

The State of the Judiciary
Chief Justice Richard M. Givan, Indiana Supreme Court
Message to the Legislature
January 15, 1976

Because of farsighted legislation in the last General Assembly, this past year has seen an accelerated rate of judicial improvement in Indiana.

Public Law 303, 1975, established a State Court Administrator and provided for the division of the state into judicial districts to facilitate the handling of the case load. Although this Act did not go into effect until January 1st of this year, many steps have already been taken for the implementation of the Act.

The Supreme Court has appointed Bruce Kotzan as State Court Administrator. The state has been divided into 14 judicial districts. Judges from the Supreme Court and Court of Appeals have met with the trial judges in each of these districts for the purpose of formulating plans for the gathering of statistical data relating to the case load in each court, the rate and manner of the handling of the cases and the fiscal operation of all courts in the state.

With the aid of the many excellent suggestions provided by trial judges throughout the state, a uniform procedure for case load and fiscal data gathering has been formulated. For the first time in the history of the Indiana Judiciary, information concerning the activity of all courts in the state will be available from one source. This information will give us a picture of state judicial activity heretofore unavailable, and afford the Judiciary, as well as the Legislature, an opportunity to systematically meet and uniformly resolve the problems that are confronting the Judiciary.

It should be further noted that the establishment of this office and program has been done with very little additional expense. We have, so far, refrained from investing funds in any expensive computer equipment for data gathering; the overall staff of the Supreme Court has not increased. It is the belief of the Supreme Court that this project should be undertaken with care in order that maximum results may be obtained at a minimum of expense to the state.

The State Court Administrator has also devised a form to be filled out and filed by each judge to show his financial interests. This form complies with both the Canons of Judicial Ethics adopted by the Supreme Court and Public Law 304, 1975. The combining of the requirements of each in a single form prevents needless duplication.

The last General Assembly also passed Public Laws 305, 309, 311 and 313, which provide for the handling of the small claims and misdemeanor cases in County Courts and Superior Courts. In a spirit of cooperation with the Legislature, the Supreme Court rendered a sua sponte opinion which facilitated the implementation of those acts.

The Indiana Judicial Center, under the competent and energetic leadership of Dean William F. Harvey and Professor William a. Kerr, has been of tremendous help to the entire State Judiciary during this past year. They have been of great assistance in establishing seminars for training of the new County Court judges, court administrators, juvenile judges, and have handled the mechanics of the 14 statewide meetings with the trial judges in the judicial districts.

As I mentioned in the State of the Judiciary message last year, the Judicial Center is funded largely by Federal funds. It is not an official part of state government. Because Federally-funded projects are on a rather tenuous basis and because of the proven utility of the Judicial Center, there is a bill introduced in this session to make the Judicial Center an official state body. Such legislation will not duplicate or interfere with the Judicial Study Commission. The latter is an arm of the Legislature established for the purpose of recommending and drafting needed legislation concerning the Judiciary, whereas the former provides much needed continuing legal education for the Judiciary. I most sincerely urge your consideration of this legislation.

There is a bill introduced to remove the State Public Defender from the control of the Supreme Court. The Court approves the bill. The importance and scope of activity of the State Public Defender has grown to such an extent and is so necessarily involved in litigation before the Supreme Court that to have that office under the supervision of the Court creates an apparent, if not actual, conflict of interest.

We believe both offices would be best served if the Public Defender were made an independent agency. If the Legislature so chooses, they may leave the appointment of the Public Defender to the Supreme Court, but the Court should have no further duties of supervision.

Our system of checks and balances in government sometimes leads to apparent conflict between the Legislative, the Executive and the Judiciary. Let us all strive to remain objective in our differences. Let us not accentuate the separation of power, but maintain a positive approach to good government through cooperation between the Legislature, the Executive and the Judiciary.

Let us be aware of the problems involved in each division of government and join together in the solving of these problems with a spirit of cooperation. During the last session, the Legislature responded to the needs of the judiciary. We, in turn, are making every effort to implement that legislation.

There is still much room for improvement in the judiciary. We cannot hope for total accomplishment in a single year, but we can continue the good work commenced in this past year.

The Judiciary thanks for Legislature and the Governor for their cooperation and pledge our cooperation in return.