INDIANA JUDICIAL WEIGHTED CASELOAD
STUDY UPDATE

FINAL REPORT
May 2009

JUDICIAL ADMINISTRATION COMMITTEE
JUDICIAL CONFERENCE OF INDIANA

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GLOSSARY OF TERMS

Average Number of Actions for All Cases Filed – The average number of every type of action in specific types of cases as calculated from a review of a sampling of case files from various courts/counties in the state.

Average Time Per Action – The average time for each action or activity as recorded on the judicial time sheets for specific types of cases.

Case File Review(s) or Audit(s) – The means for generating data on the number of actions being taken by specific courts/counties on different types of cases as chosen for the studies. The actual reviews or audits consist of examining a Chronological Case Summary (CCS) and recording the number of actions (e.g., hearings, opinions, orders, and judgments) and dates when certain actions occur.

Case Types examined in this study:

(1) Murder (MR)
(2) A Felony (FA)
(3) B Felony (FB)
(4) C Felony (FC)
(5) D Felony (FD)
(6) Post Conviction Relief (PC)
(7) Problem-solving courts – Drug and Re-entry cases
(8) Children in Need of Services or CHINS (JC)
(9) Termination of Parental Rights (JT)

Chronological Case Summary (CCS) – An official sequential record of the judicial events in a case documented in accordance with Trial Rule 77(B).

Committee – Is the Judicial Administration Committee, which is the body, charged with the responsibility of leading the state's Weighted Caseloads studies.

Counties selected for this study:

LARGE COUNTIES	MEDIUM COUNTIES	SMALL COUNTIES
Population: over 300,000	***100,000 to 300,000***	***Under 100,000***
Allen	Delaware	Clay
Lake	Elkhart	Dearborn
Marion	Hamilton	Henry
	Johnson	Howard
	Madison	Knox
	Monroe	Kosciusko
	Porter	LaGrange
	Vigo	Morgan
	Wayne	Perry
		Randolph
		Starke
		Sullivan
		Wabash

CourTools – The "*CourTools*" model includes ten different activities judges can use to keep track of how they spend their time recording points for each of the activities. In the meetings leading up to the

start of the current study, the Committee discussed the possibility of using the CourTools or similar resource to better define the actions and activities the "other" category in the study's data collection may encompass.

Outliers (= Standard Deviation) – The Committee reviewed the policy of removing cases that had results which were more than one standard deviation above or below other data recorded for a given measure (e.g., number of prejudgment hearings or orders for a specific case type). That practice was used on the data collected in the 1996 and 2002 judicial weighted caseload studies, and equated to dropping the top 2.5% and bottom 2.5% of all case files for each type of case in the studies. However, after careful examination and some lengthy discussion, the Committee decided not to remove any "outlier" cases in the current study.

Problem Solving Court(s) – A court certified as a problem-solving court under the rules of the Indiana Judicial Center.

Rule 1(E) (".40 Rule") – Under Administrative Rule 1(E) the courts of record in a county shall, by 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. Administrative Rule 1(E) (2) requires that caseload allocation plans for each county ensure that the variance, or difference, in utilization figures between all courts of record in the county does not exceed .40 based on a weighted caseload measures system.

The two variables use in the Weighted Caseload Study:
Time Sheet Data – The data taken from the information judicial officers throughout the state record on the time they spend on every action in court, and on non-case related activities or events over the course of a specified timeframe.

Total Minutes Per Action Per Case – This is the total estimated number of minutes it takes a court to complete every action or activity in a specific type of case as determined by multiplying the average time per action (time sheet data) by the average number of actions for all cases filed (case file review/audit data).

Weighted Caseload Study (Update) – The process of conducting the research and analysis to arrive at weights for selected case types by: (1) Studying judicial time via the collection of time sheet data; and, (2) Obtaining data from case file reviews or audits. Those two main elements are then combined to produce a scientific estimate of the total time it takes courts to manage all of the different types of cases.

INTRODUCTION

In early 1993 the Judicial Administration Committee of the Judicial Conference of Indiana, hereafter referred to as the Committee, began working on the Weighted Caseload Measure Study at the request of the Chief Justice. The initial study was launched in order to have an objective method for determining the need for new courts. Members of the judiciary indicated assessing judges' caseloads did not evaluate actual judicial workload. Consequently, the quest to change the process lead to the creation of the weighting of judicial caseloads, by using the average time judicial officials spent on different case types across all of the actions in a case. Different weights were assigned to the various types of cases heard in Indiana's courts. That system of weighting cases enabled the judicial branch of Indiana state government to more accurately identify, analyze and evaluate judicial workloads, and to therefore serve the public more effectively. The method for conducting the Weighted Caseload study and establishing weights is explained in greater detail in the Methodology and Weighted Caseload Process sections of this report.

The Committee decided to use the weighted caseload method as presented by the National Center for State Courts and being used by a majority of states at the time. The Committee has used that method for studying judicial caseloads and workloads since that time, through the first update in 2002 and then again with this study. As in the 2002 study, the Committee engaged a team of experts to collect and analyze data. The research team was lead by Mr. Jim Wolf, Director of the Survey Research Center at Indiana University – Purdue University (IUPUI) (formerly the Public Opinion Laboratory), and included Mr. Larry Grau from the Grau Group, Inc. to assist in collecting and analyzing data, compiling information, and drafting the final report. Mr. Wolf and Mr. Grau served as the primary consultants to the Committee, and were the main external presenters at Committee meetings during the course of the study. (Please see Appendix B for professional biographical information and qualifications of these experts).

The Committee was able to secure a grant from the State Justice Institute (Grant Number: SJI-07-T-194) to supply funding for the research and other aspects of the updated study, which was begun in 2007. The Committee held six meetings in 2007, six meetings in 2008, and four meetings in 2009. Its work consisted in planning how the update should be structured, organizing the process for conducting the study, and reviewing the data and information gathered. The Committee determined: what types of cases to use in the study, which counties would be included in the case file reviews, how the time sheets would be managed and administered, and the best means for analyzing data to be used in reaching the most productive conclusions for advancing the Weighted Caseload update. Committee members completed the final review of data and other relevant information in 2009, which subsequently led to the drafting of this report.

While the Committee did maintain most of the practices and approaches from the previous studies, the members determined a number of changes would be made to complete this study. The improvements the Committee agreed upon were largely prompted by:

1) Advances in technology occurring since the 2002 study;
2) A thorough assessment of what worked well in the previous studies and what improvements were needed; and,
3) The necessity to adopt new methods for collecting and analyzing data.

The most significant changes in the conduct of this study as compared to previous studies were:

- Greater focus on trials – from the frequency in which those events occurred, to how data was entered and counted in figuring judicial time spent on specific types of cases;
- Computer-based file audits allowing the researchers to attain more uniformity;
- No longer removing "outliers" or reducing data by a standard deviation from the top and bottom data entries;
- Examination of significantly more data and used a more thorough process for both case file reviews and time sheet entries.

The Committee noted the Weighted Caseload studies are always restricted in terms of the number of case types and issues that can be tackled in a given update due to limited funding and time to dedicate to the effort. The 1996 project involved self-reported case file reviews and time sheet calculations and included every type of case. That method for gathering data was, however, not nearly as thorough or precise as that which was used in the current study.

Since this is the third weighted caseload study, the state has now accrued a foundation of data and information on which to build in each subsequent study. The Committee was determined to address the recommendations and concerns raised in the past studies, as well as the new findings in the present study. Plus, there are always topics and considerations that emerge during the course of a study which will demand further attention. This is the first study to focus on those three areas:

- New findings and recommendations based on the results of this study;
- Issues and ideas emerging during the current study; and,
- Issues and recommendations remaining from previous studies.

In fact, the Results and Recommendations sections of this report are organized in that order with findings and recommendations structured to cover subjects in each of the three categories above.

In terms of results, the Committee began its data analysis in this study by noting there had been several relevant changes in laws and in the rules and procedures guiding the courts, as well as in judicial practices since the 2002 study. However, those changes did not have much of an impact on the total time being spent on most of the case types involved in this study. In fact, the total (average) time remained largely the same for half of the case types studied. Time for murder cases and both juvenile case types reviewed (CHINS and termination of parental rights) changed fairly significantly. Based on the findings and emerging issues from this study, along with the recommendations and issues from the previous studies, the Committee made several recommendations, including the following:

- Conducting more frequent caseload and case type studies
- Improving future weighted caseload studies and research
- Looking into Habeas Corpus cases
- Examining cases involving special judges
- Recording trial time and actions when there are unique circumstances
- Identifying cases in problem-solving courts and generally monitoring the impact of the courts
- Engaging in comprehensive studies of civil court, domestic relations, and death penalty cases

While the Committee recognized its recommendations may take some time to digest, implement and resolve; everything that was recommended was done with the intention of improving how cases are managed and to strengthen the weighted caseload process.

In the following pages, the results of the present weighted caseload process are presented along with detailed descriptions of its two main components – the time sheet and case file review data collection and analysis – along with every other element of the study. The report also includes a timeline and historical perspective of the Weighted Caseload in Indiana, as well as a new section noting the process for applying the Weighted Caseload. The final section of the report contains recommendations for how the results of this update can or should be used to improve judicial workloads, the degree to which past recommendations have been met, and some ideas for improving future studies.

PROJECT HISTORY (TIMELINE)

This historical timeline briefly notes how the Weighted Caseload study has progressed since its inception in 1996, outlining key events, activities and determinations made by the Committee leading up to this second update of the study.

1993 - 1996

The Judicial Administration Committee began work on Judicial Weighted Caseload Measures in early 1993 at the request of the Chief Justice of Indiana. The Committee developed a mission statement, purpose, and goals. After being presented an overview of the use of judicial weighted caseload measures in the United States, the Committee agreed to use the Weighted Caseload process and measures based on a model from the National Center for State Courts. Mr. James (Jim) Jezek of the Colorado State Court Administrator's Office and an advisor to National Center for State Courts was chosen as a consultant to the Committee, for his expertise in Weighted Caseloads, including several similar projects in other states.

1997 - 2002

In the meetings and discussions leading up to the 2002 weighted caseload study, the Committee agreed to the following changes in the procedures used in 1996 and other means for improving the study:

- The Committee prepared a mission statement and an explanation of the study's purpose;
- Murder, and each felony case type would be studied separately and assigned different weights rather than being grouped under one classification *(e.g., A Felony =FA, B Felony =FB, and not both =CF)*;
- Separate weights would also be created for Mortgage Foreclosure and Civil Collections;
- In order to count judicial times in as uniform manner as possible, the Committee prepared a list of commonly used words or phrases in Chronological Case Summary (CCS) entries, for independent researchers, judicial officers and anyone contributing, collecting or recording data for the study to have a consistent and objective way to identify specific judicial actions.

2002 - 2005

In 2005, the Committee was asked to review a report relating to murder cases in Marion County. The data indicated that the number of murder cases that go to trial was greater and the length of those trials was significantly longer than was indicated in the 2002 study. It was obvious to the Committee that those numbers needed revision. The Committee also noted post judgment actions deserved special attention in the next study, especially probation revocations, sentence modifications, and post conviction relief.

2006

As part of the 2008 weighted caseload update, the Committee decided to review the following case types: murder (MR), A felony (FA), B felony (FB), C felony (FC), D felony (FD), children in need of services or CHINS (JC), termination of parental rights (JT), and post conviction relief (PC). The Committee had originally agreed to consider reviewing small claims cases in light of new jurisdictional limits and other factors, but determined all civil case types deserved to be studied more exhaustively than could be accomplished in this study. In addition, the Committee discussed including domestic relations (DR) and protection orders (PO) in the re-examination, but ultimately decided to postpone a review of those types of cases until later because of time and budgetary limitations.

The Committee also decided to review problem-solving courts, specifically drug and re-entry and transition courts, to see what effect those courts had on caseload weights.

2007

In discussing plans to initiate the next Weighted Caseload update the Committee members agreed to be certain the following matters were given added emphasis in structuring the new study:

(1) Providing a more comprehensive description of the weighted caseload process;
(2) Examining what impact problem-solving courts may have on caseload weights;
(3) Looking for counties with information in a useable format to include in the study;
(4) Evaluating filing rates of cases in comparison to the population of counties in selecting the sample size for case file reviews; and,
(5) Rectifying how trials are accounted for in the weighting of cases.

Upon determining the issues to be reviewed in the latest Weighted Caseload study, the Committee agreed to hire the Survey Research Center at IUPUI and Larry Grau of the Grau Group, Inc. to manage and complete the data collection and analysis for the update. Mr. Jim Wolf, director of the Survey Research Center recommended using as many counties as possible, which had CCS entries online, since there was little or no difference in the types and volume of cases those counties had in comparison to counties without computerized CCS'. It was noted the online entries could be gathered and counted from a central location at much lower costs and with greater efficiency.

The Committee finalized the list of case types to include in this study for both the case file audits and the time sheet data collection: Murder, A Felony, B Felony, C Felony, D Felony, and Post Conviction Relief cases, as well as CHINS, and Termination of Parental Rights cases from juvenile court. All of the case types reviewed in this study along with the 1996 and 2002 studies are displayed in Table #1, below.

With regard to problem-solving courts, the Committee discussed collection of judicial time data and suggested modifying time sheets to permit judges to keep time in this type of case separately. The Indiana Judicial Center currently only certifies drug and re-entry courts, and there are presently 28 certified drug courts, with 3 juvenile drug courts included in that number. The Committee subsequently voted to include all certified drug and at least 3 of the re-entry courts in this study, and defer preparation of a weighted caseload time for all other problem-solving courts until the next study.

The Committee also agreed problem solving court judges would be invited to keep time sheets for their problem solving court docket only, for 10 weeks, and other portions of their docket on a voluntary basis. The problem-solving court judges were given ten weeks to record time information because of the limited amount of time in which the courts meet (e.g., most problem-solving courts may have one or two session days per week as opposed to the four or five days per week non-problem-solving courts hear cases), and the smaller number of cases that the courts hear.

The committee approved the following counties to use for the case file audit:

- Large:
  Lake, Marion; Allen was added later
- Medium:
  Elkhart, Hamilton, Johnson, Madison, Monroe, Vigo and Wayne; Clark and Delaware were added later
- Small:
  Clay, Morgan, Henry, Perry, Wabash, Kosciusko, Howard, LaGrange and Sullivan; Dearborn, Knox, Starke and Randolph were added later.

The Committee also agreed to ask those counties whose judges kept time sheets for the previous study to keep the time sheets again and ask other judges to voluntarily participate.

2008

The issues and subjects of interest that arose from reviews of the data collected and from comparison of the current effort and previous studies were the focal point of the Committee's meetings and actions in 2008. Committee members discussed how drug court data might inadvertently be included with the other D felony information. Since drug court cases are not uniquely identified, there was no readily apparent way to be sure a drug court D felony case was not included in "regular" D felony case file audits. As a result, extra effort was made to ensure that all drug and problem solving court cases and data were only counted once in determining judicial time in those courts, and not as part of the general D Felony case review. Although a majority of drug court cases are D felonies, this latest review did include all felony drug court cases, encompassing the B and C felony cases in those courts.

The committee agreed to count a full-time magistrate the same as a judge for judicial weighted caseload purposes and not as a half of a judicial officer as was done in the previous study.

Once the case types, counties and procedural actions to be used in the study were finalized by the Committee, time sheets and case file audit data collection started. Throughout the remainder of this report the methods for collecting data, the process for determining and applying caseload weights, and the results and recommendations emerging from what the Committee found in this study are described in greater detail.

Table #1
CASE TYPES SELECTED FOR EACH OF THE WEIGHTED CASELOAD STUDIES

Case Types:	1996	2002	2008
Capital Murder	X	X	
Life without parole (LWOP)		X	
Murder (CF)	X	X	X
A Felony (CF)	X	X	X
B Felony (CF)	X	X	X
C Felony (CF)	X	X	X
D Felony (CF)	X		X
Criminal Misdemeanor	X		
Criminal Miscellaneous	X		
Infractions	X		
Ordinance Violations	X		
Civil Plenary (CP)	X	X	
Civil Tort	X		
Small Claims	X		
Civil Miscellaneous	X		
Mortgage Foreclosure (MF)		X	
Civil Collection (CC)		X	
CHINS (JC)	X	X	X
Termination of Parental Rights (JT)	X	X	X
Juvenile Status (JS)	X	X	
Juvenile Delinquency (JD)	X	X	
Domestic Relations (DR)	X	X	
Paternity (JP)	X	X	
Adoptions	X		
Reciprocal Support	X		
Protective Orders (PO)	X	X	
Estates	X		
Guardianships	X		
Trusts	X		
Post Conviction Relief (PC)			X
Problem-Solving Court Cases			X

METHODOLOGY

As in the previous Weighted Caseload update and the original study, the current effort had two distinct components: the judicial officer time study and the case file reviews. The time sheet data collection was managed by the IUPUI Survey Research Center, and the case file reviews were led by The Grau Group, with help from personnel hired by the Survey Research Center. The types of cases chosen for this update, as well as the process for issuing time sheets, duration of the time sheet recording, the counties to consider in the case file reviews, and essentially every element of the methodology of the study were determined by the Committee with the assistance of the consultants. An overview of the methodology of the study along with summaries of two primary components is presented in this section of the report. More detailed documentation of the methodology, technical information, and raw data summaries are available upon request from the Indiana Judicial Center.

Perhaps the over-arching theme emerging from this update in terms of the research process is the improvement in data collection, and specifically how much more efficient it was to locate and gather data from the courts in this study than it was in past efforts. However, while data collection has become increasingly more efficient with respect to the time and effort involved the process for analyzing data has also improved in terms of the capability to more thoroughly examine larger quantities of data in shorter periods of time. The combination of those factors – improved data collection efficiency and capacity, plus increased data analysis capability – generally helped to make this a better, more intensive and complete study. Conversely, data collection for drug court and other problem solving courts remains problematic with regard to identifying and locating cases, which is addressed in more detail in this report.

Clearly, as the state engages in each additional Weighted Caseload study, there will be an increasing amount of knowledge to be gained from the research. In addition, since changes often occur in laws and judicial practices between studies, there will seemingly be a number of issues which may need to be explored in subsequent studies. That was certainly the case in this study; where, the Committee addressed several matters relating to how the research should be structured for interpreting results and formulating recommendations. Improvements and ideas for additional ways to strengthen the Weighted Caseload studies are presented in the Results and Recommendations sections of this report.

While there were significant changes and improvements made in this study from the previous studies, much of the methodology used in the 1996 and 2002 studies was utilized. Those similarities as well as the changes outlined above are reflected in the methodology used in each component of the current study appearing below.

Methodology Overview

After reviewing the types of cases examined in the 2002 update, and giving due consideration to which case types that justifiably should be included in this study, the Committee decided the following would be given priority and therefore be reviewed in this study: Murder; A, B, C, and D Felonies, Small Claims, CHINS, Termination of Parental Rights, Post Conviction Relief, all certified drug and re-entry court cases, and, if time and budget permitted, Protection Orders. The Committee later agreed to

exclude Small Claims cases from the study so that those cases could be studied more extensively in a separate effort *(See the Results and Recommendations sections for more information on civil and small claims cases)*. Protection Orders were subsequently dropped from the study as well, due to inadequate limited time and inadequate resources.

The Committee selected the types of cases for this study based on the following factors: (1) Information previously collected for the case type was incorrect, inconsistent with what a majority of counties/courts were experiencing, or incomplete; (2) There were changes in the law and/or judicial practices that appeared to impact the time spent on certain case types; or, (3) The case type had not been reviewed since the 1996 study.

Jim Wolf, of the Survey Research Center discussed stratification of data in the weighted caseload study by selecting counties from different geographical regions of the state and population sizes. He recommended a random sample of information be collected on each case type chosen to be included in the study. He also said it would be beneficial to compare the counties whose CCS entries are online and those that are not, and if there was little or no difference between those counties, then the study could be completed at lower costs and with greater efficiency using the online counties since data could be gathered at a central location. After reviewing the situation, the Committee concluded there were no significant differences between the counties keeping records online and those that did not, so all of the counties used in this study did have computerized CCS entries.

Committee members reviewed a sample CCS to help guide the process for counting the number of judge actions for the case file audit portion of the study, and agreed certain terms would serve as clear indicators of specific judicial actions. The committee also agreed to continue the policy of not counting continuances as an action to provide continuity with the previous study.

Upon determining the case types and counties to use in this update, along with working through the other structural elements the studies entail, the Committee developed plans for initiating data collection. In that regard, the Committee decided this update would include the same two primary components for arriving at average total times, which in turn become the caseload weights as were used in the past two studies. Those two elements are the judicial time sheet entries and the case file review data. The reason for using those two variables along with an explanation of the rationale for the application of the variables as set forth by the National Center for State Courts appears in the box below.

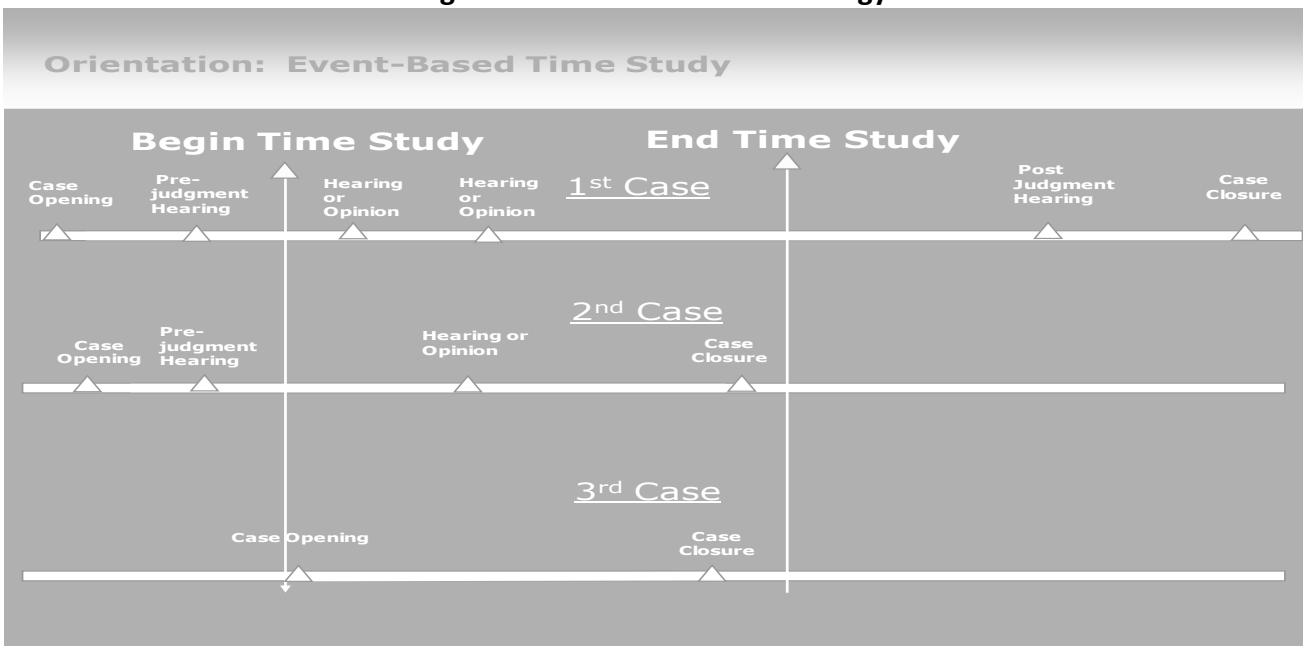
Event-based Methodology for Weighted Caseload Studies

The Event-Based Methodology is designed to take a snapshot of court activity and compare the judge-time spent on primary case events to the number of cases entering the court. The study thus measures the total amount of judicial time in an average month devoted to processing each particular type of case for which standards are being developed (i.e. major felony, medical malpractice, damages/tort). Because it is a snapshot, few cases actually complete the journey from filing to final resolution during the study period. However, courts in each district are processing a number of each type of case in varying *stages* of the case life cycle. For example, during a given month, a court will handle the initiation of a number of new criminal cases, while the same court will also have other criminal cases (perhaps filed months or years earlier) on the trial docket and still other criminal cases in

the post-judgment phase. Moreover, if the sample period is representative, the mix of new, non-trial and trial dispositions, and post-judgment activities conducted for each type of case, as well as the time devoted to each type of activity, will be representative of the type of work entering the court throughout the year. Therefore, data collected during the study period provides a direct measure of the amount of judicial time devoted to the full range of key case processing events.

Time data is then combined with filing numbers. For example, if judges spent 1,000 hours processing C Felony cases and there were 500 criminal cases filed, this would produce an average of two hours per C Felony case (1,000 hours/500 cases). This two-hour case weight is interpreted as the average time to process a criminal case from filing to final resolution – even though no individual case is tracked from start to finish in the time sheet entries (although many of the case file audits do record data for an entire case). Rather, the workload standard is a composite of separate (though likely similar) cases observed at various points in the case life cycle. The figure below illustrates the Event Based Methodology concept.

Figure 1: Event Based Methodology



Assume the figure above shows the progress of three separate C Felony cases during the period of the time study (April 16 through May 11 – or May 14 through June 8). It is not necessary that cases be tracked from start to finish. Instead, for each type of case examined, the study tracks the time spent on key processing events during each case's lifecycle (pre-trial activities, trial activities and post-trial activities). For example, Case 1 illustrates the time required to process the middle segment of case life; Case 2 the time required to process the end segment of case life; and Case 3 illustrates the time required to complete an entire case of minimal complexity. When the time spent on each event for these three cases is summed, the result is an estimate of the total amount of time needed to process a case – even though no particular case is tracked from start to finish. In the current study (as in all of

our studies), the time estimates will be based on observations from thousands of individual case events for each case type, and this methodology is highly reliable.

FIGURE 2: Sample Time Recorded for C Felony Cases

Date	Judge 1	Judge 2	Judge 3	Total
16-Apr	45	480	0	525
17-Apr	120	480	0	600
18-Apr	0	480	25	505
19-Apr	0	480	30	510
20-Apr	90	480	0	570
				0
23-Apr	30	480	0	510
24-Apr	75	480	0	555
25-Apr	0	480	60	540
26-Apr	0	480	90	570
27-Apr	50	480	0	530
				0
30-Apr	0	480	25	505
1-May	0	480	30	510
2-May	120	480	0	600
3-May	180	480	0	660
4-May	240	480	0	720
				0
7-May	480	480	50	1010
8-May	480	480	0	960
9-May	480	480	0	960
10-May	480	480	30	990
11-May	480	480	10	970
Total	**3,350**	**9,600**	**350**	**13,300**
Cases filed during study period				30
Average minutes during study period (case weight)				**443**

To illustrate this issue with numbers, the table above illustrates three judges' time recorded for C Felony cases for a month. The computations illustrate how the time is accounted for. In this example, Judge 1 attended to various issues related to C Felony cases during weeks one through three of the study period, and had a trial during the fourth week; Judge 2 had a trial that lasted the entire study period and Judge 3 just heard various matters pertaining to C Felony cases throughout the study period. Recall that this single month of data entry is statistically representative of an entire year of work. This assumes that, on any given day, at least one trial is being held for a C Felony case, and in one of four weeks, two trials are being heard – in addition to the non-trial work associated with C Felony cases. Assuming that 30 new C Felony cases were filed during the study period, the average case weight for C Felony cases is 443 minutes in this hypothetical scenario.

Keeping that example above in mind, time sheets are used to calculate the average time judicial officers spend on the specific actions they take in each case type ("Average Time Per Action"), while the case file audit data is analyzed to produce the "Average Number of Actions for all cases filed" for each of those case types (see table below). The "Total Minutes Per Action Per Case" in that table represents the amount of time a judicial officer would spend on the specific type of case being presented. The numbers that appear in that category or column are determined by multiplying the "Average Time Per Action" (time sheet data) by the "Average Number of Actions for all cases filed" (case file review data). Thus, while total minutes per action per case is often at the center of discussions involving the Weighted Caseload studies, **the time specified for each case type (and the resulting weight given to that case type) is figured as an average across all of the cases and time sheets recorded for the study**. An example of how those factors are combined to reach the final total average time per case is shown in the table below using simplified data (e.g., rounded to either a whole number or a combination of numbers that can be easily multiplied to produce the total minutes per action).

Example of Final Average Time Spent on a Case
(NOTE: For purposes of more easily showing how the weighting calculations are made, the data in the table was simplified and does not reflect data from an actual case type)

Type of Action	***= Time Sheets*** **Average Time Per Action**		***= Case File Reviews*** **Average Number of Actions for all cases filed**		***= Time Sheet x Case File Review*** **Total Minutes Per Action Per Case**
Prejudgment Hearing	9.0	x	5.0	=	45.0
Preparation for Hearing or Trial	12.0	x	0.5	=	6.0
Plea/Admission	20.0	x	0.5	=	10.0
Bench Trial/Bench Disposition	40.0	x	0.25	=	10.0
Jury Trial	300.0	x	0.10	=	30.0
Opinions/Orders	6.0	x	10.0	=	60.0
Sentencing/Disposition	20.0	x	0.5	=	10.0
Post Judgment Hearing	8.0	x	1.0	=	8.0
Research	40.0	x	0.10	=	4.0
Other	6.0	x	2.0	=	12.0
Average Time Per Case					**195.0 *minutes***

As referenced in the Introduction of this report, the Committee determined improvements could be made in a number of different areas in how Weighted Caseload studies should be conducted, and especially in terms of the methods used for collecting and analyzing data attributable to technological advances made since the 2002 study. In addition, the Committee decided a few other changes in how the study was carried out were warranted based on issues that were brought to the members' attention, or that had not been sufficiently resolved since the previous study. Thus, the following are improvements in procedures, actions, or processes encompassed in how this study was conducted.

More Uniform CCS Entries – Using Online Data

The Committee agreed to take the same approach for selecting counties to include in the case file audits as was used in the previous studies, although, contrary to the previous study, all of the counties chosen for the current study had records available via computer. While accommodations were made to select counties based on records accessibility, the counties included in the study are representative of different population categories (e.g., rural less populated to more populated urban) and represent a geographic balance. A list of the counties included in this study, along with a key citing the range in population size is provided in the Case File Review/Audit Methodology subsection below.

Focus on Trials

To better capture how and why trial (jury and bench) times were considered in determining weights, the Committee agreed to make two key changes in how trials are counted in terms of time and actions: (1) Count each trial day as a separate, individual action, as opposed to counting an entire trial regardless of the number of days it may have lasted, as one action; and, (2) Have judicial officers record all of the time spent on jury trials in hours/minutes and not rely on state or national average times or figures. Additionally, the State Court Administration and Judicial Center worked together to put safeguards in place to prevent trials from being miscalculated. The added safeguards included having representatives of those two agencies review the time sheets before the forms were sent to the IUPUI Survey Research Center to make sure the times for trials were entered appropriately, fully capturing the amount of time judges spent in trials. In total, 225 Murder cases were reviewed in this study, of which 91 of those cases involved trials. The number of A and B felony cases reviewed, where trials occurred, was proportionate to the percentage of those types of cases that went to trial according to state case filing data.

The revised method for calculating trial times and actions allowed the researchers to incorporate the unique aspects of trials in the determination of caseload weights. While the steps that were taken greatly reduced the concerns expressed about how trial time, and by extension, caseload weight, was calculated in the study, the Committee agreed that the topic deserved further review when the next update is undertaken *(See more details on the considerations given to trials in the Results and Recommendations sections).*

Problem Solving Court Case Identification

Committee members discussed how drug court data might inadvertently be included with the other D felony information. If drug court cases are not uniquely identified, one cannot be sure a drug court D felony is included in "regular" D felony case file audits. Therefore, efforts were made to ensure that all drug and problem solving court cases and data were only counted once in determining judicial time in those courts, and were not included in the general D Felony case review.

If a defendant fails drug court requirements and the drug court case goes back into the regular caseload, the regular D felony data can be affected as there is no change in the case number. In addition, some courts have cases that are treated as drug court cases, but are not certified as a drug court, and this

data is included in regular D felony data. Lastly, as problem-solving court cases were reviewed for this study, the research team had to rely on the courts' judges and staff to identify all of the cases heard in their courts, since it was difficult for the researchers to distinguish problem-solving court cases from other cases. In order to address these issues, the following steps were taken:

1) Judges who presided over certified drug and re-entry courts completed time sheets for ten weeks rather than four weeks as was done in regular courts. In addition, the problem solving court timesheets were yellow so they would be readily recognized by data entry personnel and coded as such;
2) Judicial Center staff identified the court codes of all certified problem solving courts and forwarded the codes to the Survey Research Center. The Survey Research Center then used those codes to further identify all cases selected for the file audits; and,
3) The Judicial Center contacted judges in problem-solving courts to request CCS' for the years included in the study to provide further assurance the cases from those courts would be kept separate from the information received from other courts used in the study.

Outlier Data (Standard Deviation)

The committee reviewed the policy of removing cases that had results which were more than one standard deviation above or below other data recorded for a given measure (e.g., number of prejudgment hearings or orders for a specific case type). That practice was used on the data collected in the 1996 and 2002 judicial weighted caseload studies, and resulted in dropping the top 2.5% and bottom 2.5% of case files for each type of case in the studies.

However, the researchers convinced the Committee it would be more reliable to identify and re-review all of the cases where there seemed to be unusual data recorded for a particular case type or action to determine if the data was accurate. Through that process, any case discovered to have erroneously entered data could be removed from the study, but all other case file review data would be kept in the analysis.

Since the researchers were able to gather a larger data sample and use improved data collection and sorting methods, the Committee agreed to examine all the data collected and removed only anomalous data.

Consideration of Continuances

The committee agreed to continue the policy of not counting continuances as an action to provide continuity with the previous study, reasoning that counting continuances as judicial actions tended to decrease the credibility of the case file auditing process. The only exception would be if a hearing occurs, and a continuance is granted, in which case, judge time for the hearing would be counted as an action and the time recorded accordingly.

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The changes and considerations from the 2002 study noted above were incorporated into the methodology used to complete this study, and integrated into the process for conducting both components of the data collection where appropriate. The methods for carrying out those components – recording of judicial time and case file audits – are described in greater detail through the remainder of this section.

Judicial Time Sheet Methodology

The Committee did not change much in the process for completing the time sheet portion of the study. However, the Committee did decide to create a modified time entry form for problem solving courts, and asked judicial officers in those courts to record time for a longer period of time. The problem solving courts were sent yellow time sheet entry forms, and were asked to record time for ten (10) weeks as opposed to the four (4) weeks in courts with general jurisdiction. Time sheets were sent to all courts in the counties selected which heard the type of cases being examined in this study but all other judicial officers were given an opportunity to participate on a voluntary basis and many did. Data collection for the time sheets started at the annual state Judicial Conference in September 2007 when the weighted caseload study was introduced to all judges in attendance for the month of October 2007. Problem-solving courts were asked to continue recording time entries into December 2007. Mr. Jim Wolf and the Survey Research Center were responsible for entering data from the time sheet forms and analyzing the data once the time entries were concluded.

The total hours available for performing judicial related activities was kept the same as in the 2002 study. Those hours are displayed in terms of an average total time available in days and then hours, per year and for all judicial work-related activities in Charts #1, #2, and #3, respectively. For the average time per year (Chart #2) and the time available for work activities (Chart #3), graphs follow the charts. A time evaluation was conducted prior to the 2002 study to arrive at those numbers, which was based on an extensive assessment of time breakdowns as recorded by several judges in the state. During that evaluation, the judges kept track of every hour of court related work they completed, including time spent: attending conferences, participating in continuing education, speaking at government and civic events, tending to administrative duties, being on-call, traveling, and other non-case related activities. The judges also supplied data on the time they spent on vacation, sick and personal days, holidays, and all non-court activities. The Committee determined those base time statistics remained appropriate for the current study.

CHART #1: AVERAGE TOTAL AVAILABLE JUDICIAL TIME

Total Available Time = Based on 52 Weeks Per Year, and 40.0 Hours Per Week
• **21 Vacation Days Per Year** • **13 Holidays Per Year** • **2 Sick Days Per Year** • **2 Other Personal Days Per Year**

CHART #2: AVERAGE AVAILABLE JUDICIAL TIME PER YEAR IN HOURS

Time Available	Activity
52.2 x 40 (hours per week) = 2,088	Total Hours
- 168	Vacation Days
- 104	Holidays
- 16	Sick Time
- 16	Personal Time
= 1,784	**Base Hours Available**

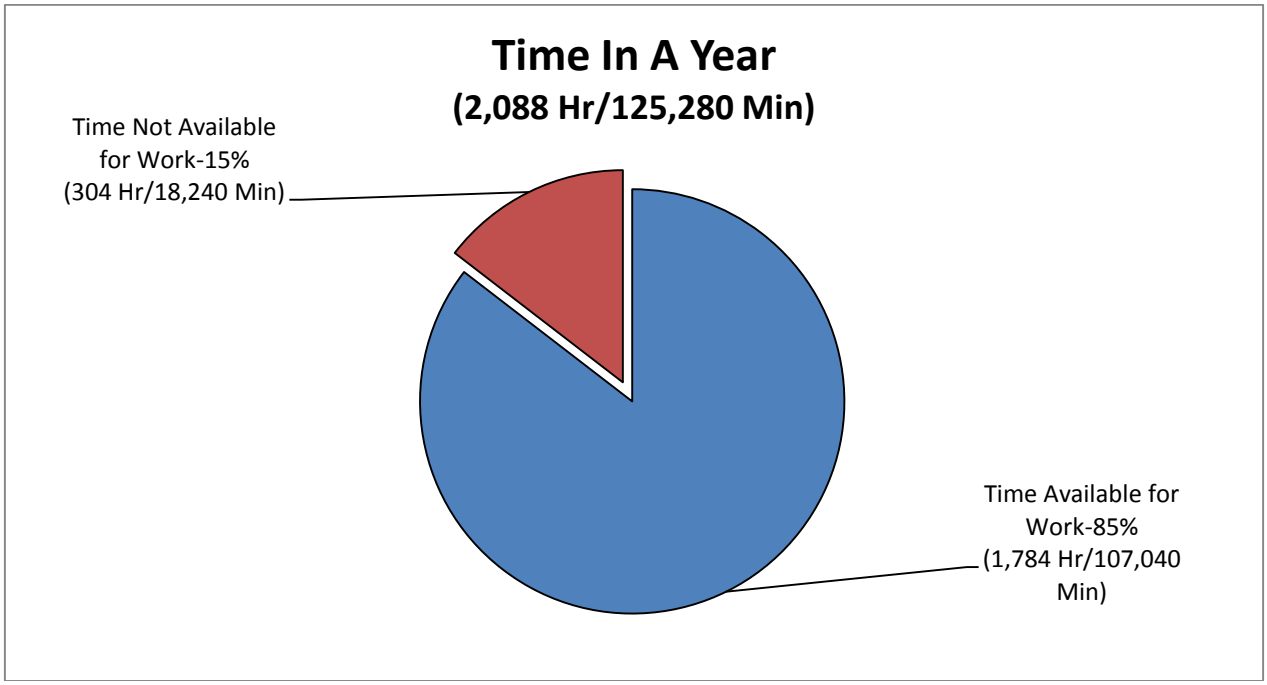
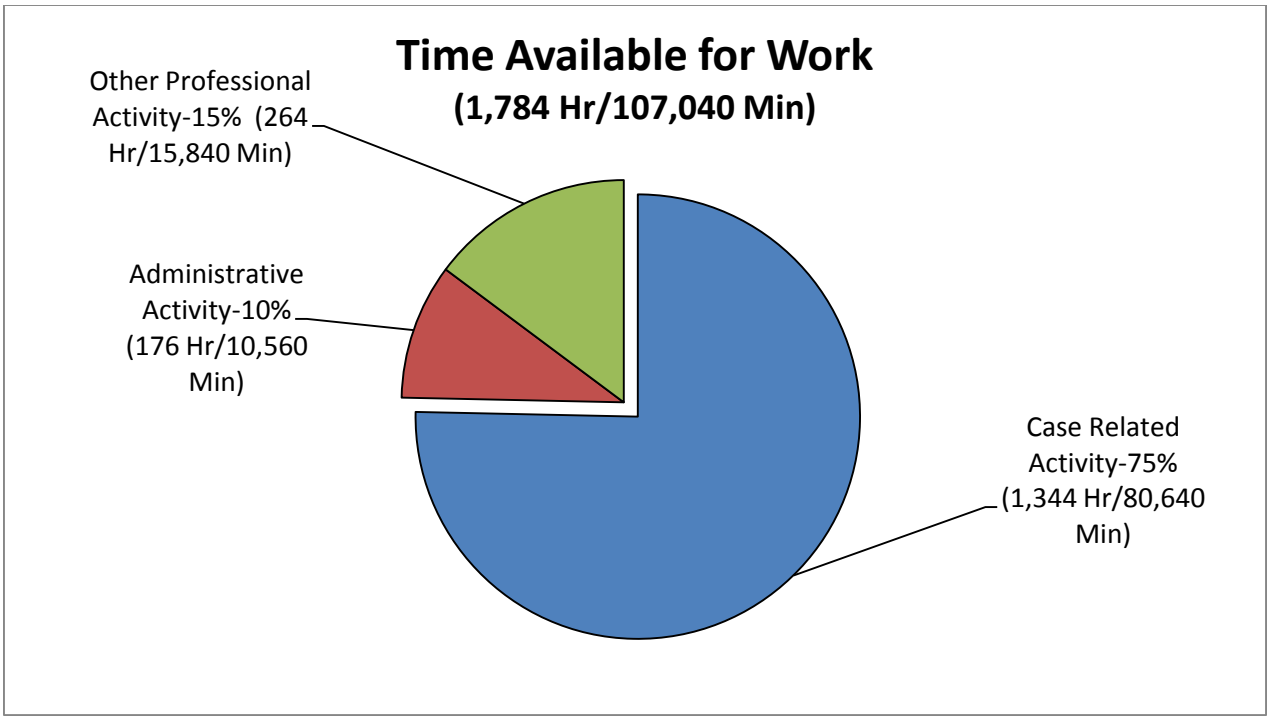


CHART #3:
CALCULATION FOR AVERAGE AVAILABLE JUDICIAL TIME FOR CASE RELATED WORK IN HOURS (Minutes)

Time Available	Type of Work
1,784	Base Hours (available)
- 56	Conferences
- 32	Continuing Education
- 56	Meetings
- 168	Administrative Time
- 48	Community Service
- 8	County Council Meetings
- 48	Travel Time
- 24	Other Time
1,344 (= 80,640 Minutes)	**Total Judicial Time Available for Case Related Work**



Once the Committee agreed how the time sheets were to be structured and collected, the forms were distributed throughout the state, along with the instructions for completing the time entries (*a memorandum from the Chief Justice regarding participation in collecting time sheet data, a copy of the instructions, along with a blank time sheet form as used in the study, appear in Appendix C*). The response from judicial officers was larger than in any previous study, with over 32,600 timesheet entries received from judicial officers in 47 different counties. That total nearly doubled the amount of input from time sheets collected in 2002. The entries were submitted by every type of judicial officer and were made for all of the case types in this study. Table #2 shows the number of time sheet entries from all counties, and the percentage of the total number of time sheets submitted from the different counties. Tables #3a and #3b supply listings of the number of time entries submitted by each type of judicial officer for general jurisdiction and certified problem-solving courts, respectively. Table #4 displays time entries by case type, and Tables #5a and #5b provide the number of entries by type of action for regular and certified problem-solving courts, respectively.

TABLE #2:
JUDICIAL TIME SHEET ENTRY COUNT BY COUNTY

County	Number of Entries	Percent of Total
Allen	3,240	9.9
Bartholomew	300	.9
Brown	274	.8
Clark	498	1.5
Dearborn	215	.7
Delaware	1,884	5.8
Elkhart	2,498	7.7
Fayette	187	.6

County	Number of Entries	Percent of Total
Floyd	287	.9
Grant	134	.4
Hamilton	1,364	4.2
Hendricks	56	.2
Henry	663	2.0
Howard	604	1.9
Jefferson	47	.1
Johnson	449	1.4
Knox	330	1.0
Kosciusko	562	1.7
Lagrange	398	1.2
Lake	5,174	15.9
Lawrence	22	.1
Madison	21	.1
Marion	8,470	26.0
Monroe	306	.9
Montgomery	364	1.1
Morgan	315	1.0
Noble	145	.4
Owen	38	.1
Perry	88	.3
Porter	448	1.4
Putnam	26	.1
Randolph	305	.9
Spencer	142	.4
St. Joseph	36	.1
Starke	71	.2
Steuben	50	.2
Tippecanoe	143	.4
Vanderburgh	339	1.0
Vigo	611	1.9
Wabash	399	1.2
Warrick	252	.8
Wayne	835	2.6
Other Counties	37	.1
Total	**32,627**	**100.0**

NOTE: *The total number of time sheet entries appearing in the table above, as well as in the other tables involving such entries below, are not exactly the same due to the fact that a certain number of entries could not be used in one or more of the datasets from which the tables were drawn. The reason the entries could not be used was because of missing information (e.g., there were time sheets where the case types were not indicated, or where the person recording the data did not enter their title or indicate what type of judicial officer they are).*

TABLE #3a:
JUDICIAL TIME SHEET ENTRY COUNT BY JUDICIAL OFFICER

Officer	Number of Entries	Percent of Total
Judge	20355	64.3
Referee	337	1.1
Commissioner	2708	8.6
Magistrate	7220	22.8
Senior Judge	550	1.7
Special Judge	19	.1
Temporary Judge	41	.1
Judge Pro Tem	425	1.3
Total	**31,655**	**100.0**

TABLE #3b:
JUDICIAL TIME SHEET ENTRY COUNT BY JUDICIAL OFFICER
(Certified) PROBLEM-SOLVING COURTS ONLY

Officer	Number of Entries	Percent of Total
Judge	3,976	91.4%
Referee	24	0.6
Commissioner	139	3.2
Magistrate	189	4.3
Temporary Judge	24	0.6
Total	**4,352**	**100.0%**

TABLE #4:
JUDICIAL TIME SHEET ENTRY COUNT BY CASE TYPE

Case Type	Number of Entries	Percent of Total
Murder (MR)	341	1.3
A Felony (FA)	1695	6.2
B Felony (FB)	3529	13.0
C Felony (FC)	4614	17.0
D Felony (FD)	13047	48.1
Post-Conviction Relief (PC)	361	1.3
CHINS (JC)	3164	11.7
Termination of Parental Rights (JT)	381	1.4
Total	**27,132**	**100.0**

TABLE #5a:
JUDICIAL TIME SHEET ENTRY COUNT BY TYPE OF ACTION FOR SELECTED CASETYPES

Action	Number Recorded	Percent of Total
Pre-judgment hearing	7223	26.6
Preparation for hearing/trial	4055	15.0
Plea/Admission	1698	6.3
Bench trial	380	1.4
Jury trial	96	.4
Opinions/Orders	5944	21.9
Sentencing/Disposition	1584	5.8
Post-judgment hearing	2863	10.6
Revocation hearing	1170	4.3
Research	177	.7
Other	1917	7.1
Total	**27,107**	**100.0**

TABLE #5b:
JUDICIAL TIME SHEET ENTRY COUNT BY TYPE OF ACTION (Certified) PROBLEM-SOLVING COURTS ONLY

Action	Number Recorded	Percent of Total
Pre-judgment hearing	656	14.7
Preparation for hearing/trial	1576	35.3
Plea/Admission	115	2.6
Bench trial	19	0.4
Jury trial	3	0.1
Opinions/Orders	627	14.1
Sentencing/Disposition	66	1.5
Post-judgment hearing	1209	27.1
Revocation hearing	46	1.0
Research	10	0.2
Other	132	3.0
Total	**4,459**	**100.0**

Case File Review/Audit Methodology

The case file review or audit is used to determine the number of judicial actions in a particular case. Using a process similar to what was utilized in 2002, the Committee agreed to have Mr. Larry Grau of the Grau Group lead the case file audits, with support from Mr. Wolf and the Survey Research Center. In order to eliminate any possibility of bias, files to be reviewed were chosen through a random selection process. The number of files to be audited from each county included in the study was based on a percentage calculation using the total number of cases filed in those counties for the different case types being examined in this study. The goal was to get a sufficient sample of files from all of the participant counties for every applicable case type, and to ultimately have a distribution of cases proportionate to the actual number of cases filed in the categories of large, medium and small counties. The Survey Research Center provided a "target" number of cases along with a sequence to use in choosing specific files in each county.

As in the 2002 study, both closed and open cases were used. Cases were selected from 2003, 2004, 2005, and 2006 for all of the criminal case types in the study, plus 2007 for CHINS and termination of parental rights cases. Problem-solving court cases were reviewed from 2004, 2005, 2006 and 2007. An equal distribution of cases was sampled for each year, which equated to 25% of the criminal and 20% of the juvenile case types reviewed for each year included in the study. Actions for every case in the sample were counted by a careful review of the case CCS', which was the same procedure used in the 2002 study. The most noticeable departure from the methods used in previous studies was that nearly all of the randomly selected case file audits were accessed and completed via the computer through the systems the counties in the study utilize for maintaining court records.

The percentage of cases selected for the sample from the counties included in the study was calculated based on the proportion of cases filed in the counties for each type of case for the years noted above. For instance, Howard County had more C and D felony cases filed in 2003 than any of the other smaller sized counties selected for the study, so the sample of C and D felony case files chosen to be reviewed for 2003 was higher in Howard County than the other small counties. Likewise, the number of files targeted for audit in each category of counties – small, medium, and large – was proportionate to the cumulative total for that group of counties. Tables #6 (Parts 1-3) below provide a quantification of the sample sizes for every county and case type used in this study.

The weighted caseload studies conducted in previous years sought to ensure that a good number of closed cases would be included in the file reviews, while ensuring adequate information about current practices was provided. In the previous studies, the Committee collected data from cases filed within the previous five years, four years, two years and one year. There were an uneven percentage of cases selected from each year: 40 percent from the first two years and 60 percent from the two most recent years, which was intended to emphasize the importance of understanding recent practices.

The current committee chose to modify this sampling plan. Due to the limited number of case types being addressed in this study and the high level of interest in recent practices, the committee approved the option of sampling evenly from four consecutive years beginning five years ago. This rectified the problem of having lower precision for the older cases due to lower sample sizes drawn from

the earlier years. CHINS and termination of parental rights cases were sampled from the previous year due to recent legislation involving extensive changes in how juvenile court cases are to be managed.

The decision to use closed and open cases from the years noted allowed the Committee to see data from a mix of old and newer cases. This mirrored the courts' actual caseloads and offered an opportunity to view any potential changes in judicial practices over a four or five year period of time. That arrangement gave the Committee a comprehensive assessment of the range of judicial actions and the ability to capture any changes or trends that may have occurred in the management of the case types being studied (*Appendix D Contains a sample data entry form used for reviewing or auditing cases in the study*). The counties from which cases were pulled for the reviews are cited in Chart #4 below, as grouped by county population size.

CHART #4: COUNTIES SELECTED FOR CASE FILE REVIEWS/AUDITS

LARGE COUNTIES	**MEDIUM COUNTIES**	**SMALL COUNTIES**
Population: over 300,000	***100,000 to 300,000***	***Under 100,000***
Allen	Delaware	Clay
Lake	Elkhart	Dearborn
Marion	Hamilton	Henry
	Johnson	Howard
	Madison	Knox
	Monroe	Kosciusko
	Porter	LaGrange
	Vigo	Morgan
	Wayne	Perry
		Randolph
		Starke
		Sullivan
		Wabash

In total, approximately 3,168 case file audits were conducted for the current update, with 63,970 actions recorded for those cases from the 27 counties included in this year's study which also accounts for the counties with a certified drug court that participated in the file audits. The case audit totals for this study actually amounted to more reviews per case type than was completed in the 2002 study. The 3,168 case audits in 2008 for eight types of cases equated to an average of 396 cases reviewed per case type, as compared to the approximately 3,600 cases reviewed in 2002 for eleven case types, which calculate to an average of 327.3 audits per case type.

Tables #6 (Parts 1-3) display the number of cases reviewed from each county, what that number represents in terms of the percentage of total cases audited, and the percentage of the statewide total number of actual cases filed in each of the counties selected for this study as recorded with the Indiana Division of State Court Administration. The columns in the tables (parts 1-3) show:

- ***"Cases reviewed"*** **=** The actual number of cases reviewed and included in the analysis to produce the results for this study.

- ***"% of the total cases audited for the study"*** = This is the percentage of cases out of the total number of cases reviewed for the specific case type referenced.
- ***"Actual % of all cases filed in the state"*** = This represents the actual percentage of cases filed in the county for the case type referenced according to state records.

Table #6 (Part 4) indicates the number of files reviewed in certified problem-solving courts for the study.

TABLE #6: NUMBER OF CASE FILES REVEIWED BY CASE TYPE & COUNTY
(Part 1 – Murder, A & B Felonies)

Case Type=	MR Cases Reviewed	% of the Total MR cases Audited for the Study	Actual % of all MR cases filed in the state	FA Cases Reviewed	% of the Total FA cases Audited for the Study	Actual % of all FA cases filed in the state	FB Cases Reviewed	% of the Total FB cases Audited for the Study	Actual % of all FB cases filed in the state
LARGE									
Lake	65	25.2%	21.5%	76	19.6%	5.8%	52	13.4%	7.5%
Marion	126	48.8%	37.8%	127	32.7%	24.6%	137	35.4%	19.5%
Large TOT. =	***191***	***74.0%***	***59.3%***	***203***	***52.3%***	***30.4%***	***189***	***48.8%***	***27.0%***
MEDIUM									
Delaware	6	2.3%	0.5%	21	5.4%	2.2%	23	5.9%	2.5%
Elkhart	6	2.3%	1.9%	27	7.0%	5.5%	22	5.7%	4.1%
Hamilton	2	0.8%	2.9%	17	4.4%	1.7%	13	3.4%	1.5%
Johnson	2	0.8%	0.5%	6	1.5%	0.6%	13	3.4%	0.7%
Madison	6	2.3%	1.0%	9	2.3%	1.0%	19	4.9%	2.0%
Monroe	10	3.9%	1.4%	9	2.3%	1.7%	13	3.4%	2.2%
Porter	0	0.0%	0.5%	0	0.0%	0.8%	0	0.0%	1.1%
Vigo	5	1.9%	2.9%	14	3.6%	1.8%	24	6.2%	2.8%
Wayne	1	0.4%	1.0%	16	4.1%	0.7%	19	4.9%	1.1%
Med. TOT. =	***38***	***14.7%***	***12.6%***	***119***	***30.7%***	***16.0%***	***146***	***37.7%***	***18.0%***
SMALL									
Clay	0	0.0%	0.0%	3	0.8%	0.3%	3	0.8%	0.5%
Henry	5	1.9%	1.0%	4	1.0%	0.6%	6	1.6%	0.9%
Howard	15	5.8%	1.4%	21	5.4%	4.6%	16	4.1%	2.3%
Knox	0	0.0%	0.5%	0	0.0%	0.3%	0	0.0%	0.6%
Kosciusko	2	0.8%	0.0%	18	4.6%	1.6%	5	1.3%	1.4%
LaGrange	1	0.4%	0.0%	3	0.8%	0.7%	3	0.8%	0.5%
Morgan	3	1.2%	0.0%	5	1.3%	0.5%	8	2.1%	0.6%
Perry	1	0.4%	0.0%	4	1.0%	0.4%	1	0.3%	0.2%
Randolph	1	0.4%	0.0%	2	0.5%	0.7%	4	1.0%	0.2%
Starke	0	0.0%	0.0%	2	0.5%	0.2%	0	0.0%	0.4%
Sullivan	0	0.0%	0.5%	2	0.5%	0.1%	3	0.8%	0.4%
Wabash	1	0.4%	0.0%	2	0.5%	0.1%	3	0.8%	0.7%
Small TOT. =	***29***	***11.2%***	***3.4%***	***66***	***17.0%***	***10.1%***	***52***	***13.4%***	***8.7%***
Total	**258**		**75.3%**	**388**		**56.5%**	**387**		**53.7%**
Files Used	**225**			**362**			**364**		

(Part 2 – C & D Felonies & Post Conviction Relief)

Case Type=	FC Cases Reviewed	% of the Total FC cases Audited for the Study	Actual % of all FC cases filed in the state	FD Cases Reviewed	% of the Total FD cases Audited for the Study	Actual % of all FD cases filed in the state	PC Cases Reviewed	% of the Total PC cases Audited for the Study	Actual % of all PC cases filed in the state
LARGE									
Lake	46	11.8%	6.2%	42	10.3%	4.4%	46	17.8%	6.3%
Marion	137	35.2%	20.9%	146	36.0%	22.0%	114	44.2%	22.4%
Large TOT. =	***183***	***47.0%***	***27.1%***	***188***	***46.3%***	***29.6%***	***160***	***62.0%***	***28.7%***
MEDIUM									
Delaware	18	4.6%	2.4%	13	3.2%	1.7%	5	1.9%	2.4%
Elkhart	27	6.9%	4.1%	24	5.9%	3.3%	29	11.2%	7.3%
Hamilton	14	3.6%	1.9%	17	4.2%	2.0%	10	3.9%	1.2%
Johnson	12	3.1%	1.2%	17	4.2%	1.6%	7	2.7%	1.3%
Madison	29	7.5%	1.9%	15	3.7%	0.4%	6	2.3%	3.9%
Monroe	12	3.1%	1.9%	11	2.7%	1.7%	12	4.7%	2.3%
Porter	0	0.0%	1.0%	9	2.2%	2.5%	0	0.0%	0.6%
Vigo	16	4.1%	2.2%	23	5.7%	2.3%	7	2.7%	1.0%
Wayne	12	3.1%	1.5%	13	3.2%	1.3%	5	1.9%	0.6%
Med. TOT. =	***140***	***36.0%***	***18.1%***	***142***	***35.0%***	***16.8%***	***81***	***31.4%***	***20.6%***
SMALL									
Clay	2	0.5%	0.5%	0	0.0%	0.5%	0	0.0%	0.3%
Henry	6	1.5%	0.6%	4	1.0%	0.9%	0	0.0%	0.6%
Howard	13	3.3%	1.7%	14	3.4%	1.5%	6	2.3%	1.7%
Knox	0	0.0%	0.3%	3	0.7%	0.4%	0	0.0%	0.3%
Kosciusko	9	2.3%	1.5%	5	1.2%	0.8%	0	0.0%	0.0%
LaGrange	2	0.5%	0.2%	6	1.5%	0.6%	3	1.2%	0.3%
Morgan	8	2.1%	1.0%	8	2.0%	1.1%	5	1.9%	0.8%
Perry	4	1.0%	0.4%	8	2.0%	0.4%	3	1.2%	0.4%
Randolph	6	1.5%	0.2%	7	1.7%	0.3%	0	0.0%	0.0%
Starke	8	2.1%	0.3%	4	1.0%	0.4%	0	0.0%	0.9%
Sullivan	4	1.0%	0.2%	7	1.7%	0.3%	0	0.0%	0.0%
Wabash	4	1.0%	0.4%	10	2.5%	0.5%	0	0.0%	0.0%
Small TOT. =	***66***	***17.0%***	***7.3%***	***76***	***18.7%***	***7.7%***	***17***	***6.6%***	***5.3%***
Total	**389**		**52.5%**	**406**		**54.1%**	**258**		**54.6%**
Files Used	**360**			**406**			**258**		

(Part 3 – Juvenile Court CHINS and Termination of Parental Rights)

Case Type=	JC Cases Reviewed	% of the Total JC cases Audited for the Study	Actual % of all JC cases filed in the state	JT Cases Reviewed	% of the Total JT cases Audited for the Study	Actual % of all JT cases filed in the state	Total Cases Reviewed for the County
LARGE							
Allen	26	6.6%	7.8%	72	17.3%	9.9%	***98***
Lake	67	17.1%	8.6%	62	14.9%	9.8%	***456***
Marion	114	29.1%	15.0%	75	18.0%	13.8%	***976***
Large TOT. =	***207***	***52.8%***	***31.4%***	***209***	***50.2%***	***33.5%***	***1,530***
MEDIUM							
Delaware	0	0.0%	2.6%	0	0.0%	4.6%	***86***
Elkhart	29	7.4%	2.3%	34	8.2%	3.2%	***198***
Hamilton	0	0.0%	1.5%	0	0.0%	1.4%	***73***
Johnson	12	3.1%	0.7%	15	3.6%	1.2%	***84***
Madison	22	5.6%	2.1%	19	4.6%	2.6%	***125***
Monroe	0	0.0%	1.0%	0	0.0%	1.0%	***67***
Porter	30	7.7%	1.4%	27	6.5%	2.8%	***66***
Vigo	21	5.4%	0.8%	43	10.3%	2.9%	***153***
Wayne	8	2.0%	2.5%	12	2.9%	0.3%	***86***
Med. TOT. =	***122***	***31.1%***	***14.9%***	***150***	***36.1%***	***20.0%***	***938***
SMALL							
Clay	9	2.3%	0.1%	4	1.0%	0.0%	***21***
Henry	11	2.8%	1.6%	10	2.4%	0.8%	***46***
Howard	5	1.3%	0.8%	4	1.0%	0.9%	***94***
Knox	18	4.6%	1.2%	11	2.6%	0.8%	***32***
Kosciusko	0	0.0%	0.4%	0	0.0%	0.4%	***39***
LaGrange	15	3.8%	0.4%	6	1.4%	0.2%	***39***
Morgan	0	0.0%	0.5%	0	0.0%	0.4%	***37***
Perry	0	0.0%	0.5%	0	0.0%	0.4%	***21***
Randolph	3	0.8%	0.3%	17	4.1%	0.2%	***40***
Starke	2	0.5%	0.3%	5	1.2%	0.6%	***21***
Sullivan	0	0.0%	0.3%	0	0.0%	0.1%	***16***
Wabash	0	0.0%	0.5%	0	0.0%	0.2%	***20***
Small TOT. =	***63***	***16.1%***	***6.9%***	***57***	***13.7%***	***5.0%***	***426***
Total	**392**		**53.2%**	**416**		**58.5%**	***2,894***
Files Used	**302**			**331**			***2,608***

(Part 4 – Certified Problem Solving Courts)

County/Court	Tot Cases
Allen	38
Clark	18
Dearborn	11
Delaware	15
Madison	38
Marion	201
Monroe	25
Perry	8
Porter	22
Vanderburgh	25
Vigo	29
Wabash	9
Total	**401**
Files Used	**401**

NOTE: More detailed descriptions of the study's methodology, along with larger datasets and technical information are available upon request made to the Indiana Judicial Center.

THE WEIGHTED CASELOAD PROCESS

Thus far, the focus of this report has been on the elements, methods, and procedures that make-up the actual weighted caseload study, and, while that is a significant aspect of how judicial caseloads are assessed, it is not the only part. Once the studies have concluded and weights are derived for the different types of cases, those weights then need to be applied to the courts' caseloads, and ultimately used to impact individual judicial officer's workloads. In this section of the report, the formation of the weights, and how those weights are translated from the studies to actual caseloads is explored. In essence, this section pertains to how the weighted caseload studies transition from being research and analysis efforts to be applied in courts and counties.

Weighted Caseload Intended Use

Supreme Court Administrative Rule 1 (E)

The Indiana Supreme Court adopted a weighted caseload measurement system to establish a uniform statewide method for comparing trial court caseloads. Under Administrative Rule 1(E) the courts of record in a county shall, by 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. Based on the Quarterly Case Status Reports submitted each year, the Division of State Court Administration prepares and publishes an annual weighted caseload report.

In Administrative Rule 8(B)(3), the Supreme Court has adopted more than thirty different case types that are used to designate new case filings. Without a weighted caseload system, each new case filed, whether a murder or an infraction, would receive a weight or count of "one." Using a weighted caseload system provides a basis for relative comparison between the different case types.

The weighted statistics provide the Indiana Supreme Court and the Indiana General Assembly with information necessary for the allocation of judicial resources. Trial courts use these statistical measures to develop county caseload plans to reduce the disparity in caseloads and judicial resources within each county. Administrative Rule 1(E) (2) requires that caseload allocation plans for each county ensure that the variance, or difference, in utilization figures between all courts of record in the county does not exceed .40 based on a weighted caseload measures system. It is important to note, on account of fiscal and time constraints on the Weighted Caseload process, certain case types not studied since 1996 could not be included in this study, and as a result the .40 variance requirement stipulated under this rule may need to be reviewed *(See the Results and Recommendations sections of this report for more information on this topic)*.

How the Process Works

The weighted caseload system provides a "utilization" figure for each court. This figure is the result of dividing the total minutes ("need") assigned to the cases filed in a court by the amount of judicial time ("have") the court has available. The amount of time regularly employed appointed

judicial officers work in a particular court is added into the total judicial time available for that court and is reflected in the "have" column of the weighted caseload reports.

Indiana's weighted caseload measuring system is intended to apply only to new case filings. Until 2007, all weighted caseload reports have reflected utilization statistics based solely on the number of new cases filed in each court. Each year, the baseline weighted caseload utilization figures shift somewhat during the year due to the transfer of cases among the courts because of change of venue from county or judge, judicial recusals, senior judge service or other shifts of judicial time. In 2006, the Division of State Court Administration began calculating the temporary, adjusted weighted caseload utilization figures, which reflect such shifts. These figures were reported in the "Temporary Adjusted Weighted Caseload Report" for 2007.

The information in the "Temporary Adjusted Weighted Caseload Report" does not change the fundamental filing patterns in the trial courts. It reflects some of the ways that courts shift caseloads and resources, sometimes in order to deal with uneven caseloads. Because these shifts are temporary, they should be used only as an additional reference and not as the baseline for the weighted caseload statistics. This temporary weighted caseload data is reported so that courts could see how the shifting of caseloads and judicial officer resources actually played out during 2007.

In addition to the regularly appointed judicial officers, there is a cadre of judicial officers that serve on a temporary basis (Judges *Pro Tempore*, Senior Judges, Special Judges, and Special Masters pursuant to Trial Rule 53). Because of their temporary status, these temporary appointed judicial officers are not automatically reflected as a "judicial resource" for weighted caseload statistical purposes. The Quarterly Case Status Reports elicit information about these positions in each court and statistical allowances can be made for these "temporary" increases (or decreases in the case of special judge service outside the reporting court) to the amount of judicial resources.

Beyond the Numbers

It is important for anyone looking at the weighted caseload for any purpose to note the studies are only a partial examination of how judicial time is spent, and therefore, when the weights are applied in a county there may be an uneven impact on individual courts and/or judicial officers. In the weighted caseload studies, the researchers and the Committee only have enough time and funding to look at a certain number of case types, which in order to be reliable and statistically significant must include a fairly exhaustive sampling of files and judicial time recordings. As a result of the extensive level of work involved in each study that is completed, there is likely to only be seven to ten types of cases reviewed. Thus, as the weights are re-established and applied for a limited number of case types, there will undoubtedly be an impact on many other cases and in most if not all courts.

Table #7 below, provides an example of how the weights emerging from a weighted caseload study might be applied in a hypothetical court from the first study in 1996 through the current study, and what impact those weights would have on case filings in that court after each study was completed. The table reflects the cumulative effect the weights for all of the case types have on determining how busy the court can or should be.

TABLE #7:
EXAMPLE OF COUNTY CALCULATION OF JUDICIAL TIME BY CASE TYPE

1996						2002						2007					
Case Type	New Filings		Case Wt.		Total Mins.	Case Type	New Filings		Case Wt.		Total Mins.	Case Type	New Filings		Case Wt.		Total Mins.
MR						MR	1	X	453	=	453	MR	1	X	1,209	=	1,209
CF	74	X	155	=	11,470	CF	0	X	155	=	0	CF	0	X	155	=	0
FA						FA	12	X	420	=	5,040	FA	12	X	359	=	4,308
FB						FB	25	X	260	=	6,500	FB	25	X	217	=	5,425
FC						FC	36	X	210	=	7,560	FC	36	X	211	=	7,596
DF	130	X	75	=	9,750	FD	130	X	75	=	9,750	FD	130	X	125	=	16,250
PC	6	X	0	=	0	PC	6	X	0	=	0	PC	6	X	345	=	2,070
CM	270	X	40	=	10,800	CM	270	X	40	=	10,800	CM	270	X	40	=	10,800
MC	568	X	18	=	10,224	MC	568	X	18	=	10,224	MC	568	X	18	=	10,224
IF	0	X	3	=	0	IF	0	X	2	=	0	IF	0	X	2	=	0
OV	0	X	0	=	0	OV	0	X	2	=	0	OV	0	X	2	=	0
JC	45	X	112	=	5,040	JC	45	X	111	=	4,995	JC	45	X	208	=	9,360
JD	74	X	62	=	4,588	JD	74	X	60	=	4,440	JD	74	X	60	=	4,440
JS	2	X	39	=	78	JS	2	X	58	=	116	JS	2	X	58	=	116
JP	28	X	106	=	2,968	JP	28	X	82	=	2,296	JP	28	X	82	=	2,296
JT	4	X	141	=	564	JT	4	X	194	=	776	JT	4	X	475	=	1,900
JM	34	X	12	=	408	JM	34	X	12	=	408	JM	34	X	12	=	408
CP	112	X	106	=	11,872	CP	0	X	121	=	0	CP	0	X	121	=	0
PL						PL	11	X	121	=	1,331	PL	11	X	121	=	1,331
MF						MF	30	X	23	=	690	MF	30	X	23	=	690
CC						CC	71	X	26	=	1,846	CC	71	X	26	=	1,846
CT	5	X	118	=	590	CT	5	X	118	=	590	CT	5	X	118	=	590
SC	327	X	13	=	4,251	SC	327	X	13	=	4,251	SC	327	X	13	=	4,251
DR	106	X	139	=	14,734	DR	106	X	185	=	19,610	DR	106	X	185	=	19,610
RS	1	X	31	=	31	RS	1	X	31	=	31	RS	1	X	31	=	31
MH	15	X	37	=	555	MH	15	X	37	=	555	MH	15	X	37	=	555
AD	10	X	53	=	530	AD	10	X	53	=	530	AD	10	X	53	=	530
AH	0	X	53	=	0	AH	0	X	53	=	0	AH	0	X	53	=	0
ES	55	X	85	=	4,675	ES	55	X	85	=	4,675	ES	55	X	85	=	4,675
GU	17	X	93	=	1,581	GU	17	X	93	=	1,581	GU	17	X	93	=	1,581
TR	3	X	40	=	120	TR	3	X	40	=	120	TR	3	X	40	=	120
PO	58	X	34	=	1,972	PO	58	X	37	=	2,146	PO	58	X	37	=	2,146
MI	12	X	87	=	1,044	MI	12	X	87	=	1,044	MI	12	X	87	=	1,044
Total Filings			1,956			Total Filings			1,956			Total Filings			1,956		
Total Minutes			97,845			Total Minutes			102,358			Total Minutes			115,402		
Judge Time			80,640			Judge Time			80,640			Judge Time			80,640		
Need			**1.21**			**Need**			**1.27**			**Need**			**1.43**		

The Committee emphasized the ultimate result and benefit of weighted caseloads, if carried out and used properly, is standardization of caseloads and caseload assignments, as well as prompting more effective and efficient case management throughout the state.

RESULTS

During the course of this current Weighted Caseload study, the Committee examined over 32,600 time sheet entries and reviewed almost 3,200 case files as collected, entered and analyzed by the consultants and researchers hired to work on this project. In comparing those totals with prior studies and by most other measures this was a much more exhaustive and thorough assessment of data than any previous study. Additionally, it is safe to say, this study was more sophisticated than the past efforts, thanks in large part to advances made in how data was collected and analyzed (as previously described in the Methodology section of this report). Consequently, the statistics in this study are presented with a greater degree of confidence than what could have been claimed in any prior study, and that translates into better results. Those results or findings are portrayed in the narrative explanations and series of tables contained in this section and through the additional tables appearing in Appendix A.

This study aimed to build on the baseline information generated in the 1996 and 2002 studies by examining as many case types as time and financial resources would permit. Using that foundation, the Committee and staff working on this and all future studies will be able to explore what changes have taken place in judicial time and case actions to establish what factors may contribute to changes in how cases are distributed and managed using historical trends and developments.

Since this is the third Weighted Caseload study completed in Indiana, the Committee decided it would be beneficial to revisit the results and recommendations from the previous studies, and to note how the current study's conclusions compare to those past efforts. In addition, the Committee agreed to initiate a practice to provide an update of any developments that may have occurred relative to the results and recommendations set forth in the prior studies. Therefore, the results in this section are being presented in three primary segments: (1) New findings based on the analysis completed for this study, which includes summaries of the average time per case results determined by the analysis of time sheet and file review data for the case types selected for this study; (2) Outcomes relative to topics and areas of interest emerging from the Committee's discussions in the current study; and, (3) Issues or topics pending from the 2002 study results.

New Findings

As it embarked on the analysis of the results from the data collection in this study, the Committee noted there had been several relevant changes in laws, and in the rules and procedures guiding the courts, as well as in judicial practices in the time period covered by this study (2003-2007). Some of the developments have included: county courts have been eliminated; some counties have had an increase in the number of judicial officers assigned to the courts; a general sense that cases may be growing more complicated; and, an increase in problem-solving courts and the use of outside of the courtroom interventions in cases (e.g., mediation, facilitation). There have been some relevant changes in the laws including new sentencing requirements and speedy trial rules with many of the most dramatic changes occurring in the area of juvenile justice, where there have been added requirements for conducting procedures and hearings, and time stipulations for reaching specific benchmarks in cases (e.g., permanency hearings).

While there were numerous changes enacted in criminal, civil, and juvenile court laws and procedures, the total average time being spent on the case types examined in this study did not change significantly. However, the total time for murder cases did increase substantially from 2002, due primarily to the changes in how trials are now accounted for in the study's methods. Total time for D felony cases went up considerably as well, but that type of case had not been reviewed since 1996. There was also a marked increase in the time for both of the juvenile court case types studied – CHINS and termination of parental rights.

In sum, total time per case increased for about half of the case types studied, while it went down or stayed relatively unchanged for the other half, with post conviction relief cases being assessed for the first time. With respect to specific actions, the following points provide a summary of what was discovered for the types of cases selected for this update:

- The time spent (= time sheet data) on prejudgment hearings and pleas or admissions went down for all of the felony case types, but increased for murder.
- Time for preparation for hearings or trials was lower for every criminal case type studied, as well as for opinions/orders, and post-judgment hearings.
- The time recorded for jury trials increased for every type of criminal case in the study, and the average number of bench and jury trials went up for most of those types of cases. The exception was for C and D felony cases, in which the average number of actions remained the same for jury trials.
- The average number of opinions/orders also rose for every type of case studied including the juvenile court cases.

Table #8 below highlights some of those changes by showing how the total time per action per case from the three Weighted Caseload studies that have been conducted in the state compare. Additional information on the specific case types' time per action, average number of actions, and total (average) time per case is provided later in this section and in the appendices.

TABLE #8: HISTORICAL COMPARISON OF JUDICIAL TIME BY CASE TYPE

	96TotMin Per Action Per Case	02TotMin Per Action Per Case	08TotMin Per Action Per Case
MURDER (MR)	155.00	453.00	1209.34
A FELONY (FA)	155.00	420.00	358.56
B FELONY (FB)	155.00	260.00	217.92
C FELONY (FC)	155.00	210.00	211.19
D FELONY (FD)	75.00		124.97
POST CONVICTION RELIEF			345.00
CHINS (JC)	112.00	111.00	208.61
TERMINATION of PARENTAL RIGHTS (JT)	141.00	194.00	474.94
Problem-Solving Court Cases			172.43

	96TotMin Per Action Per Case	02TotMin Per Action Per Case	08TotMin Per Action Per Case
Criminal Misdemeanor	40.00		
Criminal Miscellaneous	18.00		
Infractions	3.00		
Juvenile Delinquency	62.00	60.00	
Juvenile Status Offenses	39.00	58.00	
Juvenile Paternity	106.00	82.00	
Juvenile Miscellaneous	12.00		
Adoptions	53.00		
Civil Plenary	106.00	121.00	
Civil Tort	118.00		
Mortgage Foreclosure		23.00	
Civil Collection		26.00	
Civil Miscellaneous	87.00		
Small Claims	13.00		
Domestic Relations	139.00	185.00	
Reciprocal Support	31.00		
Protective Orders	34.00	37.00	
Mental Health	37.00		
Estates	85.00		
Guardianships	93.00		
Trusts	40.00		

NOTE: The gray shaded boxes indicate case types not examined in the specific years referenced in the column headings of the table.

The following points refer to the results for each of the case types included in this study. Where it was deemed appropriate, some of the potential reasons for changes in the times for a given type of case, as compared to the last time that case type was reviewed are discussed. Most of the variances in average time were found to be attributable to changes in policies and rules governing how certain case types are managed, while a few of the fluctuations in time have seemingly occurred on account of judicial officers engaging in different practices for handling a specific type of case.

Murder Results

As displayed in Table #9-1 below, there was a significant increase in the time for murder cases since 2002, with the primary reason for the increase being the change in trial time. More specifically the rise in the time for murder cases can be tracked to growth in the average number of actions as well as the time per action for murder cases from 2002 to the current study. The Committee attributed this increase in trial time to the improvements made in how trials were more accurately counted in this study. There also appears to be more time being spent on prejudgment hearings and plea or admission activities in murder cases than what was occurring in the prior study.

TABLE #9-1: AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ MURDER (= CASE WEIGHT)

Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	20.85	x	9.78	=	203.91
Preparation for Hearing or Trial	26.15	x	0.14	=	3.66
Plea/Admission	62.17	x	0.44	=	27.35
Bench Trial/Bench Disposition	277.50	x	0.17^	=	47.18
Jury Trial	417.76	x	1.62^	=	676.78
Opinions/Orders	7.25	x	21.84	=	158.34
Sentencing/Disposition	35.23	x	0.75	=	26.42
Post Judgment Hearing	11.92	x	0.45	=	5.36
Research	31.00	x	0.25*	=	7.75
Other	20.95	x	2.51*	=	52.58
Average Time Per Case (in Minutes)					**1209.34**

CCS Cases reviewed: 225
Timesheet Entries reviewed: 341

** Average number of actions is estimated using information from the 2002 study.*

^ Is the equivalent of the average number of days for trials as based on the data from this study.

Please note the case weight data and calculations as displayed for murder in Table #9-1 above for all of the other case types included in this study (listed below) appear in Appendix A (labeled Tables #9-2 through Table #9-9).

A Felony Results

Unlike murder cases, A Felony case total average time decreased. In total, the average time went down by over an hour per case, with the cause for the decrease occurring in three areas: prejudgment hearings, opinions/orders, and post-judgment hearings. All three of those actions had a large drop in time, which was almost entirely due to having less average time per action (e.g., time entered for carrying out those actions reported on judicial time sheets was much lower than in 2002) and not on account of having fewer hearings or opinions/orders. In fact, the average number of opinions/orders increased in A felony cases in this study over what was registered in 2002 and 1996.

The decrease in time for those particular actions more than equaled the much greater time recorded for trials in A Felony cases over what was reported in 2002. The Committee was unable to decipher a specific reason for why the times for certain actions would be going down, while the number of actions were largely unchanged or even increasing, other than to assume courts are completing more activities in less time on account of a persistent push to move more cases through the system more expeditiously.

B Felony Results

The total average time for B Felony cases dropped by approximately 42 minutes from what was presented in the 2002 study. The decrease in time appears to be primarily because of lower times per action for both pre and post judgment hearings. In both instances, the reduction in time did not come from having fewer hearings, but rather from spending less time on the hearings, similar to what was reported for A felony cases. It was worth noting, the total time for every action except jury trials went down for B felony cases compared to the 2002 study results. At the same time, the average number of actions increased or was close to the 2002 numbers with post-judgment hearings being the lone exception.

C Felony Results

The results for C Felony total time per case stayed almost the same as in the 2002 study. There were some fairly notable increases in the total time spent on opinions/orders and post-judgment hearings, but that time was offset by decreases in the time for prejudgment hearings and on sentencing. In addition, while the changes in how trial time was calculated had an obvious impact on murder, as well as A and B Felony cases, the time for trials actually went down for C Felony cases from what was recorded in 2002. The times recorded on the time sheets for C felony cases was comparable to the trend witnessed in B felony cases in that the times decreased for every action except jury trials. Conversely, the average number of actions for every type of action was comparable or went up from what was seen in 2002.

D Felony Results

Total average time for D Felony cases increased by more than 50 minutes since the last time the case type was examined in the Weighted Caseload, which was in 1996. The largest increase in factors contributing to the total time for D Felony cases was in prejudgment hearings, and opinions/orders. In essence, those figures seem to be indicating that judges are spending more time conducting hearings on D Felony cases since 1996, and are especially conducting more hearings prior to judgment. In fact, the average number of actions for prejudgment hearings was about four times as high in this study as it was in 1996, with the average number of prejudgment hearings rising from roughly 1.75 per case in 2002 to over 5.5 in 2008.

Clearly, there have been some substantial changes in how nearly every type of case is handled since D felony cases were last reviewed. The increase in times for these cases may have occurred because: (1) Cases were transferred out of problem-solving courts and ended up in the regular D felony caseload; (2) There are a growing number of courts that are not certified, but are acting in the same manner as a problem-solving court; and, (3) More probation filings and sentencing modifications are occurring in D felonies possibly spurred by a rise in drug related issues.

Post Conviction Relief Results

Since this type of case has not been reviewed in past studies there is no baseline data from which to draw comparisons. Until future study of the post conviction relief cases is completed, the Committee agreed to monitor this type of case by soliciting input from judges across the state on whether the time indicators are accurately gauging the degree to which post conviction relief cases impact judicial caseloads.

Juvenile – CHINS Case Results
Juvenile – Termination of Parental Rights Case Results

Following the recommendation made in the 2002 study, this year's study focused additional attention on juvenile court cases and specifically CHINS (JC) and termination of parental rights (JT) cases. This study clearly showed post-judgment hearings and orders were increasing in both types of cases, which was likely a consequence of the new state and federal laws requiring courts to make determinations sooner.

Specifically, the total average time for CHINS cases almost doubled from 2002, and the figure for termination cases was more than two times as high as it was in 2002. In CHINS cases, the sharp rise in time was the result of a steep rise in prejudgment hearing time, and for opinions or orders for both of the case types. There was also significantly more time being spent on post-judgment hearings and bench dispositions or trials for both CHINS and Termination cases.

In examining the increases in JC and JT times, and the specific areas where the time went up the most, the Committee determined some of the possible causes for the change were: more post judgment hearings at three months in JC cases; more orders in JT cases; and a higher frequency of bench trials in termination cases. This may be attributable to the changes in laws, as well as more frequent filing of motions for change in placements and increased visitation. In addition, the recent hiring of caseworkers may have resulted in an increased number of CHINS and termination of parental rights filings.

As the Committee engaged in additional discussions regarding the increased times for CHINS and Termination actions, the Committee noted: (1) There were more orders in CHINS cases than in the 2002 study, (2) Speedy trial statutes in CHINS cases could result in more time being spent on those cases; (3) More contested CHINS cases; and, (4) More caseworkers and attorneys in CHINS and Termination cases than in the previous study.

Emerging Topics and Areas of Interest

Trial Issues

The Committee spent a considerable amount of time examining and discussing how to make improvements in the way trials are weighed in terms of the calculations of judicial time and actions:

- Unlike the 2002 Weighted Caseload study, the current Committee was able to capture much more than "a snapshot of activity" in murder cases, as well as in A and B felony cases. To that end, the present study placed a special emphasis on those cases, specifically the trial times and associated actions. The greater concentration on murder cases in particular was partially prompted by the outcomes of the 2002 study, and the subsequent Committee deliberations since that study was released, including the analysis presented by Marion County judges in 2005.

- One of the most significant changes made in the data collection process and analyzing judicial time focused on how trials were recorded in both the time sheets and case file audits. After reviewing the frequency in which trials occurred, and comparing different means for assessing the impact jury proceedings had on judicial caseloads, the Committee voted to record each trial day as separate actions as opposed to counting an entire trial as one action. In the previous studies, trials were recorded as a single action regardless of how many days the trial lasted. That alteration in the recording of trials led to more accurate average time totals for jury proceedings in every case type examined in this study and higher times in every type of case studied except C felonies.

- Given the manner in which trial times were considered in this study – the Committee determined that there were adequate safeguards in place to ensure that trial times were being recorded much more accurately than in previous studies. Those safeguards included the State Court Administration and Judicial Center reviewing the time sheets before the forms were sent to the IUPUI Survey Research Center to make sure the times for trials were entered appropriately.

Recording and Counting Research and "Other" Time

The Committee discussed the need for a way to more accurately collect data on the "preparation for a hearing or trial; research," and for "other" in the case file review actions. In that regard, the Committee reviewed the *CourTools* and decided it was a topic that deserved additional examination in a future study. The *CourTools* model includes ten different activities judges can use to keep track of how they spend their time for each activity. Since the *CourTools* were going to be used in a couple of counties in the state on an experimental basis, the Committee wanted to see the results of those efforts before exploring the tools any further. Ultimately, the Committee decided to recommend *CourTools* be given some additional review *(see the Recommendation section for more details).*

Problem-Solving Court Case Identification

The Committee engaged in several discussions regarding complications the research team experienced during the study in attempting to identify Drug and Re-entry Court cases and specifically in determining whether or not the cases remain in those courts. In examining remedies for the situation, the Committee looked at the possibility of creating unique court or case identifiers for problem-solving court cases, or of applying a separate formula for assigning additional time to problem solving court cases. The Committee agreed some steps had to be taken so problem solving court cases can be more readily identified and examined in future studies. The additional time formula presented by the National Center for State Courts annualized drug or problem-solving court data based on a daily average court capacity determination.

Ultimately, the Committee decided that such cases should be counted in accordance with the weights for that case type in the court where it is assigned. In other words, problem-solving cases should be counted in the same manner as other cases in the study where a case is heard in one court and closed or transferred to another court.

Rule 1(E)(" .40 Rule")

The Committee noted there have been some case types that have not been examined since the initial Weighted Caseload study in 1996, but those types of cases are still given equal consideration in the application of Rule 1(E). That tends to present problems in all courts in which there are civil, criminal and family divisions. However, the Committee eventually concluded that the application of the rule was beyond the scope of this study, but could possibly be examined in a future study *(see the Recommendations section for additional information on this topic).*

Pending 2002 Study Issues

More Uniform CCS Entries

The 2002 study final report stressed the significant differences in how CCS entries were made in different counties, courts and even within the same county court systems; leading to varying interpretations of how to record data for different types of actions. That issue was not nearly as problematic in the current study. Thus, it is fair to conclude that the recommendation made in the 2002 study to seek "clarifications to contribute to improvements in the recording of information in case files" has been largely resolved primarily due to the use of computerized CCS entries. Moreover, the Committee anticipated any remaining differences in case summaries will ultimately be eliminated as the state fully implements the Case Management System (Odyssey) as adopted by the Judicial Technology Administration Committee (JTAC).

Additional Study of Small Claims and Domestic Relations Cases

During the discussions over the course of planning for and carrying out this study, the Committee approved a motion to forego studying small claims cases until all of the types of cases under the umbrella of civil cases generally and small claims specifically (e.g., civil miscellaneous, collections, etc.) could be examined comprehensively – with a sufficient amount of time and resources dedicated to solely looking at the different types of civil cases.

The Committee reached a similar decision for examining domestic relations cases, noting the complexities many of the cases in this designation gain over time. In addition, the Committee suggested looking into the possibility of studying at least a few of the longer domestic relations cases (e.g., divorce matters) from start to finish, which may run 10 years or more.

Capturing All Actions & Time ~ Post-Judgment Actions

In the current study, the researchers were able to capture post-judgment actions, as well as activity in all other phases of case proceedings, with greater ease and accuracy. The consultants credited this improvement to the dramatic advances in technology in the court system, which made finding and reviewing cases simpler, more uniform, and faster.

It should be noted that the average amount of time in one type of action may have been captured in another type of action. However, regardless of the label under which the time was captured, all of the time for the given type of case is accounted for. For example, if a judge read a pre-sentence investigation report, one judge may have included that time as hearing preparation while another judge may have included the time as an opinion or a sentencing action. Regardless of where the action was recorded, all of the time was taken into account in the study, even if it was not uniformly captured in the same type of action for every case within a case type category. Judges were encouraged to record all times, so all of the time spent on a case was given due consideration in the study. The main goal was to count all of the time a judicial officer spent on a case of each case type while avoiding duplication.

The Committee continued to discuss whether all actions and judicial time is appropriately counted in the Weighted Caseload process, especially recording time spent on probation revocations and other post conviction matters such as sentence modifications and appeals. Upon studying how the consultants entered the data for all the actions in cases, and particularly post-judgment activity, the Committee was satisfied every action was being accounted for in some way, and there was no need to create a separate entry for probation revocation or any other proceeding (*NOTE: revocations in problem-solving courts were also counted in the post-judgment actions*). However, the Committee expressed interest in exploring more specific instructions for recording post-judgment actions in the judicial time sheets in future studies. The Committee also voiced support for looking into better methods for capturing multiple day trials, and to be able to have the entire trial time recorded some way even if it extended beyond the deadline for when time sheet data was being collected.

RECOMMENDATIONS

The Committee agreed upon numerous recommendations based on the following: (1) New recommendations based on the findings and observations made in the current review; (2) Recommendations relative to topics of discussion arising during the planning and completion of this study; and, (3) Recommendations following up on issues raised in the 2002 study, which the Committee determined had not been sufficiently addressed.

2008 Study Result Recommendations

The recommendations below were developed by the Committee based on a thorough and careful analysis of the results from the current study.

Regular Weighted Caseload Updates – Full-Time Staff

In order for a Weighted Caseload system to be most effective, the Committee recommended the studies should be updated regularly – perhaps annually. More frequent updates would show if there are increases in judges' time being spent on specific types of cases, actions, or activities relative to the cases. That will, in turn, supply valuable information pertaining to the resources necessary in managing the caseload assigned to a court, county, district, or judicial officer.

The Committee concluded that conducting regular updates and appropriately administering the State's Weighted Caseload system should entail having staff dedicated to maintaining and sustaining that system. Staff working fulltime on continuous data collection and studies is the only way to ensure that the system is kept up to date and will produce long-term benefits. Without the commitment of staff, time, resources, and technology to the weighted caseload system, the State will not be able to make needed changes in the mindset that persists in decisions impacting judicial caseloads and the judiciary in general.

The Committee also recommended that:

- The Division of State Court Administration should be provided with the resources to hire a fulltime researcher to track court data and develop a system for ongoing and uniform data collection from the courts. This would allow the state to gain more and better insight into how to create greater efficiency and effectiveness in the court system across the state. Part of the responsibilities of this researcher would be to conduct 30 to 60 days of observations of judges and courts – possibly even shadowing judges to record data.

- A more consistent means of recording judicial data and case information be established, which could include the option of keeping data for the weighted caseload study on-line.

- A schedule for regular reviews of different case types be developed, so that all case types are reviewed more frequently than every six or in some instances twelve years as has occurred with some types of cases presently.

Quality Assurance Measures/Study Improvements

In terms of making improvements in how the studies are structured and conducted, the Committee recommended that:

- Future weighted caseload studies be structured to allow for some types of cases (specifically Domestic Relations, Paternity, and CHINS cases) to be examined over a longer period of time, such as two or three years – than is done currently (e.g., where the entire study encompasses approximately one year, and files are only reviewed for a few months) or to somehow look at the life of cases in those designations where the cases tend to stay open for many years.

- A more uniform set of definitions and instructions for completing both forms of data collection involved in the studies (time sheets and case file audits) be established in order to eliminate the potential existing inconsistencies . For example, we currently are not counting continuances at all in the case file reviews, but some judicial officers did count continuances on their time sheets. The Committee also recommended that the time judges spend on administrative matters should be explored.

- Future studies look at: (1) Filing rates of cases in conjunction with the population of counties, to determine what impact that may have on developing and applying weights; and, (2) How (or if) staffing differences effect weighted caseload.

Habeas Corpus Case Type Designation

The Committee discussed the fact that inmates tend to file numerous habeas corpus petitions in the local courts typically where prison facilities are located. It was noted that there is no exact count of how many of these cases are filed or the extent to which the filings may impact court time. As a result of various issues and questions raised about habeas corpus cases, the Committee recommended habeas corpus potentially be designated as a separate case type and be the subject of review in a future weighted caseload study.

Special Judge Cases

The Committee recommended efforts be made in the next study to devise a method to reflect workload credit for the trial court judges who administer special judge cases.

Juvenile Court Comprehensive Study

The Committee recommended initiating a comprehensive study to research the impact the series of new Juvenile Court laws enacted in the past few years will have on judicial practices, use of time, caseload weighting for juvenile case types, and workloads.

Emerging Issue Recommendations

Rule 1(E)(" .40 Rule")

The Committee noted there have been some case types that have not been examined since the initial Weighted Caseload study in 1996, but those types of cases are still given equal consideration in the application of Rule 1(E). That tends to present problems in courts where there are civil, criminal and family divisions. In light of the issues and questions relative to this requirement, and since it may have unintended consequences in some counties, the Committee recommended the rule should be studied further. The Committee unanimously and separately recommended that this rule be amended if a county requests a deviation from it based on good cause.

Recording Trial Time and Actions

While the Committee noted considerable improvements were made in this study for counting trial actions and time, there are still some issues meriting additional discussion. For instance, the Committee stressed some of the topics deserving added attention included: (1) How the frequency of jury actions in Murder, A, B, and C felonies and possibly in civil plenary case types are figured into the weights; (2) How to accurately count the time judges spend waiting for a jury to return with a verdict; (3) The impact new trial rules may have on the amount of time and number of actions judges use for cases that go to trial; and, (4) Whether busing juries into a jurisdiction has any impact on time and actions. For those reasons, the Committee recommended all of the elements involved in trials should be given further scrutiny in future weighted caseload studies or research.

Problem-Solving Court Case Identification and Application of Weights

The Committee addressed the issue of how to identify, count, and apply weights to cases in problem-solving courts, and especially situations where the cases may be transferred between courts (but not given new case numbers). The Committee voted to adopt an approach where the case is counted in accordance with the weights for the case type in each court where it is assigned. This is analogous to situations where a case is heard in one court and closed or transferred to another court or where a case is dismissed in one court but re-filed in another. In those instances the case is still counted in the averages of both courts, and the courts are granted the respective weights for the same case.

In order to appropriately manage the assignment of weights using the process described above, the Committee indicated problem-solving courts should be required to report new cases filed in the courts each quarter to the Division of State Courts Administration. Utilizing that approach, at end of the year, there would be a record of how many total new cases the problem-solving courts received and the courts could then be assigned caseload weights.

The Committee also agreed that the use of a unique identifier for cases assigned to problem-solving courts should still be explored. This would help verify the exact number of cases that are assigned to a particular problem-solving court, and possibly contribute to the most accurate accounting of problem-solving courts cases.

Finally, the Committee determined problem-solving courts should be examined more closely in a future study to be certain the weighting process fairly and equitably encompasses the unique characteristics of those courts, and to be assured the cases in those courts are receiving appropriate treatment under the weighting system.

Counting "Research" and "Other" Action Time

The Committee had several discussions regarding how to more precisely count the time judicial officers spend outside of the courtroom doing what is currently defined as "research" and "other" in the list of actions on the time sheet and file audit forms. As a possible solution, the Committee reviewed *CourTools* and decided to examine that resource more closely following the completion of this study.

The committee also discussed recommending a separate study be conducted to look at the increasing time spent on administrative duties of judges, and all non-case related times. That study would include an examination of: time spent administering juvenile detention centers; potential impact on court time of counties with prisons; and, other areas that may impact time not related to casework. The Committee concurred that the additional examination of judicial time include a review of the average time judicial officers have available and how that time is calculated.

2002 Study Recommendation – Progress/Update

The following recommendations are presented in adherence to the principle set forth in the 2002 study to have every update of the Weighted Caseload build upon the results from the previous studies, as well as to offer comparisons in the case types included in the prior studies.

Part of the purpose of completing updated studies is to provide a basis for future study and to dig deeper into the potential factors causing changes in the judicial and court time being spent on specific types of cases and actions in those case types. Thus, the Committee is confident the recommendations expressed here will contribute to the continuous improvement of Indiana's Weighted Caseload system, and consequently lead to better workload distributions among the state's counties, courts, and judges.

Further Study of Civil and Domestic Relations Cases

Upon careful and deliberate examination of civil and domestic relations cases, the Committee made these recommendations:

- There should be further study of Civil Collections cases to gauge how judges record their time and, more importantly, how these cases are being presented in the case files. In particular, the committee determined there should be closer examination of the factors contributing to differences in time spent on prejudgment hearings, and a more thorough study of how much time is spent on post-judgment actions.

- Since Civil Collection and Mortgage Foreclosure cases have been separated out of the Civil Plenary case type, all three of those types of cases should be reviewed. In addition, the Committee observed Civil Miscellaneous cases also deserved added study because that category of cases has seemed to have grown to take on too many disparate issues. The Committee ultimately decided all of the civil case types should be studied at one time in a future weighted caseload update, or possibly in a special separate study. The Committee determined such an examination should be a priority, since several civil case types have not been reviewed since the initial study in 1996.

Consideration of Post Judgment and Post-Disposition Actions

After careful examination of probation revocations, and how those matters are considered in the Weighted Caseload process, the Committee agreed to combine post-judgment actions into one item, as was done in previous studies. However, the Committee recommended future research or study be directed at exploring the development of more specific instructions for recording post-judgment actions in the judicial time sheets, so that time spent on probation revocations, sentence modifications, and appeals would be assigned as transparently and accurately as possible. In addition, the Committee recommended post-judgment actions involving pro se litigants, especially in domestic relations cases, should be reviewed in a future study.

Closer Examination of Juvenile Court Case Types

The Committee determined there should be additional study dedicated to juvenile cases, especially CHINS, Termination of Parental Rights, and Delinquency cases. While the committee cited factors such as new state and federal laws requiring quicker dispositions in most types of juvenile cases, it was determined further study could pinpoint the actual cause behind the increase in judicial time spent on those case types. Specifically, there should be additional examination of the age of case issues in CHINS cases, and perhaps some of the other areas of juvenile court caseloads. At a minimum more time should be spent studying why Indiana courts/judicial officers are getting to dispositions more quickly than was reflected in the 1996 study, while at the same time the cases remain open longer largely due to more post-disposition hearings.

Similarly, the Committee concluded further study was warranted to gauge the impact of the provisions contained in HEA1001 (P.L. 146-2008).

Exploring Time Impact of Murder Cases

Committee members discussed the need to examine the numbers of the judicial actions and specifically for judges to keep time data for more than thirty (30) days in death penalty and capital murder cases. The Committee determined the current study methodology would not work well with those cases, so it would be best to study those types of cases separately, possibly in a different project following the Weighted Caseload update.

Uniform CCS Entries

The Committee recommended that there be a review of what gets recorded in the case files or CCS' and how that information is presented. The Committee stressed the terminology used in a CCS should be uniform statewide. The Committee acknowledged the Case Management System developed by the Judicial Technology and Automation Committee (JTAC) will assist in this effort by greatly enhancing the accuracy and uniformity of case entries, but recommended recording case information should be given additional attention over the next few years.

APPENDICES

NOTE: The appendices contain many of the tables, forms and other information referenced in the report. However, raw data, and many of the more technical forms and information have not been included in the document, but will be made available upon request.

APPENDIX A

Additional Case Type Average Time Per Case Results

TABLE #9-1: AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ MURDER (= CASE WEIGHT)

Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	20.85	x	9.78	=	203.91
Preparation for Hearing or Trial	26.15	x	0.14	=	3.66
Plea/Admission	62.17	x	0.44	=	27.35
Bench Trial/Bench Disposition	277.50	x	0.17^	=	47.18
Jury Trial	417.76	x	1.62^	=	676.78
Opinions/Orders	7.25	x	21.84	=	158.34
Sentencing/Disposition	35.23	x	0.75	=	26.42
Post Judgment Hearing	11.92	x	0.45	=	5.36
Research	31.00	x	0.25*	=	7.75
Other	20.95	x	2.51*	=	52.58
Average Time Per Case (in Minutes)					**1209.34**

CCS Cases reviewed: 225
Timesheet Entries reviewed: 341

** Average number of actions is estimated using information from the 2002 study.*

^ Is the equivalent of the average number of days for trials as based on the data from this study.

TABLE #9-2:
AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ A FELONY (FA)
(= CASE WEIGHT)

Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	8.80	x	7.7	=	67.76
Preparation for Hearing or Trial	14.81	x	0.04	=	0.59
Plea/Admission	17.21	x	0.75	=	12.91
Bench Trial/Bench Disposition	357.50	x	0.14	=	50.05
Jury Trial	377.31	x	0.2	=	75.46
Opinions/Orders	6.10	x	14.86	=	90.65
Sentencing/Disposition	27.43	x	0.78	=	21.40
Post Judgment Hearing	8.47	x	0.77	=	6.52
Research	41.82	x	0.1*	=	4.18
Other	11.57	x	2.51*	=	29.04
Average Time Per Case (in Minutes)					**358.56**

CCS Cases reviewed: 362
Timesheet Entries reviewed: 1695

** Average number of actions is estimated using information from the 2002 study.*

TABLE #9-3:
AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ B FELONY (FB)
(= CASE WEIGHT)

Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	8.83	x	5.78	=	51.04
Preparation for Hearing or Trial	12.97	x	0.12*	=	1.56
Plea/Admission	15.82	x	0.74	=	11.71
Bench Trial/Bench Disposition	48.33	x	0.16	=	7.73
Jury Trial	376.19	x	0.11	=	41.38
Opinions/Orders	5.16	x	12.55	=	64.76
Sentencing/Disposition	18.25	x	0.8	=	14.60
Post Judgment Hearing	7.37	x	0.96	=	7.08
Research	30.31	x	0.1*	=	3.03
Other	7.52	x	2*	=	15.04
Average Time Per Case (in Minutes)					**217.92**
CCS Cases reviewed:	364				
Timesheet Entries reviewed:	3529				

** Average number of actions is estimated using information from the 2002 study.*

TABLE #9-4:
AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ C FELONY (FC)
(= CASE WEIGHT)

Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	7.23	x	5.31	=	38.39
Preparation for Hearing or Trial	12.27	x	0.12*	=	1.47
Plea/Admission	13.94	x	0.79	=	11.01
Bench Trial/Bench Disposition	51.62	x	0.15	=	7.74
Jury Trial	425.94	x	0.04	=	17.04
Opinions/Orders	6.15	x	13.06	=	80.32
Sentencing/Disposition	15.71	x	0.77	=	12.10
Post Judgment Hearing	7.78	x	1.93	=	15.02
Research	58.88	x	0.10*	=	5.89
Other	8.85	x	2.51*	=	22.21
Average Time Per Case (in Minutes)					**211.19**
CCS Cases reviewed:	360				
Timesheet Entries reviewed:	4614				

** Average number of actions is estimated using information from the 2002 study.*

TABLE #9-5:
AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ D FELONY (FD)
(= CASE WEIGHT)

Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	5.19	X	5.62	=	29.17
Preparation for Hearing or Trial	9.36	X	0.06*	=	0.56
Plea/Admission	10.51	X	0.68	=	7.15
Bench Trial/Bench Disposition	22.52	X	0.24	=	5.40
Jury Trial	293.52	X	0.02**	=	5.87
Opinions/Orders	3.88	X	11.02	=	42.76
Sentencing/Disposition	10.91	X	0.61	=	6.66
Post Judgment Hearing	6.75	X	1.09	=	7.36
Research	33.97	X	0.25***	=	8.49
Other	7.65	X	1.51***	=	11.55
Average Time Per Case (in Minutes)					**124.97**

CCS Cases reviewed: 406
Timesheet Entries reviewed: 13047

** Average number of actions is estimated using information from the 1996 study.*
*** Average number of actions comes from the Indiana Division of Court Administration's 2007 Judicial Report*
**** Average number of actions is estimated using information from the 2002 study.*

TABLE #9-6:
AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ JUVENILE CHINS (JC)
(= CASE WEIGHT)

Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	13.05	x	3.09	=	40.32
Preparation for Hearing or Trial	8.27	x	0.35*	=	2.89
Plea/Admission	9.49	x	0.24	=	2.28
Bench Trial/Bench Disposition	28.28	x	0.86	=	24.32
Jury Trial		x		=	0.00
Opinions/Orders	6.50	x	12.5	=	81.25
Sentencing/Disposition	14.17	x	0.78	=	11.05
Post Judgment Hearing	9.72	x	4.49	=	43.64
Research	10.43	x	0.03*	=	0.31
Other	10.14	x	0.25*	=	2.54
Average Time Per Case (in Minutes)					**208.61**

CCS Cases reviewed: 302
Timesheet Entries reviewed: 3124

** Average number of actions is estimated using information from the 2002 study.*

TABLE #9-7:
AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ JUVENILE TERMINATION OF PARENTAL RIGHTS (JT) (= CASE WEIGHT)

Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	10.51	x	3.89	=	40.88
Preparation for Hearing or Trial*	14.41	x	0.25	=	3.60
Plea/Admission	7.77	x	0.01	=	0.08
Bench Trial/Bench Disposition	100.24	x	0.98	=	98.24
Jury Trial	0.00	x	0	=	0.00
Opinions/Orders	46.22	x	6.65*	=	307.36
Post Judgment Hearing	17.25	x	0.07	=	1.21
Research	43.42	x	0.1*	=	4.34
Other	19.23	x	1*	=	19.23
Average Time Per Case (in Minutes)					**474.94**
CCS Cases reviewed:	331				
Timesheet Entries reviewed:	374				

**Disposition of case is included under Opinions/Orders*

TABLE #9-8:
AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ POST CONVICTION RELIEF (PC) (= CASE WEIGHT)

Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	23.33	X	8.29*	=	193.41
Preparation for Hearing or Trial	12.02	X	0.1*	=	1.20
Plea/Admission	5.00	X	0.03	=	0.15
Bench Trial/Bench Disposition	139.40	X	0.05	=	6.97
Jury Trial		X		=	0.00
Opinions/Orders	12.91	X	5.98	=	77.20
Sentencing/Disposition		X	0.01	=	0.00
Post Judgment Hearing	21.36	X	0.81	=	17.30
Research	49.31	X	0.17*	=	8.38
Other	16.69	X	2.42*	=	40.39
Average Time Per Case (in Minutes)					**345.00**
CCS Cases reviewed:	139				
Timesheet Entries reviewed:	361				

** The average number of actions is estimated using the information gathered from MR, FA, and FB cases.*

TABLE #9-9:
AVERAGE JUDICIAL TIME PER CASE PER ACTION ~ PROBLEM SOLVING COURTS (= CASE WEIGHT)

All Drug Court Cases (independent of case type)					
Type of Action	Average Time Per Action		Average Number of Actions for All Cases Filed		Total Minutes Per Action Per Case
Prejudgment Hearing	5.62	x	11	=	61.82
Preparation for Hearing or Trial	4.31	x	0.06	=	0.26
Plea/Admission	14.90	x	0.53	=	7.90
Bench Trial/Bench Disposition	13.42	x	0.28	=	3.76
Jury Trial	400.33	x	0.09	=	36.03
Opinions/Orders	2.90	x	16.4	=	47.56
Sentencing/Disposition	12.66	x	0.37	=	4.68
Post Judgment Hearing	4.17	x	2.48	=	10.34
Research	22.30	x	0	=	0.00
Other	8.46	x	0.01	=	0.08
Average Time Per Case (in Minutes)					**172.43**
CCS Cases reviewed:	401				
Timesheet Cases reviewed:	4462				

APPENDIX B

Primary Researchers Professional – Biographical Information

Mr. James Wolf, Director
Survey Research Center at IUPUI

James Wolf became Director of the Survey Research Center in September 2003. The SRC is a core research unit of the Institute for Research on Social Issues at the Indiana University School of Liberal Arts in Indianapolis. Mr. Wolf is also a Clinical Associate Professor of Sociology within the school providing research methods teaching and consulting for faculty, students and administrative staff. His primary responsibilities are supervision of the SRC as it provides survey research services for research funded through grants secured by faculty in various Schools on campus. He is also principle investigator for a broad range of public policy research projects funded by state and local agencies.

Before working at SRC, Mr. Wolf was employed at the National Opinion Research Center (University of Chicago) for several years before accepting the position as Associate Director of the Survey Research Center at the University of Kentucky. After moving to Indianapolis in 1993 he ran a successful social policy research business where he worked extensively with state government agencies in Indiana, particularly within Indiana's Department of Family and Social Services Administration and the Alcohol and Tobacco Commission, by coordinating research, preparing reports and assisting these agencies meet federal reporting requirements. Since his years at NORC he has published one book, a book chapter, seven journal articles and scores of technical reports and professional presentations covering a wide variety of topics including higher education, human sexuality, survey methodology, research ethics and, most recently, dependence and abuse of alcohol, tobacco and other drugs.

Relevant Experience

- **Public Policy Research.** For over 20 years, Mr. Wolf has had primary responsibility for developing and implementing hundreds of studies designed to provide government and not-for-profit officials the information they need to make effective decisions. These projects have included needs assessments, program evaluations and community satisfaction studies to help policy makers develop strategic plans.
- **Survey research methods.** Mr. Wolf is a frequent consultant to faculty in the IU Schools of Medicine, Business, Social Work and others when their research requires survey methods. He is an active member and regular contributor at the annual conference of the American Association for Public Opinion Research and an associate editor of its publication ***Survey Practice***.
- **Statistical analysis.** Mr. Wolf teaches statistics in Sociology and is proficient in the use of SAS and SPSS analysis software. Most of the technical reports he has written over the past two decades have been designed for professional lay audiences, recognizing that even complicated analyses must be presented in a clear manner in order for them to be useful.

Education

M.A., Sociology, University of Chicago, 1985

B.S., Sociology, Lake Superior State University, 1977

Mr. Larry Grau, President
The Grau Group, Inc.

Larry Grau is the CEO and President of The Grau Group, Inc., a policy-oriented consulting and research business he started in 1994. The Grau Group specializes in consulting, policy analysis and development, evaluation, and research. The company has provided consulting services for every branch of government, and has worked with businesses and organizations throughout the country.

Mr. Grau served on the staff of Governor Frank O'Bannon as his senior education policy advisor. In that capacity he provided the Governor with policy analysis, research, and advice on various education and youth-related policy issues. He also helped form the state's Education Roundtable, and served as one of the primary advisors to that group. Mr. Grau was previously the Education Finance Analyst for the Indiana General Assembly's House Ways and Means Committee, where he worked on the states' school funding formula and other education policy and budgetary matters. He has written three books on education finance and property tax policies, and he has been on a variety of state and national boards, committees and panels.

Mr. Grau has chaired a special committee on education finance in Indiana, and was part of a selective panel assembled to study education policy issues for the Education Commission of the States. Mr. Grau has completed several projects for the Indiana Supreme Court, including: assessments of the state's Court Improvement Program, Weighted Caseload studies and Domestic Relations Court research. He has also conducted in-depth studies of various policy-related issues for: The Indianapolis Chamber of Commerce, The South Carolina Governor's office and State Chamber of Commerce, National Governor's Association, Council of Chief State School Officers, the Historic Landmarks Foundation, and over 20 school districts located across the nation. He is presently completing an evaluation of Indiana's 21st Century Scholar Program for the Lumina Foundation, and is a member of the American Evaluation Association (AEA).

Larry was selected to be among Indiana's "Who's Who in Education" by the Indianapolis Business Journal in 2002, and was awarded a Sagamore of the Wabash (Indiana's highest civilian honor). He was elected to the Metropolitan School District (MSD) of Pike Township School Board in 2008 after being selected to fill a vacant seat on the board in 2007, and he is presently serving as Vice President. He was previously President of the Indianapolis Public Schools Education Foundation, and served on the Pike Township Education Foundation Board.

Education

M.P.A., Public Policy, Indiana University – Purdue University at Indianapolis (IUPUI), 1990

B.S., Public Administration, Indiana University, 1984

APPENDIX C

Judicial Time Sheet Instructions and Forms

TO: Judges, Magistrates, Commissioners and Referees

FROM: Randall T. Shepard
Chief Justice of Indiana

DATE: September 7, 2007

SUBJECT: Judicial Weighted Caseload Update

The Judicial Administration Committee of the Judicial Conference of Indiana is conducting an update of Indiana's judicial weighted caseload measures system this fall. The weighted caseload system is an important vehicle to determine the need for more judicial officers and distribution of caseloads within each county and each district. Judicial officers in over 20 counties have already been asked to participate in the update study. We invite you to join them.

Participation in the study means you would receive a folder in late September with instructions and materials to keep a record of the amount of time you spend on selected case types, and the time spent on non-case related judicial activities (continuing education, court management, county council meetings, etc.). The completed time sheets in this folder should be sent to the Indiana Judicial Center each week for four weeks.

An early bird session will be held on Thursday, September 20, as part of the Judicial Conference to review the present judicial weighted caseload system and answer questions about the update.

If you are willing to participate in the update, you may telephone or email Jeffrey Bercovitz at the Indiana Judicial Center (317) 232-1313, or jbercovi@courts.state.in.us

Instructions
Judicial Weighted Caseload Study Update

Judicial Administration Committee
Judicial Conference of Indiana

October 2007

This Instruction Manual is for judges participating in the weighted caseload time study update.

I. Background

II. Introduction

III. Time Study Procedures

A. Time Study Form for Case Related Activity

B. Time Study Form for Non-Case Related Judicial Activity

IV. Completed Forms, Contacts and Questions

I. Background

This is an update of the 1997 and 2002 time studies conducted by the Judicial Administration Committee. It includes judicial officers throughout Indiana. The time frame for the study is four (4) weeks and includes only those case types that the Judicial Administration Committee believed needed updating. Problem-solving courts will keep time sheets for that docket for ten (10) weeks.

The Judicial Administration Committee finished development of a weighted caseload system for judges in Indiana in 1997. The Supreme Court of Indiana used this as a basis of rule for the development of local caseload plans in 1999. This system is designed to serve as a basis for determining the need for additional judgeships, as well as a basic tool for local jurisdictions to assess allocation of workload. The study was updated in 2002 and is used by the Indiana General Assembly when considering the creation of new courts and for Caseload Allocation Plans

II. Introduction

Two forms will be used during the study. A time study form (***Time Study Form For Case Related Activity)*** will collect case specific data on the amount of time required for certain judicial activities.

The goal of the study is to determine the average time it takes judicial officers to process a case from filing through post-judgment status. Standards will be updated for selected case types. You should complete the materials in this folder for the time a judge spends on the following case types:

Murder
A Felony
B Felony
C Felony
D Felony
Misdemeanor (Drug/Reentry Court Only)
PCR
Civil Miscellaneous
Small Claims
Protection Orders
CHINS
Termination of Parental Rights
Delinquents (Drug/Reentry Court Only)
Certified Problem-Solving Court Dockets

By combining the case specific data from the time study form with the time available worksheet, an average processing time will be determined and converted to a workload standard that will be expressed in terms of the number of cases a judge can administer in one year.

Judicial officers will complete a worksheet for Certified Problem Solving Courts, which include Drug Courts and Reentry Courts, to determine how much time is spent by judicial officers only in problem solving court cases.

Judicial officers will be asked to complete a worksheet to determine how much time is used in non-case related judicial activities***. (Time Study Form for Non-Case Related Activity***)

The four week period for the time study is from Monday, October 1, through Friday, October 26, 2007. **However, at a minimum all time study sheets should be forwarded to the Judicial Center on October 26, 2007.**

III. Time Study Procedures

A. Time Study Form for Case Related Activity

Numbers to use when completing the Time Study Form are included on the form itself for the following judicial actions: Type of Cases and Type of Action. ***Please Note: the entry of the data for case types and the data for types of actions must be made in differentcolumns!*** The top of each page needs to be completed when beginning each new form, Court, County, Court Identifier, (e.g. 49D01), Date (date when form was started) and type of Judicial Officer.

The following is a description of each "column":

"Case Number"	Indicates the actual case docket number, which may be abbreviated as 0704-FD-00314.
"Number of Cases"	When working on one case enter 1, or when working on several cases of the same "Type of Case" skip "Case Number" and enter the number of cases (example, 10 initial hearings.)
"Type of Case"	Enter the letters as indicated on the top of the time study form. (e.g. JC for CHINS)
"Type of Action"	Enter the number as indicated on the time study form.
"Time in Minutes"	Convert all time spent into minutes and enter. If the action is taken in many cases enter the total number of cases and the total amount of time. See below.

All time figures should be entered in minutes. Do not use fractions of hours or decimal representations. For example, one hour and thirty minutes would be 90 minutes, recorded as follows:

Number for Type of Action	**Amount of Time in Minutes**
11	90

The following notations of 90 minutes are **incorrect**:

Amount of Time in Minutes **1.5**, **1 ½**, and **90 min**.

Do not use *decimals*, *fractions*, or *add any letters after the numeric notation*

Multiple case entries:

If an action is being made on several cases at one time, as in advisement or initial hearings, enter the number of cases and the total time. For example, 10 case initial hearings in 60 minutes. Always round to the nearest minute. Please enter the totals on the form.

Use of Case Numbers on Time Sheet:

The complete case number does not have to be included on each line of the time sheet. The date, type of case, and sequential number, ex: 0612-JC-0054 is most important. The court should be listed once at the top of each page. Ex: 48CO2. Do not place two different days worth of activity on the time sheet. Please make additional copies as needed.

Highest docketed charge:

Times for multiple charges against the same defendant should be recorded based on highest charge docketed. Also, if a case if filed as an A felony, for example, and later the charge is reduced to a C felony, it should always be recorded as an A felony.

No two actions on the same line:

When a hearing is conducted, followed by an order, times should be given to these actions on separate lines. No two Type of Actions should be recorded on the same line.

B. Time Study Form for Certified Drug and Reentry Courts

Please complete this light color form for Certified Drug Courts and Reentry Courts only. Do not use this form for recording data for other types of cases.

C. Time Study Form for Non-Case Related Judicial Activity

In order to capture completed information on judicial activities that are not directly related to a specific case, non-case related time must be identified and counted. The "non-case" judicial time includes administrative duties, staff supervision, en banc meetings, and community responsibilities generally. Please record the date, check the box indicating the action taken, and fill in the time in minutes on this form for non-case related judicial activity.

Definitions:

"Conference"	Judicial related conferences.
"Continuing Education"	Continuing education and training generally.
"Meetings"	All judicial related meetings.
"Administrative Time"	Administration and staff management.
"Community Service"	Judicial related community service (e.g. talk to local service club).
"On call"	Time spent on call.
"County Council Meetings"	Judicial related time spent on or at county council or county commissioner meetings.
"Travel"	Required judicial related travel
"Other"	All other judicial related duties. Please give a short description. You may use the reverse side if needed.

IV. Completed Forms, Questions and Contacts

Please remember to send in the completed forms each week. They must be legible in order for data entry!! You may make additional copies of the data collection forms, and make any comments on the back of the time study sheets.

Each form does not identify an 8-hour day or 40-hour week. These forms are designed to capture the amount of time required to perform judicial duties each day. Judicial related work conducted outside the courthouse may be included.

Please send the completed forms each week and direct any questions to: Jeffrey Bercovitz, c/o Indiana Judicial Center, 115 W. Washington St., Suite 1075, Indianapolis, IN 46204, (317) 232-1313, or jbercovi@courts.state.in.us. You may also contact Judge Thomas P. Stefaniak, Chair, Judicial Administration Committee, Lake Superior Court, at (219) 755-3500 or stefatp@lakecountyin.org.

Frequently Asked Questions

1. Q: **If a pro tem, temporary judge, special judge or a senior judge conducts a hearing in my courtroom, should the time they spend on a case be attributed to judicial officer they sat for or to them alone?**

   A: Recording time should always be done by the judicial officer completing the event.

2. Special Judge time

   Q: **If a judge has a special judge case in another county, (ex: C Felony) where should the travel time to that case be counted?**

   A: The travel time for a special judge case heard in another county should be counted as travel time on the non-case related activity sheet.

   Q: **If the special judge case is heard in the judge's court, how should the time be counted?**

   A: Special Judge time should be kept as all other cases are kept. Please include the complete case number in this instance in order to indicate that this is a special judge case.

   Q: **Can cases be recorded which are not included in the study?**

   A: No. The committee carefully considered and chose the case types most in need of an update because the law or practice changed in a particular area. Other case types may be examined at a future date.

3. Q: **If a judge is waiting for jurors to render a verdict during a jury trial and a judge spends time working on orders in other cases, may the judge enter the time for both the jury trial and the orders in other cases?**

   A: This is the one instance in which a court may "double count" its time. It is corrected from the answer given during the early bird weighted caseload update session.

4. Protection Orders

Q: When a court reviews a petition for an ex parte protection order, there may not be a case number assigned to it. How should this be counted? What if an ex parte hearing is held?

A: This time should be recorded as either a prejudgment hearing if a hearing is held on the petition alone before an ex parte order is entered. If no hearing is held, the work the judge does in reviewing the petition could be entered as preparation for hearing or trial. After review of the petition if the court does not enter an ex parte order, but enters an order of dismissal, it would be entered as an order. In each case, the appropriate amount of time in minutes should be given.

Q: Should the granting of an ex parte protection order be considered Bench Trial/Bench Disposition or just an order?

A: The granting of an ex parte protection order is not a final appealable order. The Respondent has received no notice and once notice is received, has 30 days to request a hearing. It should be entered as an order, and only actions after a regular protection order is granted should be counted post judgment. The most important issue is counting time spent on the order in the protection order case type.

5. Problem-solving courts

Q: Some of Indiana's drug courts have the defendant plead guilty, and then withhold judgment on the plea. If the defendant successfully completes the program, the charges are dismissed. Should hearings in this area be counted as prejudgment? However, in some counties, the judgment is entered and all the proceedings are post judgment.

A: Since drug courts do not administer these cases in a uniform manner, simply record the time prejudgment or post judgment as the case may be in the particular court.

Q: In all the drug courts, there is a "staffing." Should this be counted as preparation for hearing or trial or some other type of action?

A: This should be counted as preparation for hearing or trial.

Judicial Administration Committee

Judicial Conference of Indiana

Court: _____ **County:** _____

Court Identifier: _____ (e.g. 49D01) **Date:** ___ / ___ / ___

MM / DD / YY

Type of Judicial Officer:

CIRCLE ONE

Judge	Magistrate	Temporary Judge
Referee	Senior Judge	Judge Pro Tem
Commissioner	Special Judge	Transfer Judge Based on Caseload Allocation Plan

Type of Cases: (These are the only cases involved in the study)

MR-Murder	**FD-**D Felony	**SC**-Small Claims
FA-A Felony	**CM-**Misdemeanor (Drug/Reentry Ct. Only)	**PO**-Protection Order
FB-B Felony	**PC-**PCR	**JC**-CHINS
FC-C Felony	**MI-**Civil Miscellaneous	**JT**-Termination of Parental Rights
	JD-Juv. Delinquency (Drug/Reentry Ct. Only)	

Type of Action:

1-Prejudgment Hearing	**5**-Jury Trial	**9**-Revocation Hearing
2-Preparation for Hearing or Trial	**6**-Opinions/Orders	**10**-Research
3-Plea/Admission	**7**-Sentencing/Disposition	**11**-Other
4-Bench Trial/Bench Disposition	**8**-Post Judgment Hearing	

Case Number	Number of Cases	Type of Case (See Above)	Type of Action (See Above)	Amount of Time In Minutes

Note: "Number of Cases" if working on an individual case, enter 1 If the same action is made on several cases of the same type, skip "Case Number" and enter the number of cases. Ex: "3"- in the "Number of Cases", "FD" in the "Type of Case", "1" in "Type of Action" and "20" in the "Amount of Time" to indicate several initial hearings in 3 D Felony cases took 20 minutes.

Time Study for Non-Case Related Activity

Judicial Administration Committee

Judicial Conference of Indiana

Court: _____ **County:** _____ **Date:** ____/____/____

MM/DD/YY

Type of Judicial Officer: Circle One

Judge	Magistrate	Temporary Judge
Referee	Senior Judge	Judge Pro Tem
Commissioner	Special Judge	Transfer Judge

(Based on Caseload Allocation Plan)

Enter date, check a category and enter amount of time in minutes

Date	Conference	Continuing Education	Meeting	Administrative Time	Community Service	On Call	County Council Meetings	Travel	General Research	Other (Give Short Description)	Time in Minutes

APPENDIX D

Case File Review/Audit Forms

CASE FILE REVIEW/AUDIT FORM

Case Type: _____

COUNTY - COURT: _____

Case #: _____

Filing Date: _____

	(Pre-Judgment)		Judgment	(Post-Judgment)		
Type of Action	Type Action	Judg Type	Date	1st Date after	Type Action	Last Date
1. Prejudgment Hearings						
2. Preparation for hearing or trial						
3. Plea/Admission						
4. Bench Trial/Settlement Conference Resulting in Judgment						
5. Jury Trial						
6. Bench Disposition						
7. Opinions/Orders						
8. Sentencing/Disposition						
9. Post Judgment Hearings						
10. Research						
11. Dismissal						
12. Default						
13. Other						
14. Revocation Hearing						