

**RESOLUTION OF THE INDIANA JUDICIAL CONFERENCE
ON THE FORMATION OF
THE COMMITTEE ON JUDICIAL RESOURCES**

WHEREAS, Indiana Code § 33-38-9-1 *et. seq.* establishes the Judicial Conference of Indiana (“Judicial Conference”), its Board of Directors, Chairperson, and duties; and

WHEREAS, Indiana Code § 33-38-9-5 provides that the Judicial Conference may create committees upon action of the Board of Directors to carry out the duties of the Judicial Conference; and

WHEREAS, Indiana Code § 33-38-9-6 provides the duties of the Judicial Conference of Indiana, which include to: promote an exchange of experience and suggestions regarding the operation of Indiana’s judicial system; promote judicial education; and, seek to promote a better understanding of the judiciary, which may include proposing legislation to the Indiana General Assembly through the Office of Judicial Administration; and

WHEREAS, Indiana Code § 2-5-1.3-13, provides for the formation of the Interim Study Committee on Courts and the Judiciary (“Interim Study Committee”), within the General Assembly, whose duties include to: “review, consider, and make recommendations concerning all requests for new courts, new judicial officers, and changes in jurisdiction of existing courts[;]” “identify each county in which the number of courts or judicial officers exceeds the number used by the county in that report year;” and “make a recommendation on whether the number of courts or judicial officers in the county should be decreased.”

WHEREAS, Indiana Administrative Rules 1 provides the explicit authority for judicial officers to serve in counties other than their own, but only as set forth therein.

WHEREAS, the availability of courts and ideal number of judicial officers improves access to courts and resolution of legal matters in a timely manner for all Hoosiers, such that the creation

or abolition of courts, without the input from the Indiana Supreme Court, Office of Judicial Administration, Judicial Conference, and Indiana Judges Association may have unintended consequences for other courts and Hoosiers statewide; and

WHEREAS, the continued increased migration to Indiana and changing populations within its ninety-two counties, will require, from time to time, the reallocation of judicial resources, creation of new judicial officers, and abolition of courts or judicial officers; and

WHEREAS, existing judicial officers are uniquely educated and trained at the expense of Indiana taxpayers, such that maximizing the use of the existing judicial officers is a substantial cost savings to Indiana, as opposed to discharging their service in favor of untrained new judicial officers; and

WHEREAS, on October 3, 2024, the Interim Study Committee concluded its report with this finding:

The Committee recommends that the General Assembly keep Indiana at as close to a 1.0 statewide on the weighted caseload metrics as possible, even if it means re-allocating judges from lower utilized counties to those in need.

WHEREAS, the Strategic Planning Committee of the Judicial Conference was charged with the duty of responding to this finding, by providing information to assist the Interim Study Committee in fulfilling its duties, while assisting trial courts to meet this charge in “reallocating judicial officers from lower utilized counties to the those in need;” and educating judicial officers on best practices for sharing judicial resources, such that this Committee believes that the Judicial Conference is best suited to fulfill these duties long term.

WHEREAS, the Strategic Planning Committee has recommended that the Judicial Conference, create a new Committee on Judicial Resources (“Committee”) by this Resolution, whose primary duties shall be twofold.

WHEREAS, first, to ensure that Indiana remains as close to 1.0 statewide on the weighted caseload metrics as possible, the Committee shall collect, coordinate, and disseminate information concerning the allocation and utilization of judicial resources to the judicial, legislative, and executive branches, including sharing a bi-annual report to the Interim Study Committee, with the goal of promoting the ideal utilization of existing judicial resources in Indiana, and reporting upon the impact of creating or abolishing judicial officers. Whenever feasible, the Committee shall recommend meeting any need for additional judicial officers with existing underutilized judicial officers.

WHEREAS, second, changing demographic features of Indiana's population and certain structural features of Indiana government, including its judicial branch, require a comprehensive review of how Indiana's county-based justice systems are funded. Indiana's demographics are changing, with some counties experiencing explosive population growth but with many others experiencing a decrease in population. And Indiana's judicial branch is non-unified with no common budget or administrative structure.

WHEREAS, the benefit of this Committee is that it will be a relatively small group consisting of members of the Judicial Conference, who would have the availability to have frequent and short notice meetings, often difficult with larger bodies such as the Board of Directors or Judicial Conference membership. It will also be well-informed as to both the allocation of judicial officers across the state **and** the comprehensive needs of each county-based justice system. These features will allow it to serve as a valuable resource to all three branches of state government and the local communities they all serve.

WHEREAS, the ultimate decision of whether to create or abolish judicial officers lies constitutionally with the legislative branch, providing the often difficult but necessary

recommendations and data from the judiciary, will lead to better informed outcomes and a Committee of this Conference that is best suited to make decisions about what recommendations to advance.

WHEREAS, it is therefore in the best interest of all judicial officers and the public, that members of the Judicial Conference work in concert to provide suggestions on the reallocation of judicial resources between courts, prior to consideration for the creation or abolition of judicial officers by the legislature, to improve access to justice for all Hoosiers.

NOW THEREFORE, BE IT RESOLVED, that there is created a *Committee on Judicial Resources* of the Judicial Conference, which shall operate as follows:

I. Definitions

- a. “Ideal Utilization” shall mean a Weighted Caseload of 1.0 utilization.
- b. “Judicial Resources” shall mean broadly, the collection of state and locally funded assets and capacities of the Indiana judicial system, which are necessary to fulfill its functions and carry out the powers of the judicial branch, efficiently and effectively, including but not limited to judicial officers as defined by Indiana Code § 35-31.5-2-177.7, support staff, probation staff, physical infrastructure, case management systems, security, contractors, established systems and processes.
- c. “Weighted Caseload Measures” shall mean the system developed pursuant to Indiana Code § 2-5-1.3-13 by the Judicial Administrative Committee and the Indiana Supreme Court to compare caseloads of judicial officers and published by the Office of Judicial Administration.
- d. “Overutilized county” or “overutilized court” shall mean those counties or courts having a utilization, according to the Weighted Caseload Measures, of more than

1.0, meaning each judicial officer has a caseload greater than a judicial officer is budgeted to perform.

- e. “Underutilized county” or “underutilized court” shall mean those counties or courts having a utilization, according to the Weighted Caseload Measures, of less than 1.0, meaning each judicial officer has a caseload less than a judicial officer is budgeted to perform.
- f. “Most overutilized court” shall mean those courts that fall within the highest 20 Courts in the state, according to the Weighted Caseload Measures and more likely to need additional judicial officers or resources. This may include more than 20 actual courts, if there are multiple courts having the same weighted caseload.
- g. “Most underutilized court” shall mean those courts that fall within the lowest 20 courts in the state, according to the Weighted Caseload Measures and more likely to be able to provide a judicial officer or resources to other courts. This may include more than 20 actual courts, if there are multiple courts having the same weighted caseload.

II. Formation, Membership, and Terms

- a. There is established a Committee on Judicial Resources of the Judicial Conference.
- b. The membership of the Committee shall include, at all times, an odd number of voting members, consisting of the following:
 - i. The Chairperson(s), or their designee, of the Strategic Planning Committee.
 - ii. The Chairperson, or their designee, of the Judicial Administration Committee.

- iii. The Chairperson of the Judicial Conference, or their designee, who shall also serve as the Chairperson of the Committee, and who shall be a non-voting member, unless necessary to break a tie vote among members.
- iv. The District Representative representing the most underutilized court, who is not already included in the above, otherwise the District Representative for next most underutilized court, who is not already represented by this Section(b). In the event there are two (2) or more courts that meet these criteria, then the District Representative representing the most underutilized county, between them.
- v. The District Representative, other than the member appointed under Subsection (iv) above, representing the most overutilized court, who is not already included in the above, otherwise the District Representative for the next most overutilized court, who is not already represented by this Section(b). In the event there are two (2) or more courts that meet these criteria, then the District Representative representing the most overutilized county, between them.
- vi. At least one or up to three District Representative from the Board of Directors of the Judicial Conference, selected by the Chief Justice. If the two most over utilized courts and the two most under utilized courts are not represented by the other members designated in this section, the Chairperson should select appointments to achieve this representation.
- vii. The President of the Indiana Judges Association or the President's designee, shall serve as an *ex-officio* and non-voting member.

- viii. The Chair of the Interim Study Committee on Courts and the Judiciary or the Chair's designee, shall serve as an *ex-officio* and non-voting member.
- c. A member appointed under subsection (i), (ii), or (iii), above shall serve as long as they serve as the chairperson for the committee they represent. A member appointed under subsection (iv) and (v), shall continue so long as they comply with the requirements for that position. A member appointed under subsection (vi) shall serve a term of three (3) years, but may be reappointed a successive term of three (3) years, for a maximum of six (6) years. A member appointed under subsection (vii) shall serve for the duration of their term as president.
- d. If any member appointed to this Committee declines or is unable to serve, the Chairperson shall appoint any voting member of the Judicial Conference to fill the vacancy, until the specified member is able to serve.

III. Duties of the Committee

The Committee shall undertake the following duties:

- a. Meet no fewer than four times annually.
- b. Collect information from courts, on support needed and local resources already being utilized, to improve access to justice [and the criminal justice system], process and resolve cases, and administer judicial duties.
- c. Collect information from courts, on the support that may be provided to others in the judiciary, improve access to justice [and the criminal justice system], process and resolve cases, and administer judicial duties.

- d. Collect information on services provided by courts to the judiciary, including assisting other courts, committee service, judicial education, or other judicial services to the State of Indiana.
- e. Facilitate and develop best practices for the reallocation of duties between overutilized judicial officers and underutilized judicial officers, irrespective of county or district boundaries, as permitted by Indiana Administrative Rule 1, and by agreement of those judicial officers, to bring courts utilizations closer to 1.0 on the Weighted Caseload Measures.
- f. Assist judicial officers with the creation of plans for reallocation of workloads among judicial officers, and assist in the resolution of impasses between judicial officers, concerning the assignment of cases and workloads, or the acceptance of such judicial resources.
- g. Develop and propose to the Office of Judicial Administration, legislation or rule changes to: (i) facilitate the reallocation of workloads between judicial officers, irrespective of county or district boundaries, and (ii) legislation or rule changes necessary to facilitate consolidation and regionalization of services among county-based justice systems, intended to reduce costs without impeding essential justice services
- h. Annually, within 30 days of the release of the Weighted Caseload Measures report by the Office of Judicial Administration, notify those most overutilized courts and most underutilized courts, of the possibility of reallocation of judicial resources, prior to the addition or abolition of judicial officers.

- i. Prior to June 1st of even numbered years, notify those most overutilized courts and most underutilized courts based upon the most recent Weighted Caseload Measures, who have not met with the Committee to engage in the reallocation of judicial resources, that the Annual Report prepared under Subsection (j) will include such an indication concerning their Court, and if requested, conduct a meeting with the judicial officers of those Courts, as permitted by Indiana Code § 33-38-9-5, to provide the Committee with information on ways in which the Courts have engaged in the reallocation of judicial resources, if not done through the Committee.
- j. Prior to August 1st of even-numbered years, the Committee shall present the Indiana Judicial Resources Utilization Report, as set forth in Section (k), to the Board of Directors during a special meeting, to consider and vote upon. Thereafter, the Committee shall: (i) provide the report to the Office of Judicial Administration, for filing with the Interim Study Committee and (ii) provide a copy of the report to the Indiana Judges Association and Justice Reinvestment Advisory Council.
- k. Prior to August 1st of even-numbered years, file the Indiana Judicial Resources Utilization Report with the Interim Study Committee through the Office of Judicial Administration and to the Board of Directors, identifying: (1) the statewide utilization rate; (2) efforts taken by overutilized courts to prevent the creation of judicial officers; (3) efforts taken by underutilized courts to provide support to the judiciary and in particular overutilized courts; (4) the impact of the creation or abolition of judicial officers on the Statewide Ideal Utilization; (5) any recommendations to consolidate or regionalize among county-based justice

systems, and (6) whether the report was adopted by the Board of Directors, during the special meeting set forth under Section (j).

- l. Provide recommendations to other Judicial Conference Committees, on proposed changes to rules, statutes, practices or procedures; improvements needed to best document the work of judicial officers on and off the bench in light of resources available; and, changes needed to carry out recommendations of the Committee within the state judiciary to allow for the reallocation of workloads.
- m. Provide reports to the Board of Directors as necessary on the work of the Committee.
- n. Perform any other duties, necessary and related, to those duties set forth in this Section, or as may be assigned by the Board of Directors or Chairperson.

IV. Best Practice for the Allocation of Judicial Resources

- a. Courts receiving notice provided in Section IV(h) are strongly encouraged to meet with the Committee to identify ways to reallocate resources to those most overutilized courts from those most underutilized courts, as well as other resources available to and from the state judiciary. The Committee shall include in its Annual Report, those most underutilized and most overutilized courts who have not participated in the reallocation of judicial resources. Although certain courts will receive a notice provided in Section IV(h), all courts are encouraged to confer with the Committee on the allocation of judicial resources, if the presiding judge believes it is beneficial. The Committee will provide support to all courts requesting assistance.

- b. Before requesting the creation of a judicial officer in a county, the judge(s) of the circuit and superior courts shall provide written notice to the Committee of the county's intent. Upon receipt of the Notice, the Committee shall offer to meet with the judicial officers of the county needing a new judicial officers, to identify the availability of underutilized judicial officers and other resources that may be helpful.
- c. When the Committee receives a request from a court to reallocate judicial resources, it shall consider all options for the reallocation of resources throughout the statewide judiciary, including, but not limited to:
 - i. The reassignment of cases from overutilized courts to underutilized courts.
 - ii. The assignment of special judge cases to underutilized courts, before assigning them to those more utilized courts.
 - iii. The assignment of underutilized judicial officers to serve as a hearing officer on specific dates or times for an overutilized court, or over blocks of specific cases and hearing types, either in person or remotely, for overutilized courts. The Committee shall consider special expertise of the underutilized judicial officers, including experience serving over specialty courts.
 - iv. Courts shall give preference to utilizing remote hearings whenever possible to improve the geographic range of service by underutilized judicial officers and to reduce travel time and costs.

- v. The Committee shall consider training, resources, or efficiency improvements to courts to bring about an ideal utilization of Indiana's judicial resources.
 - vi. The assignment of tasks through the Odyssey Task Manager from an overutilized court to an underutilized court.
 - vii. The temporary assignment of underutilized judicial officers to serve in the absence of an overutilized judge, during vacations, continuing judicial education committee meetings, or other absence from Court, in the same manner a commissioner, magistrate, senior judge or judge *pro tem*, might serve.
 - viii. The temporary assignment of underutilized judicial officers to serve by appointment of the Indiana Supreme Court as Judge *Pro Tempore* in courts, during the extended absence of judicial officers.
 - ix. The assignment of underutilized judicial officers to serve as hearing officers in attorney discipline cases.
- d. When it becomes necessary to add a judicial officer, the Committee should consider and include in its Report the best recommended option to meet the needs of the overutilized court, to include: creation of a new magistrate; creation of a new court; sharing of responsibility with other courts, counties, or districts; or reassignment of judicial officers serving underutilized courts; or, other innovative options.
 - e. When it becomes necessary to abolish judicial officers, the Committee should consider the best recommended option to include: removal of appointed magistrates before elected judges; reassignment of magistrates to other courts, counties, or

district wide service; offering of new judicial officers to those in judicial offices at risk of abolition; filling of vacancies within the Office of Judicial Administration; consolidation of courts to serve multiple counties, irrespective of district boundaries; or, other innovative options.

This Resolution shall take effect immediately upon adoption by majority vote of the Judicial Conference Board of Directors.

NOW THEREFORE BE IT RESOLVED AND APPROVED by a majority vote of the Judicial Conference Board of Directors, on this date: September 17, 2025.