

State of the Judiciary  
Chief Justice Loretta H. Rush, Indiana Supreme Court  
Message to the Legislature  
January 10, 2024

## **Welcome**

Governor Holcomb, Lieutenant Governor Crouch, members of the General Assembly, Chief Judge Altice, colleagues, and fellow Hoosiers—welcome to the 2024 State of the Judiciary! I will get right to the point, your judiciary stands among the strongest, if not the strongest, in the nation!

I appreciate this tenth opportunity as your Chief Justice to give this report here in the same chamber where so many of you conduct your work. So, this year, my colleagues—Justice Mark Massa, Justice Geoffrey Slaughter, Justice Christopher Goff, and Justice Derek Molter—and I would like to invite you to our “chambers.” We will be holding our first Night Court for Legislators on February 19, and we invite all of you and your staff to join us. It will be held in our historic courtroom, located just 92 short steps down this third-floor hallway—I counted!

Your leadership, Speaker Huston and President Pro Tem Bray, will serve as our honorary bailiffs. Attending this oral argument will give each of you a front row seat to see how our court considers cases interpreting the very laws enacted in these chambers. So come on down!

## **Return on Investment**

Our courts are busy—very busy—serving Hoosiers in each of your communities. Over 500 judges—along with their court reporters, bailiffs, clerks, and others—are the hearts and hands of your judicial branch. Together they are working on the 2.5 million pending cases in our courts. You saw the pictures on the big screen as you were seated, pictures of judges out in their communities exemplifying a court system that is not only fair but also deeply connected to those we serve.

Judges, we thank you for your dedication to handling such a high volume of work without ever losing your compassion to serve your communities one case, one person at a time.

In last year’s address, I described how Indiana courts are engines of economic development, fairness, and public safety. This year, we are eager to show you the return on your investment—the proverbial “bang for the buck”—your funding has produced. We are incredibly grateful for your trusted financial commitment to the judiciary.

Your investment has paid huge dividends, enhancing operational efficiencies in the courts and improving the lives of the Hoosiers we all serve. Your funding has allowed us to expand problem-solving and commercial courts, address rural needs, leverage technology through innovation, and build public trust through outreach. And you know what, we’re just getting started!

To illustrate how your investment has transformed lives, I want to take you on a guided tour around the state to shine a light on just a few of the programs and initiatives our judges are working on.

### **Better Serving Behavioral Health Needs**

Like you, we are dedicated to better addressing behavioral health needs. For our first stop across Indiana, let's drop in on Floyd County.

Judge Carrie Stiller and her county leaders are using your investment to strengthen their community. They are fulfilling the constitutional imperative that justice be tempered with mercy and based on principles of reformation.

Their local Justice Reinvestment Advisory Council efforts were enhanced after the statewide 2022 Mental Health Summit, where Judge Stiller brought a team of twelve. She says they “left the summit inspired and committed to maintaining the momentum from that day’s conversations.” One concern weighing heavily on her was something she saw firsthand. Every day, she watched from the courthouse as inmates being released from jail stood on the street corner looking for a ride. She could see the desperation in their faces and the likelihood of stepping right back into the cycle of drugs, arrest, and jail. If a released inmate—even one who needed and wanted treatment—had nowhere to go, who would they call to pick them up? You know who she thought—who she worried—it would be? Their dealer.

So, Judge Stiller convened her local leaders and a new pattern emerged in Floyd County. The sheriff, prosecutor, public defender, judge, probation officers, and treatment providers began to meet regularly. They organized their own mental health summit, invited community members and service providers, opened dialog with local leadership, and developed a plan. Thank you, Lieutenant Governor Crouch, for participating in Floyd County’s summit and for all of your work on behavioral health across the state.

The momentum in Floyd County has become unstoppable. The county council and commissioners generously agreed to leverage their opioid settlement money to get matching state grants from the Division of Mental Health and Addiction—smart. And they hired a full-time jail transition coordinator to assist released inmates to get to treatment, not stand on the street corner waiting for a ride. Judge Stiller says it best, “We are changing lives by reducing the barriers to a better life, a sober life.”

Judge Stiller, your team’s collaboration is a model of courage, efficiency, coordination, and wise investment in your community. Thanks to you and your team, including Sheriff Steve Bush, Prosecutor Chris Lane, and Public Defender Matthew Lorch as well as all lawmakers who represent the area.

### **Family Recovery Courts**

For another look at a return on your investment, let's leave Floyd County and travel northwest to Vigo County. Judge Sarah Mullican is running one of Indiana's 21 family recovery courts. According to Judge Mullican, "Family recovery courts take a holistic approach to end the cycle of generational DCS involvement by giving people the tools to do the work themselves." Recovery courts, like all problem-solving courts, require intense judicial and community supervision. But what better investment can we make than one that creates a pathway for children to be safely reunited with their parents?

Judge Mullican had a parent in her recovery court named Josh. By his own account, Josh was a "functioning addict," which he rationalized because he worked, paid bills, and loved his kids. But when an argument led to an arrest, a failed drug screen, and his kids being taken away, Josh says that the "smack of reality" hit him. He was homeless, without a high school diploma, and he lost the one thing that mattered most to him—his children.

When Josh stood before Judge Mullican, she recognized, "Without that high school diploma or driver's license his options were closed off. How was he going to provide for his family?" Along with Narcotics Anonymous and anger management meetings, one of Josh's family court requirements was to obtain his GED. Every Thursday night, a volunteer teacher came in and worked with Josh, studied with him, and prepared him for the test. God love our teachers.

When the big day came, Josh not only passed, but it was recommended that he attend college. His confidence skyrocketed and he successfully graduated from Judge Mullican's family recovery court. Today, he has his driver's license, he's married to a supportive wife, and he's reunited with his children. Josh's transformation was possible thanks to the funding you provided for problem-solving courts—what a return on investment! On behalf of all those like Josh who grabbed a second chance, we thank the judges, teachers, and care providers who help these individuals turn their lives around.

## **Veterans Courts**

For another powerful return on investment, we don't have to travel far. Right here in Marion County, Judge Dave Certo runs the Indianapolis Veterans Court, one of Indiana's 151 problem-solving courts. Judge Certo's program, which has graduated 116 men and women, is not easy. As Judge Certo explains, "They were trained to be honorable, strong, and yes dangerous to the enemy. Upon return to civilian life, we have a role in retraining them when they falter." That means weekly meetings, frequent drug screens, and an intense accounting of behavior that forces change.

For Aaron Shaw, he fell apart after a brave Army career with service in Iraq. Once risking his life for his country, he now risked losing his life on the streets due to heroin use. Aaron says, "I was a menace to society, I was chaos to this city." But Judge Certo saw someone different—a person with the potential to be a good employee, parent, and neighbor. Aaron worked hard in the program for over three years before graduating and getting his charges dismissed. He now serves as a mentor and runs a sobriety support group. He's also joined the board of directors of a national treatment association, and he has reconnected with his son, who is in college. Way to go Aaron!

Though the state has limited resources, it is unquestionably wise to use them to help our veterans get stable housing, job training, and catch up on child support. Our problem-solving court data shows thousands of graduates and hundreds of thousands of negative drug screens. But the real return on investment isn't a number, and it's not quantifiable with a metric. It's the reclaimed lives, like Aaron's. Thank you to Aaron, Judge Certo, and all our problem-solving court judges and staff.

### **Rural Justice Summit and Attorney Shortage**

Just north of the state's largest metropolitan area, we head to rural Indiana—Wabash County. It's the hometown of my colleague Chris Goff and includes local leaders who are trying to figure out how to best serve their rural community. How many of you represent a rural community? So, you understand the unique needs and challenges. We do too.

Courts are a primary referral source to get people to treatment. But there are huge barriers when a county has no service providers, no problem-solving courts, or not enough attorneys. And no one sees a return on investment when we have “justice by geography,” where a person can get help in one county, but can get locked up in another, because the same resources are not present.

To address these concerns, over 200 rural justice stakeholders met last October with public health professionals for a first-of-its-kind summit. The purpose was to develop solutions for accessing treatment and promoting rehabilitation in under-resourced areas. One of those resources is lawyers. And we are facing a shortage. Several counties are struggling to fill the constitutionally required positions of judge, prosecutor, and public defender. And legal service providers can't fill the gaps for all civil matters, such as child support, guardianships, wills, and adoptions. We're calling on some who attended the summit to help us find solutions. Such innovation means examining broader pathways to legal education and bar admission, alternative forms of law licensure, and ways to encourage rural and public-sector practices. Finding solutions will take all of us working together.

One highlight of that same summit was the realization that—thanks to landmark legislation you passed last year—we are cutting red tape in accessing funding and providing technical assistance to transform behavioral health. I have to thank all of you, especially Representatives McNamara and Steuerwald, along with Senator Crider and of course our beloved former Senator Jack Sandlin for all the hard work on behavioral health last session.

All those who attended the Rural Justice Summit and are working toward solutions on these issues, including Justice Goff, Lieutenant Governor Crouch, Representatives Goss-Reaves and Sweet and Senator Zay deserve our appreciation.

### **Court Technology**

Your largest recent investment in the judiciary was directed to improving court technology. For this part of the tour, we are everywhere. We are aligning the legal systems in all 92 counties with the demands of the digital age.

When our framers crafted the “courts shall be open” provision of the Indiana Constitution over 200 years ago, they never could have imagined the remarkable ways we could leverage technology today. And you—as the modern-day framers of our laws—your investment in court technology has allowed us to be pioneers in our own right.

Indiana is recognized as a national leader in court technology, allowing 24/7 access to our courts. Visit our website to see searchable databases, a child support calculator, court calendars, ticket payment and marriage license processing, and court hearings—both live and archived—to name just a few. Just last year, 11 million people accessed the MyCase system and viewed over 63 million pages. We provided free electronic filing for the more than 8 million legal documents filed last year. We also send text message reminders of court hearings by the millions. These efforts not only produce incredible cost savings, but they also empower Hoosiers to be on top of their case and get it resolved. Isn’t this what good government is all about?

It’s no surprise that court customers would want to get a text message reminder about a hearing or to pay a traffic ticket online—but do Hoosiers want to attend court online? We weren’t sure. So, we welcomed Indiana University researchers to take an impartial look. Like many, they were skeptical that people would be satisfied with having their day in court remotely. And we were particularly interested in the experiences of vulnerable Hoosiers.

Their research revealed “loudly and resoundingly: online civil courts enhance access to justice for unrepresented litigants.” For a person who has to find a ride to court, miss work, or get childcare, remote access is not just about flexibility—it is the lynchpin to getting their case resolved, getting justice. Simply logging on to a remote proceeding—at times—is far more practical than jumping the hurdles that can accompany attending court in person. Thank you, Professor Victor Quintanilla and team for your research. It provides guidance on how we can use technology to meet the “promise of a people-centered justice system.”

## **Commercial Courts**

Just as people want their cases resolved quickly—so do businesses. Our tour of Indiana wouldn’t be complete without stops in Allen, Elkhart, Floyd, Hamilton, Lake, Madison, Marion, St. Joseph, Vigo, and Vanderburgh counties to highlight the ten commercial courts that are open for businesses across the state.

We crafted our commercial courts to deliver predictability and efficiency. We now have a free searchable database of commercial court decisions, so businesses can research how similar disputes were resolved. And we have a free Indiana Commercial Court Treatise that lawyers can look to when advising their clients and preparing for court.

Nearly 2,000 cases have been filed in these courts, and our data shows that the parties are getting decisions in these complicated business disputes more quickly. We are even hearing from lawyers throughout Indiana that they now routinely include provisions in contracts that require disputes be litigated exclusively in the commercial courts of Indiana. Think about that for a moment. When Hoosier businesses are negotiating valuable deal points in their contracts—things

like price, quantity, quality, and delivery times—they now see value in agreeing that any disputes must be resolved in Indiana’s commercial courts. Outstanding!

One superstar judge in this arena, Marion County’s Heather Welch, is retiring this year. Attorneys and business leaders across the state will tell you that she handles cases with respect and wisdom. Judge Welch, you are appreciated.

We could not have delivered that value to your constituents without your investment of not only funding, but time. That includes Senator Koch’s leadership and the entire commercial court committee, past and present, including former Justices Frank Sullivan Jr. and Steven David, and current Justice Molter.

## **Outreach**

I began my remarks with an invitation to come see an appellate case in person. That’s because trust and confidence in the courts are bolstered when people are able to see firsthand the precision with which the laws you’ve crafted are considered.

Our Court of Appeals knows this—they do incredible work to make sure cases are open and accessible to the public. But this isn’t just my humble opinion. They have in fact been declared the best in the country, honored last summer with the prestigious national Sandra Day O’Connor Award for the Advancement of Civics Education. Through their one-of-a-kind “Appeals on Wheels” program, the 15 judges regularly traverse the state, bringing appellate proceedings to over 600 communities in all 92 counties! Thank you, Chief Judge Altice and all the Court of Appeals judges.

## **Conclusion**

To you, the legislature, thank you for the increased funding you’ve provided us. Your increased investment in courts is an investment that bolsters the bedrock of democracy. It allows us to better serve Hoosiers with behavioral health needs, strengthen individual communities, meaningfully innovate by leveraging technology, and increase public trust through outreach and access.

And to Governor Holcomb, thank you for your steady hand and tremendous leadership these past eight years.

I want to specifically highlight one thing that you have done, or better stated: 100 things you have done to ensure Indiana’s judiciary remains the envy of so many other states. You have now appointed 100 judges to the bench!

You hold a remarkable place in history, not only due to the number of your appointments, but also due to the quality of your appointments. Will all the judges, or the “Holcomb 100,” in this chamber who have been appointed by Governor Holcomb please stand?

Governor, they are not all here—we need some people back in the counties hearing cases! One of your legacies, among many, is that of a strong judiciary. And there is no question that Indiana's judiciary is both strong today and well-equipped to ensure that future generations see the same, excellent return on investment.

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