

Judicial Administration Committee
Judicial Conference of Indiana

Minutes

January 15, 2016

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, January 15, 2016 from 9:00 a.m. – 3:00 p.m.

1. Members present. Robert R. Aylsworth, Craig J. Bobay, David R. Bolk, Nancy Eschcoff Boyer, J. Richard Campbell, John F. Hanley, Christina R. Klineman, William C. Menges, Timothy P. Spahr, Robert J. Tornatta, Robert G. Vann and Rick Maughmer, Chair.
2. Staff present. Jeffrey Bercovitz, Indiana Judicial Center; and James Diller, Court Analyst, Angela James, Tom Jones and Jeff Wiese, Division of State Court Administration provided the committee with staff assistance.
3. Guests present. David Sayles, Project Analyst, National Center for State Courts (NCSC) and Suzanne Tallarico, Principal Court Management Consultant, were present. Mary Willis, President, Indiana Judges Association was present and was invited to participate in the discussion from both a juvenile court perspective and her position on the IJA.
4. Minutes approved. The minutes for the meeting on August 14, 2015 were approved by the committee.
5. Presentation by David Sayles and Suzanne Tallarico. David Sayles and Suzanne Tallarico distributed draft results of the judicial time study conducted in October 2015 and the Adequacy of Time Study conducted in November 2015 by the National Center for State Courts. They reported 99.37% of all judicial officers in Indiana participated in this study. This was a high participation rate considering the number of judicial officers in Indiana (472). The following data was reviewed by them with the committee:
 - Suzanne Tallarico indicated some courts were open on Columbus Day and others were closed. She explained the NCSC averaged the closed court time with the open court time to have 20 days of data for their calculations.
 - Expungement data filings were only available for six (6) months. It was extrapolated for one year.
 - A sample calculation for misdemeanors was reviewed by the committee which showed how each individual case weight was determined.
 - Time judges are available for case types were reviewed. Judge Boyer moved to use the noncase related time and travel time for judges to calculate judge time availability. Judge Menges seconded the motion. The motion was passed unanimously. In addition, members of the committee scrutinized the noncase related time. This included noncase related administration, community activities, committee meetings, general legal research and other areas. David Sayles and Suzanne Tallarico compared the judicial legal research time and percentage of times in Indiana to Pennsylvania and Montana. Judge Spahr moved to increase the legal research time by 10 minutes in order to be a similar percentage of time as these other states. Judge Menges seconded the motion. The motion was passed.
 - David Sayles and Suzanne Tallarico stated they were concerned that Level 1-6 felonies were not showing a lot of post disposition time since they were relatively new case types. This was especially true for Level 1 felonies. In addition, there was relatively fewer Level

1 felony times reported. David Sayles and Suzanne Tallarico distributed charts showing distribution of times for individual actions within Level 1-6 felonies and Level A-D felonies. In order to show a more accurate distribution of felony post disposition time, they calculated the case times for Level 1-6 felonies based on the percentage distribution of A-D Level felonies into Level 1-6 felonies. Committee members agreed by consensus to use the case weights based in this distribution for the time study.

- David Sayles reviewed the Adequacy of Time Survey with members of the committee. Five areas were highlighted as needing further review: Death Penalty/Life Without Parole, Murder, Certified Problem Solving Court, Juvenile CHINS, Juvenile Termination of Parental Rights, Domestic Relations with Children, and Non-Case Related Administration. Suzanne Tallarico indicated the survey was a good general indicator of areas where judicial officers believe more case time is needed. She stated 269 judicial officers covering about 50% of the counties responded to the survey.
 - Committee members discussed the inadequate numbers of judges recording of times and the lack of cases to adequately determine a time for the Death Penalty/Life Without Parole case type. Judge Tornatta moved (1) to use 2,649 minutes from the 2002 weighted caseload study for this case type, (2) to urge adoption of a rule curtailing the filing of cases in courts receive this type of case and (3) let the court with this type of case have as much senior judge time as needed to keep the other cases in the court moving. Judge Menges seconded the motion. The motion was passed.
 - David Sayles and Suzanne Tallarico reported Problem Solving Court times were in line with other states and the committee agreed by consensus to make no change in the draft study time.
 - Members of the committee looked at Termination of Parental Rights times. They noted many TPR cases are dismissed and settled. They also noted many courts will not feel they ever have enough time with this case type. They agreed by consensus to make no change in the draft study time.
 - Committee members reviewed the CHINS times and noted the recent increase in the filing of CHINS cases. They agreed by consensus to make no change in the draft study time.
 - The committee agreed the split of times in Domestic Relations cases between those cases including children and those without would be helpful to all judicial officers and agreed to make no change in the draft study time.
 - Members of the committee reviewed JS times and agreed by consensus to make no change in the draft study time. Even though the draft time dropped, they believe the increase in CHINS cases may have taken cases which otherwise would have been filed as JS cases. In addition, they reported a decrease in the filing of JS cases in some counties.
 - Members of the committee discussed Tax Sales (TS) times from the study. The TS definition as originally submitted was redistributed to committee members and reviewed. Committee members agreed by consensus (1) to recommend creation of a new TS case type, (2) place the 10,929 TS minutes for accounting purposes from the study back into the MI case type, and (3) to conduct a focus group on how to define and calculate a time to be allocated to this new case type.
 - Committee members reviewed various probate case type times and civil collections and agreed to make no change in the draft study time.
6. Focus groups. The NCSC agreed to hold focus groups in Newcastle or Muncie, Ft. Wayne, Valparaiso, Lafayette, Indianapolis, in Indianapolis for counties surrounding Indianapolis, Clarksville, and Evansville. In addition, they agreed to a focus group in Indianapolis on the tax sales case type. The focus groups would be conducted during the week of March 7-11,

2016. They agreed the focus groups would be conducted by two members of the NCSC staff, have 10-12 judicial officers each. In addition they would have Judicial Center staff, Division of State Court Administration staff and/or a committee member at each one, and take 60-90 minutes each. Committee members agreed to assist in arranging a room at each of these sites. The Judicial Center agreed to pay for travel for one judge and Center staff to attend each focus group.

7. Disposition of paper records of previous studies. Staff asked whether paper records from previous judicial weighted caseload studies should be kept. The NCSC stated they did not need to be kept. Tom Jones stated the final reports should be kept. The records should be destroyed, however a sampling should be sent to the Indiana State Archives.

8. Next meetings. The committee agreed to cancel the February and March meetings and meet again on the following dates:

Fri., Feb. 12, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., March 11, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., May 13, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., July 8, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., Aug. 12, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., Oct. 14, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
May 12-13, 2016

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Thursday, May 12, 2016 from 1:00 – 5:00 p.m. and again on Friday, May 13, 2016 from 9:00 a.m. – 11:30 a.m.

1. Members present. May 12 and 13: Robert R. Aylsworth, Nancy Eschcoff Boyer, J. Richard Campbell, Richard D. Culver, Christina R. Klineman, William C. Menges, Timothy P. Spahr, Robert J. Tornatta, Robert G. Vann and Rick Maughmer, Chair; and May 12: David R. Bolk was present.
2. Staff present. Jeffrey Bercovitz Indiana Judicial Center; James Diller, Court Analyst, Angela James, Tom Jones and Jeff Wiese, Division of State Court Administration; and Justin Forkner (May 12) provided the committee with staff assistance.
3. Guests present. David Sayles, Project Analyst, National Center for State Courts (NCSC) and Suzanne Tallarico, Principal Court Management Consultant, were present on May 12-13; Mary Willis, President, Indiana Judges Association was also present on May 13.
4. Minutes approved. The minutes for the meeting on January 15, 2016 were approved by the committee.
5. Presentation by David Sayles and Suzanne Tallarico.
 - a. David Sayles stated the draft final weighted caseload report would be completed by June 6, 2016. Committee members agreed to return all comments back to Judge Maughmer by June 17, 2016. He agreed to forward them to the National Center for State Courts (NCSC), and the NCSC agreed to return a revised draft to Judge Maughmer by June 24, 2016.
 - b. David Sayles reviewed the comments from the focus groups with members of the committee. He noted their comments centered on administrative time, Level 6 felonies, lack of time for CHINS, TPR and Paternity cases, Domestic Relations cases and Problem Solving Courts, including noncertified problem solving courts. Members of the committee reviewed the proposed times for these case types and made no changes in them.
 - c. Committee members agreed by consensus to use all data gathered and not to remove statistical outliers.
 - d. Members of the committee discussed the tax sales case type and reviewed the results of the tax sales focus group. They agreed the “bundled” case as filed from the state should receive 128 minutes and a new “TS” case type designation. Committee members also agreed when a petition for a tax deed is filed, a new cause number should be given to the case with a new “TD” designation. This new case type should receive 21 minutes. Judge Boyer moved the recommend these two new case type designations for

adoption by the Indiana Supreme Court, and no filing fee should be charged for the TD case type. The motion was seconded. Committee members discussed how there should be no barriers to filing these cases and no filing fee should be charged. The motion was passed. Suzanne Tallarico said if the new case type is not created, the minutes gathered in the study would go into the Civil Miscellaneous case type, which would increase that time.

e. Chief Justice Rush thanked the committee and conveyed her appreciation for its work on Judicial Weighted Caseload Measures. She said the running of courts is more like a business. She was very pleased with the 99% participation rate of judicial officers in the recording of time in that portion of the study.

f. Committee members confirmed their agreement from their last meeting to use 2,649 minutes from the 2002 weighted caseload study for Death Penalty/Life without Parole (DP/LWOP) cases; urge adoption of a rule curtailing the filing of other cases in courts which receive a DP/LWOP case; and let the court with this type of case have as much senior judge time as needed to keep the other cases in the court moving.

g. Members of the committee agreed to use the 2009 study minutes for Class A-D felony case filings, which still occur. There were not enough Class A-D felonies during this study to get accurate numbers on all portions of a case.

h. Committee members reviewed case type times by small, medium and large counties. Suzanne Tallarico reported no consistent differences in case type by small, medium or large county. Judge Boyer moved to use statewide averages and not use a breakdown by size of county. Judge Klineman seconded the motion. The motion was passed.

i. Suzanne Tallarico showed the committee the proportion of time judges spend on each type of activity within each case type. She also noted the average times judges spend on each case type.

j. Committee members discussed abolishing the .40 rule but still equalizing caseloads within a county. Judge Boyer moved to require the judges in a county agree to caseload distribution, and absent agreement of the judges, the Division of State Court Administration would develop a caseload allocation plan. Judge Menges seconded the motion. The motion was passed. Judge Maughmer agreed to draft language urging the Indiana Supreme Court to amend Administrative Rule 1 about the .40 rule along the lines of this motion. The committee agreed to the following language:

(E) County Caseload Plans. -- The courts of record in a county shall, by a local rule, implement a caseload allocation plan for the county that ensures an even distribution of judicial workload among the courts of record in the county.

(1) Schedule for Plans. The Indiana Supreme Court Division of State Court Administration (Division), with Supreme Court approval, shall prepare and publish a schedule for the submission and approval of such local caseload allocation plans. The schedule shall ensure that the courts of record in each county must review and submit a new plan or re-submit an existing plan not less than once every two (2) years.

(2) Weighted Caseload Measures. Based on the statistical reports submitted pursuant to this rule and a weighted caseload measures system, the Division shall prepare and publish annually a weighted caseload report on the caseload of the Indiana trial courts of record.

(3) Approval of Plans. The courts of record in each county must unanimously approve and sign the caseload allocation plan required under this subsection. With Supreme Court approval, the Division shall approve a plan that has been unanimously approved by the courts of record within the county. The Division may request a county to explain any

caseload variance among the courts resulting from the county plan. Should a county fail to agree to a caseload allocation plan, the Supreme Court shall prescribe a plan for use by the county.

k. Suzanne Tallarico and David Sayles explained the judge need charts. Committee members agreed the number of judicial officers on December 31, 2015 should be used. Any additional judicial officers added by the legislature in 2016 should be indicated in the final report.

l. Judge Maughmer distributed a memo to the committee by Judge Hopkins with his comments dated February 3, 2016, since he was unable to attend a focus group.

m. Committee members agreed to recommend to the Indiana Supreme Court a presentation be given on the final report on Indiana's judicial weighted caseload at the Annual Meeting of the Judicial Conference of Indiana in September and then distribute a hard copy of the report.

6. Next meetings. The committee agreed to meet again on:

Fri., July 8, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., Aug. 12, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., Oct. 14, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
August 12, 2016

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, August 12, 2016 from 10:00 a.m. – 2:15 p.m.

1. Members present. Robert R. Aylsworth, Craig J. Bobay, J. Richard Campbell, Christina R. Klineman, William C. Menges, Timothy P. Spahr, Robert J. Tornatta, Robert G. Vann and Rick Maughmer, Chair.
2. Staff present. Jeffrey Bercovitz, James Diller, Tom Jones and Jeff Wiese, Office of Court Services.
3. Guests present. Suzanne Tallarico, Principal Court Management Consultant, National Center for Court Services via speakerphone; and Judge Vickie Carmichael, Vice-President, Indiana Judges Association were present.
4. Minutes approved. The minutes for the meeting on May 12-13, 2016 were approved by the committee.
5. Review of draft weighted caseload report.
 - a. Committee members reviewed the times for each case type and the comparison to existing times; agreed to revisions to the chart on disposition activities, which included the percentage of time judicial officers spent on activities within a case type, judicial officer resources, the inside the numbers appendix, and felony case type conversions.
 - b. Members of the committee discussed implications of the weighted caseload study.
 - c. Judge Maughmer reported the Indiana Supreme Court agreed yesterday to adopt the recommendations of the study, including the new DC, DN, TS and TP case types, revisions to Administrative Rule 1 (E) [county caseload plans], and LWOP/DP recommendations. They agreed to implement them on January 1, 2017. He stated they wished to use a more helpful name for the report, which will be devised soon.
 - d. Judge Carmichael requested talking points from the Strategic Planning Committee be incorporated into the breakout sessions at the Annual Meeting of the Judicial Conference.
 - e. Committee members agreed to look at the administrative documents, which accompany Administrative Rule 1(E); and review any questions from the Annual Meeting of the Judicial Conference of Indiana at the October meeting of the committee.
6. Conference call with Suzanne Tallarico. Committee members talked with Suzanne Tallarico via speakerphone about the report. She said the NCSC will print and have 500 copies of the report delivered to the Annual Meeting of the Judicial Conference of Indiana in French Lick, Indiana.

She agreed David Sayles and John Douglas would give an overview of the weighted caseload report. They would discuss gathering time data, annualizing case times, how minutes per case type were devised, how judge time availability was devised, review the process for determining the new tax sale times, the adequacy of time survey and the focus groups. They would provide a PowerPoint presentation in advance.

7. Committee presentation at Annual Meeting. Judge Maughmer agreed to give a short presentation at the plenary session on Sept. 15, and lead each of the two breakout sessions at the Annual Meeting of the Judicial Conference of Indiana in September. New times for criminal case types, problem-solving courts, CHINS, TPR, DC and DN, Estates and Trusts, Tax Sales and Administrative Rule1 (E) will be reviewed.

8. Future committee topics. Committee members agreed to consider two future topics: (1) Case processing standards; and (2) a combination including staff problems, adequate staffing and staff compensation.

9. Next meetings. The committee agreed to meet again on: Oct. 14, 2016, Jan. 13, 2017, Feb. 10, 2017 (if needed), March 10, 2017, May 12, 2017, July 14, 2017, and Aug. 11, 2017, all on Friday from 10:00 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
October 14, 2016

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 14, 2016 from 10:00 a.m. – 2:15 p.m.

1. Members present. Robert R. Aylsworth, Craig J. Bobay, J. Richard Campbell, Joseph L. Claypool, Timothy P. Spahr, Robert J. Tornatta, and Rick Maughmer, Chair.
2. Staff present. Jeffrey Bercovitz, James Diller, Tom Jones, and Jeff Wiese, Office of Court Services; and Mary Willis, Office of Judicial Administration
3. Guests present. Judge Vickie Carmichael, Vice-President, Indiana Judges Association.
4. Minutes approved. The minutes for the meeting on August 12, 2016 were approved by the committee.
5. Review of final weighted caseload report.
 - a. Committee members reviewed comments from the Annual Meeting of the Judicial Conference of Indiana about the Caseload Allocation Plan report. Judge Carmichael said the comments about the plenary and breakout sessions were good. Jim Diller stated some counties had called and asked him for the new numbers for their individual courts. Members of the committee agreed the best use of the report was with local county councils or commissioners and not for comparison with other counties or for a local press release. Judge Bobay thanked Judge Maughmer for his leadership and work on this project as well as the staff.
 - b. Members of the committee discussed items for the next caseload allocation study including: (1) the effect of pro se litigants on cases; (2) the effect of non-English speaking litigants on cases; (3) a repeat study of six levels of felonies, dissolution case types, and tax sale cases; (4) the effect of special judges on cases, e.g., travel time, unfamiliarity with case type; (5) the consideration of whether a judge or a magistrate is needed; (6) the effect of magistrates hearing cases as special judges; (7) how counties vary in their review of magistrate orders; (8) the effect of reduced time for the MI case type; and (9) the need to study small claims in Marion County if the Small Claims Courts become courts of record as they are scheduled to do so by statute.
6. Problem-solving court cases. A judge recently asked how to count a transfer of a person to the problem-solving court in her county when the defendant had many cases which were transferred. Committee members agreed by consensus with the instruction from the QCSR manual which indicates, “the number of new defendants or convicted persons entering the program, not the number of individual cases, is reported...”
7. Draft rule on County and District caseload plans.
 - a. Members of the committee agreed by consensus to:

- (1) Reaffirm their recommendation that county plans must be approved by 100% of the judges in the county;
 - (2) Keep a district rule, but give authority to go across district lines for counties in different districts to propose a caseload allocation plan;
 - (3) Have a separate rule for county allocation plans and district allocation plans;
 - (4) Include district requirements as part of the rule, not as a separate document.
- b. Jeff Wiese distributed a revised draft of the rule as separated in the above recommendation. Committee members agreed to forward it to the Strategic Planning Committee for their consideration.

8. Future committee topics. Committee members discussed future topics.
- a. Case processing standards. Judge Willis reported an INcite application permits a court to see its own case processing times for various case types. David Williams, Court Technology can assist with the use of this tool.
 - b. Workload measures for court staff. Members of the committee discussed the need for more court staff to increase the numbers of cases processed. In addition, they discussed instances where there was a need for additional court facilities in order to hear more cases. Court employee salaries were a concern as well. The need for more court reporters based on the new transcript rule and the variance of salaries of court reporters was discussed at length. Committee members discussed how different court functions are carried out by different court staff in the counties, and court staff have different names in some counties but perform similar functions. Comparisons across county lines are difficult. Whether clerks should be included in any study was also discussed. Judge Maughmer agreed to contact the National Center for State Courts for information and a presentation about workload measures for court staff as well as case processing standards. Jeff Wiese agreed to distribute the revised draft and a listing of court personnel to the committee.
9. Next meetings. The committee agreed to meet again on: Jan. 13, 2017, Feb. 10, 2017 (if needed), March 10, 2017, May 12, 2017, July 14, 2017, and Aug. 11, 2017, all on Friday from 10:00 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law