

State of the Judiciary: Praise for Our Partners in Justice
Chief Justice Loretta H. Rush, Indiana Supreme Court
Message to the Legislature
January 18, 2017

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But we do not fulfill our mission alone.

We owe our success to many partners in justice—the focus of today’s address.

Governor Holcomb, Lt. Governor Crouch, members of the General Assembly, colleagues on the bench, family, and friends: Welcome to the 2017 State of the Judiciary.

It is always a privilege to join the leadership of our Executive and Legislative branches in this magnificent chamber. A new year is a fitting time for the Judicial Branch to renew our pledge to work together for the benefit of every Hoosier.

As Chief Justice of Indiana it is my duty to report to you the condition of Indiana’s courts—my third such address. Our courts continue to carry out our constitutional mission in the 1,396,362 cases that came before us last year. But we do not fulfill our mission alone. We owe our success to many “partners in justice”— the focus of today’s address.

But first, I am pleased to introduce you to our newest Justice, Geoffrey Slaughter. You might assume that being appointed to the Court in June was the highlight of 2016 for him. And it was— until November 3rd when at 1:30 a.m., 39,466 days of disappointment ended. Stop by Justice Slaughter’s chambers and he will gladly share in play-by-play detail every moment of the Cubs’ historic World Series win. Congratulations to Geoff on both counts!

Honoring Justice Rucker

We now turn our attention from our Court’s newest member to our longest serving.

In 1964, while working at a Lake County steel mill, a Gary Roosevelt High School graduate began studies at Indiana University Northwest. He was called away from his undergraduate days to serve our country in Vietnam where, as a member of the Army 1st Air Cavalry Division, he fought to relieve Marines who were under siege at Khe Sanh. He was later awarded a Purple Heart and a Bronze Star for his heroism.

Returning from service, he graduated from Valparaiso Law School and began his legal career as a deputy prosecutor, then worked as a city attorney and as a private practice attorney, before being appointed to the Court of Appeals in 1991, and then the Supreme Court in 1999.

Justice Rucker has written 1,235 legal opinions—opinions that are being read in courthouses across the country, including one special courthouse in Lake County, named in his honor. His body of work stands as a powerful illustration of the guidance courts provide for the peaceful resolution of disputes encompassing nearly every facet of Hoosier life.

His opinion in *Anglemyer v. State*, [868 N.E.2d 482 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 818] which has been cited nearly 7,000 times throughout the country, brought clarity to Indiana's sentencing laws in a time of great upheaval. Justice Rucker's opinions have enforced core constitutional values—such as preserving family integrity and community [*see, e.g., Bester v. Lake Cnty. Office of Family and Children*, 839 N.E.2d 143 (Ind. 2005); *In re E.M.*, 4 N.E.3d 636, 650–56 (Ind. 2014) (Rucker, J., dissenting)]; and ensuring access to justice for people with limited English proficiency [*Ponce v. State*, 9 N.E.3d 1265 (Ind. 2014)].

Justice Rucker is one of Indiana's few members of the American Law Institute— one of the nation's most influential groups of legal scholars. His contributions to Indiana's jurisprudence are remarkable. His legal scholarship is innovative and insightful in applying the constitutional values he has sworn to uphold. But perhaps most importantly, Justice Robert Rucker has always had the courage and fortitude to protect the rights of all, regardless of their state in life. He has the ability to stand in the shoes of any person and understand their plight. In a word, he has a tremendous sense of humanity.

We will be returning to Gary Roosevelt High School on March 9th this year to hear one of Justice Rucker's final arguments. Our colleague and friend is retiring after 26 years of distinguished judicial service. Thirty-one appellate judges

have had the honor of serving with this brilliant, collegial, and humble public servant. He has made all of us better. Please join me and Justices David, Massa, and Slaughter in thanking Justice Robert D. Rucker for his long, faithful, and conscientious service to the people of Indiana.

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Updates

Now, I would like to briefly report on the progress of several previously announced initiatives.

Our commercial courts are already hearing dozens of complex business litigation cases in the six pilot sites serving companies throughout our state.

We completed an exhaustive reorganization of our judicial branch administrative services. Part of that process was a nationwide search for a Chief Administrative Officer: a search that brought us just 50 miles away, to New Castle. Please welcome Judge Mary Willis as our first CAO.

We have continued our commitment to make dedicated Veterans' Courts available to all qualified service members. Soon, six new Veterans' Courts will join our 19 existing ones. Overall, 82 such problem-solving courts are addressing substance abuse, mental health, violence, and re-entry issues.

Finally, we welcomed nine Marion County Small Claims Court judges as full-time judicial officers under the Code of Judicial Conduct and sharing in our technology and judicial education programs. We are glad to have them join us today.

Partners in Justice

This past year, your judiciary has made progress every day to make practical improvements to the courts. And we have not done it alone. Running Indiana's courts requires the hands and hearts of thousands of women and men in all of our 92 counties. These partners in justice are often overlooked. But not today.

Dozens of judges from across the state are here to show their gratitude for the hard work of our partners. Who are these partners? They are the clerks, support staff, public defenders, prosecutors, probation officers, volunteers, advocates, law enforcement, interpreters, service providers, mentors, educators, community corrections, child services employees, local government officials, attorneys, and others.

Please direct your attention to the gallery and north balcony, where you will see some of these partners who are essential to justice in our state. For the rest of this address, I will take you on a statewide tour highlighting their vital contributions in three major and ongoing judicial branch initiatives:

1. *Adopting modern technology to revolutionize our court system;*
2. *Ensuring public safety that complements your important criminal code reforms; and*
3. *Supporting and strengthening Hoosier families in need.*

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Revolutionary Use of Technology

What better place to begin than with our constitutional partners—the clerks. Above Clerk Christine Eurton's door in the Floyd County courthouse is the saying "Justice Begins...at the Clerk's Office." And how right they are! Clerks along with court staff are playing a critical role in our judicial branch's modernization efforts.

Hamilton County Clerk Tammy Baitz and Chief Deputy Debbie LePere are pioneers of our electronic filing system, which streamlines the legal process and saves time and money. After successfully implementing e-filing in Hamilton County, they now graciously host and train many of our judges, clerks, and support staff.

Our state began electronic filing in July 2015 with the goal of improving efficiency and accessibility to our courts. In just 18 months we have expanded this technology to over 25% of counties, totaling 30,000 filings each week! This number will continue to grow as the system is deployed statewide within the next two years. Tammy and Deb, please stand on behalf of all clerks. We could not have tackled this needed reform without the perseverance and grit of all of you.

As Tippecanoe County Clerk Christa Coffey is clearing out rooms full of paper in her own county, she is helping us determine what documents should be made available online. Clerk Coffey and Henry County Clerk Debra Walker are both representatives on the Advisory Task Force on Remote Access to and Privacy of Electronic Court Records. Our partners serving on this Task Force also include several of you, along with the Hoosier State Press Association,

ACLU, law professors, and other citizens. With valuable input from this diverse group, the Court has approved free online access to certain court documents, and we look forward to their continued thoughtful analysis as we balance privacy and access.

Criminal Code Reform

Law enforcement is certainly one of our vital partners in the implementation of criminal justice reform. It is my honor as Chief Justice to administer the oath each year to new Indiana State Police troopers. I make it a point to sit down individually with each of them and, in doing so, I can't help but think of all the challenges that lie ahead for them. They are on the front lines dealing with problems that make their way into our courtrooms such as drug overdoses, domestic violence, and children in crisis.

Wayne County Judge Darrin Dolehanty refers to his local Sheriff Jeff Cappa as a hero in the Juvenile Detention Alternatives Initiative, otherwise known as JDAI. This program's objective is to keep communities safe while reducing childhood incarcerations. It is well-documented that many people, including children with mental health issues, end up in detention due to a lack of treatment options.

In one case, a child with mental health issues was becoming increasingly aggressive, and the family was struggling, resulting in many officer visits to the child's home. Sheriff Cappa was instrumental in working with the courts and the child's family so the child could receive much needed mental health treatment instead of a juvenile jail cell.

And JDAI is working. Indiana has 32 JDAI counties with initial reporting showing a 50% reduction in children being incarcerated, along with a corresponding 45% reduction in felony charges. Naturally, these reductions resulted in significant dollar savings to both the individual counties and to the state. Only the many JDAI partnerships, including those with law enforcement, make this possible.

Of course, we are not confining reform efforts to our children. We are undertaking a smart and intentional review of the overall fairness of court procedures that require monetary bail for low-risk offenders who do not exhibit a threat to public safety. Eleven counties—Allen, Bartholomew, Grant, Hamilton, Hendricks, Jefferson, Monroe, Porter, St. Joseph, Starke, and Tipton—have already assembled pilot teams that include prosecutors, public defenders, law enforcement officers, and elected officials. These teams are working together to find better ways to assure that low-risk offenders are attending their court hearings, regardless of their families' ability to bail them out of jail. We are grateful for the hard work of these local teams who are providing data to create a framework for smarter and safer pre-trial decision making.

Probation is under the direction of our trial court judges, and increased probation supervision is an important element of criminal justice reform. Miami County Judges Daniel Banina, David Grund, and Timothy Spahr depend on Probation Officers like Mandy Miller to diligently supervise offenders.

Mandy and five other probation officers oversee more than 700 people that are on probation in their county. Sound overwhelming? Don't tell that to Mandy. She instituted what she called a "pink file," which includes those important tasks that she can't get to during the day. That pink file goes home with her at night—because people are depending on her.

Last year Indiana had 1,300 probation officers supervising over 129,000 offenders; or in other words, one officer for every one hundred offenders. Indiana's courts depend on dedicated probation officers, and we are grateful for their critical and tireless work.

Courts implementing criminal justice reform require increased utilization of community-based corrections to help offenders succeed. Last year over 35,000 offenders were placed on community corrections. Successful community placement cannot be achieved by government alone. In Dubois County, there is a special 79-year-old Community Corrections volunteer named Bob Vogler. He is a civic-minded retiree, who leads a partnership between local work-release and a faith-based community called Churches Embracing Offenders.

Bob's commitment to helping offenders re-integrate back into their community is about much more than finding work for them. Bob leads 100 volunteers from eight churches that are focused on the spiritual and emotional well-being of the offenders in the program. He hosts a monthly Wednesday night meal, meets and prays with his clients, and donates his time to making their lives better. Yes, your judiciary depends on volunteers like Bob. Bob, could you please stand? We need more of you.

Strengthening Hoosier Families

Healthy families represent the foundation of every society. But sadly that is not the case for thousands of Hoosier families that are appearing before us in court and in crisis. Our partners are making a difference to help those in need find a better path. Modern challenges do not weaken the Indiana Constitution's mandate to administer justice freely, completely, and speedily. To the contrary, that mandate is more urgent now than ever.

I doubt you would be surprised to know that those guiding words from the Indiana Constitution hang in the law library down the hall. You may not know that our library's collection also includes Indiana's 1853 legislative enactments, written not only in English, but also in German, as that was the native tongue of many Hoosiers at that time. Interestingly, our leaders also had the 1851 Constitution printed in German as well as English.

Today, the vast majority of cases involve English-speaking litigants. But we did have over 14,000 cases last year where a person appeared in court with limited to no English proficiency, or was deaf or hearing impaired. Marion County Prosecutor Terry Curry recognized this problem and did something about it.

He appointed Deputy Prosecutor Lun Pieper as the Burmese Outreach Director for his office and calls her "an invaluable asset in working with our Burmese population." As an immigrant who once lived under a military dictatorship where there are no jury trials or plea agreements, Lun brings more than bilingual skills to the courtroom: she understands her clients' day-to-day challenges and works with families on Victim Impact Panels and crime prevention.

Like Lun, South Bend attorney Mark Torma is helping families, specifically those who are trying to navigate the court system without the aid of an attorney. The path to truth and justice can be very difficult for them, which is why volunteer lawyers like Mark are so crucial to fair access to the courts. Many court cases are not constitutional issues or complex business disputes; they are everyday matters.

Mark recently helped a family avoid a housing crisis by resolving a \$200 monthly utility bill dispute. This may not seem like much, but it can be devastating to a family living paycheck to paycheck. This past year, the Court created a Coalition for Court Access to find solutions to pressing needs like these everyday disputes. We thank Mark, the Coalition, and the 7,200 attorneys who donated more than 220,000 volunteer hours to Hoosiers in need last year.

Every day judges struggle to find safe homes for children. Last year they succeeded in changing the lives of almost 4,000 Hoosier children by issuing adoption decrees, thereby giving these children a stable “forever family.” Our judiciary joins in your commitment to have Indiana shine as the most adoption-friendly state in the country. Adoption Day is celebrated across the state with community partners like the Great Kids Make Great Communities program in Allen County.

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Judge Charlie Pratt depends on his Family Court Administrator, Nancy Springer, to coordinate their Adoption Day festivities. To promote adoptions, Nancy channeled her inner MTV spirit to help create Allen County’s own music video that tells the story of an adoption! Capturing the smiling faces of those children is one of the happiest days of the year in court. Nancy and coordinators like her who help children find a home deserve our thanks.

In stark contrast, last year alone almost 18,000 children entered the child welfare system, a 23% increase in what we call CHINS cases or Child In Need of Services cases. To be clear, these are not cases of juvenile delinquency, where the child has broken the law. These are cases of abuse and neglect, where a child’s parent has been dealing meth, or is in jail for battery, or—with frightening frequency—where an innocent baby is brought into the world addicted to drugs. The courts could not help these children without dedicated partners.

One of those partners is Tippecanoe County Prosecutor Pat Harrington, who is confronting a terrible reality: children in his community who have been sexually trafficked. Prosecutor Harrington attended a national summit and came back inspired to effect real change for these children. He is partnering with the faith community and establishing a residential shelter to help them heal.

His innovative approach is possible thanks in part to your legislation, which ensures these children are part of the child welfare system and not treated as criminal cases. Thank you, Prosecutor Harrington and lawmakers, for your wisdom in making this distinction.

Praise also goes to our 3,400 Court Appointed Special Advocates. CASAs serve as front-line advocates for thousands of children who need a voice in court. Judge Stephen Galvin of Monroe County turned to CASA Gary Friedman to be that “voice” for an 8-year-old girl named Kadi. Kadi began life in need of a liver transplant and with birth parents who could not care for her.

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- Judge Lori Quillen -

Thanks to Gary and Kadi's adoptive parents, Mark and Donna Kingsbury, Kadi now focuses on important 8-year-old matters like swimming and drawing. Indiana's judiciary depends on caring CASAs like Gary.

While those judicial partners help children, others help Hoosiers later in life. For example, Owen County's Volunteer Guardianship Program, one of 29 across our state, serves vulnerable seniors. Judge Lori Quillen knows this program is crucial to preserving the well-being of seniors in need—seniors like 68-year-old Sue. Sue suffered a stroke, leaving her unable to care for herself.

As if that was not enough, family members were stealing money and medications from her. Heather Donovan, her court-appointed Guardian, ensured that Sue's final days on this earth were spent in the safety of her home, complete with assisted care, occupational therapy, and delivered meals. Heather, we applaud your service.

This volunteer program was made possible in part because local banks identified a need to prevent elderly Hoosiers from having their savings looted by drug-seeking family members. Local banks, churches, and community organizations put up the seed money that was matched by the Supreme Court to start this program.

In Judge Quillen's words, "Owen County doesn't have a lot of money, but we are blessed with people who come together and work for the common good." This program is just six months old, and already it is a model for others.

Conclusion

Yes, we are blessed in Indiana with many good people. Those we have highlighted today on this tour are just a small sample of the extraordinary work and heavy lifting done by our multitude of partners working for justice. The final partner to recognize today is you: the dedicated members of our Executive and Legislative branches.

On behalf of the Judicial Branch, I thank all of you for supporting the vision of an effective, efficient, and fair system of justice. Your partnerships on these many initiatives illustrate your commitment to our State, your dedication to serving our citizens, and most of all your deep desire to ensure the future is bright for all Hoosiers.

Thank you and God bless our State.