

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
March 11, 2021

The Judicial Administration Committee of the Judicial Conference of Indiana met remotely via Teams on Thursday, March 11, 2021 from 12:00 noon to 1:00 p.m.

1. Members present. Joseph Claypool, Grant W. Hawkins, Gregory A. Horn, William Hughes, Christina R. Klineman, Dena Martin, Timothy J. Ormes, Benjamin Vanderpool, Heather Welch and Vicki Carmichael, Chair
2. Staff present. Jeffrey Bercovitz, Pam Christenberry, James Diller, Tom Jones, Jeff Wiese, Indiana Office of Court Services.
3. Guests. Stephanie LeMay-Luken, Christopher Nancarrow and Emily VanAusdol
4. Minutes approved. The minutes for the meeting on October 9, 2020 were approved.
5. Weighted caseload.
 - a. Jeff Wiese reported how weighted caseload is presented to the legislature each year. Committee members discussed how to note and account for a drop in case filing numbers for 2020. They discussed noting this as a unique year, including three (3) years of 2017, 2018, and 2019 case filing numbers to show the trend in a particular court, and noting factors relating to Covid 19, e.g., decrease in large social events.

Judge Carmichael reported the Indiana Judges Association has put together a new committee to discuss how judges should seek new judicial officers in their county. The committee has developed a process which is similar to a grant application. The application would include weighted caseload statistics along with unique county factors which may affect caseload e.g., drug epidemic in the county, a college town generating a lot of cases, or large sporting events. The application would document county support.
 - b. Jim Diller explained the use of the old “Temporary Adjusted” numbers to account for the judge time calculation. This adjusts the judge time based on case filings by these steps:
 - Adds special judge cases in other courts
 - Adds minutes for cases venued in and transferred in cases
 - Subtracts minutes for cases where another judge assumed jurisdiction as special judge
 - Subtracts from the court’s total minutes cases venued out and transferred out; and,
 - Adds to the reporting court’s total minutes the time which senior judges serve in the reporting court.

6. Pretrial release officers. Members of the committee discussed salaries for pretrial release officers. Committee members reported they mostly used certified or former probation officers, who were paid the same or almost identically as probation officers. The pretrial release officers perform similar duties, e.g., use of screening instruments and supervision.
7. New eviction case type. Jeff Bercovitz reported the use of the EV case type for evictions beginning Jan. 1, 2021. This case type includes residential and commercial evictions and is given the same time as a small claims case, at least until a new weighted caseload study is conducted. Committee members discussed how litigants were not using existing remedies to postpone eviction cases and how they expect many additional filings when state or local moratoriums end.
8. Civil filings for indigents. Members of the committee discussed the procedures for fee waiver requests when filing of civil cases by indigents. The discussion included filing the fee waiver as part of the civil filing, the determination by the court the filer was indigent and/or could pay a portion of the filing fee, the use of the CB case type for the filing, tracking the granting of pauper petitions, and related issues.
9. Administrative Rule 14. Judge Carmichael stated there is still interest in expanding Administrative Rule 14 concerning remote hearings. The Indiana Supreme Court has reviewed proposed revisions from the Supreme Court Rules Committee. Committee members agreed by consensus the use of remote hearings is helpful and wish to continue use of remote proceedings. They discussed how attorneys could appear remotely for local clients without a long drive from out of county, how it helped attorneys in “donut” counties appear in contiguous counties without a drive, and how it saved time in initial hearings by not having to bring criminals back and forth from the jail to the courtroom. It was reported Hamilton County had a pilot program for sharing exhibits in the cloud.

Committee members agreed by consensus to review any proposed draft Administrative Rule 14 revisions from the Supreme Court Rules Committee, including circulating a draft for comment if there was no scheduled committee meeting in time to discuss the rule.
10. Next meeting dates. The committee members agreed to meet again remotely on Friday, July 9, 2021 and Friday, October 8, 2021 from 12:00 p.m. – 1:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
July 9, 2021

The Judicial Administration Committee of the Judicial Conference of Indiana met remotely via Teams on Friday, July 9, 2021 from 12:00 noon to 1:00 p.m.

1. Members present. Joseph Claypool, William J. Hughes, Dena Benham Martin, Shaun Olsen, Timothy J. Ormes, and Vicki L. Carmichael, Chair
2. Staff present. Jeffrey Bercovitz, Pam Christenberry, James Diller, Tom Jones, Jeff Wiese, Indiana Office of Court Services.
3. Guests. Christopher Nancarrow, Shelley Septer and Emily VanAusdol
4. Minutes approved. The minutes for the meeting on March 11, 2021 were approved.
5. Administrative Rule 14. Judge Carmichael reported the Supreme Court is still looking at revisions and feedback on Administrative Rule 14 about remote hearings. Members discussed:
 - Use of Zoom is especially helpful for witnesses who otherwise would not be able to attend
 - A pilot program for Case Lines, a case service for uploading and sharing exhibits in the cloud
 - Appearances by witnesses remotely is not effective when areas of the county have poor internet service
 - Less transport issues with inmates for remote appearances
 - Defendants can talk with their clients privately in the courtroom. The court can clear the room and turn off the recording equipment
 - Courts use of the breakout room function in Zoom to permit private attorney-client conferences
 - Concern was expressed about hybrid hearings, where a witness appears remotely but other witnesses or parties are in the courtroom. This is difficult for the court to administer
 - There is a need for dialogues and proposed orders for Zoom hearings if and when Rule 14 is revised. There is a need for consistency for judges in counties to handle remote hearings similarly.
 - Use of remote appearances in domestic violence cases. Some judges required litigants to show the room they are in on camera to try to prevent other persons from being in the room when a person is testifying.
 - Use of video hearings permits the court to see all the faces of all the participants in a hearing or proceeding at the same time, rather than only seeing the witness or the counsel table

- With a remote appearance, courts do not have to see a masked person testify. Some witnesses are reluctant to use a clear face shield in court
- With poor internet coverage in some areas of the county, a list of free internet sites in the county is very helpful for witnesses appearing remotely
- At the recent juvenile court conference, juveniles stated the court does not know who is in the room with them when they are appearing in court
- Remote appearances are helpful for in camera appearances by juveniles for *in camera* hearings with the court in Domestic Relations cases
- It is easier for children at college to appear remotely when conducting a video hearing
- Courtroom rules must still be enforced when parties or witnesses appear remotely, e.g., no smoking for remote court appearances

6. Weighted caseload. Judge Carmichael reported the Indiana Judges Association has put together a form checklist indicating tasks a judge should complete when seeking a new judicial officer. It will be distributed to the committee for review for the next meeting. Committee members discussed consideration of factors for new courts including preparation of a new courtroom, clearance rates and closure rates for cases in a court and the use of net case numbers.

7. Case types. Committee members agreed by consensus to discuss whether there should be a process for requesting new case types. They discussed:

- Use of electronic filing has increased the numbers of cases filed under the wrong case type
- The need to have the substantive committee which works in the area to look a request for a new case type when a new case type is requested
- Not expanding new case types and use of “sub types” within Odyssey

8. Next meeting dates. The committee members agreed to meet again remotely on Friday, October 8, 2021, January 14, 2022, and March 11, 2022 from 12:00 p.m. – 1:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
October 8, 2021

The Judicial Administration Committee of the Judicial Conference of Indiana met remotely via Teams on Friday, October 8, 2021 from 12:00 noon to 1:00 p.m.

1. Members present. Wendy Davis, Grant W. Hawkins, Dena A. Martin, Shaun T. Olsen, Timothy J. Ormes, and Vicki L. Carmichael, Chair
2. Staff present. Jeffrey Bercovitz, Pam Christenberry, Tom Jones and Jeff Wiese, Indiana Office of Court Services.
3. Guests. Myla Eldridge, Catherine Haines, and Christopher Nancarrow
4. Minutes approved. The minutes for the committee on July 9, 2021 were approved.
5. New committee tasks. Judge Carmichael explained the Strategic Planning Committee asked the Judicial Administration Committee to work on two new tasks.
 - a. Add Court Technology as a standing focus area. This includes gathering and receiving feedback from Court Technology and getting information for and feedback from judicial officers for Court Technology. Mary DePrez and/or her designee(s) would be invited to each meeting of the committee. The Judicial Administration Committee could invite a judicial representative from the Court Technology user group to attend meetings. The committee agreed by consensus to take on this new task.
 - b. Work on a template for courts to use in an emergency when a judicial officer is absent. This template would be in writing, include the use of Senior Judges, and keep security and court personnel in mind.
 - Committee members agreed to gather existing emergency plans from themselves and neighboring counties. The plans would include all judicial officers and court administrators in the county.
 - Committee members discussed and agreed to review the senior judge portal on INCite, which they all have access to. All active senior judges have a profile in this portal, which indicates case type and county preferences. Days a senior judge has worked and have remaining to work are also in the portal.
 - Judge Carmichael and staff agreed to meet with the Senior Judge Committee chair to discuss all that is contained in the portal and if more information was needed.
6. Next meeting dates. The committee members agreed to meet again remotely on Friday, January 14, 2022, and March 11, 2022 from 12:00 p.m. – 1:00 p.m. They also agreed to meet on Friday, May 13, August 12, and October 14 from 12:00 noon – 2:00 p.m. via Teams.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law