



1896 Courthouse, 101 South Main Street, South Bend, Indiana

State of the Judiciary

for the Courts of Record of the 60th Judicial Circuit, St. Joseph County, Indiana



Courts in St. Joseph County

The Indiana General Assembly organized the County of St. Joseph on January 29, 1830. At that time, two types of courts were established: Circuit Court and Probate Court. The St. Joseph Circuit has been in continuous operation since 1830. Circuit courts are mandated by the 1851 Indiana Constitution.

The original St. Joseph Probate Court operated from 1831 until 1851, when it was abolished under the revised Indiana Constitution. In 1945, the Legislature re-established the St. Joseph Probate Court. St. Joseph County is currently the only county in Indiana with a separate Probate Court with jurisdiction distinct from the Circuit and Superior courts.

As the population of St. Joseph County grew, the demands on its court system also increased. As a result of the size of the county and the caseload, the Indiana Legislature created the St. Joseph Superior Court in 1900. Since that time, additional judges have been added to the Superior Court based on caseload demands.

The three separate courts (Circuit, Superior and Probate) in St. Joseph County are designated as the 60th Judicial Circuit for the State of Indiana.

Courthouses of St. Joseph County

The Circuit Court first convened in the house of Alexis Coquillard, who is credited with establishing the first traditional American home in St. Joseph County in 1823 near what is now Leeper Park. Court was held there until 1832, at which time a courthouse was built in the new county seat of South Bend.

In 1854, the brick courthouse was demolished so a modern, sturdier and “more commodious” courthouse could be erected in its place. This courthouse opened for service in 1855 and was located on the northeast corner of courthouse square facing toward Main Street until 1896, at which time a third courthouse was constructed. In order to provide space for the new courthouse, the 1855 courthouse was transported using a system of rolling logs and

pulleys to its present location on the southeast corner of Washington and Lafayette Streets. For many years, the 1855 Courthouse served as the home of the Northern Indiana Historical Society. In 1999, it was rehabilitated for court operations, and now services the Small Claims and Traffic/Misdemeanor divisions of the Superior Court. Two magistrate judges are currently located in the 1855 Courthouse.

The 1896 courthouse is the largest courthouse in St. Joseph County and is the third courthouse to sit on courthouse square. Construction began in 1896 and was completed in 1898. The 1896 Courthouse is located in the middle of courthouse square adjacent to Main Street. It has been in continuous service since it opened on November 4, 1898. Presently, the 1896 Courthouse houses the chambers of a judge and a magistrate judge of the Circuit Court and of seven judges of the Superior Court.

In 1980, the Mishawaka court facility was opened. It is located at 219 Lincoln Way West in the City of Mishawaka, and currently accommodates a judge of the Superior Court and a magistrate judge of the Circuit Court.

In 1997, the Probate Court relocated from the main courthouse to the Frederick Juvenile Justice Center, located at 1000 South Michigan Street in South Bend. Presently, Probate Court consists of a judge and three magistrate judges.

St. Joseph County Courthouses:

- 1896 Courthouse
101 South Main Street
South Bend, IN 46601-1896
- 1855 Courthouse
112 South Lafayette Boulevard
South Bend, IN 46601-1519
- Mishawaka Court Facility
219 Lincoln Way West
Mishawaka, IN 46544-1980
- Frederick Juvenile Justice Center
1000 South Michigan Street
South Bend, IN 46601-3426

St. Joseph Circuit Court

Jurisdiction and Information

The Circuit Court is a court of general jurisdiction consisting of one Judge elected to a six-year term and two magistrate judges appointed by the Judge. The Court has the authority to hear civil and criminal cases.

The types of cases heard by Circuit Court are established by local rule based upon the annual weighted caseload requirements established by the Indiana Supreme Court.¹ As a result, the types of cases assigned to Circuit Court are almost exclusively civil disputes, ranging from contract, personal injury, collection, divorce, child support, protective orders, injunctions, estates, and administrative appeals. By local rule, the criminal jurisdiction of the Circuit Court is limited to criminal nonsupport and welfare fraud. The Circuit Court also conducts all Grand Jury proceedings.

The Circuit Court Judge has oversight responsibility for the Adult Probation Department, the Domestic Relations Counseling Bureau, and the Public Defenders' Office. As a result, the Circuit Court Judge has administrative supervision over a combined staff of approximately 90 personnel with budgets totaling more than \$3 million.

Circuit Court Bench

Judge Michael G. Gotsch
Magistrate Judge Larry L. Ambler
Magistrate Judge David T. Ready

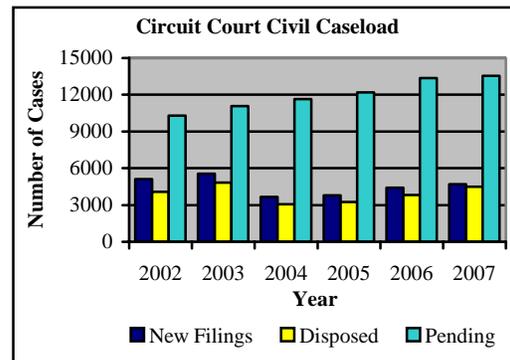
Circuit Court Civil Caseload

In recent years, the St. Joseph Circuit Court has been one of the busier courts in the State of Indiana. In 2007, 4,706 new civil cases were filed in the Circuit Court, 4,490 cases were disposed of, and 13,545 civil cases remained pending in Circuit Court at the end of that year. With over 13,500 pending cases, each judicial officer in the Circuit Court has an

¹ When a party files a civil suit in St. Joseph County, that suit is randomly assigned either to Circuit or Superior Court. Thus, the Circuit Court and Superior Court each handle a proportional number of the civil suits filed in the County.

effective caseload of over 4,000 cases. Below is a table and graph displaying the number of new civil cases filed, the number of civil cases disposed of, and the number of civil cases pending in the Circuit Court at the end of the year for the years 2002 through 2007.²

Circuit Court Civil Caseload	2002	2003	2004	2005	2006	2007
New Filings	5,124	5,560	3,666	3,797	4,421	4,706
Disposed	4,094	4,827	3,073	3,252	3,823	4,490
Pending	10,295	11,064	11,639	12,194	13,367	13,545

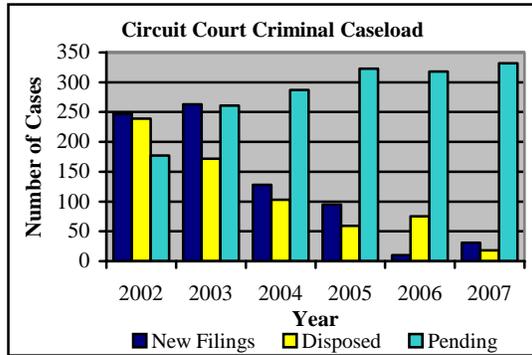


Circuit Court Criminal Caseload

The Circuit Court's criminal caseload is significantly less than its civil caseload. In 2007, only 31 new criminal cases were filed in the Circuit Court, 18 cases were disposed of, and 332 cases remained pending at the end of the year.

Circuit Court Criminal Caseload	2002	2003	2004	2005	2006	2007
New Filings	247	263	128	95	10	31
Disposed	239	172	103	59	75	18
Pending	177	261	287	323	318	332

² Complete data for 2008 is not yet available, so 2007 statistics will be used throughout.



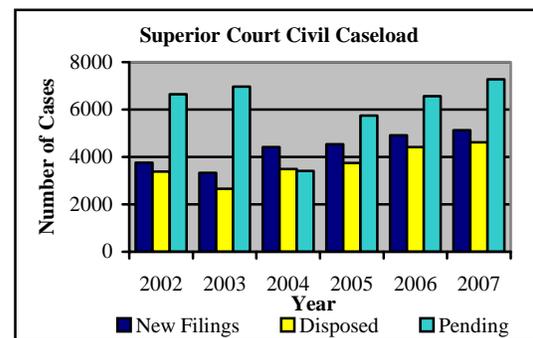
cases assigned to the Circuit Court, and which have been described above. In addition, the Superior Court handles the civil commitment and mental health cases. In 2007, 5,129 new civil cases were filed in the Superior Court, 4,621 cases were disposed of, and 7,271 cases remained pending at the end of the year.

Superior Court Civil Caseload	2002	2003	2004	2005	2006	2007
	New Filings	3,752	3,330	4,418	4,535	4,916
Disposed	3,378	2,652	3,489	3,740	4,411	4,621
Pending	6,643	6,973	3,416	5,744	6,562	7,271

St. Joseph Superior Court

Jurisdiction and Information

The Superior Court consists of eight Judges, with four judges sharing responsibility for civil cases with the Circuit Court and the remaining four Judges hearing criminal cases. The Governor appoints Judges upon recommendation of the St. Joseph County Judicial Nominating Committee. Superior Court Judges serve a first term of two years, followed by subsequent terms of six years renewed by a retention vote at the general election. Two magistrates, appointed by the Chief Judge, hear cases in Traffic and Misdemeanor Court and Small Claims Court, both of which fall under the Superior Court's Jurisdiction.



Superior Court Bench

Chief Judge Michael P. Scopelitis
 Judge Roland W. Chamblee, Jr.
 Judge David C. Chapleau
 Judge Jerome Frese
 Judge Jenny Pitts Manier
 Judge John M. Marnocha
 Judge Jane Woodward Miller
 Judge Margot F. Reagan
 Magistrate Judge Richard L. McCormick
 Magistrate Judge Brian W. Steinke

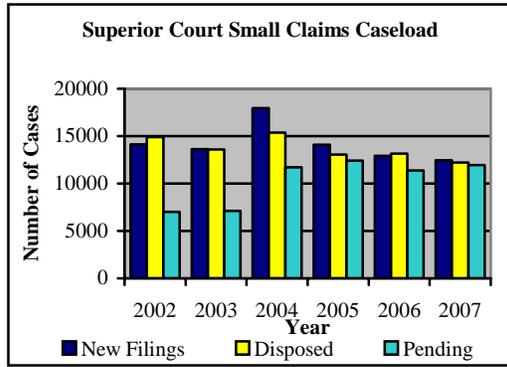
Superior Court Small Claims Caseload

The majority of the civil cases filed in the Superior Court are small claims cases. In 2007, 12,458 new small claims cases were filed in the Superior Court, 12,225 cases were disposed of, and 11,938 cases remained pending at the end of the year.

Superior Court Civil Caseload

The Superior Court handles approximately half of the civil suits filed in St. Joseph County. Upper level civil cases assigned to the Superior Court are the same types of civil

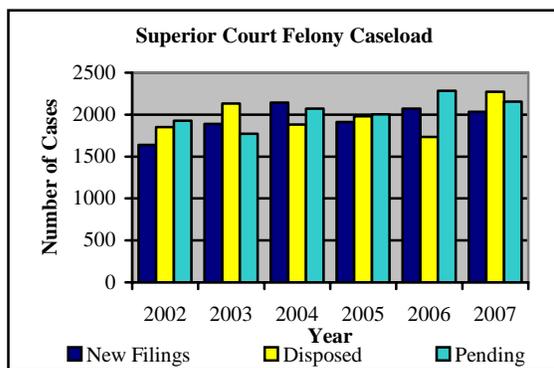
Superior Court Small Claims Caseload	2002	2003	2004	2005	2006	2007
	New Filings	14,112	13,617	17,968	14,105	12,918
Disposed	14,909	13,585	15,366	13,043	13,153	12,225
Pending	7,017	7,108	11,700	12,404	11,375	11,938



Superior Court Felony Caseload

The Superior Court handles the vast majority of the criminal cases filed in St. Joseph County. In 2007, 2,033 new felony cases were filed in the Superior Court, 2,274 cases were disposed of, and 2,156 cases remained pending at the end of the year.

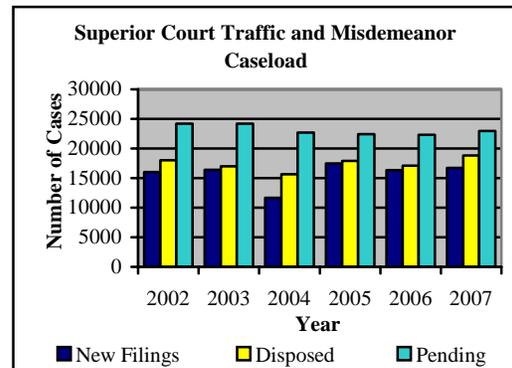
Superior Court Felony Caseload	2002	2003	2004	2005	2006	2007
New Filings	1,637	1,890	2,143	1,912	2,070	2,033
Disposed	1,853	2,132	1,880	1,981	1,733	2,274
Pending	1,927	1,772	2,070	2,004	2,285	2,156



Superior Court Traffic/Misdemeanor Caseload

The majority of the Superior Court's criminal cases deal with traffic and misdemeanor offenses, and ordinance violations. In 2007, 16,701 new traffic and misdemeanor cases were filed in the Superior Court, 18,796 cases were disposed of, and 20,873 cases remained pending at the end of the year.

Superior Court Traffic and Misdemeanor Caseload	2002	2003	2004	2005	2006	2007
New Filings	16,004	16,403	11,687	17,462	16,344	16,701
Disposed	18,022	16,990	15,645	17,882	17,081	18,796
Pending	24,180	24,168	22,678	22,407	22,307	20,873



St. Joseph Probate Court

Jurisdiction and Information

St. Joseph County remains the only county in Indiana with a separate Probate Court, which is a court of limited or special jurisdiction. The Probate Court consists of one Judge elected to a six-year term and three magistrates appointed by the Judge. The Probate Court has exclusive jurisdiction over all juvenile matters (paternity, delinquency, dependency and adoption), and also has authority over estates, wills, trusts, and guardianships.

The Probate Court Judge also has oversight responsibility for the administration of the Juvenile Justice Center (JJC), which includes the Juvenile Probation Department, the Juvenile Detention Department and Facility, and the CASA Program. As such, the Probate Court Judge has administrative supervision over a total staff of approximately 180 personnel with combined budgets of more than 7 million dollars.

Probate Court Bench

Judge Peter J. Nemeth
Magistrate Judge Harold E. Brueseke
Magistrate Judge Rochelle S. Cotter
Magistrate Judge Barbara J. Johnston



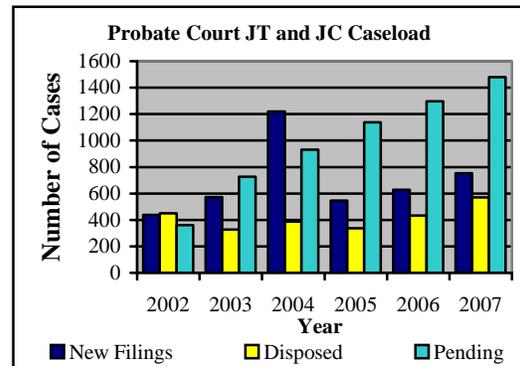
Thomas N. Frederick Juvenile Justice Center

Probate Court Juvenile Dependency Caseload

The Probate Court has sole responsibility for juvenile dependency cases, which consist of Juvenile CHINS (JC) and Termination of Parental rights (JT) cases. CHINS, or child in need of services cases, are filed to determine if the court should intervene on behalf of a child

and provide services. A finding of CHINS may result in the detention and placement of the child. JT cases are the proceedings through which parental rights are terminated. In 2007, 753 new JC and JT cases were filed in the Probate Court, 571 cases were disposed of, and 1,479 cases remained pending at the end of the year.

Probate Court JT and JC Caseload	2002	2003	2004	2005	2006	2007
New Filings	439	572	1,220	547	628	753
Disposed	451	327	387	338	433	571
Pending	361	727	930	1,139	1,298	1,479

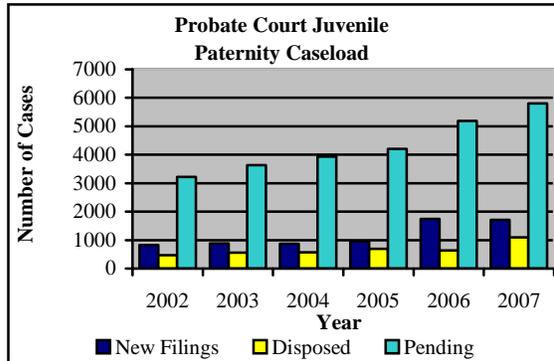


Probate Court Juvenile Paternity Caseload

The Probate Court also hears juvenile paternity cases. In 2007, 1,710 new juvenile paternity cases were filed in the Probate Court, 1,094 cases were disposed of, and 5,802 remained pending at the end of the year.

Probate Court Juvenile Paternity Caseload	2002	2003	2004	2005	2006	2007
New Filings	823	883	872	954	1,740	1,710
Disposed	471	554	571	691	636	1,094
Pending	3,219	3,634	3,935	4,199	5,186	5,802

Paternity cases also involve the establishment and enforcement of child support, child custody and parenting time (visitation) orders.

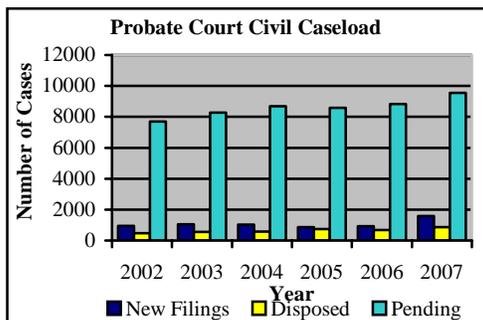


Probate Court Civil Caseload

The Probate Court also handles various types of civil cases that fall within its jurisdiction. Like the Circuit and Superior Courts, the Probate Court hears estate, trust and guardianship cases.

In 2007, 1,585 new civil cases were filed in the Probate Court, 874 cases were disposed of, and 9,546 cases remained pending at the end of the year.

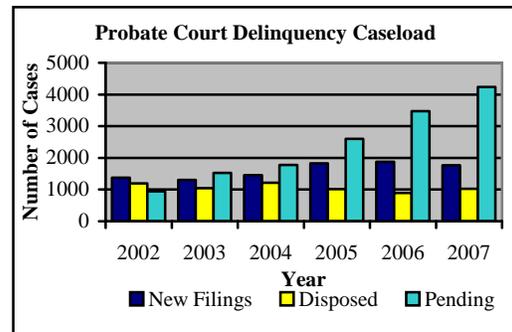
Probate Court Civil Caseload	2002	2003	2004	2005	2006	2007
New Filings	950	1,054	1,025	857	922	1,585
Disposed	479	558	582	736	677	874
Pending	7,698	8,266	8,678	8,584	8,835	9,546



Probate Court Delinquency Caseload

The Probate Court presides over all juvenile delinquency cases filed in St. Joseph County. The Probate Court also presides over juvenile status offenses and other miscellaneous cases. In 2007, 1,771 new delinquency cases were filed in the Probate Court, 1,024 cases were disposed of, and 4,237 cases remained pending at the end of the year.

Probate Court Delinquency Caseload	2002	2003	2004	2005	2006	2007
New Filings	1,372	1,308	1,451	1,827	1,881	1,771
Disposed	1,190	1,048	1,214	1,012	890	1,024
Pending	941	1,530	1,778	2,605	3,470	4,237



Juvenile Detention Center

The Juvenile Detention Center provides both pre-adjudication and post-adjudication detention for persons under 18 years of age who are determined to be a risk to themselves or the community. In the most serious cases, juveniles adjudicated as delinquent may be sentenced to the Indiana Department of Corrections or incarcerated locally in the Juvenile Detention Center at the JJC.

While in the Juvenile Detention Center, juveniles are required to participate in physical exercise, schooling, and treatment. Detainees are also offered tutoring and religious services. Visits are restricted to parents, guardians, grandparents, attorneys, counselors and clergy.

General Court Programs

Public Defenders Office

The St. Joseph County Public Defenders Office has always been funded by the county, but county budget restrictions have resulted in understaffing the office. In the past year, the budgeting of the office has been overhauled so that now the office is a state program. While the office is still run by the county, the state reimburses the county for expenditures. With a larger budget, the Public Defenders Office has been able to hire more attorneys and an administrative assistant, which the office has never had before. Additionally, the pay scale of the office increased, and the attorneys now have an office in the courthouse so that they are more accessible.

The Public Defender Office consists of a Chief Public Defender, thirty-one deputy public defenders and one staff assistant. Twenty-one attorneys handle felonies and civil contempt and mental health cases, five attorneys handle misdemeanor and traffic, and five attorneys handle juvenile and paternity cases.

Adult Probation

Adult Probation is a branch of the St. Joseph Circuit and Superior Courts that supervises selected pre-trial releases and sentenced misdemeanor and felony level offenders who are placed on probation. Adult Probation is also responsible for bond screens and pre-sentence investigative reports to secure information that will be used by the Court in sentencing decisions.

Probation services are tailored to the individual circumstances of the offender and may include community service, day reporting, electronic monitoring, counseling, alcohol and drug treatment, job training, mentoring and other services.

Juvenile Probation

Juvenile Probation is a branch of the St. Joseph Probate Court. Juvenile Probation receives referrals about juvenile offenses and juvenile status violations (truancy, curfew,

etc.) from police agencies, parents, and schools.

After an intake screening, called a preliminary inquiry, the probation officer recommends an appropriate course of action. Under some circumstances, the Intake Team may place the juvenile on informal probation.

If further court action is necessary, the Supervision Team prepares a social history report called a pre-dispositional report on adjudicated offenders and makes recommendations to the court. Like adult offenders, juveniles placed on probation receive services tailored to their individual needs.

In addition, a juvenile probationer may be court-ordered to attend classes or other specialized educational programming at the Central Academy, a court school for juveniles who have been expelled, suspended, truant or at high-risk for not completing school.

Court Substance Abuse Program

The Court Substance Abuse Program (C.S.A.P.) serves the St. Joseph County Superior Court by offering intervention services to alcohol and other drug abuse offenders. C.S.A.P. is limited to providing the direct services of evaluation, drug testing, and education to court referred offenders. It monitors offenders' progress and reports to the court the action that it deems necessary and appropriate for each offender. For some clients, successful completion of C.S.A.P. will result in the dismissal of their charges. Some C.S.A.P. clients, however, have already been convicted of a drug offense and are on probation. C.S.A.P. also oversees the St. Joseph County Drug Court.

Community Corrections

St. Joseph Community Corrections provides an alternative to incarceration for adults convicted of C and D felonies. There are four primary components of Community Corrections: work release, day reporting, home detention, and community service restitution. A fifth component is community transition,

which allows offenders who were incarcerated in the Indiana Department of Corrections to integrate into the community during the last 60 to 180 days of their sentence while being monitored by Community Corrections.

Annually, Community Corrections provides programming for over 500 male and female offenders. In the effort to house more offenders, the Community Corrections Advisory Board has also partnered with Dismiss of Michiana, a residence for women, in order to house more women sentenced to Community Corrections. Also, in 2007-2008, Community Corrections participated in a state pilot program using Global Positioning Systems (GPS) to monitor sex offenders.

With the DuComb Center limited to 20 beds, the Community Corrections Advisory Board is seeking a larger facility that would house more offenders. The Board recently received approval from the St. Joseph County Council and the Department of Corrections to create a building fund for a new corrections facility.

Drug Court

The St. Joseph County Courts instituted the St. Joseph County Drug Court (SJCDC) in 1997. The SJCDC offers an alternative to incarceration for individuals charged with non-violent, felony drug offenses. Offenders must go through an interview process to determine if they are eligible for the drug court program. Participants are required to report to judicial officials regularly and to participate in frequent drug and alcohol testing to insure that they remain abstinent from drug and alcohol use. Graduates of the drug court program have their felony charges dismissed.

The drug court program has proven to be effective in reducing the re-arrest rate of drug court offenders. The recidivism rate for drug court graduates is 12%, and drug court participants are 54% less likely to re-offend than non-participants. The drug court program also saves St. Joseph County taxpayers money. The drug court program saves taxpayers \$4,133 per drug court participant for a total of nearly \$2 million dollars since the program began.



1855 Courthouse, Washington & Lafayette Streets

Family Court Programs

Domestic Relations Counseling Bureau

Under the auspices of the local courts, the Domestic Relations Counseling Bureau (DRCB) has provided supportive services for separated, divorced or unmarried parents for more than two decades. DRCB has the prime mission of providing child custody and parenting time evaluations to the Circuit, Superior and Probate Courts.

In addition, DRCB refers families to other Court and county services, as well as community services and mediation. DRCB is integrally involved in the operation of the local Family Court Project and provides assistance with the ADR fund and other family-related court programming. DRCB also works closely with the Family Law Section of the St. Joseph County Bar Association.

Title IV-D Child Support Court

In 2006, the courts in St. Joseph County created a Title IV-D Child Support Court. The Court is physically located in the Frederick Juvenile Justice Center and is supervised by a Magistrate Judge from the Probate Court.

The Title IV-D Court may be assigned any case that involves establishment or enforcement of child support under the provisions of Title IV-D of the Social Security Act (42 U.S.C § 651). The Circuit, Superior and Probate Courts have transferred or assigned child support cases to the Title IV-D Court.

The Title IV-D Court has created additional efficiencies within the court system and has eliminated inefficiencies in the Prosecutor's office and the Clerk's office. The Court has improved child support collection and has assisted the Prosecutor's office in meeting federal performance goals for paternity and support establishment and enforcement.

Family Court

In 1999 the Indiana Supreme Court and General Assembly started the Family Court Project to better serve families and children who have multiple cases pending before multiple judges. In 2006, St. Joseph County joined the Family Court Project. St. Joseph County has focused its efforts on information sharing between courts and case tracking for families with multiple cases pending in the court system to insure that the rulings in the different cases are consistent with one another. Additionally, the Courts refer families to court ordered services and monitor the receipt of those services; develop family law local rules; and promote cooperative and/or collaborative divorces. In 2007, the St. Joseph Family Court Project served 725 children, 388 families, 904 adults, and 298 pro se litigants.

Family Mediation Services

In 2006, the Courts established an alternative dispute resolution (ADR) or mediation fund to provide affordable mediation in dissolution and paternity cases and specialized counseling for high-conflict families. Each domestic case

filed in St. Joseph County is assessed an additional ADR fee to fund these services.

Parties in conflict who are involved in a pending legal separation, dissolution, or paternity cases are eligible to participate voluntarily and may also be required to participate if referred by the Court, referred by one or both of their attorneys or by their own agreement. The Plan is primarily designed to financially assist indigent and low-income parties by providing other avenues by which to resolve their conflicts more quickly.

Court Appointed Special Advocates

A Court Appointed Special Advocate (CASA) is a volunteer who advocates for children involved in the juvenile court system, usually because of abuse and/or neglect. CASA volunteers investigate, negotiate, monitor and advocate for the best interest of the child and then report their findings and recommendation to the court. CASA volunteers come from all walks of life, must be at least 21 years of age, and are closely pre-screened for objectivity, competence, and commitment. A CASA receives 35 hours of thorough training before being assigned to advocate for a child.



Civil War Memorial, Washington Street

Other Court Initiatives

Technological Initiatives in Local Courts

At the present time, the Probate Court has fully implemented the QUEST system for case management, electronic filing and data storage. The traffic/misdemeanor and small claims divisions of the Superior Court have computerized data storage and limited case management. The remainder of the Superior Court and Circuit Court has a computerized case-filing database, but does not have any other case management or data storage functionality at this time.

The Circuit and Superior courts have been working with the state Judicial Technology and Automation Committee (JTAC) to implement the Odyssey system in St. Joseph County. Odyssey is a computerized case management and data storage program developed by Tyler Technologies and is similar to a system currently utilized by the Minnesota courts.

As of mid-2008, Odyssey had been tested in the courts of two counties and was awaiting Phase 2 roll-out to nine additional counties. St. Joseph County anticipates delivery of Odyssey during 2009–2010. In the interim, the courts are pursuing access to certain Odyssey databases to improve the efficiency and responsiveness of the courts and the Clerk's office.

With respect to other technology, the local judiciary is pursuing courtroom enhancements to allow litigants to present evidence and argument through computer-aided technology, e.g. PowerPoint®; CD-ROM, etc.

Cameras in the Courtroom

Like the federal system, Indiana has not allowed video cameras, still cameras, or tape recorders in state courtrooms. In 1996, the Indiana Supreme Court authorized an experimental program to study the use of cameras in its courtroom, and, in 1997, the

Indiana Court of Appeals followed suit. In July 2006, the Supreme Court initiated a pilot program in nine trial level courtrooms across Indiana to test the effect of cameras and tape recorders in trial courts.

The St. Joseph Circuit Court was chosen as one of those nine courts for this pilot program. The Circuit Court established a local rule to limit the number of tape recorders and video and still cameras, and to prohibit jurors and certain witnesses from being photographed. The terms of the pilot program also required that both parties consent to the cameras.

The eighteen-month pilot program concluded at the end of 2007, and the requirement for consent by both parties significantly limited the impact of the program. Some participants also expressed concern about the potential chilling effect that media coverage may have on litigants and witnesses, particularly in criminal and family law cases. The Indiana Supreme Court will evaluate the success of the program and determine whether or not to amend the current rules regarding access.

District 2 Pro Bono Services

Aid unrepresented litigants to ensure that every citizen has access to court.

Assist indigent litigants by encouraging *pro bono* services for the elderly and destitute.

Reduce language barriers to assist refugees and immigrants with access to court services.

Drug Free Community Council

The Drug Free Community Council was also instituted in St. Joseph County to assist in efforts to promote a drug free Indiana. The Drug Free Community Council uses a large portion of drug related court fees collected in St. Joseph County to fund different efforts to identify and combat alcohol and drug problems in St. Joseph County. These efforts focus on drug and alcohol education, prevention, treatment, and law enforcement.



COURTS OF THE 60TH JUDICIAL CIRCUIT

St. Joseph Circuit Court
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101 South Main Street
South Bend, IN 46601-1896
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St. Joseph Superior Court
Courthouse
101 South Main Street
South Bend, IN 46601-1896
Telephone: 574-235-9893

St. Joseph Probate Court
Frederick Juvenile Justice Center
1000 South Michigan Street
South Bend, IN 46601-1896
Telephone: 574-235-5437

<http://www.stjosephcountyindiana.com/departments/Courts/index.htm>

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