

COVER STORY



COURT CONNECTOR

Rush Elevates Judicial Team, System

By Tom Schuman

GOVERNMENT LEADER OF THE YEAR

There's no mistaking the fact that Indiana chief justice Loretta Rush is dedicated to overseeing a court system that protects all Hoosiers. But there's a special passion in her actions and conviction in her voice when the subject is children.

During her 15 years of practice with a Lafayette law firm, she recalls that she did a lot of pro bono work – “maybe more than her partners would have liked.” She chaired the board of the local domestic violence shelter and was guardian ad litem (a court-appointed guardian during the course of a legal action) to perhaps 200 children.

“I was very drawn to children in the system,” Rush reflects. “Watching kids in the system and the toll it takes on them when these horrible harms are done, I want to make sure the system doesn't harm them any further.”

When approached two decades ago about seeking the position of juvenile court judge in Tippecanoe County, she actually stopped her law practice six months early. The mission: To learn as much as she could before taking office.

“I traveled the state and would go to every courtroom where I thought I could learn something, went to every placement, foster homes, the Department of Corrections, residential,” she shares. “If I was going to place a child in a home, I wanted to see it, and I wanted to learn because it was so important.”



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Swearing in time: Loretta Rush on joining the Indiana Supreme Court (top) in 2012 and upon becoming chief justice two years later.



One particular experience as a judge stands out. Rush appears to recall it as if it was yesterday.

“I remember that I had a little girl, a fourth grader, who had been molested by her dad multiple times. She had to testify in court to what her dad had done. At the end of her testimony, she looked at me and said, ‘Is that hard to hear?’ She was having empathy for me.”

In her 14 years as a judge in Tippecanoe County, “There wasn’t a day as a juvenile court judge in which I didn’t have a molest case. When you look at what our roles are in the judicial branch, (a leading one is) protecting the rights of those that don’t have a voice and making sure we are not piling on harm to kids.”

Deborah Taylor Tate, court administrator in Tennessee and co-chair with Rush on the

National Judicial Opioid Task Force, says Rush is “always bringing to the forefront that we can make a difference down at the individual child or family level. It’s incredible to have the top judicial officer concerned and looking out for the children of your state.”

“She has immediately become such a mentor and truly an inspirational leader in my life.”

Initial docket

The road to the bench was not preordained. Rush moved 16 times (her father was a railroadman) as a child, settling in Indiana in 1972. She briefly describes a “pretty severe speech impediment” in her youth and not much history of postsecondary education in her family.

She went to Purdue with the goal of

becoming an engineer before switching majors several times.

“A friend my senior year was going to take the LSAT (law school admission test) and I went with her and took the exam,” Rush states. “I liked the constitutional law class and some of the legal work I was studying. I was able to insert economics, sociology, history and government.”

Rush graduated with honors from both Purdue and what is now the Maurer School of Law at Indiana University. She returned to Lafayette in 1982, becoming part of what she describes as a “quintessential Hoosier practice. You might be doing municipal law one day, wills and estates another day. You had jury trials in state courts and federal courts, so it gave me a nice balance. What I did the least was criminal law.”

During that time as a lawyer and later judge, she is credited with helping start more than 25 youth-focused initiatives. She assisted with the creation of the county’s Court Appointed Special Advocate (CASA) program. When the call came in 2012 from then-Gov. Mitch Daniels to join the Supreme Court, she took on a national role in children’s issues, including testifying on legislation.

Rush’s selection to her current position came in 2014 upon the retirement of chief justice Brent Dickson.

“I do wake up in the morning and think, ‘I’m chief justice of Indiana.’ It still overwhelms me some. I walk in the Statehouse and take a big breath and say, ‘God, make sure you make sure I can fulfill these responsibilities.’”

She is doing so at a very high level.

“The bench and bar in our state widely agree that Loretta Rush’s leadership as chief justice is key to building a better court system for Indiana’s future,” offers Randall Shepard, who served as Indiana’s chief justice from 1987 to 2012.

Citing her work in various areas, Shepard adds, “Chief justice Rush is visible and inventive in finding ways to advance our state. She’s become recognized in national judicial circles as a leader who enriches the legal system, and she’s a source of pride for Indiana lawyers and judges.”

Beyond the bench

Rush summarizes the primary functions of the state Supreme Court as “defining and giving predictability, interpreting statutes, looking at where the common law is going.” But the role of the judiciary, in general, has also changed.

“If you want to know what is going on in your community, go and talk to your trial court judge. When things break down (citing opioids, domestic violence, economic



The Indiana Supreme Court justices function as a team, sharing the role of writing opinions as well as various other duties.

downturns as a few examples), we see the end result in the courts. Former chief justice Shepard was very good at saying, ‘Get out from behind your bench. Go look at what you can do to pull people together in your role as a convener in the community’ and say, ‘How can we stop some of these things?’ ”

Rush admits to not always being comfortable in that position – “you should see me before the State of the Judiciary” – but accepts it and flourishes in it.

Joel Schumm, a professor at Indiana University’s Robert H. McKinney School of Law and a close observer of Indiana’s courts, declares, “Chief justice Rush has been a terrific, dynamic leader, very forward looking and has done a number of things in her fairly short time as chief justice that have been really remarkable – good for the judiciary but good for the state as a whole.”

Ted Boehm, who retired from the state Supreme Court before Rush was appointed, reiterates that the “chief justice is the external face of the court. Loretta seems to be very good at the external relations side. She doesn’t have any agenda other than trying to do a good job.”

Court of opinion

Rush relishes the team approach provided by the five-member Supreme Court.

“None of these things happen in isolation. We all bring different strengths to it. Before an opinion goes out, it’s not uncommon for us to be in each other’s chambers talking about how this can be better understood, how it will be applied, how we can lay out the rules in a different manner. And the projects we take on ... there’s a lot on everyone’s plates, and it wouldn’t work without that.”

One of those projects for Rush is helping lead the way on dealing with the opioid epidemic. Among the key initiatives:

- Convening teams in each county for extensive training on treatment

for substance use disorder

- Developing a judicial toolbox for evidence-based, court-ordered treatment
- Extending the reach of problem-solving courts
- Leveraging court technology to slow the supply of drugs available in the state

Asked about co-chairing the national task force, she contends, “How do you say no to what you see as the biggest issue impacting us right now.” While seeking to make a difference by helping all, her thoughts come back to the young people.

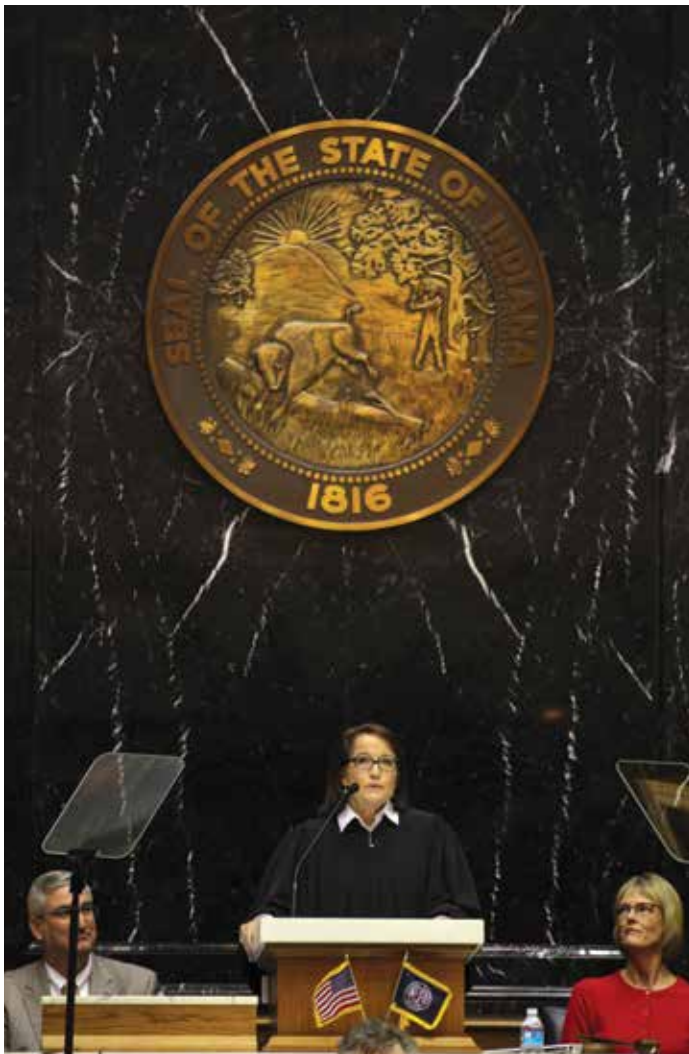
“Family recovery courts are one model,” Rush attests. “Can children be kept safely with their parents as the parents are going through recovery?” She cites many advantages to that approach, cautioning that, of course, “child safety is paramount.”

Rush organized a summit on opioids earlier this year, with more than 1,000 participants and representatives from all 92 counties. Special courts – whether in family recovery, prisoner re-entry, mental health, veterans’ issues or other areas – require a special approach.

“The judge has to go through a lot of training. It takes a lot of grit from the team (prosecutor, public defender, different service providers). Instead of working in your own little island, you’re all going to get around the table (and focus on) how we are going to support this person,” she explains.

The state now has more than 100 special courts. That includes six commercial courts, instituted in a pilot that began in 2016, to address complex business cases. Rush believes the model works, the courts are important to send an economic development message and shares that she has been told by some businesses that commercial courts may replace arbitration in contracts as the place for resolution if disputes arise.

Ongoing education is vital. More than 9,000 individuals connected to the court system took part in 250 days of training in the 2017-2018 fiscal year.



Rush admits to a strong case of nerves before public events such as the State of the Judiciary address (top). She is passionate, however, about the courts playing a proactive role in helping address the opioid crisis.

Right and write

Rush has elevated the technology advances that were already underway. Today, 90% of Indiana’s counties have adopted electronic filing and nearly 80% of the state’s caseload is part of the online case management system. Text messages are being used to help ensure defendants don’t miss court appearances.

“I think the modernization of our branch of government is amazing,” she professes, citing the transparency and the many practical benefits to the users of the court system. “Change is hard. ... But I’m hearing more and more that, ‘Once I got over the change, it’s helping me do my job.’”

Technology tools are important, as are strong communication skills. Rush emphasizes that in her own work and with other judges.

“Half of the people who come before us are going to lose. I remember being that attorney to explain to your client that you lost. You don’t want it to be something they can’t understand,” she explains. “We use a lot of Latin in the law, we use a lot of formalistic terms that mean something else. So why don’t we just talk about *the something else*. You’ve got to do it in a clear way. I think we’ve come a long way. We really strive to make our opinions understandable.”

Schumm describes that as a clear strength for the chief justice.

“Her opinions are incredibly accessible to a broad audience. Every opinion has an opening paragraph or two that tells you exactly what the case is about. You could ask a high school student to read it and they would know and understand what that case is about. That’s important. A court opinion shouldn’t be for just lawyers and judges. It should be for everybody.”

Taylor-Tate adds that those abilities carry over into other areas.

“She (Rush) has incredible communications skills and is able to take very complex issues like this opioid epidemic and really see a path forward,” she offers. “Chief justice Rush has this real sense of service, not just to be the chief justice of a state court system but to use that for good.”

Rush credits former chief justice Shepard for imparting that





While technology is vital to a well-run court system, the law library still has its place.

message – using the power you have to get things accomplished – to all judges. Whether it’s individuals or businesses involved in court cases, she proclaims, “We need to get it right. People need to know they can trust the courts when so much is at stake.”

Asked what she would like people to know about Indiana’s court system, Rush speaks with thoughtfulness and clarity. “We have strong judges. The amount of appeals we have and reversals just speaks to the fact of the quality work. When I am in a town, I like to go in the courthouse and just pop in the back of the court. I would have hated that if the chief did that to me. But I like to do that. That’s how I met Justice (Christopher) Goff. I’m in awe of what they’re (judges) getting done.”

Those impromptu local courtroom visits are also important to Rush.

“The cases that come up to us, they’re real people with real issues,” she emphasizes. “You don’t want to be so removed that you’re just looking at paper records ... and not feeling it, seeing it, smelling it at times.”

Final verdict

Earlier, Rush shared the emotional story of a fourth grader asking if it was difficult for the judge to hear about the molestation she had suffered. There is a much more pleasant connection to a young person when Rush – the second Indiana woman to ever serve on the state Supreme Court – is asked if we are past considering gender when it comes to justice appointments.

“I hope. A little girl in fourth grade, her mother sent me a picture, and she (was dressed up like) me. She dressed up as the chief justice.

“I thought, when I was in law school in the 1980s, Sandra Day O’Connor had not been appointed (to the U.S. Supreme Court) yet. Of course, women can be judges. We didn’t know that. I think you need to see it to believe it,” she continues. “I hope we are past that question.”

Rush is more than doing her part to make sure that is the case.



Teaming with Rush are (from left) justices Steven David, Mark Massa, Christopher Goff and Geoffrey Slaughter.

Justices Rule

We asked the four members who serve on the Indiana Supreme Court with Loretta Rush this question: “What do you consider to be one particular strength that chief justice Rush has brought to her role?”

“I have known Chief Justice Rush for many years. She is a visionary with a passion for improving the lives of people. Her energy and enthusiasm is limited only by the number of hours in a day.”

Steven David

“She uniquely combines a conservative respect for precedent and separation of powers as a jurist, with an aversion and intolerance for the status quo as a manager overseeing an entire branch of government.”

Mark Massa

“It is difficult to name one strength because she truly brings so many. However, the thing that shines through the most is her servant’s heart. She never fails to put others before herself, often at a tremendous sacrifice to herself. Through this, she inspires others to bring their best efforts to whatever task is at hand.”

Christopher Goff

“It’s not an overstatement to say she does it all. And she does it well. She’s a leader on our Court – from presiding over oral arguments and our internal conferences to leading the Court’s oversight of both the practice of law in Indiana and our state judiciary – as well as interacting with both the executive and legislative branches of state government. I’m proud to call her a friend and colleague.”

Geoffrey Slaughter