

CARROLL COUNTY: YOU BE THE JUDGE

Fiction: *Judge Smith and Judge Currie are using the power of mandate just because they can.*

Fact: Unless we are successful in restoring funding, the court reporting staff of each court will be cut in half. There will be times during vacations and illness when a court will have no court reporter. The court offices will be unmanned and closed during jury trials and during the bailiff's vacation. The number of cases scheduled for hearing each week will be cut in half. This will result in delays in bringing criminal defendants to trial, resolving custody disputes, resolving small claims, and many other matters. **Fact:** The funds for the public defender will be gone well before the end of the year. Public defender cases cannot be prosecuted if there is no public defender. Delays resulting from the unavailability of public defenders and lack of staff may result in the dismissal of criminal cases.

Fact: Our efforts are to secure essential funds for the courts and not for personal gain. The county portion of our salary was among the first items eliminated by the county council. We do not seek the reinstatement of our salary. Our concern is for the judicial system in Carroll County and access to the courts for the citizens of the County. The Indiana Supreme Court has stated: *"The efficient administration of justice which is the duty of the courts, cannot be made to depend upon the discretion or whim of the county council."* **Fact:** Under the Indiana Constitution, the county council is required to provide the Carroll County Courts with sufficient funds to operate the courts. If the judges believe the funds are not sufficient, they may initiate an action called a "mandate." The Order of Mandate gives the county council notice of what the judges are requesting. If the Council resists the request, then, based upon evidence presented at a trial, both a special judge and the Indiana Supreme Court must find that the request for funds is reasonable and necessary for the operation of the courts. Then **and only then** does the mandate become effective.

Fiction: *The Carroll County Courts have not done their share and are to blame for the fiscal crisis facing the county.* **Fact:** The County Council failed to distinguish between income and

investments (savings) in determining the budgets in 2004, 2005, 2006, and 2007. The Council was slow in recognizing the problem, in determining the cause of the problem, and now in correcting the problem. **Fact:** At the request of the Council, both the Courts reduced their budgets to or below the 2003 budgets. To do so, \$90,000 was removed from the 2008 court budgets. Some other departments are still not below their 2003 budgets. **Fact:** The \$90,000 in dispute is an additional \$90,000 that the Council arbitrarily removed from the court budgets. The Council needed to reduce the overall budget by \$90,000, and the courts were an easy target. The additional \$90,000 reduces the joint court budget for 2008 to 44% below the budget approved by the Council for 2007 and the Circuit and Superior Court budgets by 30% and 27.7% respectively.

Fiction: *The judges of Carroll County refuse to cooperate and/or work with the Council in an attempt to help fix the county fiscal problems.*

Fact: The Courts initiated meetings and attempted to work with the Council in an effort to reconcile budgetary issues so that more costly alternatives might be avoided. **Fact:** Although informed by the judges that the courts would be unable to function without their present staff and an adequate public defender budget, the Council approved the current budget and "dared" us to file a mandate. Statements made by council members indicate they believe the judges will be successful in a mandate action.

Questions: Why would the County Council adopt a budget knowing it can be successfully contested by the judges? Why would the Council adopt a budget that cripples the courts and prevents the judges from fulfilling their requirements of office? Is it to deflect the heat away from the judges and put the courts in an awkward position?

As Judges of Carroll County, we believe that it is important that the citizens of the county receive the full and uneditorialized truth; we therefore paid for the publication of the above information with money from our own pockets.

Judge Don Currie

Judge Jeff Smith

More information, including charts showing financial information and a video interview of the Judges, can be found at:

www.carrollcountycourts.blogspot.com

Paid for by Don Currie and Jeff Smith