

= Supreme Court of Indiana =

The Supreme Court of Indiana , established by Article 7 of the Indiana Constitution , is the highest judicial authority in the state of Indiana . Located in Indianapolis , the Court 's chambers are in the north wing of the Indiana Statehouse .

In December 1816 the Supreme Court of Indiana succeeded the General Court of the Indiana Territory as the state 's high court . During its long history the Court heard a number of high @-@ profile cases , including *Lasselle v. State* (1820) . Originally begun as a three member judicial panel , the Court underwent major reforms in 1852 and 1971 , as well as several other reorganizations . Court reforms led to a majority of Supreme Court cases being delegated to lower courts , an enlarged panel of justices , and employment of a large staff to assist as its caseload increases .

= = Organization and Jurisdiction = =

In 2008 the Court consisted of one chief justice and four associate justices , the constitutional minimum ; however , the Indiana General Assembly may increase the number of associate justices to a maximum of eight for a total of nine court justices . A board of five commissioners assists the Court in its administrative duties . Commissioners are nominated by the Judicial Nominating Commission and appointed by the governor . The Court offices and chambers are located on the third floor in the north wing of the Indiana Statehouse . The Court maintains a large legal library on the third floor that is open to the public .

The Court has no original jurisdiction in most cases , meaning that it can only hear cases appealed to the Court after having been previously heard in lower courts . Most cases begin in local circuit courts , where the initial trial is held and a jury decides the outcome of the case . The circuit court decision can be appealed to the Indiana Court of Appeals or the Indiana Tax Court , who can hear the case or enforce the lower court 's decision . If the parties still disagree with the outcome of the case , they can appeal the decision to the Indiana Supreme Court . The Court can choose to hear the case and possibly overturn the previous judgment , or it can decline to accept the case and uphold the decision of the lower courts .

The Supreme Court of Indiana has original and sole jurisdiction in certain specific areas , including the practice of law , discipline or disbarment of judges appointed to the lower state courts , and supervision over the exercise of jurisdiction by the other lower courts of the state . When the Court accepts a case , it reviews the documentation of the trials in the lower court and sometimes allows oral arguments before making a decision . In some cases the justices will issue a decision without hearing arguments from either side and will base their decision solely on evidence submitted in the lower courts . The Court can order a new trial to take place in the local court , overturn the decision of lower courts and enforce its own decision , or uphold the decision of lower courts .

The Court appoints three commissions to assist it in its exclusive jurisdiction over the practice of law in Indiana . The role of the Board of Law Examiners is to " inquire into and determine the character , fitness , and general qualifications to be admitted to practice law as a member of the bar of the Supreme Court of Indiana . " The Disciplinary Commission is responsible for investigating grievances filed against members of the bar for misconduct and making disciplinary recommendations to the Supreme Court . The Commission for Continuing Legal Education administers , develops , and regulates continuing legal education requirements , mediation training standards , and attorney specialization programs .

The Judicial Nominating Commission is responsible for recruiting and interviewing applicants to fill vacancies on the Indiana Supreme Court , the Court of Appeals , and the Tax Court . It then sends three nominees for each vacancy to the governor . The Judicial Qualification Commission investigates complaints of judicial misconduct and files charges where appropriate . Both commissions have the same members and are chaired by the chief justice .

The entire Court takes part in the annual Judicial Conference of Indiana , which is attended by all of the state 's judges , and recommends improvements to the Court and state judiciary . The Court is

also responsible for implementing all laws passed by the Indiana General Assembly that affect the judiciary . The Division of Supreme Court Administration is staffed by clerks who oversee the fiscal management of the courts , including payroll and expenses . In addition , the division is responsible for maintaining the Court 's records and assists in its administrative functions .

= = Terms and elections = =

Article 7 of the Indiana Constitution governs the term length of Supreme Court Justices . When there is a vacancy on the Court , a new justice is nominated using a variation of the Missouri Plan . First , the Judicial Nominating Commission submits a list of three qualified nominees to the governor . The governor then selects the new Justice from the list . If the governor fails to choose a replacement within sixty days , the chief justice or the acting chief justice must do so . The Judicial Nomination Commission Chief Justice selects the chief justice from the sitting associate justices for a five @-@ year term . The chief justice presides over the Court . When the position of chief justice becomes vacant , the most senior member of the Court serves as the acting chief justice until a new one is chosen by the Judicial Nominating Commission . The chief justice also serves as chairman of the Judicial Nominating Commission .

Justices are appointed to a term that could potentially last for ten years . Once a new justice is chosen , he may serve for two years before being subjected to a retention election held during the first statewide election following the completion of the justice 's second year in office . The justice is listed on the ballot with the option to be retained or to be rejected from the Court . If retained , the justice may serve the remainder of his ten @-@ year term . When a term is completed , the justice must be reappointed with the same process originally used to appoint him to remain on the Court . A majority vote of both houses of the Indiana General Assembly may impeach a justice for misconduct . It is mandatory for a justice to retire at age seventy @-@ five , even if their term is incomplete .

= = = Qualification = = =

Eligibility requirements to be nominated as a justice of the Supreme Court are established in Article 7 of the Indiana Constitution . The candidate must be a citizen of the United States and reside within the state of Indiana before being considered for the office . The candidate must also have been admitted to the practice of law in Indiana for at least ten years prior to their candidacy or must have served as a judge of a circuit , superior , or criminal court of Indiana for five years . The candidate cannot be under an indictment in any court in the United States with a crime punishable as a felony . The Judicial Nominating Commission must also ensure that they are the " most highly qualified public candidates " available .

= = Current Justices = =

= = History = =

The Indiana Supreme Court was established in 1816 when Indiana was granted statehood . The new Court replaced the General Court of the Indiana Territory , which consisted of a three @-@ member panel . Housed in a three @-@ room building it shared with the Indiana legislature , the Court held its first session in Corydon on May 5 , 1817 . Under the state constitution of 1816 , the governor appointed justices with the state senate 's " advice and consent " for a term of seven years .

In December 1816 Jonathan Jennings , Indiana 's first governor , nominated John Johnson of Vincennes Knox County ; James Scott of Charlestown Clark County ; and Jesse Holman of Aurora Dearborn County , to serve as the first panel of judges on the Indiana Supreme Court . Johnson became the Court 's first chief justice . When Johnson died in 1817 , Jennings named Isaac Blackford to replace him . Blackford became the second chief justice of the Court and was the

longest serving justice in the Court 's history , serving 36 years , 3 months , and 24 days . Blackford recorded all of the Court 's early decisions in a multivolume work titled Blackford 's Reports that served for many years as a foundational text on the interpretation of state laws .

In 1824 the Supreme Court relocated to Indianapolis with the rest of the state 's government . Initially the Court shared space on the second floor of the Marion County Courthouse , before moving to the third Indiana Statehouse . In 1865 the Court was given its own building on lot number one in Indianapolis , where it remained until 1888 , moving to its present location in the fifth Indiana Statehouse . As of 2012 the Court occupies the entire north wing of the third floor of the Indiana Statehouse .

In 1851 the Supreme Court was reorganized under the new state constitution . The position of justice was changed from an appointed position to an elected one . Judicial terms were changed to six years and the Court 's size was set to a minimum of three members and not more than five . The Court 's judges quickly became overwhelmed by an ever @-@ increasing caseload . In 1853 the minimum was increased to four members and in 1872 it was increased to five . The Court has remained at a minimum of five justices since that time . In 1867 the general assembly transferred all the law books in the Indiana State Library to the Court to create a Supreme Court Law Library . The library grew to become the primary legal library for the state and includes more than seventy @-@ thousand volumes .

The Court 's caseload continued to grow over time . In 1881 the general assembly approved the creation of a five @-@ member panel of commissioners to assist the justices in administrative tasks . Even this was not enough to handle the load . In 1891 the Appellate Court of Indiana was created to handle cases of lower importance . At first the appellate court only took a small portion of the Supreme Court 's caseload , but its responsibility gradually increased .

In 1970 state constitutional amendments reorganized the Court . The constitution renamed the Appellate Court the Indiana Court of Appeals . With the formation of the Court of Appeals , the Supreme Court could choose which cases it would hear and which cases it would leave to the lower courts . Constitutional amendments also lengthened judicial terms to ten years and changed the limits on the size of the Court to a minimum of five members and a maximum of nine . The method of selecting justices was changed from statewide election to appointment by the governor . The amendment also provided for a Judicial Nominating Commission to choose candidates . Justices also became subject to a retention election . In addition , the office of chief justice became permanent . Previously the title rotated among the justices . In 2004 the Indiana General Assembly created the Supreme Court Division of Administration , legalizing and expanding the role of the clerks of the Court .

= = = Landmark cases = = =

The Court has heard several cases that have had a major impact on Indiana as well as others that have set nationwide precedents . The first of these cases , *Lasselle v. State* (1820) , where the Court overturned a circuit court decision that tested slave ownership in the new state by stating " the framers of our constitution intended a total and entire prohibition of slavery , " and resulted in all slaves in Indiana being freed . In the *Fall Creek Massacre* case (1823) , *State v. Hudson* , the Court upheld a lower court 's finding that crimes committed against Native Americans were punishable under American laws . This decision lead to the first execution of a white man for crimes against natives . In the *Falkenburg v. Jones* case (1889) , Indiana became the first state to establish the right for a defendant to obtain court records free of charge . The 1909 case of *Woessner v. Bullick* established that the Court could invalidate a governor 's veto if proper veto procedures were not followed , in effect ruling the pocket @-@ veto as unconstitutional . In 1917 the state was among the first to adopt an Exclusionary rule , established in the case of *Callendar v. State* , which prevented illegally obtained evidence from be submitted in court . In *William v. Smith* , a case heard in 1921 , the Court overturned Indiana 's eugenics laws , the first of their kind in the nation .