

# Court Rules

## Caseload Allocation Plans

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### Background

Ind. Administrative Rule 1(E), which became effective January 1, 2006, and was amended January 26, 2017, requires the courts of record in a county to develop and implement a caseload allocation plan (CAP) that ensures an even distribution of judicial workload among the courts in the county. Pursuant to Ind. Trial Rule 81(C), the Indiana Supreme Court, Indiana Office of Judicial Administration (IOJA), has published a “Schedule for all Local Court and Administrative Rules, and Caseload Allocation Plans” detailing when the CAP must be submitted and the sequence of steps to seek approval of the plan.

### Timing

The courts of record in a county must submit a plan, or revalidate the existing plan, not less than once every two (2) years. In the year, a county must submit a plan, the timing of the process follows the schedule for adopting or amending local court rules under T.R. 81:

#### **Trial Rule 81 Deadlines Applicable to Caseload Allocation Plans**

DATE	EVENT
May 1	Submit the text of the proposed amended CAP or a Request to Re-Adopt the existing CAP to IOJA

DATE	EVENT
June 1	Notice of Proposed amended CAP published locally and on the Indiana Judicial website
July 1 – July 31	Trial Courts within a county or district must approve a final plan by at least a 75% vote
August 1 or before	Submit the locally approved plan to IOJA
August 1 – October 1	IOJA will review plans and make a recommendation to the Supreme Court for approval, modification, or rejection
October 1 or before	Supreme Court review and decision
January 1 the following year	Effective date of approved plans

## Plan Evaluation

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Plans are evaluated by applying the distribution of cases defined in the county or district caseload allocation plan to the new filings reported by the courts of record within the county or district during the preceding year. Beginning in 2021, additional factors are considered to determine judicial need :

- cases venued in or out,
- cases transferred in or out,
- the reporting judge acting as a special judge in another court, and
- special judge service in the reporting court.

If applicable, additional judicial resources, such as the use of a magistrate or

commissioner, are then factored in for the appropriate court(s). This judicial resource number represents the “have” of the court. The “need” figure is divided by the “have” figure to produce an estimate of the weighted caseload utilization in each court, county, and district. The utilization variance is calculated by subtracting the lowest utilization in the county from the highest utilization in the county. IOJA may request a county or judicial district to explain any variance among the courts resulting from the county or judicial district caseload allocation plan. IOJA will presume the plan submitted was properly approved by the county or district.

## How to Prepare a Caseload Allocation Plan

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First, review your existing, approved CAP contained in your local rules. Next, examine the Weighted Caseload Measures Report to find the utilization of each of your courts in your county for the previous calendar year. IOJA will post this report online by April 15. The Weighted Caseload Measures (WCM) provide a relative weight or count, in minutes, for each case. The Weighted Caseload Measures Report is based on the prior year’s Quarterly Caseload Statistics Reports submitted by each of the courts of record. This research will provide you with the Utilization Factor for your court. **Need ÷ Have = Utilization.**

The utilization factor is the linchpin of the entire CAP process. It will show whether a court has a caseload well above capacity or if it is underutilized. A low caseload utilization figure does not mean that a court is not working efficiently or diligently, just as a high caseload utilization figure does not always mean a court is working exceedingly hard. Because these measures account for different variables, the utilization number represents how much work a particular court had to process in the previous year.

Ind. Administrative Rule 1(E) requires the judges of the courts of record in each county to develop and implement a local rule, a CAP for the county that ensures the even distribution of the judicial caseload among the judges of the courts of record in the county. The judges of the courts of record in each county must approve the county’s caseload allocation plan by at least 75% of the vote. The chief judge or another judge designated by the courts shall submit the approved county plan to IOJA by the deadline

established in the schedule.

The judges of the courts of record in each judicial district (established by Admin. R. 3) may adopt a local rule to develop a district caseload allocation plan that allows for the efficient adjudication of cases within the district. A judicial officer of a court of record within a county or district may serve as acting judge in any matter within the judicial officer's county, district, or contiguous counties.

If your current plan has been approved by at least a 75% vote of the judges of the courts of record in the county and you do not want to make any changes to your plan, then you can submit a Request to Revalidate your local plan to IOJA.

However, if you wish to change your plan, you will need to amend your plan. Start with the number of new case filings for the previous year in each of your courts. These figures can be obtained locally by printing out copies of all the QCSRs that you filed or from IOJA. For example, you may find that simply moving all the Level 1 Felonies from one court to another may provide for a more even distribution of workload between the courts within the county. Once the CAP has been developed, a vote must be taken by the judges, and the plan must be approved by at least 75% of the judges. The next step is to put it into the form of a local rule.

## **Local Rules Adoption and Amendment Process**

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The first step in the local rule amendment process is to show the changes to the existing rules or caseload allocation plan with strikethroughs and standard rule revision formatting (e.g., using Word Track Changes). Submit the proposed amendments to IOJA for review to ensure the changes are consistent with and not duplicative of Indiana Supreme Court rules.

Upon the plan's approval by IOJA, the next step is to provide Notice of the proposed rule change(s). Publication of the Notice is considered complete when the text of the Notice and the proposed Local Rule amendments are sent *in a digital ADA-accessible format* to IOJA and the County Clerk for posting on the internet.

The Clerk will post the notice and proposed amendments in the clerk's office and on its

website if it has one. IOJA will also post the proposed Local CAP Rule on the Indiana Judicial System website for the county. Trial courts are also required to notify the president and secretary of any local county bar associations.

The notice and amendments must be published for a 30-day comment period. Each court selects who shall receive public comments for the court. Follow the notice guidelines in Indiana Trial Rule 81.

The trial courts must approve the final new or amended rules, which may be modified based on comments or other information received.

Following approval of the proposed amendments, IOJA will review and submit proposed amendments to caseload allocation plans, special judge assignments in civil and criminal cases, and court reporter services to the Indiana Supreme Court for approval. The Supreme Court will review the amendments and either approve, reject, or return them for revisions. Rule amendments become effective on the date indicated in the notice or the Supreme Court's order, as applicable.

Two caveats: If a county fails to produce a caseload allocation plan, the Supreme Court will require IOJA to draft one for the county.

## Tips and Suggestions

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Incorporating the following suggestions when developing a county caseload allocation plan will expedite the approval process.

- Caseload allocation plans must address **all** recognized case types except for those in which there can be no new filings (CF – Criminal Felony before 1/1/2002, CP – Civil Plenary before 1/1/2002, DR - Domestic Relations 12/31/16, and AH – Adoption History), and Court Business (CB). This is the case even if the county intends to continue historic filing patterns for some or most case types.
- Work with the Indiana Office of Court Technology (IOCT) to determine if the caseload allocation plan may be fully implemented through Odyssey, or if certain aspects of the plan require manual intervention by the Clerk's staff before the amendments are published for public comment.

- IOJA tracks filings by the case types used in the Quarterly Case Status Report. If the proposed CAP's allocation of cases is based upon units that are finer than those recognized case types (for example, if cases within a case type are assigned to a court based upon the charge that is being filed, such as "all cases involving felonies filed under Title 9"), then estimates of the number of such cases that were filed in the preceding year must be provided along with the CAP.
- Please include **all** additional judicial officers that serve in the county, along with the relative proportion of time that they serve in **each** court.
- Please note any case types filed the same way as under the previous local rules. For example, if the plaintiff's attorney chooses the court of filing for Civil Plenary (PL) cases, please indicate that filing is discretionary among the appropriate courts.
- Please note any additional factors or situations specific to the county that may not accurately be reflected in the weighted caseload utilizations or county CAP, such as drug court or other problem-solving court .
- Consider the following concepts and terminology when amending a CAP:

**Random Filing** – Under random filing, each court that has the jurisdiction to hear a specific case type has an equal chance of having such a case filed in that court. The following assumption is made when evaluating caseload allocation plans incorporating random filing: Case types that are randomly filed will be distributed equally among the appropriate courts, even though truly random filing is seldom equal.

**Filing Ratio** – In some cases, it may be more suitable to file cases differentially among courts using a pre-determined ratio. For example, a county may decide to file Level 6 Felonies among three courts in a ratio of 2:1:1. In other words, 50% of Level 6 Felonies may be filed in one court, and 25% of Level 6 Felonies filed in two additional courts.

**Discretionary Filing (civil cases only)** – The court of filing is chosen, or selected, by the attorney, or party filing the case. Discretionary filing seldom results in an even distribution of cases between courts, and the differential filing of cases between courts often becomes more dramatic over time.

**Filing Cap**– A predetermined threshold, or filing cap, is set for specific case types. A filing cap works by limiting the number of cases that can be filed in a certain court until the number of filings reach the filing cap. Filing caps are an excellent alternative for counties wishing to move away from discretionary filing, but do not wish to remove all discretion from the filing attorney. For example, a county in which three courts can hear Civil Collections (CC) cases can apply a filing cap of 100. CC cases may be filed in any of the three courts until 100 have been filed in one of them. At that point, no new CC cases may be filed in that court until each of the other two courts reaches 100 filings. Typically, when filing caps are met in all applicable courts, then the cycle repeats. In the previous example, the cycle would start over once the first 300 cases (three courts with a filing cap of 100 each) are filed.

IOJA's court analyst, James Diller, [jim.diller@courts.in.gov](mailto:jim.diller@courts.in.gov), is available to assist and make suggestions for the development of your plans, and staff attorney, Diane Mains, [diane.mains@courts.in.gov](mailto:diane.mains@courts.in.gov), can answer any questions you might have about the local rule amendment process. Jeffrey Wiese, Deputy Director, Indiana Office of Court Services, [jeffrey.wiese@courts.in.gov](mailto:jeffrey.wiese@courts.in.gov), is always willing to help you as well.