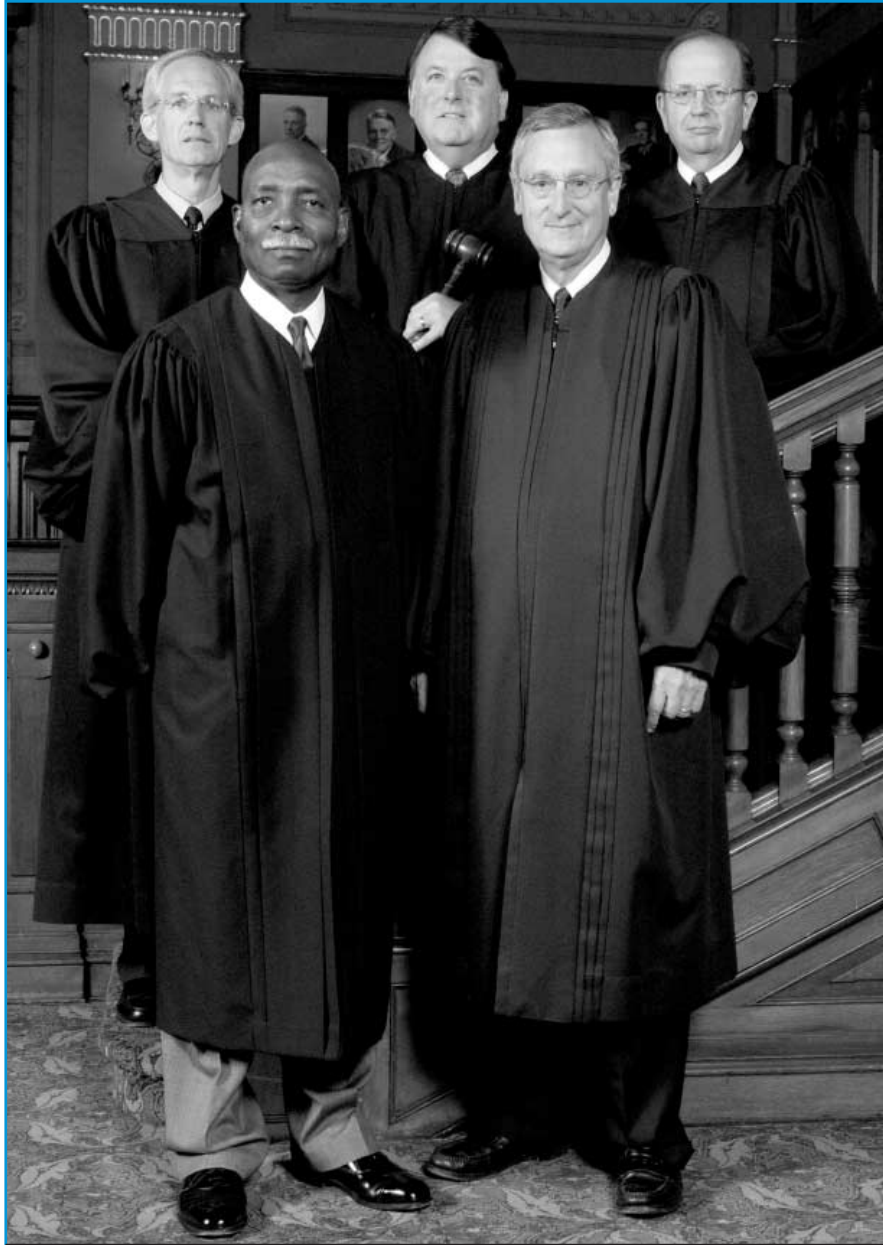


The image shows the Indiana Supreme Court building at dusk. The building is a grand, classical structure with a prominent pediment and a large dome on top. The sky is a deep blue, and the building's facade is illuminated from within, with several windows glowing yellow. A street light on the right side of the frame is turned on, creating a bright, multi-pointed starburst flare that extends across the right side of the image. The text "Indiana Supreme Court" is written in a large, white, serif font across the middle of the building, with "Annual Report 2006-07" in a smaller, white, sans-serif font below it.

Indiana Supreme Court
Annual Report 2006-07



Indiana's court of last resort: the Indiana Supreme Court

Front Row left to right: Justice Robert D. Rucker, Justice Theodore R. Boehm

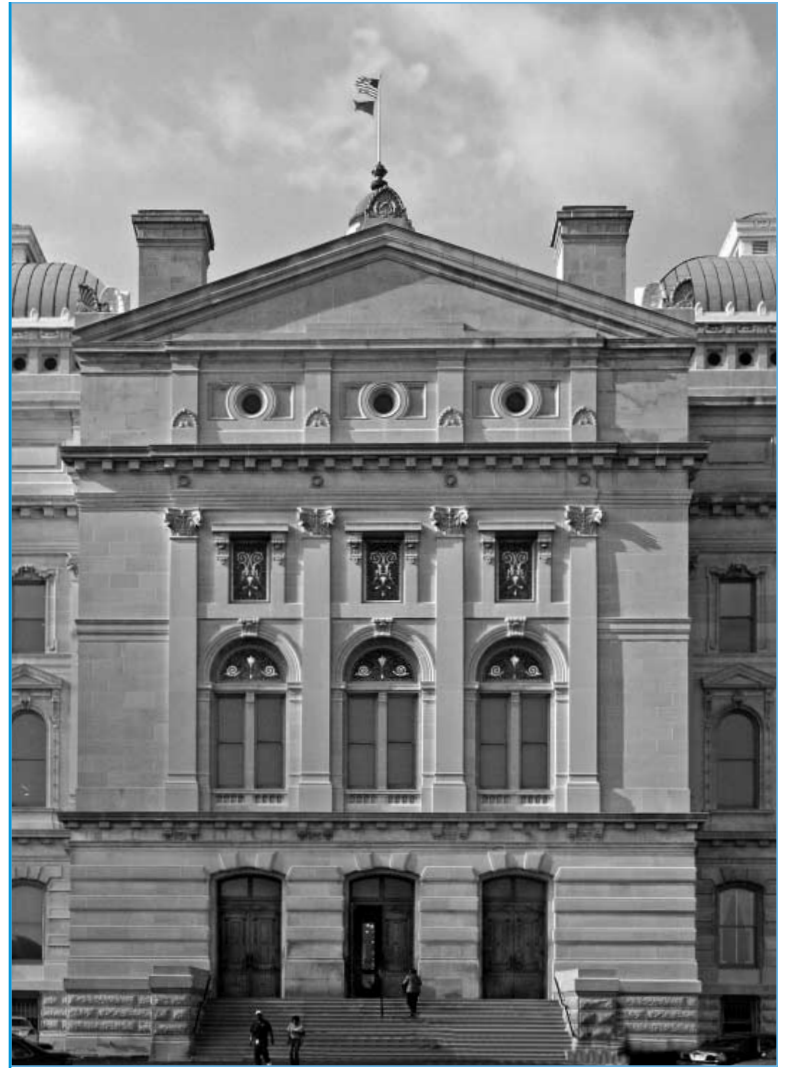
Back Row left to right: Justice Frank Sullivan, Jr., Chief Justice Randall T. Shepard, Justice Brent E. Dickson



The front cover depicts the stained glass windows of the Supreme Court Courtroom on the north side of the State House. Photograph by Greta Scodro. The photograph of the Court on this page and the ones on pages 2, 10, 21, 23, 44 and the inside of the back cover are by John Gentry. All others are by various friends of the Court and Court staff.

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The stained glass windows of the Courtroom above the north entrance to the State House.

I. Introduction

This Annual Report provides information about the work of the Indiana Supreme Court. Included with the statistical data is an overview of the significant events of fiscal year 2006-07 (July 1, 2006 through June 30, 2007) and a description of the activities of the Court and its affiliated agencies. Section II, Significant Events of Fiscal Year 2006-06, includes brief highlights from the past fiscal year. Additional details on many of the programs listed in Section II can be found in the sections that follow. For more information about the Court, its history, and its various agencies and programs, visit our web site, www.IN.gov/judiciary.

II. Significant Events of Fiscal Year 2006-07

Each day the Indiana Supreme Court works diligently to produce justice for the citizens it serves through the opinions it issues and the many projects and programs it operates. This section summarizes that work for the fiscal year of July 1, 2006 through June 30, 2007. It begins with highlights of the courts appellate work, and then proceeds to highlights of the many other aspects of the Court's multi-faceted work and accomplishments.

THE APPELLATE WORK OF THE INDIANA SUPREME COURT

JULY 1, 2006 - JUNE 30, 2007

The appellate work of the Indiana Supreme Court consists primarily of reviewing and deciding appeals from criminal and civil cases that have been tried in the approximately 300 trial courts of Indiana. With few exceptions, the appeals reviewed by the Court are cases that have already been appealed to and decided by the Indiana Court of Appeals, and the losing appellate party has then sought review of the case by the Supreme Court by means of a "petition to transfer." For instance, this fiscal year the Court disposed of 1096 cases, 925 (or 84%) of which involved appeals that originated in the Court of Appeals.

Of the 925 petitions to transfer addressed by the Court this fiscal year (which represented a slight decrease from the 935 considered by the Court in fiscal year 2005-06), approximately 8% resulted in an opinion or published dispositive order by the Court. In the other 92% of cases, the decision of the Court of Appeals was final. The Court recognizes and is greatly appreciative of the high-quality work done by Indiana trial court judges, the Indiana Court of Appeals, and the Indiana Tax Court.

Criminal Transfer Cases

This fiscal year, criminal cases made up approximately 60% of the Court's transfer docket, down approximately 3% from the prior fiscal year. This corresponds with an overall decrease in the number of criminal transfer petitions transmitted from the Clerk's Office over the previous year, from 587 in fiscal year 2005-06 to 558 this fiscal year.

This year, a number of criminal defendants sought to challenge the constitutionality of their sentences under the United States Supreme Court's 2004 decision, *Blakely v. Washington*, 542 U.S. 296 (2004), which held that certain sentencing decisions that had historically been made by judges were required to be made by juries. In *Gutermuth v. State*, 868 N.E.2d 427 (Ind. 2007), the leading case, the Court held that a "Blakely claim" is not available to criminal defendants whose sentences were entered before *Blakely* and who did not appeal their sentences within the normal time provided by the Court's rules. In another major case, *Anglemeyer v. State*, 868 N.E.2d 482 (Ind. 2007), the Court discussed amendments enacted by the General Assembly to Indiana's criminal sentencing statute in response to *Blakely*. In it, the Court detailed the respective roles of trial and appellate courts in imposing and reviewing criminal sentences.

Appeals in criminal cases often examine whether a defendant has been denied the protection of a right protected by the Indiana or United States Constitution. In *J.D. v. State*, 859 N.E.2d (Ind. 2007), the Court held that a defendant's speech, consisting of loud yelling over a police officer's attempt to speak and function as a law enforcement officer, was an abuse of the right to free speech and was not protected political speech under the Indiana Constitution. In *Vasquez v. State*, 868 N.E.2d 473 (Ind. 2007), where a Spanish-speaking defendant and his English-speaking attorney had difficulty communicating, the Court held that compulsory process protection under the Indiana and U.S. Constitutions required the defendant to be permitted to add a belatedly disclosed witness to his witness list.

The Court also addressed certain rules relating to criminal procedure. In *Ronco v. State*, 862 N.E.2d 279 (Ind. 2007), the Court provided trial court judges with guidance on when to apply the recently adopted Jury Rule 28 in declaring a jury impasse. In *Moshenek v. State*, 868 N.E.2d 419 (Ind. 2007), it held that criminal defendants seeking relief after the normal time for appeal has expired must demonstrate that they were not responsible for the delay and that they had been diligent in requesting permission to file a belated appeal. With regard to juvenile justice, in *J.D. v. State*, 893 N.E.2d 945 (Ind. 2006), and *A.E. v. State*, 893 N.E.2d 950 (Ind. 2006), the Court held that a trial court was not required to credit the time a juvenile serves in pre-disposition confinement against the juvenile's determinate sentence.



From time to time, when the Indiana Supreme Court interprets a statute enacted by the Indiana General Assembly, the General Assembly will amend the relevant statute to abrogate the Court's decision. The General Assembly did this in *Fajardo v. State*, 859 N.E.2d 1201 (Ind. 2007), where the Court held that a substantive amendment to a charging information is permissible only up to 30 days before the omnibus date. On May 8, 2007, four months after *Fajardo* was handed down, the General Assembly passed and made effective Public Law 179-2007, which provided that an information may be amended at any time before the commencement of trial, so long as such an amendment does not prejudice the substantial rights of a defendant.



Civil Transfer Cases

This fiscal year, the Court's civil transfer docket grew over the preceding year, both in total amount and as a percentage of total transfer cases. Specifically, the Court disposed of 367 civil transfer petitions, which was roughly 40% of its transfer docket, up from last year's 348, which comprised approximately 37% of that year's transfer docket. A great deal of the Supreme Court's civil work this year involved important questions of law, particularly in the areas of tort law, annexation, family law, civil procedure, employment law, and business law.

In the area of tort law, the Court issued two decisions involving negligent infliction of emotional distress. In *Smith v. Toney*, 862 N.E.2d 656 (Ind. 2007), the Court held, in a case in which a wife could have asserted a claim of negligent infliction of emotional distress arising out of injuries to her husband, that a fiancée nevertheless could not assert such a claim arising out of injuries to her fiancé because the fiancée-fiancé relationship is not sufficiently analogous to that of spouses. In *Atlantic Coast Airlines v. Cook*, 857 N.E.2d 989 (Ind. 2006), the Court held that the claims of mental anguish alleged to have been suffered by airline passengers when a fellow passenger behaved erratically were too speculative to entitle them to recover for negligent infliction of emotional distress.

Also in the area of tort law, the Court decided *Holcomb v. Walter's Dimmick Petroleum, Inc.*, 858 N.E.2d 103 (Ind. 2006), and *Kelley v. Tanoos*, 865 N.E.2d 593 (Ind. 2007), involving the protection of a "qualified privilege" in defamation cases. It held that persons who make statements to police and to certain private citizens while working in conjunction with the police are covered by the privilege to facilitate the investigation of criminal activity.

In the past year, the Court was required to interpret the Legislature's intent with respect to the authority of local governing units to annex territory. In two cases, the Court rejected the claims of remonstrators to stop the City of Carmel from annexing their respective properties. Specifically, in *City of Carmel v. Certain Southwest Clay*

Township Annexation Territory Landowners, 868 N.E.2d 793 (Ind. 2007), the Court reversed the trial court and held that remonstrators and the City were entitled to enter into a settlement agreement despite opposition by a minority of landowners. And in *City of Carmel v. Steele*, 865 N.E.2d 612 (Ind. 2007), the Court rejected a landowner's claim that the City's voluntary annexation of territory was invalid because the territory to be annexed was not

contiguous to the City.

In the area of family law, the Court decided a number of cases that concerned child support obligations. In *Whited v. Whited*, 859 N.E.2d 657 (Ind. 2007), the Court reaffirmed the long-standing general principle that after support obligations have accrued, a court may not retroactively reduce or eliminate such obligations. In *Lambert v. Lambert*, 861 N.E.2d 1176 (Ind. 2007), the Court held that it is usually not appropriate for trial courts to impute potential income to an imprisoned parent based on pre-incarceration income. In *In re Marriage of Snow v. England*, 862 N.E.2d 664 (Ind. 2007), a case where a man and a woman had each been appointed guardian during their marriage of the woman's grandson, the Court held that child support payments pursuant to a dissolution agreement could not be modified simply because the man had his guardianship terminated. And in *Grant v. Hager*, 868 N.E.2d 801 (Ind. 2007), the Court held that under Indiana's Child Support Guidelines, there is a rebuttable presumption that a custodial parent is not required to make child support payments to a non-custodial parent, although the trial court also has the discretion to deviate from that presumption.

This term, the Court also clarified how certain trial and evidence rules are to be applied. In *LinkAmerica Corporation v. Cox*, 857 N.E.2d 961 (Ind. 2006), the Court held that the 2003 amendment to Indiana Trial Rule 4.4(A) amended Indiana's long-arm statute to be coextensive with the limits of the Federal Due Process Clause. With regard to evidence, the Court held, in *Schultz v. Ford Motor Company*, 897 N.E.2d 977 (Ind. 2006), that Indiana Evidence Rule 301 operates to give presumptions continuing effect even though contrary evidence to rebut the presumption is received. In *American Family Insurance v. Ford Motor Company*, 857 N.E.2d 337 (Ind. 2006), the Court clarified venue rules applicable to suits against foreign corporations, and in *R&D Transport, Inc. v. A.H.*, 859 N.E.2d 332 (Ind. 2006), the Court clarified preferred venue rules applicable to suits where personal property is damaged in an automobile accident.

In the area of employment law, the Court held in *Glotsbach v. Froman*, 854 N.E.2d 337 (Ind. 2006), that an employee whose injuries are covered by the Worker's Compensation Act did not have a claim against the employer for spoliation of evidence related to the incident that resulted in the injuries. In the area of banking law, the Court, in *Charter One Mortgage Corp. v. Condra*, 865 N.E.2d 602 (Ind. 2007),

rejected a claim that non-attorneys who charge a fee for preparing mortgage documents engage in the unauthorized practice of law.

Finally, in *Biddle v. BAA Indianapolis, LLC*, 860 N.E.2d 570 (Ind. 2007), the Court rejected a federal constitutional claim by homeowners living near the Indianapolis International Airport that noise from airplanes passing over or near their property amounted to a taking within the meaning of the Fifth Amendment.

Death Penalty and LWOP Cases

In addition to the civil and criminal transfer cases, the Court also reviews death penalty and life imprisonment without parole (“LWOP”) cases, where it has mandatory and exclusive appellate jurisdiction. During the past fiscal year, the Court reviewed the death penalty cases of eight men. Two men were put to death after their appeals were rejected by the

Indiana Supreme Court and the federal courts—David Leon Woods, who killed a 70-year-old man during a 1984 robbery in Garrett, and Michael Allen Lambert, who shot a Muncie police officer in the back of the head while being transported to jail in 1990. The Court stayed the execution of Norman Timberlake, who had been convicted and sentenced to death for killing a state trooper in 1993, pending the decision of the United States Supreme Court in the case *Panetti v. Quarterman*, 127

S. Ct. 2842 (2007), dealing with the execution of mentally ill persons. The Court also held that four other men were not entitled to relief from their death sentences: John Stephenson, convicted of the 1996 murder of three people; Wayne Kubsch, convicted of three 1998 murders; Fredrick Michael Baer, convicted of two 2004 murders; and Paul M. McManus, convicted of three 2001 murders. Finally, the Court held that the State was entitled to continue to seek the death penalty in the case of Zolo Azania, who stands convicted of the murder of a police officer during a 1981 bank robbery. A lower court had held that the long passage of time since Azania’s conviction dictated that the death penalty no longer be available.

The appellate work of the Indiana Supreme Court is but a fraction of the work done by the Court. The work of the Court *qua* Court also includes addressing allegations of professional misconduct on the part of Indiana lawyers and, in a small number of cases, Indiana judges. These efforts, along with the administrative work of the Court, are discussed elsewhere in this Report.

JUDICIAL TECHNOLOGY AND AUTOMATION COMMITTEE

The Supreme Court’s mammoth task of linking all trial courts

and agencies using court data with a seamless case management system continued this fiscal year. This work, which is the responsibility of the Court’s Judicial Technology and Automation Committee (“JTAC”) and the Supreme Court’s Division of State Court Administration, has been recognized nationally. During the 2006-07 fiscal year, JTAC completed its search for a primary vendor to produce the statewide case management system. The Indiana Supreme Court selected Tyler Technologies, Inc., to supply and install the new computer system.

The Court’s choice of Tyler’s Odyssey product adopted the recommendation made by both JTAC and a statewide board of judges, clerks, court staff, and technology experts established by JTAC to oversee and govern the computerized case management system project. Chief Justice Shepard and Justice Sullivan expressed

their appreciation to the members of JTAC and the statewide board for “their exceptionally hard work on behalf of all court users.”

In addition to the selection of Tyler, JTAC continued work on a number of exciting fronts. It received a \$259,000 grant to enhance the protection order system in Indiana by enabling courts to put protection orders immediately onto an on-line registry. Until this program was created, a judge’s protection order might not get into the hands of local law enforcement

for days – a situation considered unacceptable and too dangerous to continue.

The project funding was awarded through the Indiana Criminal Justice Institute and was also supported by domestic violence advocacy groups and local and state law enforcement. Two counties went on-line and served as pilot projects during fiscal year 2006-07.

JTAC also worked with the Division of State Court Administration to produce a new system that now enables trial court employees, clerks and probation departments to use an on-line service to report thousands of pages of statistics required by law. The new system, Indiana Courts On-Line Reporting, will replace a decades-old system that required court employees to fill out papers by hand and then fax or mail them to State Court Administration, where another employee would enter the information from the forms into the Court’s computer system.

JURY RULES

In a continuing effort to ensure the jury system meets the needs of today’s society, the Court continued to update the state’s jury rules and supported new legislation to make the system more efficient and more just. In a large collaborative effort with the Bureau of Motor



Justice Boehm and Lilia Judson (left) accept the Sigmund Beck Award from Claudia Peña, Executive Director of the American Civil Liberties Union of Indiana, given in recognition of the Court’s Jury Pool Project.

Vehicles and the Department of Revenue, the Supreme Court, under the leadership of Justice Theodore R. Boehm, initiated a project to create a statewide juror list that combined distinct identification features from both state agencies. The result was a county-by-county list, available on CD-ROM, that has a high degree of accuracy regarding names and addresses. Counties should experience fewer returned jury summons because addresses will be more current. This project earned Indiana national attention.

In addition, the Supreme Court supported legislation in 2006 to remove all exemptions from jury service. Previously, dentists, veterinarians, even ferryboat operators, among others, were automatically exempt from jury service. Jurors with hardships, however, can still seek temporary deferment of their jury service. The new statute means juries will be more representative.

CHIEF JUSTICE RE-ELECTED AND SWORN IN FOR NEW TERM

This fiscal year also witnessed an event of historic proportions. In December 2006, the Indiana Judicial Nominating Commission unanimously re-elected Chief Justice Shepard to an unprecedented fifth five-year term as Chief Justice of Indiana. In a reprise of his first swearing-in ceremony, the Chief Justice was sworn in by Vanderburgh Superior Court Judge Mary Margaret in his hometown of Evansville in March 2007. The public swearing-in ceremony was held before a capacity crowd of local lawyers and other well-wishers in the County Courts Building in Evansville in one of the courtrooms where the Chief Justice presided when he was a Vanderburgh Superior Court Judge between 1980 and 1985. During the ceremony, the Chief Justice was presented with a bound volume of his first Supreme Court opinions. The gift was a present from his former law clerks and was compiled by one of his current clerks, Brandon Rogers. Future volumes are forthcoming.

LOWERING THE LANGUAGE BARRIER

An increasingly diverse society has dramatically impacted the Indiana court system. A wide array of languages and dialects are spoken every day in the state's courtrooms. To serve people who do not speak English, the Supreme Court has



Justice Dickson with this year's class of newly-certified court interpreters.

launched a number of projects in recent years to remove language as a barrier within the court system. It now operates a Court Interpreter Certification Program that identifies and tests interpreters who work in the system. In August 2006, Justice Brent Dickson swore in the second class of certified interpreters. As of the end of fiscal year, 43 interpreters had been certified through the Court's program. In addition, the Indiana Supreme Court awarded \$168,250 in Court Interpreter Grants that will be used in 40 counties to

help local trial courts break down language barriers faced by non-English speaking litigants.

The Supreme Court also funded a free Language Line Program that gives trial court judges nearly immediate access via telephone to interpreters of over 140 different languages. The Court also continued to offer Spanish language courses for free to trial judges and court employees through a partnership with Ivy Tech.

OUTREACH AND COMMUNICATION

The Supreme Court's award-winning "Courts in the Classroom" ("CITC") project continued to reach out to the public through the state's education system and the Internet this fiscal year.

A key part of CITC includes the webcast of every Supreme Court oral argument and selected Court of Appeals arguments. CITC webcasted 73 arguments this fiscal year.

The Internet has proved an excellent vehicle to communicate with the public. The Court issued 50 press releases, in hard-copy and online, and posted a number of publications as well. Traffic on the Indiana Judicial System webpages continues to grow. During this fiscal year, there were 17,652,804 page and document accesses on all of the pages on the Indiana Judicial System website.

In addition to the use of Internet technology to enhance the public's understanding of the legal system, CITC also continued webcasting and archiving a number of dramatic productions, including scripted cases with schoolchildren playing the roles of lawyers and judges.

While the Court uses technology to bring the judiciary closer to the public, the Court also travels around the state for face-to-face encounters and oral arguments. In January 2007 the Court held argument before a full house in the Moot Court Room of the Indiana University School of Law in



Chief Justice Shepard, as president of the Conference of Chief Justices, addressing Chief Justices from across the nation.

Bloomington, and in June 2007 the Court held an argument before approximately 700 young men at the American Legion's "Hoosier Boys State" on the campus of Indiana State University in Terre Haute.

BRINGING THE COURTHOUSE TO YOU

In cooperation with JTAC and the Historic Landmarks Foundation of Indiana, the Chief Justice's office initiated a project to create "virtual tours" of Indiana's courthouses. Using the same technology employed to show homes for sale, a photographer visited courthouses across Indiana. By the end of fiscal year 2006-07, users were able to view the exteriors and interiors of many courthouses. In addition to preserving the beauty and history of Indiana's courthouses, the virtual tours enable new visitors to find courthouse offices more easily, and may also lessen the anxiety of witnesses appearing in court for the first time.

STATE OF THE JUDICIARY

On January 17, 2007, Chief Justice Shepard fulfilled his obligation under the Indiana Constitution by delivering his annual State of the Judiciary address to a joint session of the Indiana General Assembly. His address, which was the twentieth State of the Judiciary he has given, was entitled "Most Justice Happens in the County Courthouse" and focused on the range of programs and projects the Supreme Court had directed since his remarks the year before. He highlighted, among other things, efforts taken to streamline the electronic transmission of records between the courthouse and the Bureau of Motor Vehicles, steps taken to combat domestic violence through better use of technology, and the court's progress at ensuring that the needs and interests of children in domestic struggles are not overlooked.

CONFERENCE OF CHIEF JUSTICES AND STATE COURT ADMINISTRATORS

Even as it continued its day-to-day business, the Court took significant time this fiscal year to host the joint annual meeting of the Conference of Chief Justices ("CCJ") and the Conference of State Court Administrators ("COSCA") in July 2006. CCJ and COSCA are leading national organizations working on behalf of state court judicial systems and are comprised of the chief justice and state court administrator, respectively, of every state, the District of Columbia, the Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, and the territories of American Samoa, Guam, and the Virgin Islands. The meeting, whose theme was the assessment of judicial administration in light of a famous speech given 100 years ago by Harvard Law School Dean Roscoe Pound, took place in

Indianapolis from July 30 to August 2, and Supreme Court staff played a key role in organizing the social and educational events as well as executing a very successful meeting.

In addition to serving as host, Chief Justice Shepard completed his one-year term at the conclusion of the annual meeting as president of the Conference of Chief Justices and Chair of the Board of Directors of the National Center for State Courts. The COSCA host, Executive Director of the Division of State Court Administration Lilia Judson, completed her three-year term on the Board of Directors of COSCA and as chair of that organization's education committee.

A number of Indiana judges and other Hoosiers attended the meetings and participated in the programs. Governor Mitch Daniels

spoke and welcomed over 240 judges and other guests at a luncheon. Former Indianapolis Mayor and Marion County Prosecutor, Harvard Professor Steve Goldsmith spoke about the challenges facing modern government; Indiana University School of Law at Bloomington Professor Charles Geyh spoke on "Popular Impatience with Restraint," and Dean James White, Indiana University School of Law at Indianapolis Professor Emeritus, discussed the future of legal education in America. Judge John Surbeck, Allen Superior Court, offered special insights on re-entry courts.



Justice Sullivan exchanging ideas at the Conference of Chief Justices with Mike Greco, former President of the American Bar Association.

LAW LIBRARY RENOVATION

In fiscal year 2006-07, the Supreme Court Library underwent a renovation to re-create, with painstaking historical accuracy, the original paint scheme exhibited on the walls and ceiling in 1887. This work, following on the heels of similar work accomplished in preceding fiscal years in the Court's Courtroom, Conference Room, and Robing Room, brought to completion the Court's efforts to renovate its public and semi-public spaces to their original historical grandeur, following the example set by the Indiana Department of Administration when it renovated the rest of the State House several years ago. None of this work was funded by special appropriations. Rather, it was paid for from surpluses in the Court general operating appropriations derived from cost-saving efforts by the Court and its agencies. The Library Renovation Project was ably supervised by Deputy Supreme Court Administrator Greta M. Scodro and Librarian Terri Ross.

ACCESS TO INDIANA'S LAW SCHOOLS

In Spring 2007, supporters of the Indiana Conference on Legal Education Opportunity ("Indiana CLEO") began planning for a week-long 10th anniversary celebration for Summer 2007. Since its inception in 1997, Indiana CLEO fellows have moved into positions of leadership in the Indiana legal community. For example, Jenny

Sarabia (Indiana CLEO 2000) served as the Executive Director of the Department of Workforce Development's Commission of Hispanic/Latino Affairs for former Governor Kernan. Terry Tolliver (Indiana CLEO 1997) served as the Co-Chair of the Indiana State Bar Association's Committee for Racial Diversity in the Legal Profession for the second consecutive year. In the northwest region of the state, Indiana CLEO Fellow Eduardo Fontanez, Jr. (Indiana CLEO 1998) completed a term as interim East Chicago City Judge in December 2003. Chasity Thompson serves at the Indiana University School of Law at Indianapolis. To continue the work of Indiana CLEO, the Court hired Robyn Rucker as the new Indiana CLEO coordinator this fiscal year.

BLE EXECUTIVE DIRECTOR MARY PLACE GODSEY RETIRES

In the Spring of 2007, the Supreme Court announced that Mary Place Godsey, the longtime Executive Director of the Indiana Board of Law Examiners and a national leader in the field of bar admissions and lawyer testing, will step down in August 2007. Ms. Godsey began her career with the appellate courts in a position formerly called the Secretary to Court for the Appellate Court. Later, she worked as a secretary for former Chief Justice Norman Arterburn and started law school. After Chief Justice Arterburn retired, she served as a secretary and as a law clerk for former Justice Alfred Pivarnik until 1982, when she began at the Board of Law Examiners as the first attorney to be named Executive Director.

Chief Justice Shepard described her as a "marvelous rock of stability and character amid the ever-changing challenges facing attorney testing and accreditation. In Indiana her impact has been wide-ranging. I would estimate that the bar exam applications of well over half of Indiana's attorneys came under Mary's careful and deliberate scrutiny."

Attorney Linda L. Loepker, formerly the Director for Office and Employment Law Services within the Supreme Court's Division of State Court Administration, began work March 12, 2007 as Deputy Executive Director of the Board of Law Examiners. On September 1, 2007, she will become the new Executive Director of the Board of Law Examiners.

LONG-TIME COUNSEL TO CHIEF JUSTICE PROMOTED TO CHIEF DEPUTY EXECUTIVE DIRECTOR

In another significant personnel move, David Remondini, longtime Counsel to the Chief Justice Randall T. Shepard, was promoted to the newly created position of Chief Deputy Executive Director for State

Court Administration. Mr. Remondini, who had worked for the Chief Justice since 1995 after a fifteen-year career as a reporter for *The Indianapolis Star*, assumed his new duties on February 22, 2007.

In the new position, Mr. Remondini oversees the day-to-day operations of the Division of State Court Administration and its many projects and programs. He reports directly to Lilia G. Judson, Executive Director of the Division of State Court Administration.

During his tenure with the Chief Justice, Mr. Remondini was responsible for overseeing the development of the Supreme Court's statewide pro bono effort, its project for self-represented litigants, the Indiana CLEO program, and the "cameras in the court" projects for the appellate and trial courts. He also supervised the startup of the Court's webcasting and "Courts in the Classroom" project, and served as the Chief Justice's liaison to the news media, state and local bar associations, and a host of other groups and organizations.

FAMILY COURT INITIATIVE

The mission of the Family Court Initiative is to develop case management and coordinated service delivery to better serve families in the judicial system. The Family Court Initiative promotes an open, common-sense approach to the resolution of legal issues affecting the safety and stability of children, within the



Court staff operates the control panel during a webcast of a "Courts In The Classroom" program.

parameters of due process of the law. A key focus concerns the special needs of families who have multiple cases pending before several judges. A family court provides a structure for coordinating the family's multiple cases to avoid inconsistent and duplicative orders, and to insure informed decision-making for the family. The Family Court Initiative also helps indigent or at-risk families receive vital services.

With new funding from the Indiana General Assembly, the Family Court Initiative expanded into a new phase in fiscal year 2005-06 by supporting additional family court projects in several more counties. During fiscal year 2006-07, projects involving 23 counties received \$155,000 in either new or continuing grants.

WORKING WITH THE NEWS MEDIA

In response to a request from Indiana's news media, in the spring of 2006 the Supreme Court authorized a pilot program to allow the use of news cameras and recording devices in Indiana's trial courts. The eighteen-month pilot project began July 1, 2006 in eight trial courts. By the end of the fiscal year, news cameras had operated in five Indiana courtrooms. In addition, with support from the Court, the Indiana Judicial Conference's Community Relations Committee produced an on-line "bench-media" guide as a resource for reporters who cover the

court system. It was produced in cooperation with the Hoosier State Press Association.

MEMBERS OF THE COURT AS PART OF THE COMMUNITY

The Justices make regular contributions to the community and the legal system. Some examples of their work during this fiscal year follow.

During fiscal year 2006-07, Chief Justice Shepard came to the end of his term as president of the Conference of Chief Justices and as chairman of the board of the National Center for State Courts, based in Williamsburg, Virginia, and, as mentioned earlier, he led the planning effort for the annual meeting of the Conference of Chief Justices and Conference of State Court Administrators held in Indianapolis from July 29 to August 1, 2006. In addition, in July 2006 Chief Justice Shepard taught at the prestigious New York University School of Law series on appellate matters for newly appointed appellate judges. For nearly 50 years, NYU has been the central location for such training. During the same month, he was honored during the 2006 Indiana Black Expo for his contributions to increasing diversity in the legal system. Chief Justice Shepard also was



Justice Rucker with Massachusetts Chief Justice Margaret Marshall at the Conference of Chief Justices.

recognized in September 2006 at Harvard Law School. “Justice At Stake,” which seeks to support the judiciary’s role as a co-equal branch in our system of government, gave him its first award of “Outstanding Judicial Outreach.” The award recognized his longstanding efforts at improving the public’s understanding of the judiciary and the legal system. He also received the Yale Law School Association’s Award of Merit at Alumni Weekend. According to the Yale Law School Association, the “award is the highest honor given ... to deserving graduates of the Law School.” Also, the Honorable John G. Roberts, Jr., Chief Justice of the United States Supreme Court, appointed Chief Justice Shepard to the principal committee through which the U.S. Supreme Court develops changes to the Federal Rules of Civil Procedure, where he will serve a three-year term on the fourteen member Judicial Conference Advisory Committee on Civil Rules of the Judicial Conference as the only state court judge.

Justice Brent E. Dickson is a strong supporter of legal education and has taught Indiana constitutional law at Indiana University School of Law-Indianapolis and Indiana University School of Law-Bloomington. He also served as Chair of the Allen County Superior Court Judicial Nominating Commission, and chairs the Fellows of the Indiana Bar Foundation.

Justice Frank Sullivan was elected vice-Chair of the American Bar Association’s Appellate Judges Conference. Justice Sullivan also chaired the St. Joseph Superior Court Judicial Nominating Commission. He is a member of the Valparaiso University School of Law National Council and the Indiana University School of Law-Bloomington Board of Visitors.

Justice Theodore R. Boehm serves as chair of the Indianapolis Commission on Cultural Development, and is a member of the United States Olympic Committee Nominating and Governance Committee and the Legal Commission of the International Basketball Federation.

Justice Robert D. Rucker was elected Secretary of the National Bar Association’s Judicial Council. Justice Rucker also serves as chair of the Lake County Judicial Nominating Commission.

III. The Indiana Supreme Court

BRIEF HISTORY

During Indiana’s territorial days, a general court of three judges served and they, with the Governor, enacted the laws of the Indiana territory. When Indiana became a state in 1816, the Indiana Supreme Court was officially established. The Court first sat at Corydon on May 5, 1817, and consisted of three judges appointed by the Governor to seven-year terms.

The Constitutional Convention in 1850, although organized to address a controversy over the State’s bonded debt, also produced a reorganization of the Supreme Court. Under the new Constitution adopted in 1851, judges would be elected by the people, and their number would be “not less than three, nor more than five judges.” Their terms were to be “for six years, if they so long behave well.” The General Assembly acted to prescribe that four judges would serve on

the Supreme Court. Four judges, representing four geographic districts but elected by statewide ballot, began their terms on January 3, 1853. The Court’s caseload grew to such an extent that the General Assembly acted in 1872 to increase the number of judges to five.

The current Supreme Court has as its foundation a constitutional amendment ratified by the people in 1970. The Amendment took effect January 1, 1972 and represented an almost complete rewriting of the 1851 Constitution’s Judicial Article. It removed members of the Supreme Court from partisan elections and established a process for voter confirmation before retention in office. Justices, as they are now called, are subject to statewide yes-or-no votes on the question of their retention in office. With approval by the electorate, they serve ten-year terms, and are subject to identical retention votes at ten-year intervals thereafter. Under current law, retirement is required at age seventy-five.

Should vacancies occur on the Court, the Constitution requires that a seven-member Judicial Nominating Commission recommend to the Governor three qualified persons for each vacancy. The Governor must make his appointment from the three, and that person serves as a justice for a minimum of two years before becoming subject to a retention vote at general election. If approved, a justice begins a ten-year term.

To be eligible to serve on the Supreme Court, a person must have practiced law in Indiana at least ten years or have served at least five years as a trial court judge. Candidates for appointment presented by the Judicial Nominating Commission must be the “most highly qualified candidates,” per Public Law 427 of 1971. Considerations include the candidate’s legal education, legal writings, reputation in the practice of law, physical condition, financial interests, and activities in public service.

Even though the Supreme Court has met in the same location longer than any other court of last resort in America, it has actually had several homes during its nearly 200 years. During most of Indiana’s territorial days, the Court sat in “Territorial Hall” in Vincennes, Indiana, a simple framed building that was later moved to the original estate of William Henry Harrison. When the capitol moved to Corydon in 1813, the Court moved with the rest of Indiana’s fledgling government into a two-story limestone and log structure originally intended to serve as the courthouse for Harrison County. When the state capitol relocated to Indianapolis in December 1825, the General Assembly rented meeting space in the Marion County Courthouse. In 1835, the Court began holding court in the newly completed first State House. Although the Court held hearings there, from 1832-1857 the Court had its offices and meeting room in a large two-story brick building known as the Governor’s Mansion, located on Monument Circle where the Indiana Soldiers and Sailors Monument now stands. During the 1860s, the State House deteriorated to the extent that the limestone foundation failed, the stucco chipped off, and the ceiling in the Representative Hall collapsed. In 1867, the legislature authorized “the erection of a brick building, on ground owned by the State [in Indianapolis], for the use of the Supreme Court and the officers of the State.” This Judicial Building is where the Court had its offices and held proceedings until the new State House was completed in 1888. Other state officers had offices there as well. The Court almost gained a new Judicial Building in the 1990s, when the State spent millions of dollars on architectural plans for the erection of a Judicial Building on state-owned land just north of the current State House. The bill authorizing the Judicial Building failed to become law, however. The justices and their staffs, and a few court employees, continue to maintain offices in the State

House, and the Court continues to hear and decide cases in its historic State House Courtroom and Conference Room as it has for nearly 120 years. However, most of the Supreme Court’s various agencies are housed in rented downtown Indianapolis office space. For many years the rented space was located primarily in office buildings on the northeast and southeast corners of the intersection of Washington Street and Capitol Avenue, respectively. In December 2007, however, the agencies housed in these buildings will move to new office space located at 30 South Meridian Street, where they will have more room for future expansion and a lower rental cost. Over the life of this new lease, the Supreme Court anticipates the lower rent will save Hoosier taxpayers approximately \$1.4 million.

INDIANA’S “COURT OF LAST RESORT”

As evidenced in the section of this report titled, “Significant Events of Fiscal Year 2006-07,” the Court is very active in providing leadership for the judicial branch of Indiana government. The principal business of the Court, however, is deciding cases, and because the Court is the highest state court in Indiana, it is the court of final review when the meaning of the state constitution, a state law, or a state rule is at issue.

One of the main tasks of the Court is deciding petitions requesting transfer of jurisdiction from the Court of Appeals. This process involves reviewing the record of proceedings, the briefs filed before the Court of Appeals, the Court of Appeals’ opinion, and the materials submitted in connection with the request to transfer jurisdiction. Each justice reviews each case individually and votes on whether to accept transfer. If even one member of the Court requests it, the case will be discussed at a conference involving all five justices. If a majority of the Court votes to grant transfer, an opinion will be written, circulated for a vote, and ultimately issued.

The Court also has a considerable direct appellate caseload. The Court exercises direct appellate jurisdiction over all appeals in which a sentence of death or life imprisonment without parole has been entered, appeals of final judgments declaring a state or federal constitution unconstitutional, appeals involving waiver of parental consent to abortion, and appeals involving mandates of funds. In addition, the Court has direct jurisdiction over cases involving attorney or judicial discipline, original actions requesting the issuance of writs of mandate or prohibition, review of Indiana Tax Court decisions, certified questions from federal courts, and review of certain final decisions of the Board of Law Examiners.

A complete statistical summary of the Court’s activities for the past year can be found in the Appendix of this Report.



Former United States Supreme Court Justice Sandra Day O’Connor, with Chief Justice Shepard and Judge Danny Boggs of the United States Sixth Circuit Court of Appeals, led a panel discussion at the American Bar Association’s Appellate Judge’s Conference.

BIOGRAPHIES OF THE JUSTICES



Randall T. Shepard of Evansville was appointed to the Indiana Supreme Court by Governor Robert D. Orr in 1985 at the age of 38. He became Chief Justice of Indiana in March 1987. A seventh generation Hoosier, Shepard graduated from Princeton University *cum laude* and from the Yale Law School. He earned a Master of Laws degree in the judicial process from the University of Virginia. Shepard was Judge of the Vanderburgh Superior Court from 1980 until his appointment. He earlier served as executive assistant to Mayor Russell Lloyd of Evansville and as special assistant to the Under Secretary of the U.S. Department of Transportation. Chief Justice Shepard was also Trustee of the National Trust for Historic Preservation. He served as chair of the ABA Appellate Judges Conference, as chair of the Section of Legal Education and Admissions to the Bar, and as President of the National Conference of Chief Justices. Shepard was recently appointed by Chief Justice John Roberts to serve on the Judicial Conference Advisory Committee on Civil Rules. He teaches periodically at the law schools of NYU and Yale. He is married and has one daughter.



Brent E. Dickson was appointed as the 100th Justice of the Indiana Supreme Court on January 4, 1986, after seventeen years as a general practice and trial lawyer in Lafayette, Indiana. As a lawyer, he was certified as a Civil Trial Advocate by the National Board of Trial Advocacy. Born in Gary, Indiana, in 1941, he was educated at public schools in Hobart, Indiana; Purdue University (B.S. 1964); and Indiana University School of Law at Indianapolis (J.D. 1968). He is co-founder of the Sagamore Chapter of the American Inns of Court in Indianapolis, a member of the American Law Institute, a registered mediator, and active in various national, state, and local judicial and bar organizations. Justice Dickson also served as an adjunct professor at Indiana University's Schools of Law, teaching an evening course in Indiana Constitutional Law for several years. Justice Dickson and his wife have three adult sons and seven grandchildren.



Frank Sullivan, Jr., was appointed to the Indiana Supreme Court effective November 1, 1993, by Governor Evan Bayh. During his tenure on the Court, he has authored more than 400 majority opinions dealing with issues of administrative, commercial, constitutional, corporate, criminal, environmental, family, real estate, tax, and tort law. Sullivan has also been active in the administrative work of the Supreme Court. He chairs the Court's Judicial Technology and Automation Committee and has been a frequent participant in bench, bar, and legal education activities. Sullivan came to the state's highest court with a background in government service and private law practice. He served as Indiana State Budget Director from 1989 through 1992. Prior to state service, he practiced law in the Indianapolis office of Barnes & Thornburg. Sullivan is a member of the American Law Institute and an adviser to its "Restatement of the Law Third Economic Torts and Related Wrongs" project. Sullivan is Chair-elect of the Appellate Judges Conference of the American Bar Association Judicial Division. From 2002-05, he co-chaired the ABA's Judicial Clerkship

Program that encourages minority law students to seek judicial clerkships. He is the recipient of the Indiana State Bar Association's 2002 Rabb Emison Award for "significant contribution made in advancing opportunities for minority lawyers in legal employment and the legal profession." Sullivan is a native of South Bend. He is a graduate of Dartmouth College (A.B. *cum laude* in 1972), Indiana University School of Law – Bloomington (J.D. *magna cum laude* in 1982), and the University of Virginia School of Law (LL.M. in 2001). He is married to Cheryl G. Sullivan; they are the parents of three sons. An avid runner, Sullivan competed in the 2003 Boston Marathon.



Theodore R. Boehm was appointed to the Supreme Court by Governor Evan Bayh in 1996. He grew up in Indianapolis, received his A.B. *summa cum laude*, from Brown University in 1960, and graduated *magna cum laude* in 1963 from Harvard Law School, where he was an editor of the *Harvard Law Review*. After serving as a law clerk to Chief Justice Earl Warren of the United States Supreme Court, he joined the Indianapolis law firm of Baker & Daniels where he became a partner in 1970 and managing partner in 1980. In 1988, Justice Boehm joined General Electric as General Counsel of GE Appliances and in 1989 became Vice President and General Counsel of GE Aircraft Engines. In 1991 he joined Eli Lilly Company and then returned to Baker & Daniels in 1995. Justice Boehm was Chairman and CEO of the organizing committee for the 1987 Pan American Games in Indianapolis, and was the first President and CEO of Indiana Sports Corporation. He is currently chair of the Indianapolis Cultural Development Commission, a Trustee emeritus of Brown University, and a member of the American Law Institute. He is married and has four grown daughters and five grandchildren.



Robert D. Rucker was appointed to the Indiana Supreme Court by Governor Frank O'Bannon in 1999. Born in Canton, Georgia, Justice Rucker grew up in Gary, Indiana, and is a veteran of the Vietnam War. He is a graduate of Indiana University (B.A. 1974) and Valparaiso University School of Law (J.D. 1976). In 1998, he earned a Master of Laws degree in the judicial process from the University of Virginia Law School. Prior to his appointment to the Indiana Supreme Court, Justice Rucker served as a judge on the Indiana Court of Appeals, having been appointed to that position in 1991 by Governor Evan Bayh. While on the Court of Appeals, Justice Rucker served as vice-chair of the Indiana Commission for Continuing Legal Education. As a lawyer, Justice Rucker served on the board of directors of the Indiana Trial Lawyers Association and on the board of directors of the Northwest Indiana Legal Services Organization. He also served as a deputy prosecuting attorney for Lake County, City Attorney for the City of Gary, and engaged in the general practice of law in East Chicago. Justice Rucker is a member of the American Bar Association, the Indiana Judges Association, the Indiana State Bar Association, the Marion County Bar Association, and is a Fellow of the Indianapolis Bar Foundation. He also serves on the Judicial Council Executive Committee of the National Bar Association. Justice Rucker is married and has two sons and a daughter.

IV. Budgetary Matters

The Supreme Court and its agencies operate under annual budgets submitted biennially to the General Assembly for approval. The following reflects the budgetary amounts under which the Court and its agencies operated this fiscal year, as well as those approved for the two fiscal years of the upcoming biennium:

Court Agencies	FY 2006-07	FY 2007-08	FY 2008-09
State Court Administration	\$98,679,208	\$113,885,120	\$113,253,167
Trial Judges and Prosecutors Salaries/Benefits.....	\$76,284,224	\$77,587,771	\$77,726,323
Judicial Technology & Automation Commission	\$9,168,456	\$14,916,780	\$13,829,775
Transfers to Counties/Trial Courts	\$13,226,528	\$21,380,569	\$21,697,069
Supreme Court Administration (incl. Clerk's Office)	\$8,561,748	\$9,648,333	\$9,929,348
Judicial Training & Development	\$2,416,357	\$3,440,592	\$3,573,008
Other	\$1,723,697	\$1,901,830	\$1,901,830
TOTAL	\$108,964,653	\$125,435,283	\$125,084,345

Approximately 84% of the Court's appropriations for fiscal year 2006-07 came from the State's General Fund and Property Tax Replacement Fund. The remainder derived from dedicated funds (such as attorney annual licensing fees, bar examination fees, and special assessments associated with trial court filing fees) and federal grants. The Court wishes to express its appreciation and gratitude to the people of the State of Indiana for providing these funds to it during these trying fiscal times. As a matter of perspective, the total amount budgeted for the Supreme Court and its agencies this fiscal year accounted for *less than one percent* of Indiana's total fiscal year 2006-07 budget.



View of the Courtroom from the Chief Justice's seat at the bench.

V. Activities of the Affiliated Agencies and Divisions of the Court

DIVISION OF SUPREME COURT ADMINISTRATION

Kevin S. Smith, Clerk/Administrator

The Division of Supreme Court Administration serves the Indiana Supreme Court in the orderly management of the Court, working generally at the direction of the Chief Justice. Indiana Code section 33-24-6-6 provides that the Division of Supreme Court Administration “shall perform legal and administrative duties for the justices as are determined by the justices.” The complex legal and administrative tasks that come before the Indiana Supreme Court keep the attorneys and support staff of the Division extremely busy.

Organizationally, the Division is comprised of two main offices: the Office of Supreme Court Administration, and the Office of the Clerk of the Supreme Court, Court of Appeals, and Tax. For decades, the Division had been comprised only of the Office of Supreme Court Administration. The Division’s two-office organizational structure is the result of a series of events that began with the passage of legislation in 2004 that transformed Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court from a free-standing elected office that served for a term of years to an office appointed by and serving indefinitely at the pleasure of the Chief Justice. At that point, the two offices remained separate. However, when the presiding Clerk, whose term was to end on December 31, 2006, resigned effective February 10, 2006, the Chief Justice appointed Supreme Court Administrator Kevin S. Smith to assume, in addition to his responsibilities as Administrator, the title and responsibilities of Clerk, so as to capitalize on economies of scale, eliminate redundancies, increase the efficiencies of both offices, and steward the State’s limited financial resources in a fiscally responsible manner. This appointment resulted in the reorganization of the Division of Supreme Court Administration into two separate offices, both of which are overseen by the Supreme Court Clerk/Administrator.

The Office of Supreme Court Administration

The Office of Supreme Court Administration (“Administration Office”) serves two principle functions. First, its attorneys serve as the

Court’s central legal counsel. Second, its staff handles the Court’s day-to-day fiscal and business administration needs.

The Court’s Central Legal Counsel.

The Supreme Court Clerk/Administrator, the Deputy Administrator, and the Division’s four staff attorneys serve as central legal counsel to the Court. In this role, they perform a myriad of functions. However, most of their duties pertain to providing the Court with legal research, analysis, and advice through legal memoranda; assisting the Court with the drafting of orders and opinions; responding to inquiries from practitioners and the public concerning Supreme Court practice and procedure; and reviewing and assisting the Chief Justice with original actions.

During this fiscal year, the Division’s attorneys drafted 365 legal memoranda on a myriad of topics to assist the Supreme Court in its role as Indiana’s court of last resort. Further, the Division assisted the Court in drafting and issuing approximately 1,393 orders and opinions. Also, with regard to the specific duties of the Supreme Court Administrator prescribed by the Indiana Rules of Procedure concerning original actions

(proceedings that challenge a trial court’s jurisdiction and originate in the Indiana Supreme Court rather than originating first in a trial court), the Administration Office’s attorneys reviewed scores of writ applications and submitted those that could be filed, at least 37, to the Chief Justice or an Acting Chief Justice for consideration.

In addition, during this fiscal year the responsibility for the oversight, processing, and administration of attorney disciplinary cases transferred from the Division of State Court Administration to the Office of Supreme Court Administration. This addition required the hiring of an additional staff attorney, thereby raising the number of staff attorneys in the Office (in addition to the Clerk/Administrator and Deputy Administrator) from three to four.

Finally, the Administration Office’s attorneys continued to be very active in legal education and in serving the profession through, among other things, involvement with the Indiana State Bar Association’s Appellate Practice Section and the American Bar Association’s Council of Appellate Staff Attorneys (“CASA”). Mr. Smith participated in two CLE roundtable discussions for the ISBA Appellate Practice Section in



Justices Dickson, Boehm and Sullivan attend an education program in the Courtroom. Judges Sharpnack, Najam and Baker, from the Indiana Court of Appeals also attended.

October 2006 and May 2007, respectively, and was appointed to CASA's Education Committee and agreed to organize and participate in a CLE panel discussion at the 2007 CASA Annual Conference in Washington, D.C. Also, the Administration Office's attorneys continued writing their regular column, "Appellate Practice from Inside the Division of Supreme Court Administration," in the ISBA Appellate Practice Section's newsletter, *The Appellate Advocate*, and published another annual survey article on "Appellate Procedure" in Volume 39 of the *Indiana Law Review*.

The Court's Case Processor and Business Administrator.

The Administration Office is also responsible for the Court's day-to-day fiscal administration, including the procurement of supplies, the negotiation and oversight of equipment lease contracts, the processing of payroll, the payment of bills, the preparation of expense vouchers, and the administration of human resources. It also assists the Chief Justice with the preparation of the Court's budget. These duties increased this year with the formal addition of the Clerk's Office staff and budget to the Division of Supreme Court Administration.

Further, the Administration Office accumulates Supreme Court statistics, prepares regular reports for the Court concerning its workload, sets and maintains the Court's weekly conference agenda, and schedules the Court's oral arguments. Its staff members often serve as the Court's liaison to its various agencies, the practicing bar, and to the general public. Much of the physical handling of cases reviewed by the Court is managed by the Office, and the Office's staff answers numerous daily inquiries from attorneys and the public about the Indiana Supreme Court.

The Clerk of the Supreme Court, Court of Appeals, and Tax Court

Overview of the Clerk's Office.

The Clerk of the Supreme Court, Court of Appeals, and Tax Court serves as the gateway to Indiana's appellate courts and Tax Court. Its primary responsibilities are: (1) processing documents filed in appeals from rulings in Indiana's trial courts and administrative agencies; (2) collecting all associated filing fees, which are deposited in the State's General Fund; and (3) issuing orders and opinions of the appellate courts and Tax Court. It is also the statutory duty of the Clerk to maintain and preserve on microfilm the decisions and records of cases before the Indiana Supreme Court, Court of Appeals, and Tax Court. In addition, the Clerk maintains the roll of Indiana's approximately 19,000 attorneys and responds to public inquiries regarding attorneys' professional status. The Clerk

collects attorneys' annual licensing fees and distributes those fees to the Supreme Court Disciplinary Commission, Commission for Continuing Legal Education, and the Judges and Lawyers Assistance Program. The Clerk is also responsible for administering oaths, and frequently is called upon to do so by various state agencies. In conjunction with the State Board of Law Examiners, the Clerk processes and administers the oath of attorneys twice per year to newly admitted attorneys. The Clerk conducts annual elections for the attorney members of the Judicial Nominating Commission and administers the selection process for the chairpersons of medical review panels. A staff of thirteen assists the Clerk in meeting the requirements of his office.

Summary of Fiscal Year 2006-07.

This year saw a continued rise in the number of filings in the Clerk's Office, predominantly within the Court of Appeals. Because the workload has grown such an extent over the last several years, the Clerk received permission from the Supreme Court to add another Appellate Case Manager to the Clerk's Office staff, who was hired soon after the close of the fiscal year.

Besides the day-to-day processing and handling of an ever-increasing caseload, the Clerk's Office also witnessed other changes as well this fiscal year.

A Farewell to David Schanker, and A Welcome to Heather Smith. David Schanker, who served the elected Clerk as Chief of Staff from July 1999 to February 2006, and served the appointed Clerk as Deputy Clerk of Courts from February 2006 to April 2007, left to become the Clerk of the Wisconsin Supreme Court and Court of Appeals. Heather Smith, who had worked as an Indiana Court of Appeals staff attorney for several years, was hired to replace him.

Online Attorney Registration. The Roll of Attorneys website was changed this fiscal year to permit Indiana attorneys, for the first time in Indiana history, to complete their annual registration and pay their annual fees online. Approximately five percent of Indiana's attorneys took advantage of this new feature, and a much larger utilization is anticipated during the next fiscal year as more attorneys learn of its availability. The system, accessible through the Clerk's webpage (www.in.gov/judiciary/cofc), uses a secure log-in and gives attorneys the ability to change their home and business addresses at any time throughout the year.

Clerk's Office Renovation and the Relocation of the Roll of Attorneys Administrator. This fiscal year also saw the finalization of plans to renovate the Clerk's Office space in the State House. This space, which has been utilized by the Clerks and their staffs for scores of years with very little change, has become inadequate for the



Office's current size, needs, and work methods, thus necessitating the renovation. Space planners and architects from the Indiana Department of Administration ("DOA") have been invaluable in this process. The renovation is expected to be complete by the fall of 2007. Part of the reorganization associated with the renovation, however, occurred before the close of the fiscal year. Specifically, the Roll of Attorneys Administrator, who had been housed with the majority of the Clerk's Office staff in Room 217 of the State House, was relocated to the Government Center South Building within office space utilized by the Clerk's Office's Records Department. Mailings concerning attorney licensing, registration, or temporary admissions (formerly known as *pro hac vice* admissions) should be sent to the Roll of Attorneys Administrator at 302 West Washington Street, IGCS Room W062, Indianapolis, IN 46204. The Roll of Attorney Administrator's phone number (317-232-5861), however, remained the same.

Appellate Electronic Filing Project.

In fiscal year 2005-06, the Supreme Court authorized the Clerk to move forward with a project designed to bring about electronic filing and case management in Indiana's appellate courts and Tax Court. That project continued this fiscal year. In December 2006, the Clerk visited the Judges and Clerk of the Arizona Court of Appeals, Division 2, to examine first-hand that court's "paperless" electronic filing and case management system. When investigating whether the Arizona system could be adopted for use in Indiana, it was quickly determined that a much broader and more comprehensive review and assessment of the Indiana appellate courts' technological capabilities and needs as a whole was first in order. Therefore, the Supreme Court and Court of Appeals contracted with technology consultants from the National Center for State Courts to provide a comprehensive assessment. The consultants visited Indianapolis over several days in February and May 2007 to investigate how the courts and their agencies use technology and how they might further benefit from it, and at the close of this fiscal year the consultants were working on an extensive report detailing their findings and recommendations, which should be delivered in September 2007. This report, among other things, is expected to provide advice on which appellate e-filing and case management systems might best serve the needs of Indiana. When the final report is delivered, the Clerk will then determine the next steps to take concerning the Appellate E-Filing Project.

Rotunda Filing. For decades, Indiana attorneys and *pro se* litigants have enjoyed the ability to file documents with the Clerk after normal business hours by leaving their filings with the uniformed Capitol or State Police officers stationed round the clock at the State House's

second-floor north entrance. So long as the materials were delivered to the officer before midnight, they would be considered "filed" as of the day they were delivered, even though they were not physically received by Clerk's Office staff until the next business day.

This time-honored practice, known as "rotunda filing," seemed in danger of extinction when the DOA determined that the State House, for security reasons, would begin locking its doors to the public after 5:30 p.m. To preserve rotunda filing, the Clerk worked with DOA officials and personnel to design a "rotunda filing drop box" for placement inside the second-floor vestibule to the east entrance of the State House, which remains open twenty-four hours per day. The rotunda filing drop box, which became operational in early June 2007, works much like a U.S. postal box — materials are deposited into a metal box via a hinged drawer. To insure that the materials are deposited before midnight, however, "rotunda filers" are required to fill out a form



Cases have been filed and maintained in the Clerk's Office in virtually the same manner for the last 100 years. The paper filings are accumulated and bound with string, attached to which is a paper tag containing the handwritten cause number. They are moved to and from the courts on wheeled carts. The anticipated electronic filing and case management system will likely make pictures like this a thing of the past.

available at the drop box, have the form time/date stamped by a special clock affixed to the drop box, and attach the form to the inside cover of the original document being filed before the document and copies are deposited. On the morning of the next business day, a Clerk's Office staff member removes a bin from inside the drop box containing the previous night's "rotunda filings," and the Office then processes the materials in the same manner as it formerly had when they had been left with the Capitol or State Police officer.

At the close of the fiscal year, the new "rotunda filing drop box" had been in operation for several weeks and had received several compliments

from appellate practitioners who found it easy and convenient to use. As further security measures are developed on the State House's west side, it is the Clerk's goal to move the rotunda filing drop box from the second-floor east entrance (which is not wheelchair accessible) to the first-floor west entrance (which is wheelchair accessible), so that, for the first time in Indiana's history, the opportunity to submit a State House rotunda filing will be available to all Hoosiers, not just those able to climb stairs without assistance.

CITIZEN EDUCATION: "COURTS IN THE CLASSROOM"

Dr. Elizabeth R. Osborn, Asst. to the Chief Justice for Court History and Public Education

The Indiana Supreme Court's central education outreach program, "Courts in the Classroom" ("CITC"), was launched in Fall 2001 with the installation of "webcast" technology in the Supreme Court Courtroom. This equipment, which includes four remotely operated cameras, enables all oral arguments to be webcast live on the

Internet and then archived for later viewing. The CITC project, directed by Dr. Elizabeth Osborn, Assistant to the Chief Justice for Court History and Public Education, has grown over the last six years from merely the broadcasting of oral arguments to include on-line lesson plans, scripted trials, museum-style exhibits, searchable databases, virtual tours of Indiana courthouses, and a variety of other resources. As more resources and video have been added to the website, visits to the CITC webpage by teachers, students, and lawyers continue to grow. The Indiana Supreme Court, through its education outreach programming, is playing a key role in citizenship education for Indiana teachers, students, and citizens. This fiscal year, the value of CITC's contribution to public education continued to be recognized for the programming it creates. In April 2007, CITC's resources related to antebellum slavery cases heard by the Indiana Supreme Court were accepted as part of the National Underground Railroad Network to Freedom program sponsored by the U.S. Department of the Interior. In addition, CITC was featured in the Spring 2007 issue of the *CASA Quarterly* and a special issue of the *Justice System Journal* about court technology.



will eventually be cataloged and accessible to teachers through the SmartDesktop portal.

Additionally, in Spring 2007 CITC staff taught a portion of a Teaching American History grant seminar that provided content and resources to K-12 teachers about both the U.S. and Indiana Constitutions.

Courtroom Events for Students and Lawyers

Approximately 1,000 students participated in CITC's interactive "Constitution Day" and "Law Day" programs. The number of students who experienced these programs continued to grow because of the support of partners such as the Indiana Historical Bureau, the Indiana Department of Education, the President Benjamin Harrison Home, the Capitol Tour Office, and appellate court law clerks and staff.

The Indiana Supreme Court Legal History Lecture Series, in cooperation with the Indiana Commission for Continuing Legal Education, hosted three CLE programs this fiscal year. These sessions covered a wide variety of topics, including the history of Indiana law, Eugenics law in Indiana, and school desegregation. Approximately 300 lawyers received free CLE credit for attending these programs.



In May 2007, Sandra Robbie from Orange County, California, presented programs about the pre-Brown school desegregation case, Mendez v. Washington. One presentation was for lawyers, and the other, as shown in this photo, was for high school students.

Webcasting

This fiscal year, CITC continued to webcast all Supreme Court and selected Court of Appeals oral arguments held in the Indiana Supreme Court Courtroom. In addition, with the help of the Indiana Higher Education Telecommunications System ("IHETS"), CITC broadcasted live oral arguments held at Huntington College in Huntington and at Hoosier Boys' State in Terre Haute. The broadcast of oral arguments continues to be a staple of CITC's repertoire, and this fiscal year saw the addition of 73 new oral arguments to the website.

Besides providing Hoosiers with the opportunity to see their appellate courts at work, oral argument webcasts are also valued by the Bar. Attorneys use the webcasts to help in their own oral argument preparation, as a teaching tool for CLE sessions, to mentor new lawyers, and to help their clients view arguments without driving or flying to Indianapolis.

K-12 Teacher Training and Resources

In Fall 2006, the Indiana Humanities Council launched "SmartDesktop," a project designed to create a centralized database for teachers to locate and access a variety of lesson materials and resources. Because CITC is a founding partner, all CITC material

documents and identifying additional keywords from each case entered into the database.

As with CITC's partnership with the State Archives, its collaboration with the Indiana Historical Bureau and IUPUI's digital library continued this fiscal year. Charles Kettleborough's multi-volume history of constitution-making in Indiana joined the existing collection of scanned documents that begins with Indiana's territorial period.

A final new addition to CITC's research toolbox was the result of a partnership between the Indiana State Library's, Manuscripts Division and CITC. The Manuscripts Division, with support from CITC, created an on-line research tool that organizes information in its collection related to Indiana lawyers and judges. Researchers can learn more about this tool from either the State Library or CITC websites.

Finally, CITC continued developing its virtual tour of Indiana's county courthouse project this fiscal year. As of June 30, 2006, nineteen tours were available on the CITC webpage, with twenty more in the works.

Publishing Projects

This fiscal year, CITC printed numerous resources for teachers, lawyers, and those interested in the history of Indiana's judicial branch, including *In Memoriam: Glimpses from Indiana's Legal Past*. This book is a collection of the memoriams issued by the Court when former justices, noted lawyers, or important figures—like Abraham Lincoln—died. CITC also reprinted an article detailing some of the Court's significant decisions during the Civil War, *Indiana's Supreme Court in the Civil War: How Can the Constitution be Unconstitutional?* These materials were published with the hope of increasing Hoosiers' knowledge and interest in their history and heritage, and are distributed at no cost to libraries and other educational institutions.

DIVISION OF STATE COURT ADMINISTRATION

Lilia G. Judson, Executive Director

The mission of the Indiana Supreme Court Division of State Court Administration ("the Division") is to assist the Indiana Supreme Court in its leadership role as the administrator and manager of Indiana's judicial system, its courts, officers, and related offices and programs. In particular, the Division examines and recommends improvements in the methods, procedures, and administrative systems used by the courts, by other offices related to and serving the courts, and by the clerks of courts. It collects and reports information on the judicial workload of all trial and appellate courts, the receipt and expenditure of funds by all the courts and their related offices, and generally the volume, condition and type of business conducted by the courts. It helps the Chief Justice and Supreme Court manage and regulate judicial workloads, manage and distribute state funding provided for the operation of the courts and related offices, certify and regulate court programs and initiatives, promulgate and implement rules and procedures, and provide technology and automation to the courts. The Division provides staff support to the Indiana Commission on Judicial Qualifications and Judicial Nominating Commission, other commissions and committees as specified by statute and court rule, and fulfills specific duties charged by statutes and Supreme Court rules and directives.



Chief Justice Shepard, as President of the national Conference of Chief Justices, and Lilia Judson, Executive Director of Indiana's Division of State Court Administration as a board member of the Conference of State Court Administrators, hosted the annual meeting of the two organizations in Indianapolis.

Trial Court Management

Judicial Service Reports

One core responsibility of the Division is the collection of statistical information concerning the operation of Indiana's courts and their offices. Indiana Code section 33-24-6-3 and Indiana Supreme Court Administrative Rules 1 and 2 require the Division to collect and publish information on the caseload and fiscal activities of all courts and probation offices throughout the state. This data, published annually in *The Indiana Judicial Service Report* and *The Indiana Probation Report*, provides the empirical basis for policy decisions by both the Indiana Supreme Court and the Indiana General Assembly. It also provides important management information for individual courts.

In fiscal year 2006-07, the Division launched Indiana Courts

Online Reporting ("ICOR") with the cooperation of the Judicial Technology and Automation Committee ("JTAC"). To ensure a smooth transition, Division staff conducted over a dozen training sessions with trial judges, court staff, and probation officers. Currently, all courts and probation departments are filing their quarterly statistical reports (caseload, probation supervisions, and Juvenile Law Services information) online. By the end of 2007, the courts will file their annual fiscal reports online as well. With the statistical information being filed electronically, the Division will

enjoy greater access to the information and a greater ability to analyze court services data. The Division's 2007 Annual Judicial Service Report will draw its statistics entirely from the ICOR system.

Weighted Caseload Measures and Caseload Redistribution Plans

Since the mid 1990s, the Division has employed a weighted caseload ("WCL") measurement system to analyze statistical caseload data collected from Indiana's trial courts and report on judicial resource needs. The WCL system is used to evaluate new filings only. It allows courts to forecast the amount of judicial time that would be necessary to process the cases being filed in a particular court or county.

In addition, to assist policy makers in accurately assessing a county's need for additional judicial officers, the Division also publishes a report on the relative severity of judicial resource needs. The "relative severity of need" concept provides a relative comparison of the need for new judges in each county. Each year, the Division publishes a Weighted Caseload Report that provides a uniform, statewide method for comparing trial court caseloads. The most

recent Weighted Caseload Measures (which are measured on a calendar year basis) are available at www.in.gov/judiciary/admin/courtmgmt.

Deployment of Trial Court Information on the Internet

Indiana Trial Rule 77(K) requires courts or clerks to receive authorization from the Division before deploying any court information on the Internet. During fiscal year 2006-07, Division staff reviewed and approved many such requests, and the list of approved counties can be viewed at www.in.gov/judiciary/trialcourts/tr77-approval.html. Of Indiana's 92 counties, 48 have been approved to post their docket information online, and as June 30, 2007 the Division was reviewing six additional Trial Rule 77(K) requests.

The JTAC staff, which is responsible for the development and maintenance of the Indiana Judicial website, developed individual web pages for each of Indiana's counties. The county websites list information for all clerks and courts and list other useful information, such as the local court rules, directions to the county courts and photographs of the often architecturally unique courthouses. The local websites, which are continually updated when the Division receives or approves additional rule information, are listed at www.in.gov/judiciary/trialcourts.

Administrative Rule 9, amended in 2006 and again in 2007, addresses public access to court records. The rule governs all case and administrative court records maintained and generated by every court and court agency in the state court system. The most novel concept in the rule is the requirement that information not subject to public access be filed on green paper. Various issues have arisen over the year regarding the rule, including the extent to which its requirements apply to appellate court records and to audio recordings of court hearings.

One significant provision in the rule requires the Division to review and grant or deny requests for bulk compilations of court information. Administrative Rule 9 defines "bulk distribution" as "the distribution of all, or a significant subset of the information in court records in electronic form, as is, and without modification or compilation." This duty also requires the development and execution of a user agreement between the Division and the requesting party. The Division has created a renewal process for the user agreements, where the agreement expires every January 31st subject to approved renewals. During fiscal year 2006-07, the Division received eight new requests for bulk records and executed the requisite user agreements or renewals with nineteen of the requesters. A list of the approved

bulk records requesters, along with copies of their user agreements, may be found at www.in.gov/judiciary/admin/courtmgmt/bulk-data.

Education about and assistance with the application of the provisions of Administrative Rule 9 on public access to court records continues to be a significant Division function. The Division expects to review and enhance its on-line handbook to address the issues that have arisen as a result of the rule amendments.

State Office of Guardian Ad Litem/Court Appointed Special Advocate

In child abuse and neglect cases, the attorneys and court often can become focused on the implicated adults with little attention paid to the needs of the child-victims. Guardian ad Litem ("GALs") and Court Appointed Special Advocates ("CASAs") serve as representatives of children in child abuse and neglect cases, so that their interests are protected and their voices are heard. In 1989, the General Assembly established a program for Guardian Ad Litem and Court Appointed Special Advocate ("GAL/CASA") services, to be administered by the Division. Through this program, counties are encouraged to provide appropriate GAL/CASA services by receiving matching state funds administered by the Division and disbursed under a statutory formula. In addition, the Division's State Office of GAL/CASA ("State Office")

provides training and support services for local GAL/CASA programs. In July 2006, the State Office became the first CASA-certified statewide office in the nation.

In October 2006, the State Office held its annual meeting for GAL/CASA directors and staff and sponsored the Tenth Annual Indiana State GAL/CASA Conference. Over 450 GAL/CASA volunteers, local program directors, service providers, board members, child welfare personnel and local program staff attended.

In 2005, the Indiana General Assembly amended the statute regarding GAL/CASA matching funds. The amended statute requires that GAL/CASA programs be certified by the Supreme Court to be eligible for matching funds. In response to statutory requirements, the State Office began certifying GAL/CASA programs in 2006 and has certified sixty-four thus far. The volunteer-based GAL/CASA programs, staffed by 153 paid personnel, involved no less than 2,008 active GAL/CASA volunteers statewide, including 586 newly trained volunteers.

The Indiana General Assembly also passed legislation in 2005 requiring the appointment of a GAL/CASA for every child involved



Boy Scouts volunteered as honor guards during an opening ceremony of the CCJ/COSCA annual meeting. Chief Justice Shepard, an Eagle Scout and recipient of scouting's highest award, chats with some of the volunteers.

in Child in Need of Services cases. To help meet the challenge posed by the mandatory appointments, this fiscal year the legislature approved an increase to the GAL/CASA state funding from \$800,000 to \$2.9 million. It is anticipated that this increase will bring with it increased accountability and increased services to children.

Finally, to assist the Supreme Court in formulating long-range strategy for promoting, expanding, and training child advocacy GAL/CASA programs, the Supreme Court approved a new administrative rule creating an eighteen-member "Indiana Supreme Court Advisory Commission on GAL/CASA." The rule, which becomes effective January 1, 2008, requires the Division's Executive Director, the Division's GAL/CASA Director, and Division staff to assist the Commission, and makes the GAL/CASA Director an ex-officio Commission member.

The Indiana Family Court Project

With funding first provided by the Indiana General Assembly in 2000, the Indiana Supreme Court directed the Division to launch the Indiana Family Court Project. The project's purpose is to develop effective models for coordinating the multiple cases of families involved in the judicial process through the administration of state grants to courts that develop methods for sharing information and coordinating diverse cases facing individual families. Each family court project requires the committed involvement of the local judiciary, family law bar, community program leaders, and service providers. During the spring of 2007, the Family Court Project distributed \$165,000 in grants to counties with Family Court project. One of the key concepts of the program is to provide counties with "seed money" to start programs while they seek permanent funding. As of June 2007, 24 counties were participating in the program as part of thirteen single and regional family court projects.

Local Alternative Dispute Resolution Plans for Domestic Relations Cases

By statute and administrative rule, the Division is charged with approving local plans for alternative dispute resolution ("ADR"). The statute allows counties to charge an additional \$20 to all parties filing petitions for legal separation, paternity, or dissolution of marriage, and to deposit this money into a special fund. The fund must be used to foster ADR in domestic relations cases, such as mediation, reconciliation, non-binding arbitration, and parental counseling. Additionally, the fund must primarily benefit indigent litigants, and parties referred to fund-covered services may be required to make a co-payment based on their ability to pay.

To participate in this ADR program, the judges in a county must develop a plan consistent with the statute, submit it to the Judicial Conference of Indiana, and, pursuant to Rule 1.11 of the Rules for Alternative Dispute Resolution, receive approval of their plan by the Executive Director of the Division. Division staff assist courts in developing ADR plans pursuant to guidelines developed by the Domestic Relations Committee of the Judicial Conference.

As of the end of this fiscal year, the Division had approved ADR plans for 24 counties and was helping several more through the process. Many of these programs are fairly new, so available data is

limited. Counties, such as Allen, that have had ADR plans in place for some time, however, report that a majority of mediated cases get resolved. Allen County also reports that the number of days from filing to decree has been cut in half, and the wait for trial settings for cases exceeding a half-day has been reduced by several months. Furthermore, no cases that were settled through mediation in the Allen Circuit Court have returned to court for post-dissolution filings. Over 2,600 children were affected by ADR fund plans in calendar year 2006. Approximately 44 percent of the cases accepted under the ADR fund plans involved children.

Electronic Filing and Electronic Service Pilot Projects

To encourage advances in trial court technology, the Supreme Court approved Administrative Rule 16, which provides guidance to courts seeking to implement electronic filing systems. In 2006, the Division developed the necessary factors for an e-filing system, published as an appendix

to Administrative Rule 16. Lake and White counties have filed proposals seeking review and approval by the Division for pilot e-filing systems.

Courts interested in implementing pilot e-filing systems must submit to the Division a proposed plan, preferably following the format used in the Appendix. Pilot projects of this nature involve various issues, including compatibility with not only existing case management systems but also the planned statewide system, fees, document retention, case types included, security, accessibility by self-represented litigants, software and hardware necessary for implementation, and proof of service.

Pro Bono Domestic Relations Mediation Training

During 2005, the Division, in cooperation with the Indiana Pro Bono Commission, the Commission for Continuing Legal Education, and the Family Law Project, sponsored a unique and innovative Pro Bono Domestic Relations Mediation Training Seminar. The training was provided free of charge to 32 attorneys who agreed to provide free mediation in family law cases. In



A view of the "Robing Room," which was renovated last year. This room adjoins the Courtroom; the robes draped across the chairs are worn by the Justices during oral arguments in the Courtroom.

exchange, the 40-hour domestic relations mediation training qualified the 32 participants as registered family law mediators. By the end of the current fiscal year, the newly trained attorneys had completed 45 pro bono mediations for families that otherwise may have gone without this service.

Information/Records Management – Supreme Court Records Management Committee

The Information Management Section of the Division assists trial court clerks and judges in meeting the requirements of the administrative and trial rules governing court records. In fiscal year 2006-07, the Information Management staff made 42 visits to 28 counties to review microfilming and imaging programs for compliance with Administrative Rule 6 and to assist in applying court retention schedules. Staff approved general imaging systems in Madison (adult probation), Orange, and Switzerland Counties. In addition, the Division approved enhanced imaging systems for scanning Record of Judgment and Orders ledgers for Allen and Huntington Counties. Staff worked with 22 other clerks in reviewing imaging certification programs. The Section also issued 153 approval letters to clerks who had microfilmed or scanned court records, granting destruction of such records. Division staff made presentations at the Association of Clerks of Circuit Courts of Indiana's annual and regional meetings. On December 13, 2006, the Section presented a half-day workshop to clerks on implementation of Administrative Rules 6 and 7 and on Protection Orders. The first two presentations are available on the Supreme Court's website.

Certified Court Interpreter Program

Following the study of language and cultural barriers in Indiana courts, the Indiana Supreme Court Commission on Race and Gender Fairness made an interim recommendation to the Supreme Court to develop a certified court interpreter program for Indiana. In response, the Supreme Court authorized the Division's Executive Director to join with the National Center for State Courts to implement an Indiana court interpreter testing system. Indiana's Court Interpreter Certification Program was officially launched in January 2003. By the end of this fiscal year, Indiana had certified 43 interpreters, including one who speaks Arabic. In a related effort to enhance trial court interpreter services, the Division also distributed \$139,500 in grants to 40 counties in the spring of 2007.

Protection Order Proceedings

The Indiana General Assembly has charged the Division with designing or updating forms used in protection order proceedings. To fulfill this duty, Division staff works closely with the Indiana Judicial Conference's Protection Order Committee, which explores ways to improve the protection order process. During fiscal year 2006-07, members of the Committee directed their labors in three main directions: (1) integrating best practice procedures into the Protection Order Deskbook; (2) designing new forms and modifying existing forms for the Protection Order Forms website; and (3) working to design an automated Protection Order Registry.

Continuity of Operations Planning for the Trial Courts

Sparked by concerns for the continued operation of judicial institution in the aftermath of natural or other disasters, Chief Justice Shepard directed the Division to work with the Judicial Conference



Chief Justice Shepard and Massachusetts Chief Justice, Margaret Marshall, receive Yale Law School's Award of Merit.

Court Management Committee to help Indiana's trial courts develop plan for interruptions in their operations caused by natural disasters, human malevolence or infectious outbreaks of disease. During this fiscal year, the Committee, with assistance from the Division, began the process of developing plans, known as "COOPs" (Continuity of Operations Plans). To this end, the Committee produced a judiciary pandemic preparedness plan template; produced an Indiana Emergency Response Plan template; proposed Administrative Rules 14(A)(4) and 17 to address temporary

suspension of litigation and filing deadlines if the emergency is deemed to warrant suspension; developed a form petition for an affected trial court to seek the declaration of an emergency and application of emergency rules by the Indiana Supreme Court; and learning guides for the application of the isolation and quarantine statutes.

To date, Franklin, Howard and Allen counties are in the process of developing disaster preparedness plans based on the templates, and Monroe County has presented a disaster plan to the Committee for review. In addition, the Committee is working with the Records Management Committee and the Association of Clerks of the Circuit Courts to update their own disaster preparedness manual, including a new section for preservation of electronic records. The Records Preservation Plan has three pilot counties—Brown, Hamilton, and St. Joseph.

Court Services

Accounts Management, Payroll and Claims, and Judicial Benefits Coordination

The Division maintains and administers 20 accounts with annual appropriations of over \$98 million. This fiscal responsibility includes the administration of payroll and benefit programs for all state trial court judges, prosecuting attorneys, and other local judicial officials paid with state funds. The annual payroll accounts for these purposes total approximately \$75 million and cover approximately 700 individuals. As part of this “paymaster” function, the Division processes and pays more than 1,300 claims per year for special and senior judge services.

During this fiscal year, the Division conducted many education sessions, usually in conjunction with the annual Indiana Judicial Conference, regarding judicial benefits, retirement, and payroll. The Division also updated and published a schedule for payment of Senior Judges, as required by Administrative Rule 5(A).

Special Judges, and Employment Law Advice

The Division’s legal staff currently serves as counsel to the Supreme Court in matters involving requests for the appointment of special judges, special masters, and senior judges. The Division’s legal staff monitors local rules establishing plans for special judge selection and processes requests for the appointment of special judges by the Supreme Court. In calendar year 2006, the Division received 93 new requests for special judge appointments.

Also, the Division’s legal staff continued to provide counsel and advice to trial court judges on employment law matters related to their court employees, and to serve as staff counsel to the Board of Law Examiners in appeal hearings brought by bar applicants denied admission.

Senior Judge Program

Since 1989, Indiana has been able to tap into an experienced pool of former judges to help alleviate the pressure of increasing caseloads. The Division administers this senior judge program. Small at first, this program has grown into an invaluable resource of seasoned judicial officers who serve at minimal cost to the state and no cost to the counties. During calendar year 2006, Indiana had 82 certified senior judges who served a total of 3,544 days, which is the equivalent of approximately 20 full-time judicial officers.

Helping Courts Amend, Renumber and Post Local Rules

During 2005, the Division’s legal staff began assisting most of Indiana’s trial courts with posting, amending, and renumbering their local rules, with the goal being eventually to have 100 percent of all local rules appropriately numbered and posted on Indiana’s Judicial website. As of January 1, 2007, all courts of record in a county were

required to use one set of local rules and renumber all existing local rules in order for such rules to continue to be effective. During this fiscal year, Division staff continued to help courts comply with this requirement.

Temporary Judicial Service

The Division oversees two programs for temporary judicial services. First, the Division maintains a roster of private judges and administers requests and appointments of private judges. Requests for private judges are rare, with only one occurring in 2006. For the most current list of registered private judges, please go to www.in.gov/judiciary/admin/private-judges/roster.html.

Second, the Division is responsible for administering requests for judges pro tempore and preparing the orders appointing them. In calendar year 2006, the Supreme Court made five judge pro tem appointments. The circumstances surrounding these appointments included absences due to military service and temporary medical conditions, and vacancies created by retirement or death.

Civil Legal Aid Fund

Since 1997, as required by Indiana Code section 33-24-12-5(b), the Division has administered the distribution of a \$1 million annual appropriation from the Indiana General Assembly to aid qualified organizations providing legal assistance to indigent persons in civil cases. This fiscal year, the

Division made distributions to twelve organizations providing civil legal aid services to Indiana’s poor. Data collected in calendar year 2006 indicates that most cases handled by these providers involve domestic relations matters, such as divorce, separation, custody, visitation, paternity, termination of parental rights, and spousal abuse. These twelve organizations provided services to over 22,000 clients. In the spring of 2007, the Indiana General Assembly increased the annual appropriation to \$1.5 million.

Court Improvement Grant

The Indiana Supreme Court continued its ongoing Court Improvement Program under the leadership of its Court Improvement Executive Committee. The Division serves as the fiscal administrator of federal grant funds earmarked for improving the system for abused and neglected children in foster care, while the Indiana Judicial Center provides substantive program administration. As of January 1, 2007, the Supreme Court had \$710,198 to use for this project. The Supreme Court’s Family Court Project, which encourages the use of mediation or facilitation services in family court cases involving Children In Need of Services, received \$60,000 to allow continued expansion



Justice Dickson exchanging ideas at the Conference of Chief Justices.

throughout the state, and the Vanderburgh Superior Court received \$25,000 to continue its Parents' Drug Court Program. Part of the remaining funds were used to hire two staffers who are working to enhance juvenile court improvement efforts through a state-wide strategic plan.

Communication Link with Judges and Clerks

During this fiscal year, the Division staff continued to provide a communication link to the trial courts and clerks through a quarterly newsletter, the *Indiana Court Times*, and routine e-mail correspondence. Also, in June 2007 the Division launched a judicial "listserv" that will enable all Indiana judicial officers to communicate and share ideas in a convenient and accessible on-line forum.

Technology

Trial Court Technology and Automation

Significant progress was made in fiscal year 2006-07 on the largest technology project ever undertaken by the Indiana Supreme Court, namely that of providing courts and clerks with a statewide Case Management System ("CMS") that system will link Indiana trial courts and clerks with each other and those that need their information including the State Police, Department of Revenue, Department of Corrections, Department of Child Services, attorneys, advocates, policy



Justice Frank Sullivan, Jr.

makers and the public. This work is directed by the court's Judicial Technology and Automation Committee ("JTAC"), which is chaired by Justice Frank Sullivan, Jr.

This fiscal year, after a 10-month selection process, Tyler Technologies Inc., a firm with significant experience in court and government operations, was chosen to conduct a fit analysis and provide Indiana with a CMS. As part of the vendor selection process, more than 50 staff members, stakeholders and experts reviewed fourteen proposals, hosted public demonstration sessions, spoke with users of various products in sixteen states and seventeen Indiana counties, and conducted on-site visits where finalists' products were already in use. JTAC expects Tyler to deliver a functioning CMS to at least two Indiana counties in 2007.

The CMS is JTAC's largest undertaking, but there were other significant highlights in fiscal year 2006-07:

- In collaboration with state partners, JTAC received a federal grant to create a statewide electronic **Protection Order Registry** to provide critical information to local police and state and national databases within minutes of a judge's order. Getting protection orders into the hands of people who need them as soon as possible will enhance the safety of those involved in domestic violence

disputes. The technical work for the system was well underway in 2006, and pilot projects in Tippecanoe and Blackford Counties began in early 2007.

- **The Jury Pool Project** received a special merit citation from the American Judicature Society, and the Sigmund Beck Award from the Indiana Civil Liberties Union. Previously, only 60 to 80 percent of eligible jurors were included in county jury pool lists. Now, lists created by JTAC include more than 99 percent of eligible jurors and are available to all counties at no cost. Further enhancements were made to this project in the spring of 2007.
- The successful **JTAC-BMV Project**, launched to help counties meet federal requirements for faster reporting of serious violations by commercial drivers to the BMV, produced significant results this fiscal year. As a result of JTAC's efforts, average transmission

time went from 53 to seventeen days. The number of courts sending records electronically, instead of by mail or fax, went from about 30 to more than 150.

- In the spring of 2007, JTAC began training for an e-citation system that will impact the more than 700,000 traffic citations issued in Indiana every year. Currently, every warning and citation is hand-written and the citation forms vary from county to county. But the new program, called the **"e-Citation and Warning System,"** ("eCWS"),

will let officers electronically record citation information in the field with hand-held scanners and print out the official citation in small printers. This will eliminate redundant manual data entry, drastically reduce administrative work, and increase the safety of Hoosier roadways by quickly identifying dangerous drivers. eCWS will also transfer the required data fields to a probable cause affidavit form for officers to complete in cases of serious criminal violations.

- JTAC maintains the extremely popular **"Indiana Courts Website,"** which had more than 23 million hits this fiscal year, a significant increase over last year. Appellate opinions remained the most accessed portion of the website, and the Child Support Calculator was the second most popular feature.

Appellate Court Automation and Technical Services

The Technical Services Section of the Division provides daily computer operations support to all appellate level courts and their adjunct agencies, and strives to keep pace with advancing technology for the populations its serves. In addition to providing the Supreme Court Justices and the Court of Appeals and Tax Court's Judges with remote access to their court information, the Section also maintains connections between the Supreme Court and other state agencies.

In fiscal year 2006-07, the Section installed new firewalls and virus detection appliances on the network, along with a spam filter that reduced spam e-mail by over 90 percent. In addition, the Section upgraded all web service system software and provided wireless public Internet access in the Supreme Court Law Library.

The Section also enhanced the Indiana Roll of Attorneys' website to make its search functioning more user-friendly and to allow attorneys to complete their annual registrations and pay their annual registration fees entirely on-line.

Commissions and Committees—Staff Support

Judicial Nominating Commission/ Indiana Commission On Judicial Qualifications

As required by Indiana Code section 33-24-6-3(4), the Division provides legal and administrative staff support to the Indiana Commission on Judicial Qualifications and the Indiana Judicial Nominating Commission. More detailed information about the Commission, its members, and its activities is found elsewhere in this Annual Report, and also may be found at www.IN.gov/judiciary/jud-qual.

Rule Amendments and the Supreme Court Committee on Rules of Practice and Procedure

The Executive Director of the Division serves as Executive Secretary of the Indiana Supreme Court Committee on Rules of Practice and Procedure (“the Rules Committee”) and, together with Division legal staff, assists the Rules Committee and the Supreme Court in drafting and promulgating amendments to the Indiana Rules of Court.

The most prominent rule amendments adopted by the Court in fiscal year 2006-07 dealt with the following: (1) amending the Indiana Jury Rules to provide for selection of jury pools from lists approved by the Supreme Court, rather than only voter registration lists; (2) amending Trial Rule 56 to make summary judgment hearings mandatory only when a timely request for a hearing is made; (3) amending Admission and Discipline Rule 23, section 21(k) regarding the procedures for a lawyer to withdraw permanently from the practice of law; and (4) amending Administrative Rule 1 to require courts in each county to adopt caseload allocation plans on a regularly scheduled basis.

During this past fiscal year, the Rules Committee dealt with a number of topics, including proposals regarding attorney surrogates, electronic discovery, and the process for appealing matters before the Indiana Tax Court. The Rules Committee also began consideration of rule amendments proposed by the Indiana State Bar Association concerning attorney advertising. In addition, the Rules Committee worked on drafts of a proposed rule dealing with residual hearsay.

The Committee also sought to clarify deadline dates and to revise the “lazy judge” rules.

Public Defender Commission

The Division is responsible for providing staff support to the Indiana Public Defender Commission, which sets standards for indigent defense services in non-capital cases and recommends standards to the Indiana Supreme Court for application in capital cases.

In capital cases, counties with qualified public defender programs receive reimbursement for 50 percent of eligible expenses. In other criminal cases, eligible counties receive up to 40 percent reimbursement of indigent criminal defense costs. Through this system of reimbursement, the Indiana General Assembly and the Supreme Court try to encourage counties to provide qualified indigent defense in criminal cases.

In fiscal year 2006-07, appropriations to the Public Defense

Fund, which are non-reverting, totaled \$10 million. As of the time of this Report, 58 counties had comprehensive plans approved by the Commission for delivery of indigent services. Over 60 percent of the State's population resides in counties eligible to receive reimbursements in non-capital cases under the program.

In fiscal year 2006-07, the Commission disbursed \$9,540,265 for non-capital cases and \$844,770 for capital cases. In the spring of 2007, the Indiana General Assembly increased the annual appropriation for the next biennium. In the 2007-08 fiscal year, the Commission will receive \$14.5 million, and in the 2008-09 fiscal year, the Commission will receive \$15.25 million.

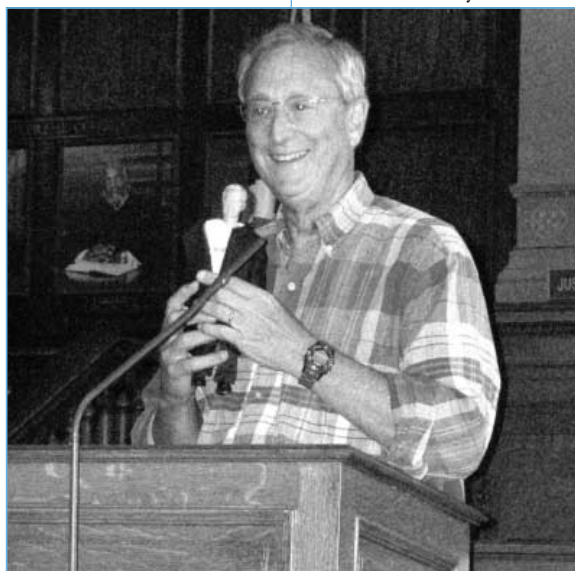
The Commission is grateful to the General Assembly for this much-needed increase.

The Commission also experienced significant turnover in the spring of 2007. Dean Norman Lefstein, Leslie Duval, Monica Foster, Rep. Robert Kuzman and Rep. Ralph Foley all completed lengthy terms on the Commission. Dean Lefstein had served as chair of the Commission since its creation seventeen years ago.

Indiana Conference for Legal Education Opportunity (CLEO)

The Indiana Conference for Legal Education Opportunity (“Indiana CLEO”) program began as a vision of Chief Justice Shepard to change the landscape of the Indiana legal and professional community. His goal was to increase the number of Indiana attorneys who come from minority, low-income, and educationally disadvantaged backgrounds. In the spring of 2007, the Indiana CLEO program celebrated its tenth anniversary. Per the Indiana CLEO enabling legislation, the Division administers the program.

A six-week Summer Institute is the starting point and cornerstone



Justice Boehm's tenth anniversary on the Indiana Supreme Court was the subject of a surprise reception in his honor organized by his staff and law clerks.

of the Indiana CLEO program. The Summer Institute prepares participants for the rigors of law school by providing concentrated classroom instruction and practical legal applications. The Summer Institute also offers the opportunity to form a network with Indiana legal professionals and law students to assist CLEO Fellows once law school begins in the fall. Those who successfully complete the Summer Institute receive a substantial stipend during the years the student attends law school.

This fiscal year, the Summer Institute was held at Notre Dame Law School, where 28 Indiana CLEO Fellows began their preparation for law school.

Commission on Race and Gender Fairness

Committed to the fundamental principle that every litigant is entitled to equal access and fair treatment in Indiana's courts, in 1999 the Indiana Supreme Court created the Commission on Race and Gender Fairness to examine issues involving race and gender in Indiana's judicial system. After three years of research, the Commission made recommendations to the Supreme Court. After review, the Supreme Court approved the majority of the recommendations and asked the Commission to set priorities for implementing them. The Supreme Court has already implemented the Commission's first recommendation – establishing a foreign language certified court interpreter program in Indiana—and the Commission has prioritized the remaining 29 recommendations and continues to implement them. It has also collected data on the demographic makeup of the legal profession in Indiana. Further, it produced a survey on women in the law in Indiana, which will be published in a law review article in 2007.

Indiana Project on Self-Represented Litigants – Pro Se Committee

The Division continued its efforts to assist the Indiana Supreme Court Pro Se Advisory Committee in maintaining a Self-Service Legal Center on the judicial website and helping trial courts and their staffs respond to the growing numbers of self-represented litigants. The Pro Se Advisory Committee consists of judges, court clerks, community members, librarians, attorneys, and other service providers. In an effort to emphasize the work of the Pro Se Advisory Committee, the Supreme Court approved a new administrative rule that formalized the role of the committee and gave it a new name – “the Indiana Supreme Court Committee on Self-Represented Litigants” – which shall become effective January 1, 2008. The self-service website (found at www.in.gov/judiciary/selfservice) provides

pleading forms for unrepresented parties to use in certain simple proceedings and appropriate instructions.

INDIANA SUPREME COURT DISCIPLINARY COMMISSION

Donald R. Lundberg, Executive Secretary

The Indiana Supreme Court Disciplinary Commission (“the Commission”) is responsible for the investigation and prosecution of attorney discipline proceedings. The Commission is fully funded through the annual registration fee required of all lawyers who wish to keep their Indiana law licenses in good standing. The Commission publishes a detailed annual report of its activities, copies of which are available by contacting the Commission office or by accessing the Commission's website at www.in.gov/judiciary/discipline.

Case Highlights

Although the Supreme Court issued 60 opinions or orders this fiscal year in attorney discipline cases, three were particularly worthy of note for attorneys who practice in Indiana's courts.

In *Matter of Ettl*, 851 N.E.2d 1258 (Ind. 2006), the Supreme Court issued another in a series of opinions emphasizing the importance of avoiding one-sided communications with courts. The Court noted a presumption that in every adversarial proceeding all parties should have notice of matters coming before the tribunal. Procedures are available for seeking emergency one-sided relief, but there must be strict compliance with them.

In *Matter of Stephens*, 861 N.E.2d 1256 (Ind. 2006), and 867 N.E.2d 148 (Ind. 2007), the Supreme Court clarified the standards governing the fees lawyers may accept when handling plaintiffs' medical malpractice cases. Larger medical malpractice claims are compensated, in part, by payments from the Indiana Client Compensation Fund. The legislature limits attorney fees from Fund recoveries to 15%. The *Stephens* case addressed the question whether lawyers could take higher than normal fees from the recoveries that come directly from medical providers in order to make up for the fee limits on Fund recoveries. The Court held that, within limits, they could.

Finally, in *Matter of Lehman*, 861 N.E.2d 708 (Ind. 2007), the Court decided that it was conduct prejudicial to justice for a lawyer to threaten to report another lawyer to the Disciplinary Commission as leverage for seeking a benefit or concession in a private legal representation.

Also during this fiscal year, the Court entered an unprecedented number of orders indefinitely suspending lawyers' licenses for failing to cooperate with the disciplinary process even after an initial period of suspension intended to induce cooperation.



Justice Robert D. Rucker

Commission Statistics

Case Dispositions

During this fiscal year, 1,598 grievances were filed with the Commission, approximately the same number as in the previous year. Sixty-nine of those grievances were initiated by the Commission in its own name based upon information coming to its attention from a variety of reporting sources, including reports from lawyers and judges. Third-party complainants filled the balance of the grievances. From those grievances filed with the Commission, the Commission filed 34 Verified Complaints for Disciplinary Action with the Supreme Court. These Verified Complaints, together with amendments to pending Verified Complaints, represented findings of probable cause by the Commission in 55 separate counts of misconduct.

The Supreme Court issued 60 final orders disposing of lawyer discipline cases, representing the completion of 89 separate matters.

These 89 cases do not include matters initiated by the Commission for Continuing Legal Education, of which this year there were 3). By disposition type, those cases were resolved as follows:

Private Reprimands	6
Public Reprimands	11
Suspensions with Automatic Reinstatement	9
Suspensions with Conditional Reinstatement	9
Suspensions without Automatic Reinstatement	24
Resignations Accepted	1
Disbarments	0
Judgments for Respondent	0
Dismissals for other reasons	0
Total	60

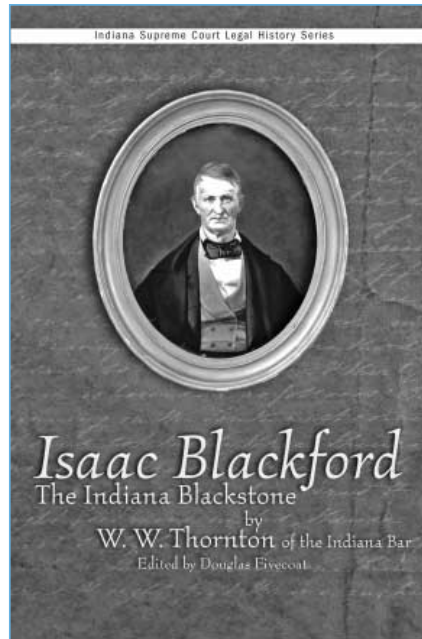
The Commission resolved three cases administratively through the issuance of private administrative admonitions. In addition to these concluded matters, the Court issued orders of interim suspension in two cases upon the request of the Commission. The Court also ordered the suspension of the law licenses of 134 lawyers for their failure to pay annual attorney registration fees, and 111 lawyers for their failure to comply with their continuing legal education requirements.

Reinstatements

During the reporting period, eleven previously disciplined lawyers filed petitions to have their law licenses reinstated. The Supreme Court issued eight final orders in lawyer reinstatement proceedings: it denied reinstatement in two cases, dismissed one case due to Petitioner's death, granted four motions to withdraw petitions for reinstatement, and granted reinstatement in one case.

Trust Account Overdrafts

Financial institutions notified the Disciplinary Commission of



CITC published a manuscript, written in 1931 but published this year for the first time, about Judge Isaac Blackford. Blackford served on the Indiana Supreme Court for thirty-five years, the longest tenure to date.

101 overdrafts on attorney trust accounts. The following are the results of overdraft inquiries during the reporting year:

Carried Over From Prior Year	11
Overdraft Reports Received	101
Inquiries Closed	93
Reasons for Closing:	
Bank Error	19
Deposit of Trust Funds to Wrong Trust Account	2
Disbursement From Trust Before Deposited Funds Collected	7
Referral for Disciplinary Investigation	21
Disbursement From Trust Before Trust Funds Deposited	7
Overdraft Due to Bank Charges Assessed Against Account	5
Inadvertent Deposit of Trust Funds to Non-Trust Account	3
Overdraft Due to Refused Deposit for Bad Endorsement	0
Law Office Math or Record-Keeping Error ...	12
Death, Disbarment or Resignation of Lawyer..	9
Inadvertent Disbursement of Operating Obligation From Trust	4
Non-Trust Account Inadvertently Misidentified as Trust Account...	4
Inquiries Carried Over Into Following Year	8

Commission Membership

The Commission, of course, could not exist without the dedicated service of its members. This fiscal year, the following persons comprised the Indiana Supreme Court Disciplinary Commission: J. Mark Robinson of Charlestown, Chairperson; Anthony M. Zappia of South Bend, Vice-Chairperson; Sally Franklin Zweig of Indianapolis, Secretary; Fred Austerman of Liberty; Diane L. Bender of Evansville; Corinne R. Finnerty of North Vernon; Maureen Grinsfelder of Fort Wayne; Robert L. Lewis of Gary; and R. Anthony Prather of Indianapolis.

BOARD OF LAW EXAMINERS

Mary Place Godsey, Executive Director

The Board of Law Examiners is responsible for ensuring that only qualified applicants are admitted to practice law in our state. In its role as gatekeeper, the Board supervises entry to the bar through the application and investigative process prior to an applicant sitting for the Indiana Bar Examination, and through the bar examination itself. The Board administers the processes of admission on foreign license and admission on business counsel license, which are available to eligible attorneys licensed in other states. In addition, the Board is responsible for certifying legal interns and for approving the formation of professional legal corporations, limited liability companies, and limited liability partnerships pertaining to the practice of law.

Character and Fitness

Before an applicant can be admitted to the bar, the Board must

determine, and certify to the Supreme Court, that the applicant possesses the requisite good moral character and fitness to practice law. Such certification by the Board is a condition precedent to every admission, whether upon examination, foreign license, or business counsel. Factors considered when determining character and fitness include, but are not limited to, candor, honesty, fairness, trustworthiness, and observance of the law. “Good moral character” and “fitness” are more specifically defined in Admission and Discipline Rule 12, section 2, and guide the Board’s certification determinations.

Certification of the character and fitness of bar examination applicants involves not only the Board, but also the 239 members of the Supreme Court Character and Fitness Committee. The Supreme Court appoints licensed attorneys from each county in the state to this Committee. Each bar examination applicant must personally interview with one of the Committee members, who recommends either approval or denial of certification based on the interview, or defers making any recommendation to the Board. The recommendations and observations of members of this Committee are a vital part of the Board’s determinations regarding certification.

This fiscal year, 927 individuals submitted applications to sit for the bar examinations. As a result of the personal interviews and review by the Board office, 27 applicants were required to appear before the full Board to resolve matters of character and fitness and eligibility to sit for the examination, or to be admitted on either foreign or business counsel license. In addition, fourteen individuals presented issues that resulted in applicants being referred to the Judges and Lawyers Assistance Program (“JLAP”) for assistance in obtaining evaluations or assessments.



The Justices with Mary Place Godsey at a lunch honoring her outstanding service to the Court, including a long tenure as the Executive Director of the Indiana Board of Law Examiners.

The Bar Examination

Drafting, administering, and grading the February and July bar examinations are the primary responsibilities of the Board. The Board writes and grades the Indiana Essay Examination questions, and grades the Multistate Performance Test. Four members attended grading workshops to prepare for grading the Multistate Performance Test. One new Board member attended an essay writing and grading workshop in Wisconsin. The Board held meetings on eight days of this fiscal year, the Exam Editing Committee convened separately on two occasions, and the Appeals Reviewers met twice.

The Board administered exams to 825 applicants. Twenty-four applicants received test accommodations, which can include providing additional time, separate test areas, individual monitors, the use of computers, and/or the receipt of testing materials in large-print format.

Review of Test Results

Pursuant to Admission and Discipline Rule 14, section 1, an applicant who is unsuccessful on the examination and receives a score within nine points of passing may request that his/her exam be reviewed. Review is conducted by members of the Board selected to be appeals reviewers. The appeals reviewers include Board members who did not participate in the original grading of the examination to be reviewed. In July 2006, 544 applicants were tested. Forty-two unsuccessful examinees requested review by the Board, and the Board thereafter passed one on review. In February 2007, 281 applicants were tested. Twenty-nine unsuccessful applicants requested review by the Board, and the Board thereafter passed one on review.

Admissions

Seven hundred attorneys were admitted to practice in the State of Indiana this fiscal year (620 on examination, 69 on foreign license, and 11 on business counsel license). Three of the attorneys admitted on the Indiana Essay Examination were admitted on conditional admission under Admission and Discipline Rule 12, Section 6(c). One attorney admitted on a foreign license was also admitted on Conditional Admission. Conditional Admission may be offered to an applicant when the Board has special concerns about the individual’s moral character and fitness based upon evidence of drug, alcohol,

psychological or behavioral problems, but the Board finds that the individual has satisfied the general qualifications sufficiently to be admitted subject to conditions set out in a consent agreement.

Conditional Admissions take many forms and frequently include monitoring and reporting by JLAP. During this fiscal year, JLAP provided monitoring for a total of nine individuals.

The Indiana Supreme Court holds two main admission ceremonies each year. Many of those admitted during this fiscal year were sworn in at the ceremony in October 2006, in Exhibit Hall G at the Convention Center in Indianapolis and at the May 2007 ceremony, at the Indiana Repertory Theater in Indianapolis.

Foreign License

Attorneys licensed in other states may receive a provisional license to practice law in Indiana upon a finding by the Board that the individual has met the requirements set out in Admission and Discipline Rule 6, section 1. The provisional license must be renewed annually or it will expire. Upon the fifth consecutive renewal of the provisional license, the admission will no longer need to be renewed and shall be permanent. Thirty-two attorneys met the provisional practice requirements in Indiana and their licenses were made

permanent. In 2007, the licenses of 20 attorneys admitted on foreign license expired because they failed to meet the practice requirements of Admission and Discipline Rule 6 or because they failed to qualify for renewal.

The Board of Law Examiners' Committee on Foreign License reviews each attorney application and investigative report from the National Conference of Bar Examiners for admission on foreign license. If approved, a member of that Committee, prior to admission, personally interviews the applicant. If not approved, the applicant must appear before the full Board. The Board required four applicants to appear before it regarding their character and fitness and their eligibility for admission on foreign license.

During this fiscal year, 69 attorneys were admitted on foreign license from 29 different states or U.S. territories. Of those, 45 were admitted in one other state, seventeen were admitted in two other states, five were admitted in three other states, and two admitted were admitted in four states prior to their admission in Indiana. The frequency of the admission from jurisdictions was as follows:

Alabama	1	Nebraska	1
Arizona.....	2	Nevada.....	1
California.....	7	New Jersey.....	6
Colorado.....	1	Missouri.....	2
Delaware.....	1	New York.....	6
Washington, D.C.....	7	North Carolina.....	1
Florida.....	2	Ohio.....	7
Illinois.....	15	Pennsylvania.....	5
Iowa.....	1	South Carolina.....	2
Kentucky.....	8	Texas.....	3
Louisiana.....	4	Utah.....	1
Maryland.....	2	Washington.....	1
Massachusetts.....	1	West Virginia.....	1
Michigan.....	5	Wisconsin.....	2
Minnesota.....	1		

**An attorney admitted in multiple jurisdictions is counted in each jurisdiction where the attorney is admitted.*

Business Counsel License

A business counsel license allows attorneys licensed in other states, whose sole employer is a person or entity engaged in business in Indiana other than the practice of law, to be admitted to practice without examination. Eleven applicants were granted a business counsel license. Ten had personal interviews conducted by a member of the Board's Foreign License Committee and one was required to appear personally before the full Board. In 2007, the license of one business counsel license admittee expired because the individual failed to meet the practice requirements of Admission and Discipline Rule 6 and failed to qualify for renewal. Of the eleven attorneys admitted on business counsel licenses, seven were admitted in one other state, two were admitted in two other states, one was admitted in three other states, and one was admitted in four other states prior to their admission in Indiana. The frequency of admission from jurisdictions is:

Delaware.....	1	New York.....	3
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Washington, D.C.....	4	Ohio.....	3
Illinois.....	1	Tennessee.....	1
Kentucky.....	1	Texas.....	1
Maryland.....	1	Virginia.....	1
Michigan.....	1	Wisconsin.....	1
Missouri.....	1		

**An attorney admitted in multiple jurisdictions is counted in each jurisdiction where the attorney is admitted.*

Certified Legal Interns

Under Admission and Discipline Rule 2.1, the Board is responsible for the certification of law school students or graduates as legal interns who are allowed to perform certain legal tasks under the supervision of an attorney. Law school deans advise the Board of those students who qualify academically, their dates of graduation, and the terms of their internships. The supervising attorneys advise the Board regarding their willingness and ability to supervise the interns. If all requirements are met, the Board certifies the legal interns and notifies the Clerk of the Supreme Court, Court of Appeals, and Tax Court. Serving as a legal intern enables the interns to gain practical legal experience in an approved program under the supervision of qualified licensed attorneys prior to their being admitted to practice. The Board certified 319 students and 54 graduates to serve as legal interns during the reporting period.

Formation of Associations for the Legal Profession

The Board provides applications and approves the formation and renewal of professional corporations, limited liability companies, and limited liability partnerships for the legal profession. During this fiscal year, there were 764 active professional corporations, 114 limited liability companies, and 151 limited liability partnerships. Fifty-two new professional corporations, thirteen limited liability companies, and eight limited liability partnerships were formed during this same time period. Twenty professional corporations, four limited liability companies, and four limited liability partnerships were dissolved or became inactive.

Members of the Board of Law Examiners

Board members are appointed by the Indiana Supreme Court. During this fiscal year, four new members were appointed upon the expiration of term and resignation of members. The terms of members are governed by Admission and Discipline Rule 9 and begin on December 1 of each year. As of December 1, 2006, the Board's officers were: Hon. Stephen R. Heimann of Columbus, President; Sheila Corcoran of Evansville, Vice-President; Gilbert King, Jr., of Gary, Treasurer; and Cynthia S. Gillard of Elkhart, Secretary. Their terms as officers are for one year and end on December 1, 2007. The remaining members of the Board at fiscal year-end were Kathryn A. Brogan of Fort Wayne; Professor JoEllen Lind of Valparaiso; Leslie C. Shively of Evansville; Jon B. Laramore of Indianapolis; Eileen J. Sims of Lebanon; Charlotte F. Westerhaus of Indianapolis; and Michael M.

Yoder of Kendallville. The latter four joined the board during this fiscal year.

COMMISSION FOR CONTINUING LEGAL EDUCATION

Julia L. Orzeske, Executive Director

The Commission for Continuing Legal Education (“The Commission”) was created in 1986. It consists of eleven Commissioners and one liaison to the Judges ADR Committee. The Commission’s basic duties are to regulate the mandatory minimum continuing legal education requirements of each attorney admitted in Indiana, regulate education programs of mediators who serve Indiana courts under the Indiana Alternative Dispute Resolution Rules, and regulate the Independent Certifying Organizations that certify attorney specialists under Indiana Admission and Discipline Rule 30. The Commission employs a part-time Executive Director, three full-time administrative assistants, and a full-time mediation services coordinator/office manager.

The following individuals served on the Indiana Commission for Continuing Legal Education during fiscal year 2006-07: Susan G. Gainey, Chair; Gerald M. Bishop, Vice-Chair; Michael E. Tolbert, Treasurer; the Honorable Nancy Eshcoff Boyer, Secretary; John L. Krauss, Immediate Past-Chair; Joseph H. Yeager, Jr.; Sandra Miller; the Honorable John T. Sharpnack; Jeffrey Lind; Dr. Barbara Bichelmeyer; and Charles K. Todd, Jr. Former Chair Robert L. Houston, III, completed his second term on December 31, 2006 and was replaced by Charles Todd. The Honorable David Avery served as a liaison to the CLE Commission by virtue of his position as Chair of the ADR Committee of the Judicial Conference of Indiana.

Accreditation of CLE Courses and Hours

In fiscal year 2006-07, the Commission reviewed a total of 7,806 courses of all types, including traditional CLE courses, non-legal subject courses, applied professionalism programs, distance education and in-house. Of these, 2,475 were traditional courses (not in-house, non-legal subject or distance education) for which an application for continuing legal education (“CLE”) accreditation was made, and 3,891 were traditional courses given by approved sponsors (where no application is required). The Commission denied accreditation to 100 applications and 44 approved sponsor courses (fewer than 3%). A total of 15,747 attorneys reported traditional CLE credits to the Commission, amounting to 208,194 hours of CLE credits (27,253 of

which were ethics credits).

Attorneys are allowed to take a limited number of credits in non-legal subject (“NLS”) areas to enhance their proficiency in the practice of law. During fiscal year 2006-07, 177 NLS courses were reviewed: 56 were by approved sponsors and 121 were by non-approved sponsors. The Commission approved 163 NLS courses, denied accreditation to twelve courses, and two remained pending at the close of the fiscal year. Attorneys reported a total of 1,658 NLS credits during the reporting period.

A rule amendment, effective January 1, 2005, allows Indiana attorneys to take a limited number of CLE hours through interactive distance education or in-house courses. These courses must meet strict guidelines to be approved, and to be considered, the applications seeking accreditation for such courses must be submitted at least 30 days in advance of the program. The Commission approved 901 distance education courses and denied 249. A total of 1,612 attorneys reported 6,398 hours of distance education. The Commission approved 26 in-house programs, and denied 12. Eighty-eight attorneys reported a total of 196 hours of in-house CLE.



The Court hosted a Continuing Legal Education event commemorating the 100th anniversary of Indiana’s controversial (and since repealed) eugenics law.

Newly admitted attorneys must complete programs designated by the Commission as appropriate for new lawyers. The Commission requires newly admitted lawyers to complete a six-hour Applied Professionalism Course for Newly Admitted Attorneys, and the Commission makes grants available to providers to allow them to provide the course for little or no cost to the newly admitted attorneys. During this fiscal year, 521 newly admitted attorneys attended these courses.

The Commission approved 6,357 courses as appropriate for newly admitted attorneys, 2,468 of which were approved as a result of an application. Approved sponsors presented 3,889 such courses.

Mediator Registry

The Commission continues to be active in the area of mediation, administering and regulating a registry of court-approved mediators in Indiana. The first mediator registry was distributed in June 1997. In this initial registry, there were 235 listings for civil mediators and 110 listings for domestic relations mediators. As of June 30, 2007, those listings stood at 674 for civil mediators and 637 for registered domestic relations mediators. To remain on the registry, a mediator must report at least six hours per three-year education period of Continuing Mediation Education (“CME”) approved by the Commission and pay an annual fee.



Lana James, a CLE staff member (center, next to Chief Justice Shepard), received the Pride of the Miami Nation Award after she donated a kidney to a relative. The award was presented by John Dunnagan, Vice-Chief of the Miami Nation of Indians (third from the left, next to Chief Justice Shepard).

In fiscal year 2006-07, 125 people were trained in basic civil mediation and 73 were trained in basic domestic relations mediation. Pursuant to the new CME rule, 459 mediators have reported 2,197 continuing mediation hours.

Attorney Specialty Certification

In the area of attorney specialization, the Commission has accredited four Independent Certifying Organizations (“ICOs”) in eight practice areas. The newest practice area, added June 15, 2006, is Estate Planning and Administration, which the Indiana State Bar Association administers.

To assist in its review of the ICO specialty applications, the Commission appointed a panel of experts to review testing procedures used by applicants for accreditation as an ICO. This panel, consisting of law professors, judges and practitioners, is currently comprised of Hon. Wayne S. Trockman (Chair), Dean Tom Allington, Lonnie Collins, Bill Jenner, Hon. Melissa S. May, Dr. Howard Mzumara (psychometrician), Professor James H. Seckinger, and Professor David Vandercoy.

As of June 30, 2007, there were 243 listings for Indiana attorneys who are specialists in their particular areas of law. These attorneys are certified in the practice areas of Family Law (61 specialists, certified by the Indiana State Bar Association); Consumer Bankruptcy (twelve specialists, certified by the American Board of Certification); Business Bankruptcy (24 specialists, certified by the American Board of Certification); Creditors Rights (six specialists, certified by the American Board of Certification); Civil Trial Advocacy (38 specialists, certified by the American Board of Certification); Criminal Trial Advocacy (one specialist, certified by the National Board of Trial Advocacy); Elder Law (fifteen specialists, certified by the National Elder Law Foundation); and Estate and Planning Administration (86 specialists, certified by the Indiana State Bar Association).

CLE Staff Accomplishments

The Commission has been active on the state and national level. Anne Davidson, Office Manager and Mediation Services Coordinator, was President of the national association of CLE

regulators (“CLEreg,” formerly known as “O.R.A.C.L.E.”) in 2004-05. She continues to serve on its Executive Committee, Planning Committee, and Membership Committee.

Executive Director Julia Orzeske, who served as Chairperson of O.R.A.C.L.E. in 2000-01, served as Chairperson of CLEreg’s Management Committee during this fiscal year. In addition, Ms. Orzeske served as Chair of the Indiana State Bar Association’s Annual Meeting in October 2006. She was recently appointed to a three-year term on the ABA Standing Committee on Specialization and is an active member of the Indiana State Bar Association’s PLEADS and ADR sections. She is a former Chair of the PLEADS section.

The Commission’s office also now houses the first Executive Director of CLEreg, Cheri Harris.

The Miami Tribe and the Indiana Supreme Court recently recognized CLE Administrative Assistant Lana James. Ms. James received the first-ever “Pride of the Miami” award for donating a kidney to her cousin. This humanitarian act embodied the values named in the Miami Nation Mission Statement: “The Miami People shall befriend and care for the children, young people, adults and elders, assisting them in whatever way we are able.” Ms. James was presented with a blanket from Miami Vice-Chief John Dunnagan and an engraved plaque from Chief Justice Shepard at a Court-wide ceremony on December 15, 2006.

Finally, at the close of this fiscal year the Commission is in the process of enabling the payment of CLE delinquency fees on-line and hopes this will become available in 2007.

INDIANA JUDICIAL NOMINATING COMMISSION AND INDIANA COMMISSION ON JUDICIAL QUALIFICATIONS

Meg Babcock, Counsel

The Indiana Judicial Nominating Commission, which met on seven occasions this fiscal year, and the Indiana Commission on Judicial Qualifications, which met on five occasions this fiscal year, are established by Article VII, section 9, of the Indiana Constitution. The Chief Justice of Indiana, Randall T. Shepard, is the *ex officio* Chairman of both Commissions. The other six members, who serve three-year terms, are three lawyers elected by other lawyers in their

districts, and three non-lawyers appointed by the Governor. In addition to the Chief Justice, the elected and appointed Commission members at the close of this fiscal year were: Stephen L. Williams, Esq., Terre Haute; Joan M. Hurley, Sellersburg; James H. Young, Esq., Indianapolis; Mark Lubbers, Indianapolis; Sherrill Wm. Colvin, Esq., Fort Wayne; and Dr. Daryl R. Yost, Fort Wayne. James O. McDonald, Esq., Terre Haute; Derrel E. Zellers, Tell City; and Payton Wells, Indianapolis, also served during the fiscal year. The Nominating Commission and the Qualifications Commission met on seven and five occasions, respectively during the fiscal year.

Although comprised of the same members, the two Commissions perform distinct functions within the judiciary.

The Judicial Nominating Commission

The Nominating Commission appoints the Chief Justice of Indiana from among the five Supreme Court Justices. On December 13, 2006, the Commission selected the Honorable Randall T. Shepard to serve a fifth five-year term as Chief Justice, beginning March 4, 2007.

The Nominating Commission also solicits and interviews candidates to fill vacancies on the Supreme Court, the Court of Appeals, and the Tax Court. It selects three nominees for each vacancy, and the Governor appoints one of the nominees to fill the vacancy. On May 11, 2007, after interviewing 20 candidates for appointment to the Second District of the Court of Appeals to succeed retiring Judge Patrick D. Sullivan, the Commission nominated the Honorable Cale J. Bradford, Marion Superior Court; the Honorable William J. Hughes, Hamilton Superior Court; and the Honorable Robyn L. Moberly, Marion Superior Court. On June 22, 2007, Governor Daniels appointed Judge Bradford to the position.

The Nominating Commission also certifies former judges as Senior Judges to help qualifying courts with their caseloads. During fiscal year 2006-07, the Nominating Commission certified fifteen new Senior Judges and recertified 79 Senior Judges. No Senior Judge applications were rejected during this fiscal year.

The Commission on Judicial Qualifications

The Qualifications Commission investigates allegations of ethical misconduct brought against Indiana judges, judicial officers, and candidates for judicial office. Periodically, the Qualifications Commission privately cautions judges who have committed relatively minor or inadvertent violations of the Code of Judicial Conduct. In the most serious cases, the Qualifications Commission prosecutes

formal disciplinary charges in public proceedings. These charges ultimately are resolved by the Supreme Court. Additionally, the Qualifications Commission and its staff provide judges and judicial candidates with advice about their ethical obligations; Commission counsel responded to several hundred requests for advice throughout the year.

The Qualifications Commission considered 371 complaints alleging judicial misconduct during fiscal year 2006-07. It dismissed 208 complaints summarily because they did not raise valid issues of judicial misconduct and instead were complaints about the outcomes of cases or otherwise were outside the Commission's jurisdiction. Another 124 were dismissed on the same grounds after Commission staff examined court documents or conducted informal interviews.

Examples of complaints dismissed because they did not establish ethical misconduct include a claim that the judge neglected his judicial duties by appointing a Guardian Ad Litem, an allegation that the judge denied a disqualification motion filed because the judge presided over another case involving the same litigant, and a complaint that the judge engaged in an improper *ex parte* communication when, prior to an *in camera* interview with a young child, the mother told the judge the child was frightened.

Of the remaining 39 cases, the Qualifications Commission requested the judges' responses to the allegations and conducted inquiries or investigations. Of those, 13 complaints were dismissed after the Qualifications Commission concluded the judges had not violated the Code of Judicial Conduct. The Qualifications Commission privately cautioned 13 other judges for deviations from their ethical obligations. The

Qualifications Commission's decision to caution a judge rather than proceed to formal, public charges depends upon the seriousness of the violation, the judge's acknowledgement of the violation, whether or not the conduct was intentional or inadvertent, whether the judge has a history of meritorious complaints, and other mitigating or aggravating circumstances. The subjects of the thirteen cautions, in order of frequency, related to the following: delayed rulings (5), *ex parte* contacts (3), deviations from precedent or court rules (3), misuse of the court's power (2), improper campaign conduct (1), inattention to court administration (1), allowing the appearance of partiality (1), nepotism and favoritism (1), and failure to disqualify (1). (Some cautions involved more than one violation.)

During the fiscal year, the Supreme Court resolved three public disciplinary cases filed by the Commission. In *In re Cruz*, 851 N.E.2d 960 (Ind. 2006), the Court accepted the Commission's and the



The Conference Room, where the Justices meet weekly to discuss cases. The room is also the site of many other meetings, including those of the Judicial Nominating Committee and the Commission on Judicial Qualifications.

judge's conditional agreement to a Public Reprimand for operating a vehicle while intoxicated. In *In re Newman*, 858 N.E.2d 632 (Ind. 2006), the Court accepted a conditional agreement and issued a Public Reprimand of the judge for neglecting to issue an order for a defendant's release from prison. And, in *In re Hanley*, 867 N.E.2d 157 (Ind. 2007), the Court issued a Public Reprimand after the Commission and the judge filed a conditional agreement stipulating that the judge operated a vehicle while intoxicated. Nine inquires or investigations were pending at the conclusion of the fiscal year.

The Judicial Nominating Commission and Judicial Qualifications Commission are staffed by the Division of State Court Administration with a full-time attorney, a part-time staff attorney, and an administrative assistant. A more detailed report about the Commission and its members and activities may be found at www.IN.gov/judiciary/jud-qual.

JUDICIAL CONFERENCE OF INDIANA/INDIANA JUDICIAL CENTER

Jane Seigel, Executive Director

Overview

The Judicial Conference of Indiana ("The Conference"), through its agency the Indiana Judicial Center ("The Judicial Center"), provides a variety of services for judges, court personnel, and the public. The Conference provides continuing judicial education for Indiana's judicial officers, trains probation officers, administers the interstate transfer compact for probationers, administers the court alcohol and drug services program, provides oversight of Indiana's drug courts, and maintains a roster of juvenile residential placement facilities. Conference committees formulate policy on judicial administration, juvenile justice, probation, and other topics; draft benchbooks, guidelines, and other materials; and publish civil and criminal pattern jury instructions in cooperation with the Indiana Judges Association.

Judicial Education Activities

In fiscal year 2006-07, the Judicial Center presented a total of 23 days and 179.5 hours of continuing judicial education instruction. Total attendance at these programs was 1,278. Those programs are discussed in detail below.

The **2006 Annual Meeting of the Judicial Conference of Indiana** was held on September 13-15, 2006. This mandatory conference offered 49 educational hours to the 454 participants in attendance. Some of the featured education sessions included prisoner litigation issues; judicial discretion, recent federalism jurisprudence and its implications for state courts; jury management issues; immigration law basics; criminal law and family law updates; international terrorists – criminal defendants or enemy combatants; the history of Indiana law; and a Department of Correction roundtable discussion, among others.

In October 2006, the Judicial Center offered a special **Traffic Court Technology Conference** in lieu of the traditional program for city and town court judges. Attendance was open to both trial court level judicial officers and Indiana's 75 city and town court judges, and 82 judicial officers attended. The curriculum, which was developed by the ABA Judicial Division's National Conference of Specialized Court Judges, focused on two primary topics addressed by city and town courts: moving violations and operating while intoxicated issues. Judge G. Michael Witte of the Dearborn Superior Court was instrumental in bringing this program to Indiana. Funding for the program was secured through a grant from the Indiana Criminal Justice Institute, Traffic Safety Division

The Judicial Center sponsored a **Pre-Bench Orientation for Newly Elected Judges** on December 6-7, 2006. Twenty-three new judicial officers attended, including three recent governor appointees and 20 newly elected trial judges. Nine hours of programming information educated the new judges about the Division of State Court Administration and the Judicial Center, employment law and



The several judicial officers who graduated this year from Indiana's Judicial College, with Chief Justice Shepard (second row, far left).

personnel issues for new judges, the transition to the bench, the impact of the Code of Judicial Conduct, and what to expect during the first year on the bench.

The **2006 Winter Conference**, held on December 8, 2006, drew 212 judicial officers. It included a seminar on “Domestic Abuse: Inside the Mind of the Perpetrator & Related Issues” and sessions on the profile of the batterer, enhancing responses to domestic violence with judicial review hearings, and the top ten questions about Indiana protection order laws and federal firearms laws. Participants also engaged in a discussion of three practical courtroom exercises on domestic violence issues raised in initial hearing/pre-trial release, sentencing, and civil protection order hearings.

The **General Jurisdiction Orientation Program for New Judicial Officers** was held on January 23-26, 2007. Thirty-two new trial judges, magistrates, and full-time commissioners/referees took part in over 23 hours of education. Participants received instruction on many topics, including criminal/civil/domestic relations case management, probate jurisdiction, jury trial issues, courtroom control/contempt of court procedures, evidentiary rulings, dealing with press/media, ethical issues for new judges, maintaining judicial balance, tips on avoiding reversal, JTAC initiatives, judging in Indiana, and the impact of the judicial career on the spouse and family.

A **Juvenile Jurisdiction Orientation** was held on February 7, 2007. Fifteen new judicial officers attended the program, during which faculty team members reviewed the Juvenile Code, discussed the top ten reasons why Children in Need of Services (“CHINS”) cases are different from other types of cases, discussed GAL/CASA programs and termination of parent-child relationship issues, and offered the new judges their top ten best practices for handling delinquency cases.

In its eighth year, the **Spring Judicial College** was held on April 18-20, 2007. Fourteen simultaneous courses were presented and 321 judicial officers attended at least one course. Courses offered included search and seizure case law review; rural courts; psychobabble 101 – deciphering the language of mental health practitioners; *Crawford*, the Constitution and child hearsay; prisoner litigation issues; problem solving justice; managing complexities in civil cases; understanding science as a judge; evidence based practices and effective sentencing; OWI cases; and recognizing judicial conduct and misconduct under the Indiana Code of Judicial Conduct, among others.

On June 3-8, 2007, 29 judicial officers, representing the fifth class of the **Indiana Graduate Program for Judicial Officers**, met for their second and final week of the Graduate Program. Twenty-four hours of class education were offered on several topics, including race and the constitution; the role of the judiciary in England and Wales; law and society – criminal law on the ground; and law on primetime American television.

Finally, the **Annual Meeting of Juvenile Court Judicial Officers** was held on June 21-22, 2007. The program offered seven hours of continuing judicial education to 110 judicial officers on the juvenile court’s role in ensuring educational success for children under court supervision. In addition, the conferees received updates on legislation, case law, and juvenile programs.

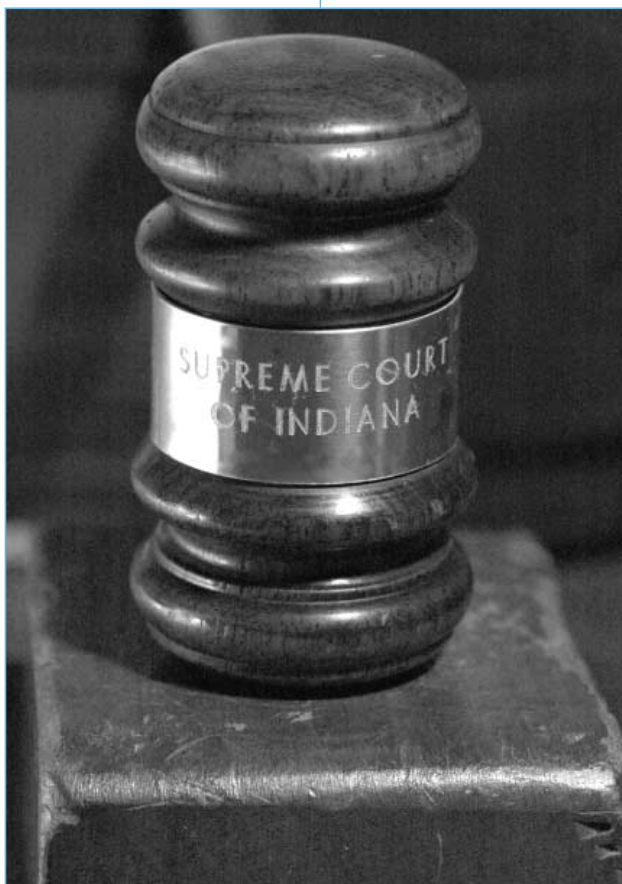
Probation Activities

The Judicial Center, pursuant to Indiana statutory law, 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. This fiscal year, this time-consuming category continued to grow significantly. The Judicial Center handled the transfer of 1,342 probationers into the state and 2,014 probationers out of the state. The total compact cases supervised as of June 30, 2006 was 3,301 in-state and 5,406 out-of-state. The Judicial Center processed 121 runaways, 46 of which cases were court-ordered requisition returns.

The Judicial Center also staffs the State Council of the Interstate Compact for Adult Offender Supervision and pays for the expenses of the Council through appropriations made by the General Assembly and through a portion of the fees paid by persons transferring under the compact. The State Council met on a regular basis during the fiscal year to discuss Compact rules and their effect on probation and parole.

Finally, in fiscal year 2006-07 the Center administered the probation officers’ certification examination to 189 applicants, and provided fifteen days of instruction for a total of 1,565 probation officers.

During the fiscal year, the Probation Officers Advisory Board, also staffed by the Judicial Center, continued its study of the use of risk-and-needs assessment instruments by convening the Indiana Risk Assessment Task Force, which was partially funded by a technical assistance grant from the National Institute of Correction. The Task Force members include representatives from probation departments,



the Department of Correction, community corrections, reentry courts, court alcohol and drug programs, and drug courts. The Task Force, staffed by the Indiana Judicial Center, will select one or more tools to determine an offender's risk to re-offend, with the understanding that the tools will also measure needs. The Advisory Board continued efforts to develop a "best practices" manual for probation supervision, and to promote evidence-based practices training and programming.

Also during the fiscal year, the Judicial Center collected information concerning the implementation of home detention in Indiana and presented a report to the Indiana General Assembly on January 11, 2007.

Research Activities

The Judicial Center also continued its mission of providing legal research services to trial court judges during fiscal year 2006-07. As part of this effort, it distributed 34 issues of Case Clips by e-mail, which are maintained on the Center's website. The Center's web page continues to be updated by providing committee minutes and other documents of interest as well.

After significant positive response to the distribution of last year's Criminal Benchbook and Probate Deskbook revisions on CD-ROM, the Judicial Center at the close of the fiscal year was finalizing a 2007 Benchbook CD-ROM containing seven benchbooks for distribution in July or August 2007.

Legislative Activities

During this fiscal year, the Judicial Center continued to review and provide information to Indiana judges concerning Indiana General Assembly session activities relevant to the judiciary through weekly "Friday Updates" from January to April 2007. For the first time, this publication was provided using an Internet blog, which made it more interactive and allowed for enhanced search capabilities. In addition to monitoring and reporting on legislation, the Judicial Center achieved legislative initiatives on behalf of the Judicial Conference regarding the Court Alcohol and Drug Program, HIV testing, jury statutes, and Senior Judge pay, and also provided input on other major bills affecting the judicial system.

Juvenile Services Activities

The Judicial Center continued its maintenance of a roster of in-state facilities providing residential services to children in need of

services and delinquent children. The roster, which is available to courts with juvenile jurisdiction and chief probation officers, is updated regularly to provide current information on costs, types of services provided, specialized treatment programs available, and targeted population.

The Judicial Center and the Division of State Court Administration administer the Court Improvement Program ("CIP") in Indiana. Recently, CIP funds have been awarded to courts with CHINS facilitation programs, to CHINS Parents' Drug Court, and to reduce the back-log of termination of parent-child relationship cases. In 2006, the Indiana Supreme Court received a grant for data collection and analysis, and a grant for training and cross-training judges, attorneys, other legal personnel as well the Department of Child Services ("DCS") staff. These two new grants have provided support for two additional court employees dedicated to the CIP

program. One purpose of the CIP grants is to encourage state courts to foster collaboration with their child welfare agencies and other interested stakeholders, with a goal to improve the judiciary's role in ensuring safety, well-being, and permanency for children who come under the courts' jurisdiction as CHINS. A Multidisciplinary Task Force has been established to advise and assist the Court's program. Through its collaborative efforts, the DCS and the Court are working together in the second round of the Child and Family Services review being conducted in Indiana in July 2007. Training

grant funds are being used to fund an Indiana Summit on Children and to implement some regional cross-training opportunities for judges as well as other stakeholders. Data collection grant funds are being used to evaluate the timeliness of CHINS cases in Indiana courts and to help identify ways to improve the management of these cases.

Court Alcohol and Drug Program Activities

The Judicial Center continued its administration of the Court Alcohol and Drug Program during fiscal year 2006-07. The Center's staff and the Education Subcommittee of the Court Alcohol and Drug Program Advisory Committee provided education and training opportunities consisting of the Court Alcohol and Drug Program annual meeting, two staff orientations, two director orientations, and criminal justice training. The Annual Administrative Meeting of Court Alcohol and Drug Programs was held on February 28, 2007, with 24 judges and 52 program directors or representatives attending from 45 programs. The Annual Meeting of Court Alcohol and Drug



Judges, lawyers, business people and members of the public attended a symposium to commemorate the 100th anniversary of Roscoe Pound's famous speech, "The Causes of Popular Dissatisfaction with the Administration of Justice." Chief Justice Shepard (second from right) was among the featured speakers.

Programs was held on March 1 and 2, 2007, with 318 judges, program directors, and program staff participating.

Policy issues examined this year included transfer and referral procedural issues, defining client eligibility, confidentiality protocols for client records, proposed revisions to the Rules for Court-Administered Alcohol and Drug Programs, statutory amendments, and other continuing program policy and procedure issues. Recommendations resulted in a successful statutory amendment proposal this legislative session, and in further progress on developing standardized criteria for client eligibility and program referrals.

Staff recertified fourteen court alcohol and drug programs and provided a provisional certification to one new program. The Court Substance Abuse Management Specialist (“CSAMS”) credential was awarded to 32 candidates who met all requirements stated in the governing rules after the administration of the credential exam to 45 candidates. The Certification Subcommittee examined and drafted proposed changes to program rules, began the process of updating the CSAMS credential exam, and addressed other program-related certification issues.

Drug Court Activities

The Judicial Center also oversees drug courts in Indiana. A “drug court” is not really a separate court, but rather a court procedure under which the prosecutor and defense counsel consent to permit defendants in drug or alcohol-related crimes to avoid prison in exchange for their compliance with a tight set of treatment requirements and extremely close monitoring directly by the judge. Those who successfully complete the program and comply with its conditions may have their charges dismissed. As of June 30, 2007, there were 28 operational drug courts (25 adult and three juvenile) with an additional four in the planning stages (two adult and two juvenile). The Judicial Center certified or recertified twelve drug courts operating under Indiana Code section 12-23-14.5 in fiscal year 2006-07. At the end of the fiscal year, there were approximately 1,000 persons participating in Indiana drug courts. The Indiana Judicial Center hosted the fourth annual Drug Court Workshop for judges and team members of either certified drug courts or drug courts in the planning stages under Indiana Code section chapter 12-23-14.5. Nineteen education sessions were offered at the event, which was attended by 188 drug court professionals, including 21 judicial officers.

In December 2005, the Indiana Judicial Center contracted with a private researching firm to conduct process evaluations, outcome evaluations, and cost-benefit analyses of five adult drug courts and

process evaluations of three juvenile drug courts: Vanderburgh County (adult and juvenile), Marion County (adult), Monroe County (adult), Tippecanoe County (juvenile), Howard County (juvenile), Vigo County (adult), and St. Joseph County (adult). The evaluation activities began in January 2006 and were completed in April 2007. In the outcome and cost-benefit study, the researchers found that Indiana drug court participants demonstrated a reduction in recidivism and incurred fewer outcome costs than similar offenders who did not participate in drug courts. Additional information regarding the study is available through the Judicial Center.

In fiscal year 2006-07, the Judicial Center awarded scholarships totaling over \$115,000 to 137 drug court practitioners, including eleven judicial officers, from a grant awarded by the U.S. Department of Justice, Bureau of Justice Assistance. Scholarship recipients attended a variety of drug court-related trainings and conferences, including the National Association of Drug Court Professionals Annual Conference and National Drug Court Institute Drug Court Practitioner training programs.

Also in fiscal year 2006-07, the Judicial Center assisted the Supreme Court and the Division of State Court Administration in administering a Drug Court Grant Program that funded sixteen drug courts for a total of \$105,748.

Reentry Court Activities

Effective July 1, 2006, the Indiana General Assembly granted the Judicial Center oversight of Indiana’s reentry courts, which are courts that have jurisdiction over, and provide reintegration services at reasonable fees to, persons released from the Department of Correction *See* Ind. Code ch. 33-23-14. The Board of Directors of the Judicial Conference of Indiana has rulemaking authority concerning reentry courts and drug courts, with the assistance of the newly formed Problem-Solving Courts Committee. In 2006, the Problem-Solving Court Committee established a workgroup to develop rules for reentry courts. On June 15, 2007, the Board adopted interim rules for reentry courts operating under the statute pending the workgroup’s development of final rules in 2008. The Judicial Center will begin certification reviews of reentry courts following the board’s adoption of final rules. At the close of the fiscal year, there were five reentry courts (three adult and two juvenile) with an additional two in the planning stages (one adult and one juvenile).

Other Activities and Projects

The Judicial Center continued its partnership with the Supreme Court, Division of State Court Administration, and Ivy Tech



Justice Sullivan converses with former Indianapolis Mayor and Marion County Prosecutor and now Harvard Professor, Steve Goldsmith at the CCJ/COSCA Annual Meeting.

Community College to provide WorkPlace Spanish® Training for the Indiana Judicial System. The course consists of 24 hours of classroom instruction and the textbook includes a CD-Rom to help staff maintain the skills learned during the course. As of June 30, 2007, approximately 560 people had participated in or submitted enrollment forms for this course.

Committee Activities

The committees of the Judicial Conference of Indiana had another busy year.

- The **Domestic Relations Committee** completed a Domestic Relations Benchbook for Indiana's judiciary.
- The **Protection Order Committee** worked with JTAC on the Protection Order Registry and on revising forms.
- The **Court Management Committee** continued its work on a template that Indiana courts can use to produce disaster preparedness plans designed to address all types of business disruption, from earthquakes and flooding to public health emergencies.
- The **Jury Committee** continued its work with the Supreme Court, Division of State Court Administration, and JTAC on the central repository for jury pool sources for trial courts to use in creating jury pools that comply with the intent of Jury Rule 2. The second master list was released in Spring 2007. The committee also began work with JTAC on development of a web-based jury management system.
- The **Ethics and Professionalism Committee** continued its work on the e-journal entitled "Judicial Balance: Lessons for Law and Life." In addition to all Indiana judges receiving this publication by e-mail, it was also distributed to the Judicial Division of the American Bar Association, the National Association of Women Judges, the National Center for State Courts, the Brennan Center, the Maine judiciary, and several judges around the country.
- From October 21-28, 2006, the **International Law Committee** hosted a delegation of judges from Ukraine, sharing aspects of American society and the American justice system while learning about Ukrainian social and legal customs.
- The **Senior Judge Committee** worked on preparing recommendations for rules revisions regarding the Senior Judge Program.
- The **Special Courts Committee** continued its study of the court structure in Indiana and will make recommendations for improvements to the current court structure. This committee also published the Third Edition of the Traffic, Misdemeanor, and Small Claims Benchbook.
- The **Judicial Administration Committee** completed its work on a benchbook for use by courts in managing cases with *pro se* litigants and began reviewing the judicial weighted caseload system.
- The **Probation Committee** studied local intrastate transfer policies

and procedures to develop statewide policies. It also considered probation funding issues.

- The **Criminal Instructions Committee** continued work on its annual supplement, which will be published January 1, 2008.
- The **Civil Instructions Committee** completed several updates that were published throughout the year.
- The **Civil Benchbook Committee** completed the Second Edition of the Civil Benchbook.
- The **Criminal Benchbook Committee and Juvenile Benchbook Committee** worked on revisions or updates to various publications assigned to them.
- The **Alternative Dispute Resolution Committee** continued to study issues involving the role of mediators who encounter *pro se* litigants participating in mediation.



Superintendent of Public Instruction, Dr. Suellen K. Reed, and Chief Justice Shepard sign their names to a mock up of the State's Constitution as part of a CITC educational event on Constitution day in the Courtroom.

- The **Community Relations Committee** continued to address issues relating to the relationship between media and the courts.

- The **Criminal Law Policy Committee** continued its role as a liaison between state and private agencies discussing criminal law matters, and reviewed legislation and policies concerning criminal law and sentencing.

- The **Juvenile Justice Improvement Committee** continued its role as a liaison between state and private agencies working with juveniles, and reviewed legislation and policies concerning juvenile justice and the courts.

- The **Probate Committee** continued to review recent legislation for updates to the Probate Deskbook and is reviewing the maximum fee guidelines for supervised estates.

INDIANA STATE PUBLIC DEFENDER'S OFFICE

Susan K. Carpenter, Indiana State Public Defender

Indiana led the nation in recognizing the need for a mechanism to challenge convictions or sentences that could not be directly appealed. In 1883, the Indiana Supreme Court decided that collateral attack (now called post-conviction relief) did lie to challenge a guilty plea coerced by mob violence. In 1945, the General Assembly created the Public Defender of Indiana to provide services to indigent inmates seeking to collaterally challenge convictions. The first Public Defender, Frank L. Greenwald, appointed (as is the case now) by the Indiana Supreme Court pursuant to statute, served from 1945 to 1947. His successor, James Cooper, held office from 1947 to 1956 and hired the first deputies public defender – one of whom was the Honorable Richard M. Givan, later Chief Justice of the Indiana Supreme Court. Robert Baker (1957 – 1966), Mel Thornburg (1966 - 1970), and Harriette Bailey Conn (1970 – 1981) complete the roster until the 1981 appointment of the current Public Defender of Indiana, Susan K. Carpenter.

In 1969, the Indiana Supreme Court adopted the Rules for Post-

Conviction Remedies. Pursuant to Rule One, the Indiana State Public Defender's Office ("the Office") provides factual and legal investigation and representation at hearing and on appeal in all capital cases. In non-capital cases, factual and legal representation occurs after the indigent inmate files a *pro se* petition for post-conviction relief; representation at hearing and on appeal is provided when the case has arguable merit. The Office also finds competent private counsel to provide representation at trial and on direct appeal, at county expense, upon request by trial courts.

Capital Cases

In fiscal year 2006-07, the Indiana Supreme Court issued two decisions in post-conviction cases involving sentences of death in which the petitioner was represented by Deputy State Public Defenders. In the first, *McManus v. State*, 868 N.E.2d 778 (Ind. 2007), the Court reversed the trial court's grant of penalty phase relief on grounds of mental retardation. In the second, *Stephenson v. State*, 864 N.E.2d 1022 (Ind. 2007), the Court affirmed the trial court's denial of post-conviction relief. One other case handled by staff deputies remained pending on appeal after denial in the trial court. Deputies filed and litigated one capital post-conviction action, which was denied and will now be appealed. Conflict counsel briefed on appeal the denial of relief in one capital case and the Supreme Court heard oral argument in that case.

The Court decided two capital direct appeals, affirming conviction and sentence in both, and one individual was retried and again sentenced to death after reversal on direct appeal. Three individuals received execution dates: Norman Timberlake's execution

was stayed by the Court pending a decision by the United States Supreme Court; and David Leon Woods and Michael Allen Lambert were executed in 2006-07. One inmate under a sentence of death, Richard Moore, died of natural causes.

Non-Capital Cases

Demand for the services of the State Public Defender is largely a function of the Department of Correction's population, which reached 26,430 adult and juvenile inmates in February 2007. *Pro se* filings in 2006-07 equaled 552 (as compared to 546 in fiscal year 2005-06, 585 in fiscal year 2004-05, and 620 in fiscal year 2003-04). Since July 1991, the Office has formally found 2,655 cases to be without arguable merit, and in an additional 1,545 cases the clients agreed and withdrew their petitions or waived our representation. In these cases found lacking arguable merit, state resources are not expended on hearing or appeal services by this agency, but inmates have the option of proceeding *pro se* or hiring private counsel.

INDIANA SUPREME COURT LAW LIBRARY

Terri L. Ross, Librarian

The Supreme Court Law Library ("the Library") originated with an 1867 act of the Indiana legislature that gave custody of the law books then in the State Library to the Supreme Court. The primary mission of the Library is to support the research needs of the judges, staff, and agencies of the Supreme Court, the Court of Appeals, and the Tax Court. The Library also serves as a research library for many state agencies, the Office of the Governor, the General Assembly,



The library's paint scheme being restored to its original appearance. Also, although not pictured here, the heating and cooling system is being upgraded to better protect the important collections. These and other improvements should be completed in the next fiscal year.

members of the private bar, and the citizens of Indiana.

The Library contains a comprehensive collection of legal materials that must be kept current. During this fiscal year, the Library's staff received and processed approximately 443 volumes as additions or replacements for volumes already in the Library's collection, and approximately 444 volumes were discarded. The staff also continued a major effort to catalog and inventory the Library's collection by bar-coding volumes. Over 10,000 items, excluding periodical subscriptions, were barcoded and added to the Library's online catalog. More than half of these additions were previously unprocessed materials from the Fifty States collection and the Supreme Court Brief collection.

The Library produced 94 interlibrary loans for the Supreme Court, Court of Appeals, Tax Court, state trial courts, state agencies, and reciprocal libraries. Interlibrary loan service is provided through the Online Computer Library Center.

From July 1, 2006 to June 30, 2007, over 825 items were circulated and returned using the Library's SIRSI-based automation system. Library patrons included users from 26 state agencies. The Library's online catalog, launched to the public in 2004, is accessible through the Indiana Shared Library Catalog consortium. The catalog is also searchable through the statewide INSPIRE database. The online catalog and web page have increased the visibility of the Library. This fiscal year, there were 17,234 hits made to the catalog and 97,463 visits made to web pages in the Library's directory.

Also during this fiscal year, the Library continued its major renovation project. The end of the electrical and lighting project culminated in August 2006 with the installation of two new reproduction chandeliers. In December 2006, the Library closed for plaster repair in preparation for historic paint restoration. The Library reopened in January 2007, and closed again in May 2007 to permit the Department of Administration to perform heating and air conditioning work. Thereafter, artisans from the Garland Guild began their work to restore the Library's paint scheme to its original 1888 appearance. Despite the Library being closed for approximately three months to accommodate these projects, over 2,202 patrons visited the Library during this fiscal year, an increase of 43% over the previous fiscal year.

New services provided by the Library this fiscal year included expanded public patron access to selected Westlaw databases, HeinOnline, and citator services such as Shepard's. HeinOnline is an image-based searchable collection of major library collections. Recent additions to HeinOnline include core legal history treatises, and state session laws and materials. The addition of HeinOnline has allowed the Library to provide more efficient and faster document delivery services to court users and patrons located outside the physical confines of the State House.

Library staff members continued their outreach services and professional development throughout the year. The Librarian attended conferences on archiving and preserving government documents and on *pro se* litigation, and gave presentations to law library students at local universities. Other staff attended workshops, made site visits to county public libraries, and instructed other librarians and staff in using the

SIRSI cataloging system. The Library coordinated online database training for the Court's law clerks and staff. Rare books from the Library were selected and loaned for a "We The People" civics education program for high school students.

The Library continues to serve as a depository for publications produced under grants from the State Justice Institute. Items received are cataloged, and a listing of new titles is periodically provided to the state judiciary. These publications are available for loan to judges and court staff throughout the state. The Library is also designated as a selective federal depository for United States government publications.

INDIANA JUDGES AND LAWYERS ASSISTANCE PROGRAM

Terry L. Harrell, Executive Director

The Indiana Judges and Lawyers Assistance Program ("JLAP") was created in 1997 when the Indiana Supreme Court adopted Rule 31 of the Rules for Admission to the Bar and the Discipline of Attorneys. It exists to assist judges, lawyers, and law students who experience physical or mental impairments that result from disease, chemical dependency, mental health problems, or age and that could impair one's ability to practice in a competent and professional manner; to educate the bench and bar about such issues; and to reduce the potential harm caused by impairment to the individual, the public, the profession, and the legal system. All interactions and communications with JLAP are confidential under Admission & Discipline Rule 31, Section 9 and Rule 8.3(d) of the Rules of Professional Conduct. No information is ever released without the signed consent of the party involved.

The Supreme Court appoints the Judges and Lawyers Assistance Committee ("JLAP Committee"), which is composed of five judges, seven attorneys, one law student, and two members who can be from any of the three categories, to oversee JLAP. This fiscal year, the JLAP Committee included Timothy O. Malloy of Highland, Chair; John R. Vissing of Jeffersonville, Vice-Chair; Tonya J. Bond of Indianapolis, Treasurer; the Honorable Donald L. Daniel of Lafayette, Secretary; the Honorable J. Blaine Akers of Brazil; the Honorable Jonathan J. Robertson of Brownstown; the Honorable Michael A. Robbins of Bedford; the Honorable David A. Shaheed of Indianapolis; Michele S. Bryant of Evansville; Edmond W. Foley of South Bend; David F. Hurley of Indianapolis; Kimberly A. Jackson of Terre Haute; Daniel G. McNamara of Fort Wayne; Shane Service of Indianapolis; and Stephanie Shappell Katich of Crown Point. The JLAP Committee employs an Executive Director, a Clinical Director, and a part-time Administrative Assistant.

Education

This fiscal year, JLAP staff and volunteers continued their efforts to educate judges, lawyers, and law students about the common impairments that members of the legal profession may encounter and the resources available, through JLAP and elsewhere, for those with, or who wish to avoid, those impairments. Education is an integral part of the work done at JLAP and is a key to JLAP's efforts to reach those in need early, before disciplinary or licensing agencies are involved. Below

is a list of our presentations statewide:

- Allen County Bar Association's Applied Professionalism Course
- Disciplinary Commission and Judges and Lawyers Assistance Program Committee Joint Training Session
- Hancock County Bar Association
- Indiana Judicial Center New Judge Orientation
- Indiana State Bar Association's Board of Governors
- Indiana State Bar Association's Probate Law Section
- Indiana State Bar Association's Young Lawyers Section and Indiana Continuing Legal Education Foundation - Applied Professionalism Course (jointly sponsored)
- Indiana State Bar Association's Utility Law Section Conference
- Indiana State Bar Association's Women's Bench Bar Retreat
- Indiana Trial Lawyers Association – "Women Lawyers: Tipping the Scales of Justice"
- Indianapolis Bar Association's Applied Professionalism Course (twice)
- Indianapolis Bar Association's Leadership Series
- Legislative Services Agency
- Lake County Bar Association's Applied Professionalism Course
- Law Schools
 - IU Bloomington
 - Professional Responsibility Class
 - IU Indianapolis
 - Professional Responsibility Class
 - Stress Management Presentation
 - Valparaiso University
 - Professional Responsibility Class
- Marion County Public Defenders Agency



On Statehood Day, December 11, the Indiana Supreme Court organized an interactive exhibit for school children, allowing them to learn about the operations of the judicial branch during their visit to the Statehouse.

JLAP Support Groups

JLAP continues to run three support groups open to the legal community. These groups provide a confidential setting for members of the legal community to discuss mental health or substance abuse issues and support each other in the unique challenges that arise when coping with these issues and working in the legal profession. Frequent topics in these groups include how to cope with stress and how to maintain a healthy lifestyle in the legal profession. There are currently two support groups in Indianapolis and one in Jeffersonville. Any judge, lawyer, or law student may call the JLAP office (317-833-0370) for more information about these groups.

Utilization

This fiscal year, JLAP logged 171 calls for help ranging from simple requests for information or referral to asking JLAP to coordinate a group intervention. JLAP had 73 calls for help with substance abuse issues, 52 calls for help related to mental health issues, three calls for assistance with physical impairment issues, and 39 calls with an unidentified impairment at the time of the initial

call. (Although many cases contain multiple issues (e.g., depression and alcohol dependence), for statistical purposes JLAP uses the primary issue identified in the initial call for help.) Approximately 33% of the calls for help were self-referrals. Approximately 34% were calls from friends, colleagues, or family members concerned for someone else. The final 33% consisted of referrals from the Board of Law Examiners or the Disciplinary Commission.

Not all calls for help become a case. A simple call for a referral or a one-time consultation will not result in a case being opened. A case is opened when a client is met in person and/or it is determined that there will be ongoing contact with the client or with a third party.

As of June 30, 2007, JLAP had 123 active cases. Of those cases, 73 involve substance abuse issues, 72 involve mental health issues, ten involve career change or retirement issues, and four involve physical issues. The number of separate issues exceeds the number of cases because many cases involve multiple issues.

Monitoring

JLAP offers monitoring as a service to provide accountability and supervision of those trying to develop a successful recovery program for mental health or addiction problems. A monitoring program benefits the individual by holding the individual accountable to a personalized recovery plan. It also protects the public, because when an individual in a monitoring program fails to comply with his or her recovery plan, JLAP must report that failure to the disciplinary or licensing organization that is part of the monitoring agreement. That organization can then take appropriate action to protect the public. JLAP has developed several different kinds of monitoring agreements for use in monitoring programs.

JLAP's most formalized monitoring agreements exist with the Disciplinary Commission, the Commission on Judicial Qualifications, and the State Board of Law Examiners. Participants sign a consent allowing JLAP to monitor their recovery programs and make regular reports to the appropriate disciplinary or licensing body.

Participants may also enter into less formal "interim monitoring agreements" with JLAP in anticipation of disciplinary action, reinstatement, or issues that might surface during the character and fitness component of the Bar application process. These agreements monitor the individual's recovery program but make no reports unless and until the participant releases JLAP to do so.

Finally, JLAP has developed monitoring agreements in which reports are made to an employer, local judge, or colleague rather than a disciplinary or licensing body. In these agreements, the participant

is generally in an earlier stage of impairment and less harm has occurred. Thus, JLAP views these agreements as an opportunity at an earlier point in someone's addiction or mental health problems and thereby, limits damage to that person's career, family, health, and reputation.

As of June 30, 2007, JLAP was monitoring fifteen formal agreements and ten interim agreements. Of the formal agreements, seven involved substance abuse issues, five involved mental health issues, and three involved both substance abuse and mental health issues. Of the interim agreements, four involved substance abuse issues, one involved a mental health issue, and four involved both substance abuse and mental health issues.

JLAP Activity at the State and National Level

JLAP's staff continued to become more involved in the national network of Lawyers Assistance Programs ("LAPs") coordinated by the American Bar Association's Commission on Lawyers Assistance Programs ("CoLAP"). This past year, JLAP Clinical Director Timothy J. Sudrovec and JLAP Executive Director Terry L. Harrell attended the CoLAP Annual Workshop. In addition, JLAP

Committee Secretary Judge Donald L. Daniel attended the Workshop for the first time.

Throughout this fiscal year, Executive Director Terry Harrell participated on the planning committee for the 2007 CoLAP Annual Workshop and the CoLAP Judicial Assistance Committee. The Judicial Assistance Committee is focused on finding ways to better assist judges in coping with the ordinary stresses of life in the legal profession and the extraordinary stresses of life in the public eye. In May of 2007, Ms. Harrell was appointed to the CoLAP Advisory Committee.

As one can tell from the previous list of presentations, JLAP has continued to work closely with the Indiana State Bar Association ("ISBA"). In addition to participation in ISBA sections and conferences, Ms. Harrell was appointed Chair of the ISBA 2007 Annual Meeting by ISBA President Richard S. Eynon. The JLAP Committee was pleased that President Eynon chose "Life Management" as the theme for the meeting and that he is interested in promoting quality of life for lawyers. JLAP will do all it can to assist him in that endeavour. •



Dramatization of the case of Polly Strong, in which the Court enforced the prohibition against slavery in Indiana's first state constitution.

INDIANA SUPREME COURT

FISCAL YEAR 2006-07 CASE INVENTORIES AND DISPOSITION SUMMARY

	Cases Pending as of 7/1/06	Cases Transmitted in Fiscal 2006-2007	Cases Disposed of in Fiscal 2006-2007	Cases Pending as of 6/30/07
Civil Direct Appeals	0	1	1	0
Civil Transfers	75	344	367	52
Tax Court Petitions for Review	6	6	11	1
Criminal Direct Non-Capital	3	3	5	1
Capital Cases	6	5	8	3
Criminal Transfers	54	561	558	57
Original Actions	1	38	39	0
Certified Questions	1	1	2	0
Mandate of Funds	0	1	0	1
Attorney Discipline	80	91	92	79
Board of Law Examiners	0	3	3	0
Judicial Discipline	1	2	3	0
Rehearings	0	8	6	2
Other	0	1	1	0
TOTAL	227	1065	1096	196

TOTAL DISPOSITIONS: 1096

Criminal	571	52%
Civil	368	34%
Tax	11	<1%
Certified Questions	2	<1%
Original Action	39	4%
Attorney Discipline	92	9%
Board of Law Examiners	3	<1%
Judicial Discipline	3	<1%
Rehearings	6	<1%
Other	1	<1%

MAJORITY OPINIONS AND PUBLISHED DISPOSITIVE ORDERS: 179

Criminal	50	28%
Civil	42	23%
Tax	2	<1%
Certified Questions	2	<1%
Original Action	1	<1%
Attorney Discipline	77	43%
Judicial Discipline	3	<1%
Rehearings	6	<1%
Other	1	<1%

	Direct Appeal Crim.	Direct Appeal Civil	Transfer Petitions Crim.	Transfer Petitions Civil	Tax	Original Action	Atty. Disc.	Jud. Disc.	Rehearing Opinions	Certified Questions	Other	TOTAL
Shepard, C.J.	3	1	6	7	0	0	0	0	0	1	0	18
Dickson, J.	2	0	6	6	0	1	0	0	0	0	0	15
Sullivan, J.	2	0	4	14	0	0	0	0	0	0	0	20
Boehm, J.	2	0	12	10	2	0	0	0	1	1	1	29
Rucker, J.	1	0	9	3	0	0	0	0	0	0	0	13
By the Court	3	0	0	1	0	0	77	3	0	0	0	84
TOTAL	13	1	37	41	2	1	77	3	1	2	1	179

NON-DISPOSITIVE OPINIONS

	Concurring	Dissenting	Concur/Dissent in part	Recusal Opinion	Total
Shepard, C.J.	4	4	0	0	8
Dickson, J.	1	5	0	0	6
Sullivan, J.	2	2	0	0	4
Boehm, J.	2	7	0	0	9
Rucker, J.	1	5	0	0	6
TOTALS	10	23	0	0	33

CERTIFIED QUESTIONS

	Pending 7/1/06	Received	Accepted	Rejected	Dismissed	Opinions	Pending 6/30/07
Federal District Court	1	1	1	0	0	2	0
Federal Appellate Court	0	0	0	0	0	0	0
TOTAL	1	1	1	0	0	2	0

CASES IN WHICH ORAL ARGUMENTS WERE HELD

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
Criminal (before order of transfer)	0	0	0	0	0	1	1	1	2	2	1	2	10
Criminal (after order of transfer)	0	0	2	0	3	0	4	0	0	2	1	1	13
Civil/Tax (before order of trans./rev.)	0	0	1	2	0	2	1	1	1	0	1	4	13
Civil/Tax (after order of trans./rev.)	0	0	4	1	4	2	1	0	2	1	7	2	24
Criminal Direct Appeals	0	0	1	1	0	1	0	1	0	1	0	0	5
Civil Direct Appeals	0	0	0	0	0	0	0	0	1	0	0	0	1
Certified Questions	0	0	1	0	0	0	0	1	0	0	0	0	2
TOTAL	0	0	9	4	7	6	7	4	2	4	4	9	68

CAPITAL CASES

	Opinions					TOTAL
	Direct Appeals	PCR	Interlocutory Appeals	Successive PCR	Rehearing	
Shepard, C.J.	2	1	0	0	0	3
Dickson, J.	2	0	0	0	0	2
Sullivan, J.	1	0	1	0	0	2
Boehm, J.	1	1	0	0	0	2
Rucker, J.	0	0	0	0	0	0
By the Court	0	0	0	3	0	3
TOTAL	6	2	1	3	0	12

PETITIONS FOR EXTENSIONS OF TIME AND MISCELLANEOUS ORDERS

Petitions for Extension of Time Processed .....	.41
Special Judge Requests .....	.93
Other Miscellaneous Appellate Orders .....	.382
TOTAL .....	.516

DISCIPLINARY, CONTEMPT, AND RELATED MATTERS

DISCIPLINARY CASES PENDING BEFORE HEARING OFFICER/COURT ON JULY 1, 2006

Before the Court for Hearing Officer Appointment .....	.5
Pending Before Hearing Officer .....	.33
Reinstatement pending before Hearing Officer .....	.9
Briefing Stage .....	.10
Briefed/Resignation Tendered/Conditional Agreement Tendered .....	.16
No Verified Complaint Filed/Suspended Upon Notice of Conviction .....	.7
TOTAL CASES PENDING AS OF JULY 1, 2006 .....	.80

NEW DISCIPLINARY MATTERS RECEIVED DURING FISCAL YEAR 2006-07

Verified Complaints for Disciplinary Action .....	.34
Petitions to Show Cause .....	.25
Administrative Admonitions Tendered .....	.4
Affidavits of Resignation .....	.0
Petitions for Reinstatement .....	.11
Petitions to Terminate Probation .....	.0
Petitions to Convert Suspension to Indefinite .....	.3
Notices of Foreign Discipline .....	.2
Petition for Emergency Interim Suspension, Notices of Guilty Finding .....	.3
Contempt of Court .....	.3
Miscellaneous .....	.6
TOTAL NEW CASES FILED FISCAL YEAR 2006-2007 .....	.91

DISCIPLINARY CASES DISPOSED DURING FISCAL YEAR 2006-07

By Per Curiam Opinion (two public reprimands, one suspension) .....	.3
By Private Administrative Admonition .....	.3
By Rejecting Private Administrative Admonition .....	.1
By Order Imposing Private Reprimand .....	.6
By Order Imposing Public Reprimand .....	.9
By Order Imposing Suspension (after verified complaint) .....	.28
By Order Accepting Resignation .....	.1
By Order Imposing Emergency Interim Suspension .....	.2
By Order Imposing Interim Suspension on Finding of Guilt .....	.2
By Order Imposing Reciprocal Discipline (suspension) .....	.4
By Order Finding Contempt of Court .....	.2
By Order on Compliance with Show Cause Order .....	.9
By Order Converting to Indefinite Suspension for Noncooperation .....	.7
By Order Finding for the Respondent .....	.2
By Order Dismissing or Withdrawing Action .....	.3
By Order Granting Reinstatement .....	.1
By Order Withdrawing Petition for Reinstatement .....	.4
By Order Denying Reinstatement .....	.2
By Order Terminating Probation .....	.0
By Miscellaneous Order .....	.3
TOTAL CASES DISPOSED DURING FISCAL YEAR 2006-07 .....	.92

DISCIPLINARY CASES PENDING JULY 1, 2007

Before the Court for Hearing Officer Appointment .....	.3
Disciplinary Action Pending before Hearing Officer .....	.40
Reinstatement Action Pending before Hearing Officer .....	.14
Briefing Stage .....	.7
Pending before the Court for Decision .....	.5
"Show Cause Order Entered, Awaiting Response" .....	.3
"Noncooperation Suspension Entered, Awaiting Response" .....	.7
TOTAL PENDING AS OF July 1, 2007 .....	.79

ANALYSIS OF SUPREME COURT DISPOSITIONS

CRIMINAL CASES

Opinions on direct appeals	13
Direct appeal disposed of by order	0
Opinions on petitions to transfer	37
Opinions on rehearing	0
Orders on rehearing	1
Petitions to transfer dismissed, denied, or appeal remanded by unpublished order	521
Other opinions	1*
TOTAL	573

CIVIL CASES

Opinions and dispositive orders on certified questions	2
Opinions on direct appeals	1
Direct Appeals disposed of by order	0
Opinions on rehearing	1
Orders on rehearing	4
Opinions on mandate of funds	0
Opinions on petitions to transfer	41
Petitions to transfer denied, dismissed, or appeal remanded by unpublished order	326
Other opinions	0
TOTAL	375

TAX CASES

Opinions on Tax Court petitions for review	2
Dispositive orders on Tax Court petitions for review	9
TOTAL	11

ORIGINAL ACTIONS

Opinions issued	1
Disposed of without opinion	38
TOTAL	39

ATTORNEY DISCIPLINARY MATTERS

Opinions and published orders	77
Other dispositions	15
TOTAL	92

PETITIONS FOR REVIEW OF STATE BOARD OF LAW EXAMINERS MATTERS

Petitions for review	3
TOTAL	3

JUDICIAL DISCIPLINE MATTERS

Opinions and published orders	3
Other dispositions	0
TOTAL	3

TOTAL DISPOSITIONS	1096
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* *Hammon v. State*, 853 N.E.2d 477 (Ind.2006) (opinion in *Davis v. Washington*, 126 S. Ct. 2266 (2006), remanding case to trial court following certification of U.S. Supreme Court opinion).

CASES PENDING AS OF JUNE 30, 2007

	Pending Cases as of June 30, 2007 (does not include Pets. for Rehearing)	Pending Petitions For Rehearing as of June 30, 2007
Shepard, C.J	5	0
Dickson, J	5	1
Sullivan, J	8	0
Boehm, J	12	1
Rucker, J	6	0
To the Court	4	0
Unassigned Civil Cases	37	
Unassigned Tax Court Petitions for Review	1	
Unassigned Criminal Transfer Cases	40	
Unassigned Criminal Direct Appeals	0	
Unassigned Civil Direct Appeals	0	
Unassigned Original Actions	0	
Unassigned Certified Questions	0	
Unassigned Other	0	
Judicial Discipline	0	
Pending Bar Examination Reviews	0	
Attorney Discipline	79	
TOTAL	197	2





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