

IC 33-24

ARTICLE 24. SUPREME COURT

IC 33-24-1

Chapter 1. Justices and Jurisdiction

IC 33-24-1-1

Justices; quorum

Sec. 1. (a) The supreme court consists of five (5) justices.

(b) Three (3) members of the supreme court constitute a quorum.

As added by P.L.98-2004, SEC.3.

IC 33-24-1-2

Jurisdiction

Sec. 2. (a) The supreme court has jurisdiction in appeals coextensive with the state and has jurisdiction as provided by the Constitution of the State of Indiana.

(b) The supreme court has exclusive jurisdiction to:

- (1) admit attorneys to practice law in all courts of the state; and
- (2) issue restraining orders and injunctions in all cases involving the unauthorized practice of the law;

under rules and regulations as the supreme court may prescribe.

As added by P.L.98-2004, SEC.3.

IC 33-24-1-3

Appeals; amount in controversy

Sec. 3. Except as provided in IC 34-56-1, an appeal may not be taken to the supreme court in any civil case where the amount in controversy, exclusive of interest and costs, does not exceed fifty dollars (\$50).

As added by P.L.98-2004, SEC.3.

IC 33-24-1-4

Justice presiding at trial of case

Sec. 4. The justices of the supreme court, in their respective districts, may preside at the trial of any case pending in any county in a district in which the circuit judge is incompetent to preside.

As added by P.L.98-2004, SEC.3.

IC 33-24-2

Chapter 2. Retention of Justices

IC 33-24-2-1

Approval or rejection of justices

Sec. 1. Justices of the supreme court shall be approved or rejected by the electorate of the state under Article 7, Section 11 of the Constitution of the State of Indiana.

As added by P.L.98-2004, SEC.3.

IC 33-24-2-2

Justice's statement concerning retention

Sec. 2. A justice who wishes to be retained in office shall file a statement with the secretary of state, not later than noon July 15 of the year in which the question of retention of the justice is to be placed on the general election ballot, indicating that the justice wishes to have the question of the justice's retention placed on the ballot. The justice's statement must include a statement of the justice's name as:

- (1) the justice wants the justice's name to appear on the ballot; and
- (2) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

As added by P.L.98-2004, SEC.3.

IC 33-24-2-3

Expiration of term if no statement filed

Sec. 3. This section applies to a justice:

- (1) who does not file a statement under section 2 of this chapter; and
- (2) whose term expires under Article 7, Section 11 of the Constitution of the State of Indiana during the year in which the question of the retention of the justice would have been placed on the general election ballot.

The term of a justice expires December 31 of the year in which the question of the justice's retention would have been placed on the ballot.

As added by P.L.98-2004, SEC.3.

IC 33-24-2-4

Expiration of term if retention is rejected

Sec. 4. This section applies to a justice:

- (1) who files a statement under section 2 of this chapter; and
- (2) whose retention is rejected by the electorate.

The term of a justice ends when the secretary of state issues a certificate under IC 3-12-5-1 stating that the justice has been removed. However, if the justice has filed a petition for a recount under IC 3-12-11, the term of the justice does not end until the state recount commission has issued a certificate under IC 3-12-11-18 stating that the electorate has rejected the retention of the justice.

As added by P.L.98-2004, SEC.3.

IC 33-24-2-5

Form of ballot for retention question

Sec. 5. The question of approval or rejection of a justice shall be placed on the general election ballot in the form prescribed by IC 3-11 and must state "Shall Justice (insert name (as permitted under IC 3-5-7) here) be retained in office?".

As added by P.L.98-2004, SEC.3. Amended by P.L.58-2005, SEC.29.

IC 33-24-2-6

Name of justice on statement and voter registration record

Sec. 6. The statement filed under section 2 of this chapter must include a statement that the justice requests the name on the justice's voter registration record be the same as the name the justice uses on the statement. If there is a difference between the name on the justice's statement and the name on the justice's voter registration record, the officer with whom the statement is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the justice's voter registration record to be the same as the name on the justice's statement.

As added by P.L.98-2004, SEC.3.

IC 33-24-3

Chapter 3. Duties and Powers

IC 33-24-3-1

Court rules; adoption and publication

Sec. 1. The supreme court shall adopt and publish rules in conformity with IC 33-24-1-2(b) specifying the terms and conditions under which the supreme court and the court of appeals exercise jurisdiction.

As added by P.L.98-2004, SEC.3.

IC 33-24-3-2

Publication and distribution of opinions and reports

Sec. 2. The judicial opinion or decision in each case determined by the supreme court shall be reduced to writing. Reports of these opinions and decisions may be published and distributed in the manner prescribed by the supreme court.

As added by P.L.98-2004, SEC.3.

IC 33-24-3-3

Seal

Sec. 3. (a) The supreme court shall have a seal that is devised by the justices of the supreme court.

(b) A description of the seal shall be recorded in the office of the secretary of state.

As added by P.L.98-2004, SEC.3.

IC 33-24-3-4

Powers of court

Sec. 4. The supreme court may do the following:

(1) Frame, direct, and cause to be used all process, establish modes of practice that may be necessary in the exercise of the supreme court's authority, and make and publish regulations concerning all process and modes of practice.

(2) Establish regulations concerning bonds required in appeals to the supreme court, the amount of the penalties related to the bonds, and for approving sureties executing bonds.

(3) Establish regulations concerning giving notice to officers of inferior courts of the granting of stay of execution, or of supersedeas.

(4) Establish regulations concerning proceedings that are requisite in the supreme court in the exercise of the supreme court's authority that are not specially provided for by law.

As added by P.L.98-2004, SEC.3.

IC 33-24-3-5

Additional powers of court

Sec. 5. The supreme court may:

(1) impose and administer all necessary oaths;

(2) punish by fine and imprisonment for contempt of the

supreme court's authority; and

(3) process and compel the attendance of witnesses by attachment and fine.

As added by P.L.98-2004, SEC.3.

IC 33-24-3-6

Certification of questions to court by federal appellate courts

Sec. 6. The supreme court may, by rule of court, provide that if:

(1) the Supreme Court of the United States, a circuit court of appeals of the United States, or the court of appeals of the District of Columbia determines that there are involved in any proceeding before the federal appellate court questions or propositions of the laws of Indiana that are determinative of the proceeding; and

(2) there are no clear controlling precedents in the decisions of the supreme court;

the federal appellate court may certify the questions or propositions of the laws of Indiana to the supreme court for instructions concerning the questions or propositions of state law, and the supreme court, by written opinion, may answer.

As added by P.L.98-2004, SEC.3.

IC 33-24-3-7

Senior judge; appointment; rules

Sec. 7. (a) The supreme court may appoint a judge who is certified as a senior judge by the judicial nominating commission to serve a circuit court, a superior court, a probate court, the tax court, or the court of appeals if the court requests the services of a senior judge.

(b) The supreme court may adopt rules concerning:

(1) certification by the judicial nominating commission; and

(2) appointment by the supreme court;

of senior judges.

As added by P.L.98-2004, SEC.3. Amended by P.L.32-2005, SEC.4; P.L.201-2011, SEC.21.

IC 33-24-4

Chapter 4. Supreme Court Clerk

IC 33-24-4-1

Appointment by chief justice; bond; salary; powers and duties

Sec. 1. (a) The chief justice of the supreme court shall appoint a clerk of the supreme court. The individual appointed serves at the pleasure of the chief justice of the supreme court.

(b) The clerk shall execute a bond in an amount directed by the supreme court.

(c) The clerk shall be paid a salary determined by the supreme court.

(d) In addition to the powers and duties prescribed by law, the clerk has the powers and duties determined by the supreme court.

As added by P.L.98-2004, SEC.3. Amended by P.L.14-2004, SEC.190.

IC 33-24-4-2

Duties

Sec. 2. The clerk of the supreme court shall do the following:

(1) Reside, and keep the clerk's office open, in a building provided for that purpose by the state, at the seat of government, from 9 a.m. until 4 p.m. of every day in the year except Sundays and Independence Day.

(2) Procure and preserve in the office all records and other books and stationery required by the court.

(3) Attend, in person or by deputy, the terms of the court.

(4) Administer all oaths authorized by law.

(5) Sign and seal, with the seal, and issue all process required to be issued from the court, under the clerk's hand.

(6) Endorse the time of filing books, records, or writings required to be filed or deposited in the clerk's office.

(7) Make a complete record of all causes finally determined in the court, except the transcript of the court below.

As added by P.L.98-2004, SEC.3.

IC 33-24-4-3

Allowance for record books and stationery furnished

Sec. 3. The supreme court shall allow the clerk of the supreme court a reasonable compensation for the record books and stationery furnished by the clerk for the use of the court if the clerk presents to the court an account specifying each item to be furnished to the court. The account presented by the clerk must be verified by an oath taken and subscribed by the clerk, to be administered by a justice of the court.

As added by P.L.98-2004, SEC.3.

IC 33-24-4-4

Entry of allowance on order book; warrant for payment

Sec. 4. An allowance made under section 3 of this chapter shall be

entered on the order book of the supreme court. Upon receipt of a certified transcript of the allowance that is signed by a justice of the supreme court and attested by the seal of the court, the auditor of state shall issue a warrant for the allowance to the treasurer of state.
As added by P.L.98-2004, SEC.3.

IC 33-24-4-5

Certifying supreme court or appellate court opinion, decision, and judgment

Sec. 5. (a) The clerk of the supreme court shall certify any opinion, decision, and judgment of the supreme court and of the court of appeals to the lower court from which the cause was appealed, in the manner provided by statute and by the rules of the supreme court.

(b) The clerk of the court from which the cause was appealed, upon receipt of the certification, shall file the certification with the papers in the cause, and that court shall order the opinion, decision, and judgment, including its certification, spread of record in the order book of the court.

As added by P.L.98-2004, SEC.3.

IC 33-24-4-6

Inspection of clerk's office

Sec. 6. The supreme court shall annually appoint one (1) of its justices to inspect the office of the clerk of the supreme court and to report, at the next term, the condition of the records and books of that office. The report shall be entered on the order book of the court.

As added by P.L.98-2004, SEC.3.

IC 33-24-4-7

Delivery of books and papers to successor

Sec. 7. The clerk of the supreme court shall deliver to the clerk's successor all the books and papers of the clerk's office.

As added by P.L.98-2004, SEC.3. Amended by P.L.14-2004, SEC.191.

IC 33-24-4-8

Posting of table of fees

Sec. 8. The clerk of the supreme court shall post a table of fees in a conspicuous place in the clerk's office. If the clerk fails to post a table of fees, the clerk may not demand or receive fees for services that the clerk renders.

As added by P.L.98-2004, SEC.3.

IC 33-24-4-9

Personal liability of clerk

Sec. 9. (a) The clerk of the supreme court is not personally liable for any act or omission occurring in connection with the performance of the clerk's official duties, unless the act or omission constitutes gross negligence or an intentional disregard of the responsibilities of the office of clerk.

(b) The fact that the clerk is not personally liable under subsection (a) does not preclude an action against the clerk's bond based on an error or omission committed by the clerk.

As added by P.L.60-2010, SEC.1.

IC 33-24-5

Chapter 5. Supreme Court Sheriff

IC 33-24-5-1

Appointment; bond; term of office; vacancies

Sec. 1. (a) On the second Monday of January in each odd-numbered year, the supreme court shall appoint a sheriff.

(b) The sheriff of the supreme court must give bond in the sum of five thousand dollars (\$5,000), with sureties to be approved by the court.

(c) The term of the sheriff's office is two (2) years.

(d) When a vacancy in the sheriff's office occurs in vacation, any two (2) of the justices of the court may appoint a sheriff to serve until the next term of the court, when the vacancy shall be filled by a vote of a majority of the court's justices.

As added by P.L.98-2004, SEC.3.

IC 33-24-5-2

Attendance of court; executing orders and process of court

Sec. 2. (a) Except as provided in subsection (b), the sheriff of the supreme court or a county police officer shall:

- (1) attend the court in term time;
- (2) execute the orders of the court;
- (3) preserve order within the court;
- (4) execute all process issued out of the court; and
- (5) execute all civil process issued out of the court.

(b) This subsection applies only if a consolidated law enforcement department is established under IC 36-3-1-5.1. The ordinance adopted by the legislative body of the consolidated city shall determine whether:

- (1) the orders of the court; and
- (2) all criminal process issued out of the court;

shall be executed by an officer of the sheriff's department or an officer of the consolidated law enforcement department.

As added by P.L.98-2004, SEC.3. Amended by P.L.227-2005, SEC.10; P.L.1-2006, SEC.502.

IC 33-24-5-3

Transmitting process, rule, or order to county sheriff

Sec. 3. (a) When any process, rule, or order, is received by the sheriff of the supreme court, the sheriff may transmit it by mail to the sheriff of the county where the process, rule, or order is to be served.

(b) The sheriffs of each county are the deputies of the sheriff of the supreme court. However, each county sheriff is liable on the county sheriff's own bond for all acts done by the county sheriff as a deputy of the sheriff of the supreme court.

As added by P.L.98-2004, SEC.3.

IC 33-24-5-4

County sheriff returning process, rule, or order; service by sheriff

of supreme court

Sec. 4. (a) A county sheriff acting as a deputy of the sheriff of the supreme court may:

- (1) enclose any process, rule, or order of the court that the county sheriff receives;
- (2) direct the process, rule, or order to the sheriff of the supreme court; and
- (3) deposit the process, rule, or order in a post office in the county sheriff's county ten (10) days before the return day of the process, rule, or order.

A county sheriff that complies with this subsection is not liable for failing to return the process, rule, or order.

(b) If money must be returned with a process, rule, or order described in subsection (a), the county sheriff may transmit the money by mail, enclosed with the process, rule, or order, addressed to the sheriff of the supreme court. However, the testimony of the postmaster that the payment was mailed is necessary to exempt the county sheriff from liability.

(c) In case of the return of any process, rule, or order of the court described in subsection (a) by any county sheriff, unserved or unsatisfied, the sheriff of the supreme court may visit any county and personally serve the process, rule, or order in the same manner provided by law for the service by county sheriffs. For this service, the sheriff of the supreme court is entitled to receive, for the distance actually traveled in going to and returning from the county seat of the county where the process, rule, or order is to be served, and from the county seat to the place where the process, rule, or order is served, a sum for mileage for each instance equal to the sum per mile paid to state employees and officers plus those other fees allowed by law to county sheriffs, with the rate for mileage to change each time the state government changes its rate per mile. The sum for mileage and fees shall be imposed as costs in the case in which the process, rule, or order is issued, and shall be collected as other costs.

As added by P.L.98-2004, SEC.3.

IC 33-24-5-5

Mileage and fees for service of process, rule, or order

Sec. 5. (a) The mileage and fees for service of any process, rule, or order issued out of the supreme court is the same as in case of similar process from the circuit court.

(b) When any process, rule, or order issued out of the supreme court is served by the county sheriff, the county sheriff is allowed the fees for mileage and one half (1/2) of the fees for service. The remaining half of the fees for service shall be paid the sheriff of the supreme court.

(c) Fees for mileage may be charged only from the county seat of the county in which the process is to be served to the place of service.

(d) When money is collected on any process, rule, or order issued out of the supreme court by the county sheriff, two-thirds (2/3) of the sheriff's allowance is retained by the county sheriff and the remaining

one-third (1/3) must be delivered to the sheriff of the supreme court.
As added by P.L.98-2004, SEC.3.

IC 33-24-5-6

Postage on process, rules, or orders

Sec. 6. The sheriff of the supreme court must pay both the outgoing and return postage on process, rules, or orders issued by the court and recover the funds expended on postage as part of the costs of the proceeding.

As added by P.L.98-2004, SEC.3.

IC 33-24-5-7

Coroner to act as deputy

Sec. 7. The sheriff of the supreme court may require the coroner of any county to act as the sheriff of the supreme court's deputy where the sheriff of that county is an interested party.

As added by P.L.98-2004, SEC.3.

IC 33-24-5-8

Penalties and liabilities

Sec. 8. The sheriff of the supreme court is subject to all the penalties and liabilities of sheriffs of the circuit courts.

As added by P.L.98-2004, SEC.3.

IC 33-24-5-9

Compensation for fuel, stationery, and extra services

Sec. 9. (a) The supreme court must allow the sheriff of the supreme court reasonable compensation for fuel, stationery, and extra services. The sheriff of the supreme court may file a statement verified by an oath administered by the clerk of the court specifying each expenditure eligible for compensation.

(b) The compensation allowed to the sheriff of the supreme court by the court shall be entered on the order book of the court. On the presentation of a certified copy of an order for compensation, attested with the seal of the court, to the auditor of state, the auditor of state shall issue a warrant for the payment of compensation to the sheriff to the treasurer of state.

As added by P.L.98-2004, SEC.3.

IC 33-24-6

Chapter 6. Office of Judicial Administration

IC 33-24-6-1

Creation of office; divisions

Sec. 1. (a) There is created within the office of chief justice the office of judicial administration.

(b) The office consists of two (2) divisions, entitled:

- (1) supreme court administration; and
- (2) state court administration.

(c) The division of supreme court administration shall be headed by a supreme court administrator. The division of state court administration shall be headed by an executive director.

As added by P.L.98-2004, SEC.3.

IC 33-24-6-2

Personnel; appointment; full-time positions; salaries

Sec. 2. (a) The personnel of the office of judicial administration shall be appointed by and serve at the pleasure of the chief justice.

(b) The personnel shall devote full time to their official duties and may not engage in any other profession for profit.

(c) Personnel salaries shall be fixed by the supreme court subject to approval by the budget agency.

As added by P.L.98-2004, SEC.3.

IC 33-24-6-3

Duties of division of state court administration

Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

- (A) The volume, condition, and type of business conducted by the courts.
- (B) The methods of procedure in the courts.
- (C) The work accomplished by the courts.
- (D) The receipt and expenditure of public money by and for the operation of the courts.
- (E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the judicial technology and automation project fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the county prosecuting attorney, for:

(i) a prosecuting attorney's case management system;

(ii) a county court case management system; and

(iii) a county court case management system developed and operated by the division of state court administration; to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

(C) between county court case management systems and the case management system developed and operated by the division of state court administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Staff the judicial technology oversight committee established by IC 33-23-17-2.

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section.

As added by P.L.98-2004, SEC.3. Amended by P.L.110-2009, SEC.12; P.L.130-2009, SEC.19; P.L.1-2010, SEC.132; P.L.284-2013, SEC.2.

IC 33-24-6-4

Office of guardian ad litem and court appointed special advocate services; funding

Sec. 4. (a) The division of state court administration shall establish and administer an office of guardian ad litem and court appointed

special advocate services. The division shall use money it receives from the state general fund to administer the office. If funds for guardian ad litem and court appointed special advocate programs are appropriated by the general assembly, the division shall provide matching funds to counties that implement and administer, in courts with juvenile jurisdiction, a guardian ad litem or court appointed special advocate program for children who are alleged to be victims of child abuse or neglect under IC 31-33. Matching funds must be distributed in accordance with the provisions of section 5 of this chapter. A county may use these matching funds to supplement amounts that are collected as fees under IC 31-40-3-1 and used for the operation of guardian ad litem and court appointed special advocate programs. The division may use its administrative fund to provide training services and communication services for local officials and local guardian ad litem and court appointed special advocate programs. The county fiscal body shall appropriate adequate funds for the county to be eligible for matching funds under this section.

(b) Matching funds provided to a county under this section shall be used for guardian ad litem and court appointed special advocate programs and may be deposited in the county's guardian ad litem or court appointed special advocate fund described in IC 31-40-3.

(c) Any matching funds appropriated to the division of state court administration that are not used before July 1 of each fiscal year do not revert but shall be redistributed under this section on July 1. The division shall redistribute the funds among counties providing guardian ad litem and court appointed special advocate programs that are entitled to receive matching funds.

(d) Money appropriated to the division of state court administration does not revert at the end of a state fiscal year to the state general fund.

(e) Only guardian ad litem or court appointed special advocate programs certified by the supreme court are eligible for funding under this section.

As added by P.L.98-2004, SEC.3. Amended by P.L.129-2005, SEC.11.

IC 33-24-6-5

Appropriations for guardian ad litem or court appointed special advocate program; formula

Sec. 5. (a) If appropriated by the general assembly, the division of state court administration shall grant to each county with a guardian ad litem or court appointed special advocate program an annual appropriation calculated under the following formula:

STEP ONE: Deduct the annual appropriation to the division of state court administration for administrative expenses.

STEP TWO: Ascertain the number of children in need of services cases in each county, as determined by the division of state court administration from reports filed under IC 33-24-6-3, during the preceding calendar year.

STEP THREE: Divide the result under STEP TWO by the total number of children in need of services cases in Indiana, as determined by the division of state court administration from reports filed under IC 33-24-6-3, during the preceding calendar year.

STEP FOUR: Multiply the result under STEP THREE by the remaining state match appropriation.

(b) If, under subsection (a), a county's grant would result in a grant of two thousand dollars (\$2,000) or less, the county is entitled to receive a grant of two thousand dollars (\$2,000). After subtracting the state match appropriation distributed to these counties from the total remaining state appropriation, the division of state court administration shall distribute the remaining state appropriation under the following formula:

STEP ONE: Subtract the total number of children in need of services cases in the counties covered under subsection (a) from the total number of children in need of services cases in Indiana, as determined by the division of state court administration, during the preceding calendar year.

STEP TWO: Divide the number of children in need of services cases in each of the counties not covered under subsection (a) by the result under STEP ONE.

STEP THREE: Multiply the result under STEP TWO by the total remaining state match appropriation.

STEP FOUR: Distribute the result under STEP THREE to each county not covered under subsection (a).

As added by P.L.98-2004, SEC.3. Amended by P.L.91-2007, SEC.1.

IC 33-24-6-6

Duties of division of supreme court administration

Sec. 6. The division of supreme court administration shall perform legal and administrative duties for the justices as are determined by the justices.

As added by P.L.98-2004, SEC.3.

IC 33-24-6-7

Distribution and title of reports

Sec. 7. The reports required by section 3(a)(3) of this chapter shall be:

- (1) directed to:
 - (A) the commission on judicial qualifications;
 - (B) the chief justice;
 - (C) the clerk of the supreme court; and
 - (D) the legislative council;
- (2) accessible to the judicial officers of the various courts and to the general public; and
- (3) titled "The Indiana Judicial Report".

Reports to the legislative council under subdivision (1)(D) must be in an electronic format under IC 5-14-6.

As added by P.L.98-2004, SEC.3.

IC 33-24-6-8**Enforcement of chapter by rules of supreme court**

Sec. 8. The supreme court shall provide by rule of the court for the enforcement of this chapter.

As added by P.L.98-2004, SEC.3.

IC 33-24-6-9**Appointment of administrative or clerical personnel**

Sec. 9. The authority of the courts to appoint administrative or clerical personnel is not limited by this chapter.

As added by P.L.98-2004, SEC.3.

IC 33-24-6-10**Trial court districts; transfer of judges**

Sec. 10. (a) The executive director shall, with the approval of the supreme court, divide the state geographically into at least eight (8) trial court districts.

(b) On the basis of relevant information compiled by the executive director concerning the volume and nature of judicial workload, the executive director shall recommend to the supreme court the temporary transfer of any judge or judges. The supreme court shall consider the recommendation and temporarily transfer any judge of a trial court of general or special jurisdiction to another court if the temporary transfer is determined to be beneficial to facilitate the judicial work of the court to which the judge is transferred without placing an undue burden on the court from which the judge is transferred. However, a judge may not be temporarily transferred to a court in another county within the district the judge normally serves that, at its nearest point, is more than forty (40) miles from the seat of the county the judge normally serves unless the judge consents to the transfer.

As added by P.L.98-2004, SEC.3.

IC 33-24-6-11**Expenses for judges transferred to other counties**

Sec. 11. Any judge transferred to a court in another county shall be paid travel and other necessary expenses by the county to which the judge is transferred. An allowance for expenses shall be certified by the chief justice in duplicate to the auditor of the county. The certificate of allowance is prima facie evidence of the correctness of the claims. An item of expenses certified to be correct must be allowed by the board of commissioners of that county.

As added by P.L.98-2004, SEC.3.

IC 33-24-6-12**Judicial technology and automation project fund**

Sec. 12. (a) The judicial technology and automation project fund is established to fund the judicial technology and automation project. The division of state court administration shall administer the fund. The fund consists of the following:

- (1) Deposits made under IC 33-37-9-4.
- (2) Other appropriations made by the general assembly.
- (3) Grants and gifts designated for the fund or the judicial technology and automation project.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The budget committee may release funds for the judicial technology and automation project after the division of state court administration certifies in conjunction with the Indiana office of technology, that the judicial technology automation project is in compliance with the information sharing and exchange provisions of IC 33-24-6-3(a).

As added by P.L.98-2004, SEC.3. Amended by P.L.229-2011, SEC.256; P.L.284-2013, SEC.3.

IC 33-24-7

Chapter 7. Supreme Court Records

IC 33-24-7-1

Orders concerning transcription of records

Sec. 1. When the supreme court or a majority of the justices of the supreme court consider it necessary to have all or part of the records of the court transcribed to protect those records from mutilation or decay arising from any cause, the court or justices shall order the clerk of the supreme court to transcribe the records in suitable books to be procured by the clerk for that purpose. The court shall make a reasonable allowance for the transcription to the clerk in an amount that the court considers just and proper. The allowance, when certified by a justice of the court, shall be audited by the auditor of state and paid as similar allowances in other cases.

As added by P.L.98-2004, SEC.3.

IC 33-24-7-2

Transcription of records; force and effect of transcribed records

Sec. 2. (a) When the supreme court makes an order under section 1 of this chapter, the clerk of the supreme court shall procure the books ordered by the court and transcribe in them the records or parts of records as ordered by the court.

(b) Records or parts of records transcribed under this chapter have the force and effect of the original records. Transcripts of records or parts of records transcribed under this chapter, certified by the clerk, under the seal of the court, have the same force and effect as transcripts of the original records.

As added by P.L.98-2004, SEC.3.

IC 33-24-7-3

Index of supreme court records

Sec. 3. (a) The clerk of the supreme court shall prepare for public use, under the direction of the supreme court, a systematic index to the court's records and papers on file in the clerk's office. The index must include the following:

- (1) The title and number of every cause appealed to the supreme court.
- (2) The county and court from which appealed.
- (3) The date of filing the appeal in the clerk's office.
- (4) The date of every decision and how decided.
- (5) The number of the box or drawer in which the papers in every case can readily be found.

The clerk shall also properly clean, arrange, and securely tie the papers in each cause and place them in boxes and drawers when they are provided by the proper authorities for that purpose.

(b) The clerk of the supreme court shall also index other papers and records on file in the clerk's office as may be directed by the supreme court.

As added by P.L.98-2004, SEC.3.

IC 33-24-8

Chapter 8. Supreme Court Fees

IC 33-24-8-1

Taxing fees and charging amounts; accounting; report of uncollected fees

Sec. 1. (a) The clerk of the supreme court, for the clerk's services, shall, upon proper books to be kept in the clerk's office for that purpose, tax the fees and charge the amounts specified in this chapter. The fees and amounts belong to and are the property of the state.

(b) On March 31, June 30, September 30, and December 31 of each year, the clerk shall:

- (1) make and file with the auditor of state a verified account of all fees and amounts collected during the preceding three (3) months;
- (2) pay the amount shown to be due the state to the treasurer of state; and
- (3) file with the treasurer of state a verified report of uncollected fees and amounts due the state of Indiana accruing in cases disposed of during that quarter.

As added by P.L.98-2004, SEC.3.

IC 33-24-8-2

Filing fee for supreme court and court of appeals

Sec. 2. The clerk of the supreme court shall tax and charge a fee of two hundred fifty dollars (\$250) in each cause filed in either the supreme court or the court of appeals.

As added by P.L.98-2004, SEC.3.

IC 33-24-8-3

Fee bills

Sec. 3. The clerk of the supreme court may, at any time after the services are rendered, issue fee bills under IC 33-37-4-10 for services rendered by the clerk or by another person in the court.

As added by P.L.98-2004, SEC.3.

IC 33-24-8-4

Fees charged and collected; contracts; exceptions

Sec. 4. (a) The clerk of the supreme court shall charge the following fees:

- (1) For making record and certificate of admission of attorneys to practice before the supreme court, a fee of two dollars (\$2).
- (2) For making and furnishing to any person, firm, limited liability company, or corporation unauthenticated copies of the opinions of the supreme court and the court of appeals for the purpose of publication by the person, firm, limited liability company, or corporation obtaining the copies, if a contract has been made by the clerk with the person, firm, limited liability company, or corporation to furnish the copies for at least one (1) year, a fee of two thousand eight hundred twenty-five dollars

(\$2,825) per year, to be paid quarterly in advance.

(b) The clerk of the supreme court may make a contract described in subsection (a).

(c) This section does not prohibit proprietors of newspapers from copying opinions of the supreme court and the court of appeals or from making abstracts of these opinions for publication in the newspapers.

(d) For all other unauthenticated copies of the opinions of the supreme court and the court of appeals furnished by the clerk of the supreme court to any person, firm, limited liability company, or corporation, the clerk shall charge one dollar (\$1) per page.

(e) The fees and amounts charged under this section shall be deposited by the clerk of the supreme court into the state general fund in the manner and at the time provided for the making of the quarterly reports of other collected fees due the state.

As added by P.L.98-2004, SEC.3.

IC 33-24-8-5

Contents of quarterly report; special reports

Sec. 5. The quarterly report required to be made by the clerk of the supreme court under section 1 of this chapter must show the number and title of the cause and the amount due the state. The clerk is not required to make any other or different reports, except special reports on the order of the supreme court or the court of appeals, or the written request of the governor or auditor of state.

As added by P.L.98-2004, SEC.3.

IC 33-24-8-6

Taxation of sheriffs' fees; transmittal of books, papers, fees, and property to successor; disposition of unclaimed fees

Sec. 6. (a) The clerk of the supreme court shall tax and charge in favor of the sheriff of the supreme court, or in favor of county sheriffs for their services as the deputies of the sheriff of the supreme court, the fees and amounts provided by law. The fees and amounts described in this subsection do not belong to the state but are the property of the sheriff of the supreme court and the sheriff's agents. When the fees are collected, the fees shall be paid over to the sheriff or the sheriff's agents.

(b) The clerk of the supreme court at the expiration of the clerk's term shall hand over to the clerk's successor in office all of the books, papers, fees, costs, charges, and amounts, together with all money and other property received by the clerk by virtue of the clerk's office or under color of that office.

(c) The attorney general shall enforce the collection, for the use and benefit of the party entitled to them, all fees and amounts collected and retained by the person, including penalties, against any persons liable for the fees and amounts. All unclaimed fees collected under this chapter from former clerks that have been paid in for two (2) years and remain in the office of the clerk of the supreme court for six (6) months uncollected by the person to whom the fees are

due, and all other unclaimed fees in the hands of the clerk of the supreme court, after the expiration of two (2) years from the date when the fees are paid to the clerk, shall be paid into the state treasury, to be held as other funds that escheat to the state. The clerk of the supreme court, when fees are paid into the office of the clerk for the benefit of any other officer or person, shall immediately notify that officer or person by mail that the fees have been paid, the date of payment, and the amount of the payment.

As added by P.L.98-2004, SEC.3.

IC 33-24-9

Chapter 9. Appeal Bonds

IC 33-24-9-1

Taxing fees and costs; collection of fees, costs, and executions

Sec. 1. In all cases brought to the supreme court by appeal, in which an appeal bond is executed by the plaintiff in the appeal, the clerk of the supreme court shall:

- (1) tax all fees and costs for which the plaintiff is liable in the court, against the principal and sureties on the bonds, as though they were co-plaintiffs or co-defendants;
- (2) issue fee bills or executions for the collection of the fees or costs and executions; and
- (3) collect all judgments that are rendered by the court against the plaintiffs, against the principals and sureties jointly.

As added by P.L.98-2004, SEC.3.

IC 33-24-9-2

Endorsement on writ; levy on property on principal or surety

Sec. 2. (a) Before delivering a writ for the collection of fees, costs, or execution to the proper officer, the clerk of the supreme court shall endorse on the writ which of the parties is the principal and which is the surety in the writ.

(b) The officer responsible for enforcement of the writ shall first levy upon the property of the principal in the writ. To the extent that sufficient property of the principal cannot be found, the officer shall, without delay, levy the writ upon the property of the surety or sureties, and proceed to sell that property as in other cases.

As added by P.L.98-2004, SEC.3.

IC 33-24-9-3

Limitation of action for collection of fees or costs

Sec. 3. A writ may not be issued under this chapter for the collection of fees or costs more than five (5) years after the date the cause was decided in the supreme court.

As added by P.L.98-2004, SEC.3.

IC 33-24-10

Chapter 10. Disciplinary Proceedings Against Attorneys

IC 33-24-10-1

"Admission and discipline rule"

Sec. 1. As used in this chapter, "admission and discipline rule" refers to the Rules for Admission to the Bar and the "Discipline of Attorneys" adopted by the supreme court.

As added by P.L.98-2004, SEC.3.

IC 33-24-10-2

"Commission"

Sec. 2. As used in this chapter, "commission" refers to the disciplinary commission created by Admission and Discipline Rule 23.

As added by P.L.98-2004, SEC.3.

IC 33-24-10-3

"Commissioner"

Sec. 3. As used in this chapter, "commissioner" means a member of the disciplinary commission appointed under Admission and Discipline Rule 23.

As added by P.L.98-2004, SEC.3.

IC 33-24-10-4

"Executive secretary"

Sec. 4. As used in this chapter, "executive secretary" refers to the executive secretary of the disciplinary commission.

As added by P.L.98-2004, SEC.3.

IC 33-24-10-5

Statements made to commission; immunity from civil liability

Sec. 5. A person is immune from civil liability for damages for any sworn or written statements made:

- (1) without malice and transmitted to the commission, the executive secretary, or the executive secretary's staff; or
- (2) in the course of investigatory, hearing, or review proceedings under Admission and Discipline Rule 23.

As added by P.L.98-2004, SEC.3.

IC 33-24-10-6

Liability of commission and staff

Sec. 6. The executive secretary, the executive secretary's staff, counsel, investigators, hearing officers, and the commissioners are immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties.

As added by P.L.98-2004, SEC.3.

IC 33-24-11

Repealed

(Repealed by P.L.53-2014, SEC.146.)

IC 33-24-12

Chapter 12. Civil Legal Aid Fund

IC 33-24-12-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the civil legal aid fund established by section 5 of this chapter.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-2

"Indigent"

Sec. 2. As used in this chapter, "indigent" means an individual whose income is not more than one hundred twenty-five percent (125%) of the federal income poverty level as determined annually by the federal Office of Management and Budget under 42 U.S.C. 9902.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-3

"Legal services provider"

Sec. 3. As used in this chapter, "legal services provider" means a private, nonprofit organization incorporated and operated exclusively in Indiana, the primary function and purpose of which is to provide civil legal services without charge to the indigent.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-4

Eligibility requirements for receipt of funds

Sec. 4. To be eligible for the receipt of funds under this chapter, a legal services provider must meet the following requirements:

- (1) The legal services provider must have been:
 - (A) incorporated before July 2, 1997; or
 - (B) incorporated and providing civil legal aid to the indigent for three (3) years immediately preceding the application for funds from the civil legal aid fund.
- (2) The legal services provider must submit an opt-in form to the executive director of the division of state court administration before May 2 of each year. The form must include the following information:
 - (A) The name, address, and telephone number of the legal services provider.
 - (B) The Internal Revenue Code 501(c)(3) form of the legal services provider.
 - (C) The name and address of the executive director and board president of the legal services provider.
 - (D) A list of all counties within the incorporated service area of the legal services provider.
 - (E) Certification that the legal services provider has provided legal services to indigent individuals within its service area for the preceding three (3) years and that the legal services

provider will continue to provide legal services to the indigent for the year following receipt of funds from the civil legal aid fund.

- (3) The legal services provider may not do any of the following:
- (A) Make available funds, personnel, or equipment for use in advocating or opposing a plan or proposal, represent a party, or participate in litigation that is intended to or has the effect of altering, revising, or reapportioning a legislative, a judicial, or an elective district at any level of government, including influencing the timing or manner of the taking of a census.
 - (B) Attempt to influence the issuance, amendment, or revocation of an executive order, regulation, or other statement of general applicability and future effect by a federal, state, or local agency.
 - (C) Attempt to influence an adjudicatory proceeding of a federal, state, or local agency if such part of the proceeding is designed for the formulation or modification of an agency policy of general applicability and future effect.
 - (D) Attempt to influence the passage or defeat of legislation, a constitutional amendment, a referendum, an initiative, or similar procedure of the Congress, a state, or a local legislative body.
 - (E) Attempt to influence the conduct of oversight proceedings of the Legal Services Corporation or a person or an entity receiving financial assistance provided by the Legal Services Corporation.
 - (F) Pay for a personal service, an advertisement, a telegram, a telephone communication, a letter, printed or written matter, an administrative expense, or a related expense, associated with an activity prohibited in this subdivision.
 - (G) Initiate or participate in a class action suit.
 - (H) Support or conduct a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or an antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity. However, this clause may not be construed to prohibit the training of an attorney or a paralegal in the provision of:
 - (i) adequate legal assistance to eligible clients; or
 - (ii) advice to an eligible client as to the legal rights of the client.
 - (I) Participate in litigation:
 - (i) on behalf of a person incarcerated in a federal, state, or local prison; or
 - (ii) arising out of the incarceration of a person described in item (i).

As added by P.L.98-2004, SEC.3.

Establishment of civil legal aid fund; administration

Sec. 5. (a) The civil legal aid fund is established to provide additional revenue for legal services providers.

(b) The fund is administered by the division of state court administration.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-6

Formula for fund distribution

Sec. 6. (a) The division of state court administration shall annually determine the amount to be distributed from the fund to each county's legal services provider under the following formula:

STEP ONE: Determine the number of civil cases filed in the county during the year as reported by the most recent Indiana Judicial Report.

STEP TWO: Determine the number of civil cases filed in Indiana during the year as reported by the most recent Indiana Judicial Report.

STEP THREE: Divide the amount determined in STEP ONE by the amount determined in STEP TWO.

STEP FOUR: Multiply the quotient determined in STEP THREE by the annual amount appropriated under section 7 of this chapter or by the annual amount of the appropriation from the state general fund as provided in the state budget act, whichever is greater.

Except as provided in subsection (b), the product determined in STEP FOUR is the amount to be distributed to the legal services provider or providers having the county in its service area.

(b) In a county where there is more than one (1) legal services provider, the amount distributed from the fund for that county shall be distributed among the legal services providers in direct proportion to the number of legal services providers in that county.

(c) Distributions from the fund shall be made on January 1 and July 1 of each year. Money in the fund is annually appropriated to carry out the purposes of the fund.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-7

Appropriation from general fund

Sec. 7. There is appropriated on June 30 and December 31 of each year five hundred thousand dollars (\$500,000) from the state general fund for deposit into the fund.

As added by P.L.98-2004, SEC.3.

IC 33-24-13

Chapter 13. Indiana Conference for Legal Education Opportunity

IC 33-24-13-1

"Program"

Sec. 1. As used in this chapter, "program" refers to the Indiana conference for legal education opportunity established by section 2 of this chapter.

As added by P.L.98-2004, SEC.3.

IC 33-24-13-2

Establishment of program; purpose

Sec. 2. The Indiana conference for legal education opportunity is established to assist Indiana minority, low income, or educationally disadvantaged college graduates in pursuing a law degree and a career in the Indiana legal and professional community.

As added by P.L.98-2004, SEC.3.

IC 33-24-13-3

Organization and administration of program; advisory committee

Sec. 3. (a) The program shall be organized and administered by the chief justice of the supreme court. The chief justice shall appoint an advisory committee composed of eight (8) members as follows:

- (1) Two (2) practicing attorneys.
- (2) Two (2) judges.
- (3) Two (2) Indiana law school professors or administrators.
- (4) Two (2) members representing community groups.

(b) The chief justice shall serve as chair of the advisory committee.

(c) Appointed members of the committee serve for three (3) year terms and may be reappointed.

(d) The committee shall solicit applications and select persons for the program who:

- (1) have earned a bachelor's degree;
- (2) have applied to an Indiana law school;
- (3) have demonstrated the interest, motivation, and capacity to earn a law degree; and
- (4) would benefit from the special training offered by the program.

(e) The committee shall award annual stipends to certified graduates of the program.

As added by P.L.98-2004, SEC.3.

IC 33-24-13-4

Preparatory course of study required; instructors

Sec. 4. (a) The program must provide for an intensive course of study to prepare the students selected for the demands of a law school education through classroom discussion and instruction in legal research, writing, and analysis.

(b) The program shall be taught by law professors and others from the legal profession and shall be held at an Indiana law school during the summer months.

As added by P.L.98-2004, SEC.3.

IC 33-24-13-5

Financial assistance

Sec. 5. (a) The program must provide financial assistance in the form of an annual stipend for those students who successfully complete the course of study and become certified graduates of the program.

(b) To be eligible for the annual stipend, certified graduates must be admitted to an Indiana law school, enroll on a full-time basis, and maintain good academic standing. However, for good cause and to advance the purposes of the program, the advisory committee may waive the requirement that a certified graduate must enroll on a full-time basis.

(c) The stipend may be awarded for up to three (3) successive academic years, if the student remains eligible. However, for good cause, the advisory committee may approve the award of a stipend to a student for more than three (3) successive academic years if:

(1) the student requires more than three (3) successive academic years to earn a law degree; and

(2) the total amount of the stipend that is awarded to the student does not exceed the amount the student would have been awarded if the student had been enrolled:

(A) on a full-time basis; and

(B) for up to three (3) successive academic years.

As added by P.L.98-2004, SEC.3.

IC 33-24-13-6

Development of programs and opportunities in furtherance of program purposes

Sec. 6. The courts of the state are encouraged and requested to develop programs and opportunities to further the purposes of the program.

As added by P.L.98-2004, SEC.3.

IC 33-24-13-7

Appropriation from general fund

Sec. 7. During every state fiscal year, there is appropriated from the state general fund to the office of judicial administration, division of state court administration, six hundred twenty-five thousand dollars (\$625,000) to be used for the Indiana conference for legal education opportunity established by this chapter.

As added by P.L.98-2004, SEC.3.