judicial officers who work on a part-time basis at a reduced rate in courts desperately in need of assistance. In 2009, we increased our use of senior judges by 15%, and in doing so saved the General Fund approximately \$2 million compared to the cost had regular judges performed the same hours of judicial service. We will continue the use of senior judges during the next biennium to address any continued rise in new case filings caused by the recession, rather than asking the General Assembly to create additional judgeships.

d. Working harder and working smarter.

One other way we have tried to do our part during the current recession this past fiscal year has been to find ways to reduce our spending where we could. For example, we held open some vacant staff positions for as long as we could, saving the General Fund about \$227,000. We started e-mailing all appellate orders and opinions to attorneys instead of sending paper copies through the mail, which should save the State an estimated \$39,000 per year. We postponed spring regional meetings that the Supreme Court has conducted with trial court judges for at least two generations, saving an additional \$16,000. These numbers are modest by comparison to cuts made by some other state agencies, but Indiana's entire court system makes up only one-half of one percent of the annual State Budget. We will continue to look for ways to work both smarter and harder, and indeed, some of the requests we make in this budget request are part of an attempt to do just that.

2. ***JTAC: continued progress towards a statewide case management system that will integrate technology within the Indiana justice system; and pursuing other technology initiatives.***

Under the auspices of our Judicial Technology and Automation Committee (JTAC) chaired by Justice Frank Sullivan, Jr., we have continued to make substantial progress in our effort to equip every Indiana trial court with a 21st Century “case management system” (CMS); to provide critical interfaces between courts, law enforcement, and state agencies; and to launch additional technology initiatives that benefit Indiana courts and the public.

a. Odyssey project

JTAC’s principal project is the development and implementation of the statewide CMS called Odyssey, a computer program that enables trial courts to record and manage electronically all relevant information in all of their cases and make that information readily available electronically to judges, court and clerk’s personnel, litigants and attorneys, law enforcement, state agencies, and the public. Counties pay no license fees or annual maintenance costs for Odyssey, and information on cases in Odyssey is available at no cost to the public on the Internet. Although Odyssey is a leading national case management system, it has special Indiana features for clerks’ financial duties and probation officers’ caseloads.

The Odyssey project achieved significant milestones during the current biennium. As of September 30, 2010, Odyssey has been successfully installed in 66 courts in 22 counties comprising 27.4% of the state’s caseload. These include virtually all courts responsible for traffic infraction cases in Marion, Allen, Hamilton, and St. Joseph Counties, the state’s largest and third, fourth, and fifth largest counties, respectively. Odyssey deployments are currently underway in 35 more courts in 11 counties. When these additional courts come online, about 36.7% of the state’s caseload will be on the Odyssey system.

While Odyssey deployment has been occurring, JTAC has worked with Odyssey’s developer, Tyler Technologies, to create additional enhancements to improve Odyssey’s functionality, such as new tools to assist county court clerks in calculating accrued interest on judgments in civil cases, 1099 reporting to the Internal Revenue Service, automating traffic case events, and additional information for the public access portion of Odyssey. And, JTAC is currently working with Tyler on enhancements primarily for the benefit of probation officers and other court employees who perform extensive supervision of individuals under the jurisdiction of the court. These additional features have been installed in Harrison, Warren, and DeKalb counties for use by their probation departments as pilot sites. Once the pilot testing is complete, JTAC will install them in all courts already using Odyssey that have probation departments and as part of new Odyssey deployments.

b. INcite

JTAC has also accomplished much in creating critical data-exchange interfaces between courts, law enforcement, and state agencies. JTAC developed “INcite” (Indiana Court Information Technology Extranet), an Internet-based computer program that allows law

enforcement and state agencies to send certain critical data electronically to and from courts. Principal ways in which INCite are currently being used include the following:

(i) Bureau of Motor Vehicles (BMV) SR-16 project

JTAC and the Indiana Bureau of Motor Vehicles (BMV) have worked together to help Indiana's trial courts and clerks meet federal rules requiring faster reporting of serious traffic violations by commercial drivers. Before this project began, most reports (using a form called an SR-16) were sent to the BMV by mail. More than 10,000 paper forms were received by the BMV each week, requiring 20 full-time employees to enter the data into the BMV computers and resulting in an average of more than 53 days between the time a court disposed of a traffic case and the entry of that disposition into the BMV computer. The Federal Motor Carrier Safety Improvement Act, however, requires that these major offenses be reported within 10 days. Today, as a direct result of the JTAC-BMV project, the average time has dropped from 53 to 8 days. If Indiana had not met the new reporting requirements, the state could have lost \$34 million a year in federal highway funds.

Since JTAC began the BMV project, more than 2,207,000 SR-16s have been sent electronically from courts through INCite to the BMV from every county in Indiana. Courts in all 92 counties are now sending more than 15,000 electronic SR-16s per week using this system.

(ii) Protective Order Registry project

JTAC, together with the Indiana Criminal Justice Institute and Indiana State Police, developed a statewide Protection Order Registry (POR) that makes judicial orders electronically available to local, state, and national law enforcement agencies within minutes, all at no cost to counties. Because orders are entered and available immediately, the POR accelerates information-sharing by providing complete records in a timely fashion; ensures data accuracy and consistency; enhances state and national databanks; increases protection across state lines as well as within Indiana; and reduces administrative work by local officers who currently re-type orders into IDACS. All 92 counties are currently using the system, and during 2009, over 100,000 protective and no-contact orders were entered in the POR. In addition, on July 1, 2009, JTAC implemented enhanced POR functionality to allow victim advocates the ability to enter necessary information into the POR to create petitions for protective orders. Called 'Advocate Access,' the enhancement allows advocates to assist domestic violence victims in completing the necessary paperwork in the privacy and security of a shelter. Currently more than 289 advocates are utilizing Advocate Access, and more than 2,600 electronic petitions have been created since the enhancement was implemented.

(iii) Electronic Citation and Warning System (eCWS) Project

With federal funding and the help of law enforcement partners, JTAC developed the "electronic Citation and Warning System" (eCWS) to allow law enforcement officers the ability to use scanners and other technology to increase the speed at which traffic tickets are issued. Among the benefits of eCWS are that it eliminates handwritten tickets and the need to enter the

same information into a separate database(s); enhances safety of Hoosier streets and highways by identifying dangerous drivers quickly; eliminates duplicate data entry by law enforcement, courts, clerks, ISP and BMV; increases accuracy of information—data fields are pre-populated from license and registration; reduces errors because data is not retyped multiple times; gives officers more time to patrol by reducing paperwork; saves clerical time for clerks, courts and agencies because data is transferred electronically; and improves timeliness by making data available electronically.

The bigger picture here is that traffic infractions used to require data entry over and over again at each stage of the process -- the issuing officer writing the ticket out by hand; information from the issuing officer's copy being entered at the prosecutor's office; information from the prosecutor's charge sheet being entered by a court clerk; the SR-16 being filled out by court staff following disposition; and then the SR-16 information being keypunched by the BMV. eCWS creates an almost fool-proof electronic record at the very start of the process which, assuming appropriate technology along the rest of the way, means that the record never has to be entered by hand at all. To date, where the appropriate technology has been installed, over 190,000 traffic cases have been entered into the Odyssey CMS without any of the data having to be retyped in the prosecutor's office or the county clerk's office.

Indiana State Police officers have been using this system since January of 2008 and have issued over 2 million tickets and warnings. Over 173 other police departments around the state are now using eCWS, pushing the total number of electronic tickets and warnings issued above the 2.5 million mark. As of September 30, 2010, 26 new agencies are in the planning stage and JTAC continues to receive requests from additional agencies that are interested in this initiative.

(iv) Tax Warrant project

JTAC and the State Department of Revenue (DOR) have collaborated to create a Tax Warrant interface (e-Tax Warrant) that allows Clerks of Court to process tax warrants electronically, reducing manual data entry, providing accurate records in a more timely manner, and making public records easily searchable and free of charge.

Forty-two counties are now using the e-Tax Warrant System. JTAC has processed 843,679 tax warrants electronically and 410,272 satisfactions since the application went into production in December 2007.

(v) Marriage License E-File project

JTAC, the Indiana State Department of Health (ISDH), and the Indiana State Library have automated the process for issuing marriage licenses at local court clerks' offices. The Marriage License e-File System automates and expedites functions previously done by hand. It captures the information entered by the Clerk, who then prints an application for the couple to sign. It also creates a marriage license form for the officiant to sign upon solemnization. The couple or the officiant simply returns the license after the ceremony, and the clerk electronically records the officiant's information, date, and location of the marriage.

Not only does the system give clerks the ability to print a marriage license directly from the web-based system, but it also allows them quickly to search for marriage records statewide. When a marriage record is found, the county which originally produced the license may print certified copies without the need to search through stacks of record books.

In calendar year 2009, over 16,000 Indiana marriage licenses were recorded by 58 counties through JTAC's Marriage License E-File system. In addition, in fiscal year 2010, the Department of Child Services (DCS), ISDH and JTAC worked to facilitate the exchange of marriage license application information to enhance Title IV-D child support enforcement efforts throughout Indiana. JTAC now provides a data file to DCS, and DCS compares that information with its delinquent payor data file. If a match occurs, information is then submitted to the local child support enforcement office in order to initiate new enforcement proceedings.

JTAC is also preparing to debut a new, Public Pre-Application website that applicants can use before visiting a clerk's office to secure a marriage license. They will be able to enter their application information online at their leisure, dramatically reducing the time they spend in the clerk's office. This website will outline the identification requirements and the cost to obtain a marriage license, information which could save some couples an extra trip to the courthouse. Clerks will also benefit because the applicants' information will be available electronically.

In the near future, Marriage License E-File will also offer up-to-date public information to citizens via the Internet. ISDH will add its existing database of marriages since 1993 to the system, and it is anticipated the State Library will also provide its electronic marriage data. This will allow JTAC to create a single searchable online database of public marriage data for research purposes.

As of today, 64 counties are using the Marriage License E-File System and nearly 40,000 marriage licenses have been issued through it.

(vi) DCS Probation System

The Department of Child Services (DCS) Probation System was developed to assist Indiana probation officers in complying with requirements of Public Law 146-2008, passed by the Indiana General Assembly and signed into law on March 14, 2008. Required information associated with juvenile placements and services for which the DCS has been ordered to pay must be supplied by probation officers to ensure that those services are indeed paid for by DCS, thereby reducing the risk that the county will be billed and deemed liable for payment.

JTAC is implementing the DCS Probation System in two phases. The first phase, which went live on January 1, 2009, includes IV-E eligibility determination for federal reimbursement of costs associated with juvenile out-of-home placements, payment for services and juvenile placements, and Federal reporting to AFCARS (Adoption and Foster Care Analysis and Reporting Systems). Future releases will include advanced features such as notifications regarding cases that have already been submitted.

To date, 308 probation officers in 82 Indiana counties are using the application to submit required information to DCS. The remaining 10 counties submit their data to DCS via their local case management system.

(vii) Mental Health Adjudication application

On July 1, 2009, the federal government began requiring courts to transmit electronically certain mental health information about persons who may be prohibited from possessing a firearm to the Federal Bureau of Investigation for inclusion in the National Instant Criminal Background Check System (NICS). In response to this mandate, JTAC developed an INcite application for courts to be able to do this, which is made available to all Indiana courts making mental health adjudications. Since July 1, 2009, when the statute went into effect, 1,842 cases have been reported to NICS through JTAC's Mental Health Adjudication application.

(viii) Public Defender Information System

In partnership with the Indiana Public Defender Council, JTAC has developed an INcite application that interfaces with Odyssey and eliminates data entry tasks for public defenders and their staff. Several noteworthy features of the Public Defender Information System (PDIS) include: notifying attorneys of upcoming hearings and alerting them when a client has been rearrested, violates probation conditions, or has open warrants; assignment of clients to specific attorneys through a variety of methods; scheduling, calendaring and conflict-checking functionality for attorneys; attorney access to case and client information; form and report generation; and witness information tracking, including interview notes and depositions. The Public Defender offices in Monroe and Floyd Counties began piloting the PDIS application in September 2010; and additional functionality will be added in future releases before the end of 2010.

(ix) Risk Assessment System

The disposition of more serious violations of law is a crucial part of what courts do, and the sentences that judges impose make all the difference in reducing recidivism and saving the most expensive tool, prison beds, for offenders constituting the greatest threat to society. Until recently, a weakness in Indiana's criminal justice system has been its use of dated assessment tools to estimate an individual offender's relative risk. To address this weakness, JTAC began working with the Indiana Judicial Center in the later part of 2009 to incorporate a newly developed Indiana Risk Assessment System (IRAS) into an INcite application, thereby allowing risk assessments for both juvenile and adult offenders to be completed, tracked, maintained, and updated by specialty courts, probation officers, and Department of Correction officers, allowing courts to track an offender's risk and progress while under supervision. The IRAS will store all risk assessments that are completed for a given individual and allow the information for that individual to be shared with others throughout the state who need and use this information for planning, treatment and sentencing purposes. The application will be piloted in Marion County and should be deployed statewide by the end of 2010. We did most of this without any General Fund money, and in fact, because we chose to use public software, most counties will save money they now spend on less effective assessment tools.

c. Other JTAC accomplishments

Finally, JTAC has also accomplished much on the technology front that benefits courts and citizens alike.

(i) The Indiana Judicial Website

The Indiana Courts website, which JTAC manages, is a continually growing Internet presence to which new services and new information are constantly being added. It now features web pages for Indiana's trial courts; a "Know Your Courts" section that describes Indiana's judicial system with links to additional resources; a glossary of legal terms and information on jury duty; a database on more than 12,000 archived Indiana Supreme Court cases from 1817 to 1872; and local court rules for each county. One of the most popular features on the Indiana Courts website is a "child support calculator," which allows parents to calculate the support that would be payable, per Indiana's child support guidelines, in their given circumstances. This promotes settlement, reduces litigation, and provides faster help for children in need. In 2007, about 800 people *per day* used this free on-line service.

(ii) LexisNexis Legal Research Initiative

Under a contract with JTAC, all judicial officers and county clerks can receive LexisNexis online legal research materials at JTAC's expense. The favorable pricing provisions of this contract are available to other government entities, reflecting the Court's commitment to leverage its buying power whenever possible to benefit other branches of government. Some 300 individuals in the executive and legislative branches use LexisNexis via JTAC's favorable pricing. We know of no other state that has a contract inclusive of state and local government, and the price is competitive for the number of users we guarantee.

(iii) Jury Pool Project

Jury lists in Indiana used to include 60-80% of eligible jurors. Now they include more than 99%, constituting the most accurate list ever created of who is living in each county. This modernized list combines data from Bureau of Motor Vehicles and Department of Revenue (DOR), capturing for potential jury service the names of anyone with a license or state ID or who works or pays taxes. It is more inclusive of Indiana's citizens, has decreased the number of undeliverable jury service summonses returned to the courts, and has prompted a considerable increase in the diversity of many courts' jury pools. In December 2009, national leaders in jury improvement came to Indiana to recognize this achievement, and the representative of the National Center for State Courts who presented the award said simply, "Indiana sets the standard."

(iv) Jury Management System

JTAC and the Indiana Jury Committee have developed a web-based Jury Management System (JMS) available free to all Indiana trial courts. The system allows counties to select jurors randomly, assign and manage panels, and manage claims to pay jurors. It also makes juror

information current and easily searchable, and plans include permitting potential jurors to check trial status via a public website. At the close of fiscal year 2010, 53 counties were using the JMS.

d. Conclusion

We anticipate JTAC expenditures of \$10,224,448 in 2012 and \$10,163,220 in 2013. The Court requests no General Fund appropriations in the next biennium, as most of these expenditures will be funded with the proceeds from the "automatic record-keeping fee" authorized by the Legislature in IC 33-37-5-12. The Court does request, however, that IC 33-37-5-12 be amended to increase the automatic record-keeping fee from \$7 to \$10 per case filed in an Indiana trial court, rather than allowing that fee to be reduced from \$7 to \$4 after June 30, 2011, as the statute currently requires. This necessary increase is discussed in more detail below.

3. *Indiana Judicial Conference and Judicial Center: educating and equipping Indiana's judicial officers, probation officers, and others in the judicial system*

The Indiana Judicial Conference, through the Indiana Judicial Center (IJC), provided quality education and training during the current biennium to Indiana's judicial officers, probation officers, and the directors and staff of Indiana's local court alcohol and drug programs and problem-solving court programs. Attendance at the IJC's judicial officer education and training sessions in fiscal year 2010 exceeded 1,300; attendance at probation officer education and training sessions exceeded 1,700; and attendance at training for court alcohol and drug program staff and problem-solving court staff exceeded 700. Recognizing the importance of judicial education activities, the Judicial Conference's Strategic Planning Committee encouraged the Supreme Court to adopt more demanding annual continuing judicial education requirements for Indiana's judges, which the Supreme Court adopted and promulgated.

IJC also worked diligently to implement and coordinate training sessions around the state on the use of the Indiana Risk Assessment System developed by JTAC, mentioned above, and to provide specialized training to compact specialists throughout the state on issues pertaining to the interstate transfer of supervision of parolees and probationers.

In September 2009, the Indiana Judicial Conference unveiled a long-term strategic plan to improve the Indiana system of justice. Entitled "A New Way Forward," it calls for creation of a 21st century court structure for the judicial branch designed to eliminate gaps in jurisdiction, more efficiently use judicial resources, provide equal access to the courts, and promote local cooperation. It also provides a set of priorities for courts to use to improve their professionalism, efficiency, and effectiveness.

Finally, the IJC, in conjunction with the Indiana Judges Association and LexisNexis, completed a project called "Plain English" jury instructions. With the help of English teachers, Indiana's pattern jury instructions were reviewed and rewritten so that jurors can more easily understand them.

4. *Indiana CLEO: continued efforts toward a more diverse and inclusive bar*

The Indiana Conference for Legal Education Opportunity ("CLEO") exists to assist Indiana minority, low income, and disadvantaged college graduates in pursuing a law degree and career in the Indiana legal system and professional community. During the current biennium, 58 students completed the CLEO Summer Institute, which marks the beginning of the program for each participant, and 49 CLEO fellows graduated from law school. A monumental first in CLEO history took place in 2009 -- Rudolph Pyle III, a member of the 1997 inaugural CLEO class, was sworn in as the first African-American judge of an Indiana court of record. Further, Ruth Rivera, a member of the 2004 CLEO class, was the 2009 recipient of the Early Career Achievement Award from Indiana University School of Law-Indianapolis. Finally, in Fall 2009, CLEO began an initiative to raise awareness and promote participation in the Gateway to Diversity summer employment program, through which a traveling panel of Gateway employers visit each of Indiana's four law schools to discuss summer internship opportunities.

5. *Title IV-D Funds: securing federal funds from child support enforcement.*

Federal law allows federal reimbursement of certain direct and indirect state and county expenses associated with enforcement of child support orders under Title IV-D. When the salaries of prosecutors, deputy prosecutors, and magistrates who work on such cases were funded from local sources, the individual counties worked to secure Title IV-D funds from the federal government. As the General Assembly shifted the payment of these salaries to the state (and, in particular, the Supreme Court), no one in particular had responsibility for seeking federal reimbursements for state-level expenditures. Accordingly, for a period of time many otherwise available federal funds went unclaimed by Indiana.

In 2007, our Division of State Court Administration set out to rectify this problem. Not possessing staff designated specifically for this function, we entered into a successful arrangement with a contractor to help capture Title IV-D reimbursements. Now, in cooperation with, and with the approval of, the Department of Child Services, the Governor's Office, the State Budget Agency, and the Indiana Prosecuting Attorneys Council (IPAC), the reimbursed funds, net of the contractor's fee, are shared 50/50 with IPAC and will be used for programs designated by each entity in a management plan submitted to the Budget Agency. The funds are shared with IPAC to encourage prosecuting attorneys to develop and provide the necessary documentation for the reimbursement claims.

In the upcoming biennium, the Court's portion of Title IV-D reimbursements will be used 15% for judicial education and scholarships, 10% for mortgage foreclosure training, 10% for training for probation officers in the use of the new Indiana Risk Assessment System mentioned previously, 40% for local court reform studies and implementation of court improvement projects, and 25% for a statewide analyses of shifting funding for trial courts from the counties to the state as a means of helping relieve the burden that the local courts place on property tax revenues. The IPAC portion will be used 50% for prosecutor training, education, and scholarships; 30% for technology enhancements to the current statewide computer system that interfaces county prosecutor offices with the State Police criminal history repository, including

improvements that will help prosecutors' offices go "paperless"; and 20% for other projects, including investigating ways other states attract and retain quality deputy prosecutors, examining the costs associated in prosecuting death penalty cases, and partnering with other state agencies such as the Department of Child Services and the Fusion Center to investigate ways of using nationwide searches of databases to locate offenders or witnesses who may have fled the jurisdiction and non-custodial parents who are not supporting their children.

6. *Citizen Education: effective educational outreach to Indiana's children, its citizens, and the world.*

We have expanded our award-winning "Courts in the Classroom" (CITC) initiative. CITC seeks to educate the public about the legal process and about judicial history. It began in 2001 with installation of state-of-the-art webcast equipment in our courtroom, enabling live webcast of every oral argument and archiving for later viewing. The benefits from this webcasting are not limited to students. Attorneys report they use the webcast database to help prepare for their own oral arguments, as teaching tools in Continuing Legal Education sessions, for mentoring new lawyers, and to enable clients to view "live" the arguments in their cases without traveling to Indianapolis. We have also used the webcast equipment for bar admission ceremonies, public hearings, State Police promotion ceremonies, Court of Appeals retirement and robing ceremonies, Judicial Center training videos, lectures sponsored through our Lecture Series, and a hearing on revisions to Indiana's child-support guidelines.

CITC has created lesson plans for Indiana teachers and students in certain "featured cases" on topics of likely interest to teenagers, like due process, the right to a jury trial, and the structure of Indiana's courts. On-line lesson plans, aligned with Indiana's social studies standards, are posted with links to the oral argument videos and other legal resources. CITC also has museum-style exhibits that help educate the hundreds of students and tour groups who visit the Court's historical courtroom each year, and this biennium developed and placed two touch-screen video kiosks outside the courtroom that provide students and visitors with over 150 pages of content about the Indiana Supreme Court and the Indiana judiciary.

CITC also annually hosts events in our courtroom to educate citizens and students about Indiana's judicial system and legal history. This biennium CITC added a new interactive student program to its repertoire, "My Place is in the Voting Booth: Hoosier Suffragette Helen M. Gouger," which teaches students about a Supreme Court case involving a suffragette denied the right to vote by a Tippecanoe County Election Board in 1894. More than 250 students attended the first *Gougar* performance in November 2009 held in our Courtroom, and another 250 attended a "road show" version held at DePauw University the following spring. Approximately 550 students attended four other CITC interactive programs held in the Court's Courtroom during the 2009-10 school year.

CITC also hosted continuing legal education (CLE) events through its "Indiana Supreme Court Legal History Lecture Series." Those events in fiscal year 2010, which more than 500 attorneys attended, centered on the Northwest Ordinances, the life of Indiana Supreme Court Justice Richard Givan, Helen Gougar, and Lincoln biographer Jesse Weik.

CITC also provides materials about the history of Indiana's courts to libraries and schools. During fiscal 2010, we published materials detailing Indiana's Constitutional Convention of 1850-51, Supreme Court Judges Frank Richman and Curtis Shake and their services as civilian judges at the Nuremburg war tribunals, and the State of the Judiciary Addresses of Chief Justices Norman Arterburn and Richard Givan.

D. OBJECTIVES AND CHALLENGES IN THE NEXT BIENNIUM.

The Supreme Court submits its budget requests recognizing the need for all arms of state government, including the Judiciary, to be fiscally responsible with the money entrusted to them by Indiana's citizens.

1. *Increasing "automated record keeping fee" from \$7 to \$10.*

The work of our Judicial Technology and Automation Committee (JTAC) is funded entirely from a statutory "automated record keeping fee" that the Legislature added to trial court filing fees in 2001 and 2002. That fee currently stands at \$7 per case, but will be reduced to \$4 per case effective July 1, 2011. *See* IC 33-37-5-21. Legislation was passed during the 2009 Special Session that diverted the "automated record keeping fee" collected for pretrial diversion (IC 33-39-1-8) and deferral (IC 34-28-5-1) cases to benefit the homeowner protection unit account established by IC 4-6-12-9. We request that the provisions of the statute adopted during the 2009 Special Session be repealed. We also renew the request we made in our previous biennial budget submission – a request that was endorsed by the full House of Representatives and the Senate Judiciary Committee – to increase the fee by \$3 to \$10 per case filed.

As mentioned above, JTAC's Odyssey CMS has been installed in 66 courts in 22 counties, and installments are currently underway in 35 more courts in 11 counties. If the 2009 Special Session amendments are not repealed and the fee drops to \$4 per case, JTAC will be unable to install Odyssey in any additional counties – the funds generated at that level will merely be sufficient to maintain and operate Odyssey for those courts that have it installed as of July 1, 2011.

On the other hand, if funding is increased to \$10 per case, JTAC will be able to accelerate the installation of Odyssey to approximately 50 courts per year, doubling the rate at which the current \$7 per case figure permits JTAC to accomplish new installations. The courts of Indiana and the citizens they serve benefit greatly from Odyssey. An additional cost of \$3 per case will have no fiscal impact on the State's General Fund and little financial impact on the litigants who pay it, but will have an enormous positive impact on the citizens who will receive Odyssey in their counties years faster than they otherwise might have.

2. *Bringing Indiana's highest courts into the 21st century*

We have undertaken many efforts to make the legal system in Indiana more just, more efficient, and more reflective of and available to the State's diverse citizenry, not the least of which has been the development and deployment of the Odyssey CMS to Indiana's trial courts.

To continue such efforts into the next biennium, it has become clear that a modern method of *appellate* case management and electronic filing and service of documents is required as well.

Since their inceptions, the Indiana Supreme Court, the Indiana Court of Appeals, the Indiana Tax Court, and the Appellate Courts' Clerk's Office (hereinafter "the Appellate Courts") have been paper-based, as indeed have all American appellate courts until recent times. Technological advances over the last two decades have made electronic case management systems a far-superior alternative to antiquated paper-based systems. These new systems, which most state and federal appellate courts around the country have either already incorporated or are in the process of procuring, maintain court documents in digital format throughout the entire process without ever requiring that they be printed on paper; allow Internet-based submission of court filings, and remote access to court records on a variable-permission basis by judges, court and clerk's office staff, attorneys, parties, and the public; automate many of the functions currently being done by human effort, thereby dramatically increasing efficiency, reducing the time necessary at each step in the process, and eliminating human error; and drastically reduce the amount of data-entry duplication required when information is reduced to paper and then must be re-entered by the recipients of the paper into other, disconnected information systems.

Indiana's Appellate Courts have reached the point where the current technology used to manage their cases and court processes is no longer adequate. Each day, case-related filings from the parties, representing thousands of pieces of paper, come into the Courts' Clerk's Office through the mail or in person. The Clerk's Office's receipt of these filings must manually be noted on the Appellate Courts' electronic docket system, a "green screen" AS400 database system that the Courts have been using since the mid-1980s. The paper filings must then be file-stamped, stored, and eventually physically transported to the appropriate court's offices. The court's administration staff then must manually enter the receipt of the filings on their own internal tracking systems, which often are either in the form of a paper log or a rudimentary electronic database, and then transport the paper filings to the judges and chambers staff who must see them. Each judge's staff must then record that judge's chamber's receipt of the paper filings in his/her chamber's own internal chambers-based tracking system, which is also either a paper log or a rudimentary database. When the judge makes his/her decision regarding the filing, court staff and judges must create documents reflecting those decisions (i.e., orders and opinions), which must then be printed out, signed, copied, and physically transported to the Clerk's Office after, again, having been manually noted on the chamber's and Court's internal document tracking systems. If the document is either an opinion or an order that will be posted to the court's website, a separate "e-version" of the document must also be created and sent electronically to the Clerk's Office as well. The Clerk's Office must then engage in additional data entry to record the Clerk's Office's receipt and filing of the court's order or opinion, affix a file stamp to the paper version of the order or opinion, and send the order or opinion via e-mail to the parties represented by attorneys and by regular mail to any parties proceeding pro se.

The entire appellate process, from the inception of the appeal through the issuance of a court's opinion, could be dramatically streamlined through the adoption of modern, readily available appellate case management technology that would allow documents to be filed by the parties digitally over the Internet and never reduced to paper.

In addition, events of the last decade have shown the vulnerability of paper-based governmental offices, especially courts, to natural and man-made disasters. Floods and fires have wreaked havoc in many courthouses, including some in Indiana, destroying irreplaceable court records and shutting down court operations for weeks and sometimes months. Earthquakes, hurricanes, pandemics, and terrorist attacks have displaced judges and court personnel, hindering court operations and access to justice for weeks or months on end, since paper-based systems require centrally located court operations. Indiana's Appellate Courts, due to their current dependence on paper records and an antiquated electronic docketing system, are extremely vulnerable to such natural and man-made disasters.

Modern disaster preparedness and continuity of operations planning call for remote access to digital records and redundant servers in multiple locations to back up those digital records. With such redundancy and remote access, court records are never destroyed, and court operations shut down in one location can be set up in another in a matter of hours, or even within minutes if staff and judges can access the system from their own homes and have a protocol in place for doing so in the event of a disaster or pandemic. With technology readily available that would eliminate the "disaster vulnerability" currently facing Indiana's highest courts, it would be irresponsible for Indiana not to take the steps necessary to eliminate that vulnerability.

Further, a modern appellate CMS would give the parties, their counsel, the media, and the general public access to appellate court records to a degree unparalleled in Indiana history. Not only would they be able to view Appellate Court opinions on-line as they have for several years, but would be able to view every non-confidential document filed in every non-confidential case, at any time, from anywhere in the world where they have Internet access, for free.

The Court believes that a new appellate CMS, by eliminating the logistical issues inherent in paper-based systems and automating several functions currently being done by staff, would eliminate the need for three full-time positions and three part-time position in Clerk's Office starting in FY 2014, saving taxpayers \$189,754 per year in salary and benefits, and two additional full-time positions in the Clerk's Office starting in FY 2019, thereby saving taxpayers an additional \$92,558 per year in salary and benefits (based on current salary and benefit figures).

Finally, it should be noted that Hoosiers are coming to expect the ability to interact with their state government through modern, web-based means such as the appellate CMS proposed, due to the fact that they are already doing so in many areas. They renew license plates and engage in other important transactions online with the Bureau of Motor Vehicles. They file state tax returns online with the Department of Revenue. They make state park campground and lodge reservations and purchase hunting and fishing licenses online with the Department of Natural Resources. They register to vote and register new business entities online with the Secretary of State. They renew licenses issued by the Indiana Professional Licensing Agency online. These are but a few examples of the hundreds of ways Hoosiers regularly receive services from their state government through the speed and convenience of the Internet. This biennium, the Appellate Courts are seeking the tools necessary to interact with the users of their services in the same way that much of the rest of state government now does.

For all of these reasons, the Indiana Supreme Court, on behalf of itself and the Indiana Court of Appeals and the Indiana Tax Court, request at total of \$2,993,378 in the new biennium to procure and implement a new appellate CMS -- \$1,858,203 in FY 2012 and \$1,135,175 in FY 2013.

3. *Keeping the Indiana Judicial Center at its current financial levels, except for a slight increase for the Interstate Compact Fund.*

The Judicial Center manages three funds: the Indiana Judicial Center Fund (Fund 10200), the Drug and Alcohol Program Fund (Fund 17930), and the Interstate Compact Fund (Fund 11670). At the end of FY 2010, it reverted approximately \$158,000 to the State's General Fund from Fund 10200, resulting mainly from two sources: (a) the unusual absence that year of the week-long general jurisdiction orientation for new judges that typically occurs annually; and (b) the postponement of other conferences. Fund 10200 will not experience those savings this fiscal year, however, because we will have the week-long new judge orientation, and the postponed conferences will have to be conducted in light of our recent decision to increase the amount of continuing judicial education that Indiana judicial officers must annually achieve.

Unfortunately, the State Budget Agency has required us to show our "base" for this year's biennial budget submission as being the "actual amount spent" out of Fund 10200 in FY 2010, rather than what we estimate we will spend during the current fiscal year. This has, effectively, reduced Fund 10200's budget for the next biennium by the amount of its FY 2010 reversion. The Judicial Center, however, cannot perform its necessary functions in the next biennium without that money, given that the conferences that did not occur in FY 2010 will be occurring during the next biennium. Accordingly, we ask that the amount originally appropriated to the IJC in the 2009-2011 biennium be again appropriated to the Judicial Center in the next biennium.

Also, the Judicial Center requests a modest increase in the amount of Fund 11670 to cover increased expenses associated with its supervision of the interstate transfer of supervision of probationers and parolees.

4. *Additional counties qualifying for the public defense fund necessitate increased funding.*

We estimate that five additional counties (Hamilton, Delaware, Huntington, Lawrence, and Marshall) will qualify for reimbursement from the Public Defense Fund before the start of the next biennium, requiring an increase of \$3,150,000 to that fund for each year of the new biennium. Accordingly, our budget submission requests such funding.

5. *Increased travel by senior judges.*

As mentioned above, we are using senior judges to address the dramatic increase in cases filed, rather than seeking additional courts and judgeships, and intend to do so even more during the next biennium. Although this saves the taxpayers a substantial amount of money, one

necessary cost is increased travel expenses for senior judges to travel to the counties where they are needed. Our budget submission seeks a modest 10% increase for each year of the biennium to address this projected increase in senior judge travel.

6. *Increased recruitment emphasis for GAL/CASA.*

The funds provided by the General Assembly to help support the 70 GAL/CASA programs across the State go a long way to helping Indiana's abused and neglected children; however, thousands are still waiting for a GAL/CASA volunteer. We do not ask for more funding to answer this need, however. Rather, within our current appropriation, we will expand our recruitment efforts during the next biennium through a statewide public relations campaign to promote awareness of GAL/CASA and the opportunities it provides to serve Hoosier children. We will also build on the remarkable partnership we have formed with the Indiana Retired Teachers Association to encourage retired teachers to volunteer their time to this cause.

E. CONCLUSION.

For the most part, the budgets we submit today seek to make do with what we have rather than seeking more. We only seek increases in a few key areas that affect our ability to make our courts more efficient, more effective, and more responsive to the needs and desires of the people we serve, or that affect the state's ability to honor its statutorily prescribed county reimbursement obligations. The Court will continue to meet challenges without significant General Fund support whenever possible, even though, in the grand scheme of things, the Court's call on the General Fund is relatively very small. In addition to the many examples of internal funding for judicial programs mentioned above, the Court has and will continue to take steps to find more efficient ways to operate and to identify alternative funding sources.

The Indiana Supreme Court has taken great strides in recent years toward making justice available to all the citizens of this State in a fair and efficient manner. We believe this budget submission advances those efforts.

Sincerely,

Randall T. Shepard

Randall T. Shepard
Chief Justice of Indiana

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