



INDIANA  
SUPREME  
COURT

Annual  
Report  
2022-2023





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Steve Toepp, and other friends of the court.

FROM YOUR

# Indiana Supreme Court

On behalf of my colleagues, I am pleased to present the 2022-2023 Supreme Court annual report. This report exemplifies the tremendous work of our bench, our administrative staff, and our justice partners in all branches of government.

This year, we:

- welcomed the Honorable Derek Molter as Indiana's 111<sup>th</sup> Supreme Court Justice
- celebrated 25 years of Indiana's CLEO program, which provides support and scholarships to law students from diverse backgrounds
- convened a Mental Health Summit with contributors from across the state to develop strategies that work for their local communities
- implemented a pilot project in seven courts to finetune the application of pathways in civil cases to move the simplest cases through the system more efficiently
- provided local judges the authority to allow news media to record and broadcast from their courtrooms
- added secure accounts to [mycase.in.gov](https://mycase.in.gov) so Hoosiers can access the documents in their own cases online

In addition, I personally had the distinguished honor to serve as president of the Conference of Chief Justices—a national organization that brings together judicial branch leaders from across the country to learn from one another's successes. I could not have been prouder to share with them how hard we work in Indiana to ensure our courts are a model of efficacy, inclusivity, and fairness.



Loretta H. Rush  
*Chief Justice of Indiana*



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# Justices



## Loretta Rush

CHIEF JUSTICE

### Appointed

2012 by Gov. Mitchell E. Daniels, Jr.  
2014 as Chief Justice • 2019 as Chief Justice

### Education

Purdue University  
Indiana University Maurer School of Law



## Mark Massa

JUSTICE

### Appointed

2012 by Gov. Mitchell E. Daniels, Jr.

### Education

Indiana University  
Indiana University McKinney School of Law



## Geoffrey Slaughter

JUSTICE

### Appointed

2016 by Gov. Michael R. Pence

### Education

Indiana University  
Indiana University Kelley School of Business  
Indiana University Maurer School of Law



## Christopher Goff

JUSTICE

### Appointed

2017 by Gov. Eric J. Holcomb

### Education

Ball State University  
Indiana University Maurer School of Law



## Derek Molter

JUSTICE

### Appointed

2022 by Gov. Eric J. Holcomb

### Education

Indiana University  
Indiana University Maurer School of Law







# Cases

Most cases in Indiana are decided by trial courts. Less than 1% of the cases in the state are appealed to the Supreme Court.



717  
Cases  
Received



693  
Cases  
Disposed



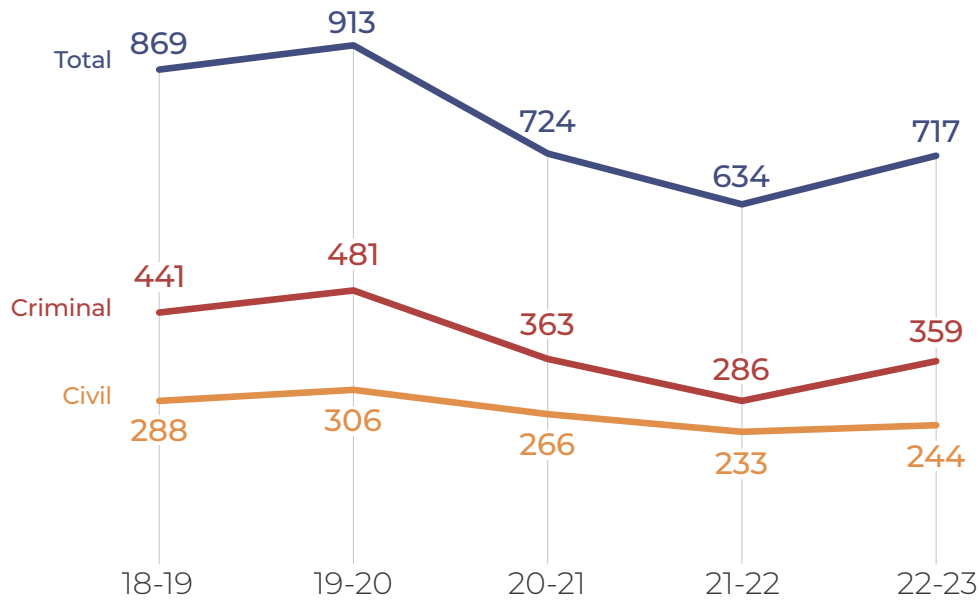
43  
Transfers & Tax  
Reviews Granted



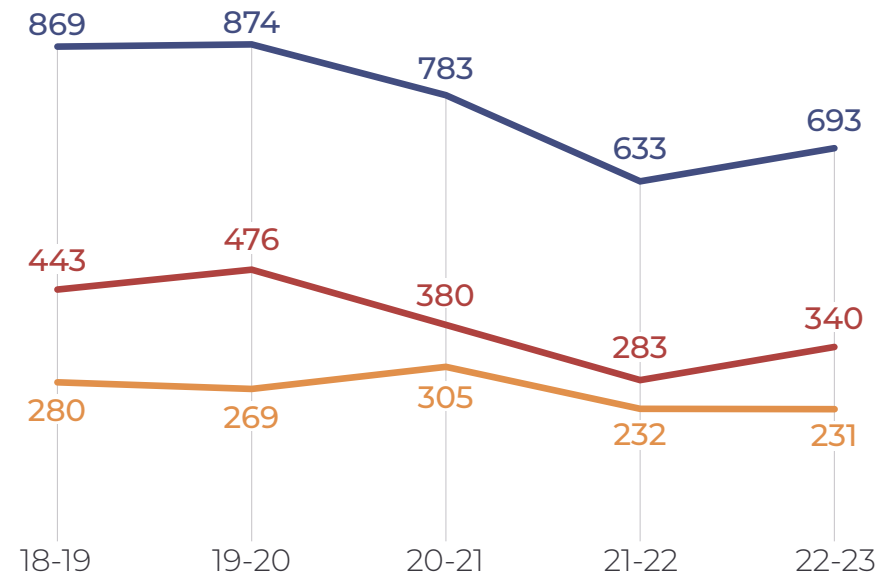
40  
Oral  
Arguments

## Trends

Total cases received and disposed by the court across a five-year period, also comparing the criminal and civil cases included in the totals.



Cases received



Cases disposed

# Inventory

An accounting of the number of cases pending at the beginning and end of the fiscal year by case type.

	<b>Pending</b> 7/1/22	<b>Received</b> 7/1/22 – 6/30/23	<b>Disposed</b> 7/1/22– 6/30/23	<b>Pending</b> 6/30/23
Criminal	24	359	340	43
Civil	41	244	231	54
Tax	-	4	4	-
Original Actions	-	27	27	-
Board of Law Examiners	1	-	1	-
Mandate of Funds	-	1	1	-
Attorney Discipline	34	77	85	26
Judicial Discipline	1	3	3	1
Certified Questions	-	1	-	1
Other	-	1	1	-
<b>Total</b>	<b>101</b>	<b>717</b>	<b>693</b>	<b>125</b>



# Received

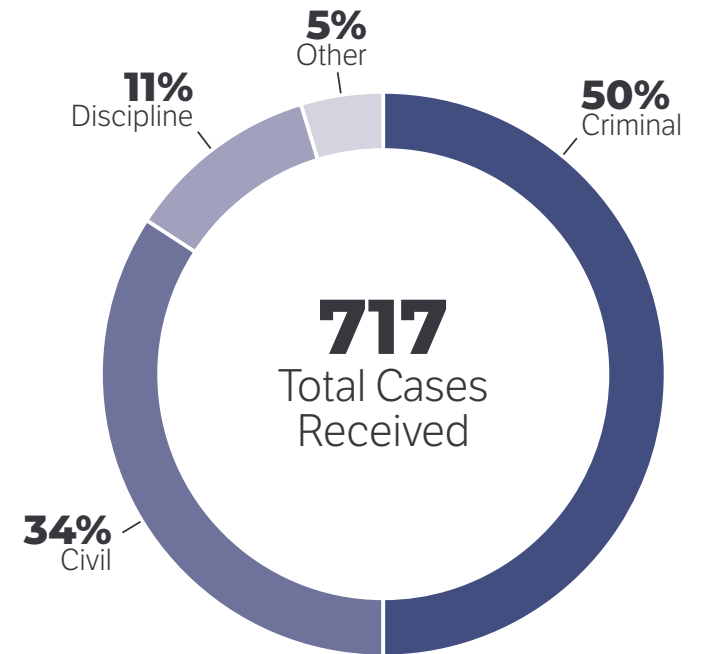
All cases received by the Supreme Court during the fiscal year, organized by case type.

<b>Criminal</b>	<b>359</b>
Direct appeals – life without parole	3
Post-conviction appeals – non-capital	49
All other criminal	307

<b>Civil</b>	<b>244</b>
Direct appeals	2
All other civil	242

<b>Discipline</b>	<b>80</b>
Attorney discipline matters	77
Formal judicial discipline charges	3

<b>Other Types</b>	<b>34</b>
Original actions	27
Tax Court petitions for review	4
Certified questions	1
Mandate of funds	1
Other	1



# Disposed

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

## Criminal 340

Opinions on direct appeals	3
Opinions on petitions to transfer	10
Petitions to transfer denied, dismissed, or appeal remanded by order	327

## Civil 231

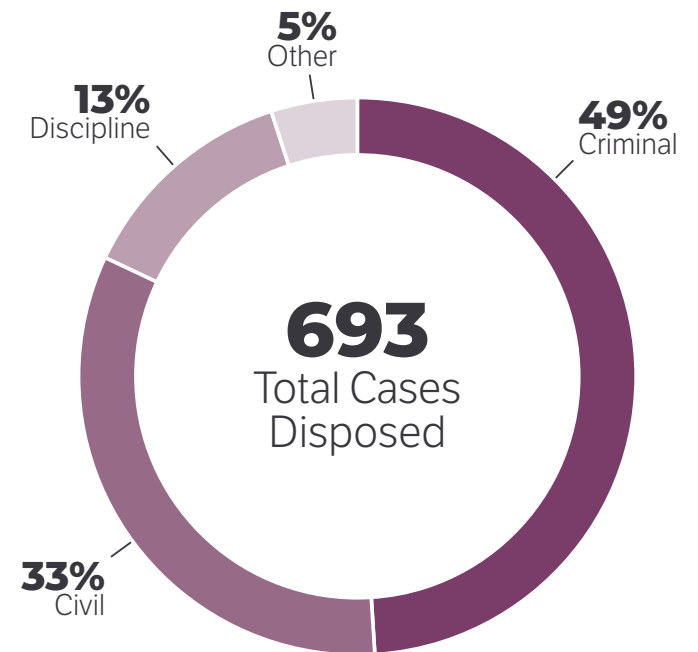
Opinions on petitions to transfer	18
Other opinions and dispositions	2
Petitions to transfer denied, dismissed, or appeal remanded by order	211

## Discipline 88

Opinions and published orders in attorney discipline cases	43
Other dispositions in attorney discipline cases	42
Opinions and published orders in judicial discipline cases	3

## Other Types 34

Original actions disposed without opinion	27
Tax Court petitions for review	4
Mandate of funds	1
State board of law examiners petitions	1
Other	1



# Attorney Discipline

Details on the types of attorney discipline matters received and the result of each matter disposed.

<b>Received</b>	<b>77</b>	<b>Disposed</b>	<b>85</b>
Petitions to show cause for noncooperation	35	Dismissal on compliance with show cause order	18
Verified complaints for disciplinary action	21	Terminating noncooperation suspension on compliance with show cause order	4
Notices of findings of guilt (felony) and requests for interim suspension	5	Dismissal of show cause proceeding due to other suspension	12
Notices of foreign discipline and requests for reciprocal discipline	2	Converting noncooperation suspension to indefinite suspension	4
Petitions for reinstatement	3	Public reprimand	3
Petitions to revoke probation	2	Suspension with automatic reinstatement*	1
Petitions to terminate probation	8	Suspension without automatic reinstatement*	7
Affidavits of resignation	1	Suspension with conditions/probation*	6
		Accepting resignation	3
		Interim suspension on finding of guilt (felony)	4
		Reciprocal discipline	2
		Granting reinstatement	2
		Denying reinstatement	1
		Revoking probation	3
		Terminating probation	8
		Miscellaneous dismissing or withdrawing action	4
		Miscellaneous	3

\*after verified complaint

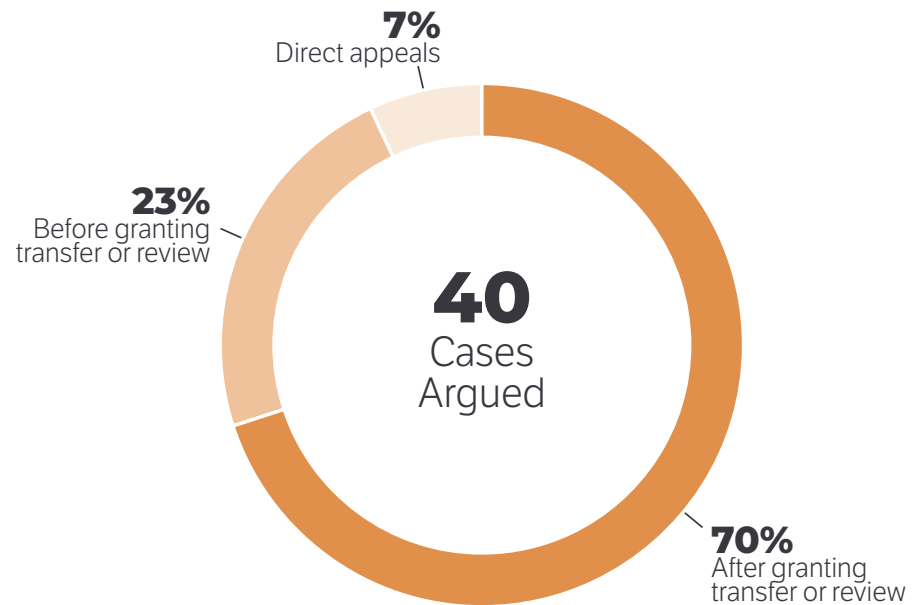
# Oral Arguments

The Supreme Court heard 40 oral arguments during the fiscal year.

Thirty-eight arguments were held in the courtroom at the Statehouse, one took place at the Mitchell Opera House in Lawrence County, and another was held at the Christel DeHaan Fine Arts Center at the University of Indianapolis. All arguments were streamed live, recorded, and can be viewed online.

The following details the types of cases presented at oral argument:

All Cases Argued	40
Criminal (before decision on transfer)	5
Criminal (after transfer granted)	5
Criminal (direct appeals)	3
Civil/Tax (before decision on transfer/review)	4
Civil/Tax (after transfer/review granted)	23



# TRAVELING ORAL ARGUMENTS Near & Far

Twice a year, the Supreme Court takes to the road to hear oral arguments at locations outside of the Indiana Statehouse, providing students, media, and the public the opportunity to observe the judicial process in their community. This fiscal year's traveling oral arguments took place at a cultural landmark in southern Indiana and a university campus within a few miles of the Statehouse.







In October 2022, the court traveled to the Mitchell Opera House in Lawrence County to hear arguments in the criminal case *Christopher Jerome Harris v. State of Indiana*. Built in 1906, the opera house served as a historic venue for the nearly 300 people in attendance. Several local judges, state representatives, members of the Lawrence County Bar, county administrators, and one former Supreme Court justice joined local high school students in the beautiful auditorium.

The spring argument, held in April 2023, took place in the Christel DeHaan Fine Arts Center at the University of Indianapolis. Though this venue was only a short drive from the Statehouse, it allowed for a large audience of nearly 400 people, including a significant percentage of students for whom classes or transportation may have otherwise been a barrier to attendance. The arguments heard were in the case of *Keller Mellowitz v. Ball State University, Board of Trustees of Ball State University, and State of Indiana*. A highlight of this event was the outstanding level of student engagement during a Q&A session that lasted nearly as long as the argument itself.

Both arguments provided members of the audience with the opportunity to see their judiciary at work and to hear the justices' insights into their backgrounds and the paths they took to the bench.

**Clockwise from bottom left.** Justices listen to counsel during the U. Indy argument; the view from the makeshift bench at the Mitchell Opera House; arguments are about to begin in Lawrence County; students ask questions during the Q&A session after the argument; the Ruth Lilly Performance Hall at U. Indy made a grand location for a traveling argument.

# Opinions

Justices published 58 opinions during the fiscal year.



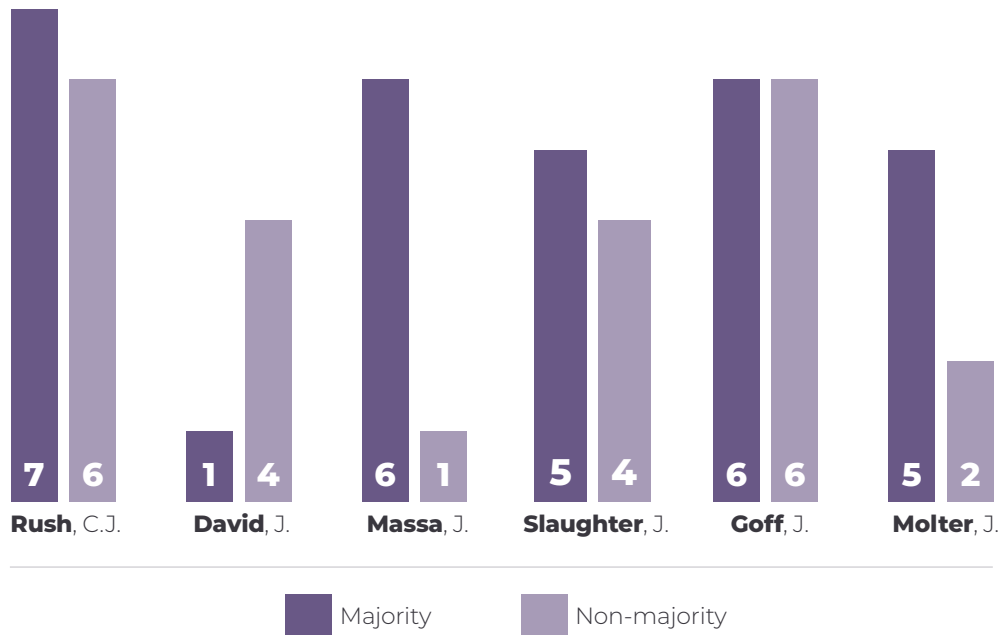
58  
Total  
opinions



35  
Majority  
opinions

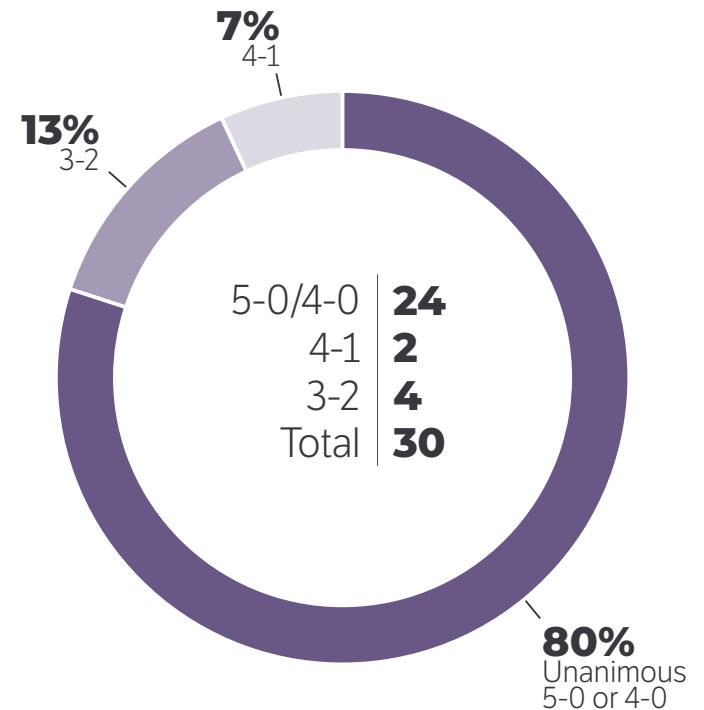


23  
Non-majority  
opinions



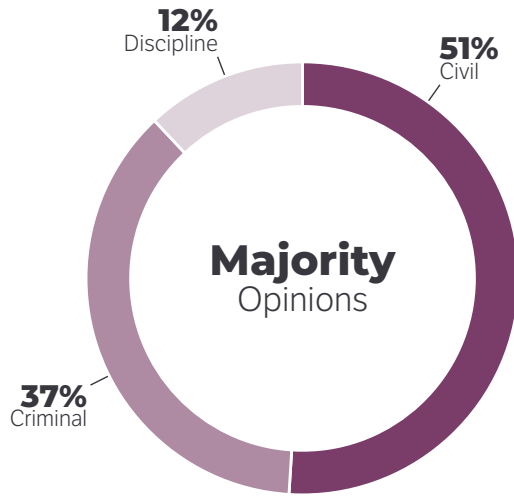
## Opinions by author

In addition to 5 *per curiam* opinions handed down by the court, the justices wrote 30 majority and 23 non-majority opinions.



## Consensus of opinions

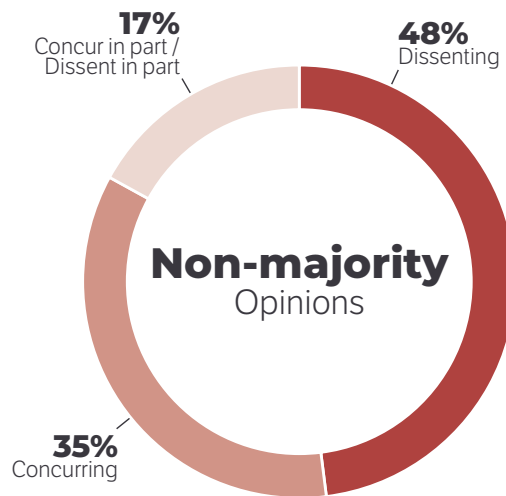
The Court is mostly unanimous in its decisions. There can be some split decisions and rare “other” cases in which fewer than three justices are in complete agreement as to result. There were no “other” cases during the fiscal year. Excludes 5 *per curiam* opinions.



## Majority opinions in detail

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

	Rush, C.J.	David, J.	Massa, J.	Slaughter, J.	Goff, J.	Molter, J.	By the court	Total
Criminal transfer	1	1	1	-	3	4	-	10
Criminal direct appeal	-	-	1	1	1	-	-	3
Civil transfer	6	-	4	4	2	1	1	18
Tax review	-	-	-	-	-	-	-	-
Certified questions	-	-	-	-	-	-	-	-
Discipline	-	-	-	-	-	-	4	4
Other case types	-	-	-	-	-	-	-	-
<b>Total</b>	<b>7</b>	<b>1</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>35</b>



## Non-majority opinions in detail

Non-majority opinions are not dispositive.

	Rush, C.J.	David, J.	Massa, J.	Slaughter, J.	Goff, J.	Molter, J.	Total
Concurring	-	-	1	3	2	2	8
Dissenting	4	4	-	1	2	-	11
Concur in part / Dissent in part	2	-	-	-	2	-	4
<b>Total</b>	<b>6</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>23</b>

# Case Work of the Indiana Supreme Court

The Indiana Supreme Court’s 30<sup>1</sup> civil and criminal opinions in the fiscal year included issues of first impression on the church autonomy doctrine, the apex deposition doctrine, and abortion protections under Article 1, Section 1 of the Indiana Constitution. They also spanned other questions of federal and Indiana constitutional law; contract, commercial, and insurance matters; juvenile delinquency and post-conviction relief procedures; utility law issues; and questions of trial and appellate procedure. The following digests much of the year’s caseload.

## Exclusive Jurisdiction Cases

### Life Without Parole

The court exercises exclusive jurisdiction over direct appeals from cases involving life without parole (LWOP). The defendant in *Carmack v. State*, 200 N.E.3d 452 (Ind. 2023), admitted to killing her ten-year-old stepdaughter, but she raised the affirmative defense of “sudden heat”—which can reduce a murder offense to voluntary manslaughter. A jury rejected the defense, and Carmack was convicted of murder and sentenced to LWOP. On direct appeal, the court affirmed her conviction, finding that the evidence did not support the “provocation” or the “suddenness” requirements of the sudden-heat defense.

The Court affirmed another LWOP sentence in *Oberhansley v. State*, 208 N.E.3d 1261 (Ind. 2023). After Oberhansley was sentenced to LWOP for burglary and the murder of his ex-girlfriend, he argued that the jury failed to find that the aggravating circumstances outweighed the mitigating circumstances—a statutory prerequisite for imposing LWOP. The Court disagreed, concluding that the jury’s LWOP recommendation implicitly reflected the necessary determination and that the sentence was not inappropriate in light of the nature of Oberhansley’s crimes and his character.

Indiana Appellate Court Rep  
Indiana Cases

Indiana

5



In *Owen v. State*, 210 N.E.3d 256 (Ind. 2023), the court affirmed Owen’s life-without-parole sentence for convictions of murder, felony robbery resulting in serious bodily injury, and two counts of criminal confinement. Although Owen, a leader of the Latin Kings gang, did not strike the fatal blow to a woman believed by gang members to be a police informant, the court upheld the jury’s conclusion that an LWOP sentence was warranted because he was a major participant in her murder and committed the murder in furtherance of a criminal organization.

## Civil Transfer Cases

### Appellate Standing and Mootness

As part of the separation of powers, courts may consider a claim only if the party bringing it has “standing”—and part of that inquiry is whether the party has suffered an injury. In *City of Gary v. Nicholson*, 190 N.E.3d

349 (Ind. 2022), the plaintiffs challenged a “welcoming city” ordinance, which limited the city’s ability to help the United States enforce federal immigration law. But because none of the plaintiffs alleged that they had suffered any injury because of the ordinance, the court held that the case must be dismissed due to lack of standing.

### Constitutional Law

In *Town of Linden v. Birge*, 204 N.E.3d 229 (Ind. 2023), the court concluded that a drainage project that flooded the landowners’ farmland after any heavy rainfall could be a *per se* taking because the intermittent flooding was “inevitably recurring” and allegedly kept the affected land too wet to farm effectively. The Court also held that the government’s statutory “right of entry” near regulated drains does not permit routine interference with the landowner’s use. And so, the court remanded the case to the trial court for further findings on whether the interference caused a taking and, if so, to assess damages.

After a law was enacted to generally prohibit abortion with three exceptions, several abortion providers sued to invalidate the law under Article 1, Section 1 of the Indiana Constitution and subsequently obtained a preliminary injunction preventing the law’s enforcement. In *Members of Medical Licensing Board of Indiana v. Planned Parenthood Great Northwest*, 214 N.E.3d 348 (Ind. 2023), *reh’g denied*, the court held that Article 1, Section 1 protects a woman’s right to an abortion that is necessary to protect her life or to protect her from a serious health risk. But, in reviewing the providers’ facial challenge, the court reversed the preliminary injunction because the providers had failed to show there are no circumstances in which the law could ever be enforced consistent with Section 1.

In *624 Broadway LLC v. Gary Housing Authority*, 193 N.E.3d 381 (Ind. 2022), the city housing authority used an “administrative taking” to acquire a landowner’s property for a redevelopment project. Pursuant to

<sup>1</sup> The Court handed down 35 total majority opinions during the year: 30 authored by chambers and five authored *per curiam*, or by the court as a whole. Of the five *per curiams*, one was a judicial discipline opinion and three were attorney discipline opinions. These cases are outlined in “Attorney and Judicial Discipline.” The fifth *per curiam* was issued in a civil transfer case, *Goston v. State*, 200 N.E.3d 920 (Ind. 2023). There, the court granted transfer to affirm the Court of Appeals decision that the trial court had discretion to consider a summary judgment motion even after the motions deadline had passed, and further clarified the interplay between several trial rules and local rules governing motions practice.

the governing statute, the housing authority notified the owner only by publication, despite knowing the owner’s mailing address. The Court reversed the housing authority’s \$75,000 damages award and remanded for a new damages hearing, holding that the publication notice was constitutionally inadequate under long-standing due process principles that require notice “reasonably calculated to inform” the owner of the proceeding.

In *Payne-Elliott v. Roman Catholic Archdiocese of Indianapolis, Inc.*, 193 N.E.3d 1009 (Ind. 2022), a former Catholic school teacher sued the Archdiocese, alleging it unjustifiably interfered in his employment contract by requiring the school to terminate him as a condition of retaining its recognition as a Catholic school. An opinion joined by a plurality of the four participating Justices affirmed dismissal of the complaint for failure to state a claim on which relief can be granted. The lead opinion found that, under the church-autonomy doctrine, the Archdiocese’s decision was an internal matter of church administration that cannot be subjected to civil liability unless it resulted in a criminal act.

## Contracts and Commercial Law

In *Decker v. Star Financial*, 204 N.E.3d 918 (Ind. 2023), the court held that a change-of-terms clause in bank customers’ account agreement did not allow the bank to unilaterally amend the agreement to bar customers from participating in class-action suits against the bank, instead requiring customers to arbitrate their claims. The Court noted that nothing in the original account agreement mentioned arbitration, class actions, or dispute resolution, and the bank’s power to amend “any term of this agreement” did not extend to adding new, unrelated terms to the agreement.

In *Performance Services, Inc. v. Randolph Eastern School Corporation*, 211 N.E.3d 508 (Ind. 2023), a school corporation contractually agreed to make biannual payments to a company for access to a wind turbine, and the company agreed to provide the school corporation with financial benefits tied to the turbine’s net revenue. Holding the contract constituted an unauthorized investment under Indiana law, rendering the contract void and unenforceable, the court affirmed the trial court’s grant of summary judgment to the school corporation.

## Insurance

Under Indiana common law, when a contractor negligently performed work that was accepted by the owner, the “acceptance rule” shielded contractors from liability if their work personally harmed a third party. In *U.S. Automatic Sprinkler Co. v. Erie Insurance Exchange*, 204 N.E.3d 215 (Ind. 2023), the court reaffirmed the “acceptance rule” as to cases involving only property damage and not personal injury, reversing and remanding with instructions for the trial court to enter summary judgment in the contractor’s favor.

## Judgment

In *Miller v. Patel*, 212 N.E.3d 639 (Ind. 2023), the plaintiff pleaded guilty but mentally ill to voluntary manslaughter for killing his grandfather. He later sued his mental health providers for not admitting him to the hospital when he sought schizophrenia treatment before the killing, alleging that would have prevented the killing. The Court concluded that plaintiff’s guilty plea conclusively established his own responsibility for the killing, barring him from using a civil case to relitigate whether he was instead not responsible because of insanity.

## Juvenile Delinquency

In *K.C.G. v. State*, 156 N.E.3d 1281 (Ind. 2020), the court held that the juvenile court lacked subject matter jurisdiction to adjudicate a juvenile delinquent for violating the dangerous-possession-of-a-firearm statute; the statute expressly applied “only to children,” while the juvenile code defined a “delinquent act” as an act committed by a child “that would be an offense if committed by an adult.” In *M.H. v. State*, 207 N.E.3d 412 (Ind. 2023), the court held that K.C.G. does not apply retroactively.

## Utility Law

The Indiana Utility Regulatory Commission administers the state’s utility regulatory laws, including approving rate changes and utility charges. In *Indiana Office of Utility Consumer Counselor v. Southern Indiana Gas and Electric Co.*, 200 N.E.3d 915 (Ind. 2023), the court held that the electricity supplier’s “instantaneous netting” calculation—which assigned a credit only for excess electricity that a customer generated with solar or wind power and provided to the supplier—was not contrary to law.

## Trial Practice and Procedure

In *National Collegiate Athletic Association v. Finnerty*, 191 N.E.3d 211 (Ind. 2022), the court established a framework for trial courts to determine whether good cause exists for issuing a protective order to limit or prohibit depositions of high-ranking officials. The Court also held that appeals of repetitive motions under Appellate Rule 14(B) are proper if the trial court timely certifies the order and the Court of Appeals accepts jurisdiction.

During the pandemic, the court issued an order amending Indiana Administrative Rule 14 to expand trial courts’ ability to use audiovisual communication to conduct remote proceedings. This rule requires a court to find “good cause” for proceeding remotely when a party objects. In *B.N. v. Health and Hospital Co.*, 199 N.E.3d 360 (Ind. 2022), the court held that good cause requires particularized and specific factual support; a perfunctory reference to “the COVID-19 pandemic” fell short of this requirement.

Indiana’s Comparative Fault Act does not apply to tort claims against government defendants, but it requires the factfinder to consider the fault of all persons at fault for a plaintiff’s injury. In *Davidson v. State*, 211 N.E.3d 914 (Ind. 2023), the plaintiff won a lawsuit against a non-government defendant, then filed a second case against other government and non-government defendants. The Court held the plaintiff’s second lawsuit was barred by issue preclusion because a plaintiff seeking tort damages from both government and non-government defendants must sue all tortfeasors in one lawsuit.

In *S.D. v. G.D.*, 211 N.E.3d 494 (Ind. 2023), the court affirmed the issuance of a protective order and clarified its holding in *S.H. v. D.W.*, 139 N.E.3d 214 (Ind. 2020). The Court explained the Indiana Civil Protection Order Act—not the trial court—balances the need to protect victims of domestic violence against the interests of those against whom a protective order is sought by requiring a petitioner to make specific showings before a protective order is issued. And in making the requisite credible-threat showing, lapses in time or intervening events do not necessarily render a threat less credible.

## Appellate Practice and Procedure

Under Appellate Rule 8, once a trial court enters an order, an appeal is filed, and the clerk's record is complete, the trial court has no authority to interfere with the subject matter of the appeal until it is over. The Court held in *Conroad Associates, L.P. v. Castleton Corner Owners Ass'n*, 205 N.E.3d 1001 (Ind. 2023), the trial court had authority to amend the judgment as ordered on remand from a completed prior appeal but not to vacate collection proceedings on the judgment, because those proceedings were the subject of a second appeal that remained pending.

*In re Adoption of S.L.*, 210 N.E.3d 1280 (Ind. 2023), involved an appeal from an order for temporary custody of S.L. in favor of the couple who had also filed an adoption petition. More than a year later, Father moved to set aside the temporary custody order, but the trial court denied his request. The Court dismissed the appeal for lack of appellate jurisdiction, finding the temporary custody order was not a final appealable order because it left the adoption issue pending and did not have key phrases showing finality.

## Criminal Transfer Cases

### Constitutional Questions

Under *Pirtle v. State*, 263 Ind. 16, 323 N.E.2d 634 (1975), when a person in police custody is asked by police to consent to a home or vehicle search, police must inform them that they are entitled to the presence and advice of counsel prior to deciding whether to consent to a search. As the court held in *McCoy v. State*, 193 N.E.3d 387 (Ind. 2022), the Pirtle rule applies even if the person in custody is also the victim of an unrelated crime that is the reason for the search.

Under Article 1, Section 19 of the Indiana Constitution and the amended Habitual Offender Statute, the jury must be allowed to decide if someone qualifies for habitual offender status by determining whether the person has the convictions alleged and also whether the convictions make the person a habitual offender. *Harris v. State*, 211 N.E.3d 929 (Ind. 2023). The Court further found no constitutional right under Article 1, Section 13 of the Indiana Constitution or the Federal Constitution to present irrelevant evidence in habitual offender proceedings, meaning evidence which goes beyond the fact of the prior convictions.

## Guilty Pleas

Written guilty plea agreements often include a provision waiving the right to appeal one's sentence, but when a trial court misadvises the defendant about his appellate rights prior to accepting the agreement, the validity of the waiver—and the plea itself—can be called into question. In *Davis v. State*, 207 N.E.3d 1183 (Ind. 2023), the court held that a defendant must challenge his conviction through post-conviction proceedings rather than seeking to nullify his appeal waiver through a direct appeal.

## Trial Practice and Procedure

In *Doroszko v. State*, 201 N.E.3d 1151 (Ind. 2023), the court held that Trial Rule 47(D) requires trial courts to permit parties or their counsel to question prospective jurors directly. The Court clarified that a trial court may additionally conduct its own examination of jurors, but whenever the court examines the prospective jurors, it must allow the parties an opportunity to supplement the court's inquiry by posing their own additional questions directly to the prospective jurors. The Court further held it is not harmless error to deprive a party of an adequate opportunity to exercise peremptory or for-cause challenges based on key, disputed aspects of the case.



The Court announced in *Minges v. State*, 192 N.E.3d 893 (Ind. 2022), that police reports are no longer under the per se protection of work product privilege because Trial Rule 26(B) provides an objective standard for determining whether a police report is work product. The State may still protect sensitive information, but the advancement of technology since *State ex rel. Keaton v. Circuit Court of Rush County*, 475 N.E.2d 1146 (Ind. 1985), supported overruling Keaton.

The Court set forth the proper way to lay a foundation for opinion testimony as to a witness's character for truthfulness under Evidence Rule 608(a) in *Hayko v. State*, 211 N.E.3d 483 (Ind. 2023). The proponent must establish that the witness's opinion is both rationally based on their personal knowledge and would be helpful to the trier of fact—a less demanding standard than the foundation required to admit reputation testimony. The Court also clarified that Appellate Rule 66(A), not Trial Rule 61, governs appellate review of non-constitutional errors.

In *Means v. State*, 201 N.E.3d 1158 (Ind. 2023), the defendant was charged with felony battery resulting in bodily injury to his girlfriend's son after a CHINS proceeding had concluded he was likely not responsible for the abuse. The criminal court entered an order in limine excluding the CHINS order from evidence, then certified the order for a discretionary interlocutory appeal. Affirming the exclusion of the CHINS order, the court held that orders in limine are eligible for discretionary interlocutory review and that the Court of Appeals may dismiss a discretionary interlocutory appeal on non-jurisdictional grounds.

In *State v. Lyons*, 211 N.E.3d 500 (Ind. 2023), the court cautioned that excluding evidence as a Trial Rule 37 discovery sanction is an extreme remedy that should be used only when there is no other way to prevent irreparable prejudice to the opposing party, or as a sanction for intentional or bad-faith violations. Since the trial court based its sanction—suppressing incriminating statements Lyons made to the testifying officer—on a finding that the officer misled the court, the court affirmed the exclusion of evidence.

## Post-Conviction Relief

Post-Conviction Rule 2(1)(a) permits defendants to seek permission to file a belated notice of appeal under certain circumstances. Defendants must show the failure to timely appeal was not their fault and they diligently sought a belated appeal. In *Leshore v. State*, 203 N.E.3d 474 (Ind. 2023), the trial court denied Leshore's motion to file a belated notice of appeal, though Leshore had only recently learned of his right to appeal. Finding that P-C R. 2(1)(a)'s elements were intertwined and Leshore acted diligently after learning of his right to appeal, the court reversed and remanded to let his appeal proceed.

## Sufficiency of Evidence

In *Young v. State*, 198 N.E.3d 1172 (Ind. 2022), the defendant challenged the sufficiency of the evidence supporting his convictions for murder and attempted murder, claiming that the State's own evidence proved he was not at the scene of the crimes when they took place. While acknowledging that the State's case contained conflicts that could have led the jury to have reasonable doubt as to Young's guilt, the court affirmed the convictions, concluding the jury permissibly resolved these issues of fact against Young.





# Year in Review

FISCAL YEAR: JULY 1, 2022 TO JUNE 30, 2023

**July 6** The Disciplinary Commission issued the first of three advisory opinions about conflicts of interest in response to feedback from attorneys at an ethics town hall held in March 2022. The first opinion answers questions about when attorneys must decline to represent a prospective or current client due to a conflict.

**July 19** The Indiana Conference for Legal Education Opportunity program welcomed 18 new fellows as they completed the 2022 Summer Institute at Notre Dame Law School in South Bend. They join a network of 600+ fellows who have graduated law school and entered the legal community. ICLEO focuses on teaching concepts that students will learn in the first year of law school and provides opportunities for professional development.

**July 21** Chief Justice Loretta Rush, CAO Justin Forkner, and Former Chief Justice Randall Shepard were honored as three of Indiana's Top 250 most Influential Business Leaders by the *Indiana Business Journal*. Honorees celebrated at a reception with remarks by Governor Eric Holcomb at Salesforce Tower. The goal of IBJ's Top 250 is to celebrate leaders who are making a difference in Indiana.

**July 27** The National Center for State Courts named Chief Justice Rush president of the Conference of Chief Justices and chair of its Board of Directors.



Among the gifts honoring his service, Justice Steven David holds up a crystal vase during a ceremony marking his retirement from the Supreme Court.

**August 24** The Commission on Improving the Status of Children in Indiana released its 2022 annual report highlighting ongoing collaboration across state government to benefit youth and families.

**August 31** 📷 Justice Steven David retired after 12 years of service on the Supreme Court. He authored over 200 opinions and served alongside 8 other justices during his tenure.

## YEAR IN REVIEW



Newton Circuit Judge Daniel Molter (right) administers the oath of office to his son, Hon. Derek Molter (left), with mother Kate Molter holding the bible and Gov. Eric Holcomb standing in participation after passing the duty to swear in the new justice to his proud father.

**September 1** 📷 Justice Derek Molter took the oath of office as Indiana's 111<sup>th</sup> Supreme Court Justice in a private ceremony. On November 1, he was ceremoniously robed with family, friends, and colleagues in attendance. At the ceremony, his official courtroom portrait was revealed. Originally from Newton County, Justice Molter previously served on the Court of Appeals beginning in 2021.



Chief Justice Loretta Rush awards Vigo County Judge Lakshmi Reddy a certificate for completing the Judicial College Graduate Program.

**September 9** 📷 At the annual judicial conference, Chief Justice Rush recognized judicial officers for their commitment to higher education and their long-time service. Eighteen judges received an Indiana Judicial College certificate and twelve were honored for 24 years of service on the bench.

**September 14** The Indiana Supreme Court held a learning event to discuss the benefits of Indiana's Commercial Courts, featuring a welcome from Chief Justice Rush and remarks from commercial court judges and practitioners. About 1,500 cases have been or are currently being resolved through commercial courts. This specialized docket was designed to handle challenging business-to-business disputes in a timely, cost-effective, predictable, and fair manner.

## YEAR IN REVIEW



Marion County Magistrate Stefanie Crawford takes a selfie with seventh grade students at Fall Creek Valley Middle School on Constitution Day.

**September 17** 📷 Over 40 judges visited more than 3,000 students and civic group members to celebrate Constitution Day.

**September 26** The Office of Admissions & Continuing Education announced that 305 applicants passed the July 2022 bar exam; another 84 later passed the February 2023 exam.



Chief Justice Rush and former Chief Justice Randall Shepard stand with past fellows celebrating 25 years of the ICLEO program.

**September 29** 📷 ICLEO fellows from the past quarter century gathered at the Statehouse to celebrate 25 years of the Indiana Conference for Legal Education Opportunity. Established in 1997, ICLEO is the only state-funded program of its kind in the U.S., providing mentorship, networking, and material support to its fellows. While assisting historically underrepresented people to pursue a law degree, the program also contributes to the diversity of Indiana's bench and bar.

## YEAR IN REVIEW



State CASA Director Rae Feller (right) stands with Deena Hubler (left) of Dubois County CASA, named CASA Director of the Year in 2022.

**October 1** 📷 The 26th Annual Indiana GAL/CASA Conference took place in French Lick and was attended by over 600 GAL/CASA staff and volunteers from across the state.

**October 4** Staff from the Judges & Lawyers Assistance Program started holding regular office hours on the campus of IU McKinney School of Law. Throughout the fiscal year, JLAP would add office hours at IU Maurer School of Law and present during nearly 20 events with over 1,500 students and faculty attending.



Hundreds of participants from all branches and levels of government participate in the 2022 Mental Health Summit.

**October 5-6** The Court hosted the biennial JDAI Inter-Site Conference where nearly 350 attendees participated in sessions on statewide youth legal system reform, transforming juvenile probation, restorative justice, results-based facilitation, and the whole youth initiative.

**October 21** 📷 Stakeholders from across Indiana gathered for the 2022 Mental Health Summit in Indianapolis. With all three branches of state government working together to address mental health, the summit provided an opportunity for local teams to discuss the resources they need and the potential strategies they could implement to provide better care in our communities and court systems.



The court hears oral arguments at the Mitchell Opera House in Lawrence County.

**October 26** 📹 The justices heard oral arguments in *Christopher Jerome Harris v. State of Indiana* at the Mitchell Opera House in Lawrence County. The court occasionally schedules arguments outside the capital, allowing students, the press, and the public in other areas of the state the opportunity to see the work of the Supreme Court.

**October 28** Justice Geoffrey Slaughter gave remarks at the opening of the 2022 Civil Legal Assistance Conference. The event offered CLE credits and was intended for civil legal assistance providers, *pro bono* lawyers, paralegals, law students, academics, members of the judiciary, and other professionals who assist in the delivery of civil legal assistance to Hoosiers of low or modest means.



**Left to right.** Chief Judge Robert Altice, Court of Appeals; Jacob Sipe, Indiana Housing and Community Development Authority; Judge Kimberly Bacon, Marion County Lawrence Township Small Claims Court; Charles Dunlap, Indiana Bar Foundation; Daniel Miller, Office of the Lt. Governor.

**November 1** After distributing more than 7,600 ballots to eligible voters and counting the votes received, the Clerk's Office announced Lee Christie of Indianapolis as the winner of the District 2 election to fill an attorney vacancy on the Judicial Nominating Commission.

**November 15** 📹 The Indiana Bar Foundation unveiled a self-service kiosk at the Lawrence Township Small Claims Court in Marion County. In partnership with the Coalition for Court Access, the project offers Hoosiers without reliable home internet a way to access the civil legal system and the resources available on [IndianaLegalHelp.org](https://www.IndianaLegalHelp.org). All 92 counties have at least one kiosk host site, and more than 150 kiosks have been installed statewide.



## YEAR IN REVIEW



Members of the Indiana General Assembly and special guests in the balcony and gallery of the House chamber listen to the Chief Justice's State of the Judiciary address.

**November 18** In its second advisory opinion in a series of three, the Disciplinary Commission addresses the subject of imputed conflicts of interest, covering questions about when a law firm must decline to represent a client.

**December 12** The court celebrated Statehood Day by welcoming students to the Supreme Court courtroom with Justices Massa, Slaughter, and Molter speaking to smaller groups throughout the morning. Chief Justice Rush participated with other state leaders in the main celebration with approximately 400 students in the Statehouse atrium.

**January 11** 📷 Chief Justice Rush delivered her ninth State of the Judiciary address, titled “Indiana Courts as Engines of Economic Development, Fairness, and Public Safety,” to Governor Holcomb and a joint session of the Indiana General Assembly. The address focused on the work of our commercial and problem-solving courts, innovations in court technology and case management, and mental health concerns in Hoosier communities.

## YEAR IN REVIEW



Volunteers from across Indiana convene at the Statehouse to celebrate CASA Day.

**February 15** After years of discussion, pilot programs, evaluations, and public comment, the court amended Judicial Conduct Rule 2.17, effective May 1, 2023. The updated rule allows local judges to approve news media requests to film, stream, and photograph proceedings that are not confidential. Previously only the Supreme Court could approve such requests.

**March 7** 📷 Over 500 staff and volunteers from local programs heard remarks at CASA Day in the Statehouse from Chief Justice Rush and Court of Appeals Judge Dana Kenworthy about the importance of best interest advocacy for abused and neglected children.

**March 10** ICLEO received 120 applications—nearly double the previous average—and accepted 19 students to the 2023 summer institute at IU Maurer School of Law. This was the first year that the program’s application was entirely online.

**March 24-26** More than 50 volunteers for the Judges & Lawyers Assistance Program met in Brown County for a two-day workshop where they gained skills, knowledge, and confidence to better help their colleagues. JLAP relies on over 200 volunteers to provide support to judges, lawyers, and law students facing issues like stress, substance use, addiction, aging, and grief.

**March 30** In its third advisory opinion of the fiscal year, the Disciplinary Commission covers conflicts of interest faced by current and former government officials, lawyers, and employees.

**April 11** 📷 The justices heard oral arguments in *Keller Mellowitz v. Ball State University, et al.* at the Christel DeHaan Fine Arts Center at the University of Indianapolis. Nearly 400 guests from area schools attended, and the court took questions from students on a variety of subjects.

## YEAR IN REVIEW



**Above.** Probation Officer Troy Hatfield (right) is presented with the Order of Augustus by Court of Appeals Judge Dana Kenworthy. **Below.** The Supreme Court hears oral arguments at the University of Indianapolis.



**May 22-24** 📷 At the Justice Services Conference, with more than 1,000 attendees, the Probation Officers Advisory Board awarded probation officer Troy Hatfield (Monroe County) with “The Order of Augustus.”

**May 25** The court published a "Legal Information Guide" explaining the difference between legal information and legal advice. The guide was written for non-lawyer intermediaries—librarians, social workers, case managers, advocates, anyone commonly asked for help with legal matters—and was developed by the Family Law Taskforce, Coalition for Court Access, and Indiana Bar Foundation.

**June 1** The Supreme Court launched a pilot project in seven courts across the state to test and finetune the implementation of civil case management pathways. The purpose of the pilot is to increase the satisfaction of court users and efficiency of case management by tailoring the court process to fit the simplicity or complexity of a case by its case type.

**June 15-16** Over 100 juvenile judicial officers from across the state attended the Juvenile Judges Annual Meeting where they learned first-hand from older youth about their experiences in the youth justice system and foster care. Education sessions covered the impact of trauma in the courtroom, improving permanency outcomes for children, Indiana’s Youth Assessment System, and the work of the Youth Justice Oversight Committee.

**June 19** The court published proposed new *Guardian ad Litem* Guidelines, defining the qualifications, training, ethics, and practice expectations for appointed GALs in civil family law cases.

**June 30** The court closed the fiscal year; it heard 40 oral arguments, wrote 35 majority opinions, and disposed of 693 cases.



# Office of Judicial Administration

## Justin P. Forkner • Chief Administrative Officer

The Office of Judicial Administration consists of ten agencies and the Clerk of the Appellate Courts. The Chief Administrative Officer, who oversees OJA, reports directly to the Chief Justice of Indiana and serves as the link between the Chief Justice and the court's agencies.

OJA agencies work collaboratively to support the Supreme Court's case work and administrative obligations. Often with dual roles of compliance enforcement and providing support, the Office provides education, outreach, innovation, funding, and standards to courts, clerks, and judicial branch stakeholders across Indiana. OJA also licenses attorneys, aids in judicial selection, provides support for lawyers and judges, and monitors their professional accountability. OJA managers and staff gain valuable guidance from judicial officers, lawyers, and other leaders who serve on the court's many boards and commissions.



**54**  
people hired  
to fill open positions



**108**  
bulk data  
requests



**233**  
days of  
education



**11.4 M**  
page views at  
courts.in.gov



**\$19.1 M**  
in grants distributed  
to 91 counties

## Agencies

### Admissions & Continuing Education

**Bradley W. Skolnik • Executive Director**

The *Office of Admissions & Continuing Education* provides staff support to the Board of Law Examiners and Commission for Continuing Legal Education. ACE also maintains the Roll of Attorneys, which is the roster of attorneys licensed to practice law in Indiana. BLE certifies that all individuals admitted to practice law have fulfilled the requirements for admission. CLE oversees the legal education requirements of attorneys, judges, and mediators; maintains a mediator registry; and accredits independent attorney specialization organizations.

### Clerk of the Appellate Courts

**Gregory R. Pachmayr • Clerk**

The *Office of the Clerk of the Supreme Court, Court of Appeals, and Tax Court* processes incoming filings and outgoing orders and opinions for Indiana's appellate courts. The Clerk's Office responds to inquiries from attorneys, litigants, and the public and oversees the archiving of closed cases.

### Communication, Education & Outreach

**Kathryn R. Dolan • Chief Public Information Officer**

The *Office of Communication, Education & Outreach* manages media inquiries and creates opportunities for the community to engage with Indiana's courts. OCEO oversees the judicial branch website and social media accounts, oral argument webcasting, the Supreme Court law library, and supports justices who serve as local nominating commission chairs. The Office also creates and distributes press releases and coordinates messaging campaigns on a variety of topics.

### Court Services

**Mary Kay Hudson • Executive Director**

The *Indiana Office of Court Services* develops education, programs, and projects to improve both the administration of justice and outcomes for those involved in the court system. The Office certifies local court programs, supports pretrial and probation services, distributes grant funds, collects court data, and provides a wide variety of training. IOCS serves as the legal and administrative staff agency for the Supreme Court. And it supports the Judicial Conference of Indiana—the body of elected trial court judges, which is chaired by the Chief Justice—its Board of Directors, and its various committees.

### Court Technology

**Mary L. DePrez • Executive Director**

The *Indiana Office of Court Technology* provides support to trial and appellate court staff for day-to-day operations; assists the Supreme Court with creating a vision for how technology can improve court operations and access to justice; develops custom applications for data sharing with the public and local, state, and federal agencies; and supports thousands of users across the state with case management, e-filing, and other technology needs.

### Diversity, Equity & Inclusion

**Rob R. Love • Chief Diversity Officer**

The *Office of Diversity, Equity & Inclusion* manages and develops projects designed to bolster public trust in the judiciary for all people regardless of race, ethnicity, religion, sex, gender, disability, age, language, immigration, and socioeconomic status. The Office staffs the

Race & Gender Fairness Commission, Coalition for Court Access, and other committees; certifies court interpreters and distributes statewide grants; manages a law school preparatory and scholarship program for underrepresented students; and consults with court agencies to ensure matters of equity and inclusion are considered in OJA projects. ODEI also provides training to judicial branch stakeholders, equipping them to build relationships through common ground while acknowledging the perspective of others with different lived experiences.

## Fiscal, Operations & Personnel

### Aaron V. Hood • Chief Financial / Operating Officer

The *Fiscal, Operations & Personnel Office* manages the Supreme Court's budget and assets; processes financial transactions and invoices, including payroll and benefits; provides accurate, timely financial information to the court and other government officials; manages building operations and continuity of operations for the court; and assists Supreme Court agencies with hiring, performance, and employee engagement.

## General Counsel

### Aaron Johnson • General Counsel

The *Office of General Counsel* provides legal services to Supreme Court agencies, including drafting internal policies, reviewing contracts, and ensuring compliance with state and federal laws. The Office provides contract and employment law counsel to state courts, provides legal advice on county authority and general legal problems, and consults with the Attorney General on litigation involving the courts as a party.

## Innovation

### Robert A. Rath • Chief Innovation Officer

The *Innovation Initiative* and its three subgroups—Family Law Taskforce, Technology Working Group, and Civil Litigation Taskforce—explore ways to make Indiana's justice system more efficient, less expensive, and easier to navigate.

## Judges & Lawyers Assistance

### Terry L. Harrell • Executive Director

The *Judges & Lawyers Assistance Program* provides compassionate support to judges, lawyers, and law students. By promoting well-being and fostering connection, it serves to elevate the competence of the profession. All interactions with JLAP are confidential, including those that are court-ordered and those that are voluntary.

## Judicial & Attorney Regulation

### Adrienne L. Meiring • Executive Director

The *Office of Judicial & Attorney Regulation* provides staff support to the attorney Disciplinary Commission, the Judicial Qualifications Commission, and the Judicial Nominating Commission. These commissions serve to protect the public, courts, and members of Indiana's bar from misconduct on the part of attorneys and judges while also protecting attorneys and judges from unwarranted claims of misconduct. At the direction of the Commissions, the Office investigates and prosecutes allegations of judicial and attorney misconduct and fitness to practice law. It also provides ethical guidance and advisory opinions for judges and lawyers. Office staff support the work of the Judicial Nominating Commission, which interviews applicants and selects nominees for appellate court vacancies, selects the Chief Justice, and certifies senior judges.

# Fiscal Year Accomplishments

## Collaborating across branches

### Mental Health Summit

With funding from the State Justice Institute and in partnership with over a dozen agencies and non-profits, the Supreme Court hosted a statewide Mental Health Summit in October 2022. This cross-branch, multi-disciplinary event brought together nearly 800 people from all 92 counties. Local teams considered solutions for mental health issues, which can be the root cause of behaviors that lead to court intervention.

Each nine-member county team included a:

- judicial officer
- prosecutor
- public defender
- sheriff
- chief probation officer
- community corrections director
- director of local community mental health center
- county commissioner
- county council member

Attendees heard from Governor Eric Holcomb, state legislative leaders, and numerous others in support of their efforts.

**Leaders from all branches of government participated in the summit.** President Pro Tem of the Indiana Senate, Sen. Rodric Bray (left) speaks to participants about collaboration during a plenary session; on the next page, Justice Christopher Goff discusses the importance of effective infrastructure.







## Commission on Equity & Access

The Commission on Equity & Access in the Court System, chaired by now-retired Justice Steven David, had its final meeting in late 2022 and delivered a report to the Supreme Court. The report outlines 29 recommendations gathered from the research of 7 sub-committees.

Some recommendations reiterated and supported those already included in the Innovation Initiative and Eviction Task Force reports, published in previous fiscal years; some have already been achieved or are in progress. Examples of the commission's recommendations include:

- IMPROVING** collection of race and ethnicity data
- INCREASING** state funding for probation and community corrections to reduce reliance on the fees paid by probationers
- PROVIDING** training for jurors on diversity, equity, and inclusion
- GROWING** the ICLEO program to help aspiring lawyers earlier in their education
- CREATING** a judicial readiness certificate program for mid-career lawyers

## Youth Justice Oversight Committee

The Indiana General Assembly created the Youth Justice Oversight Committee during the 2022 legislative session with members appointed by the Chief Justice from across the state's juvenile justice system. The committee's purpose is to plan and implement programs designed to improve outcomes for youth in the juvenile system, provide better behavioral health services, and establish diversion programs and community alternatives to keep kids from ever entering the corrections system.

The committee as a whole met eight times and its individual work groups—each with its own focus area—collaborated throughout the year to develop their recommendations. Each work group heard from community members with lived experience in youth justice through the VOICES Corporation, which is a Black-led non-profit that creates programs to help transform communities of color.

The committee delivered a grants report to the legislature by the end of 2022 and a comprehensive final report before the end of the 2023 fiscal year. During the 2023 legislative session, the Indiana General Assembly allocated \$60 million in its biennial budget: \$20 million per year for behavioral health pilot programs, \$5 million a year for diversion grants, and another \$5 million each year for community alternatives grants.

# Judicial branch funding

## Budget

More than one million cases are filed in Indiana’s trial courts each year, including traffic violations, divorce and custody matters, small claims, complex civil disputes, and major criminal offenses. Programs managed by the Supreme Court, such as pretrial release, problem-solving courts, and our extensive data-sharing efforts help balance the safety of our communities with the constitutional rights of our people.

And yet, Indiana’s judicial branch accounts for less than 1% of the state’s total budget.

During the last seven years, the court’s budget has not increased, even during the pandemic—a time when demand for paperless records and remote hearings grew. In fact, the funding for court technology specifically decreased from nearly \$14 million to about \$10 million over the last five years.

## ADR Fund Plan

During the 2023 legislative session, the general assembly updated the Domestic Relations Alternative Dispute Resolution Fund Plan. Established in 2003, this voluntary program allows counties to assess a \$20 fee on parties filing petitions for legal separation, paternity, or dissolution of marriage. Those fees go into the ADR Fund to pay for services in family law cases like mediation, reconciliation, nonbinding arbitration, and parental counseling.

The updated statute no longer automatically prohibits families from being eligible for funding in their cases based on criminal history, relying instead on judges to decide based on the specifics of the situation. And the cost of services for Guardians *ad Litem* can now also be covered by ADR funds. These professionals offer a voice to children whose lives are impacted by domestic relations matters, but there was previously no funding source to pay for GALs, and parties bore the cost when a GAL was appointed.

This year, the general assembly passed a budget in support of judicial branch efforts that included:



**\$8.5 M**

annually for veterans courts, mental health and problem-solving courts, family recovery courts, and pretrial programs



**\$17.58 M**

dedicated annually from the general fund to support court technology



**\$1.5 M**

annual increase to the Civil Legal Aid Fund



**\$500 K**

annually to fund commercial courts

## Grants

OJA is responsible for distributing grants to local courts to aid in funding a variety of programs and specialty courts. Grants are available to cover the cost of court interpreter services, to assist in the development of pretrial services agencies, and to improve court technology and facilities. For example, during the fiscal year, court reform grants helped fund local projects like:

- Creation of **soundproof private rooms** for attorney/client consultation
- **Courtroom technology** for projecting photographic and document evidence
- Updated **security systems** such as badge entry, cameras, and metal detectors
- Upgraded **audio and video equipment** to improve remote hearings
- ADA **listening aid devices** for courtroom participants with hearing loss

Grant Program	Awarded in CY23
Commercial courts	\$ 606,834.96
Court interpreters*	\$ 620,361.23
Court improvement programs	\$ 62,596.03
Court reform	\$ 318,240.01
Family courts	\$ 184,590.00
Family recovery courts	\$ 681,885.50
GAL/CASA	\$ 5,578,105.85
Conference on Legal Education (ICLEO)	\$ 72,850.00
Titel IV-D child support courts	\$ 20,776.51
Problem-solving courts	\$ 904,966.00
Pretrial services agencies	\$ 1,336,469.46
Justice partners (SIM)	\$ 1,479,269.81
Adult guardianship (VASIA) matching	\$ 1,300,000.00
Veterans treatment courts	\$ 802,752.50
<b>Total</b>	<b>\$ 13,969,697.86</b>

\*fiscal year

## Innovation & pilot projects

### Civil case management pathways pilot

The adoption of case pathways was recommended by the Conference of Chief Justices in a 2016 report and echoed in the Indiana Innovation Initiative’s 2022 Civil Litigation Taskforce Report. This year seven courts across the state joined the new Civil Case Management Pathways Pilot, in which civil cases are processed using one of three standards: Streamlined, Complex, or General.

Cases are automatically assigned based on case type to either a Streamlined or Complex pathway. If a case is more or less complicated than expected, it can be reassigned, including to a General, middle pathway. The goal of these pathways is to shorten the length of simpler cases and give courts more time for more complicated cases.

### Jail management system pilot

State and federal agencies maintain criminal history information, and the data reported to them—such as mugshots or fingerprints—must be accurate. In 2020, the Office of Judicial Administration—with support from the Indiana Sheriffs’ Association and the Indiana Prosecuting Attorneys Council—secured a grant from the U.S. Department of Justice to develop a jail management system for statewide use.

Dubbed “INjail,” the system is being designed to interface with other criminal justice applications like the state’s case management system and the Indiana State Police criminal history database. Martin County began piloting the system during the last months of the fiscal year; Grant and Elkhart counties are planned to follow. As the pilot continues, OJA will work with users and other stakeholders to ensure its usability and effectiveness.

### Text message reminders

OJA has been offering text message reminders as a service since 2011 when the state’s protection order registry was updated to allow protected people to sign up to be notified about their orders. In 2018, OJA made text reminders available in criminal cases, reminding defendants of upcoming hearings with the goal of reducing failures to appear. In 2022, Marion, Monroe, and Vigo counties began piloting use of text message reminders in certain family cases, including juvenile paternity and divorce with and without children.

## Public access & transparency

The Office of Judicial Administration distributes information daily via [courts.in.gov](https://courts.in.gov), Twitter, YouTube, the *Indiana Court Times* newsletter, and various direct-messaging campaigns.

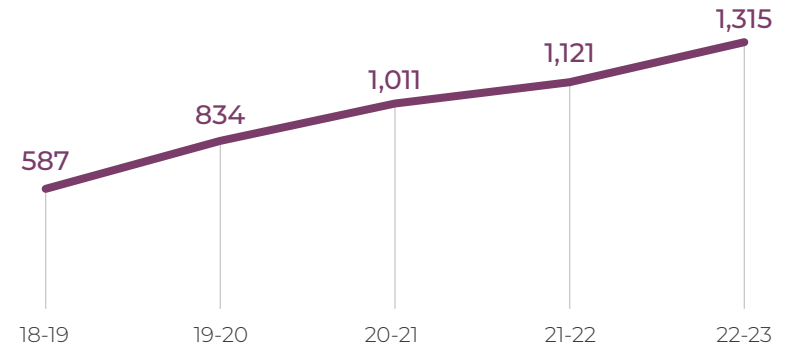
OJA's Office of Court Technology is the backbone of our judiciary's data sharing and public access services. The Office develops and maintains [mycase.in.gov](https://mycase.in.gov) and [public.courts.in.gov](https://public.courts.in.gov), which includes searchable databases, streaming video of court hearings, calculators, dashboards, electronic filing, and online payment processing.

OJA's Office of Court Services received and responded to more than 1,300 requests for public records and processed over 100 requests for bulk court data. Its Office of Communication answered more than 1,300 questions from the media, the public, lawyers, judges, and library patrons. The Office distributed 40 press releases to more than 450 members of the media on topics including judicial vacancies, judicial discipline charges, various court events and programs, and a rule change that allows judges to grant media access to their courtrooms.

### Cameras in court

After years of discussion, pilot programs, evaluations, and public comment, the court amended Judicial Conduct Rule 2.17, effective May 1, 2023. The amendment allows local judges to approve news media requests to film, stream, and photograph proceedings that are not confidential. As soon as the rule change was announced, OJA staff began collaborating with local media organizations, reporters, judicial officers, and administrators to develop guidelines and resources for courts across the state.

The Supreme Court also approved Interim Administrative Rule 14, indefinitely extending an order from the onset of the COVID-19 pandemic giving judges broader discretion to conduct remote hearings.



### PUBLIC RECORDS REQUESTS

Total number of requests for public records received, including FOIA and APRA requests

### OCEO ANSWERED



**442**  
media questions



**158**  
public questions



**120**  
judge questions



**604**  
library reference questions



**Behind the scenes.** While visiting Spring Mill State Park, justices stand for the group photo seen on the cover of this report.

## Party access to case information

Anyone can search [mycase.in.gov](https://mycase.in.gov) for access to public cases and documents, and since 2017 attorneys have had additional access by signing in with their secure accounts. But until this year, a party to a case could not sign in and access the documents in their own case. Providing this access required extensive software development and changes to business processes.

Now, a litigant who is party to a case that is publicly viewable on MyCase can sign up to access their documents online. Parties must create an account and request a code to access both public and confidential documents in their case. Though parties can view confidential documents in public case types, if the case type itself is confidential by statute or court rule, it cannot be viewed on MyCase at this time.

During the fiscal year, nearly 11 million users accessed [mycase.in.gov](https://mycase.in.gov) a total of 63 million times and downloaded documents more than 25 million times. Additionally, 31,000 new accounts were created, and party access users signed in more than 80,000 times.



**2 M**

times attorneys signed into mycase



**63 M**

page views at mycase.in.gov



**397 K**

remote hearing participants in trial courts



**21 K**

hours of trial court remote hearings streamed

### Bail agent search

In 2022, House Enrolled Act 1300 became effective, defining “charitable bail organization” and addressing related matters. The act required OJA to develop an online tool allowing the public to search for bail data.

In response, OJA launched a Bail Agent Search with the ability to search by date range or bail agent (name or license number). Search results—which can be viewed online or downloaded in a data file—list information about the agent; the defendant; and the bond type, amount, and date posted. Data comes directly from the statewide case management system and includes information from all counties.

### Trial court calendars

Launched in December 2020, the Trial Court Calendars app allows courts to make their daily calendars available to the public. People can search by county, court, date, case name, or case number. When the application launched, about 100 courts in 35 counties had opted in to make their calendars available. By the end of June 2023, more than 160 courts in 48 counties had joined.



**89 K**

people paid traffic tickets online



**20 K**

people paid criminal fees online

### Language Access



**50 K**

hearings required court interpreter services



**82 K**

minutes of interpreter service provided by Language Line



**178**

certified and qualified interpreters in 19 languages

- |                        |            |
|------------------------|------------|
| American Sign Language | Hindi      |
| Amharic                | Mandarin   |
| Arabic                 | Polish     |
| Bosnian Serbian        | Portuguese |
| Croatian               | Punjabi    |
| Burmese                | Romanian   |
| Cantonese              | Russian    |
| French                 | Spanish    |
| Gujarati               | Tongan     |
| Haitian Creole         | Vietnamese |



**5,700**

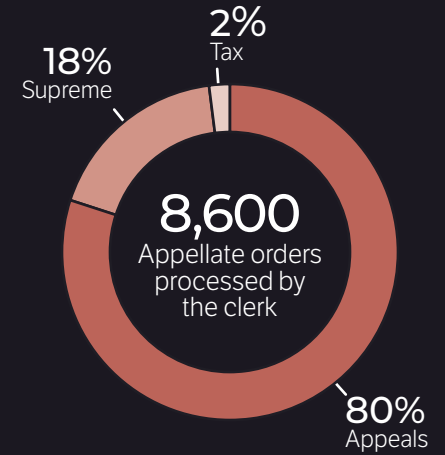
times Indiana courts called Language Line

Top 5 languages for which Language Line provided service during the year:

1. Spanish
2. Punjabi
3. Burmese
4. Haitian Creole
5. Arabic

## Clerks & case management

OJA's Office of Court Technology provides daily operational support to the appellate courts and to trial courts and clerks around the state. In addition to providing statewide case management and electronic filing systems, the Office provides secure applications for the collection and sharing of case data by judges, court staff, clerks, probation, corrections, law enforcement, domestic violence shelters, and others. During the year, the Office answered nearly 62,000 requests for technical support.



**8.4 M**

documents e-filed statewide



**\$2.4 M**

unpaid court fees recovered from tax refunds



**118 K**

criminal dispositions added to state police repository



**3,400**

appellate cases managed by the clerk



**397 K**

tax warrants processed



**172 K**

criminal cases e-filed into Odyssey



**188 K**

adult & juvenile risk assessments completed



**13 K**

e-filed briefs processed by the clerk



**62 K**

help desk tickets resolved



**42 K**

marriage licenses issued



**13 K**

protection order cases e-filed statewide



**17 K**

transcript/exhibit volumes processed by the clerk



## Special courts & programs

OJA works with probation, problem-solving courts, court alcohol and drug programs, and juvenile justice stakeholders to help criminal offenders successfully transition into the community and offer community-based alternative programs for youth.

### CERTIFIED OR IN PLANNING



151

problem-solving courts



32

veterans' treatment courts



23

family recovery courts



43

pretrial service agencies



49

certified court alcohol and drug programs

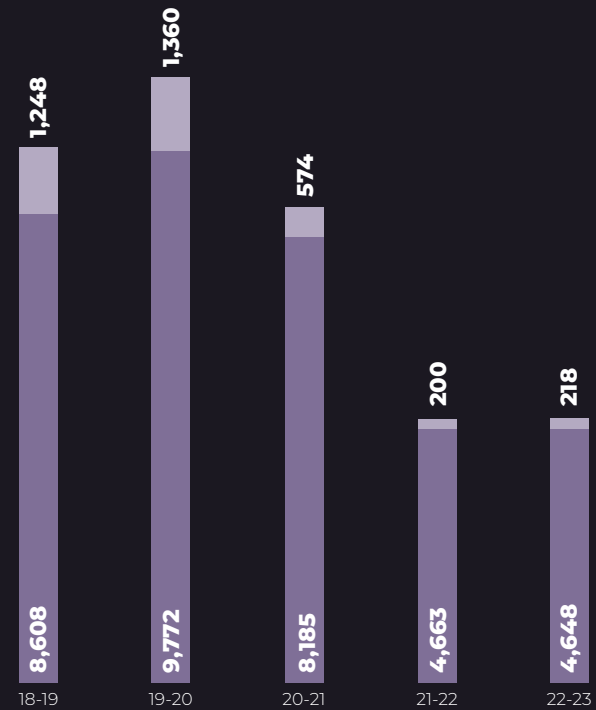


4,500

mental health evaluations with MAYSI-2

## Interstate compact

OJA administered the interstate compacts for adult and juvenile supervision, processing 4,648 adult cases, 218 juvenile cases, 261 runaways, and 527 travel permits during the fiscal year.



### PROBATION CASES

Adult and juvenile probation cases managed by interstate compact staff

## Working with volunteers

Local programs around the state funded or managed by the Office of Judicial Administration rely on community volunteers to advocate for children and adults involved in the court system.

Through local GAL/CASA programs, OJA trained more than 500 community members who became new volunteers in calendar year 2022, spending over 15,000 hours in pre-service training. Volunteers advocated for more than 20,000 youth and children during the fiscal year.

OJA also funds 20 Volunteer Advocates for Seniors & Incapacitated Adults local programs in 52 counties, and during calendar year 2022, 376 volunteers assisted those programs in providing services to almost 1,000 adults in need.



87

counties with certified GAL/CASA programs



20 K\*

children received CASA advocacy



500\*

new CASA volunteers trained



3,400\*

total CASA volunteers in Indiana



54

counties served by VASIA programs



1 K\*

adults served by guardianship programs



**Left to right.** State Office of GAL/CASA Director Rae Feller; 2022 Volunteer of the Year Janet Halderman and her husband; Wabash County Director Angela Dunn. Halderman has served as a CASA volunteer for the Wabash County CASA program for 14 years.

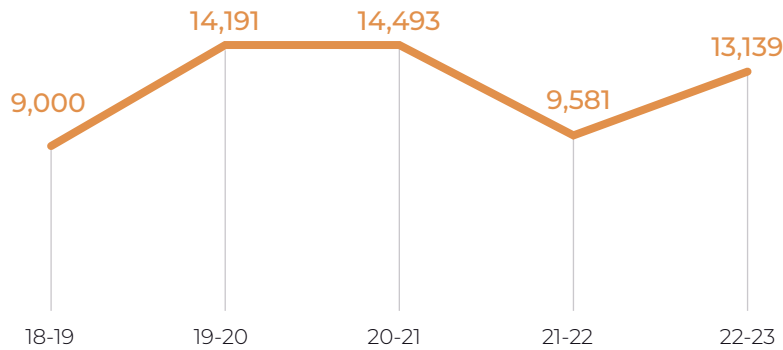
## Education

Following up on the October 2022 Mental Health Summit, OJA provided training throughout the fiscal year on how to recognize mental health and co-occurring substance use disorders, behavioral interventions, the 988 suicide and crisis lifeline, and involuntary commitments. Overall, OJA offered more than 1,000 hours of training to judicial officers and other justice system stakeholders covering a variety of topics, including:

- Cybersecurity and disinformation
- Accessibility through inclusion
- Civil litigation case management
- Handling digital evidence
- Transforming juvenile probation
- Understanding youth development
- Continual process of well-being

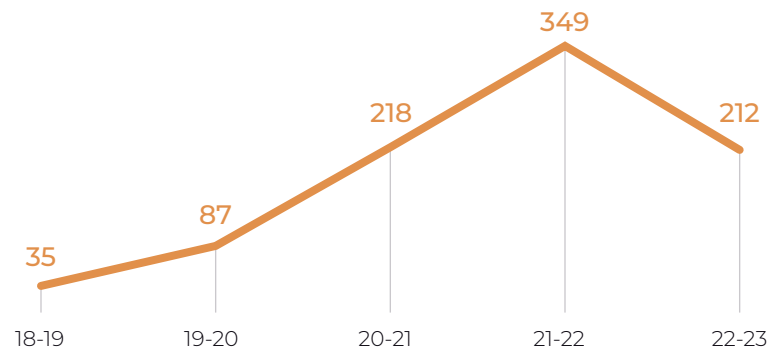
One specific event, the Justice Services Conference, featured six intensive workshops on the first day, covering problem-solving courts, skills building, coaching, mental health, substance abuse, and pretrial. Over the next two days, nearly 1,000 community supervision officers, judges, and others attended several of the 39 different breakout sessions, which covered topics such as the impact of trauma in justice settings, case planning with intentionality, reforming competency in Indiana, understanding and combating unconscious bias, and the teenage brain.

OJA awarded 46 professional development scholarships to judicial officers and staff to fund continuing education.



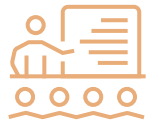
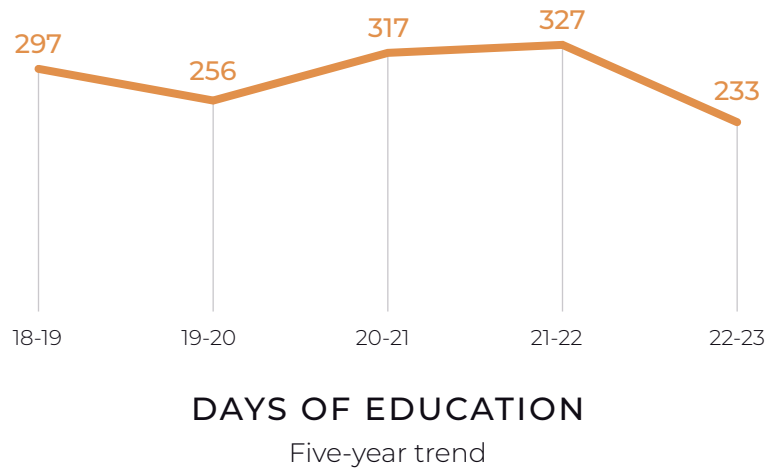
ATTENDEES AT EDUCATION EVENTS

Five-year trend



LIVE AND ON-DEMAND COURSES

Five-year trend



**13 K**  
justice stakeholders  
at education events



**134**  
on-demand  
courses available



**1,400**  
users in the learning  
management system



**78**  
virtual training  
programs offered

## Certification & orientation

OJA offers continuing education, orientation programs, and testing for several certifications:

- 157** people tested to become a certified probation officer, and 166 attended probation officer orientation
- 32** people tested to receive the court substance abuse management specialist credential
- 833** community supervision officers sought certification or recertification to administer risk assessment tools
- 215** people participated in a permanency roundtable training or an orientation program for alcohol and drug courts, problem-solving courts, or pretrial service agencies
- 97** newly elected or appointed judicial officers attended new judges' orientation

## Diversity, equity & inclusion

OJA offers training on the foundations of DEI to courts, clerk offices, probation departments, prosecutor and public defender offices, bar associations, law schools, and other justice stakeholders.

The training includes six modules:

1. DEI and Cultural Competency
2. Bias and Perception
3. Inclusive and Exclusive Language
4. Gender, Sex, Identity and Expression
5. Microaggressions
6. Power and Privilege

## Training for guardians of vulnerable Hoosiers

OJA administers a number of programs designed to protect and advocate for the most vulnerable members of our communities.

To support those programs, OJA offered:

- 5 trainings across the state on adult guardianship, alternatives to guardianship, and supported decision-making
- 10 general trainings on issues related to family violence for over 700 judges, attorneys, and stakeholders
- 2 regional trainings on human trafficking and how to use a screening tool designed to identify victims of trafficking
- monthly continuing education opportunities for GAL/CASA program directors, staff, and volunteers throughout the state

## New committees

The Supreme Court created three new judicial conference committees to be staffed by the Office of Judicial Administration. During the last months of the fiscal year, OJA recruited judicial officers to serve on the following three committees beginning July 1, 2023:

- The **Guardian *ad Litem* Family Oversight Committee** will ensure GALs serving on family law cases comply with their guidelines and code of ethics, are qualified, have background checks, and receive needed training. They will also address complaints against GALs and develop a registry of Guardians *ad Litem*.
- The **Graduate Program Committee** will collaborate with the Office of Court Services Education Division to plan and implement the Graduate Program for Indiana Judges. The committee will review applications and select each graduate class, decide course subjects, recommend faculty, and identify other speakers.
- The **Adult Guardianship Committee** will study and provide input on guardianship programming and pilot projects, both monitor and recommend enhancements to the state Guardianship Registry and MyINA web applications, monitor guardianship legislation, develop an Adult Guardianship Deskbook, and provide training to judges at education events.

## Rules of court

The Supreme Court handed down 17 rule amendments during the fiscal year. In addition to the change giving local judges authority to allow news cameras into their courtrooms, the court also created a new case type to track the use of Indiana’s red flag laws to confiscate an individual’s firearms and redefined the practical nature of memorandum decisions.

Rule Set	Effective	Description of Amendment
Access to Court Records	1/1/2024	<b>Rule 5 Records Excluded from Public Access.</b> Provides additional examples of deliberative materials that may be maintained by judicial officers, court staff, and judicial agencies that are not available to the public.
Administrative	9/30/2022	<b>Interim Administrative Rule 14 Remote Proceedings.</b> Gives trial court judges broader discretion to conduct remote hearings; updates January 2020 proposed amendment to provide more efficient and effective means of court access for litigants and lawyers while balancing due process considerations.
Administrative	1/1/2023	<b>Rule 8 Uniform Case Numbering System.</b> Adds a new case type for requests for warrants to seize firearms and warrantless seizure under Ind. Code § 35-47-14; also notes two town courts were abolished.
Admission & Discipline	7/1/2023	<b>Rule 2 Registration and Fees, et al.</b> Specifies that attorney registration fees may be used to fund the Office of Judicial & Attorney Regulation, the Office of Admissions & Continuing Education, the Judges & Lawyers Assistance Program, and any other effort to benefit and improve the practice of law or delivery of legal services as the Supreme Court may approve; also streamlines language regarding committee membership.
Appellate Procedure	1/1/2023	<b>Rule 65 Opinions and Memorandum Decisions.</b> Allows citation of non-precedential Court of Appeals decisions issued on or after the amendment’s effective date, while maintaining the traditional prohibition for decisions issued before that time.
Appellate Procedure	1/1/2024	<b>Rule 9 Initiation of the Appeal.</b> Brings the rule into agreement with the 2007 amendment to Appellate Rule 14(C), creating a unique process to seek interlocutory review of orders denying or granting class certification.
Criminal Procedure	1/1/2024	<b>All rules.</b> The Criminal Procedure rules were reorganized into six sections to reflect the chronological progression of a criminal case. The language was updated, obsolete rules were deleted, and certain rules that were administrative in nature (criminal case reassignment, special judges, and transfers of criminal cases) were relocated to the Indiana Administrative Rules.

# JUDICIAL ADMINISTRATION

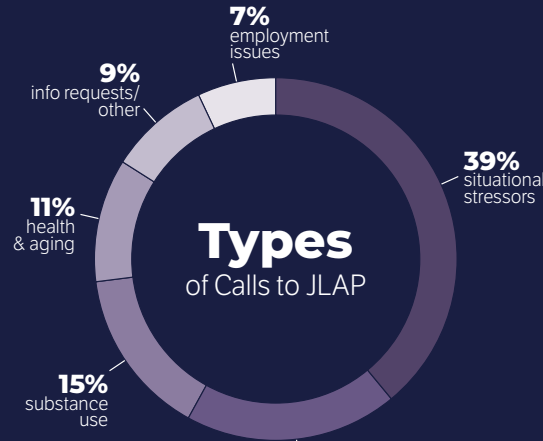
Rule Set	Effective	Description of Amendment
Code of Judicial Conduct	5/1/2023	<b>Rule 2.17 Prohibiting Broadcasting of Proceedings.</b> Gives trial court judges the discretion to allow news media to broadcast, televise, record, and photograph certain court proceedings.
Professional Conduct	1/1/2023	<b>Rule 1.15 Safekeeping Property.</b> Adds a mechanism to address situations where an attorney, law firm, or estate of a deceased attorney (1) winds up in possession of client or third-party funds and the client or third-party cannot be located, despite diligent efforts to locate the rightful owner; or (2) is in possession of funds in a client trust account that cannot be traced back to a particular client.
Professional Conduct	1/1/2023	<b>Rule 1.15 Safekeeping Property.</b> Further clarifies the language to new Comment 10.
Professional Conduct	8/22/2022	<b>Rule 6.6 The Coalition for Court Access.</b> Increases the membership and deletes language requiring specific district committees.
Professional Conduct	1/1/2024	<b>Rule 6.7 Requirement for Reporting of Direct Pro Bono Legal Services.</b> Broadens <i>pro bono</i> reporting requirements to include <i>pro bono</i> legal service to public service or charitable groups or organizations, consistent with Rule 6.1.
Tax	1/1/2023	<b>Rule 5 Time and Rule 16 Small Tax Cases.</b> Clarifies and ensures that local assessing officials who are named as respondents in original tax appeals retain their own counsel.
Trial Procedure	1/1/2023	<b>Rule 5.1 Service of Constitutional Challenge on Attorney General.</b> Ensures service on the Attorney General when certain constitutional issues are raised in a case.
Trial Procedure	1/1/2023	<b>Rule 23 Class Actions.</b> Increases the amount of residual class action funds disbursed to the Indiana Bar Foundation for civil legal assistance purposes.
Trial Procedure	7/1/2023	<b>Rule 65 Injunctions.</b> Allows a court to enjoin both parties from changing insurance policies during domestic relations cases. This change is intended to prevent the party who controls the policy from making unilateral changes to eliminate coverage for the other party.
Trial Procedure	1/1/2024	<b>Rule 74 Recording Proceedings: Transcripts; Audio Recordings.</b> Requires all courts (including city and town courts) to record hearings in all case types and deletes provisions covered in other Rules or statutes.

## Well-being

Through the Judges & Lawyers Assistance Program, law students, practicing and retired lawyers, and judicial officers have access to regular support groups where participants can share common issues and form social bonds in a caring and confidential environment.

JLAP also now offers regular office hours at both IU law schools, where students are welcomed by a staff member to meet confidentially one on one. They can discuss any issue the student may be experiencing, including law school stress, implications of academic misconduct, successful coping skills, micro-resilience, and relationship building. Students are connected with a therapist or volunteer if they are interested, and ongoing support is offered.

The Office of Judicial Administration provides well-being support to its own staff, regardless of whether or not they are lawyers. OJA now offers a hybrid work policy, in which staff can work remotely up to two days per week, and staff may now use sick days for well-being purposes. Court staff have the opportunity multiple times each year to participate in social events, celebrations, wellness, and volunteer activities. The court's Well-being Committee—comprising staff from various agencies—hosts activities including a book club, a monthly walk, a softball league, remote yolates classes, and a game time lunch.



11

monthly support groups



117

peer group sessions

**Clockwise from top left.** Court staff who participated in a day of service at the Indianapolis Zoo stand for a group photo at the dolphin exhibit; more from the zoo during Public Service Recognition Week, staff collaborated to make enrichment toys for animals; at a game time event, staff from different agencies work together on a jigsaw puzzle; court staff and several justices take a group photo outside the old mill at Spring Mill State Park the day before the court heard oral arguments in Lawrence County; another group photo of various staffers doing service in the garden at Growing Places Indy; another activity at game time with staff putting golf balls and socializing.



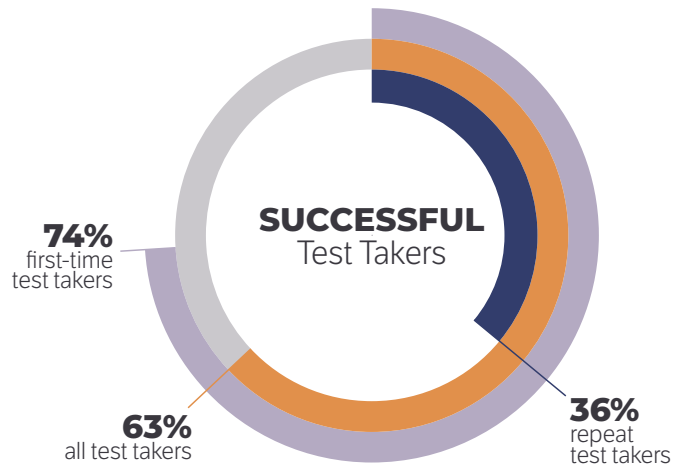




## Attorney admission & continuing education

In February 2021, the Supreme Court amended the Admission & Discipline Rules to adopt the Uniform Bar Exam. Applicants to the Indiana Bar may take the UBE in any state that administers it, but they are all required to complete a jurisdiction-specific course to ensure they are sufficiently familiar with important aspects of Indiana law.

In February 2023, the Indiana Law Course—an online and on-demand 8-hour seminar—was made available to all attorneys admitted with a UBE score. The course covers the practical aspects of lawyering in Indiana and Indiana constitutional law, as well as professional responsibility, civil and criminal procedure, family law, probate, torts, and evidence.



**20 K**  
CLE courses accredited



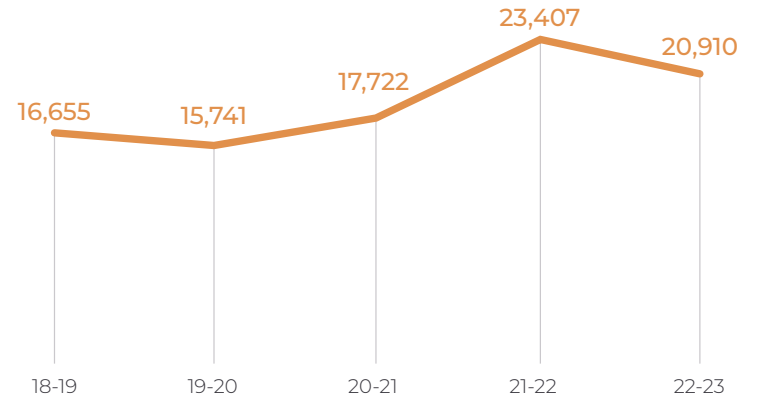
**94 K**  
distance education credits reported



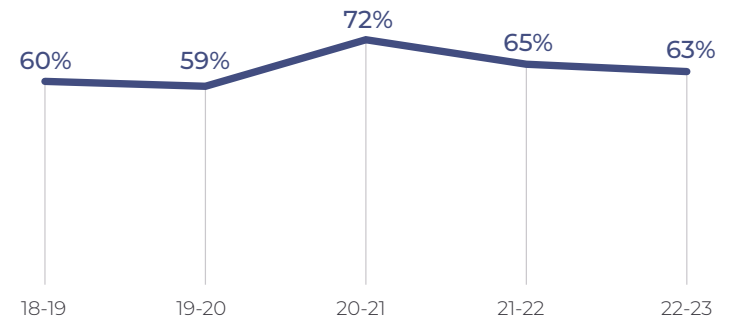
**419**  
lawyers completed the Indiana law course



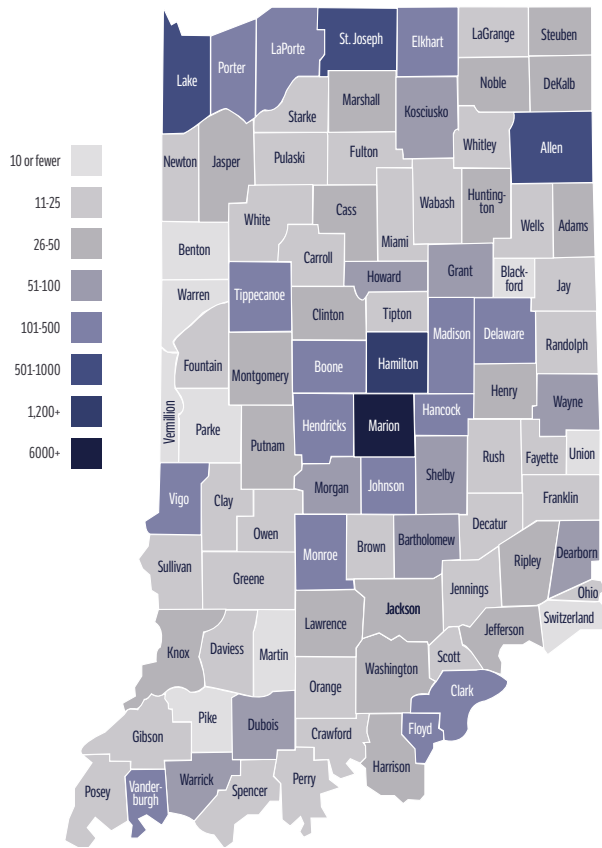
**389 of 617**  
applicants passed the bar exam



**CLE COURSES ACCREDITED**  
Five-year trend



**BAR PASSAGE RATES**  
Five-year trend



## WHERE ATTORNEYS WORK

Distribution of attorneys by business address county



**1,001**  
registered  
mediators



**18,753**  
active attorneys in the  
Roll of Attorneys

## Judicial selection

### Appellate vacancies

The Judicial Nominating Commission, chaired by Chief Justice Rush, worked to fill four vacancies during the fiscal year: three on the Court of Appeals and one on the Tax Court.

#### Hon. Edward W. Najam, Jr. retired

9 applicants  
Hon. Peter R. Foley appointed  
September 2022 by Gov. Eric Holcomb

#### Hon. Margret G. Robb retired

9 applicants  
Hon. Paul A. Felix appointed  
June 2022 by Gov. Holcomb

#### Hon. Derek R. Molter joined the Supreme Court

12 applicants  
Hon. Dana J. Kenworthy appointed  
December 2022 by Gov. Holcomb

#### Hon. Martha Blood Wentworth retired

10 applicants  
Justin L. McAdam appointed  
July 2023 by Gov. Holcomb

### County vacancies

Four Indiana counties use a merit selection system to nominate superior court judges: Allen, Lake, Marion, and St. Joseph. Each of the local nominating commissions in these counties is chaired by a Supreme Court justice. Chief Justice Rush chairs the Marion County Judicial Selection Committee with vice-chair Court of Appeals Chief Judge Robert Altice, Jr. During the fiscal year, the Marion County committee worked to select nominees for four vacancies on the Marion Superior Court. The other counties did not have any vacancies to fill.

#### Hon. Sheila A. Carlisle and Hon. Steven R. Eichholtz retired

25 applicants to fill both vacancies  
Stephen R. Creason and  
Charles F. Miller appointed  
March 2023 by Gov. Holcomb

#### Hon. Elizabeth Ann Christ and Hon. Marcel A. Pratt Jr. retired

21 applicants to fill both vacancies  
Mag. Melanie Kendrick and  
Philip Sheward appointed  
July 2023 by Gov. Holcomb

## Attorney & judicial discipline

### Allegations of attorney misconduct

The Disciplinary Commission received 1,395 complaints against attorneys from the public and, after review, dismissed 1,282 as having no valid issue of misconduct.

The court issued three *per curiam* opinions in discipline cases detailing how the lawyers in question violated ethics rules. The court suspended one attorney without automatic reinstatement for dividing attorney fees without the client's permission, disobeying court orders, and making false statements and not cooperating during the Commission's investigation. The court noted this matter was the attorney's third public discipline, and the attorney's continuing noncompliance required more substantial discipline.

Another lawyer was suspended for repeatedly failing to appear for scheduled hearings. The court found that in his short time practicing law, the attorney had engaged in a pattern of misconduct and dereliction of duties to clients, which resulted in two separate mistrials in one case.

Finally, another opinion suspended a lawyer for at least two years without automatic reinstatement for conviction of child pornography.



21  
verified complaints



32  
overdraft notices



24  
caution/warning letters



92  
requests from attorneys for ethics guidance

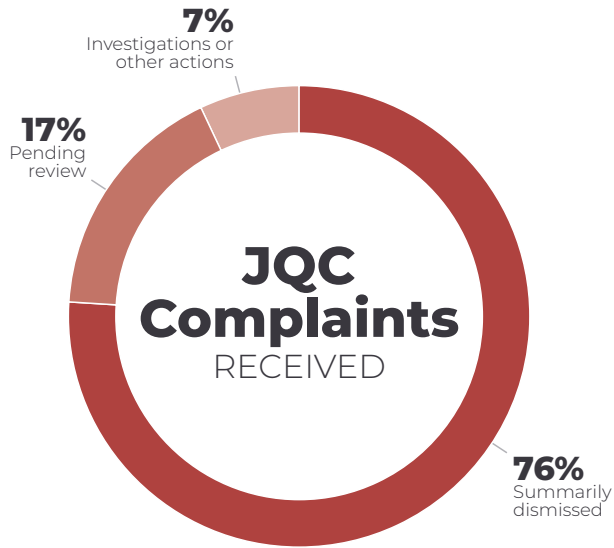
### Allegations of judicial misconduct

The Judicial Qualifications Commission received 549 complaints alleging judicial misconduct, with 96 awaiting review at the end of the fiscal year. Of the 453 remaining complaints, 415 were dismissed summarily as failing to raise valid issues of ethical misconduct or were dismissed with advisory letters on better practices.

In the remaining 38 cases, the Commission required judges to respond to the allegations or conducted formal inquiries or investigations. Six of these matters were dismissed as not establishing ethical misconduct. The Commission issued four advisory letters, nine private cautions, and four deferred resolutions.

Three investigations were closed after the judicial officer resigned, retired, or took corrective action. Two were closed privately. In the third matter, the Commission publicly closed the investigation of a judge who had been criminally charged with domestic battery against her former husband after the judge agreed to immediately resign from office, to be permanently banned from judicial service, to relinquish her law license for 150 days, and to not be reinstated to the practice of law until she retook and passed the Multistate Professional Responsibility Examination.

Public disciplinary charges were filed in two matters. In one case, the Commission filed formal charges against a judge for making disparaging remarks to and about the parties in a paternity case and for inappropriately permitting *ex parte* communications during and after an unrecorded hearing in a guardianship proceeding that was held in chambers. The Commission and



the judge agreed to a conditional agreement for discipline resulting in a seven-day suspension without pay.

In another case, the Commission filed formal charges against a judge for repeatedly engaging in unauthorized *ex parte* communications with attorneys for the Department of Child Services, for excluding Guardians *ad Litem*, court-appointed attorneys, and unrepresented parties; and for inappropriately handling unsolicited *ex parte* writings submitted by parties by shredding them without notifying the other parties and giving them an opportunity to respond. The court accepted a conditional agreement for discipline submitted by the Commission and the judge, resulting in a public reprimand of the judge.

At the end of the fiscal year, there were 10 pending investigations.

## Facilities

In July 2022, the carpet in the Supreme Court courtroom was replaced for just the third time in the history of the Statehouse. The original carpet was installed in 1886—two years before the Statehouse was officially completed—and replaced in 1901 and 1984. The new carpet was manufactured in Wilton, England, by the same weaving company that produced the original.

In spring 2023, work was completed on a new table for the Supreme Court conference room. Built in the furniture factory at Pendleton Correctional Facility, the new table replaces one that is rumored to pre-date the Statehouse. The old table was relocated to the justices’ robing room.





**Clockwise from top left.** A crew from the Department of Correction brings the frame of the 8' x 14' table into the conference room; the crew carefully walks the wood table top up the marble stairs at the Statehouse; Supreme Court Sheriff Joe Dowdell, who was instrumental to the logistics of the project, inspects the seal engraved on the table top; Justices Massa and Molter lean in to read the names of current and past justices engraved around the table's edge; the engraved names of all 111 justices to date begin and end at the same corner.





INDIANA SUPREME COURT

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