

Judicial Administration Committee
Judicial Conference of Indiana

Meeting Minutes
January 12, 2024

The Judicial Administration Committee of the Judicial Conference of Indiana met via Teams on Friday, January 12, 2024 from 12:00 noon to 1:30 p.m.

1. Members present. Jon Brown, Amy Jones, Clay Kellerman, Dena A. Martin, Shaun T. Olsen, Timothy Ormes, Thomas Pulley, Matthew E. Sarber, Jason Thompson, and Vicki L. Carmichael, Chair
2. Staff present. Jeffrey Bercovitz, James Diller, Michelle Goodman, Tom Jones, Ashley Moise and Jeff Wiese, Indiana Office of Court Services.
3. Guests. Suzanne Tallarico, National Center for State Courts (NCSC); Judge Stephenie LeMay-Luken, Christopher Nancarrow, and Emily VanOsdol attended the meeting.
4. Minutes approved. The committee minutes for November 17, 2023 were approved.
5. Judicial Weighted caseload.
 - a. Suzanne Tallarico gave an overview of the judicial weighted caseload study framework including the four week time study, adequacy of time survey, focus groups and annualizing time study information to determine case weights.
 - b. Committee members discussed the Daily Time Log (DTL) and the NCSC portal used to enter times including:
 - Use of the two letter case type
 - Uploading information from the DTL to the NCSC portal
 - Making sure the DTL wording “pretrial” matches “prejudgment” wording in the drop down menu on the portal. Committee liked the use of prejudgment throughout
 - Lack of space on the DTL to fill in times
 - Agreed by consensus a remote hearing by a judge should be counted as “in court” even if not physically in the courtroom
 - Agreed by consensus DP, LWOP and MR should be placed in the drop down menu after Level 6 felonies
 - Agreed all actions for new Protection Order Harassment (PH) case type should be in the case type, even if no hearing is conducted – if the box on the petition is checked for Protection Order Harassment, then the time should be counted for that case type.
 - Time involving grandparent visitation should be counted, even if it now occurring in a MI< DC or JP case type
 - c. Members of the committee discussed the proposed revised MC case type instructions, and in particular, how to count time for probable cause affidavits before the criminal charge in the case is filed. The remaining language for the MC case type instruction was also

reviewed. Committee members agreed by consensus to adopt this new language. See Attachment 1.

d. NCSC will conduct training via Zoom the week of January 22 – 26, 2024. The training would be via Zoom and during the noon hour. All will be live and one training will be recorded and placed at the portal. Staff indicated CLE may be available for this training.

e. It was reported a letter from the Chief Justice of Indiana and Justin Forkner would be distributed before the Jan. 17, 2024 Wednesday message urging judges to participate in the weighted caseload study. NCSC would distribute Portal, Login, and password information to all judicial officers after the Jan. 17 Wednesday message. A reminder to participate in the weighted caseload study would be distributed with the Jan. 31, 2024 Wednesday message.

f. Committee members agreed by consensus any last minute changes/decisions would be made by Judge Vicki Carmichael, Chair.

g. Members of the committee agreed to give an update on the weighted caseload study at the Spring Judicial College.

6. Future meeting dates. The committee members agreed to meet in 2024 remote and/or in person on May 10 (in person), July 12 (remote), August 9 (in person), and October 11, 2024 (remote), all on the second ~~Tuesday~~ Friday of the month.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee

Judicial Conference of Indiana

May 10, 2024
Meeting Minutes

The Judicial Administration Committee of the Judicial Conference of Indiana met in person in Indianapolis on Friday, May 10, 2024, from 10:00 a.m. to 2:40 p.m.

1. Members Present: Matthew E. Sarber, Acting Chair; Jon Brown, Amy Jones, Clay Kellerman, Dena A. Martin, Shaun T. Olsen, Timothy Ormes, Thomas Pulley, and Jason Thompson.
2. Guests: John Douglas (NCSC), Amy Kehner (NCSC), Anthony Kim (NCSC), Suzanne Tallarico (NCSC), Catherine Haines, Chris Nancarrow, and Emily VanOsdol.
3. Staff Present: Jim Diller, Michelle Goodman, Tom Jones, Diane Mains, and Jeff Wiese.
4. Minutes: The January 12, 2024, meeting minutes were approved.
5. Review of the Judicial Weighted Caseload time study data
Suzanne Tallarico gave an overview of Indiana's weighted caseload study data.
Discussion included:
 - a. Judicial Annual Availability Calculation: President's Day (May 19th) data (about 10% of judges worked on this day) – 213 days/year with an 8-hour day, but not all courts observe all holidays, will use 13 holidays in calculation; the data equals out over the year
 - b. 98% participation rate in the time study
 - c. Superior/ Circuit Courts and Referees/ Commissioners labels are transposed in the data
 - d. Filings per year by case type ('21-'23); before COVID the count was higher, roughly 1M; recommended including 2023 data in the report eliminating 2020 data
 - e. Specific case types discussed:
 - i. Life Without Parole (LWOP) and Death Penalty (DP) – compared case weights between 2016 and 2024. The time reported was all pretrial time, and nothing for actual trial time
 - ii. Evictions (EV), commercial and residential cases are reported as one number; waiting on the breakdown between commercial v. residential evictions (tentatively 3.5% are commercial evictions)
 - iii. Small Claims (SC) cases increased 100% from the last study. The following changes in small claims dockets since the last study may be contributing to the increase: (1) increased dollar amount jurisdiction recently, (2) expansion in the ability to represent a party in the case without an attorney, and (3) people are generally unrepresented. Also, the 2016 study did not include the small claims courts in Marion County.
 - iv. Protection Orders (PO) (harassment v. general) cases, generally data shows that harassment PO cases take less time than a regular PO; recommend that all orders be entered as one total with the knowledge that the petitioner is choosing the case type; add a footnote in the report to explain why cases were not broken out.

- v. Juvenile Termination of Parental Rights (JT) went down, which may be accounted for by (1) new DCS policies; (2) more cases ending in agreement, and (3) fewer cases reaching the TPR stage; look at both CHINS and TPR together to obtain a solid number. The committee members believe that more time is now being spent on the JC case.
 - vi. Murder case number is solid vs. LWOP and DP cases that are not being entirely captured; suggest sticking with current case weights, as rarely do these cases progress to trial. The committee decided to use the current DP and Murder numbers but maintain the 2016 LWOP number.
 - vii. Grandparent Visitation – JP, MI, and DC case types are all used for these cases, case type is dependent on the filer. NCSC will assess the Grandparent Visitation time proportionately to the JP and DC case types. Note: The new case management system will have a list of questions to help narrow down the appropriate case sub-types; JAC would like to request a new case type (GP) for these cases.
 - viii. Miscellaneous (MI) case type decreased, which may be attributed, in part, to the recent change in the law that individuals subject to emergency detentions can be held for up to 14 days resulting in fewer regular commitment filings (more treatment time vs. more court time).
 - ix. Commercial Courts – the Commercial Courts Committee is advocating for a new case type and suggested that law clerks (non-judicial time) not be included in judicial minutes, nowhere else is non-judicial time included in the WCL; need to include law clerks in the report with narrative as without their assistance significantly more judicial time would be needed; data will be further reviewed and discussed at the next meeting.
 - f. Non-case related time – a fair number of comments indicated that judges did not track this category; always reported as a statewide average; time most likely underreported as it is hard to count; the committee discussed this and decided to maintain the 2016 study value for non-case related time. Data is now showing there is a need for additional judicial officers. The committee will review the data along with the information from the focus groups and court observation to finalize the numbers.
6. Discussion of 2023 data – The 2023 ICOR data was recently finalized by IOCS and the numbers for 2023 filings are available for this work.
 7. Judicial Officer Workload Assessment – Adequacy of Time Survey – There were 359 participants and the results showed an average of 18 years on the bench. The most reported area of need is staff and many comments reflected unreported after-hours work time.
 8. Focus Groups – Commercial Courts, Marion County, medium and small jurisdictions (5-8 participants, 2 sessions per group) – counties vary in judicial tasks based on local practices and staff availability; Committee recommends gathering data on commercial court staff for further study; it was suggested that a primer be provided before sessions to prepare participants for the meetings; each session will be a minimum of an hour in length.

NCSC's observation sessions will be held in July.

9. Upcoming meetings: July 12, 2024 @ 12:00 – 2:00 pm via Teams
August 9, 2024 @ 10:00 am – 3:00 pm, Fuse West

October 11, 2024 @ 12:00 – 2:00 pm via Teams

10. The Committee would like to present the study findings at the Annual Meeting for a joint presentation between the Judicial Administration Committee and the Indiana Judges Association, Technical Assistance Subgroup on the weighted caseload study.

Judicial Administration Committee

Judicial Conference of Indiana

Friday, July 12, 2024

Meeting Minutes

The Judicial Administration Committee of the Judicial Conference of Indiana met via Teams.

1. Members Present: Vicki Carmichael, Co-Chair, Matthew Sarber, Co-Chair; Jon Brown, Amy Jones, Dena Martin, Shaun Olsen, Timothy Ormes, Thomas Pulley, and Emily VanOsdol.

Guests: John Douglas (NCSC), Amy Kehner (NCSC), Anthony Kim (NCSC), Suzanne Tallarico (NCSC).

Staff Present: Jim Diller, Michelle Goodman, Tom Jones, Diane Mains, and Jeff Wiese.

2. Minutes: The May 12, 2024 meeting minutes were approved.
3. Discussion of the Judicial Weighted Caseload time study data
 - The committee decided not to include judicial vacancies in the WCL data without looking at the specific docket of each vacant court.
 - Marion County small claims and eviction cases will be removed from the WCL data analysis since they are local positions. This information will be included in the WCL report.
 - Grandparent visitation time will be split proportionally between JC and DC cases to arrive at the WCL for these case types.
 - The WCL report will reflect non-case related (NCR) time as 78 minutes per day.
 - Commercial Court data has been corrected. Commercial courts attorney law clerk time will not be included in the analysis of judicial WCL time. Information on this topic will be included in the report to show the time contributions of the state paid law clerks. The committee also discussed whether a new case type was needed for these cases and the calculation of the time to assign to commercial court cases.
 - Report narratives needed for the following:
 - Introduction to address qualitative issues
 - Judicial officer vacancies
 - Marion County Small Claims cases
 - Commercial Court cases

4. Future meeting date:

October 11, 2024, via Teams from Noon – 2:00 p.m.

Judicial Administration Committee

Judicial Conference of Indiana

August 9, 2024
Meeting Minutes

The Judicial Administration Committee of the Judicial Conference of Indiana met on Friday, August 9, 2024, at 10:00 a.m.

1. Members Present: Vicki Carmichael and Matthew Sarber, Co-Chairs, Jon Brown (via Zoom), Amy Jones, Dena Martin, Shaun Olsen, Timothy Ormes, Thomas Pulley, Jason Thompson, and Emily VanOsdol.
2. Guests Present: Stephanie Campbell (IJA), DeShield Greene (NCSC), and Suzanne Tallarico (NCSC)
3. Staff Present: Jeff Wiese, Jim Diller, Michelle Goodman, Tom Jones, and Diane Mains.
4. Minutes: The July 12, 2024, meeting minutes were approved.
5. Judicial Weighted Caseload Study
 - a. NCSC court observation. NCSC viewed 150 Indiana court hearings (4 were fully remote) during the week of July 15, 2024.
 - No significant difference was found among the different hearing formats but the hearing length did correspond to the case complexity.
 - Interpreters did not add a significant amount of time to in-person hearings. Remote hearings with interpreters do take longer because interpreters cannot translate simultaneously.
 - Remote hearings can be very efficient depending on the hearing type.
 - SRL hearings in criminal cases do not appear to take significantly longer than cases with both parties represented but SRL civil case hearings are taking more time.
 - b. NCSC focus group report. Focus group discussions were divided into three groups depending on the county population. Commercial court judges participated in a separate focus group.
 - Judges reported spending more time on NCR tasks than in 2016.
 - Commercial Court judges reported having enough time to get business done during business hours. The remaining focus groups reported that cases were moving but administrative and some case functions are handled after hours and during lunch.
 - Other common comments included staffing deficiencies, staff turnover because pay is low, lack of and general inexperience of attorneys, case

complexity is increasing, and Odyssey is helpful in some situations but not others.

- c. Adequacy of time study discussion. Comments received are consistent with the focus group discussions. NCSC has no concerns that the time reported is inconsistent with survey narratives. The report will explain how holidays and vacations are accounted for in the case weights.
- d. Case weights discussion. Vacancies will not be factored into the case weights but vacations are included. Marion small claims cases were removed from the study. Grandparent visitation cases were typically filled in two case types resulting in a case weight increase from the 2016 study. The CHINS case weight increased by 90 minutes. LWOP case weights will not be changed from the 2016 study. PO case weight is 27 minutes.

6. Case weights and Commercial Courts

- NCR time was discussed at length. NCSC reported that the national average is 90 minutes per day. The Committee approved reporting Indiana's NCR time as 90 minutes per day after considering the information from NCSC and the Adequacy of Time Survey results.
- The Committee approved recommending that a new case type (BC) for commercial courts is added. Commercial court case time will be 118 minutes (the same as PL) + 325 minutes once the case is placed on the commercial court docket.
- The Committee also recommends adding a case type for grandparent visitation.
- The Committee recommends continuing to report evictions (residential and commercial) under one case type.

7. Adjourn

Next Meeting:

Friday, October 11, 2024 @ noon (EST)

Via Teams

Judicial Administration Committee
Friday, November 1, 2024

Meeting Minutes

The Judicial Administration Committee of the Judicial Conference of Indiana met remotely via Teams beginning at noon.

1. Members: Jon Brown, Vicki Carmichael (co-chair), Amy Jones, Clay Kellerman, Dena Martin, Shaun Olsen, Timothy Ormes, Matthew Sarber (co-chair), Jason Thompson, and Emily VanOsdol

Guests: Stephanie Campbell (IJA), Suzanne Tallarico (NCSC), Amy Kehner (NCSC), Catherine Haines, Hendricks County Court Administrator, and Christopher Nancarrow, Allen County Circuit Court Clerk

Staff: Jeff Wiese, Michelle Goodman, Jim Diller, Tom Jones, and Diane Mains, Indiana Office of Court Services

2. Minutes approved. The minutes from the August 9, 2024 meeting were approved.
3. 2024 Annual Meeting. Overall, the WCL sessions at the Annual Meeting appeared to be well received. Questions were generated. Judge Carmichael and Judge Sarber were complimented for their presentation.
4. Interim Study Committee on Courts and Judiciary. The interim committee met on October 3, 2024, and Jeff Wiese reported the WCL findings to the members. His report was distributed to JAC members. Judicial officers from several jurisdictions also attended and testified seeking additional state-paid judicial officers. A Court Times article written by Jeff Wiese on the WCL report will be out shortly.
5. NCSC WCL Report.

The committee discussed NCSC's recommendation to use a three-year average versus one-year data in future WCL reviews. NCSC reported that using a three-year average is the preferred methodology to eliminate outlying issues and provide a more accurate picture. The importance of having data for just the previous year was also discussed, particularly for jurisdictions that are rapidly growing.

Judge Sarber shared members' concerns that the chart on page 35 includes county and state-paid judicial officers, which can be misleading for those who don't understand how the system is set up. Currently, there are 36 juvenile magistrates in the state who are paid with a combination of state and local funds. Additionally, Title IV-D judicial officers receive reimbursements for their work. Consequently, it would be difficult to parse the data out in any other meaningful way. The committee approved adding a footnote to Figure 17,

"Current allocated judicial officers include all state-paid, reimbursed, and county-paid positions during the study period."

The title of Figure 17 was discussed at length with members raising concerns that it is misleading to state that 2024 data was used. The committee approved renaming Figure 17 by taking out the reference to 2024 data and replacing it with "a three-year average" (2021-2024) data.

The committee approved adding the new case types to Appendix A in place of the temporary designations to avoid confusion. NCSC will update all references to these case types in the report.

The committee approved adopting the WCL report with the additional changes noted at the meeting. IOCS staff have permission to make minor changes that may be needed, but any substantive issues will be vetted through the chairs.

6. New Case Types – The Supreme Court order approving the following new case types is expected next week (amending AR 8):
 - CE = Commercial Courts Eligible
 - GV = Grandparent Visitation
 - RA = Review of Administrative Agency Decisions
7. 2025 committee meeting schedule. The committee will meet in the first month of each quarter in 2025 on the third Friday at noon via Teams. Diane will send out the schedule.
8. Other. Judge Sarber acknowledged that this is Judge Carmichael's last JAC meeting before her retirement at the end of the year. Members expressed sincere appreciation for Judge Carmichael's leadership, hard work, and grace.
9. Next meeting date. January 17, 2025, at noon via Zoom.