



# STATE OF THE JUDICIARY

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A HOPE-FILLED FUTURE

Chief Justice Loretta H. Rush

INDIANA SUPREME COURT

# ADOPTION DAY 2017



Throughout November 2017, judges across Indiana celebrated National Adoption Day, allowing cameras into court to capture the moment children gained forever families. **Clockwise from top left:** Magistrate Renee Allen Ferguson (Vanderburgh); Judge Brett Niemeier (Vanderburgh); Judge Steven Nation (Hamilton); Senior Judge Gerald Zore (Marion).

# FOREVER FAMILIES



Indiana judges celebrate Adoption Day. **Clockwise from top left:** Magistrate Deborah Domine (Elkhart); Judge Darrin Dolehanty (Wayne); Judge Vicki Carmichael (Clark); Magistrate Lori Morgan (Allen). View more Adoption Day photos online at: [tinyurl.com/adoption-photos-17](https://tinyurl.com/adoption-photos-17).

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# STATE OF THE JUDICIARY A HOPE-FILLED FUTURE



The five justices of the Indiana Supreme Court.

Governor Holcomb, Lt. Governor Crouch, Members of the General Assembly, State leaders, and Judges, welcome to the 2018 State of the Judiciary. Today I fulfill my constitutional responsibility of reporting on Indiana's judiciary, which I am pleased to say is renewed, respected, and resolved. In a word, strong.

Let's begin by talking about the happiest day in court: Adoption Day. What you just saw on the monitors were the hope-filled faces of some of the 220 children in 33 Indiana courthouses—children who joined their forever families in November. The Supreme Court allowed the use of cameras in court for Adoption Day proceedings, and we wanted to share these moments with you. We are immensely proud to do our part in making Indiana one of the most adoption-friendly states in the country.

The 4,100 adoption cases were but a fraction of the 1,316,714 cases filed in our trial courts this past year. These cases ranged from business litigation to foreclosures, from family violence to property rights, from human trafficking to elder abuse and, of course, to the drug crisis.

These cases tell dramatic stories of our children, our families, our neighbors, our communities—in essence, the story of our Hoosier state. Thanks to the extraordinary men and women of Indiana’s judicial branch, we are delivering justice in every courthouse across the state, and we’re firmly poised to meet future challenges.

## THE DRUG CRISIS

In preparing these remarks, I asked your leadership what you would like included in this address. Thank you, Governor Holcomb, President Long, Speaker Bosma, Leaders Pelath, Goodin, and Lanane, for your time and input. There was a common theme to your responses: how is the judiciary addressing the opioid crisis?

Addiction has swept into every community and is flooding every court—and not just in Indiana, but across our country. This past year, I was appointed co-chair of the National Judicial Opioid Task Force.

People often ask me the same question they are asking you: what can we do about this crisis? I have only one answer: *together, we must do everything*. This is a situation where well-reasoned, evidence-based judicial interventions can get people to treatment, give consequences, cut the supply, support families, and save lives.

## **YOUR JUDICIARY IS RESPONDING BY:**

- Convening teams from each county this July to participate in extensive training on treatment for substance use disorder that works;
- Developing with partners a judicial toolbox for effective and evidence-based court-ordered drug treatment;
- Extending the reach of our problem-solving courts; we expect to have over 100 such courts by the end of this year;
- Advancing drug courts in child welfare cases that involve the entire family in the parents' treatment;
- Expanding our corps of CASA volunteers to support the children of parents swept up in the horrors of addiction;
- Supporting community corrections, pretrial, and jail-based programs so treatment begins as early as possible;
- Leveraging court technology to slow the supply of drugs from hitting Indiana streets; and
- Supporting your efforts to expand treatment and prevention programs in our communities.

Yes, we are doing all of this and more to combat the drug crisis.

While opioids are currently our most emergent challenge, we confront many others. To better position our judiciary to face future challenges, the Indiana Supreme Court has made several strategic decisions. And today, I want to highlight three.

- First, we completed an extensive reorganization of the entire judicial branch administrative structure.
- Second, we expanded and improved our technology.
- And finally, we enhanced our judicial branch training by making it more rigorous.

## ADMINISTRATIVE RESTRUCTURING

Last year we completed an extensive and successful restructuring by consolidating all Court agencies into a single Office of Judicial Administration. We based this restructuring upon a proven business model. We now have a Chief Administrative Officer, former Henry County Judge Mary Willis, making our operations more efficient.

We also hired a Chief Financial Officer who serves as a single point of contact for all fiscal matters. It was no surprise to us that *Indianapolis Business Journal* recently honored Aaron Hood as a top government CFO. We pride ourselves on being fiscally responsible and efficient while still operating with less than 1% of the overall state budget.

Our new Office of Personnel and Operations, led by Brenda Rodeheffer, worked to move our administrative offices closer to the State House, at a lower rent—a move that translates into millions of dollars in savings.



## Administrative Structure

### Indiana Supreme Court

Chief Justice Loretta Rush

Justice Steven David

Justice Mark Massa

Justice Geoffrey Slaughter

Justice Christopher Goff

### Office of Judicial Administration

Appellate Clerk's Office

### Attorney Services

Admissions &  
Continuing Education

Disciplinary Commission

Judges & Lawyers Assistance

### Court Technology

### Fiscal Office

### Office of Court Services

Education

Legal Support

Justice Services

Programming & Projects

### Office of Personnel & Operations

### Office of Communication, Education, and Outreach

### Supreme Court Services

Additionally, we united separate offices. The newly created Office of Court Services combines the former Indiana Judicial Center and Division of State Court Administration. This single office streamlines our interactions with judges across the state, while maintaining high-caliber training and programming.

Similarly, we combined Continuing Legal Education and the Board of Law Examiners into the highly effective Office of Admissions and Continuing Education. We made this change as we celebrated the remarkable milestone of 30 years of required professional legal education for Indiana's 20,000 practicing lawyers and judges.

As you can imagine, this reorganization has been a massive undertaking, requiring a committed and sustained effort by our staff.

While we have reorganized the judicial branch's administrative structure, we have also looked at judicial caseloads across the state. Judicial resources, especially given the surge of drug and child welfare cases,

must be deployed effectively. Under Cass County Judge Rick Maughmer's leadership, we performed an in-depth study of these resources to determine areas of need.

As a result, the Supreme Court last year adopted a rule of efficiency and partnership, allowing judges to operate across county lines to provide needed assistance to their colleagues.

Here is an example from a courthouse I know well. Tippecanoe County should have more than eleven judicial officers. They have eight. Thank you, Carroll County Judge Kurtis Fouts, for going to Lafayette a half day each week to help with child welfare cases. Vanderburgh and Clark counties are also in desperate need of judicial resources, so we sent in experienced senior judges.

Our judges are also crossing county lines to develop regional drug or veteran's courts; in Warren and Fountain counties, for example, the judges refuse to let the dividing line of the Wabash River determine whether an addict gets the treatment he or she needs.

## **MODERNIZING INDIANA'S JUDICIAL BRANCH**

In the past year we made extensive progress in modernizing Indiana's judicial branch; it is a game-changer. We are providing 24/7 access to the courts through electronic filing and an integrated case management system. The transformation of how we do business is astounding: each week 100,000 documents are now electronically filed, and 71% of all new cases are in one case management system.

Think of the time and cost savings. Litigants can find their case status on their phones instead of missing work to go to the courthouse. And tens of millions of pages no longer need to be copied, stamped, and physically filed. Our goal is for the entire state to be electronically filing within the next year.

Through the effective use of technology, we are facilitating information sharing of extensive court data. Just a few examples include:

- Tracking 7,000 new adult guardianships;
- Reporting 11,000 mental-health adjudications to the FBI;
- Submitting 900,000 protection orders to the registry;
- Giving policymakers an analysis of nearly 300,000 felony cases to help guide criminal code reform; and
- Providing the Department of Education with 40,000 cases so they are aware of convictions that would disqualify a person from teaching our children.

We even leverage court data to prevent drugs from ever hitting the streets. You asked us to send law enforcement the names of those convicted of drug crimes to be entered every day in a national tracking system. We have achieved that goal. Pharmacies use our criminal data to prevent the sale of medicines used to make methamphetamine.

You would think people who know they're not allowed to buy drug precursors wouldn't try. But they do—we have blocked thousands of precursors from ever getting to the street. And the 42,709 people named thus far in the system will not be able to buy the meth precursors to cook and sell more drugs while we are all working so hard to solve this public health crisis!

## A WISER JUDICIAL BRANCH

In addition, we're staying ahead of the challenges we face through our commitment to rigorous education and training programs for our judges and their staffs. Indiana University Vice President for Research Fred Cate described Indiana's judicial branch training as "one of the most robust in the nation."

Last year we provided 250 days of training for over 9,000 individuals, including judicial officers; probation and community supervision officers; CASA and adult guardian volunteers; court staff and clerks; drug, veteran, and other problem-solving court mentors; and others.



Jane Seigel, Executive Director of the Indiana Office of Court Services, at an annual judicial education event.

Our training initiatives have been led by Jane Seigel, who is retiring after 20 years of service. In this past year alone, we've presented training sessions on criminal justice reform, increased needs of our elderly, technology, civil justice reform, commercial courts, substance abuse treatment, racial bias, juvenile justice, child welfare, domestic violence, bail reform, problem-solving courts, and more.

Jane has crafted curriculums to ensure that when our citizens come to court, they interact with the

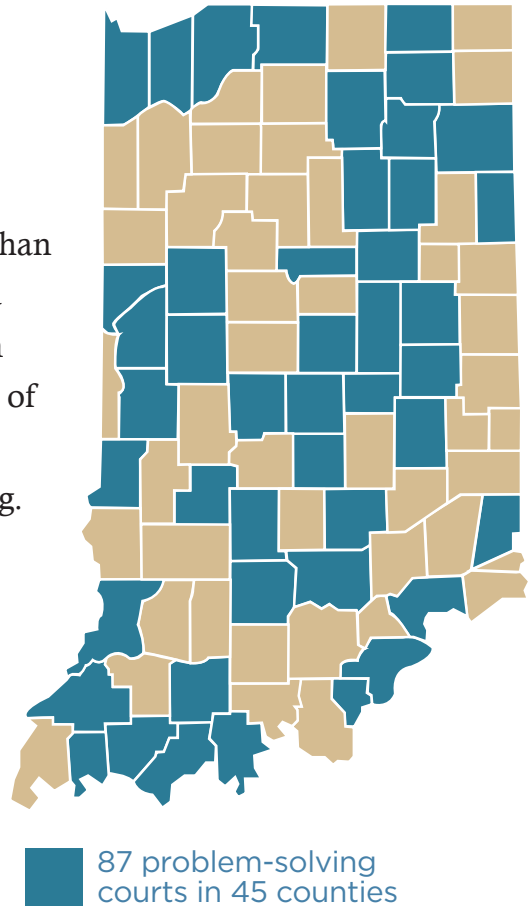
best-trained professionals in the nation.  
We owe Jane a debt of gratitude.

Training is not limited to our judges.  
Well-trained Court Appointed Special  
Advocates, or CASAs, are more crucial than  
ever. In 2017, our CASA program served  
the second-highest number of children in  
the country—26,000 children. I know all of  
our judges join me in thanking all of you  
for your timely increase in CASA funding.

As for problem-solving courts, they  
have tremendous return on investment  
in terms of defendant success and  
keeping non-violent offenders out of  
jail. These courts require pioneering  
judges, supportive communities, and  
tremendous training resources.

We increased the number of  
these courts by 10% in the past year and now have 87 with 15 more being  
developed. These courts are crucial for addressing the drug crisis. I'll give you  
just one example.

In Grant County, Judge Dana Kenworthy saw a growing number of parents  
affected by addiction. To address this problem, she established the specialized  
Family Recovery Court to include not just the addicted, but also their  
children—the hidden victims of this drug crisis.





Grant County Judge Dana Kenworthy and staff with a Family Recovery Court graduate following a ceremony at First Christian Church.

She says her court is guided by the patron saint of lost causes, because the parents are chronic and deep-end users. Seventy-five percent are addicted to opioids, and one-third of the participants are mothers with newborns.

Judge Kenworthy's court is helping those parents redirect their lives. A recent court graduation at First Christian Church celebrated a 41-year-old father named Donald, who thanked supporters and described the level of persistence needed to overcome addiction. "I have to chase recovery like I did the dope man—I have to do it each day."

Your judicial branch must have this same level of persistence with all of our initiatives. So much is at stake.

## MEETING THE JUSTICES

Our readiness for the future is comprehensive and statewide, and it includes your appellate courts right here at the State House. Your Supreme Court last year reviewed 885 cases, issued 73 majority opinions, and held 59 oral





The “Fab Five” joined the current five justices for a photo in the Supreme Court law library prior to Justice Goff’s investiture ceremony.

arguments. We traversed the state with arguments on the road at Gary Roosevelt High School and the University of Southern Indiana in Evansville. The hard-working judges on our Court of Appeals were also traveling and recently held their milestone 500<sup>th</sup> oral argument on the road.

I want to tell you a little bit about the people with whom I am privileged to serve. I should have convinced Speaker Bosma to let me bring a fog machine, loud music, and strobe lights to make these introductions—this is basketball-loving Indiana after all. But I’ll dispense with the pageantry and introduce your Supreme Court starting lineup.

We’re relatively new—especially compared to the 11-year span when there was no change in Court membership. You might call that the “Fab Five” era of Justices Shepard, Dickson, Sullivan, Boehm, and Rucker.

But your new Court brings a combined 150 years of legal and judicial experience. Our greatest strength is our collective decision-making ability.



Justice Steven David addressed students at Zionsville High School in Boone County as part of Constitution Day.

## JUSTICE STEVEN DAVID

Justice Steven David is a native Hoosier who is well-traveled. His travels remind us that there are places in the world where the rule of law is absent and the word of a tribal leader governs the day. Justice David is a highly distinguished 28-year Army veteran with multiple tours of duty in Iraq, Guantanamo Bay, Panama, and Germany.

He testified before the U.S. House Armed Services Committee as an expert on prison and detention operations in Iraq. Colonel David was awarded the Defense Superior

Service Award. His military career alone provides a wealth of perspective as we discuss cases and administrative matters. He leads our veteran's courts expansion.

Now let me tell you about his 22-year judicial career that followed his 9 years as corporate counsel and as a private practice attorney. As an elected judge in Boone County, he oversaw thousands of trials involving business disputes, juvenile and family matters, the death penalty, class actions—a cross section of what our trial courts encounter each and every day.

He is committed to juvenile justice reform, leading the JDAI or Juvenile Detention Alternatives Initiative. And this world-class Iron Man is also our leader for court technology and the newly created Coalition for Court Access.

Justice David has significantly contributed to our body of constitutional, contract, and common law. He has written 113 majority opinions and, yes, 22 dissents. We don't always agree with each other, and our legal system is stronger because of it.

Like any great starting lineup a varied skill set is important. Let me introduce you to Justice Massa.



The inaugural meeting of the Marion County Judicial Selection Committee, which Justice Mark Massa chairs.

## JUSTICE MARK MASSA

Justice Mark Massa is a familiar face to many of you, having worked in the State House in various capacities over the past 30 years. The Indiana University journalism major enjoyed life as an award-winning newspaper reporter before joining Governor Orr's staff as a speechwriter when he was just 24. He attended law school in the evenings and earned a clerkship with Chief Justice Shepard.

His legal career continued for 15 years as a state and federal prosecutor. He helped establish

Marion County's first drug court in 1998 and worked on counterterrorism efforts as an Assistant United States Attorney. During his career, he prosecuted cases ranging from misdemeanors to murder.

In 2006, he began serving as General Counsel to Governor Daniels and enjoyed the task of vetting 34 judicial appointments across the state, some of whom are here today. Justice Massa is now hard at work chairing the new Marion County Judicial Selection Committee that the General Assembly created.

Justice Massa's broad experience in the other branches of government and the Fourth Estate brings a perspective beyond criminal or state constitutional law. He brings to our Court his deep appreciation for separation of powers and the independent role of the press.

He has authored a wide range of opinions including defining the scope of your public records laws and upholding the constitutionality of your statutes regarding dissemination of material harmful to minors.

"Your new Court brings a combined  
150 years of legal and judicial experience.  
Our greatest strength is our collective  
decision-making ability."



Justice Geoffrey Slaughter spoke to students in the Supreme Court Courtroom as part of Statehood Day.

## JUSTICE GEOFFREY SLAUGHTER

Justice Geoffrey Slaughter earned his law degree and MBA in finance from Indiana University in Bloomington. His 29-year legal career spans state and federal court with cases ranging from complex business disputes to capital murder. For several years he practiced at a large Chicago law firm where he handled commercial, bankruptcy, and antitrust matters.

In 1995, he was recruited back to Indiana by the Attorney General's Office to help oversee the state's antitrust-enforcement efforts and to

prosecute the state's claims against the tobacco industry. He worked for three attorneys general on these difficult matters. Thank you, Pamela Carter, Jeffrey Modisett, and Karen Freeman-Wilson, for bringing him back home again to Indiana! Although he still loves the Cubs, Illinois never got him back.

With his work complete at the AG's office in 2001, he began a 15-year career at an Indianapolis private law firm litigating disputes including environmental, antitrust, securities-fraud, commercial, and constitutional cases. He understands complex litigation. Ask him to tell you about his work on a 62-billion-dollar telecommunications merger or why a case involving 700 million eggs remained in litigation for 18 years.



Justice Slaughter's experience from the other side of the bench brings the Court a valuable firsthand perspective on how court rules and decisions affect litigants and the general public, including the time and monetary costs of compliance.



Justice Christopher Goff and his wife Raquel with Governor Eric Holcomb after being sworn in as the 110<sup>th</sup> Justice of the Court.

## JUSTICE CHRISTOPHER GOFF

Finally, Justice Christopher Goff joined our starting lineup last July 24. Well done, Governor Holcomb. Justice Goff will tell you that his legal practice involved ordinary clients with everyday legal issues such as domestic relations, criminal matters, wills, estates, and small business needs.

He saw his clients as people, not problems. He received multiple awards for his volunteer legal work for the poor. His work as a community leader, public defender,

small town law partner, and judge who presided over jury and bench trials gives him a foundation of knowledge about life in a small Indiana town.

And that perspective informs our decisions around the conference table each week. Judge Goff was instrumental in implementing three certified problem-solving courts, and he led the Protection Order Committee. Justice Goff is



devoting time to the Public Defender's Task Force and is leading our Problem-Solving Courts Committee.

Justice Goff inspired us all at his robing ceremony with these words: "Today we are gathered to celebrate the fact that someone born to teenage parents, married to the daughter of migrant workers, and from a remote part of the state has been selected to serve on Indiana's highest court. That gives me a sense of hope because, if such a thing is possible for me, why should it not be possible for any child?"

## LOOKING TO THE FUTURE

I agree with Justice Goff. We began today looking at the hope-filled faces of children in courthouses across the state. With this new Court, our appellate and trial court colleagues, and unified staff, I stand before you with confidence that your courts are ready to meet the challenges ahead. The state of your judiciary is strong, and we are filled with hope for the future.

A handwritten signature in black ink, reading "Loretta H. Rush". The signature is fluid and cursive, with the first name "Loretta" being more prominent and the last name "Rush" following in a similar style.

Loretta H. Rush

CHIEF JUSTICE OF INDIANA



View photos from Indiana court events:  
[flickr.com/photos/incourts](https://www.flickr.com/photos/incourts)



**ABOVE LEFT:** Justice Steven David and Justice Robert Rucker with cadets prior to a traveling oral argument in Lake County. **ABOVE RIGHT:** Judge David Avery took questions from students at Woodlan Elementary in Allen County as part of Constitution Day.



**LEFT:** Rep. Sheila Klinker during a special House of Representatives Resolution for CASA. **ABOVE:** Court of Appeals Judges Melissa May, John Baker, and Robert Altice, Jr., spoke to students following their 500<sup>th</sup> traveling oral argument.

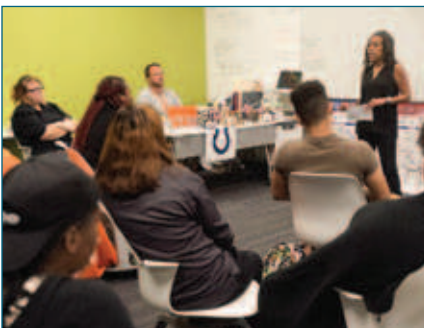


**ABOVE LEFT:** Former Chief Justice Randall Shepard and current Chief Justice Loretta Rush with the Coleman family during the ICLEO 20<sup>th</sup> anniversary celebration. **ABOVE RIGHT:** Senior judges are trained by Trial Court Technology staff.



**ABOVE LEFT:** Supreme Court managers gathered for a photo at the new administrative offices. **ABOVE RIGHT:** Chief Justice Loretta Rush with a student wearing a judicial robe during Statehood Day at the Indiana State House.

**BELOW LEFT:** Judge Sheryl Lynch presented to students at Simon Youth Academy in Marion County as part of Constitution Day. **BELOW RIGHT:** IU Professor Fred Cate, Chief Administrative Officer Mary Willis, and local attorney Marc Matheny discussed CLE in the 21<sup>st</sup> Century during a special event.



The State of the Judiciary is given each year by the Chief Justice of Indiana to the Governor and a joint session of the Indiana General Assembly.

A video of this year's State of the Judiciary is available on the Indiana Supreme Court website:

**[courts.IN.gov/supreme](https://courts.IN.gov/supreme)**



PHOTOGRAPHY

Rachel Anderle • Amy Bechtel • Chris Bucher • Kathryn Dolan • Nathaniel Edmunds • Patrick McCauley • John McGauley • Ashley Reed • Nita Wright  
and other friends of the Court