

The State of the Judiciary  
Chief Justice Richard M. Givan, Indiana Supreme Court  
Message to the Legislature  
January 16, 1979

In 1977 two hundred-fifty trial judges in Indiana disposed of 699,691 cases. The Court of Appeals disposed of 758 cases and the Supreme Court 224 cases. In 1978 the Supreme Court disposed of 339 cases. The Court of Appeals, 848. The total cost of the entire court operation in 1977, including the Court of Appeals and the Supreme Court, was \$33,217,863. Revenues generated through the operation of the trial courts were \$19,543,027. Thus the net cost of the operation of the court system in Indiana in 1977 was \$13,674,836. This represents one-fourth of 1% of the total State expenditures for the 1976-1977 fiscal year.

Of the gross cost of \$33,217,863, local government units pay \$25,339,608, while the State pays \$7,878,255. Of the gross revenues of \$19,543,027, generated by the court system, the State receives \$12,970,364, and the local governments receive \$6,572,663.

With the combination of inflation and the acceleration of judicial business, many local governments find themselves in a very difficult situation as to the financing of the court system.

The Trial Judges' Association has made a study of this and other problems of the judiciary. As a result of their study, they have prepared suggestions for judicial reform.

After examination by the Citizens' Judicial Advisory Committee, these suggestions have been turned over to the Judicial Study Commission. Hopefully a bill for judicial reform will be ready for your consideration at the next session of the General Assembly.

The judiciary wishes to express its appreciation for the creation of a fourth division of the Court of Appeals.

Through the selection process established by the 1970 Judicial Amendment to our Constitution, Judges Eugene N. Chipman, James B. Young and Stanley B. Miller were chosen to preside over the new division.

During this past year the Honorable Charles S. White, Judge of the Court of Appeals, Second District, resigned after a long and illustrious career as an attorney, trial judge and Judge of the Court of Appeals.

The vacancy created by Judge White's resignation was filled by the Honorable V. Sue Shields, former superior court judge in Hamilton County, Judge Shields is the first woman to serve on the Indiana Court of Appeals.

The method of selecting judges provided by the 1970 Judicial Amendment is working extremely well, as are similar systems in Allen, St. Joseph, Lake and Vanderburgh counties. In every instance well-qualified persons have been selected. I would hope that sometime in the future the entire State judiciary would be chosen in a similar manner.

You may recall a suggestion last year that the State Public Defender be removed from the control of the Supreme Court. The Citizens' Judicial Advisory Committee studied this situation and recommended that a bill be prepared to accomplish this. As a result, there is now a bill pending before you which would establish the Public Defender as a separate State entity. It also provides for a statewide system for defense, at the trial level, of indigent persons charged with crime.

The Supreme Court recommends your consideration of this pending bill. The present system gives the impression of a conflict of interest because the Public Defender represents so many persons in litigation before the Supreme Court.

There is also a pending bill to establish needed changes in the law concerning juveniles. This bill is the product of many hours of study by judges having juvenile jurisdiction and other persons interested in the subject. You will make the ultimate decision as to the substantive law.

I hope you will feel free to call upon those who have thus far studied the needs in the field of juvenile law as you make the final decisions on this bill.

In reading the Judicial Messages delivered by the Chief Justices of other States, one perceives many similarities. The most important common thread running through these reports is the great interest both lawyers and laymen have taken in the judiciary in recent years.

In Indiana many hours of valuable time have been given by many talented people, including the League of Women Voters, to effect improvements and lend support to the judicial system. At the risk of omitting valuable contributors, specific mention should be made of the Citizens' Judicial Advisory Committee: chaired by the Honorable Paul G. Jasper, former member of the Indiana Supreme Court; and including Harry P. Cooper, Jr., President of the Indiana Farmers Mutual Insurance Company; C. Harvey Bradley, Jr., Chief Counsel for Eli Lilly & Company; Howard Caldwell of WRTV, Channel 6, Indianapolis; Dallas Sells, Regional Director, A.F.L.-C.I.O., Region 3, Indianapolis; Millie Pilot, Radio Station WJOB, Hammond; Dean H. Mitchell, Chairman of the Board, Northern Indiana Public Service Company; and Karl J. Stipher of Baker & Daniels' law firm and former president of the Indianapolis Bar Association and the Indiana State Bar Association.

Mention should be made of the deans and faculty members of the four law schools in Indiana, especially William F. Harvey, Dean of the Indiana University School of Law at Indianapolis, whose support of the judiciary through the Judicial Center and as a member of the Supreme Court Rules Committee, has been truly outstanding.

There are also those who serve on the State Judicial Nominating and Qualifications Commission; the local nominating commissions in Allen, Lake, St. Joseph and Vanderburgh counties; the State Disciplinary Commission; the Lawyers' Commission, chaired by Cleon Foust; and your own Judicial Study Commission, chaired by the Honorable Wesley Ratliff.

By naming a few of these outstanding and unselfish persons I do not intend to minimize or imply a lesser service rendered by the many others who have given their time and talent in this area. In the past few years, many improvements have been made and many more are on the drawing boards. Like all other branches of government, the Judiciary is suffering the effects of inflation, compounded by a dramatically increasing work load.

The Judiciary appreciates the many problems the General Assembly must consider as to all facets of government. In fact, many of the present judges have served in the General Assembly. We only ask that, as in the past, you consider the vital nature of the Judiciary and its most pressing problems.

Any information you may wish, including statistics gathered by our State Court Administrator, will be furnished.

I thank you for the opportunity to present this report. Members of the judiciary and our staffs will be available throughout your session if you have any questions, either collectively or individually.