

State of the Judiciary 2023: Indiana Courts as Engines of Economic Development, Fairness, and Public Safety

Chief Justice Loretta H. Rush, Indiana Supreme Court

Message to the Legislature

January 11, 2023

Welcome

Governor Holcomb, Lt. Governor Crouch, members of the General Assembly, Chief Judge Altice, colleagues, and fellow Hoosiers—welcome to the 2023 State of the Judiciary! It is a true joy to be here today, for the ninth time, fulfilling my constitutional duty to report to you on the condition of Indiana’s courts. I will get right to the point: your judiciary is stronger than ever!

Fifty years ago, Indiana became my home. My father was a railroad man, and we moved frequently—16 times to be exact—following the train tracks from Hoboken, New Jersey, to the southside of Chicago. It was those trains—those early engines of economic development—that transported me to Indiana and this opportunity to serve our great state with all of you!

Like those trains, Indiana’s courts are working as engines of economic development. It may seem unusual to think of the judicial branch as a vital economic driver or as a crucial protector of public safety, but let me explain.

Two-and-a-half million cases are currently pending in our courts—cases that touch on every facet of Hoosier life. Here’s just a sampling:

- 10,500 fresh starts coming through criminal expungements
- 19,000 mental health cases—the largest ever—to ensure those suffering from mental health issues receive the help they need
- 36,000 new protection order cases to help prevent domestic or workplace violence
- 13,200 endangered adults receiving protection in guardianship cases
- 20,000 children in need of services served by GAL/CASA programs
- 13,000 new paternity cases to help ensure children receive support from both parents
- 5,000 new adoptions to officially bring forever families together
- 4,200 domestic violence convictions that are shared with law enforcement to prevent the purchase of firearms by dangerous people
- 80,000 small claims cases that allow businesses, neighbors, and others to peacefully settle their disputes

Being in court is a particularly vulnerable time—personally, emotionally, and economically. The sooner a person can get before a judge and resolve differences with a creditor, settle disputes with a landlord, obtain child support, expunge a conviction, or be made whole in a lawsuit, the sooner they can get back to their family and back to work. The same is true for businesses in a legal dispute. Court efficiency and fairness are paramount in fostering a safe community and a strong economy.

Commercial Courts

According to the U.S. Chamber of Commerce, nearly 70% of businesses look at a state's litigation environment when deciding where to locate or expand. In 2015, we committed to a bold overhaul of complex business litigation when we launched our Commercial Courts Project. These specialized courts—now ten statewide—are laser-focused on resolving complicated business disputes. They utilize highly trained and seasoned judges, business-specific resources, and uniquely dedicated legal advisors.

More than 1,600 cases have been filed in our commercial courts, and these complex cases are being decided quickly and in a predictable, consistent, and fair environment. Business owners see these positive outcomes, enabling them to make informed decisions on the costs and risks of potential legal issues. As a result, our commercial courts help make Indiana an attractive state for economic development and expansion.

But we aren't done. We are working hard to ensure our commercial courts become a preeminent forum for the determination of business disputes. At a recent meeting, attorneys from across the state indicated some businesses are now writing contracts that name Indiana's commercial courts as the arbiter of any dispute. Amazing! Why not lead the nation in this model and strive for our commercial courts to challenge the Delaware Courts of Chancery? We're committed to doing just that.

We could not have realized these achievements without the support of the Indiana Chamber of Commerce, business leaders across the state, our ten commercial court judges, and members of our legislature, including the leadership of Senator Eric Koch.

Our commercial courts are not the only specialized court model producing measurable outcomes: Indiana's problem-solving courts are changing and saving lives.

Problem-Solving Courts

In my first State of the Judiciary, I announced that [we had 68 problem-solving courts statewide](#), with veterans courts experiencing the fastest growth. We promised you that we would expand these specialized courts, and we've delivered—we have more than *doubled* them! Today we have 143 problem-solving courts, including 30 veterans courts, with more to come!

These courts exemplify all that is good in our judicial system—justice tempered with mercy and based on principles of reformation as set forth in the Indiana Constitution.

But with over 30 counties without a problem-solving court and many existing courts at capacity, we still have work to do to ensure *all* Hoosiers have equal access to these powerful engines of justice. As Dearborn County Judge Jon Cleary recently told me, “So many of our current treatment court participants are coming to us for help to escape the hell that they are living in. And the results are good. Very good.”

I want to offer a special thanks to the judge who ten years ago pioneered one of Indiana's first veterans courts—Floyd County's Maria Granger. Her Veterans Court of Southern Indiana includes Clark, Floyd, and Scott counties. This tri-county cooperation allows a county that may lack the individual resources to maintain a problem-solving court to work with justice partners just up the road—or maybe better said—just up that rail line. And cross-county cooperation just makes good economic sense.

Like Judge Cleary, Judge Granger describes problem-solving courts as “effective crime-reducers” because “the participants are required to face the truth; get treatment; and think, speak, and act with accountability.”

During [my first State of the Judiciary](#), I invited one of the program's first graduates, Specialist Christopher Bunch, to this assembly. You might remember that he commended the veterans court's rigorous program, which provided him with “counseling, support, and the chance to make amends.”

Specialist Bunch—like so many of his fellow graduates—turned his life around and to this day continues to be a valuable member of his community. He's married with children, his family bought their first house, he owns a construction company, and he has been sober for nine years. Today, Chris represents the thousands of successful problem-solving court graduates here in Indiana.

Technology

One reason our specialized courts work so well is their integration of reliable data. Critical pieces of information are available through an indispensable tool for justice: court technology.

In so many ways, court technology is the engine that enables vital connections not just for our judges and all Hoosiers but also between government entities. Connections that previously would have been impossible are now seamlessly part of our modern courts:

- 8 million documents were filed electronically through our paperless court system last year alone
- We alerted the VA to connect with nearly 20,000 veterans with court cases to get them specialized help
- 4 million text messages have been sent to remind parties about upcoming hearings
- We enabled 1,500 parties to settle their cases through online dispute resolution, and we now have an online portal accepting gigabyte upon gigabyte of evidence
- 1 million protection orders have been filed in the statewide registry
- Several non-profits are working with us to help Hoosiers navigate and resolve their legal problems. With our support, the Indiana Bar Foundation is providing 120 self-help kiosks in courts, libraries, and community centers throughout Indiana.

Additionally, all Hoosiers now have 24/7 access to courts, which reduces costs, speeds up cases, and saves taxpayer money. Please raise your hand if you are one of the millions of people who have freely accessed an Indiana case using [MyCase](#)? If not, you should. More than 50 million

pages were viewed online just last year. And you might just discover, like I did, that your child had a speeding ticket you didn't know about.

Aside from enabling this astounding access, we are also a national leader in developing and leveraging new technology to improve public safety. By creating a fully connected and accessible court system, we are providing information to you and other policymakers in tangible, life-saving ways. Two examples come to mind.

Drugs, particularly methamphetamine, continue to ravage our communities. You asked us to send the names of those convicted of drug crimes to a national tracking system. We delivered. As a result, more than 90,000 people are on the list pharmacies check before selling ingredients that can be used to make meth.

In another remarkable example, we provide data on felony child abuse, drug, and other violent criminal convictions to the Department of Education. Together, we have found matches with 328 licensed educators. It's scary, I know. But providing that information allows the DOE to pursue license suspensions. And our children are the beneficiaries of this governmental cooperation—for that we should all be proud.

INJail

A key partner in using the courts as engines of public safety are our sheriffs. We have partnered with the Indiana Sheriffs' Association on many justice-system reforms, including mental health, substance abuse, the Justice Reinvestment Advisory Council, and pretrial improvements. We are also working with them to roll out a new jail management system—INJail—for potential statewide use.

This project came about after your Jail Overcrowding Task Force identified systemic problems with multiple, unlinked jail management systems—problems that prevent all of us from collecting and analyzing reliable data. You asked for a solution, and we're delivering.

Seven counties are participating in the system design, and it's going to be implemented this year in Martin, Grant, and Elkhart counties. This new system will improve public safety by ensuring accurate criminal records, allowing judges to view real-time incarceration status, and alerting community agencies when a supervised individual is arrested.

This new ability to share offender information between jails, law enforcement, community corrections, probation, and all justice partners will be vital to public safety. And it will give you information you've never had before to help guide your policymaking.

INJail is our most complicated court technology project to date. And it reflects our resolve to do everything we can to support the men and women in law enforcement—those who dedicate their lives to the crucial work of keeping our communities safe.

Mental Health

When we met this time last year, we talked about a shared concern—mental health problems in our communities. They are pervasive, they drain workers’ productivity, and they persistently affect public safety. The criminal justice system has become taxed beyond its abilities—jails are not treatment centers, and we pledged to work with you to find solutions.

Thank you, Governor Holcomb, President Pro Tem Bray, Speaker Huston, Senators Crider and Sandlin, Representative Steuerwald, Justice Goff, and other leaders, for your time, input, and attendance at the 2022 Mental Health Summit. Also, a special thanks to the nearly 1,000 Hoosiers representing teams from all 92 counties who came together at the Summit to find a better path in their communities to help those suffering from mental illness.

We know that our communities have come to rely on county jails to serve as de facto mental health treatment centers. We also know this was never planned and is not sustainable. When we ask sheriffs to take on this never-intended duty, we prevent them from carrying out their core mission to provide public safety.

We confronted this reality at the Summit by collectively examining and evaluating Indiana’s mental health delivery system, including the development of a new crisis response system. This system ensures every Indiana community has a more humane alternative to the county jail when someone is suffering from a mental health crisis.

You are looking at the 988 crisis response hotline and how it can both increase public safety and save taxpayer dollars. Our judges are here today and stand with you to take on this momentous opportunity to improve mental health care.

Commission on Improving the Status of Children in Indiana

Families are the bedrock of any society—strong families foster a strong workforce. And it takes the collaboration of all three branches to ensure Hoosier children have the best opportunities. That collaboration is exemplified in our Children’s Commission, led by our first Executive Director, Julie Whitman.

Recently, the Commission worked on a statewide child abuse prevention framework and toolkit, spearheaded a top-to-bottom review of our juvenile justice system with Representative McNamara and Senator Crider, and developed an information sharing app that has connected nearly 6,000 users with legal guidance. Today, the Commission continues working on tough issues affecting our communities: sex trafficking, youth mental health, the impact of drug use on families, infant and child deaths, and ways to improve educational outcomes for vulnerable youth.

Many of the hardworking Commission and Committee members are here with us today, including Senators Breaux, Donato, and Ford and Representatives DeVon, Summers, Clere, and Jackson. Senator Holdman, the Children’s Commission was a product of your work a decade ago. We also have Julie here, who is moving on after having made a lasting difference.

Judge Margret Robb

There is another person of impact who is moving on and deserves our thanks—the first woman Chief Judge of the Court of Appeals, the trailblazing Margret Robb, is retiring after 25 years. A nationally recognized judicial leader and legal scholar, she has authored almost 4,000 opinions, led her court across the state for traveling oral arguments, and generously given her time and talent to educate the next generation of the bench and bar.

New Judges

Thirty-five years ago, on this exact date in history, a new Chief Justice stood in this very room. Himself a young man, he admitted that day that the trial bench was “relatively young.”

Well Chief Justice Shepard, thirty-five years later, not all of us are so young anymore!

Like history repeating itself, we once again have an astounding number of new judges: including one-third of our trial court bench, my Supreme Court colleague Derek Molter, and newly appointed Court of Appeals Judges Peter Foley and Dana Kenworthy.

Chief Justice Shepard declared confidence in the young judges of 1988. He said that people “come to court at a time when their dearest interests are at stake—family, home, job, liberty.” And what they find is a judge carefully listening to the evidence and giving a wise decision based on the laws you have written. The young judges of 1988 lived up to that early praise. And I have the same confidence in the young judges of 2023.

I have zero doubt in your ability to take us, as Governor Holcomb often says, “to the next level.” I firmly believe that thirty-five years from now, the Chief Justice will be up here singing your praises.

Back Home Again in Indiana

I am privileged to represent both Indiana and the United States as the President of the Conference of Chief Justices. I recently met in Helsinki with Justices from Ukraine, Kazakhstan, Kosovo, and other countries around the world. We discussed shared challenges and aspirations. I heard stories about decades-long backlogs and the critical need for “anti-corruption” courts. And I listened as a Ukrainian Justice emphasized their judiciary’s unrelenting resolve to keep the courts open for their citizens and their economy despite war-torn, bombed-out courthouses.

These stories gave me the utmost appreciation for the strength and efficacy of our legal system in America, and more specifically, here in Indiana.

We all pledge and take the same oath to serve and uphold our constitution. And as much as I am uplifted and proud to represent our state and country, I am always glad to be back home again in Indiana—with all of you—as we work to ensure our courts continue to be engines of economic prosperity, fairness, and public safety.

Thank you and may God continue to bless our great State.