

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
February 14, 2020

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Office of Court Services on Friday, February 14, 2020 from 10:00 a.m. to 12:00 noon.

1. Members present. Craig J. Bobay, J. Richard Campbell, Kurtis G. Fouts, Grant W. Hawkins, Gregory A. Horn, Timothy J. Ormes, and Vicki L. Carmichael, Chair.
2. Staff present. Jeffrey Bercovitz, James Diller, Mary Kay Hudson, Tom Jones, Indiana Office of Court Services.
3. Recognition. Judge Carmichael welcomed Jay Phelps, Clerk, Bartholomew County, to the committee.
4. Minutes approved. The minutes for the meeting on July 12, 2019 were approved.
5. Invited guests. Timothy J. Ormes and Emily Van Osdol attended the meeting.
6. Court Staff Workload Assessment.
 - a. Judge Carmichael distributed an excerpt from, "The Next Step To A New Way Forward," pgs. 20-21, which outlined a portion of the strategic plan from the Strategic Planning Committee. This plan recommended the court functions of the Clerk's office be moved to the courts. She did not want to proceed on a study of court and Clerk personnel while the goal of the court's strategic plan is to take over the court functions of Clerk's office.
 - b. Members of the committee discussed how some Clerk's offices may agree to a study to determine how much of their staff's time is used for judicial functions vs. other functions, e.g. elections and collection of monies. The committee also agreed by consensus a judge could assist the Clerk's Office and their participation in the study.
 - c. Committee members looked at the ballpark estimate from I.U. Center for Survey Research of the cost of their study court and clerk employees. They agreed by consensus that in order to know how many employees are needed to perform court functions, Clerk employees needed to be included.
 - d. Committee members agreed by consensus to distribute a survey to judges to determine the need for court employee staffing for court functions and salary minimums. The survey would note the committee has looked at the minimum number of court employees and their minimum average salaries, indicating they are 3.13 employees and paid \$37,134 annually, respectively. The survey would ask:
 - (1) What is the minimum number of employees needed to run your court?
 - (2) Do you believe it you need at least 3.5 employees to run your court?

(3) Do you believe the average salary of court employees of a particular court be paid at least \$37,134 per year?

The results of survey should be taken to the Board of Directors of the Judicial Conference of Indiana and if approved – The numbers and salaries would be a recommendation to all courts.

A survey of Clerks would also take place asking:

- (1) How many total Clerk employees do you have?
- (2) How many employees are used for court business and how much time (as a percentage) is spent on court business?

e. Jim Diller agreed to get the 2019 Annual Factbook form the Association of Indiana Counties to get the number of Clerk employees and average salaries.

7. New projects. Committee members discussed new projects concerning local court rules and uniform CCS entries and coding. The members discussed how it may be difficult to read CCS entries from a different court and determine what may have happened in a case. They also discussed a certain amount of information is needed in certain case types (e.g. dissolution) in a CCS entry. They also noted CCS entries could be more detailed in MyCase to permit the public to see what is happening in their case, rather than calling the courts for information about their particular case. They agreed to invite a representative from Trial Court Technology discuss uniform CCS entries and these concerns.

8. Next meeting dates. The committee members agreed to meet again on Friday, May 8, July 10, August 14 and October 9, 2020 all from 10:00 a.m. – 2:00 p.m. at the Indiana Office of Court Services. They agreed to cancel the March 13, 2020 meeting.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes - August 14, 2020

The Judicial Administration Committee of the Judicial Conference of Indiana met remotely via Teams on Friday, August 14, 2020 from 12:00 noon to 12:40 p.m.

1. Members present. Joseph Claypool, Wendy Davis, Grant W. Hawkins, Gregory A. Horn, William J. Hughes, Christina R. Klineman, Dena Martin, Timothy J. Ormes, Richard W. Poynter, Benjamin D.R. Vanderpool, James D. Worton and Vicki L. Carmichael, Chair.
2. Staff present. Jenny Bauer, Jeffrey Bercovitz, Pam Christenberry, and Tom Jones, Indiana Office of Court Services.
3. Recognition. Judge Carmichael welcomed new members Wendy Davis, Dena Martin, Richard W. Poynter, and Benjamin D. R. Vanderpool to the committee. She thanked Craig Bobay, J. Richard Campbell, Robert Vann, and Robert Tornatta for their service to the committee.
4. Guests. Stephanie LeMay-Luken, Jay Phelps, Emily VanAusdol, and Heather A. Welch.
5. Minutes approved. The minutes for the meeting on February 14, 2020 were approved.
6. Future committee projects.
 - a. Committee members discussed revisions to expand the use of Administrative Rule 14 concerning remote hearings. They discussed reviewing proposed revisions of the rule prepared by the Supreme Court Rules Committee, making use of the rule permissive, more participation by pro se litigants in remote hearings, participation by out of county attorneys, getting waivers, use of remote hearings in civil proceedings (e.g. ordinance violations, proceedings supplemental, protection order and paternity cases), and separate provisions for remote hearings in civil and criminal cases. They agreed by consensus to draft language for consideration by the Rules Committee.
 - b. Members of the committee discussed a new case type for nondomestic protection orders, which include the new harassment protection orders requiring hearings. Courts are spending a lot of time setting up for and then conducting the hearings. Judge Klineman and Judge Hughes agreed to discuss this issue with the Protection Order Committee.
7. Next meeting dates. The committee members agreed to meet again remotely on Friday, October 9, 2020, and January 15, 2021 from 12:00 p.m. – 2:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
October 9, 2020

The Judicial Administration Committee of the Judicial Conference of Indiana met remotely via Teams on Friday, October 9, 2020 from 12:00 noon to 1:30 p.m.

1. Members present. Wendy Davis, Christina R. Klineman, Dena Martin, Timothy J. Ormes, and Heather Welch, Chair pro tem.
2. Staff present. Jeffrey Bercovitz, Pam Christenberry, James Diller and Tom Jones, Indiana Office of Court Services.
3. Guests. Catherine Haines, Stephanie LeMay-Luken, and Emily VanAusdol
4. Minutes approved. The minutes for the meeting on August 14, 2020 were approved.
5. New case types. Committee members discussed new case types for Indiana.
 - a. Judge Klineman reported she and Judge Hughes met with the Protection Order Committee to discuss a new harassment protection order case type. Their concerns included the overlap with existing protection order cases, as well as going back to the legislature to try to remove the requirement of a hearing for every harassment protection order. She noted the National Center for State Courts (NCSC) indicated domestic protection orders should be differentiated from nondomestic protection orders (e.g. harassment protection orders) and discussed the use of an existing Indiana domestic definition to accomplish this. Committee members agreed the hearing requirement caused harassment protection orders to take a lot of time and if a new case type is created, the existing protection order time could be used.
 - b. Judge Welch reported the request for a commercial court case type was recently turned down. She noted the numbers of commercial court cases on her docket at this time and they are each time consuming.
 - c. Jeff Bercovitz reported the request for a new residential eviction case type was discussed at the Office of Court Services because of the attention given to evictions during the Covid crisis. In addition, the request by the NCSC for the number of eviction cases. Judge LeMay-Luken reported residential evictions are sent to one court in her county who handle about 1100 of them each year. Committee members agreed by consensus the same weighted time as small claims should be used until a new study is conducted.
 - d. Committee members discussed a request from public defenders for a Life Without Parole (LWOP) case type. They discussed how few of these cases existed and the difficulty in getting an accurate time to administer them. In addition, they noted the request focused on notice of these cases. Members of the committee discussed using the LWOP flag in Odyssey and a requirement of notice by the prosecutor every time an LWOP case is filed.

Jeffrey Bercovitz and Jim Diller briefly reviewed the process for a judicial weighted caseload study and development of new case types. Committee members agreed by consensus residential evictions, harassment protection orders and commercial courts should have a case type.

6. Administrative Rule 14.

a. Committee members discussed revisions to Administrative Rule 14 concerning remote hearings. They reviewed proposed revisions of the rule prepared by the Supreme Court Rules Committee. They asked whether monies from the state would be made available for some of the technology for remote hearings. They discussed making the requirement that there be an agreement on use of remote testimony should occur only in dispositive hearings for the case, and not in other nondispositive hearings.

b. Committee members discussed:

- the need for discretion by the court be given to order the use of remote testimony
- how a judge recovering from an illness or surgery might wish to conduct hearings from home to prevent infection
- Title IV-D cases, OV cases and proceedings supplementals were being held remotely and the percentage of persons appearing in these hearings was increasing
- the use of remote testimony permitted many in family law cases to appear and maintain their jobs when they could appear remotely
- live streaming should continue and is helpful for the public
- new judges could watch and learn about proceedings in various case types if the new judges were elected to a court which handles cases in areas in which they did not practice

The committee also asked if they could review another draft of any proposed new rule.

7. Next meeting dates. The committee members agreed to meet again remotely on Friday, January 15, 2021 and Friday, March 12, 2020 from 12:00 p.m. – 2:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law