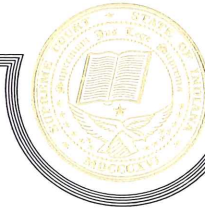


SUPREME COURT



OF INDIANA

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October 29, 2012

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

Dear Mr. Horst:

This transmittal letter accompanies the proposed fiscal year 2014 and fiscal year 2015 biennial budget for the Indiana Supreme Court and the ancillary budgets that fall under the management of the Chief Justice. This is a new responsibility for me, having been named Chief Justice just this year, following twenty-five years of service by former Chief Justice Randall Shepard.

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, to establish the common law and legal precedent, to interpret laws enacted by the legislature, to give meaning and force to the United States and Indiana Constitutions, to promulgate and enforce rules for operation of the courts and supervision of the legal profession, to oversee the practice of law in Indiana, to supervise the exercise of jurisdiction by all Indiana courts, and to provide leadership and assistance to 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 ("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 ("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. Finally, the Court provides trial court technology programs and initiatives, as well as other key technology collaborations between the judiciary and other branches of state government, through its Judicial Technology and Automation Committee ("JTAC") program, which is funded almost entirely from court filing fees and grants.

This letter transmits the budgets for the following funds: the Supreme Court and its principal administrative divisions (which include the Court's technology program); 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 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). Additionally, as Chief Justice, I serve as the chair of the board of directors of the Judicial Conference and in that capacity I oversee the funds managed by the Judicial Conference and its staff agency, the Judicial Center. Accordingly, the budgets for those Judicial Conference funds are included with this transmission as well.

C. PRINCIPAL 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. *Maintaining Continuity in the Midst of Significant Change*

During the two-year period since our last biennial budget submission in the fall of 2010, three new justices have been appointed to the five-person Indiana Supreme Court and a new Chief Justice was named this past May. Despite this sea-change in leadership in the Indiana judiciary, the Court's decisional and administrative work has continued without interruption. The Court's senior management staff all remain and are continuing to provide excellent leadership. And the stability of the Court's workforce of over 185 employees is evidenced by the fact that in the last two years we have experienced only 12 retirements or voluntary departures from positions for which there was no anticipated ending date (as compared, for example, to employments for limited, specific durations, such as summer interns and judicial law clerks).

2. *Resolving Legal Disputes*

The principal responsibility of the judicial system entails the fair, just, and effective resolution of disputes among Hoosier citizens. During the 2011 calendar year, 1,680,412 new civil and criminal cases were filed in Indiana courts, presided over by 548 judicial officers. During the same period, the Indiana Court of Appeals (which submits its own separate budget) issued 2,397 majority opinions. In the course of its last annual measurement period, the Indiana Supreme Court reviewed approximately 815 matters in which one or more parties sought Supreme Court review after a decision by the Court of Appeals, issuing 68 opinions in such cases. The Supreme Court also issued 22 opinions in matters directly appealed to the Supreme Court: attorney and judicial discipline cases, certified questions from federal courts, appeals from the Indiana Tax Court, and petitions seeking rehearing of matters decided previously by the Court.

Additionally, the judicial branch has continued to encourage disputing parties to utilize mediation and other alternative dispute resolution mechanisms to reach amicable satisfactory accord and to minimize the likelihood of future resort to courts in their disputes. During calendar year 2011, Indiana's trial courts referred 5,935 cases to alternative dispute resolution.

3. *Using Technology to Increase Accuracy, Efficiency, Promptness, and Cost Savings*

Federal and state courts across the country are rapidly expanding their use of technology to manage caseloads more efficiently; to share information and coordinate operations among various courts and administrative agencies; to reduce costs significantly; to enhance transparency; and to achieve the multiple advantages of digital filing, processing, and storage of case data. While important challenges remain, Indiana has made significant progress in this area.

(a) Web-based Attorney Registration Portal

The Court converted the annual attorney registration process from paper-based to web-based, saving thousands of dollars annually in bulk mailing fees, paper, envelopes, and staff time and making it possible to send many more "reminders" to attorneys so they do not miss their payment deadlines.

(b) Odyssey Case Management System for Trial Courts

At the trial court level, the Court, through its JTAC program in the Division of State Court Administration, has continued making tremendous strides in integrating automation into the daily functions of our trial courts, which has achieved an unprecedented level of critical judicial information-sharing with local, state, and federal entities and the public.

The flagship accomplishment of the Court's JTAC program has been the Odyssey case management system ("CMS"), which 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 personnel, litigants and attorneys, law enforcement, state agencies, and the public. After extensive research and evaluation and an open public procurement procedure, the Odyssey system was selected. Odyssey is a leading national case management system that has been enhanced and modified to fulfill the specific needs of Indiana courts, including special Indiana features for clerks' financial duties and probation officers' caseloads. *Counties pay no license fees or annual maintenance costs for Odyssey* and information on cases in Odyssey is available on the Internet at no cost to the public. At the present time, Odyssey has been successfully installed in 138 courts in 44 counties, managing approximately 40% of the state's caseload.

While Odyssey deployment has been occurring, we have developed 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 e-filing criminal case data to Odyssey from two prosecutor case management systems. Part of the Odyssey CMS is a supervision module that has been installed in 27 probation departments and 14 problem-solving courts. This module enables users to create a caseload of clients, assess and collect program fees, track conditions of supervision, store drug testing results, schedule classes, and manage program attendance. The Odyssey supervision module is available only in counties where the courts are using Odyssey.

Separate and in addition to the development and growing deployment of the Odyssey case management system, the Supreme Court's JTAC program has developed a variety of important innovative functions that allow law enforcement and state agencies to send certain critical data electronically to and from courts with significant improvement in data accuracy, timeliness, and cost-savings. The information-sharing applications are part of the Indiana Court Information Technology Extranet ("INCite").

More than 20,000 registered users from every clerk's office, every court, the Bureau of Motor Vehicles ("BMV"), the Department of Revenue ("DOR"), the Department of Child Services ("DCS"), the Department of Correction ("DOC"), the Indiana State Police ("ISP"), and 280 local law enforcement agencies and probation departments use INcite every day to share court information.

(c) Court/BMV SR-16 Project

The Court and the 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 Court/BMV project, the average time has dropped from 53 to 3 days. If Indiana had not met the new reporting requirements, the state could have lost \$34 million a year in federal highway funds.

Since the beginning of the Court's project with the BMV, more than 4 million SR-16s have been sent electronically from courts to the BMV from every county in Indiana. Courts in all 92 Indiana counties are now sending more than 16,000 electronic SR-16s per week using this system.

(d) Protective Order Registry Project

The Court, together with the Indiana Criminal Justice Institute and the ISP, 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 court 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 the Indiana Data and Communication System ("IDACS"). The General Assembly recognized the importance of the POR and in 2009 passed legislation that required all courts and law enforcement to use it. Today, all 92 counties are using the system and during 2010 and 2011 over 125,000 protective and no-contact orders were entered into the POR. Additionally, on July 1, 2009, we 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. More than 289 advocates are currently utilizing Advocate Access and more than 10,000 electronic petitions have been created since the enhancement was implemented. Most recently, the Court's JTAC team developed

technology that allows victims to receive a text message or email providing real-time notice when a protective order is actually served on an abuser, a particularly dangerous moment. From July 1, 2010 through June 30, 2012, a total of 20,955 individual notices were sent to victims. An additional enhancement to the POR, which allows protective and no-contact orders to be printed with the Spanish translation included, has allowed 479 orders with a Spanish translation to be issued by various courts.

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

With federal funding and the help of law enforcement partners, the Court developed the "electronic Citation and Warning System" ("eCWS"), which allows law enforcement officers to use scanners and other technology to increase the speed at which they issue traffic tickets. 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 local law enforcement, courts, clerks, ISP, and BMV; increases accuracy of information because data fields are pre-populated from license and registration; 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 previously required repetitious data entry 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. The eCWS system creates an almost foolproof 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 750,000 traffic cases have been entered into Odyssey without any of the data having to be retyped in the prosecutor's office or the county clerk's office.

Since ISP officers began using this system in January 2008, they have issued over 3.5 million tickets and warnings. Over 290 other police departments around the state are now using eCWS as well, pushing the total number of electronic tickets and warnings issued above the 4.5 million mark. As of September 30, 2012, a total of 22 new agencies are in the planning stage and our staff continues to receive requests from additional agencies that are interested in this initiative.

(f) Tax Warrant Project

The Court and the DOR have collaborated to create a Tax Warrant interface ("e-Tax Warrant") that allows circuit court clerks 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.

Fifty counties are now using the e-Tax Warrant System. Our staff has processed over 1 million tax warrants electronically and 573,466 judgment satisfactions since the application went into operation in December 2007.

(g) Tax Intercept Project

In 2010, the Court partnered with the State Board of Accounts, the BMV, and the DOR to explore collecting overdue fines and costs on traffic tickets through the DOR's tax intercept program. Under the tax intercept program, before DOR refunds any taxes to an individual, it must ensure the individual does not have any outstanding obligations, such as overdue child support and, now, unpaid infractions. Working with the circuit court clerks in Floyd, Harrison, and Monroe Counties and running a script in Odyssey, our court technology staff sent the names of individuals with outstanding balances on infraction judgments to DOR. Through this initiative, over \$20,000 has been intercepted for the three pilot counties (the majority of money has been intercepted for Floyd County). The collection of these outstanding fines and costs are distributed to both local and state fund centers pursuant to statute.

In 2011, the Court ran a query of all Odyssey infraction cases against the DOR tax intercept file and found that there was potential to collect over \$4 million through this tax intercept process if adequate funding was available to support the initiative.

(h) Marriage License E-File Project

The Court, 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. This 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 and the date and location of the marriage.

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

In 2011, a total of 74 counties recorded over 22,650 Indiana marriage licenses through the Court's Marriage License e-File System. Additionally, in 2010, the DCS, ISDH, and the Court worked to facilitate the exchange of marriage license application information to enhance Title IV-D child support enforcement efforts throughout Indiana. As a result of these efforts, our staff transmits over 6,000 records each month to DCS via a nightly data file and DCS compares that information with its delinquent payor data file.

If a match occurs, information is then submitted to the local prosecutor's child support enforcement division in order to initiate new enforcement proceedings.

In 2011, we added a new public pre-application website that applicants can use before visiting a clerk's office to secure a marriage license. Applicants enter their information online at their leisure, dramatically reducing the time they spend in the clerk's office. This website outlines the identification requirements and the cost to obtain a marriage license, information that could save some couples an extra trip to the courthouse. Clerks also benefit because the applicants' information is available electronically. To date, over 13,000 recorded marriages were initiated using this online system.

In the near future, the Marriage License e-File System 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 that the State Library will also provide its electronic marriage data. This will allow us to create a single, searchable online database of public marriage data for research purposes.

As of today, 86 counties are using the Marriage License E-File System and nearly 107,000 marriage licenses have been issued through it.

(i) DCS Probation System

The DCS Probation System was developed by the Court's trial court technology staff 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.

The DCS Probation System was implemented on January 1, 2009, and allowed for eligibility determinations for federal reimbursement of costs associated with juvenile out-of-home placements, payment for services and juvenile placements, and Federal reporting to Adoption and Foster Care Analysis and Reporting Systems. From January 2009 through July 2012, this system was used by 629 probation staff in 84 counties. The remaining 8 counties submit their data to DCS via their local case management system.

In July 2012, DCS implemented a new management system called Management Gateway for Indiana Kids ("MaGIK"). DCS also developed a portal for probation staff to use when entering the eligibility determinations into MaGIK. Today, the Court provides the users of the DCS Probation System with a direct link and login to MaGIK and all further case management is performed in MaGIK.

(j) 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, the Court developed a special electronic application for this purpose. The application is made available to all Indiana courts making mental health adjudications. Since July 1, 2009, when the statute went into effect, 3,662 cases have been reported to NICS through the Court's Mental Health Adjudication Application.

(k) Public Defender Information System

In partnership with the Indiana Public Defender Council, the Court has developed an INcite application that interfaces with Odyssey and eliminates data entry tasks for public defenders and their staff. Several noteworthy features of this 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. Washington, Shelby, Lawrence, and Steuben Counties started using the PDIS system in 2011; Rush and Henry Counties are expected to implement the system in 2013.

(l) 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, in the latter part of 2009, Court staff began working to incorporate a newly developed Indiana Risk Assessment System that would allow risk assessments for both juvenile and adult offenders to be completed, maintained, and updated by specialty courts, probation officers, DOC officers, community corrections officers, and parole staff, thereby allowing courts and the DOC to track an offender's risk and progress while under supervision. The system stores all risk assessments that are completed for a given individual and allows 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 juvenile portion of the Risk Assessment Application was initially piloted by the Marion County Juvenile Probation Department in September 2010, followed by the Morgan County and Hendricks County Probation Departments participating in the adult

pilot in November 2010. The application was implemented statewide by January 2011. To date, over 2,400 users representing all 92 counties are utilizing the INcite Risk Assessment Application, and more than 281,000 risk assessments have been completed. We did this without any General Fund money and, because we chose to use public software, most counties will save money they now spend on less effective assessment tools.

(m) Presentence Investigation Report Application

The Judicial Conference is charged with developing a standard Presentence Investigation ("PSI") Report to be used by all courts in Indiana. Indiana law also requires a probation officer to complete a PSI Report on all felony cases except D felonies where the PSI option may be waived. During 2010 and 2011, the Probation Officer Advisory Board, under the direction of the Judicial Center, worked to revise the standard PSI Report to incorporate new information, primarily risk assessment details.

The PSI Report and the associated risk assessment give the sentencing judge information about an offender's potential risks and needs, allowing the trial court to provide the most appropriate sentence, supervision plan, and treatment services. Users of the PSI application are now able to view completed PSI Reports statewide. For repeat offenders, probation officers have the ability to create a new PSI Report utilizing information stored from a previous report. This is invaluable in many ways but especially when compiling the legal history of an offender.

In mid-2011, the Court's trial court technology staff began developing the new PSI Report. The Judicial Conference Board of Directors adopted the revised PSI Report for use in June. In November, the PSI application was deployed in a pilot phase to five Indiana probation departments, including Marion, Tippecanoe, Monroe, Dearborn, and Blackford Counties. On January 3, 2012, the PSI Application was made available to all probation departments statewide. To date, the application is used by over 1,000 probation staff in all 92 counties.

DOC staff members are now able to directly retrieve the PSI Report for offenders sentenced to a DOC facility, as opposed to receiving a paper document that accompanies the offender when transported from the county jail. This results in cost savings, process efficiencies, timelier communication, ensures confidentiality, and fewer resources are needed to track down missing paperwork.

(n) Abstract of Judgment

During the 2012 legislative session, the General Assembly enacted Indiana Code section 35-38-1-31, which states that "[i]f a court imposes on a person convicted of a felony a sentence that involves a commitment to the department of correction, the court shall complete an abstract of judgment in an electronic format" Although the Abstract of Judgment was a paper document already in place and required to be completed by the courts for all DOC commitments, the new statute added additional

requirements and data elements that were not found in the previous Abstract of Judgment document and, in some cases, these data elements are not collected in the various court case management systems.

In May 2012, the Indiana Supreme Court amended the Indiana Criminal Rules of Procedure with the addition of Rule 15.2, effective July 1, 2012. This rule states that "upon sentencing a person for any felony conviction, the court shall complete an abstract of judgment in an electronic format."

This electronic Abstract of Judgment application pulls data from the PSI application mentioned in the previous section. This saves countless data entry hours for court users and ensures the accuracy of the data.

As a result of Indiana Code section 35-38-1-31 and Criminal Rule 15.2, statewide conviction and sentencing data is readily available to the courts, legislators, and other policy makers. Additionally, all trial courts in the state now have a standardized, electronic method for transmitting sentencing information for all offenders committed to the DOC.

From the first of July through the middle of October 2012, over 5,500 Abstracts of Judgment have been completed and submitted electronically to the DOC. The application is currently being utilized by over 3,500 users statewide.

(o) Auditor of State Report of Collections

The Auditor of State created a standard form for remitting various court cost and fee collections. The Court also developed a digital system making the prescribed report form and court fee information now accessible to all trial court clerks and courts, enabling the user to complete the form online.

(p) Jury Pool Project

In years past, the lists used for jury selection in Indiana courts included only 60-80% of eligible jurors. Now they include more than 99%, constituting the most accurate list of eligible jurors ever created. This modernized list combines data from BMV and DOR, capturing for potential jury service the names of anyone with a driver's 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."

(q) Jury Management System

The Court 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. Future plans include permitting potential jurors to check trial status via a public website. At the close of fiscal year 2012, a total of 58 counties were using the JMS.

(r) Indiana Courts Website

The Indiana Courts website is a continually growing internet presence to which new services and new information are constantly being added. It is the face of the Indiana judicial system. In addition to featuring access to all appellate decisions, it provides, free of charge, access to the case histories of all non-confidential cases managed by Odyssey. During the last two fiscal years, the Court completed a comprehensive redesign of the web information and migrated the platform to the same platform used by the Indiana Department of Technology. As a result of these enhancements, Court agencies are able to easily update and manage their information, assuring more timely and accurate data. To educate Hoosiers about the Court of Appeals and Supreme Court candidates running on a "yes/no" retention ballot, the Court deployed an informational database about each candidate, with links to the candidate's opinions and biographical history and to video archives containing oral arguments in which the candidate participated. Finally, 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.

(s) LexisNexis Legal Research Initiative

Through a contract between the Court and LexisNexis, all Indiana judicial officers and county clerks can receive LexisNexis online legal research materials at no cost to the counties. The favorable pricing provisions of this contract are available to other government entities as well, 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 currently use LexisNexis under this 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.

4. *Educating and Equipping Indiana's Judicial Officers, Probation Officers, and Others in the Judicial System*

The Judicial Conference, through its staff agency the Judicial Center, provides quality education and training to Indiana's judicial officers, probation officers, the directors and staff of Indiana's local court alcohol and drug programs and problem-solving courts programs, and general local court staff. Attendance at the Judicial Center's education and training sessions in fiscal years 2011 and 2012 reached almost 11,000. During the last biennium, the Judicial Center, in partnership with the National Center for State Courts, developed and launched a new online Court Employee Orientation Tool, allowing participants access to the training material at any time over the Internet, saving

travel and conference costs for both the state and the counties. In addition to this education function, the Judicial Center provides research services for Indiana's judicial branch, develops standards for probation, administers the interstate transfer compact for probationers, administers the court alcohol and drug services program, oversees Indiana's problem-solving courts, staffs Conference committees, and performs a host of other services and functions for Indiana's judicial branch.

Among its many other functions, the Judicial Center is committed to helping develop and implement evidenced-based practices throughout Indiana's criminal and juvenile justice systems. "Evidence-based practices" refers to scientifically studied and tested approaches and interventions in these systems that reduce offender risk and recidivism, resulting in fewer crimes and the enhancement of public safety. The Judicial Center has contributed to the advancement of evidence-based practices by the development and implementation of the Indiana Risk and Needs Assessment systems for both adults and juveniles, and the ongoing maintenance of this system. In May 2011, the Judicial Center partnered with the DOC and the Center for Evidence-Based Practices at Indiana University-Bloomington to host a summit designed to provide key criminal justice stakeholders—judges, prosecutors, public defenders, probation officers, and community corrections officers—with information regarding the use of evidence-based practices in an effort to improve outcomes for Indiana in the criminal and juvenile justice area. Ultimately, this commitment to the promotion of evidence-based practices will not only save Indiana taxpayers precious dollars but, more importantly, will improve the quality of life for all Hoosiers by creating safer communities.

5. *Addressing Particular Needs*

(a) Volunteer GAL/CASAs Speaking for Children

Guardian ad Litem and Court Appointed Special Advocates (collectively "GAL/CASAs") are volunteers recruited and organized through local programs to provide abused and neglected children with advocates so that their interests are protected and their voices heard. In 2007, Indiana law was changed to require the appointment of a GAL/CASA to every abused and neglected child involved in a child abuse proceeding. By the close of 2011, there were at least 3,300 active GAL/CASAs serving Hoosier children, including 918 newly trained volunteers. GAL/CASA volunteers donated an estimated 414,262 hours in advocating for 18,304 children in "child in need of services" and termination of parental rights cases in 2011. At the going rate of \$50 per hour paid to non-volunteer appointed GALs, the volunteers contributed an estimated \$21 million worth of their time to the State of Indiana and to the children they serve.

(b) Mortgage Foreclosure Program

In the wake of the 2008 financial crisis, Indiana saw a steady rise in the number of home foreclosures and distress among Hoosier homeowners. In response, the General Assembly passed Senate Enrolled Act 492 in 2009. The bill had two key features: it created a statutory right to a settlement conference between the lender and debtor and it

established a \$50 filing fee to be charged in each new foreclosure action. SEA 492 became effective July 1, 2009, but after six months, the statistics showed very few defendants were requesting settlement conferences, although notice was being sent to them. Also, of the conferences that took place, very few resulted in successful resolution of the dispute. An investigation into the reasons for this lack of interest on the part of the defendants revealed a clear need for more coordination between local pro bono commissions, courts, lenders, and homeowners, so that when settlement conferences occurred, the parties came adequately prepared.

As a result of these findings, the Court established the Mortgage Foreclosure Trial Court Assistance Project ("MFTCAP") in January 2010. Though this initiative, the trial court where a foreclosure case is pending provides court-appointed settlement conference facilitators (many of whom were trained by the Court in 2009) to engage in borrower outreach and assist in the settlement conference process. Launched on a pilot basis in Allen, Marion, and St. Joseph counties in early 2010, MFTCAP has now expanded to cover 25 counties, covering more than two-thirds of statewide foreclosure filings. To date, this program has reached out to more than 13,000 borrowers and helped save at least 2,900 Indiana homes from foreclosure. The U.S. Congress Joint Economic Committee has estimated that each averted foreclosure preserves \$40,000 to \$80,000 in value in the surrounding neighborhood. Using these figures, to date, the MFTCAP has preserved between \$116 million and \$232 million in value to Hoosier communities.

In October 2010, the Court also created the Mortgage Foreclosure Task Force—a group composed of judges, creditor attorneys, consumer rights advocates, academics, representatives from the Office of the Indiana Attorney General and Indiana Foreclosure Prevention Network, and settlement conference facilitators. This task force drafted a set of "Mortgage Foreclosure Best Practices" to assist courts in interpreting the complex and ever-changing federal and state guidelines applied to foreclosure actions. Many of the issues highlighted in these Best Practices were incorporated into the settlement conference law by SEA 582, effective July 1, 2011. This group continues to meet and to update the Best Practices with changes in foreclosure law and procedures—most recently to incorporate changes resulting from the settlement between 49 state Attorneys General and the 5 major banking institutions.

(c) Court Interpreter Services for Litigants with Limited English Proficiency

According to the most recent U.S. Census data (2010), there are an estimated 6,057,306 people (age 5 and older) in Indiana, with 487,206 speaking a language other than English. In the light of Indiana's rapidly changing demographics, it is important that the Court continue to advance additional measures to meet the needs of people with limited English (language) proficiency ("LEP") that come in contact with our courts. In 2002, the Court authorized its Division of State Court Administration to join the National Center for State Courts Language Access Consortium and to implement an interpreter certification program in Indiana using the resources and materials from the Consortium. The Indiana Court Interpreter Certification Program is a rigorous five-step process that includes training and testing over a four-month period before a candidate is eligible to sit

for the oral proficiency exam for certification. The program operates two certification sessions each year and it is anticipated that Indiana will celebrate the certification of its 100th interpreter by the end of 2013. Over the life of the certification program, the program has maintained a cumulative pass rate of 33%, which is 8% above the national average of other certification programs and interpreters are certified in Indiana in Spanish, Polish, Mandarin, and Arabic.

Since 2004, the Court, with an additional appropriation from the Legislature, has been able to award foreign language interpreter grants to applicant trial courts. In 2011, the Court was pleased to award over \$250,000, however the demonstrated need was in excess of \$720,000. Further, the applicant pool represented just one-third of the Indiana courts, despite demonstrated language need around the state. The Court continues to pay for the use of a telephonic interpreting service, Language Line, so that courts have the benefit of accessing more than 140 languages as needed. Providing qualified court interpreter services to LEP individuals is a fundamental principle of fairness and access to justice and the Court will continue to strive and live up to Indiana's proud history of a fair and accessible judicial system. Additionally, since 2009, the Civil Rights Division of the U. S. Department of Justice ("DOJ") has indicated that it is reinvigorating its enforcement efforts to require state courts to provide foreign language interpreters to all litigants, in all cases, for all in and out of court services. To incentivize compliance, the DOJ has noted that uncooperative states risk the loss of all federal funds. Although Indiana has accomplished a great deal with little funding, we must continue to improve how our courts provide access to justice to LEP individuals.

(d) Public Education and Outreach

The Court has also continued its award-winning "Courts in the Classroom" initiative, which educates Hoosier citizens about the legal process and the judiciary. 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, ISP 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. Our Courts in the Classroom initiative 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. Online lesson plans, aligned with Indiana's social studies standards, are posted with links to the oral argument videos and other legal resources.

6. *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 of the federal Social Security Act (as codified at 42 U.S.C. § 651 *et seq.* and authorized under Indiana Code chapter 31-25-4). 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, we set out to rectify this problem. Lacking 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 DCS, 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 to be used for programs designated by each entity in a management plan submitted to the State Budget Agency. IPAC uses its share to encourage prosecuting attorneys to develop and provide the necessary documentation for the reimbursement claims. The Court uses its share for three purposes: (1) enhanced education for judges and court and clerk staff; (2) court reform studies and initiatives at the local level; and (3) court reform initiatives at the state level, including improving efficiency through technology. These categories continue to be the spending priorities, although the percentage going to each priority varies from year to year depending on the needs that must be met. The 2011 management plan submitted to the State Budget Agency calls for 10% of the Court's net receipts to be used to provide judicial education scholarships for judges and court staff to attend approved education programs that are not provided by the Judicial Center. Judges wishing to avail themselves of this opportunity must apply and must match 20% of the cost of the scholarship. The plan also calls for 65% of the receipts to be spent on state-level reform through strategic planning and technology advancements. Since June of 2008, a Strategic Planning Committee of the Judicial Conference has been working on developing and proposing a long-range plan for the improvement of the Indiana judicial system. This strategic planning process is an unprecedented effort in Indiana and has already resulted in a number of improvements, such as consolidated probation departments, increased education requirements for judicial officers, and a much needed court and clerk staff education program. The innovative and award-winning technology applications being deployed in our courts are many. They are discussed in detail in the earlier part of this letter. The third priority, local court reform grants, receives about 25% of the court's net receipts. The court reform grant program, a competitive grant program based on an application process, is designed to promote innovation and efficiency by helping local courts study and seek means to improve the delivery of judicial services.

D. OBJECTIVES AND CHALLENGES IN THE NEXT BIENNIUM

The Supreme Court submits its budget requests recognizing the need to be fiscally responsible with the resources entrusted by Indiana citizens.

1. *Restoring the "Automated Record Keeping Fee" to its Intended Use and Increasing it to \$10*

The unprecedented achievements of our judiciary in automating its operations and sharing important judicial information among the courts and with other agencies are funded primarily through an "automated record keeping fee" which is collected in every trial-level case and was originally intended to fund the Indiana Judicial Technology and Automation Project managed by the Court. The fee, which was first collected in 2001, provided the Court with the revenues needed to purchase a statewide license, for an unlimited number of users, for the Odyssey CMS and secured at lower cost than a single large county would pay for its own stand-alone CMS. However, subsequent legislation diverted some of the automated record keeping fee to other uses, such as the Attorney General's homeowners protection fund and the trial court clerks' records perpetuation fund. Additionally, the fee, after briefly increasing to \$7, was reduced to \$5. The reduction of the fee to \$5 and the diversion of a portion of the fee to programs that have no relation to the Court's automation project have substantially challenged the deployment of Odyssey. Thus, the Court is requesting that the automated record keeping fee be increased to \$10 and that the entire fee be directed to the Court's technology and automation fund (Fund 48050) as it was initially intended by the legislature when the fee was created.

As mentioned above, the Court has installed Odyssey in 138 courts in 44 counties and installments are currently underway in 40 more courts in 9 counties. Additionally, the Court's technology teams have developed and deployed information-sharing programs used by 20,000 registered users to share important judicial information among the courts and with numerous other agencies.

The requested increase of the automated record keeping fee and its restoration to its originally intended use will provide the Supreme Court with the funds necessary to fulfill its goal of providing Odyssey to every Indiana court that desires it, thereby enabling those courts to share information with each other, with other agencies of state government, and with members of the public who need and use court information. The additional \$5 per case filing fee 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 efficiency of the Indiana judicial system and the millions of citizens it serves. In particular, this increase would enable the Court to expedite the deployment of Odyssey to Marion, Lake, Porter, Vanderburgh, and Delaware counties and to continue to improve the information-sharing capabilities of Indiana's courts.

If the automated record keeping fee remains at \$5, and no other changes are made to the current statute, the Court will be able to support and maintain the technology

programs already in place, including the courts and clerks currently using Odyssey, but the rate of future deployments of Odyssey will be inadequate to promptly meet the demand from counties who have requested and are waiting for Odyssey. Increasing the automated record keeping fee to \$10 and restoring the entire amount of the fee to the Court is particularly important to enable the Indiana judiciary to meet the needs of Hoosier citizens.

2. Fully Funding Existing Positions at Their Current Salary and Benefit Levels

The Court appreciates the difficult financial situation the State has faced during the last several years. Like the rest of state government, the Court has been especially frugal during these lean times. In addition to implementing cost-saving measures where it could, the Court refrained from providing general cost-of-living adjustments ("COLA") and suspended its merit-based salary increase program during 2009, 2010, and 2011. In some of those years, the Court also reluctantly declined participation in the voluntary leave conversion pilot program, developed by the Indiana Deferred Compensation Committee, which allows eligible employees of the Supreme Court, the House of Representatives, the Senate, and the Legislative Services Agency to convert unused paid leave into a monetary contribution to the deferred compensation 401(a) Matching Plan.

In 2012, in accord with the Governor's providing an average salary increase to Executive Branch employees of 2.2% during that fiscal year, the Court gave its employees a 2.2% COLA for the first time in many years even though this COLA was not contemplated within Fund 10210's fiscal year 2012 appropriation. Additionally, some staff were promoted during the current biennium (with corresponding salary increases associated with the promotions) and some positions vacated through discharge or retirement have been filled by candidates awarded higher salaries than the persons previously occupying the positions. Finally, the Justices received statutorily prescribed salary increases in July 2011 and July 2012 that were not included within the Court's appropriation for fiscal year 2012 or fiscal year 2013.

The Court met these increased financial burdens during fiscal year 2012 by allowing several necessary positions to remain vacant for extended periods despite the need to fill them, by pushing off necessary expenditures into fiscal year 2013, and, with permission from the State Budget Agency, by transferring monies between Supreme Court Funds to cover year-end deficits. The Court will not be able to cover these salary increases by such means in the upcoming biennium. In addition, several currently vacant positions, which the Court intends to fill in the upcoming biennium, were eliminated from the "base" calculations for some of our Funds at the instruction of the State Budget Agency. Because we intend to fill those vacancies, the funding for them needs to be restored to our budget.

Due to the considerations expressed above, a major priority in the Court's biennial budget submissions for several of its Funds is securing budgetary increases sufficient to fully fund existing positions at current salary levels and to allow the Court to renew its participation in the deferred compensation leave conversion program.

3. *Providing Cost-Of-Living Adjustments and Merit Increases*

Additionally, the Court wants to avoid again facing a situation in which the Governor announces raises for Executive Branch employees that the Court cannot match for its employees because adequate funding was not provided in the Court's biennial appropriation. Accordingly, the budget submissions for our Funds seek funding sufficient to provide an average salary increase of 2.2% per employee per year in the new biennium.

4. *Bringing Indiana's Highest Courts into the 21st Century*

The Court has 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 Odyssey to Indiana's trial courts. It has likewise become clear that modern technology must be employed for *appellate* case management and electronic filing as well. We requested funding for a new appellate case management system in the biennial budget request submitted in October 2010. Our request was rejected due to the extreme fiscal difficulties the state then faced. Our need for this new technology has grown over the last two years, a fact made known to us not only from our own experience but also by the many attorneys who practice before our three appellate courts. Accordingly, we make our request again.

Since their inceptions, the Supreme Court, the Court of Appeals, the Tax Court, and the Appellate Courts' Clerk's Office (collectively "Appellate Courts") have been paper based, as indeed were 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 implemented or are in the process of procuring, maintain court documents in digital format throughout the entire process; allow internet-based submission of court filings and remote access to court records on a variable permission basis by judges, court and clerk office staff, attorneys, parties, and the public; automate many of the functions currently 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 reentered 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 the cases and court processes and to provide access to attorneys, parties, and media is no longer adequate. Each day, case-related filings, representing thousands of pieces of paper, come into the Courts' Clerk's Office through the mail or in person. The receipt of these filings must be manually noted on the Appellate Courts' electronic docket system, a "green screen" AS400 database system that the Appellate 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 administration office. The court's administration staff must then 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 appropriate judges/justices and chambers staff. Each judge or justice's chambers staff must then record that 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 or justice makes his/her decision regarding the filing, additional documents must be created to reflect 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 administration office's internal document tracking systems. If the document is either an opinion or an order that will be posted on the web, a separate "e-version" of the document must also be created and sent electronically to the Clerk's Office. The Clerk's Office must then engage in additional data entry to record the 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 email to the parties represented by attorneys and by regular mail to any parties proceeding without a lawyer.

The entire paper-based process, from the inception of the appeal through the issuance of a court's opinion, needs to 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 rarely reduced to paper, leading to reduced costs and errors, greater efficiency, and swifter justice provided to Indiana's citizens and businesses.

Additionally, 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 because 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 readily available technology 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.

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 positions in the Clerk's Office starting in fiscal year 2016, saving taxpayers \$189,754 per year in salary and benefits, and two additional full-time positions in the Clerk's Office starting in fiscal year 2021, 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. Our citizens renew license plates and engage in other important transactions online with the BMV; file state tax returns online with the Department of Revenue; make state park campground and lodge reservations and purchase hunting and fishing licenses online with the Department of Natural Resources; register to vote and register new business entities online with the Secretary of State; and 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 again ask for 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 with the users of their services.

For all of these reasons, the Indiana Supreme Court requests a total of \$2,993,378 in the new biennium to procure and implement a new appellate CMS to benefit the Supreme Court, the Court of Appeals, and the Tax Court—\$1,858,203 in fiscal year 2014 and \$1,135,175 in fiscal year 2015.

The Court also seeks additional funding to expand, enhance, and automate public access to Appellate Court records. Currently, unrepresented parties, members of the media, and other interested persons must visit the Court's website each day to look at case dockets and other web pages to determine whether orders and opinions have been issued in cases in which they have an interest. The Court seeks funding that will allow such persons to be informed automatically via email when an order or opinion is handed down in a case in which they have an interest and then allow them, at the click of a mouse, to view the document about which they just received notice. This effort would, in effect, bring to completion a project started in 2010 that enabled the Clerk's Office to begin emailing appellate court orders and opinions to represented parties in appellate matters instead of creating and mailing paper copies, thereby saving approximately \$40,000 annually in paper, printing, and postage. The Court seeks additional funds to automate this process (thereby allowing the Court to realize significant administrative savings in staff time and effort) and expand its availability to the parties, the media, and any other citizens who desire such notification about cases in which they have an interest, rather than just the attorneys involved in the cases. This will make the work of all three of Indiana's appellate courts instantly and more efficiently available to the parties and public in a way never before seen in Indiana history.

The Court also seeks additional funds for consulting services and the engagement of an independent contractor to develop and implement additional web-based technologies and databases and to assist in updating and expanding the Court's existing web-based services. This additional expertise is needed for the Court to bring its technology-related projects to fruition.

To pay for this expansion, enhancement, and automation of public access to the Appellate Courts' records and the human resource services needed to make the Court's technology initiatives a reality, the Court seeks an additional \$305,000 in fiscal year 2014 and \$285,000 in fiscal year 2015.

5. *Additional Staff Needs*

The fiscal constraints of 2009, 2010, and 2011 discussed earlier prevented the Court from creating and filling new positions as the need for those new positions arose, resulting in an ever-increasing workload for existing staff tasked with performing more work within the same amount of time at the same rate of pay. The Court's staff responded with dedication and commitment and did the best it could but the strain in many departments has reached its limits. Therefore, the Court seeks funding for additional staffing as described below.

Previously in this letter I discussed the Court's efforts over the last two years to assist Hoosiers in the mortgage foreclosure crisis and to secure and distribute Title IV funds. The staff attorney who oversees these efforts for the Court is currently paid out of the Mortgage Foreclosure fund (Fund 48471) and the Title IV-D fund (Fund 47065). The Mortgage Foreclosure fund is funded by a fee that currently is scheduled to sunset on December 31, 2012. Similarly, the Court's ability to recoup Title IV-D monies is currently only assured through December 31, 2013. However, the Court's need for this employee will not abate should one or both funding sources for her position cease to generate revenue. We will still need a staff person to assist with mortgage foreclosure reform efforts and some of the initiatives currently funded by Title IV-D funds. Further, this staff attorney provides necessary assistance to our Counsel to the Judicial Nominating Commission/Commission on Judicial Qualifications ("JNC/CJQ") and the costs associated with the Court's provision of services to the JNC/CJQ are funded by the Court's general operating fund (Fund 10210). For all of these reasons, the Court desires to move the source of funding for the staff attorney from the Mortgage Foreclosure fund and the Title IV-D fund to the Supreme Court's general operating fund starting in fiscal year 2015.

In 2008, the Court hired its first official Public Information Officer to assist the Court in providing Hoosier citizens and the media with relevant and timely information about Indiana's highest court. Her role in the ensuing years has dramatically expanded to include responsibility for the Court's website, writing and distributing hundreds of press releases annually, managing press conferences, and answering approximately 700 annual inquiries from the public and the media. Because of her expanded role, she now requires

an assistant to aid in her efforts. Accordingly, the Court seeks funding for a temporary (contract) worker to assist the Public Information Officer in promoting judicial branch transparency and outreach to the citizens of Indiana and the media.

The number of Funds managed by the Court has grown over the last two decades. Further, the State's recent implementation of the "Encompass" PeopleSoft financial system has added a significant administrative burden to our bookkeeping/accounting staff. The workload has now grown beyond their capacity and additional help is required. Accordingly, the Court seeks funds for a temporary (contract) worker to assist in its bookkeeping/accounting area.

The Clerk of Courts is required by state law to preserve and maintain the records of the Supreme Court, Court of Appeals, and Tax Court. For the last decade, this responsibility as it pertained to the thousands of "closed" appellate case records maintained by the Clerk's Office has been borne by a single employee. The ever-increasing amount of "closed" case records managed by the Clerk has caused the workload in this area to go beyond the capacity the single employee can handle. Accordingly, the Court seeks funding for a temporary (contract) worker to be added to the Clerk's Office.

The Judicial Center and the Court have collaborated with the Indiana Criminal Justice Institute and the Department of Corrections ("DOC") to launch a widely heralded statewide initiative called the Juvenile Detention Alternatives Initiative ("JDAI"). This initiative promotes reform by focusing on ways to safely reduce reliance on detention; by developing more efficient and effective programs, policies, and practices; by improving public safety; by saving money; and by strengthening the juvenile justice system in the process. Indiana has already experienced a significant decrease in the number of youth housed in detention in both Marion and Tippecanoe Counties, two counties presently employing JDAI. This has a direct impact on the inmate population within the DOC, one of our partners in these efforts. Ultimately, JDAI keeps youth from falling deeper into the juvenile justice system. The Judicial Center requests funding to provide the staff necessary to develop, oversee, and support the expansion of this initiative from the current 8 counties to 15 counties by 2014. This institutionalization of JDAI on the state level will insure that the core principles of collaboration among community leaders, data-driven decision-making, objective admissions assessments, detention alternatives for low-risk youth, expedited case processing, management of special cases, reduction of racial and ethnic disparities, and improved conditions of confinement for high-risk youth who need secure confinement will be replicated across the state with fidelity to the effective and proven model, ultimately resulting in fewer youth in secure detention and greater public safety.

Additionally, the Judicial Center has been extremely successful in demonstrating the benefits of problem-solving courts, so much so that there has been a 66% growth in the number of problem-solving courts since 2010 and we anticipate an additional 25% increase next year alone. To keep pace with this demand to certify and provide technical services to these courts, we seek funding for an additional staff person within the Judicial

Center during the second year of the next biennium. The growth and advancements in problem-solving courts substantially reduce recidivism, thereby increasing public safety, and benefit the state financially since offenders processed in problem-solving courts no longer require incarceration in the DOC.

As mentioned earlier in this letter, with my selection as Chief Justice, the Court has experienced a change in the office of Chief Justice for the first time in 25 years. The Chief Justice oversees the operations of the Court's multiple divisions and agencies.¹ Nine key senior staff members report directly to the Chief Justice. The Court oversees an overall budget of approximately \$137 million, and the Chief Justice reviews and bears approval responsibility for each non-salary item exceeding \$500. In light of the substantial increase in and complexity of programs administered, the number of senior staff personnel responsible to the Chief Justice, and the magnitude of the Court's fiscal duties and responsibilities, I request the addition of a Chief Financial Officer/Chief Counsel to assist the Chief Justice. Accordingly, our budget submission seeks funding for the addition of this new position as well.

6. *Increased Costs of Current Business Operations*

For many of our divisions and agencies, the cost of doing business has risen due to inflationary pressures and regular contractual increases, such as in dues, rent, phone, data/internet, janitorial services, maintenance of the collection in the Supreme Court law library, travel, supplies, equipment, etc. Our submissions for several of our Funds seek modest additional amounts to cover these cost-of-business increases.

7. *Enabling Courts to Serve People with Limited English Language Proficiency*

As mentioned earlier, as Indiana's demographics change, the need for courts to provide qualified court interpreter services to persons of Limited English Proficiency ("LEP") grows. The Indiana judicial system has taken several constructive and innovative steps to improve access to justice to LEP litigants: (1) development and implementation of a certification program for court interpreters; (2) membership in the National Center for State Courts Language Access Consortium, which provides tests and programs for certifying interpreters; (3) funding for telephonic court interpreter services in bulk for use by the trial courts; (4) a modest grant program (\$250,000 per year) to encourage trial courts to use certified interpreters; and (5) provision of Spanish translations of important documents, such as the child support calculator, parenting time guidelines, criminal and juvenile advisements, and major portions of the Indiana Criminal Code, for free on the Indiana Courts website. These efforts have been funded with state revenues. However, the bulk of the cost for providing court interpretation services,

¹ The Division of Supreme Court Administration (which also includes the Office of the Clerk of the Supreme, Appellate, and Tax Court); Division of State Court Administration (which includes JTAC, the Appellate IT Department, the Judicial Nominating/Qualifications Commission, ICLEO, and several other programs); the Indiana Judicial Center; the Continuing Legal Education Commission; the Board of Law Examiners; the Disciplinary Commission; the Judges and Lawyers Assistance Program; the Commission on Race and Gender Fairness; and the Court's function in civics education, outreach, and dissemination of public information.

namely the hourly pay for qualified interpreters, is born by the counties who fund the operations of the trial courts and by the parties to the litigation (if they are not indigent).

Although Indiana has done a great deal with very little state funding to improve court interpretive services (approximately \$250,000 to \$300,000 per year), pursuant to an advisory from the Civil Rights Division of the US Department of Justice ("DOJ"), it appears that Indiana is not meeting the DOJ's civil rights guidelines. In a letter dated August 16, 2010, Assistant U.S. Attorney General Tom Perez advised all state court chief justices and state court administrators that the Civil Rights Division of the DOJ is working on enforcing Title VI of the U.S. Civil Rights Act of 1964. The DOJ letter states that Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (hereinafter "Title VI"), requires all courts and entities receiving federal financial assistance (grants) to provide meaningful access for LEP individuals. The DOJ defines meaningful access to mean that all courts must provide, at public expense, qualified interpreters to all litigants and their witnesses, in all cases, for all proceedings, whether in court or ancillary to the court, such as probation, mediation, counseling, etc. Failure to provide such access can subject a state to the loss of its federal grant funding and other federal financial assistance.

We have examined models from other state court systems that provide court interpreters to all LEP individuals. They do so through a combination of certified staff, remote telephonic interpretation to courts that do not need regular services, and contract services for more unusual languages. This is a very efficient model as the staff interpreter can spend her entire workday interpreting, rather than driving hours on the road just to be present for a hearing that may take one hour. This model is supplemented by the in-person availability of qualified interpreters for complex, contested cases. The contracted hourly rate is the third leg of the model as it provides interpreters for languages that are not readily available.

Thus, the Supreme Court is asking that \$582,000 and \$1,164,000 be added to the Trial Court Operations Fund (Fund 10760) in fiscal years 2014 and 2015, respectively, to help Indiana courts provide qualified court interpreter services to LEP individuals and meet constitutional and DOJ requirements for receipt of federal grant funds. With this requested funding, Indiana can put together a system of staff court interpreters, remote telephonic services, and contractual interpreters to provide competent court interpretation in any language for most LEP parties. We are asking for half, rather than all, of the estimated amount in fiscal year 2014 because it would not be possible to have a full program in place at the start of the new biennium. By the start of the second fiscal year of the new biennium, however, we will have a fully functioning program.

8. *Maintaining Data Services*

The Court maintains databases (among many others not mentioned here) for the following software applications, many of which were discussed earlier in this letter: Protection Order Registry ("POR"); electronic Citation and Warning System ("eCWS"); mental health adjudications; and Indiana Courts Online Reports ("ICOR").

ICOR includes Quarterly Case Status Report ("QCSR"), Annual Report on Court Revenue, Annual Report on Budget & Expenditures, Court Reporter Annual Reports, Probation Quarterly Reports, Juvenile Law Services Quarterly Demographic Report, Semi-Annual Juvenile Law Services Financial Report, Probation Annual Operations Report, and Probation Annual Report on Budget & Expenditures. The cost on maintaining these databases has grown, making it impracticable to continue appropriate services for these valuable endeavors without additional funding. Accordingly, the Court seeks an additional \$100,000 for each fiscal year of the next biennial budget, as part of the Trial Court Operations Fund (Fund 10760), to meet the additional fiscal demands for support and maintenance of these databases.

9. *Salaries for Chief Adult Probation Officers*

In 2011, our trial courts of record employed approximately 1,785 probation officers and other probation support staff, all paid by local county funds to supervise convicts who would otherwise be candidates for a bed at the Department of Correction ("DOC"). The counties paid approximately \$90 million in 2011 for probation services. These costs were offset by approximately \$15 million collected in probation user fees but these fees fail to cover most of the costs. The net burden for probation services on county property tax rolls was approximately \$74 million. Without question, county-paid probation services are the single highest expense of the judicial system.

This situation has created a longstanding tension between courts and county government on the issue of funding of probation officer salaries. This tension arises from the fact that the State (through the Judicial Conference as required by Indiana Code section 11-13-1-8) sets the minimum salaries for probation officers but counties are required to pay those salaries. Since 2006, the Association of Indiana Counties ("AIC") has included a provision in its legislative platform asking the State to relieve this tension by funding probation services. In 2011, AIC representatives appeared before the Indiana General Assembly's Commission on Courts and sought state funding for probation officer salaries and probation services. The Commission on Courts did not act on this proposal but encouraged AIC to discuss probation funding with the judiciary. These discussions led both the Judicial Conference's Strategic Planning Committee and its Probation Committee to propose state funding of 92 chief probation officers' salaries. The Committees see this as an important first step in providing property tax relief to counties and possibly in moving toward eventual state funding of all probation services, which will allow probation departments to provide consistent and effective services to offenders across county lines.

The Judicial Conference committees propose two alternatives for accomplishing the goal: (a) direct state funding for the minimum salaries of chief probation officers, similar to the manner of payment for judges, prosecutors, and magistrates; or (b) financial assistance/reimbursement to the county through State financial aid for probation programs. The committees also propose that the counties retain responsibility for the payment of benefits for the chief probation officers.

This Court's budget submission proposes to shift the payment of all 92 chief adult probation officers to the State's General Fund. The proposed cost for fiscal year 2014 is \$7,678,804 and \$7,847,737 for fiscal year 2015. Our proposal includes the cost of benefits because it is not clear at this time if and how the state benefits contracts would affect this group of employees. We propose that the chief adult probation officer of each county be added to the payroll functions presently performed for judges, prosecutors, and magistrates through the Court's Division of State Court Administration. As is the case with state-paid magistrates, the chief probation officers will continue to be hired, supervised, fired, and managed by the courts that employ them. However, because the Supreme Court already serves as a paymaster to over 700 judges, elected prosecutors, their chief deputy prosecutors, and magistrates, and because probation officers are already paid pursuant to a pay schedule, the technical shifting of the chief probation officers salaries from one paymaster to another can be achieved with relative ease.

This proposal enhances public safety. Because of budget shortfalls, county probation departments are faced with cuts to probation officer positions, which diminish the ability to supervise offenders and reduce offender recidivism. The disparate availability of probation options can also result in due process issues when one county can afford probation or drug court to an offender for an offense that in a poorer county would result in incarceration at the DOC. While the entire financial burden for supervising probationers rests on the shoulders of county taxpayers, the state budget benefits from counties supervising offenders who would otherwise be committed to the DOC. This proposal appropriately allows the state to bear some of the financial burden of county-based probation supervision, while also sharing in the benefits.

10. Guardianship Program for Incapacitated Adults

Indiana's aging population is posing new and unmet challenges to Indiana's trial courts. Courts handling probate cases are being asked to appoint guardians for incapacitated elderly adults who often have no competent relatives able to fill these roles. This problem will only grow as the number of Indiana's incapacitated seniors grows. Faced with this dilemma, Indiana probate judges are looking for creative ways to serve this vulnerable population. These judges, together with representatives from other stakeholder groups, formed a Task Force that proposed the creation of a volunteer guardianship program for adults. The Supreme Court reviewed the proposal and concluded that, if implemented, it would go a long way toward enabling our trial courts to provide necessary services and oversight to our vulnerable seniors. The Court is requesting an additional \$520,000 for the Trial Court Operations Fund (Fund 10760) for each fiscal year of the next biennium to fund a volunteer program for guardianships for incapacitated adults.

Indiana is one of only ten states that lack a state-supported and state-funded delivery system for adult guardianship services. In most states, adult guardianship services are provided by a state agency similar to Indiana's Adult Protective Services system. In those programs, the state is appointed the guardian and paid case managers handle the case management and decision-making aspects of the guardianship. The Task

Force points out that in most of those states the caseloads are extremely high and the systems are often criticized for inefficiency and high costs to the State. If the court is able to take on this project, it will be important to collaborate with the Family and Social Services Administration ("FSSA"), Bureau of Aging Services, as that agency is tasked with administration of adult protective services under Indiana Code chapter 12-10-3 and operation of the adult guardianship program under Indiana Code chapter 12-10-7.

The model proposed by the Task Force is a community-based volunteer guardian program, similar to the GAL/CASA model. Since 2007, the Indiana Adult Guardianship Services Project developed model sites across the state; there are currently eight volunteer guardian programs serving 200 individuals in nine counties. These programs have 9.5 paid staff positions and more than 150 trained volunteers. The Project received initial funding of \$1.25 million from the Indiana FSSA Division of Disability and Rehabilitative Services. Although funding was not renewed due to state budget constraints, the Project has continued with the support of the Task Force and the local courts where the programs are located. The Task Force reports that the existing programs are highly rated by the courts they serve, by the hospitals and nursing homes in the areas served, and by the volunteers serving the programs. The ultimate goal of this request is eventually to develop programs covering all 92 counties. For the next biennium, the goal is to support the 8 current programs and develop 10 new programs.

Indiana is clearly lagging behind many other states in terms of oversight and services for adult guardianships. With the rapid increase in the aging population as the baby-boomer generation reaches retirement age, the need for adult guardianship services is poised to increase. Creating an Office of Adult Guardianship would allow the courts to provide oversight and accountability in adult guardianship cases and also to provide education and support to guardians. The office could also accurately assess program needs and explore best practices that are currently being implemented in other states. One need that has been identified is the provision of guardians for persons who do not have suitable family members to serve them. The Indiana Adult Guardianship Task Force has developed a community-based volunteer guardian model that should not be allowed to fail due to lack of resources. It is a model that can be duplicated and grown so that Indiana can meet the needs of some of its most vulnerable residents.

11. Providing Indigent Defense in Termination of Parental Rights Cases.

The loss of parental rights to one's children is a loss of one of the most fundamental rights. Indiana's legislature and courts have held that people faced with the prospect of losing parental rights are entitled to counsel. During the next biennium, the Supreme Court and the Indiana Public Defender Commission ("IPDC") want to assure that Indiana's counties have adequate funds to provide the assistance of counsel to indigent parents faced with potentially losing their parental rights. The Court and the IPDC are requesting an additional \$2.8 million for each fiscal year of the next biennium for the IPDC to reimburse qualifying counties for the expenses they incur to provide indigent defense services to parents in Child in Need of Services ("CHINS") and Termination of Parental Rights ("TPR") cases.

Every Indiana court must provide funds for the appointment of defense counsel to indigent persons. The United States and Indiana constitutions mandate these services. The Indiana General Assembly established the Public Defense Fund to help counties defray costs associated with indigent defense legal representation in capital and noncapital cases and to improve delivery of such services by requiring compliance with IPDC standards. (*See* Indiana Code chapter 33-40-6.) State law authorizes all Indiana counties to receive reimbursements from the Public Defense Fund of 50% of expenditures for indigent defense services in capital cases, and for eligible counties, reimbursement of up to 40% of expenditures in all noncapital cases except misdemeanors. All of Indiana's 92 counties are eligible for reimbursement of indigent defense costs in capital cases when in compliance with Indiana Supreme Court Criminal Rule 24.

To be eligible to receive reimbursement of noncapital defense expenses, a county must adopt a comprehensive plan for the delivery of indigent defense services approved by the IPDC and comply with standards adopted by the IPDC as authorized by state statute. (*See* Indiana Code section 33-40-5-4.) Currently, 61 counties have created comprehensive plans for delivering public defense services. However, not all of those 61 counties have been able to maintain eligibility for Public Defense Fund money. Economic conditions forced several counties to cut their defense budgets, making them unable to meet the standards set by the IPDC and ineligible to participate in the noncapital reimbursement program. As of June 30, 2012, a total of 53 counties are eligible for reimbursement of up to 40% of their noncapital public defense costs. More than 67% of the state's population resides in counties eligible for noncapital reimbursement.

The IPDC is required by Indiana Code section 33-40-6-6 to give priority to reimbursement claims in capital cases. After paying such claims, the remaining balance in the Public Defense Fund will reimburse noncapital claims at the full 40% rate provided there is a sufficient balance. If the Public Defense Fund cannot cover a 40% reimbursement to eligible counties, noncapital claims must be paid on a pro rata basis.

The Public Defense Fund's appropriations for fiscal years 2011 and 2012 increased from \$18.25 million to \$20.25 million. With the increase in funding, requests for reimbursement were paid in full. This ability to pay the full 40% reimbursement to eligible counties for noncapital claims is a significant improvement over the previous eight years (2001 to 2009) of pro rating the claims. During that prior period of time, the Public Defense Fund was forced to curtail reimbursements by \$11,488,633.

The IPDC has statutory authority and duty to reimburse public defense expenses for all indigent defense services, which include CHINS and TPR cases. However, the money appropriated to the Public Defense Fund has never been sufficient to provide the statutory reimbursement for all cases in which a county must provide indigent services. Since the General Assembly increased the Public Defense Fund in 2010, the existing reimbursement program for felony and juvenile delinquency cases has been able to

provide the promised 40% reimbursement of public defense expenses to the 53 eligible counties; however, an additional appropriation of \$2.8 million will enable the Public Defense Fund to reimburse indigent services in CHINS/TPR cases.

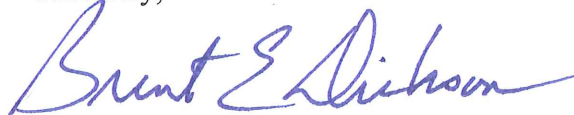
Under Indiana Code chapter 31-32-4, every parent in a proceeding to terminate the parent-child relationship is entitled to counsel and if the parent is indigent, the court must provide such counsel. Every termination case has an underlying CHINS case where parents are also entitled to counsel. During 2011, Indiana courts received 13,383 new CHINS/TPR cases and 10,098 of those cases were filed in counties participating in the Public Defender program. Based on Commission standards and reimbursement history of the participating counties, we estimate 202 part-time public defense attorneys would be required to handle that caseload. If each part-time public defense attorney is paid an average of \$25,000 yearly for this work, the salary expenses would be approximately \$5,050,000. The estimate of operating expenses for CHINS/TPR other than salary is \$1,919,000 for a total estimate of \$6,969,000. Reimbursement of 40% of the estimated costs of CHINS/TPR cases would amount to approximately \$2.8 million each fiscal year.

The Public Defense Fund provides property tax relief to counties that participate in the reimbursement program and a 40% return on noncapital defense costs is figured in each eligible county's budget. The requested increase will provide an additional \$2.8 million in property tax relief for counties' CHINS/TPR costs.

E. CONCLUSION

The Indiana Supreme Court has made great strides in recent years in serving Hoosier citizens with frugality. Over the last several budgetary cycles, the Court has had its budget frozen at a static level, thereby forcing the Court either to find cost-saving measures to fund increases in personnel, benefits, and operational costs and new or expanded initiatives, or simply to forego meeting the need. The Court has substantially trimmed its expenditures over the last several years and earnestly believes that to have its budget flat-lined yet again will substantially impair the judicial branch from fulfilling its responsibilities. With the requested increases, however, we earnestly believe that we will be able both to meet essential needs and to expand services where most required. My colleagues and I, along with all the other men and women serving as Indiana judicial officers, sincerely appreciate your consideration of this budget submission.

Sincerely,



Brent E. Dickson

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