

**ALERTS**

## Government Services Alert - Indiana Supreme Court Limits Judicial Review Of County Employment Decisions

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In a key victory for counties across Indiana, the Indiana Supreme Court has determined that terminated county employees do not have the right to sue county commissioners to obtain judicial review of the termination decision. In *Fayette County Board of Commissioners v. Price*, the Supreme Court rejected an attempt to impose unrestricted review of employment decisions under a statute allowing appeals of decisions made by county commissioners. In the *Fayette County* case, both a trial court and the Indiana Court of Appeals sided with a terminated county highway superintendent and extended the right to appeal under the statute to the termination of county employees. Those decisions threatened to allow terminated county employees to challenge their termination through an unlimited review in Indiana's trial courts, which would be charged with deciding for themselves whether the county commissioners properly terminated the employee.

But the Supreme Court rejected this approach and determined that the statute did not authorize courts to second-guess the termination of the highway superintendent. The Court reached this result by determining that the statute extended only to "quasi-judicial" decisions by county commissioners. The Court held that "quasi-judicial" decisions are those that are "equivalent to a court's adjudication of issues between opposing parties." To meet that standard, the commissioner's action would need to involve "determination of issues" or a "rendition of a judgment or final order regarding the parties' rights, duties, or liabilities." Conversely, the Court held that decisions that were ministerial or administrative would not be subject to review by the courts. It then held that the termination of the highway superintendent was ministerial or administrative in nature and therefore could not be subject to review in the courts.

While the Court did not expressly preclude judicial review of all employment decisions, its holding severely curtails the ability of terminated employees to second-guess the employment decisions of Indiana county commissioners. If the Supreme Court sided with the lower court decisions, terminated employees could have required judicial review of virtually every employment decision made by county commissioners.

Barnes & Thornburg attorneys John Koenig, Mark Crandley, and Adam Bartrom represented the Indiana Association of County Commissioners in the case, with Mr. Crandley arguing the case before the Supreme Court on behalf of the IACC.

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