



COMMISSION ON COURTS

Legislative Services Agency
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Rep. Greg Steuerwald, Chairperson
Rep. Kathy Richardson
Rep. Matt Pierce
Rep. Ed DeLaney
Sen. Richard Bray, Vice-Chairperson
Sen. Randall Head
Sen. Lonnie Randolph
Sen. Timothy Lanane
Chief Justice Randall Shepard
Michael J. Kruk
Christa Coffey
Judge Tom Felts
Commissioner Therese Brown

LSA Staff:

Timothy Tyler, Attorney for the Commission
Mark Goodpaster, Fiscal Analyst for the Commission

Authority: IC 33-23-10

MEETING MINUTES¹

Meeting Date: September 15, 2011
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Greg Steuerwald, Chairperson; Rep. Kathy Richardson; Rep. Matt Pierce; Rep. Ed DeLaney; Sen. Richard Bray, Vice-Chairperson; Sen. Lonnie Randolph; Sen. Timothy Lanane; Chief Judge Margaret Robb for Chief Justice Randall Shepard; Michael J. Kruk; Judge Tom Felts; Commissioner Therese Brown.

Members Absent: Sen. Randall Head; Christa Coffey.

(1) Call to Order: Rep. Greg Steuerwald, Chairperson of the Commission on Courts (Commission), called the meeting to order at 1:32 P.M.

(2) Response to Judicial Technology and Automation Committee (JTAC) Presentation: Rep. Steuerwald distributed a letter (Exhibit 1) to Commission members from Kevin Cook, President of CSI (Computer Systems, Inc.), submitted in response to testimony concerning JTAC's Odyssey case management system that was presented to the Commission at its

¹ These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative>. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

August 24, 2011, meeting.

(3) Presentation by the Strategic Planning Committee of the Judicial Conference of Indiana: Judge Terry Shewmaker of the Elkhart Circuit Court and Judge Mark Stoner of the Marion Superior Court then testified on the Judicial Conference of Indiana report entitled "The Next Step To A New Way Forward: The Strategic Plan For Indiana's Judicial Branch." This report may be found at the following Internet address:

(<http://issuu.com/incourts/docs/a-new-way-forward-next-step?mode=embed&documentId=090116194711-5ffd36abaee44be6a320b64f826f3dfa&layout=grey>)

Judge Shewmaker's and Judge Stoner's testimony was supported by a document containing their PowerPoint presentation (Exhibit 2). Judge Shewmaker and Judge Stoner stated the following:

- *The Strategic Plan was developed by the Judicial Conference of Indiana (Conference), which is made up of judges from across the State.
- *The mission statement of the Conference is to "improve our system of justice by assisting with the resolution of disputes under the rule of law while protecting individual rights and liberties in a fair, impartial, equally accessible, prompt, professional, and efficient manner."
- *The long term goals of the Conference are to provide equitable funding of trial courts and establish a more uniform system to select trial court judges.
- *The three main priorities for the Conference are to improve education for judges and court staff, simplify the structure of trial courts, and improve the record keeping system for trial courts.
- *To improve education for court staff, the judiciary should adopt more stringent education requirements and formalize staff training and orientation. Also, all judges of city and town courts should be required to be attorneys.
- *To simplify trial court structure, the judiciary should pursue uniformity and clarity of organization and encourage county, district, and regional cooperation. To this end, HEA 1266 enacted in 2011 provided for uniform jurisdiction between all circuit and superior courts and will allow maximum flexibility in allocating case loads.
- *To improve record keeping, the courts should be solely responsible for their records and manage the preparation of documents related to appeal while the clerks continue to focus on supervising elections, issuing marriage licenses, and collecting money. Records should reflect how judges feel and not how clerks feel.

In response to questions from Commission members concerning recent criticisms involving debt collection by Marion County Small Claims Courts, Judge Stoner stated justice is not about revenue generation and the main reason for a court to exist should not be to increase revenue. He said Marion County was currently discussing proposed changes to its small claims system.

(4) Requests for New Judicial Officers Carried Over from 2010: Rep. Steuerwald then said the Commission would reconsider any requests for new judicial officers that were endorsed by the Commission in 2010 and were not enacted by the General Assembly in 2011. He said all that would be necessary for the Commission to reconsider these requests would be for a representative from the county making the request to testify before or submit written documentation to the Commission indicating the new judicial officer was still needed. The following requests were then resubmitted to the Commission:

- *One New Bartholomew Superior Court Judge: Judge Chris Monroe from the Bartholomew Superior Court #1 testified Bartholomew County still needed this

additional judicial officer.

*One New Hamilton County Magistrate: Orval Schierholz, Administrator of Courts for Hamilton County, submitted a packet of written material (Exhibit 3) that indicated Hamilton County still needed this additional judicial officer.

*One New Johnson Superior Court Judge: Judge K. Mark Lloyd of the Johnson Circuit Court submitted a packet of written material (Exhibit 4) that indicated Johnson County still needed this additional judicial officer.

Rep. Steuerwald stated the Commission would consider endorsing these three requests later in the meeting.

(5) Request for a New Marion Circuit Court Magistrate: Mark Renner, Commissioner of the Marion Circuit Court, then testified concerning a request to give the Marion Circuit Court Judge the authority to appoint a magistrate. Mr. Renner's testimony was supported by a document concerning the operation of the Marion Circuit Court and the appointment of magistrates by other courts (Exhibit 5). Mr. Renner said Marion Circuit Court Judge Louis Rosenberg could not be present to testify due to a long-standing family commitment. Mr. Renner stated the following:

*The Marion Circuit Court is the busiest circuit court in the State.

*A new Marion Circuit Court magistrate would replace one of four Circuit Court commissioners paid by the county and would supervise the Paternity Division.

*The Marion Circuit Court judge may not appoint any magistrates while other circuit courts serving urban areas in the State may appoint magistrates. He said the Allen Circuit Court judge may appoint one magistrate, the Lake Circuit Court judge may appoint three, the St. Joseph Circuit Court judge may appoint three, and the Vanderburgh Circuit Court judge may appoint one. He also said the Marion Superior Court judges may jointly appoint eight magistrates.

*While the Marion Circuit Court and Marion Superior Court share cases, they do not share personnel.

(6) Probation Officer Compensation: Rep. Steuerwald stated that, because this subject was more complicated than he initially thought, the Commission would hear testimony on this issue but would not vote on any recommendations at this meeting. (Testimony began on this topic before the Commission members took votes on their recommendations for 2011 and on the Commission's 2011 Final Report. The testimony concluded after the votes were taken.) Larry Hesson, President of the Hendricks County Council, and Andrew Berger, Director of Government Affairs and General Counsel for the Association of Indiana Counties, stated the following:

*Probation officer salaries are paid by counties and other local units even though they are basically determined by a panel of judges (Exhibit 6). This system means some local units are in a better position to pay probation officer salaries than other local units. It also creates an inequity among local unit employees.

*The following is a proposed new system to fund probation services:

*Local units who pay to operate probation departments would set a base year amount as determined by the amount of funding a local unit pays to operate its probation department. The base year could be determined by taking the total budgeted amount in a single year or by using an average amount over a period of years.

*A local unit would transfer this base year amount to the State each year in two installments in the Spring and Fall after property tax collections.

*The State would be responsible for all funding increases for probation

services expended by a local unit in a year that exceed the local unit's base year.

*A schedule would be set up for the State to reduce (by percentages) the probation funding a local unit sends to the State until all funding for the operation of probation departments comes from the State.

Judge Marianne Vorhees of the Delaware Circuit Court #1 stated she supported this proposal.

Donald Travis, President of the Probation Officers Professional Association of Indiana, stated the proposal was "intriguing" and was interested in working with Mr. Hesson and Mr. Berger on this idea.

(7) Commission Recommendations for 2011: The Commission then discussed and voted to include the following recommendations in the Commission's 2011 Final Report:

*The Commission recommended that legislation be enacted to add a new judge to the Bartholomew Superior Court beginning January 1, 2015. (Approved 11 to 0 by voice vote.)

*The Commission recommended that legislation be enacted to allow the Hamilton Superior Court judges to jointly appoint a new magistrate. (Approved 11 to 0 by voice vote.)

*The Commission recommended that legislation be enacted to add a new judge to the Johnson Superior Court beginning January 1, 2015. (Approved 11 to 0 by voice vote.)

*The Commission recommended that legislation be enacted to allow the Allen Circuit Court judge to appoint a magistrate to replace an Allen Circuit Court hearing officer. (Approved 11 to 0 by voice vote.)

*The Commission recommended that legislation be enacted to allow the Hendricks Circuit Court judge and Hendricks Superior Court judges to jointly appoint two new magistrates. (Approved 11 to 0 by voice vote.)

*The Commission recommended that legislation be enacted to add a new judge in Owen County as part of a unified circuit court with two judges beginning January 1, 2015. (Approved 11 to 0 by voice vote.)

*The Commission recommended that legislation be enacted to allow the Marion Circuit Court judge to appoint a new magistrate. (Approved 10 to 1 by voice vote.)

(8) Commission Final Report for 2011: The Commission then approved (11 to 0 by voice vote) the preparation of a final report for 2011 that contains a summary of the Commission's 2011 work program and a list of the recommendations made by the Commission, subject to distribution to and review by the Commission members.

(9) Adjourn: Rep. Steuerwald adjourned the meeting at 3:17 P.M.



COMPUTER SYSTEMS, INC.

September 15, 2011

The Honorable Greg Steuerwald
Commission on Courts
200 W Washington Street
Indianapolis, IN 46204

Dear Chairman Steuerwald and Committee Members,

Thank you for the opportunity to address the Commission on Courts and to discuss county case management systems (CMS's). CSI is a Hoosier company founded in 1975 who pioneered CMS software for Indiana in 1986 to provide CMS services to Indiana's courts and clerks to help them efficiently run their offices. Today, CSI employs 18 Hoosiers in Fishers, IN and our CMS software is running in 51 of the 92 counties. For the past ten years, CSI has set the standard in Indiana for court case management and the sharing of court information statewide. In 2002, CSI was the first in the state to interface with both the Indiana BMV and Department of Revenue. Also in 2002, CSI and another Hoosier company Doxpop launched the first ever statewide repository for accessing court information via the Internet. In 2008, CSI and another Hoosier company developed an interface for filing criminal cases electronically for the Indiana Prosecuting Attorneys Council (IPAC). With this interface, counties that utilize CSI's system can electronically receive new criminal cases and send criminal convictions to IPAC's system that then automatically sends the court disposition data to the Indiana State Police IDACS system. CSI has the only CMS in Indiana that is sending the criminal conviction to IPAC and IDACS within minutes without any human involvement. And in large part due to the Legislature's mandate in 2009, CSI and IPAC were able to receive electronic citation from JTAC's law enforcement ticket writing system for e-filing with my 51 Hoosier county partners.

I want to thank the Indiana General Assembly for the changes in the automated record keeping (ARK) fee this past session. The biggest change was allowing clerks who do not use the Odyssey CMS to keep one dollar (\$1) of the ARK fee to procure and maintain a CMS other than Odyssey. The Legislature did this to bring competition to the marketplace. If only one vendor is allowed to receive State funding, that vendor has little incentive to enhance their software or provide quality county support. As of result of the JTAC using Hoosier tax dollars to compete against CSI, CSI knew that to make our CMS better than the State system, CSI had to provide a better system for Hoosier courts and clerks. As a result, CSI worked with the Judges, Prosecutors, Clerks,

Department of Revenue, BMV, probation and State Court Administration and has delivered a uniform statewide CMS unparalleled in Indiana. Even though the Division of State Court Administration (STAD) is competing against CSI, CSI continues to work with STAD. Since 2008, CSI and White County have had a request under Administrative Rule 16 to formally pilot our criminal e-filing enhancement. That request has been pending before the STAD for more than three (3) years. After they approve this, CSI is ready to roll out another first for Indiana that will allow civil cases to be electronically filed. County Clerks are excited about the time and money savings that these enhancements will bring to their office. The test system using actual cases in White and several other counties demonstrate that the savings are real.

CSI also recently enhanced its CMS to allow the Clerk to automatically email notices from their offices. (Note that "notice" is not the same as "service", which must still be provided physically per administrative rules.) County Clerks send out notices for a variety of reasons. In Grant County, this feature will save the county more than \$5,000 a year in paper and mailing costs. This cost savings does not include the time it would have taken someone in their office to actually print, stuff and mail the notice. Once again CSI has led Indiana court technology innovation and Clerks are excited about how technology can make their office more efficient.

CSI also allows documents to be scanned and automatically attached to a case and CCS entry. More than 35 counties are currently utilizing this feature; some have been utilizing it for more than 7 years. I think it is fair to note that after STAD learned that CSI's scanning feature could not be broken off from CSI's CMS and used with Odyssey, STAD recently announced that there is a "moratorium" on approving any new scanning systems, a move that effectively creates a rule against a competitive systems.

In a similar anti-competitive move and for over three years now, STAD has obstructed local clerks and courts seeking an increase in efficiency and public accountability by posting all non-confidential court records on-line. STAD added several onerous costs and restrictions not enumerated in their Administrative Rules which has prohibited CSI and Doxpop from being the first CMS in the state to have a statewide repository of public court documents online. Note that the State-subsidized CMS system can only provide online access to the Chronological Case Summary (CCS) and not the actual documents filed for a case, so prohibiting the use of this feature by CSI once again discourages competition through unfair regulation rather than allowing the free market to work in favor of the taxpayers.

If only the CCS is available online, the Clerk's office still receives phone calls asking for them to fax or email the court record to attorneys and other interested parties. This is very time consuming, costly and inefficient for the Clerk's office. Ironically, STAD's own rules published years ago encouraged the development of this feature, saying "Courts should endeavor to make *at least*" the CCS, judgments, orders and decrees available electronically. CSI is looking forward to working with STAD in hopes that they will change their new policy so that these PUBLIC records may be accessed online electronically.

During the most recent Commission on Courts meeting, it was stated that the Odyssey system saves taxpayers money by eliminating duplication of maintaining data centers and maintenance contracts. I encourage you to ask the fiscal analysts in your caucuses to actually look at the millions of dollars that are annually spent for running Odyssey in 34 counties. Last year, JTAC paid approximately \$800,000 just for SAN storage and server and data base hosting. That amounts to nearly \$24,000.00 per Odyssey county. This amount does not include the amounts that Indiana taxpayers pay for extra bandwidth, upgraded computers, JTAC staff, and other expenses that totaled \$7.4 Million for fiscal year ending June 30, 2011 (\$218,000.00 per Odyssey county). In contrast, the average data center cost for a CSI county is less than \$3,000 per year and \$0 per year if they have a virtual system (over 25% of CSI counties have a virtual system). CSI's annual service contracts for 127 courts in 51 counties total less than \$800,000 per year (\$15,686 per county). As the numbers demonstrate, Odyssey is obviously not cheaper nor is it "Free".

I want to again thank the General Assembly for mandating that JTAC establish an interface with existing CMS's. Once JTAC establishes interfaces that share and exchange data, the 51 counties who utilize the CSI statewide system can be linked with the 34 counties that use Odyssey and can be linked with the entire state. This CMS interface should be the final reason to put an end to the obsolete, expensive and risky pursuit of a single CMS for all the counties to use. CSI's 51 counties have been sharing PUBLIC data statewide via the Doxpop system for nearly a decade (Doxpop is an Indiana company that aggregates public records and provides public access services based on those records). Doxpop has received NO public financing from the State or counties. Doxpop is available for FREE (NO subsidy of tax dollars) to Judges, Clerks, Sheriffs, Prosecutors, Public Defenders, Probation, Community Corrections, Department of Child Services, CASA and Guardian ad litem, Department of Corrections, Indiana Parole Board, Indiana State Police, Indiana Appeals Court, Indiana State Court Disciplinary Commission, and the Indiana Division of State Court Administration. CSI has already invested more than \$20,000 to purchase equipment to make this statewide CMS interface happen and has received NO public funding. CSI is currently waiting for JTAC to finish their end of the CMS interface so that all courts and clerks can share and exchange data as required by law.

Please note that although I would prefer not to deal with a competitor that also writes the rules regulating the marketplace, an even more important impediment to fair competition is funding. Currently, any clerk choosing to work with my competitor receives the full benefit of the \$5 per case ARK fee, while those choosing the CSI CMS can only receive \$1. Counties who do not use the Odysseys system only keep 20% of the ARK fee with the remaining amount going to subsidize the state system. In spite of this funding disparity, the majority of counties in Indiana use the CSI CMS. The Association of Indiana Counties, the Indiana Clerk's Association and CSI's county partners understand the merits of CSI's system and do not want to see a single system. Just imagine what improvements might occur in the future if the state-supported system was simply challenged by the Legislature to demonstrate their competence by competing on a fair and level playing field?

In closing, I encourage you to promote fair competition in the marketplace that does not need to be monopolized. A fair marketplace will bring STAD, the counties and marketplace into a more closely-knit community that can work together in favor of our citizens. With fair competition comes access to enhanced technology and the most cost efficient systems. I look forward to competing on a level playing field where all competitors are playing with the same rules and funding. I will be glad to answer any questions that you or the committee have.

Most Respectfully,

A handwritten signature in cursive script that reads "Kevin".

Kevin J. Cook

President



The Next Step To A New Way Forward

Judge Terry Shewmaker
Elkhart Circuit Court

Judge Mark Stoner
Marion Superior Court

September 15, 2011

How It Began . . .

- Trial court judges from across Indiana created a set of priorities to improve the professionalism, efficiency and effectiveness of the Indiana Judiciary.
- The focus centered on five main priorities that would allow Indiana to create a 21st century court structure.
- The Judicial Conference of Indiana, which is made up of judges from across the state, developed the plan. A nine member committee of judges served as the steering committee.

Mission Statement

- To improve our system of justice by assisting with the resolution of disputes under the rule of law while protecting individual rights and liberties in a fair, impartial, equally accessible, prompt, professional, and efficient manner.

Three Main Priorities

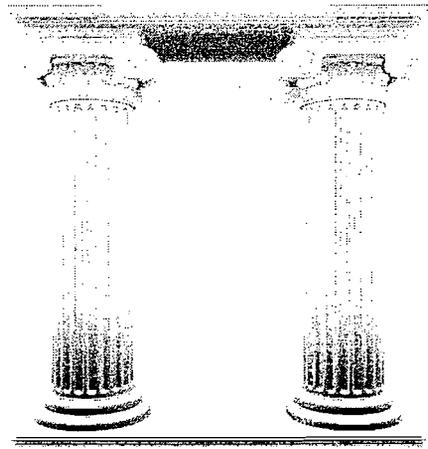
- Improved Education for Judges & Court Staff
- Simplified Structure of Trial Courts
- Improved Recordkeeping System for Trial Courts

Two Long-Term Goals

- Equitable Funding of Trial Courts
- More Uniform System to Select Trial Court Judges

Education & Training

- Indiana needs enhanced education requirements for judges and standards for court staff.
- All judges must be lawyers.



The Goal

- The adoption of self-imposed, more stringent education requirements to enhance the ability to administer justice for all litigants and increase the public confidence and perception of the judicial branch in Indiana.
- Formalize staff training and orientation to aid the judicial branch in providing the best professional services possible.

Proposals on Education & Training

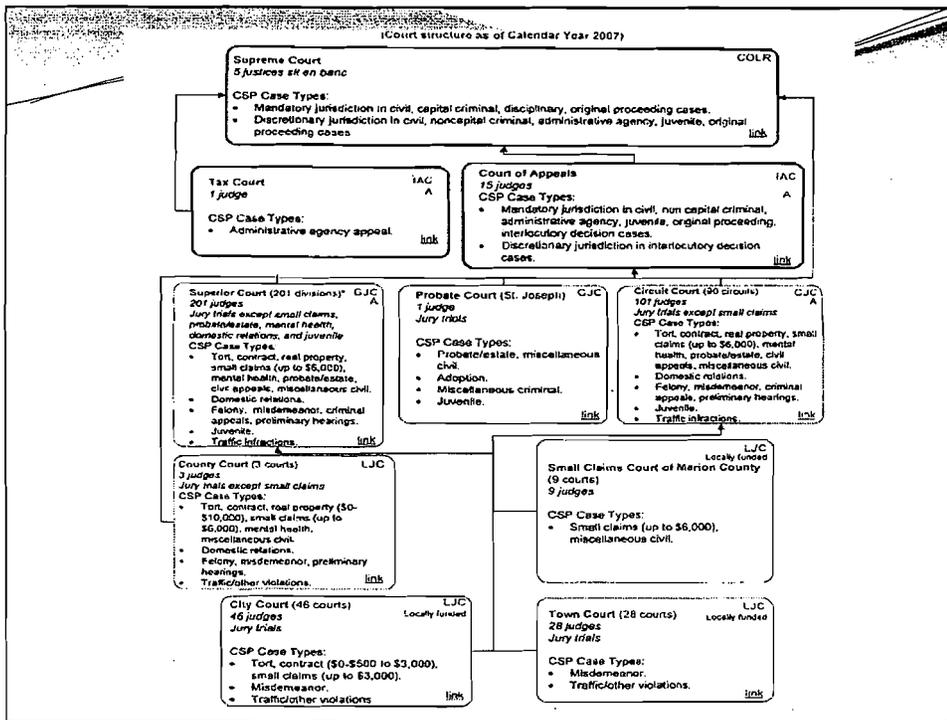
- Require 18 additional education hours for judicial officer every 3 years
- New court staff shall pass a minimum competency test on handling court records and complete an orientation program.
- All court staff shall attend training provided by the Judicial Center or approved by the supervising judge.
- All court staff shall sign an ethics agreement.

Improving Professionalism – Where are we now

- The Indiana Supreme Court approved the additional judicial education hours, which became effective on Jan. 1, 2011
- IJC continues to offer court staff training opportunities and has recently announced the availability of the on-line court staff orientation training

Court Structure

- Trial court structure must be organized in a way it can be easily understood.
- Right now, it's tough to explain what each Indiana court does. (we call it jurisdiction)
- We have many different kinds of courts and all sorts of different titles for judges.
- It should not be that difficult.
- Take a look at the structure now:



Explaining the jurisdiction of each of Indiana's courts is confusing

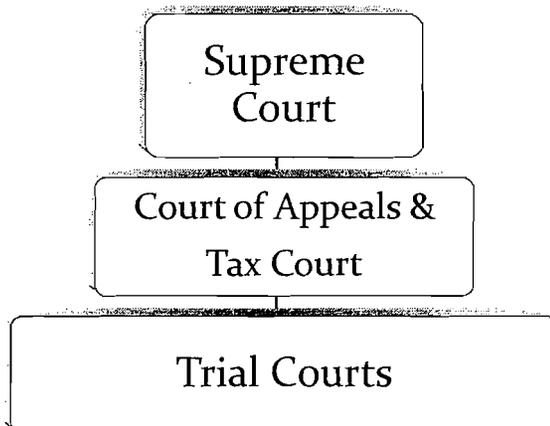


- Circuit Courts (105)
- Superior Courts (211)
- Probate Court (1)
- Small Claims Courts (9)
- City Courts (47)
- Town Courts (28)

Historically...

- The General Assembly has adopted many ad hoc changes to the judicial system, as requested to address local concerns and issues.
- While this approach has resolved local issues, it has resulted in a complex system which may appear quite bewildering to the public and likely does not inspire much confidence.
- Caseloads vary from county to county within a district, resulting in some courts being overworked and litigants waiting longer for decisions.

The New Structure

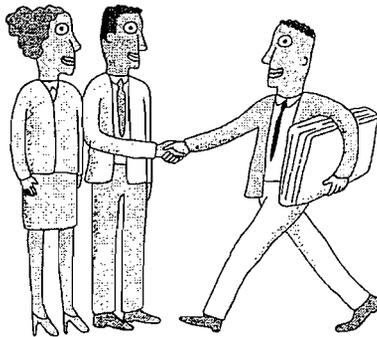


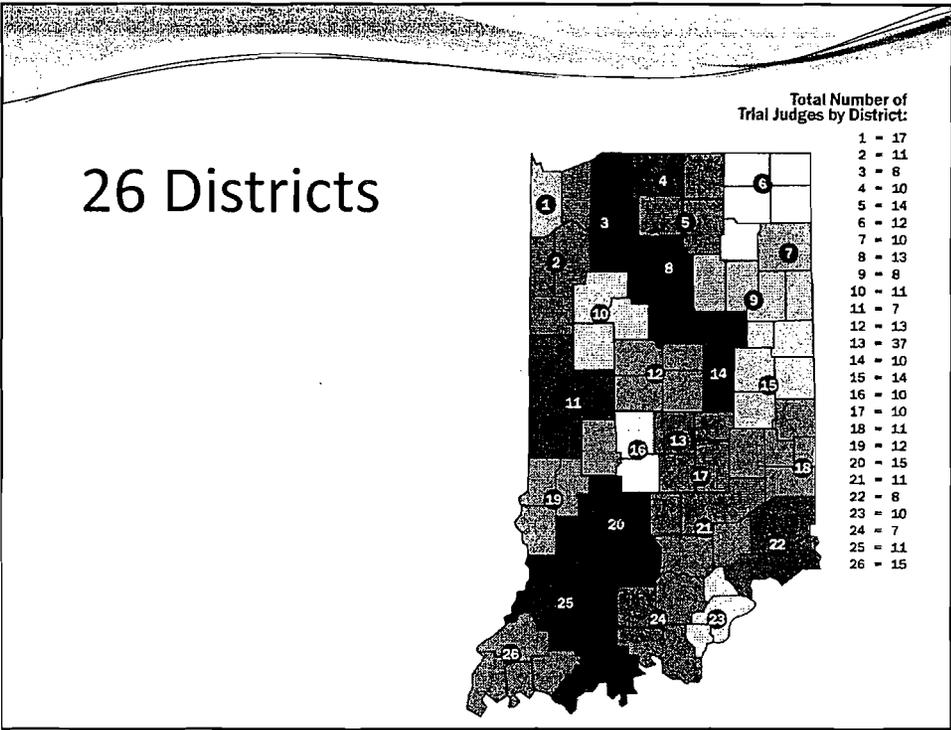
Judicial Districts

- Currently, we divide our state into judicial districts.
- They provide little meaningful cooperative effort because they are not designed to work together on a coordinated basis.
- Each individual judge usually operates his or her own court and programs with little uniformity, peer review or guidelines.
- There is no consistency between counties.
- There is no single defined, measurable standard.

Why Change?

- We can and should pursue uniformity and clarity of organization.
- We should encourage county, district, and regional cooperation.

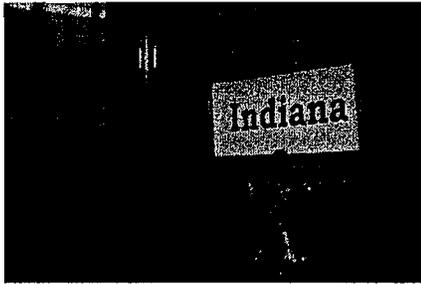




Where We Are Now

- New Judicial Districts have been approved
- Unified Court System for Adjudicative Purposes – all trial courts would have the same jurisdiction.
 - HEA 1266, P.L. 201-2011
 - Provides that all circuit courts, superior courts, and probate courts have: (1) original and concurrent jurisdiction in all civil cases and in all criminal cases
 - Adds Clark, Henry, and Madison counties to the list of unified circuit court systems

Improved Record System



- Indiana needs trial courts to be responsible for their own records.
- Judges are currently working with a steering committee of clerks.

Why Change?

- Courts should be solely responsible for their records.
- Often, litigant's first contact with the court system is the clerk, and frequently they ask questions which may require informed legal advice. They believe, in many cases, that they are speaking to "the court."
- Courts should manage the preparation of documents related to appeal.

The Goal

- Clerks would continue to focus on supervising elections, issuing marriage licenses and collecting money.
- Clerks would have the opportunity to become professional court administrators.



Where We Want To Be

- The courts would assume court-related clerk functions.
- Accountability should be placed upon the court and not the clerk.
- The clerks are our partners in improving the system and we are continuing to work with clerks to develop a pilot project to identify best practices.

A ROADMAP FOR THE FUTURE

- The judiciary should set priorities and provide leadership.
- The judiciary should control its own destiny.
- The judiciary should use limited resources efficiently and budget accordingly.
- The judiciary should evaluate effectiveness and progress.
- The judiciary should unite in a shared vision.

A NEW WAY FORWARD

- “A New Way Forward” is a 27-page document that can be found online
<http://courts.in.gov/committees/strategic>
- Feedback is valuable
- anewwayforward@courts.state.in.us



Exhibit 3: Commission on Courts, September 15, 2011

HAMILTON COUNTY COURTS

COURT ADMINISTRATION
Cursus Curiae Est Lex Curiae

"The practice of the court is the law of the court."

September 12, 2011

TO: COMMISSION ON COURTS

Rep. Greg Steuerwald, Chairperson	Chief Justice Randall Shepard
Rep. Kathy Richardson	Christa Coffey
Rep. Matt Pierce	Michael J. Kruk
Rep. Ed DeLaney	Judge Tom Felts
Sen. Richard Bray, Vice- Chairperson	Commissioner Theresa Brown
Sen. Randall Head	Mark Goodpaster
Sen. Lonnie Randolph	Timothy Tyler
Sen. Timothy Lanane	

RE: Hamilton County's Request for a Magistrate Position

Hamilton County is once again this year respectfully requesting the authorization of an additional judicial officer, i.e., a magistrate. This request is based upon a comparison of Hamilton County's current and projected needs with those of all other counties in Indiana. A copy of last year's submission to the Commission is attached for your information and use as warranted.

Respectfully submitted,

A handwritten signature in cursive script, reading "Orval P. Schierholz".

Orval P. Schierholz, Esq.
Administrator of Courts



HAMILTON COUNTY COURTS

COURT ADMINISTRATION

Cursus Curiae Est Lex Curiae

"The practice of the court is the law of the court."

July 23, 2010

TO: COMMISSION ON COURTS

Sen. Richard Bray, Chairperson	Thomas Felts
Sen. Randall Head	David Whicker
Sen. Timothy Lanane	Michael J. Kruk
Sen. Lonnie Randolph	Jill Jackson
Rep. Linda Lawson, Vice-Chairperson	Chief Justice Randall Shepard
Rep. Matt Pierce	Timothy Tyler
Rep. Eric Koch	Mark Goodpaster
Rep. Kathy Richardson	

RE: Hamilton County's Request for a Magistrate Position

Hamilton County is requesting the authorization of an additional judicial officer, i.e., a magistrate. This request is based upon a comparison of Hamilton County's current and projected needs with those of all other counties in Indiana. For purposes of comparison, the current allocation of judicial resources¹ was looked at along with current and projected population numbers.²

With respect to judicial resources, the 2008 data shows a "utilize" number for every Indiana county. The "utilize" number is obtained by taking the number of new case filings and dividing it by the number of judicial officers. Theoretically, on this basis, the county with the highest "utilize" number would be the county most in need of additional judicial resources. Using only this basis, Hamilton County would be eighteenth in line for an additional judicial position.

¹ Taken from the most recent data published by State Court Administration (as of July 23, 2010) found at www.in.gov/judiciary/admin/courtmgmt/wcm/index.html and summarized at Enclosure 1.

² Taken from STATS Indiana data (as of July 23, 2010) found at www.stats.indiana.edu.

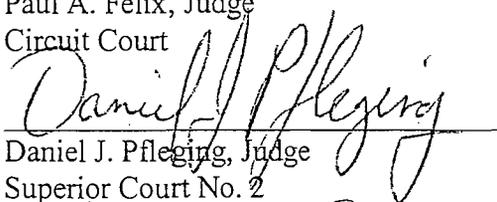
However, there are other significant factors, i.e., population size and trends. Arguably there is a strong correlation between population size and the number of case filings as well as the complexity of those case filings.³ If this is true, then population becomes a relevant factor in the allocation of judicial resources. Hamilton County is the fifth largest county in the state and, among Indiana's 20 largest cities, the three fastest growing cities are all in Hamilton County.⁴

State-wide in 2008, on average, there was one judicial officer for every 14,769 persons in the state (summarized at Enclosure 1). By comparison, Hamilton County had one judicial officer for every 26,979 persons in the county (summarized at Enclosure 1). Using only this ratio, Hamilton County would be at the top of the list for additional judicial positions.

On the basis of the above, Hamilton County respectfully requests that an additional magistrate position be authorized. In support of this request, attached are *Resolutions* from the Hamilton County Commissioners and the Hamilton County Council. A proposed change to IC 33-33-29-6 is also attached for your consideration in conjunction with this request.



Paul A. Felix, Judge
Circuit Court



Daniel J. Pflieger, Judge
Superior Court No. 2



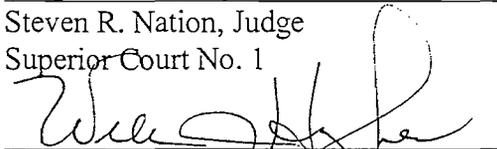
J. Richard Campbell, Judge
Superior Court No. 4



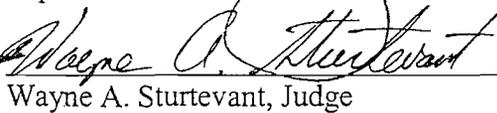
Gail Bardach, Judge
Superior Court No. 6



Steven R. Nation, Judge
Superior Court No. 1



William J. Hughes, Judge
Superior Court No. 3



Wayne A. Sturtevant, Judge
Superior Court No. 5

³ For example, in terms of population size, on a per capita basis, there are more murder, multiple party, corporate, business, etc., cases filed in a larger county than in a smaller one.

⁴ Fishers (69.1% increase between 2000 and 2007), Noblesville (39.4% increase between 2000 and 2007), and Carmel (21.4% increase between 2000 and 2007). See www.incontext.indiana.edu/2008/july-august/1.asp.

2008 Weighted Caseload Measures

County	Population	Judicial Officers	Population per Judicial Officer	Utilize	
Clark	106,673	5.2	20,514	2.02	
Dubois	41,449	2	20,725	1.52	
Elkhart	199,137	10	19,914	1.59	
Floyd	73,780	4	18,445	1.64	new court in 2009
Hamilton	269,785	10	26,979	1.41	
Howard	83,381	5.5	15,160	1.56	
Jefferson	32,820	2	16,410	1.57	shares a judge with Switzerland
Johnson	139,158	6	23,193	1.51	
Kosciusko	76,275	4	19,069	1.50	
Madison	131,501	7.86	16,730	1.48	
Miami	36,219	2	18,110	1.55	new court in 2009
Putnam	37,183	2.03	18,317	1.51	
St. Joseph	266,680	16.99	15,696	1.45	
Shelby	44,186	3	14,729	1.43	
Spencer	20,111	1	20,111	1.60	
Switzerland	9,696	0.67	14,472	1.49	shares a judge with Jefferson & Ohio
Tippecanoe	164,237	8.49	19,345	1.50	
Vanderburgh	174,729	13.18	13,257	1.75	
STATE	6,376,792	431.78	14,769	1.25	

1) Unless indicated otherwise all numbers are from Indiana State Court Administration.

2) Population numbers are from STATS Indiana <www.stats.indiana.edu/population/popTotals/2008>.

RESOLUTION 6-28-10-A

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY.

WHEREAS, the Judges of Hamilton County have presented a proposal and statistics to the Hamilton County Commissioners concerning proposed legislation to create a new Magistrate position in Hamilton County, Indiana.

WHEREAS, the members of the Board of Commissioners of Hamilton County have reviewed and considered such proposal.

IT IS THEREBY RESOLVED by the members of the Board of Commissioners of Hamilton County as follows:

1. The Board of Commissioners of Hamilton County hereby requests the Commission on Courts to favorably consider the establishment of a new Magistrate position.
2. The Auditor of Hamilton County shall forward a copy of this Resolution, including the positive and negative votes of the members of the Board, to the Chairman, Commission on Courts.

ALL OF WHICH IS RESOLVED this 28 day of June, 2010.

AYE - IN FAVOR

Steven C. Dillinger
Steven C. Dillinger

NAY - NOT IN FAVOR

Steven C. Dillinger

Steven A. Holt

Christine Altman
Christine Altman

Steven A. Holt

Christine Altman

Date 6-28-10

Attest Dawn Coverdale
Dawn Coverdale, Auditor

RESOLUTION 07-07-10-02

A RESOLUTION OF THE HAMILTON COUNTY COUNCIL.

WHEREAS, the Judges of Hamilton County have presented a proposal and statistics to the Hamilton County Council concerning proposed legislation to create a new Magistrate position in Hamilton County, Indiana.

WHEREAS, the members of the Hamilton County Council have reviewed and considered such proposal.

IT IS THEREBY RESOLVED by the members of the Hamilton County Council as follows:

1. The Hamilton County Council hereby request the Commission on Courts to favorable consider the establishment of a new Magistrate position.
2. The Auditor of Hamilton County shall forward a copy of this Resolution, including the positive and negative votes of the members of this Council, to the Chairman, Commission on Courts.

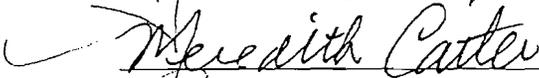
ALL OF WHICH IS RESOLVED this 7th day of July, 2010.

AYE - IN FAVOR

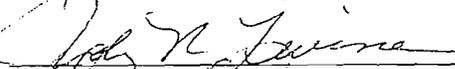
NAY - NOT IN FAVOR



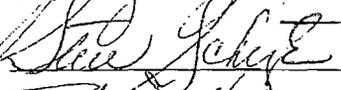
John C. Heath



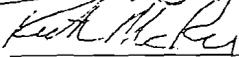
Meredith Carter



John R. Twine



Steve Schuyt



Keith McKee

Attest: 

Dawn Coverdale, Auditor

Proposed Change to IC 33-33-29-6
(Changes are **highlighted** and underlined.)

IC 33-33-29-6

Appointment; magistrates

Sec. 6. The judges of the Hamilton superior courts may jointly appoint two (2) full-time magistrates under IC 33-23-5; **and, the judges of the Hamilton circuit court and superior court number 1 may jointly appoint one (1) full-time magistrates under IC 33-23-5.** A magistrate continues in office until removed by the judges of the circuit and superior courts as applicable.



Prosecutor's Office – 24th Judicial Circuit

Sonia J. Leerkamp • Prosecuting Attorney

August 24, 2010

TO: COMMISSION ON COURTS

Sen. Richard Bray, Chairperson	Thomas Felts
Sen. Randall Head	David Whicker
Sen. Timothy Lanane	Michael Kruk
Sen. Lonnie Randolph	Jill Jackson
Rep. Linda Lawson, Vice-Chairperson	Timothy Tyler
Rep. Matt Pierce	Chief Justice Randall Shepard
Rep. Eric Koch	Mark Goodpaster
Rep. Kathy Richardson	

Re: Hamilton County Request for Magistrate

The Judges of Hamilton County have presented a proposal and supporting statistical information concerning proposed legislation to create a new Magistrate position in Hamilton County.

The Hamilton County Prosecutor's Office would request the Commission on Courts give a favorable recommendation to the establishment of this new Magistrate position.

Sincerely,

Sonia J. Leerkamp
Prosecuting Attorney
24th Judicial Circuit
Hamilton County

Cynthia E. Crispin
Chief Trial Deputy

Jeffrey D. Wehmuelle
Administrative Chief Deputy

D. Lee Buckingham, II
Jennifer L. Freeman
Gretchen S. Pennington
Jamie T. Campbell
Douglas G. Swift
Caroline A. Stevenson
Caitlin A. Wissel
Joshua M. Kocher
Gail M. Goddard
Jessica L. Hopper
Andre Miksha
Julie L. Pottenger
Amy B. Summerfield
Robert W. Summerfield
Rebecca K. Browning
Matthew R. Kestian
Trudy J. Martin
Eric P. Overpeck

Gary C. Lamey
Brandi N. Harmon
Juvenile Division

Robin Hodapp-Gillmar
Community Prosecutor
Carmel

Community Prosecutor
Fishers

Karen G. Morris
Community Prosecutor
Noblesville

Roger W. Kuba
Investigator

CAMPBELL KYLE PROFFITT LLP
ATTORNEYS AT LAW

JOHN D. PROFFITT
JEFFREY S. NICKLOY
DEBORAH L. FARMER
WILLIAM E. WENDLING, JR.
ANNE HENSLEY POINDEXTER
ANDREW M. BARKER
MICHAEL A. CASATI
JOHN S. TERRY
RODNEY T. SARKOVICS
SCOTT P. WYATT
AMY E. HIGDON
STEPHENIE K. GOOKINS
N. SCOTT SMITH
KEVIN G. KLAUSING
RUSSELL B. CATE
MATTHEW T. LEES

FRANK S. CAMPBELL
(1880-1964)

FRANK W. CAMPBELL
(1916-1991)

ROBERT F. CAMPBELL
(1946-2004)

JOHN M. KYLE
(1927-2006)

August 25, 2010

E-mail: jterrv@ckplaw.com

TO: COMMISSION ON COURTS

Sen. Richard Bray, Chairperson	Thomas Felts
Sen. Randall Head	David Whicker
Sen. Timothy Lanane	Michael J. Kruk
Sen. Lonnie Randolph	Jill Jackson
Rep. Linda Lawson, Vice-Chairperson	Chief Justice Randall Shepard
Rep. Matt Pierce	Timothy Tyler
Rep. Eric Koch	Mark Goodpaster
Rep. Kathy Richardson	

RE: Hamilton County's Request for a Magistrate Position

The Judges of Hamilton County have presented a proposal and statistics to the Hamilton County Bar Association concerning proposed legislation to create a new Magistrate position in Hamilton County, Indiana.

Having reviewed and considered such proposal, the Hamilton County Bar Association would request that the Commission on Courts to favorably consider the establishment of a new Magistrate position.

CAMPBELL KYLE PROFFITT LLP

By

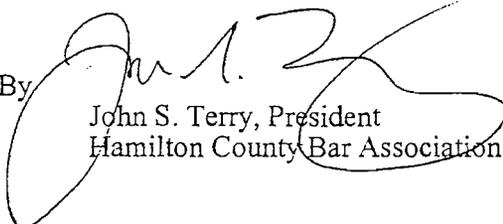

John S. Terry, President
Hamilton County Bar Association

Exhibit 4: Commission on Courts, September 15, 2011

JOHNSON COUNTY
CIRCUIT COURT

COURTHOUSE
5 EAST JEFFERSON ST., SUITE F
FRANKLIN, INDIANA 46131
PHONE (317) 346-4400
FAX (317) 736-3996



STAFF:
Georgenia Rogers, *Court Reporter*
Maureen Bray, *Bailiff*
Karen Glisson
Christie Dunn
Brandi Voris

K. MARK LOYD

JUDGE

Marla K. Clark, *Juvenile Magistrate*
(317) 346-4691

Donna Sipe, *Court Administrator*
(317) 346-4408

Richard L. Tandy, *Magistrate*
(317) 346-4441

September 13, 2010

Rep. Greg Steuerwald, Chairperson
Indiana Commission on Courts
200 W. Washington St.
Indianapolis, IN 46204

Re: Johnson County Request for Additional Resources.

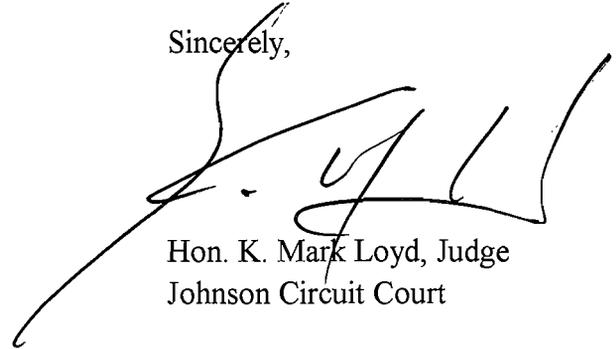
Dear Representative Steuerwald,

As you know, Johnson County has recently submitted a request to the Commission on Courts for two (2) additional courts. We are requesting that Judge for Johnson Superior Court No. 4 be elected in 2014, and that the Court open for business on January 1, 2015. In addition, we are requesting that the Judge for Johnson Superior Court No. 5 be elected in 2018, and that the Court open for business on January 1, 2019. We understand that this request has been placed on the Commission's Agenda for September 15, 2011.

In order to assist you in your preparation, we are enclosing copies of the materials to which we expect to refer the Commission during the meeting. The 2010 data reflects that Johnson County needs a total of 10.0 judicial officers to handle its caseload which is currently being addressed by only six (6.0) judicial officers, which means that our courts are operating at 167% of capacity. In addition, the caseload of the Johnson County Circuit and Superior Courts has increased 25% since 2004. We expect that both Johnson County's population and the caseload will continue to increase in the interim between this request and the implementation of the next Superior Court.

Should the enclosed materials give rise to any questions or concerns, please do not hesitate to contact me. Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Mark Loyd', written over a horizontal line.

Hon. K. Mark Loyd, Judge
Johnson Circuit Court

Copies:

Rep. Kathy Richardson
Rep. Matt Pierce
Rep. Ed DeLaney
Sen. Richard Bray, Vice-Chairperson
Sen. Randall Head
Sen. Timothy Lanane
Sen. Lonnie Randolph
Hon. Randall Shepard, Chief Justice
Hon. Tom Felts
Michael Kruk
Christa Coffey
Therese Brown

Mark Goodpaster
Timothy Tyler

Hon. Kevin Barton
Hon. Cynthia Emkes
Hon. Lance Hamner
Hon. Marla Clark
Hon. Richard Tandy

REQUEST FOR JOHNSON COUNTY NEW SUPERIOR COURTS No. 4 & 5

THEN:

2005 –

REQUEST: Superior Court No. 4 to be implemented in 2009, by election in 2008; and, Superior Court No. 5 to be implemented in 2011, by election in 2010.

DATA: Using 2004 data, Johnson County was ranked 32d in need and had a utilization of 1.29.

RESULT: The Commission took no position on the Johnson County request, noting that the “statewide rank was not in the top ten.”

2008 –

REQUEST: Superior Court No. 4 to be implemented in 2011, by election in 2010; and, Superior Court No. 5 to be implemented in 2017, by election in 2016.

As the result of a devastating flood which destroyed one (1) county office building, Johnson County Officials solicited guidance from the Commission regarding when additional court(s) could be expected to be authorize so that preparations for the same could be included as part of the planning for flood recovery.

DATA: Using 2007 data, Johnson County was ranked 14th in need and had a utilization of 1.40.

RESULT: Johnson County was not mentioned in the Commission’s October 2008 Final Report.

2010 –

REQUEST: Superior Court No. 4 to be implemented in 2015; and, Superior Court No. 5 to be implemented in 2019.

DATA: Since 2004, the overall caseload has increased by 28.69%. As a result, statistically, Johnson County needs 10.67 judicial officers to handle the caseload currently being heard by six (6.0). Using 2009 data, Johnson County is now ranked fifth (5th) in need for additional judicial resources and has a utilization of 1.78.

RESULT: The Commission on Courts voted 8 to 0 to recommend that legislation be introduced in the 2011 General Assembly. In the event that there are insufficient funds to grant all five (5) requests, the Commission prioritized the requests for additional judicial officers, listing Johnson County first.

NOW:

REQUEST: Superior Court No. 4 to be implemented in 2015 (judge to be elected in 2014); and, Superior Court No. 5 to be implemented in 2019 (judge to be elected in 2018).

DATA: Johnson County is ranked 5th in need of new additional judicial resources, with a utilization of 1.67.

Johnson County Data Summary

Population Growth Data 1990 to 2010

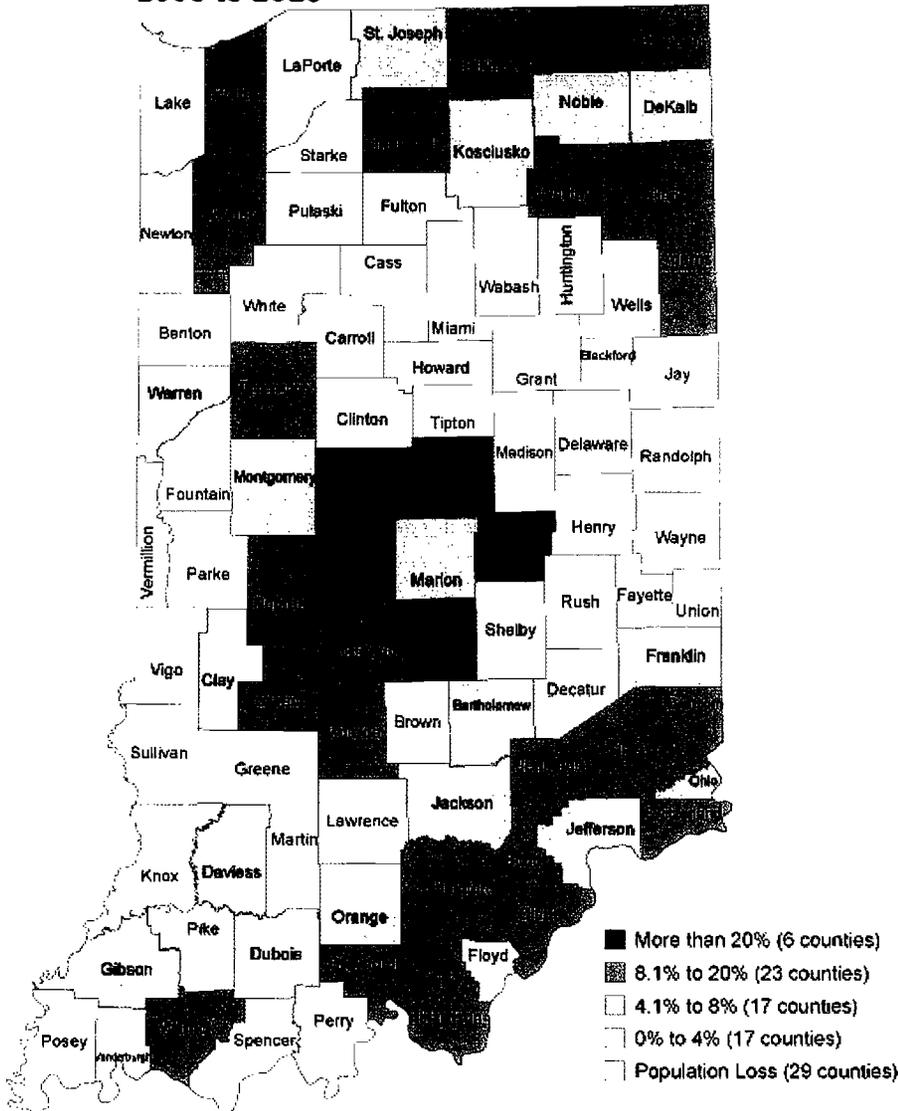
Year	Population	Rank	% Increase
1990	88,109	15	
2000	115,209	13	30.76%
2010	139,654	11	21.22%

Increasing Need for Additional Judicial Resources 2004 to 2010

Year	Needed	Have	Difference	Utilization	Need Rank
2004	7.71	6	1.71	1.29	32d
2005	7.95	6	1.95	1.32	32d
2006	8.36	6	2.36	1.38	23d
2007	8.42	6	2.42	1.40	14th
2008	9.75	6	3.75	1.63	11th
2009	10.67	6	4.67	1.78	5th
2010	9.93	6	3.93	1.67	5th

Population Projections, Counties

Percent Change in Total Population, 2005 to 2025

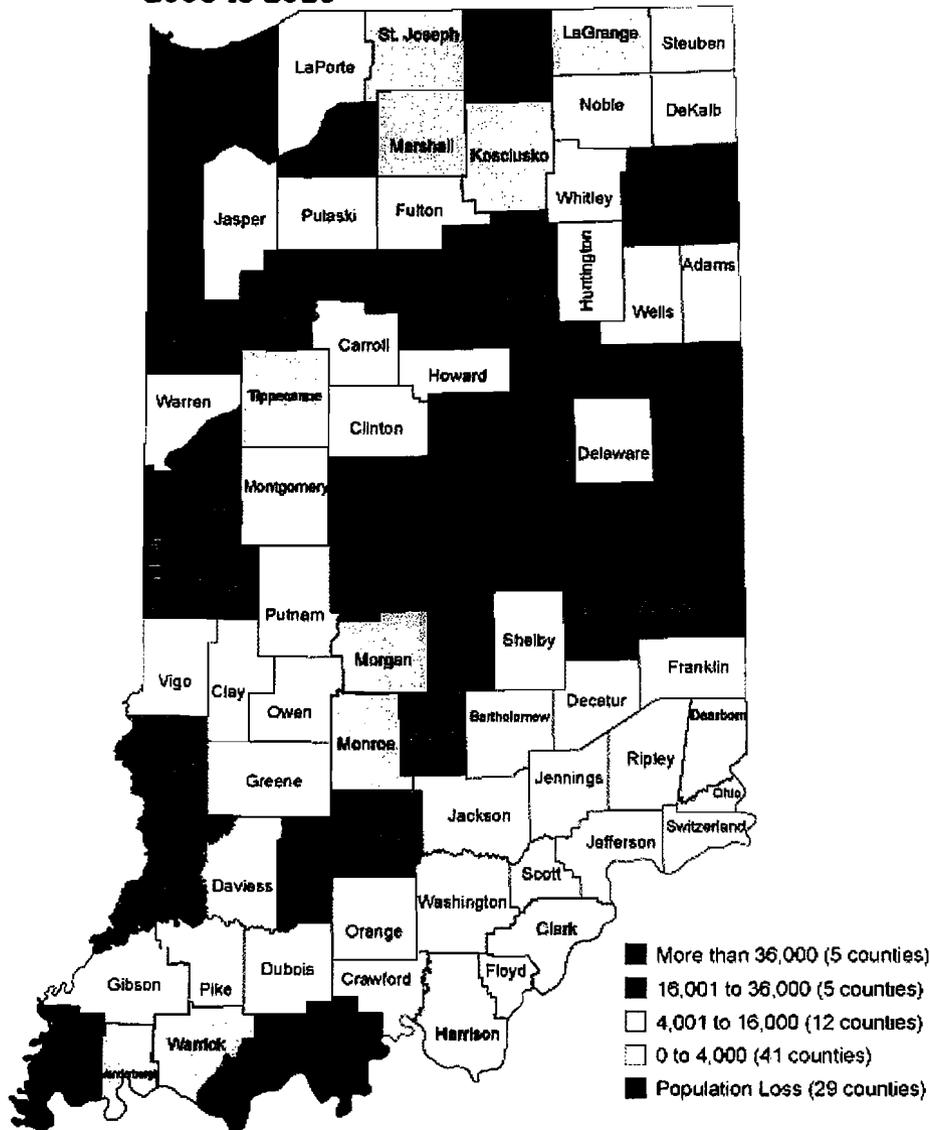


Source: Indiana Business Research Center
November 2007

Total Growth

- Hamilton, Hendricks, Boone, Johnson, and Hancock counties will grow by greater than 20% by 2025

Numeric Change in Total Population, 2005 to 2025



Source: Indiana Business Research Center
November 2007

Total Growth

By 2025:

- Hamilton County will add 169K residents representing 28% of total state growth
- Hendricks and Marion counties will each add 59K (9.6% of total growth apiece)
- 29 counties will lose population

**2010 Weighted Caseload Measures
"Severity of Need"**

	County	Need	Have	Utilization
1	CLARK	11.43	5.00	2.29
2	SPENCER	1.76	1.00	1.76
3	VANDEBURGH	24.38	14.02	1.74
4	KNOX	5.21	3.00	1.74
5	JOHNSON	10.00	6.00	1.67
6	HOWARD	9.11	5.50	1.66
7	LAPORTE	12.46	7.60	1.64
8	DUBOIS	3.26	2.00	1.63
9	SHELBY	4.86	3.00	1.62
10	PARKE	1.62	1.00	1.62
11	HAMILTON	15.96	10.00	1.60
12	ELKHART	16.10	10.14	1.59
13	ALLEN	36.22	23.00	1.57
14	VIGO	10.91	7.00	1.56
15	GIBSON	3.11	2.00	1.56
16	CLINTON	3.11	2.00	1.55
17	TIPPECANOE	13.96	9.00	1.55
18	MADISON	12.50	8.06	1.55
19	KOSCIUSKO	6.18	4.00	1.55
20	HENDRICKS	9.23	6.00	1.54
21	JENNINGS	3.07	2.00	1.54
22	ST. JOSEPH	25.87	17.00	1.52
23	FLOYD	7.39	4.90	1.51
24	DAVISS	3.01	2.00	1.50
25	PUTNAM	2.97	2.00	1.48
26	JEFFERSON	2.95	2.00	1.47
27	SCOTT	3.06	2.12	1.45
28	WARRICK	4.33	3.00	1.44
29	OWEN	1.94	1.35	1.44
30	PORTER	12.95	9.00	1.44
31	MARSHALL	4.31	3.00	1.44
32	WABASH	2.81	2.00	1.41
33	MARION	108.47	77.38	1.40
34	DEARBORN	4.43	3.20	1.39
35	NOBLE	4.15	3.00	1.38
36	JACKSON	4.63	3.40	1.36
37	DEKALB	4.03	3.00	1.34
38	GREENE	2.68	2.00	1.34

	County	Need	Have	Utilization
39	HANCOCK	5.22	3.90	1.34
40	LAGRANGE	2.67	2.00	1.33
41	HARRISON	3.13	2.40	1.31
42	JASPER	2.60	2.00	1.30
43	FAYETTE	2.59	2.00	1.30
44	BARTHOLOMEW	6.52	5.16	1.27
45	LAKE	40.99	33.30	1.23
46	FULTON	2.46	2.00	1.23
47	GRANT	5.95	4.90	1.21
48	WASHINGTON	2.40	2.00	1.20
49	VERMILLION	1.19	1.00	1.19
50	DECATUR	2.33	2.00	1.16
51	WHITLEY	2.32	2.00	1.16
52	CASS	3.46	3.00	1.15
53	ORANGE	2.30	2.00	1.15
54	MONROE	11.47	10.00	1.15
55	MONTGOMERY	3.41	3.00	1.14
56	HENRY	3.99	3.55	1.12
57	PERRY	2.23	2.00	1.11
58	DELAWARE	8.60	8.00	1.09
59	BOONE	4.32	3.97	1.09
60	MIAMI	3.23	3.00	1.08
61	MORGAN	5.22	4.88	1.07
62	CLAY	2.13	2.00	1.07
63	WHITE	2.11	2.00	1.05
64	LAWRENCE	3.87	3.70	1.04
65	STARKE	2.08	2.00	1.04
66	WAYNE	5.80	5.81	1.00
67	HUNTINGTON	2.80	2.80	1.00
68	RANDOLPH	1.98	2.00	0.99
69	RIPLEY	1.98	2.00	0.99
70	STEUBEN	2.94	3.00	0.98
71	PIKE	1.46	1.50	0.97
72	FOUNTAIN	1.34	1.40	0.96
73	TIPTON	1.01	1.10	0.92
74	MARTIN	0.91	1.00	0.91
75	SWITZERLAND	0.91	1.00	0.91
76	ADAMS	1.82	2.00	0.91
77	POSEY	1.80	2.00	0.90
78	RUSH	1.77	2.00	0.89
79	UNION	0.82	1.00	0.82
80	CRAWFORD	0.99	1.20	0.82
81	WELLS	1.62	2.00	0.81
82	SULLIVAN	2.36	3.00	0.79

	County	Need	Have	Utilization
83	OHIO	0.61	0.80	0.76
84	FRANKLIN	1.50	2.00	0.75
85	NEWTON	1.43	2.00	0.72
86	CARROLL	1.43	2.00	0.72
87	JAY	1.40	2.00	0.70
88	WARREN	0.70	1.00	0.70
89	BENTON	0.66	1.00	0.66
90	BROWN	1.16	2.00	0.58
91	PULASKI	1.13	2.00	0.56
92	BLACKFORD	1.09	2.00	0.55

STATE TOTAL/AVERAGE	596.65	441.04	1.35
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**MARION CIRCUIT COURT
REQUEST FOR MAGISTRATE**

MARION CIRCUIT COURT

Circuit Court General Division	<u>2009 cases</u> 4,174	<u>2010 cases</u> 4,813	<u>2011 cases*</u> 5522
Paternity Division	<u>2009 cases</u> 4,834	<u>2010 cases</u> 5,382	<u>2011 cases*</u> 4,892
Total for entire Court	<u>2009 cases</u> 9,008	<u>2010 cases</u> 10,195	<u>2011 cases*</u> 10,414

MARION CIRCUIT COURT

- Specific Need for Magistrate—Supervision of Paternity Division
- Eight support staff
- Four commissioners (New Magistrate would come from one of these commissioners)
- Presently peer supervising peers
- Perception issue

MARION CIRCUIT COURT

- Parity with other urban centered Circuit Courts
 - Allen Circuit Court Judge may appoint one Magistrate (I.C. 33-33-2-3)
 - Lake Circuit Court Judge may appoint three Magistrates (I.C. 33-33-45-2)
 - St. Joseph Circuit Court Judge may appoint three Magistrates (I.C. 33-31-1-24)
 - Vanderburgh Circuit Court Judge may appoint one Magistrate (I.C. 33-33-82-1)

MARION CIRCUIT COURT

- Fairness and Parity with Marion Superior Court

Marion Superior Court may appoint eight Magistrates (I.C. 33-33-49-32)

Judge of the Juvenile Court for Marion County may appoint Magistrates as needed (I.C. 31-31-3-2)

COSTS OF MAGISTRATE

- Salary--\$100,518
- PERF contribution--\$9,407
- FICA--\$7,990
- Employer Paid Benefits--\$12,000*

- Total Costs--\$129,915

2012 MINIMUM SALARY SCHEDULE FOR PROBATION OFFICERS

Judicial Conference of Indiana

<u>Probation Officer</u>		Number of Probation Officers in the Probation Department				
		1-3	4-8	9-15	16+	
Years of Experience	Minimum Annual Salary					
0	\$ 29,268	Chief Probation Officer*	\$5,000	\$7,500	\$10,000	\$15,000
1	\$ 31,505					
2	\$ 35,047					
3	\$ 39,170	Assistant Chief Probation Officer*		\$5,000		\$10,000
4-9*	\$ 40,447					
10-14*	\$ 44,490					
15-19*	\$ 48,940	Supervisor Probation Officer*				\$5,000
20+*	\$ 53,833					

NOTE: The amounts for supervisory roles are in addition to the minimum salary based on years of experience.

*Probation officers having a master's or doctorate degree from an accredited college or university in a relevant course of study as determined by the supervising judge and a minimum of 5 years as an Indiana probation officer shall receive an additional 5% of their base salary each year. For example, the minimum salary for a probation officer with 5 years of experience in 2012 would be \$40,447. If that officer had a master's degree then the minimum base salary would be \$42,469 in 2012.

- ◆ As used in this schedule, salary means the gross salary paid to a probation officer and does not include the employer's contributions to PERF/retirement program, disability, medical or other insurance programs, or deferred compensation.
- ◆ In the years following the implementation of the schedule, the Indiana Judicial Center will provide each chief probation officer with a revised Minimum Salary Schedule based on the pay increase awarded to state judicial employees. This schedule will be provided in time to prepare the next year's budget. The salaries for all probation officers shall be adjusted to meet the schedule provided each year.
- ◆ The salary schedule was effective beginning January 1, 2004 for full time probation officers. Part-time probation officers shall be paid according to the schedule on a pro rata basis. In each year following the implementation of the 2004 schedule, the revised schedules are effective January 1. Years of service are determined according to I.C. 5-10.3-7-2 for part-time probation officers.
- ◆ Departments shall not reduce the salaries of probation officers who are paid above the minimum salary schedule.
- ◆ Departments that do not comply with the Minimum Salary Schedule will not be permitted to send new probation officers to orientation. The probation officer's supervising judge must affirm compliance with the minimum salary schedule for purposes of orientation.

DIRECTIONS FOR IMPLEMENTING THE SCHEDULE:

1. This minimum salary schedule is based upon years of experience. Therefore, as a probation officer's experience increases his or her salary shall increase on the anniversary date of employment. For example, if a probation officer begins working on May 15, then on May 15 of the following year, his/her salary shall increase to the next level. In other words, the anniversary date of that person being hired is the date that his/her salary shall increase from one level to the next. For example, when a person has ten (10) years of experience that person moves to the 10-14 years of experience level.
2. Minimum salaries for Chief Probation Officers, Assistant Chief Probation Officers, and Supervisors are calculated based on their years of experience plus the amount listed for their administrative role. For example, the minimum salary of a Chief Probation officer with 5 years experience in a department with 4-8 officers would equal \$47,947 in 2012.
3. In those counties having only one probation officer the minimum salary of that probation officer shall be calculated based on their years of experience plus the amount listed for Chief Probation Officer in a department of 1-3 probation officers.
4. The term "Probation Officer" also includes "Chief Probation Officer", "Assistant Chief Probation Officer" and "Supervisor Probation Officer". These terms shall be as defined in the Indiana Probation Standards and consistent with Indiana Code § 11-13-1-3.
5. Salaries for experienced probation officers and/or officers having extensive training, or special skills which will be utilized in their duties or responsibilities as a probation officer should be greater than the minimum salaries provided in the schedule.
6. Service as a court appointed probation officer in Indiana shall be counted for purposes of the minimum salary schedule.
7. There shall be a Chief Probation Officer in each probation department. In addition, there may be an Assistant Chief Probation Officer in those probation departments having a total of nine probation officers or more. In addition, there may be a Supervisor Probation Officer for each eight probation officers in the probation departments having sixteen or more probation officers.
8. Salary increases necessary to implement this salary schedule need not exceed 15% of the previous year's salary of the probation officer. However, salary increases shall not be less than 15% until the salary for that probation officer position is in compliance with the salary schedule.

Adopted September 10, 2002



Information Maintained by the Office of Code Revision Indiana Legislative Services Agency
IC 36-2-16.5

Chapter 16.5. Salary Schedule for Probation Officers

IC 36-2-16.5-1

Application

Sec. 1. This chapter applies to all counties, cities, and towns that employ probation officers.
As added by P.L.277-2003, SEC.14.

IC 36-2-16.5-2

"Probation officer"

Sec. 2. As used in this chapter, "probation officer" means a probation officer or a juvenile probation officer.
As added by P.L.277-2003, SEC.14.

IC 36-2-16.5-3

Adoption of salary schedule

Sec. 3. In consultation with:
(1) at least one (1) judge of a court or division of a court authorized to impose probation; and
(2) at least one (1) probation officer;
the county, city, or town fiscal body shall adopt a salary schedule setting the compensation of a probation officer. The salary schedule must comply with the minimum compensation requirements for probation officers adopted by the judicial conference of Indiana under IC 11-13-1-8.
As added by P.L.277-2003, SEC.14.

IC 36-2-16.5-4

Salary of probation officer

Sec. 4. The county, city, or town fiscal body shall fix the salary of a probation officer based on the salary schedule adopted under this chapter.
As added by P.L.277-2003, SEC.14.

IC 36-2-16.5-5

Benefits; holidays; hours

Sec. 5. Unless otherwise specified in the salary schedule, a probation officer is entitled to the same benefits, holidays, and hours as other county, city, or town employees.
As added by P.L.277-2003, SEC.14.

IC 36-2-16.5-6

Use of fees deposited into certain funds; use of excess revenue generated by fees

Sec. 6. (a) Except as provided in subsection (b), the administrative fees deposited into:
(1) the county supplemental juvenile probation services fund under IC 31-40-2-1;
(2) the county supplemental adult probation services fund under
IC 35-38-2-1(f); and
(3) the local supplemental adult probation services fund under IC 35-38-2-1(g);

shall be used to pay for salary increases required under the salary schedule adopted under this chapter and IC 11-13-1-8 that became effective January 1, 2004.

(b) Administrative fees collected that exceed the amount required to pay for salary increases required under the salary schedule adopted under this chapter and IC 11-13-1-8 may be used in any manner permitted under IC 31-40-2-2, IC 35-38-2-1(f), or IC 35-38-2-1(j).

As added by P.L.220-2011, SEC.646.