Annual Report

INDIANA SUPREME COURT

2013-2014

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2013-2014

Brent E. Dickson
Chief Justice

Robert D. Rucker
Steven H. David
Mark S. Massa
Loretta H. Rush
Justices

Published by the

Indiana Supreme Court

Office of Communication, Education and Outreach

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courts.IN.gov

On the cover: Indiana's five Supreme Court Justices in the historic robing room, an area between the Court's conference room and courtroom.

Photographs in this year's report were taken by: Brittany Babbitt, Jim Barnett, Lindsey Borschel, Chris Bucher, Garrett Dickerson, Kathryn Dolan, John Gentry, Sarah Kidwell, Vincent Morretino, Greta Scodro, Mark Simons, Jessica Strange, and other friends of the Court.

Greetings

This annual report provides information about the work of the Indiana Supreme Court and its affiliated agencies from July 1, 2013 to June 30, 2014 (fiscal year 2014). The report begins with noteworthy items that show the breadth of work accomplished by the Court family.

While many programs are showcased, this report does not include every initiative and project. Readers interested in detailed information should visit courts.in.gov. Some highlights this year include:

- The appellate courts will begin using a new electronic case management system
- Plans are underway to develop a statewide e-filing system
- Indiana lawyers will begin reporting their voluntary legal services to the indigent
- Bar exam applications can now be submitted online
- Probation officers received 216 days of instruction
- Attorney registration fees are being increased, but remain one of the lowest in the nation

The Court was asked to review 995 cases. Beginning on page 7, readers can learn statistical details on those cases—such as whether most cases were civil or criminal or how often the Court set oral argument before deciding whether to grant transfer.

My role as Chief Justice has been made significantly easier because of the dedicated employees of the Court, related agencies and the entire judicial branch. It has been a enormous privilege to have helped continue the Court's tradition of excellence.

Brent E. Dickson
Chief Justice

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Year *in* Review

Fiscal Year: July 1, 2013 to June 30, 2014

July 20 The Indiana Conference for Legal Education Opportunity (ICLEO) Summer Institute concluded at the Robert H. McKinney School of Law in Indianapolis with 20 students participating. During the fiscal year, 18 previous summer institute fellows were sworn into the Indiana bar.

Justice Rush (center) with the 2013 ICLEO Fellowship class.

August 21 Justice Loretta H. Rush chaired the inaugural meeting of the COMMISSION on Improving the Status of Children. Members are tasked with studying issues related to youth, making recommendations on pending legislation, and promoting information sharing and best practices.

September 12 600 volunteers gathered for the 17th annual Court Appointed Special Advocate CONFERENCE. The conference recognized volunteers for their service and provided training.

September 17 More than 40 judges from across the state visited 119 classes and spoke with about 3,175 students in celebration of CONSTITUTION DAY.

Justice David talks with students at Zionsville Middle School about the amendment process on Constitution Day.

September 18-20 The Judicial Conference recognized judicial officers for their commitment to higher education and long-time service: 36 received a Judicial College certificate and 10 were recognized for 24 years of service on the bench.

October 10 "Oath to Assist," an informational VIDEO on the importance of pro bono work, premiered during a presentation Chief Justice Brent E. Dickson gave to the Indianapolis Bar Association.

November 8 The Judicial Center conducted a half-day poverty simulation to help 30 judicial officers and court staff better understand different levels of hardship and to brainstorm more efficient ways to reach people in need.

November 15 The Commission for Continuing Legal Education launched an improved ONLINE DIRECTORY, which allows users to search for registered mediators based on criteria such as locations served, rate range, languages, and practice areas.

December 9 Under the leadership of Justice Steven H. David, the Juvenile Detention Alternatives Initiative (JDAI) EXPANDED from eight counties already participating to a total of 19 counties across the state.

January 6 Appellate Court offices—in conjunction with state government—closed due to a 41-degree-below-zero wind chill factor and heavy snowfall. Indiana's snowiest winter on record (over 52 inches) and the polar vortex prompted the Court to implement continuity of operation plans several times during the season.

The State House during Indiana's snowiest winter on record.

February 24 The State Board of Law Examiners launched a PORTAL allowing bar exam applications to be completed online.

March 24 The Judicial Conference Domestic Relations Committee announced a PUBLIC HEARING and began collecting feedback on Indiana's Child Support Guidelines. During the 90-day comment period—and at the hearing—the Committee collected over 190 pages of feedback.

April 10 The Court and the Indiana Bar Foundation hosted a WORKSHOP to help educators learn about court operations. More than 80 teachers, nominated by judges and members of civic organizations, attended educational sessions and an oral argument.

The Supreme Court Courtroom filled with teachers attending oral arguments during the 2014 Civic Education Workshop.

April 17 Justice Robert D. Rucker was ELECTED to the American Law Institute, which produces scholarly work to clarify, modernize, and improve the law. He was one of 175 members selected during the fiscal year.

Justice Rucker (left) with the two other newly elected members of the American Law Institute from Indiana.

May 6 Chief Justice Dickson was appointed to the Judicial Conference Committee on Rules of Practice and Procedure by United States Supreme Court Chief Justice John G. Roberts.

May 22 The Court ANNOUNCED two major initiatives to move away from paper and modernize records: statewide electronic filing of all cases and maintenance of appellate case information in Odyssey. Both efforts aim to enhance efficiency and convenience for lawyers, litigants, and the public.

June 6 Under the leadership of Justice Mark S. Massa, Marion County began using Odyssey for criminal cases. By the end of the fiscal year, about 200 courts in 48 counties used Odyssey, making information in more than 15 million cases statewide available online at no cost.

Justice Massa (left) and state Rep. Matt Pierce, District 61 (right), attend a meeting of the Judicial Technology Oversight Committee. Justice Massa chairs the committee.

June 11 Chief Justice Dickson ANNOUNCED plans to step down as Chief Justice of Indiana and remain on the Court as an Associate Justice.

Chief Justice Brent Dickson administered the oath of office to 47 new Indiana State Police troopers.

June 30 The Supreme Court closes the fiscal year having disposed of 970 cases. With 995 cases received during the year, the Court achieved a clearance rate of 97%.

Justices

In addition to reading briefs, hearing oral argument, discussing cases, and writing opinions, the justices are involved in a number of outreach activities.

Memberships in bar associations (American, Indiana, and local), speaking engagements, and serving as university faculty are common. In addition, each justice has outreach areas specific to their personal interests.

READ COMPLETE JUSTICE BIOGRAPHIES @ COURTS.IN.GOV/SUPREME

Chief Justice Brent Dickson

BORN July 18, 1941 in Gary, Indiana (Lake County)

HOMETOWN Childhood in Hobart (Lake County); 17 years in general and trial practice in Lafayette (Tippecanoe County)

EDUCATION Purdue University; Indiana University McKinney School of Law

APPOINTED 2012 as Chief Justice; 1986 by Governor Robert D. Orr

Justice Robert Rucker

BORN January 19, 1947 in Canton, Georgia

HOMETOWN Childhood and 12 years in legal practice, including Deputy Prosecutor, in Gary (Lake County)

EDUCATION & MILITARY SERVICE Indiana University; Valparaiso University School of Law; University of Virginia School of Law; Decorated combat infantryman in Vietnam War

APPOINTED 1999 by Governor Frank O'Bannon; 1991 to Court of Appeals of Indiana by Governor Evan Bayh

Justice Steven David

BORN April 22, 1957 in Fort Wayne, Indiana (Allen County)

HOMETOWN Childhood and private practice in Columbus (Bartholomew County); 6 years in corporate practice and 16 years as trial court judge (Boone County)

EDUCATION & MILITARY SERVICE Murray State University; Indiana University McKinney School of Law; 28 years of Military Service (RET COL U.S. Army)

APPOINTED 2010 by Governor Mitchell E. Daniels, Jr.

Justice Mark Massa

BORN March 6, 1961 in Milwaukee, Wisconsin

CAREER 20-year legal career in government and private practice, state and federal prosecutor and General Counsel to Governor Mitchell E. Daniels, Jr. (Marion County)

EDUCATION Indiana University; Indiana University McKinney School of Law

APPOINTED 2012 by Governor Mitchell E. Daniels, Jr.

Justice Loretta Rush

BORN May 11, 1958 in Scranton, Pennsylvania

HOMETOWN Grew up in Richmond (Wayne County); 15 years in general practice and 14 years as trial court judge in Lafayette (Tippecanoe County)

EDUCATION Purdue University; Indiana University Maurer School of Law

APPOINTED 2012 by Governor Mitchell E. Daniels, Jr.

SUPREME COURT
OF INDIANA

Cases

Most cases in Indiana are decided by trial courts. Less than 1% of the cases in the state are appealed to the Supreme Court. During the fiscal year, the Court was asked to decide 995 cases.

The following pages contain detailed statistics on those cases including case types and whether the Court granted transfer.

While reviewing the cases, the Court issued many orders and opinions. Statistics on the opinions begin on page 13.

Highlights

A variety of statistics about the cases heard by the Supreme Court during the fiscal year.

995 Total cases received

970 Total cases disposed

INCLUDING:

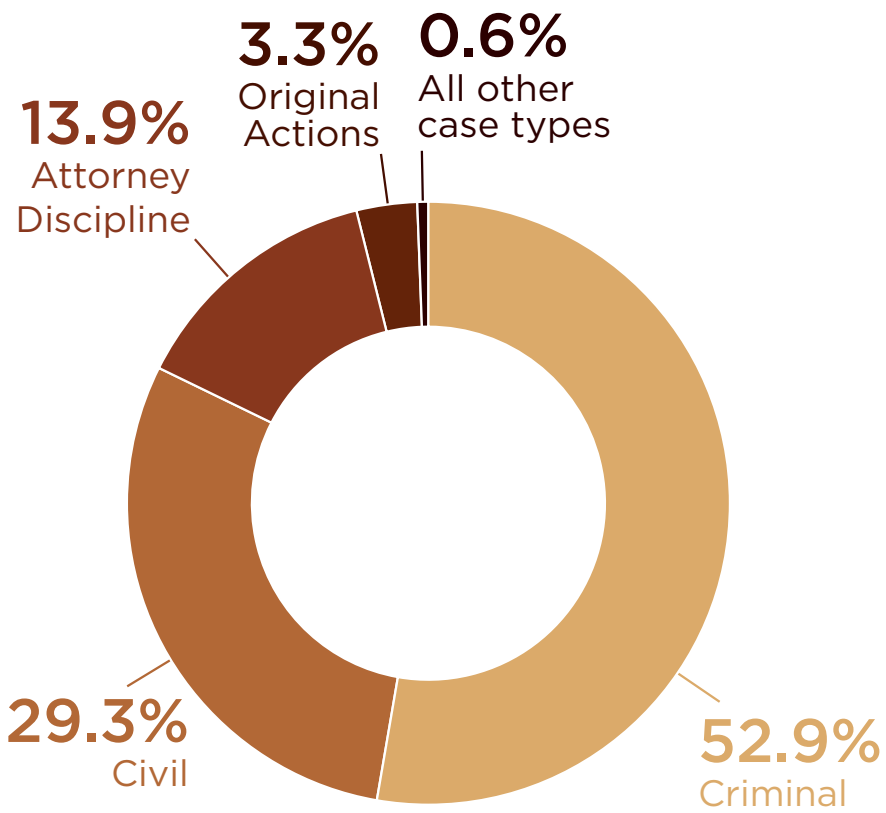
- **135** Attorney discipline cases
- **14** Petitions for rehearing
- **1** Capital case on direct appeal
- **1** Certified question

80 Oral arguments heard

94 Majority opinions handed down

Cases Disposed by Type

All cases considered and disposed by the Supreme Court during the fiscal year, organized by case type.



Criminal	**513**	**52.9%**
Civil	**284**	**29.3%**
Tax	**3**	**0.3%**
Original Actions	**32**	**3.3%**
Attorney Discipline	**135**	**13.9%**
Judicial Discipline	**1**	**0.1%**
Mandate of Funds	**0**	**0.0%**
Board of Law Examiners	**1**	**0.1%**
Other	**1**	**0.1%**
Total	**970**	**100%**

SEARCH APPELLATE CASES ONLINE
@ COURTS.IN.GOV/COFC/DOCKET.HTML

Cases Disposed in Detail

Criminal Cases

Opinions on direct appeals	4
Opinions on petitions to transfer	33
Opinions on rehearing	1
Orders on rehearing	4
Petitions to transfer denied, dismissed, or appeal remanded by order	467
Petitions to transfer granted and remanded by order	3
Other opinions and dispositions	1
Total	**513**

Civil Cases

Opinions and orders on certified questions	1
Opinions on direct appeals	0
Opinions on petitions to transfer	49
Opinions on rehearing	0
Orders on rehearing	9
Petitions to transfer denied, dismissed or appeal remanded by order	225
Other opinions and dispositions	0
Total	**284**

Tax Cases

Opinions on Tax Court petitions for review	0
Dispositive orders on Tax Court petitions for review	3
Total	**3**

Original Actions

Opinions issued	0
Disposed of without opinion	32
Total	**32**

Attorney Discipline Matters

Opinions and published orders	81
Other dispositions	54
Total	**135**

Judicial Discipline Matters

Opinions and published orders	1
Other dispositions	0
Total	**1**

Other Cases

Opinions and published orders	1
Other dispositions	0
Total	**1**

Mandate of Funds

Opinions and published orders	0
Total	**0**

State Board of Law Examiners

Petitions for review	1
Total	**1**

Total Dispositions 970

Case Inventory

An accounting of the number of cases pending at the beginning and end of the year with a detailed breakdown of case types.

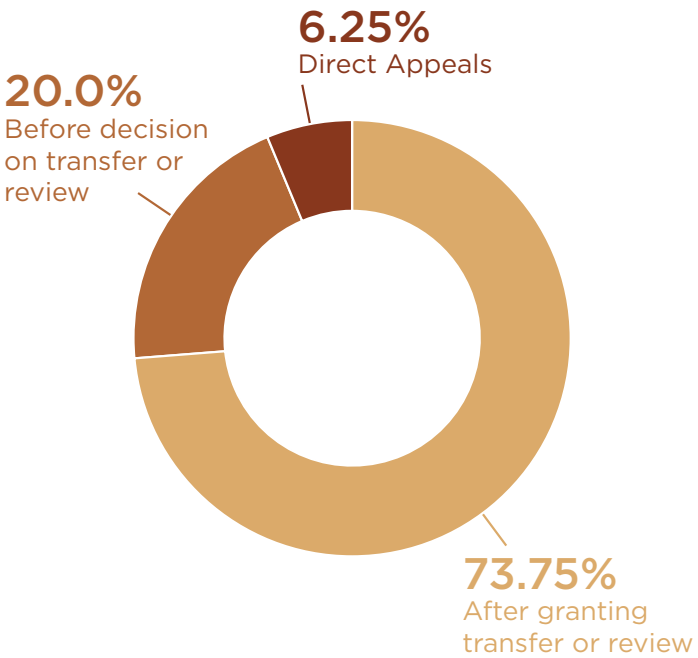
	Cases Pending on JUL 1, 2013	Cases Transmitted JUL 1, 2013 - JUN 30, 2014	Cases Disposed JUL 1, 2013 - JUN 30, 2014	Cases Pending JUN 30, 2014
Criminal	103	523	513	113
Civil	107	300	284	123
Tax	-	5	3	2
Original Actions	1	31	32	-
Board of Law Examiners	-	2	1	1
Mandate of Funds	-	-	-	-
Attorney Discipline	72*	132	135	69
Judicial Discipline	-	1	1	-
Other	-	1	1	-
Total	**283***	**995**	**970**	**308**

* *The 2012-2013 annual report mistakenly listed 137 attorney discipline cases disposed and 74 pending at the end of the fiscal year. The actual number of attorney discipline cases disposed was 139 and the final number of cases pending was 72. This error also affects the number of cases pending at the beginning of this fiscal year, adjusting it from 285 to 283.*

Oral Arguments Heard

The Supreme Court heard 80 oral arguments during the fiscal year; all were broadcast live on the web. Following are details of the types of cases presented at oral arguments before the Court this year.

Criminal Before transfer decision	9
Criminal After transfer granted	29
Criminal Direct appeals	3
Civil/Tax Before transfer/review granted	7
Civil/Tax After transfer/review granted	30
Civil Direct appeals	2
Total	**80**



Webcast Statistics

Staff members from the Court's Office of Communication, Education, and Outreach; Appellate IT; and the Law Library were trained to operate the Supreme Court webcasting equipment during the fiscal year. Since webcasting began on September 19, 2001:

- 596 hours spent webcasting oral arguments, educational programs, and ceremonies
- 859 Supreme Court arguments webcast

During this fiscal year, 80 Supreme Court arguments, 6 Court of Appeals arguments, a CHINS timeliness measures training, and a public hearing on child support guidelines were webcast from the Supreme Court Courtroom for a total of 63 hours.

WATCH ORAL ARGUMENT VIDEOS
@ MYCOURTS.IN.GOV/ARGUMENTS

571-573
N.E.2d
Court Rules
574-576
N.E.2d

Opinions

The Indiana Supreme Court disposed of 970 cases in fiscal year 2013-2014 and handed down a written opinion in 94 of those cases. Another 90 cases ended with a published dispositive order instead of an opinion.

Justices also wrote 16 non-majority opinions—either agreeing or disagreeing with the majority.

Opinions by Type

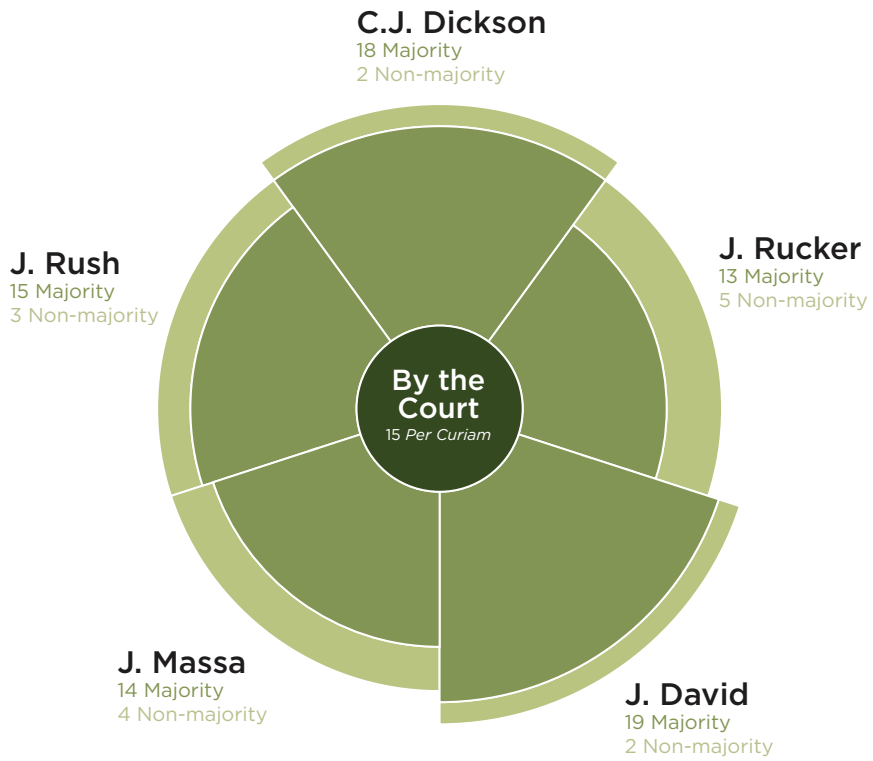
Written decisions include majority opinions and orders that dispose of a case.

94 Majority Opinions

16 Non-majority Opinions

Opinions by Author

Each justice authored a number of majority and non-majority opinions during the fiscal year. A catalog of all majority and non-majority opinions by author begins on page 18.



Opinions

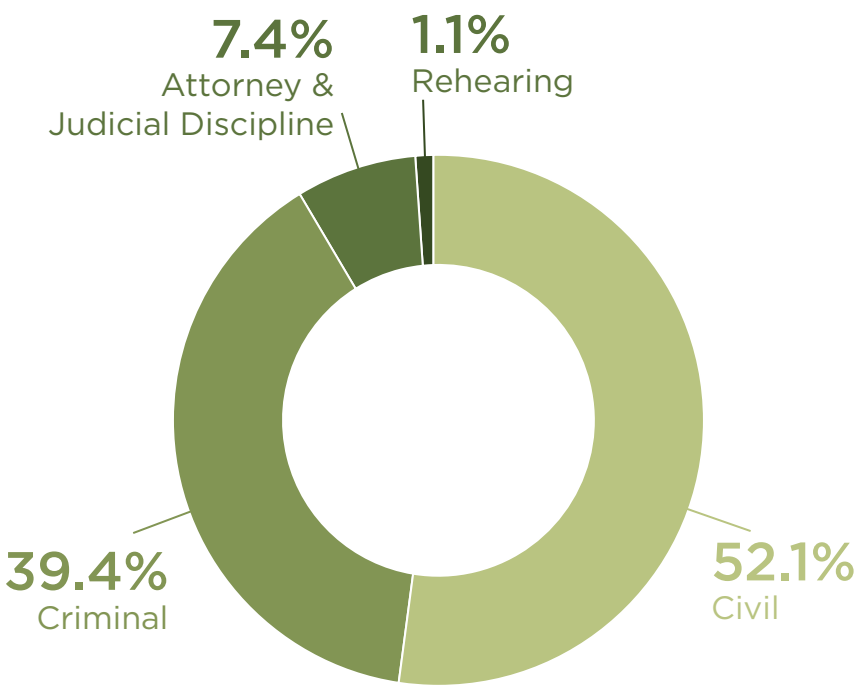
Majority Opinions by Author and Case Type

A breakdown of the number of majority opinions authored by each justice for each case type heard by the Supreme Court.

	Dickson, C.J.	Rucker, J.	David, J.	Massa, J.	Rush, J.	By the Court	**Total**
Civil Direct Appeal	-	-	-	-	-	-	-
Civil Transfer	13	5	8	9	10	4	**49**
Criminal Direct Appeal	-	1	1	1	1	-	**4**
Criminal Transfer	5	7	10	4	4	3	**33**
Tax Review	-	-	-	-	-	-	-
Rehearing	-	-	-	-	-	1	**1**
Certified Question	-	-	-	-	-	-	-
Original Action	-	-	-	-	-	-	-
Attorney Discipline	-	-	-	-	-	6	**6**
Judicial Discipline	-	-	-	-	-	1	**1**
Board of Law Examiners	-	-	-	-	-	-	-
Mandate of Funds	-	-	-	-	-	-	-
Total	**18**	**13**	**19**	**14**	**15**	**15**	**94**

Majority Opinions by Case Type

While criminal matters represent the majority of cases submitted to the Supreme Court for consideration, more than half of the Court's published opinions are in civil cases.



Opinions

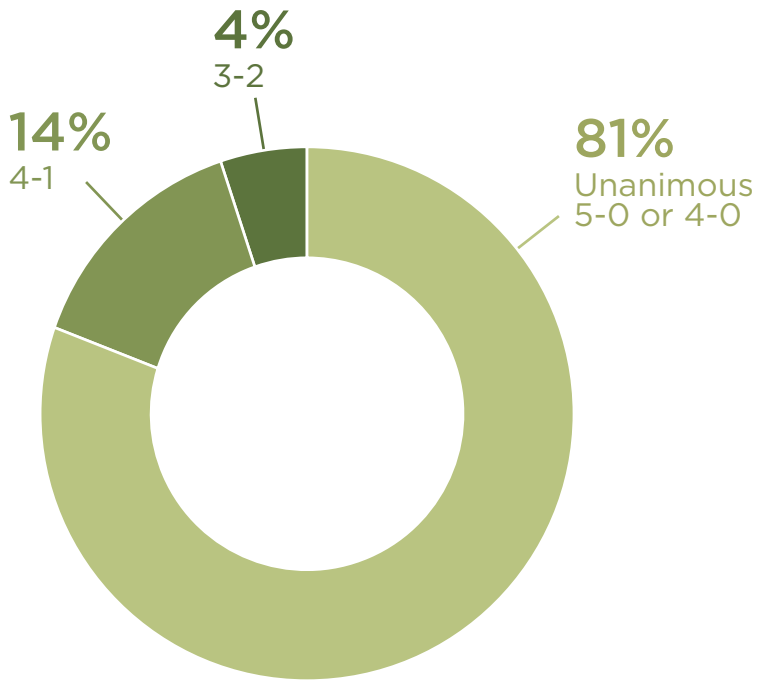
Non-Majority Opinions by Author and Type

Non-majority opinions are not dispositive.

	Dickson, C.J.	Rucker, J.	David, J.	Massa, J.	Rush, J.	**Total**
Concurring	-	-	-	3	-	**3**
Dissenting	1	3	2	1	2	**9**
Concur in Part / Dissent in Part	1	2	-	-	1	**4**
Recusal	-	-	-	-	-	-
Total	**2**	**5**	**2**	**4**	**3**	**16**

Consensus of Opinions

The Court is mostly unanimous in its decisions. There are some split decisions and rare "other" cases where fewer than three justices were in complete agreement. There were no "other" cases during the fiscal year.



Excludes per curiam *opinions.*

Opinions

Authored by

Hon. Brent Dickson

18 MAJORITY OPINIONS

Mary Alice Manley and Gary Manley v. Ryan J. Sherer, M.D., and Sherer Family Medicine, P.C.
59S01-1205-PL-249
August 8, 2013

Clark County Bd. of Aviation Commrs., Bd. of Commrs. of Clark County, Ind. v. Dennis and Margo Dreyer, as Co-Personal Reps. of the Estate of Margaret A. Dreyer
10S01-1308-PL-529
September 12, 2013

F.D., G.D., and T.D. b/n/f J.D. and M.D.; and J.D. and M.D., individually v. Ind. Dept. of Child Services, Evansville Police Dept., and Vanderburgh County Prosecutor's Office
82S01-1301-CT-19
November 26, 2013

Ind. Gas Company, Inc. and Southern Ind. Gas and Electric Company, et al. v. Ind. Finance Authority and Ind. Gasification, LLC
93S02-1306-EX-407
December 17, 2013

American Cold Storage, et al. v. the City of Boonville
87S01-1303-PL-157
January 21, 2014

Paul Stieler Enterprises, Inc., d/b/a Harbor Bay, et al. v. City of Evansville and Evansville Common Council; VFW Post 2953, et al. v. City of Evansville and Evansville Common Council
82S01-1306-CT-436 and 82S01-1306-PL-437
February 11, 2014

Brian Yost v. Wabash College, Phi Kappa Psi Fraternity-Ind. Gamma Chapter at Wabash College, Phi Kappa Psi Fraternity, Inc., and Nathan Cravens
54S01-1303-CT-161
February 13, 2014

Fayette County Bd. of Commrs. v. Howard Price
21S04-1308-PL-530
March 6, 2014

Bonnie Moryl, as Surviving Spouse and Personal Representative of the Estate of Richard A. Moryl v. Carey B. Ransone, M.D., La Porte Hospital, Dawn Forney, RN, Wanda Wakeman, RN BSBA, et al.
46S04-1403-CT-149
March 10, 2014

Christopher Groce and Tracey Groce v. American Family Mutual Insurance Company, and Michael A. Meek
48S02-1307-CT-472
April 3, 2014

State of Ind. v. Tammy Sue Harper
79S02-1405-CR-334
May 14, 2014

Larry Robert David, II, as Special Administrator of the Estate of Lisa Marie David, Deceased v. William Kleckner, M.D.
49S02-1405-MI-355
May 28, 2014

Stacy Smith and Robert Smith, Individually and as Co-Personal Representatives of the Estate of Johnny Dupree Smith, Deceased v. Delta Tau Dalta, Inc. and Beta Psi Chapter of Delta Tau Delta, et al.
54S01-1405-CT-356
May 29, 2014

Bruce Ryan v. State of Ind.
49S02-1311-CR-734
June 3, 2014

Shannon Robinson and Bryan Robinson v. Erie Insurance Exchange
49S02-1311-PL-733
June 10, 2014

Donald Murdock v. State of Ind.
48S02-1406-CR-415
June 27, 2014

Keion Gaddie v. State of Ind.
49S02-1312-CR-789
June 27, 2014

Tin Thang v. State of Ind.
49S04-1402-CR-72
June 27, 2014

2 NON-MAJORITY OPINIONS

Howard Justice v. American Family Insurance Company
49S02-1303-PL-221
March 13, 2014

In Re The Paternity of I.B.
34A02-1305-JP-401
April 3, 2014

Opinions

Authored by
Hon. Robert Rucker

13 MAJORITY OPINIONS

Juan M. Garrett v. State of Ind.
49S04-1207-PC-431
August 28, 2013

Mary Elizabeth Santelli, as Administrator of the Estate of James F. Santelli v. Abu M. Rahmatullah, Individually and d/b/a Super 8 Motel
49S04-1212-CT-667
August 28, 2013

State of Ind. v. Russell Oney
49S05-1212-CR-668
August 28, 2013

Andrew McWhorter v. State of Ind.
33S01-1301-PC-7
September 12, 2013

Julie Kitchell v. Ted Franklin, as the Mayor of the City of Logansport, and the Common Council of the City of Logansport
09S00-1307-PL-476
November 13, 2013

Tyrice J. Halliburton v. State of Ind.
20S00-1206-LW-560
December 19, 2013

Justices hear oral arguments from each party to an appeal in the Supreme Court Courtroom, which has been restored to its 1888 appearance.

Scott Speers v. State of Ind.
55S01-1312-CR-841
December 19, 2013

James T. Mitchell v. 10th and The Bypass, LLC and Elway, Inc.
53S01-1303-PL-222
February 20, 2014

Front Row Motors, LLC and Jerramy Johnson v. Scott Jones
49S02-1311-PL-758
March 27, 2014

Alva Electric, Inc., Arc Construction Co., Inc., Danco Construction, Inc., Deig Bros. Lumber & Construction Co., Inc., et al. v. Evansville-Vanderburgh School Corporation and EVSC Foundation, Inc.
82S01-1307-PL-473
May 1, 2014

Jacob Fuller v. State of Ind.
48S02-1406-CR-364
June 2, 2014

Martez Brown v. State of Ind.
48S02-1406-CR-363
June 2, 2014

Victor Ponce v. State of Ind.
20S04-1308-PC-533
June 5, 2014

5 NON-MAJORITY OPINIONS

Brian Yost v. Wabash College, Phi Kappa Psi Fraternity-Ind. Gamma Chapter at Wabash College, Phi Kappa Psi Fraternity, Inc., and Nathan Cravens
54S01-1303-CT-161
February 13, 2014

The Honorable Kimberly J. Brown, Judge of the Marion Superior Court
49S00-1308-JD-560
March 4, 2014

In the Matter of the Termination of the Parent-Child Relationship of E.M. and El.M., E.M. v. Ind. Dept. of Child Services
45S03-1308-JT-557
March 7, 2014

Joanna S. Robinson v. State of Ind.
20S04-1307-CR-471
March 25, 2014

Christopher Smith v. State of Ind.
18S02-1304-CR-297
March 27, 2014

Opinions

Authored by

Hon. Steven David

19 MAJORITY OPINIONS

In re the Guardianship of A.J.A. and L.M.A., Minor Children, J.C. v J.B. and S.B.
48S02-1305-GU-398
July 18, 2013

Kevin M. Clark v. State of Ind.
20S05-1301-CR-10
September 17, 2013

M & M Investment Group, LLC v. Ahlemeyer Farms, Inc. and Monroe Bank
03S04-1211-CC-645
September 26, 2013

Jason Wilson v. Kelly (Wilson) Myers
71S03-1305-DR-399
November 5, 2013

Billy Russell v. State of Ind.
49S04-1311-CR-741
November 12, 2013

Jamar Washington v. State of Ind.
49S02-1212-CR-669
November 12, 2013

Patrick Austin v. State of Ind.
20S03-1303-CR-158
November 15, 2013

Demetrius Walker v. State of Ind.
49S02-1312-CR-804
December 12, 2013

Richard Eric Johnson v. Gillian Wheeler Johnson
49S05-1303-DR-199
December 12, 2013

Veolia Water Indianapolis, LLC, City of Indianapolis, Dept. of Waterworks, and City of Indianapolis v. National Trust Insurance Company and FCCI Insurance Company a/s/o Ultra Steak, Inc., et al.
49S04-1301-PL-8
February 6, 2014

Michael Inman v. State of Ind.
49S00-1207-LW-376
February 11, 2014

State of Ind. v. William Coats
49S02-1305-CR-328
February 18, 2014

In re the Involuntary Termination of the Parent-Child Relationship of G.P., a Minor Child, and His Mother, J.A. v. Ind. Dept. of Child Services and Child Advocates, Inc.
49S02-1308-JT-558
March 13, 2014

Christopher Smith v. State of Ind.
18S02-1304-CR-297
March 27, 2014

Bryant E. Wilson v. State of Ind.
27S02-1309-CR-584
April 1, 2014

David Bleeke v. Bruce Lemmon, in his capacity as Commr. of the Ind. Dept. of Correction; Thor R. Miller, as Chairman of the Ind. Parole Bd.; et al.
02S05-1305-PL-364
April 16, 2014

Martin Meehan v. State of Ind.
71S04-1308-CR-535
April 29, 2014

McLynnerd Bond, Jr. v. State of Ind.
45S03-1309-CR-597
May 13, 2014

In re Mental Health Actions for A.S., Sara Townsend
10S01-1402-MH-113
May 13, 2014

2 NON-MAJORITY OPINIONS

John Luttrell v. Melinda Luttrell
49A02-1301-DR-85
June 19, 2014

Tin Thang v. State of Ind.
49S04-1402-CR-72
June 27, 2014

Opinions

Authored by
Hon. Mark Massa

14 MAJORITY OPINIONS

Commr. of Labor on the Relation of Stephen R. Shofstall, Edward C. Posey, and Deborah N. Posey v. International Union of Painters and Allied Trades AFL-CIO, CLC District Council 91
49S02-1205-PL-269
July 16, 2013

Ann L. Miller and Richard A. Miller v. Glenn L. Dobbs, D.O. and Partners in Health
15S05-1302-CT-91
July 30, 2013

John W. Schoettmer & Karen Schoettmer v. Jolene C. Wright & South Central Community Action Program, Inc.
49S04-1210-CT-607
August 27, 2013

Danielle Kelly v. State of Ind.
30S01-1303-CR-220
November 21, 2013

In re Adoption of T.L. and T.L.; M.G. v. R.J. and E.J.
02S03-1308-AD-528
March 11, 2014

Marian University's Adult Programs, including paralegal studies students, attended a March oral argument. After the case, all five Justices spoke to the students about court procedures.

Joseph D. Hardiman and Jaketa L. Patterson, as Co-Administrators of the Estate of Britney R. Meux, Deceased v. Jason R. Cozmanoff
45S03-1309-CT-619
March 12, 2014

Howard Justice v. American Family Insurance Company
49S02-1303-PL-221
March 13, 2014

David S. Delagrange v. State of Ind.
49S04-1304-CR-249
March 18, 2014

State of Ind. v. Darrell L. Keck
67S01-1403-CR-179
March 25, 2014

Joanna S. Robinson v. State of Ind.
20S04-1307-CR-471
March 25, 2014

Ronnie Jamel Rice v. State of Ind.
45S00-1206-CR-343
April 16, 2014

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02S03-1305-CT-332
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Virginia E. Alldredge and Julia A. Luker, as Co-Personal Representatives of the Estate of Venita Hargis v. The Good Samaritan Home, Inc.
82S01-1305-CT-363
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South Shore Baseball, LLC d/b/a Gary South Shore RailCats and Northwest Sports Venture, LLC v. Juanita DeJesus
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August 28, 2013

Kevin M. Clark v. State of Ind.
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Michael Inman v. State of Ind.
49S00-1207-LW-376
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Ernesto Roberto Ramirez v. State of Ind.
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April 29, 2014

Opinions

Authored by

Hon. Loretta Rush

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Heather N. Kesling v. Hubler Nissan, Inc.
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Harold O. Fulp, Jr. v. Nancy A. Gilliland
41S01-1306-TR-426
November 22, 2013

Every case considered by the Court—even those that aren't granted transfer—requires each Justice to read hundreds of pages of text in the form of briefs, trial transcripts, and other supplemental material.

In the Matter of S.D., Alleged to be a Child in Need of Services; J.B. v. Ind. Dept. of Child Services
49S05-1309-JC-585
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In the Matter of the Termination of the Parent-Child Relationship of E.M. and El.M., E.M. v. Ind. Dept. of Child Services
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March 7, 2014

State of Ind. v. I.T.
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Ernesto Roberto Ramirez v. State of Ind.
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Daniel Brewington v. State of Ind.
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Paul Stieler Enterprises, Inc., d/b/a Harbor Bay, et al. v. City of Evansville and Evansville Common Council; VFW Post 2953, et al. v. City of Evansville and Evansville Common Council
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49S00-1308-JD-560
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State of Ind. v. Adrian Lotaki
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Justices discuss cases in conference after the conclusion of oral arguments.

Bobby Alexander v. State of Ind.
49S04-1308-CR-534
March 13, 2014

In the Matter of the Involuntary Termination of the Parent-Child Relationship of S.B., Ay.B., A.B. and K.G., K.G. v. Marion County Dept. of Child Services, and Child Advocates, Inc.
49S02-1402-JT-77
March 26, 2014

In the Matter of the Involuntary Termination of the Parent-Child Relationship of I.P., T.P. v. Ind. Dept. of Child Services, and Child Advocates, Inc.
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In the Matter of: Karl N. Truman
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In the Matter of: Christopher E. Haigh
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In the Matter of: Steven B. Geller
49S00-1106-DI-318
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READ THESE AND OTHER APPELLATE DECISIONS @ COURTS.IN.GOV/OPINIONS

Outreach to the Press and Public

The Office of Communication, Education, and Outreach (OCEO) manages media inquiries, public information, and opportunities for educators to engage with the judicial branch. OCEO is staffed by the Division of State Court Administration and collaborates with all Supreme Court agencies.

OCEO can provide media management assistance to trial courts in high profile cases. Above, television and newspaper reporters interview a witness in a case moved from Marion County to Allen County after extensive press coverage.

Working with the press

The team interacts with press on a daily basis in an effort to ensure that accurate information about the courts can be relayed to the public.

- Answered 505 media inquiries
- Distributed 42 PRESS RELEASES and advisories
- Provided assistance on about 60 occasions to trial court judges for high-profile cases and every day media matters

Courts in the Classroom

The Court provides outreach to educators and students in an effort to improve civic literacy on the work of today's judicial branch.

- Conducted a one-day civic education WORKSHOP for nearly 90 teachers
- Hosted more than 4,075 students at 14 educational events in the courtroom and around the state

Website and social media

OCEO manages the courts.in.gov website (with over 9 million page views each year) and the Court's social media presence.

- TWEETED 349 messages, including opinions, transfer dispositions, *Indiana Court Times* articles, and other announcements
- WEBCAST 80 Supreme Court oral arguments
- RECOGNIZED as one of the top ten court websites in the nation by Forum on the Advancement of Court Technology

A Different PERSPECTIVE

IN November, 30 judges and court staff attended an interactive program about the day-to-day realities of life in poverty. This simulation taught participants about the skills and tenacity necessary to maneuver through the system in an effort to reach stability.

During the half-day program—taught by the Indianapolis Circles of Support and sponsored by the Indiana Judicial Center—participants role-played the lives of low-income families. During the exercise, attendees used play money to pay for food, housing, and other basic needs, which exposed them to the reality of surviving on limited resources.

The goal of the poverty simulation is to give participants a new perspective on the challenges faced by people they may encounter in the courthouse.

LAW LIBRARY

IN 1867 the Indiana legislature transferred custody of the state's law books to the Supreme Court.

Today, there are more than 72,000 books available in the collection. The library's primary mission is to support the research needs of the appellate courts, and it is open to state agencies in all three branches of government, members of the bar, and the citizens of Indiana.

Interesting items in the LIBRARY'S COLLECTION include:

- Trials of war criminals before the Nuremberg Military Tribunals, including cases in which former Indiana Supreme Court Justices Richman and Shake participated as judges.
- A complete collection of state trials, proceedings for high treason, and other crimes and misdemeanors, including those for Captain Kidd, Marie Antoinette, and the trial of Aaron Burr for treason.

This fiscal year, the library added more than 300 new volumes to ensure legal materials are current.

Clockwise from top left: Justice Rucker questions an attorney during oral arguments; Justice David speaks at the State Bar Association's Leadership Development Academy graduation; Justice Rush gives the keynote address at Purdue University commencement; Justice Massa speaks to students at the Indiana State Library on Statehood Day; Chief Justice Dickson joins other state leaders, including Governor Mike Pence for the Pledge of Allegiance as part of Statehood Day celebrations.

Clockwise from top left: Justice Rush does legal research in her chambers; Justice Rucker has lunch with young lawyers during an event sponsored by the State Bar Association; Justice Dickson and Lilia Judson, Executive Director of the Division of State Court Administration, talk to press about the *Indiana Judicial Service Report*; Justice David conducts a walking meeting with Julia Orzeske (left), Executive Director of the Commission for Continuing Legal Education and Terry Harrell (center), Executive Director of the Judges and Lawyers Assistance Program; Justice Massa administers the oath of office to Rep. Holli Sullivan (center), District 78, before the 2014 session of the General Assembly.

Boards & Commissions

The Supreme Court is grateful to the many judges, lawyers, and citizens who volunteer their time to increase the effectiveness of the judiciary and provide guidance to the Court. The following individuals served on boards, commissions, and committees during the past fiscal year.

Board of Law Examiners

Hon. Barbara Brugnaux
Kathryn Burroughs
Prof. Michael J. Jenuwine
Gary K. Kemper
Gilbert King, Jr.
Jon B. Laramore
Jeffry A. Lind
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Commission for Continuing Legal Education

Hon. David J. Avery
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Boards & Commissions

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Hon. Nancy Harris Vaidik
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Hon. Mary G. Willis
Hon. Bob A. Witham

Judicial Qualifications/ Judicial Nominating Commission

Lee Christie
Chief Justice Brent E. Dickson
Molly Kitchell
Jean Northenor
Tom Rose
David Tinkey
John D. Ulmer
Stephen L. Williams
William Winingham, Jr.

Staff Retirements

There are approximately 180 staff members at the Supreme Court and its agencies. The following individuals retired during the fiscal year after many years of service:

Debbie Baumer – 30 years
Chief Justice Shepard and Justice Massa's Chambers

Susan Shayne – 19 years
Indiana Board of Law Examiners

Deborah Neal – 7 years
Division of State Court Administration

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The **Division of Supreme Court Administration** serves the Indiana Supreme Court by assisting justices with legal and administrative duties, working generally at the direction of the Chief Justice.

The Division is comprised of the Office of Supreme Court Administration and the Office of the Clerk of the Supreme Court, Court of Appeals, and Tax Court.

courts.in.gov/supreme

Division of Supreme Court Administration

Kevin S. Smith, Administrator and Clerk

Legal Counsel

During the fiscal year, Administration Office attorneys:

- Drafted 284 legal memoranda on a variety of topics
- Oversaw 1,145 case-related matters and dozens of non-case-related administrative matters
- Assisted in drafting and issuing 2,095 orders and opinions
- Reviewed and submitted 32 original actions challenging a trial court's jurisdiction

The Administration Office is also responsible for drafting and responding to correspondence for the Court, processing 230 separate pieces during this fiscal year.

Day-to-Day Needs

The Administration Office assists the Chief Justice and other members of the Court with various administrative and logistical matters. The staff's responsibilities include:

- Maintain the weekly Court conference agenda and schedule oral arguments
- Prepare regular reports on workload
- Physically manage the case documents under review by the Court
- Prepare and oversee the Court's operating budget and process expenditures, including payroll and benefits
- Manage work, storage, and meeting spaces in the State House

Staff in the Administration Office balance a variety of responsibilities, including keeping up with changes to the technology they use to stay organization and keep track of cases.

Clerk's Office

Each business day, the Clerk's Office processes scores of filings, responds to inquiries from attorneys and the public, and oversees the microfilming of dozens of closed cases. The Clerk's Office is also responsible for maintaining Indiana's Roll of Attorneys—the roster of all attorneys licensed to practice law in Indiana.

Technology Improvements

During the fiscal year, the Administration Office and Clerk's Office worked closely with appellate information technology staff and the other appellate courts to prepare for implementation of new systems for case management and electronic filing.

Better Case Management

The computer system for managing cases in Indiana's appellate courts is old enough to have graduated from law school. That means it lacks features that most organizations take for granted. For the past decade, the Supreme Court has been implementing a modern case management system—called Odyssey—in the state's trial courts with the intention to install it statewide. Now this system is being adopted by the appellate courts.

During the fiscal year, staff from all three appellate courts, the Clerk's Office, and State Court Administration's technology departments dedicated significant effort toward this goal. Though the system won't be up and running until the next fiscal year, its implementation requires a great deal of planning, including configuring the system to accommodate appellate court processes.

The Supreme Court also launched a major effort this fiscal year to develop statewide electronic filing standards for both appellate and trial courts. An advisory committee completed a comprehensive revision of rules for e-filing and submitted the draft to the Committee on Rules of Practice and Procedure. The Rules Committee published the proposed rules for comment and will eventually submit their recommendation to the Court.

The **Division of State Court Administration** is responsible for assisting the Indiana Supreme Court in its role of advising and supporting Indiana's judicial system.

The Division manages payroll for the state's judges and prosecutors, collects data on trial court caseload, provides updates on new court rules, and publishes the *Indiana Court Times* magazine. It also provides software and technology assistance to trial and appellate courts.

Much of the Division's work and statistical information is maintained on a calendar rather than fiscal year.

courts.in.gov/admin

Division of State Court Administration

Lilia G. Judson, Executive Director

Managing Caseload

There were nearly 1.6 million newly filed cases in Indiana trial courts in 2013. The case data collected by the Division suggests Indiana needs about 90 additional judicial officers to handle the state's caseload.

In 2013, 412 judicial officers were paid approximately $62 million collectively. Senior judges—who are paid less than full-time judges—helped alleviate the pressure of high caseloads. In 2013, 106 senior judges served a total of 4,511 days. These part-time judges represented the equivalent of 23 full-time judicial officers.

The Division compiles and annually publishes the *Indiana Judicial Service Report* containing information regarding the workload and finances of the judicial system. Caseload numbers included in the report are submitted quarterly by almost 400 trial courts through an online system. This information provides a factual basis for long-term planning by the Court and other state leaders.

During a press conference, reporters learn about caseload statistics published annually by the Division.

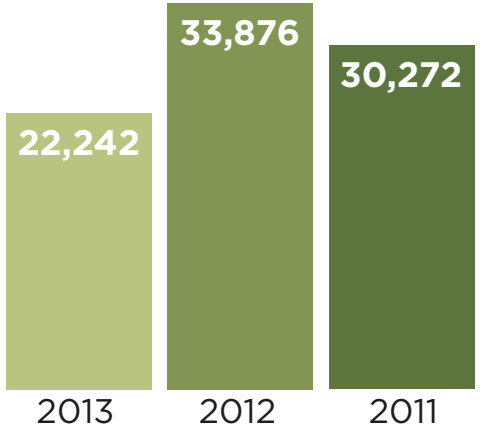
Supporting Trial Courts

The Division works closely with judges and clerks across the state to provide guidance, training, and technology. During the fiscal year, the Division:

- Developed forms and guidance for trial courts on handling expungement petitions based on the recently enacted and updated criminal history statutes
- Provided a grant to study the nine Marion County Small Claims Courts to consider improved uniformity of practice and procedures
- Distributed $431,000 in Court Reform grants to 16 trial courts or agencies seeking funding for innovative ways to deliver court services
- Expanded the mortgage foreclosure project to 25 counties in an effort to assist courts handling the state's 24,000 foreclosures, down from 45,000 cases in 2008
- Distributed $1.5 million to 13 organizations that provided legal services to Indiana's poor, mostly for domestic relations cases

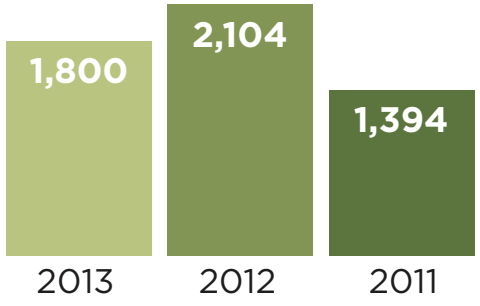
Mortgage Foreclosures

Three-year comparison of foreclosure cases filed in Indiana.



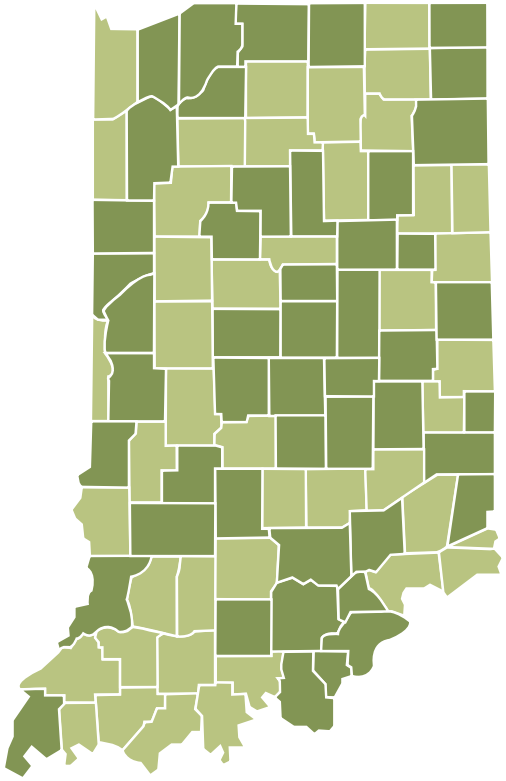
Foreclosure Settlements

Three-year comparison of settlements reached through Indiana's mortgage foreclosure project.



Technology Improvements

By the end of the fiscal year, 199 courts in 48 counties were using Odyssey—the state's case management system—to handle court records. Odyssey docket information is available online at no charge. Nearly 16 million cases were in Odyssey by June 30, 2014.

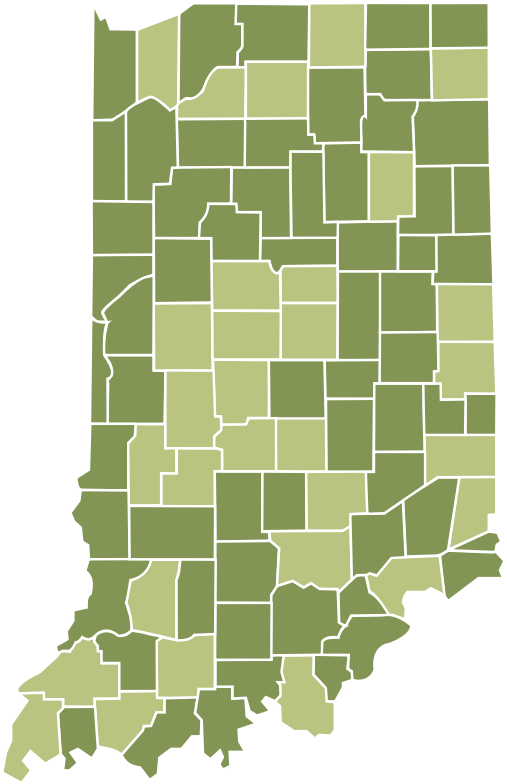


48 counties have one or more courts using Odyssey

Reimbursement for Public Defense Costs

Counties that met salary and caseload requirements were eligible for fiscal year state reimbursement from the public defense fund for indigent defense costs. For the first time, during this fiscal year, the Indiana Public Defender Commission began reimbursing counties for indigent defense services in Child in Need of Services (CHINS) and Termination of Parental Rights (TPR) cases.

- 54 counties received more than $19 million to help pay for non-capital cases
- 6 counties received nearly $400,000 to help pay for capital (death penalty) cases



62 counties participate in the Public Defender Commission program

Helping Children, Families, and Those in Need

Guardians *Ad Litem* (**GAL**) and **Court Appointed Special Advocates** (**CASA**) speak on behalf of children in abuse, neglect, and termination of parental rights cases. In 2013, 78 Indiana counties had certified GAL/CASA programs; 3,450 volunteers advocated for 18,632 children and donated an estimated 431,000 hours of their time.

The Division's **Family Violence Resource Attorney** functions as a single point of contact for all of the state's courts on matters related to family violence, including civil protection orders, criminal domestic violence case processing, best practices, and training. During the fiscal year, the Resource Attorney provided training to 300 GAL/CASA volunteers, child protective services case workers, and judicial officers.

GAL/CASA at a Glance

Volunteers advocated for more than 18,000 children in 2013.

3,450
Volunteers

431,000
Volunteer Hours

The **Family Court Project** develops common-sense models to better serve children and families through grant funds, technical assistance, and information sharing. During the fiscal year:

- The project distributed nearly $295,000 in grant funds
- 5 new counties began programs bringing the total of funded programs to 23

In addition, a project—in partnership with subject-matter experts from Indiana University—began to study the development of a self-directed electronic screening process to sort families into the appropriate type of family court program. A similar system used elsewhere has proven to reduce family time in court and save resources.

Alternative Dispute Resolution (ADR) programs often work with the Family Court Project. County ADR plans are approved by the Division. Plans for Jennings, Kosciusko, and Gibson counties were approved during the fiscal year for a total of 40 active programs statewide.

In 2013 the Indiana General Assembly provided funding to the Indiana Supreme Court to establish the **Adult Guardianship Office**. Housed in the Division, this office serves as a resource for courts and the public, and during its first year in operation:

- Provided assistance and support to programs serving more than 300 vulnerable and incapacitated adults
- Distributed more than $400,000 in grant funding to 10 volunteer-based guardianship programs, serving 16 counties
- Funded and helped develop an online public guardianship registry

The **Committee on Unrepresented Litigants** urges all people to hire a lawyer when going to court, but also provides basic resources—on the Self-Service Legal Center website—for those who choose to go to court without a lawyer. The Committee also encourages local courts to develop their own pro se assistance programs.

The **Indiana Judicial Center** supports the Indiana Judicial Conference, which has a Board of Directors made-up of judicial officers from across the state.

The Center provides education and research for judicial officers, trains probation officers, oversees specialized courts, formulates policy on judicial administration, and administers the interstate transfer compact for probationers. The Center also serves as the staff agency for nearly two dozen Judicial Conference committees.

courts.in.gov/center

Indiana Judicial Center

Jane Seigel, Executive Director

Education for Judges

The Center provided 102 hours of training to judges, magistrates, and other judicial officers during the fiscal year to assist them in satisfying their continuing education requirements.

2013-2014 Judicial Education at a Glance

15 Days
of education

102 Hours
of instruction

1,437 People
in attendance

Designed to keep more than 600 judicial officers up-to-date on new laws and resources available to manage their courts and case-loads, training included:

- The required annual meeting with keynote address by Governor Mike Pence
- Refresher courses for senior judges about protection orders, domestic relations cases, CHINS/ delinquency proceedings, small claims, and traffic cases
- A poverty simulation to provide a better understanding of living in a low-income family
- Focused training on child development for domestic relations courts
- A one-day symposium on the future of the courts and legal profession, in partnership with the Indiana State Bar Association

A performance by the Fort Wayne Voices of Unity Youth Choir (above left) during the annual Judicial Conference received a standing ovation (above right) by the trial judges in attendance.

In partnership with the National Judicial College, work continued on the development of webinars presented by judicial officers and court staff.

The passage of the Criminal Code Revision (H.E.A. 1006) implemented a new six-level felony classification system, effective July 1, 2014. In preparation, the Center:

- Provided three regional workshops in April to educate judicial officers about the changes to the criminal code
- Created reference materials, including a comprehensive table illustrating the relationship between new and old charging levels along with updated documentation for initial hearings, guilty pleas, and sentencing
- Began developing an "Initial Hearing Advisement of Rights" video—in English and Spanish—for use in criminal courts

Education for Other Court Staff

In addition to providing education for judicial officers, the Center also educates probation officers and court staff. During the fiscal year, the Center provided:

101 Hours of Court Alcohol and Drug Program Training

55 Hours of Problem-Solving Court Training

216 Days of Instruction for Probation Officers

3 Online orientations for court and clerk staff

4 Days of instruction for trial court staff

During the fiscal year, 12 counties began a new training program to build probation officer skills in case management and effective one-on-one interaction with offenders. Officers who complete the training receive quality assurance coaching and ongoing evaluation.

Professional Development (Title IV-D) Scholarships

Under the Court's Professional Development Scholarship Program, the Center authorized scholarships total¬ing nearly $61,000 to 42 judicial officers for continuing education training.

Parenting Time Guideline Booklets

During the previous fiscal year, judges recommended and the Supreme Court adopted changes to the Guidelines. In this fiscal year, the Center published and distributed to judicial officers—for attorneys and litigants—more than 50,000 copies of the new guidelines in booklet format.

Court Services

The Center provides support to courts and probation offices around the state to implement specialty courts and community supervision. These programs are designed to help criminal offenders transition back into the community successfully.

The Center certifies and reviews specialty courts and programs to ensure they follow best practices. During the fiscal year:

- 11 court-administered alcohol and drug programs were recertified
- 6 new problem-solving courts were certified
- 10 problem-solving courts were recertified

For the first time, a problem-solving court was decertified and later conditionally recertified. By the end of the fiscal year, there were a total of 54 certified court alcohol and drug programs and another 60 certified problem-solving courts.

One type of problem-solving court is a family dependency treatment court. Since 2011, the Center has certified five family dependency treatment courts:

- Vanderburgh County (2014)
- Wabash County (2013)
- Clark County (2011)
- Marion County (2011)
- Noble County (2011)

Funded by a grant from the Criminal Justice Institute, the Center continued work on its project to create incentives and sanctions for probationers. The program includes small rewards for pro-social behavior and graduated penalties for anti-social behavior and is being piloted in three counties:

- Allen
- Lawrence
- Pulaski

Interstate Compact

By statute, the Center administers the Interstate Compact for the transfer of adult and juvenile probationers in and out of Indiana, and also serves as the intermediary for the return of juvenile runaways, absconders, and escapees. The Center provides both adult and juvenile compact training to individual counties as needed. This fiscal year, the Center supervised or processed:

- More than 4,400 adult cases
- Over 300 juvenile cases
- Almost 5,000 pending transfers, withdrawn cases, and closed case reports
- 53 juveniles as runaways, absconders, and escapees

Evidence-Based Pre-Trial Release Study Committee

A 15-member committee was established to study and make recommendations to the Supreme Court on the use of risk-assessment tools to determine how to assist judicial decision-making regarding pre-trial release of accused individuals. The committee will also review current Indiana bail statutes.

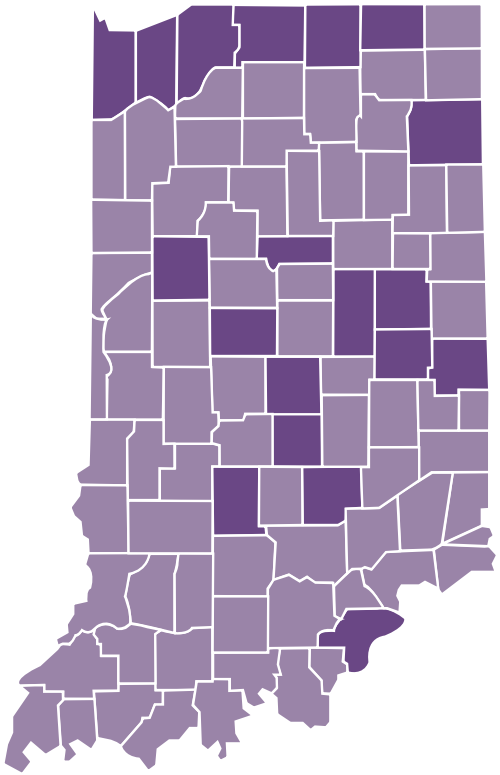
Juvenile Detention Alternatives Initiative (JDAI)

JDAI—a project of the Annie E. Casey Foundation—has demonstrated over 20 years that moving low-risk youth from secure detention into community-based alternative programs is excellent public policy. Nationally, in both urban and rural jurisdictions, JDAI works to:

- improve public safety
- reduce over-reliance on secure detention and out-of-home placements
- enhance racial, ethnic and gender equity
- save taxpayer dollars

In Indiana, JDAI is overseen by the Supreme Court and three other partners: Criminal Justice Institute, Department of Correction, and Department of Child Services. This fiscal year, the Center became the staff agency for Indiana's existing JDAI program, which had 8 participating counties.

By the end of the year, 56% of Indiana children ages 10-17 lived in a JDAI county because the Center had expanded the program to 19 counties. The Center conducted 20 events with over 1300 attendees to provide training and information about the initiative.



19 Counties have a JDAI Program

The **Indiana State Board of Law Examiners** is responsible for certifying that all individuals admitted to practice law in Indiana have fulfilled the requirements for admission as specified in the Admission and Discipline Rules.

Admission is achieved primarily through one of three methods—examination, provisional license admission, and business counsel license—all of which are supervised by the Board.

In addition to its admission duties, the Board certifies legal interns and approves the formation—for the purposes of practicing law—of professional corporations, limited liability companies, and limited liability partnerships.

courts.in.gov/ble

State Board of Law Examiners

Bradley W. Skolnik, Executive Director

Technology Improvements

In February 2014, the Board launched a new portal designed to allow law students, bar applicants, and attorneys to manage their information entirely online:

- Applicants can apply for the bar exam and submit supporting materials
- Certified legal interns can register
- Lawyers can form a PC, LLC, or LLP

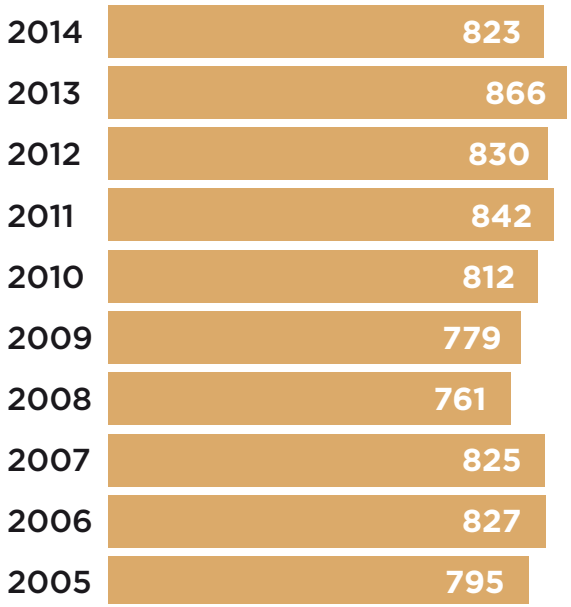
The portal will eventually include online applications for attorney admission on foreign license and business counsel license.

The Bar Exam

The bar exam is administered twice a year: once in February and once in July. During the fiscal year, 584 of the 823 applicants passed the exam. In February, more than 80% of all applicants took the essay portion of the exam on a laptop computer.

Test Takers Ten Year Comparison

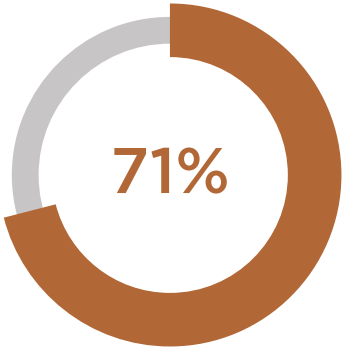
The number of law school graduates that took the exam each fiscal year over the past decade.



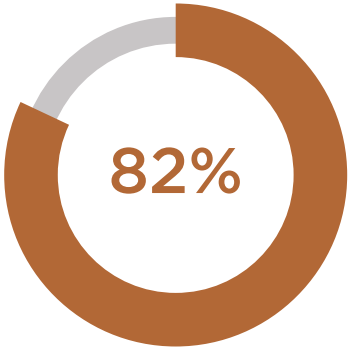
New Indiana attorneys take the oath at the Bar Admission Ceremony on October 25, 2013.

Success Rate for Test Takers in Fiscal Year 2013-2014

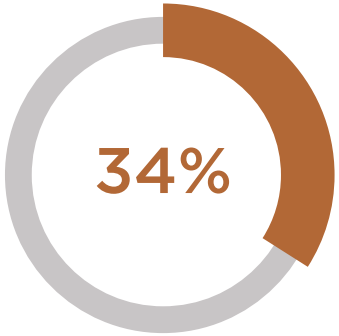
The percentage of test takers that passed the July 2013 and February 2014 bar exams



All Test Takers



First Time Test Takers



Repeat Test Takers

Foreign License

Attorneys licensed in other states may be granted a provisional admission on foreign license to practice law in Indiana. The attorney must demonstrate that they meet the requirements for admission set out in Admission and Discipline Rule 6. Lawyers licensed in another state whose sole employer is a person or entity engaged in business in Indiana—other than the practice of law—may also be eligible for admission on a business counsel license. In the fiscal year, a total of 44 out-of-state attorneys were admitted to the Indiana bar on a provisional admission or business counsel license.

The **Commission for Continuing Legal Education** regulates the legal education requirements of Indiana's attorneys and judges. It also keeps a registry of mediators and regulates mediator education programs. The Commission also regulates the Independent Certifying Organizations that certify attorney specialists.

courts.in.gov/cle

Commission for Continuing Legal Education

Julia L. Orzeske, Executive Director

New Services for Mediators

During the fiscal year, the Commission moved data about registered mediators into a new computer system—the same system used by the Clerk's Office to manage the Roll of Attorneys. Moving data from the old, outdated system onto this modern platform has allowed the Commission to work on improving online services.

In November, the Commission launched a new version of its Mediator Registry, with a much improved search feature. By the end of the fiscal year, there were 1291 mediators in the registry. Starting in April, mediators were able to register and pay fees online and keep their contact and practice information up-to-date. This information is in turn displayed on the public Mediator Registry.

Managing Attorney and Judge CLE Requirements

This fiscal year marked the end of the 3-year education cycle for attorneys, in which they must complete at least 36 hours of continuing education, including a minimum of three ethics credits. It was also the end of the first 3-year cycle of increased Continuing Judicial Education requirements for judges, including a minimum of 54 hours of continuing education and 5 hours of ethics credits.

The Commission welcomed visitors from the Philippines to Indianapolis. The 2-week visit was a part of the U.S. Department of State's International Visitor Leadership Program. One of the program's goals is to help promote knowledge about the U.S. justice system and legal education system.

Accreditation of Courses and Hours

During the fiscal year, the Commission reviewed nearly 14,591 requests to certify educational programming in Indiana and across the country. This is an increase of about 7,600 courses over the previous five years, due in part to escalating out-of-state requests.

Indiana attorneys are becoming increasingly interested in taking interactive distance education courses. The Commission approved 6,011 distance education courses and attorneys reported 14,150 distance education credits. This is a 20-fold increase over fiscal year 2005-2006 when the first distance education credits were available.

Courses Accredited Ten Year Comparison

The number of attorney and judicial education courses accredited by the Commission over the past decade has doubled.

Attorney Specialty Certification

As of June 30, 2014, there were 295 Indiana attorney specialist listings in nine practice areas. This represents nearly a 100% increase over the number of certifications seven years ago.

The attorneys were certified by four Independent Certifying Organizations in the following practice areas:

- **27** Business Bankruptcy specialists
- **27** Civil Pretrial Practice specialists
- **34** Civil Trial Advocacy specialists
- **12** Consumer Bankruptcy specialists
- **4** Criminal Trial Advocacy specialists
- **4** Creditors Rights specialists
- **18** Elder Law specialists
- **68** Family Law specialists
- **101** Trust and Estate Planning specialists

The **Indiana Supreme Court Disciplinary Commission** is responsible for investigating attorney misconduct and prosecuting lawyer discipline proceedings. The Commission is not tax supported; rather it is funded primarily through the annual registration fee paid by Indiana lawyers in good standing.

courts.in.gov/discipline

Disciplinary Commission

G. Michael Witte, Executive Secretary

Attorney Registration Fees

During the fiscal year, the fee was $145 for active status and $72.50 for inactive status. On June 30, 2014, the Supreme Court issued an order increasing the fee starting in the next fiscal year to $180 for active status and $90 for inactive. Indiana's attorney registration fee continues to be one of the lowest in the nation.

Trust Account Enforcement

In its second year of practice, the Commission's section for overseeing and prosecuting trust account violations:

- Conducted 15 trust account audits
- Prosecuted 1 trust account action to trial
- Disposed of 17 formal trust account matters

Of the 11 license resignations secured by the Commission during the fiscal year, more than half were attributable to trust account investigations.

Internal Case Management and Backlog Reduction

The Commission has worked for years to clear a backlog of cases, which resulted in long wait times—as much as three and half years—before a case would be formally presented on the Commission's monthly agenda. Triage of incoming grievances and use of modern case management technology, internal time standards, and quarterly case conferences have decreased the average wait time to about six months.

Education and Training

Commission staff attorneys worked to provide ethics education across the state, serving as faculty in 56 continuing legal education programs during the fiscal year.

Attorney Discipline Case Highlights

An overview of the number and types of cases reviewed by the Commission

1678 Requests for Investigation
Submitted to the Commission by the public

54 Commission Grievances
Initiated by the Commission

35 Verified Complaints
Misconduct charges filed by Commission

58 Counts of Misconduct
From verified complaints

81 Final Orders of Discipline
53 published, 28 unpublished

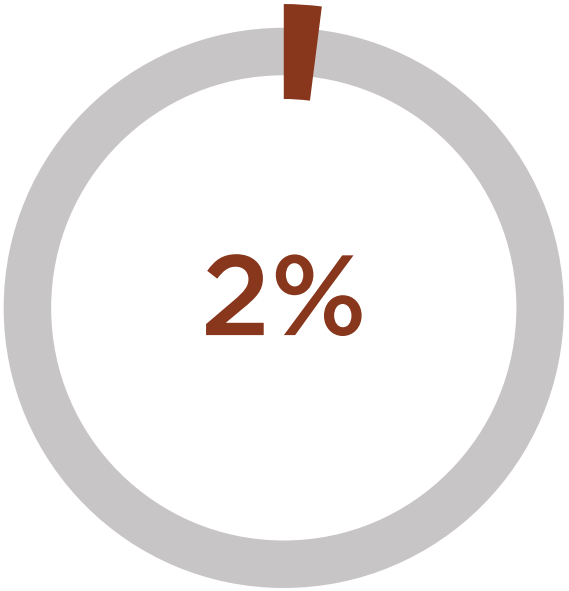
114 Overdraft Notices

107 Overdraft Inquiries Closed

180 CLE/Fees Suspensions
For failure to fulfill mandatory education requirements or pay fees

Charges Compared to Total Grievances

The percentage of grievances submitted to the Disciplinary Commission that resulted in charges being filed in a verified complaint to the Indiana Supreme Court



Attorney Discipline Case Inventory

An accounting of the number of cases pending at the beginning and end of the fiscal year

72 Matters Pending*
JUL 1, 2013

132 New Matters Received

135 Matters Disposed

69 Matters Pending
JUN 30, 2014

* *The 2012-2013 annual report mistakenly listed 137 attorney discipline cases disposed and 74 pending at the end of the fiscal year. The actual number of attorney discipline cases disposed was 139 and the final number of cases pending was 72.*

New Discipline Matters Received

Details of the types of discipline matters filed with the Supreme Court between July 1, 2013 and June 30, 2014

Petitions to Show Cause for Noncooperation	**53**
Verified Complaints for Disciplinary Action	**35**
Private Administrative Admonitions Tendered	**4**
Affidavits of Resignation (tendered before filing Verified Complaint)	**7**
Petitions for Emergency Interim Suspension	-
Notices of Findings of Guilt (Felony)/ Requests for Interim Suspension	**6**
Notices of Foreign Discipline/ Requests for Reciprocal Discipline	**4**
Motions for Release from Reciprocal Discipline	**2**
Petitions for Reinstatement	**6**
Petitions to Revoke Probation	-
Petitions to Terminate Probation	**9**
Contempt of Court Proceedings	**3**
Miscellaneous	**3**
TOTAL	**132**

Discipline Matters Disposed

Some disciplinary matters are handled by the Commission; others are disposed of by the Supreme Court. The table below details how the Court handled the matters that came before it during the fiscal year.

Dismissal on Compliance with Show Cause Order	**18**
Terminating Noncooperation Suspension on Compliance with Show Cause Order	**5**
Dismissal of Show Cause Proceeding Due to Other Suspension	**10**
Converting Noncooperation Suspension to Indefinite Suspension	**4**
Private Administrative Admonition	**4**
Rejection of Private Administrative Admonition	-
Private Reprimand	**2**
Public Reprimand	**7**
Suspension with Automatic Reinstatement (after Verified Complaint)	**5**
Suspension without Automatic Reinstatement (after Verified Complaint)	**10**
Suspension with Conditions/Probation (after Verified Complaint)	**8**
Suspension Due to Disability Determination	**2**
Disbarment	**3**

Accepting Resignation	**11**
Emergency Interim Suspension Granted	-
Emergency Interim Suspension Denied	-
Interim Suspension on Finding of Guilt (Felony)	**7**
Reciprocal Discipline (Suspension)	**5**
Release from Reciprocal Suspension	**2**
Finding or Judgment for Respondent	**2**
Granting Reinstatement	**3**
Withdrawal or Dismissal of Petition for Reinstatement	**1**
Denying Reinstatement	**4**
Revoking Probation	**1**
Terminating Probation	**7**
Finding Contempt of Court	**3**
Miscellaneous Dismissing or Withdrawing Action	**7**
Miscellaneous	**4**
TOTAL	**135**

The **Indiana Judicial Nominating Commission** and the **Indiana Commission on Judicial Qualifications** are established by the Indiana Constitution and staffed by the Division of State Court Administration. One 7-member body serves both Commissions.

The Nominating Commission is responsible for recruiting and interviewing applicants to fill vacancies on the appellate courts.

The Qualifications Commission investigates and prosecutes allegations of ethical misconduct by judicial officers and candidates for judicial office.

courts.in.gov/jud-qual

Indiana Judicial Nominating Commission and Commission on Judicial Qualifications

Adrienne Meiring, Counsel

Change in Leadership

In June 2014, Chief Justice Brent E. Dickson announced his decision to step down as Chief Justice of Indiana and continue to serve as an Associate Justice. He must retire by July 2016 when he turns 75 and mandatory retirement takes effect. As the fiscal year drew to a close, the Nominating Commission began preparing for selection of the next Chief Justice.

Advising Judges and Judicial Candidates

In June 2014, the Commission issued an advisory opinion—its second in two years. The opinion addressed common campaign questions received by the Commission, such as whether a judge is permitted to use photographs of the courtroom in a campaign advertisement. The opinion also discussed the importance of the words "for" and "elect" in judicial campaign slogans (such as "John Doe for Judge") when the judicial candidate is not an incumbent.

Handling Discipline Issues

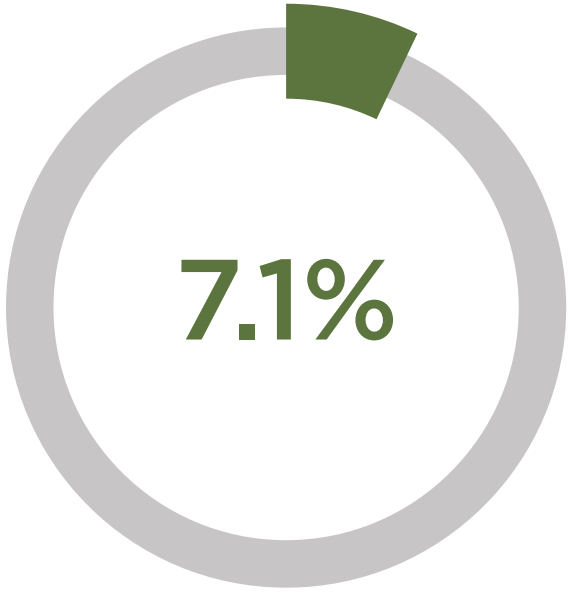
During the fiscal year, the Qualifications Commission considered 435 complaints alleging judicial misconduct. It automatically dismissed 281 complaints that failed to raise valid issues of misconduct; they were primarily complaints about the outcomes of cases. Another 123 cases were dismissed on the same grounds after Commission staff examined court documents or conducted informal interviews.

Of the remaining 31 cases, the Commission required the judges to respond to the allegations and conducted investigations. Nineteen of these cases were dismissed by privately cautioning the judge or advising the judge how to avoid similar complaints in the future.

Formal disciplinary charges were filed in one case, which went to hearing in November 2013. The case, which spanned seven full days of testimony and 79 witnesses, was the most extensive disciplinary action ever prosecuted by the Commission. Three trial court judges, serving as Masters, submitted a report stating the Commission had proven 46 of the 47 charges. In March 2014, the Supreme Court issued an opinion which permanently removed the judge from office. Eleven inquiries or investigations were pending at the end of the fiscal year.

Total Complaints Compared to Investigations

The percentage of complaints submitted to the Commission that resulted in the initiation of a formal investigation.



Discipline Case Highlights

Some disciplinary matters are handled by the Commission; others are disposed of by the Supreme Court. The following details the outcomes for Commission and Court handled matters.

435 **Grievances Submitted** against judges to the Commission

281 **Dismissed Summarily** no valid issue of misconduct

123 **Dismissed after Informal Review**

31 **Complaints** Investigations with responses from judges

1 **Cases with Formal Discipline Charges**

11 **Investigations Pending** at the end of the fiscal year

The **Indiana Judges and Lawyers Assistance Program** (JLAP) assists lawyers and law students with personal issues—addiction, mental health, physical and age-related problems—that have the potential to reduce their effectiveness.

JLAP works to educate the bench and bar and reduce the potential harm caused by impairment. All interactions with JLAP are confidential.

courts.in.gov/ijlap

Judges and Lawyers Assistance Program

Terry L. Harrell, Executive Director

Caring for the Whole Person

JLAP is best known for assisting members of the legal community with substance abuse issues. However, JLAP also provides assistance for a wide variety of other issues that impact legal professionals, including:

- Depression and suicide
- Age-related illness and impairment
- Grief
- Compassion fatigue
- Gambling

In fact, during four of the last five years JLAP has received more calls about mental health concerns than substance abuse concerns.

Preparing for the Silver Tsunami

With the first baby boomers hitting 65 in 2011, JLAP has devoted more time to health issues that impact senior lawyers and judges. During the fiscal year, JLAP educated nearly 800 lawyers and judges about these issues through various programs:

- In partnership with the Indiana Continuing Legal Education Forum, JLAP helped the American Bar Association develop a webinar on cognitive impairment.
- JLAP conducted sessions on aging and cognitive impairment at the Judicial Conference annual meeting and the Indiana State Bar Association's Solo Small Firm Conference.

The JLAP Committee meets regularly to guide JLAP in how to best provide assistance to the legal community.

Further, in September JLAP started a Care Giver Support Group after hearing from many attorneys and judges that they are primary caregivers for parents, spouses, or other loved ones. The group provides participants support in juggling the stresses of caregiving while working in the legal profession.

Compassion Fatigue

Attorneys commonly handle cases involving issues like sexual or child abuse, murder, addiction, and other emotionally-charged topics. The cumulative impact of burnout and secondary exposure to trauma takes a very real toll on many legal professionals. During the fiscal year, JLAP conducted seven presentations on the topic of mitigating compassion fatigue at various conferences for lawyers.

jlap

Volunteer Training

JLAP holds training for lawyers who volunteer to help other lawyers, and during the fiscal year, shifted focus from general training for new volunteers to advanced, issue-specific training for existing volunteers. Completing a geographic circuit of the state, JLAP held a general volunteer training in Columbus in August. By June, JLAP had developed its first issue-specific training, and conducted a program focused exclusively on monitoring in South Bend.

The **Indiana State Public Defender's Office** provides investigation and representation at trial court hearings and on appeal to indigent prisoners in capital (death penalty) and non-capital post-conviction relief cases. Court rules allow a narrow challenge—called a post-conviction relief proceeding—to a conviction or sentence.

The Office serves as counsel for the prisoners who request representation in post-conviction cases. The Office also finds private counsel to provide representation in certain cases when requested by trial courts. The Indiana Supreme Court appoints the Public Defender and the Office follows procedural rules established by the Court.

courts.in.gov/defender

State Public Defender's Office

Stephen T. Owens, Public Defender of Indiana

Life without Parole and Death Penalty Cases

This fiscal year, the Office represented twelve Department of Correction prisoners serving sentences of life in prison without parole. Representation in these cases is considerably more time-consuming than in general felony cases.

The Office also represented one prisoner sentenced to death, Michael Dean Overstreet. Overstreet was authorized to proceed with litigation regarding competency to be executed.

Non-Capital Cases

Demand for the Office's services correlates with the Department of Correction's increasing population, which reached 29,994 adult and juvenile prisoners on May 1, 2014. The Office received 594 petitions from prisoners seeking post-conviction counsel. The petitions—written by prisoners without an attorney—are called pro se, self-represented, or unrepresented.

Upon receipt of a petition, the Office represents these pro se prisoners in matters of post-conviction relief, and seeks a correction of sentence, a new trial, or other relief, if arguable merit exists in the case. Relief was granted in 46 cases during the fiscal year; the outcomes of these cases included:

- Sentence adjustments totaling over 300 years
- Pre-trial jail time credit totaling nearly 500 days
- 2 new sentencing hearings
- Convictions vacated in 10 cases
- Permission for a belated appeal granted in 6 cases

Definitions

A **certified question** is a request from a federal court to the Indiana Supreme Court asking for the Court's opinion on a specific matter of Indiana law that the federal court is considering in a pending matter.

A **dispositive order** presents the decision of the court in a case, but does not typically include a detailed explanation of legal reasoning as do opinions. Examples of dispositive orders include orders resolving attorney or judicial discipline cases and orders denying transfer of cases.

In a **mandate of funds** case, the Supreme Court reviews an order by a special judge that requires the county commissioners to fund court operations or other court-related functions. Mandates of funds are typically ordered when a county executive branch does not provide adequate funding to its local judicial branch.

A **majority opinion** in a case is authored by one justice and approved by two or more additional justices who agree with the decision and the legal reasoning for it. A majority opinion may also be *per curiam*, meaning "by the court" and not attributed to a specific author.

A **non-majority opinion** is attached to a majority opinion or dispositive order and may be concurring or dissenting. In a *concurring opinion*, the justice agrees with the majority opinion but adds additional analysis of the issues. In an *opinion concurring in the result*, the justice agrees with the ultimate result, but disagrees with the majority's reasoning. In a *dissenting opinion*, the justice disagrees with the majority opinion and offers different legal reasoning in support of a different result.

An **original action** is a request by a party asking the Supreme Court to order a lower state court to perform an act required by law or to stop acting in a way the law does not allow.

A **petition for rehearing** is a request by a party asking the appellate court to reconsider a case it has already decided. If the court denies the petition, the decision stands. If the court grants the petition, then it issues a new opinion confirming or altering its decision.

A **petition to transfer** is a request by a party asking the Supreme Court to assume jurisdiction over a case already decided by the Court of Appeals.

A **verified complaint** in an attorney discipline case is the charging document in which the Disciplinary Commission alleges misconduct by the attorney being charged and asks the Supreme Court to impose appropriate discipline for the misconduct.

Indiana Supreme Court
315 State House • Indianapolis, Indiana 46204 • 317-232-2540 • courts.IN.gov