

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
March 13, 2015

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, March 13, 2015 from 10:00 a.m. – 2:15 p.m.

1. Members present. Robert R. Aylsworth, Nancy Eschcoff Boyer, J. Richard Campbell, John F. Hanley, William C. Menges, Timothy P. Spahr, Robert J. Tornatta, Robert G. Vann, and Rick Maughmer, Chair.
2. Staff present. Jeffrey Bercovitz, Indiana Judicial Center; James Diller, Court Analyst, Angela James, Tom Jones and Jeff Wiese, Division of State Court Administration provided the committee with staff assistance.
3. Guests present. Chief Justice Loretta Rush was present briefly at the start of the meeting; John Douglas, Senior Court Management Consultant; Erica Friess, Project Analyst, and David Sayles, Program Specialist, National Center for State Courts were present via speakerphone from 11:00 a.m. to 12:15 a.m.; Judge Hanley left at the lunch break.
4. Minutes approved. The minutes for the meeting on October 10, 2014 were approved by the committee.
5. Visit by Chief Justice Rush. Chief Justice Loretta Rush briefly visited the committee and discussed the need for judicial weighted caseload measures in Indiana.
6. Weighted caseload measures.
 - a. Members of the committee discussed whether to recommend revisions to the existing draft 2014 Judicial Weighted Caseload Measures Report or begin a new study. They discussed whether the data was too old since the time portion of the study was conducted in 2010, whether other methodologies should be considered, the cost of conducting a new study, and the methodology in use by the National Center for State Courts. They reviewed a proposal by the National Center for State Courts for a judicial weighted caseload study in Pennsylvania. They said a new study could look at the new Level 1-6 felonies in addition to all case types. Also, the continued use of the .40 rule could be examined.
 - b. Committee members held a conference call via speakerphone with John Douglas, Senior Court Management Consultant; Erica Friess, Project Analyst, and David Sayles, Program Specialist, from the National Center for State Courts from 11:00 a.m. – 12:15 p.m.

John Douglas explained the difference in methodologies between Indiana and other states which use the National Center for State Courts. All judges (not selected ones) would participate in a study in which all time is recorded by all judicial officers for 4 weeks. The time is recorded electronically on a web based reporting system and based on a particular state's case types. All case and noncase related judicial actions are captured. The times are then annualized. The times are compared to the number of judicial officers available and it is determined if more or less judicial officers are needed on a statewide basis. After this portion of the study, focus groups are consulted about the

times and whether times should be adjusted because of other factors, e.g. a belief more time is needed complete work. In addition an adequacy of time survey is conducted of judicial officers. The data is examined for errors and then reviewed by the committee. No individual data is discussed.

John Douglas answered questions in various areas. (1) He said training judicial officers to participate in the study could occur on a regional level or by use of videoconferencing. (2) Handling of mass advisement times could occur by having judges recording times by each case type and recording the administrative time it took to record each case type. (3) He stated atypical events during the 4 week period, e.g. tax sales, which would be recorded and accounted for. (4) He said if a judge was on vacation during a portion of the 4 week period weighed data time from the other days recorded by the judge could be used. He noted all noncase related judicial activities would also be recorded. (6) He estimated it would take 12 months to complete a study for Indiana from start to finish. (7) He said there are methods to revise Indiana's current draft study which involve using techniques from current NCSC methodology, but Indiana's study and the revisions would cost money and the study as whole is not cost effective to repeat. (8) The ballpark cost of a new weighted caseload study for Indiana is around \$160,000 – \$190,000.

c. Motion on Indiana Judicial Weighted Caseload Study.

(1) Judge Boyer moved to recommend to the Indiana Supreme Court that Indiana conduct a new judicial weighted caseload study.

(2) Judge Menges seconded the motion.

Committee discussion: Indiana has about 315 trial court judges, 80-90 magistrates 30 commissioners and less than 30 referees. They agreed Marion County Small Claims Courts should not be included given that they are funded locally in lieu of the state. If that court is abolished, a new weighted caseload study will have to be conducted. The NCSC is the only organization which conducts judicial weighted caseload studies. Thirty plus other states use the National Center for State Courts methodology and Indiana is the only state which uses a methodology which is different. Seventeen states do not utilize the weighted caseload process.

(3) The motion was passed unanimously.

(4) The committee also discussed the lead time needed for a new study and other case types which could be reviewed if a new study was conducted, e.g. Level 1-6 felonies

7. Next meeting.

a. The committee discussed the addition of a judicial officer with juvenile jurisdiction to the committee.

b. Committee members agreed to report their motion to the Indiana Supreme Court and note that if the recommendation is accepted, work should begin on a contract as soon as possible in order to have the start of the study at the September conference.

c. Members of the committee agreed to meet on Friday, May 8, July 10, August 14, October 9 and November 13, 2015 10:00 a.m. – 4:00 p.m. at the Indiana Judicial Center. They agreed to meeting on June 12 if needed.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
May 8, 2015

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, May 8, 2015 from 10:00 a.m. – 2:15 p.m.

1. Members present. Robert R. Aylsworth, Craig J. Bobay, David R. Bolk, Nancy Eschcoff Boyer, J. Richard Campbell, Timothy P. Spahr, Robert J. Tornatta, Robert G. Vann, and Rick Maughmer, Chair.
2. Staff present. Jeffrey Bercovitz, Indiana Judicial Center; James Diller, Court Analyst, Angela James, Tom Jones and Jeff Wiese, Division of State Court Administration provided the committee with staff assistance.
3. Guests present. Judge Mary Willis, Suzanne K. Tallarico, Principal Court Management Consultant; Erica D. Friess, Project Analyst, National Center for State Courts (NCSC) were present.
4. Minutes approved. The minutes for the meeting on March 13, 2015 were approved by the committee.
5. Weighted caseload measures.
 - Members of the committee introduced themselves and mentioned their geographic location and the size of their counties.
 - Suzanne Tallarico recommended reducing the number of case types for the new Judicial Weighted Caseload Study and reducing the number of activities studied. Committee members agreed by consensus to not reduce the number of case types.
 - Judge Vann reported a need to study tax sales as a separate case type. He reported when a tax deed is issued there may be objections and hearings on the issue of the deed. Committee members agreed to add this to the study as a new case type.
 - The committee agreed to include Indiana's existing case types and add tax sales, expungement (under IC 35) and domestic relations cases with and without children for the weighted caseload study.
 - Committee members agreed to include judges, magistrates, commissioners and referees, whether full-time or part-time. They also agreed to include senior judges if they took a regular calendar for extended period of time in lieu of a sitting judge (e.g. illness or military service).
 - Suzanne Tallarico recommended having judges keep case times for four weeks and the committee agreed. Judicial officers will be asked to keep time sheets from October 5 – October 30, 2015. All questions during this time period would go through the NCSC help desk. She also distributed an outline of the timeline for the entire study. (Attachment No. 1.)
 - The National Center for State Courts recommended they conduct an adequacy of time survey of judicial officers. This would help determine case types where judges do not have time to get work done or believe they need more time, e.g. more time to write opinions.

- The draft weighted caseload report can be distributed beyond the committee in any way Indiana determines. She agreed to send sample final reports from Tennessee and Kansas.
- The Judicial Administration Committee agreed to be the decision making group for the study. They agreed by consensus to recommend locations and persons for the focus groups. They also agreed to have a representative or representatives from the committee on each focus group.
- Erica Friess, NCSC showed sample time sheets for judicial officers to record their time on paper. These were optional for use each day. She next showed how each judicial officer would be required to report their time through an on line data collection website prepared by the NCSC specifically for Indiana. Each judge would have a unique identifier, which would be kept confidential for the study. The NCSC would report to the Judicial Center judicial participation rates each week. The NCSC agreed to report more often if requested. The Judicial Administration Committee discussed reporting each day. The NCSC would also check data quality periodically. The time would be reported in five minute increments. A frequently asked questions list would be on line and accessible by all courts.
- Once data is submitted, it could not be changed by the judicial officer. The judicial officer could send a note electronically to NCSC which had to approve the change.
- Committee members reviewed seven case related activities used by Pennsylvania and agreed to their use for Indiana. The committee agreed to add attorney conferences into the definition of “case related in court conferences” since if a courtroom was available, the attorney conference would have been conducted in the courtroom. They committee also agreed to collection of data on noncase related times as proposed by the NCSC.
- The NCSC agreed to add LWOP into the definition of capital cases, and conduct a special analysis for courts with specific mortgage foreclosure programs. Although problem solving court cases were included, they wanted a definition from Indiana.
- The NCSC agreed to provide training to judicial officers at the Annual Meeting of Judicial Conference of Indiana in September 2015. This would include a plenary session and two breakout sessions. In addition, they agreed to provide 1-3 webinars to judicial officers after the September conference.
- The NCSC and committee discussed focus groups which (a) would be comprised by suggestion from the committee, (b) be no more than 12 persons, and (c) would have a member of the Judicial Administration Committee at each meeting. Each focus group would review the preliminary results of the study and/or explore an area of the study in depth. Six (6) to nine (9) focus groups would be included in the study.
- The NCSC agreed to prepare a “decisions document” to review the decisions made by the committee at the meeting.
- Committee members reviewed the proposed cost of the study with the NCSC representatives. They cost will be about \$160,000. They would check to see if the trip for this preliminary meeting is included in that cost.

6. Next meetings.

- a. Members of the committee agreed to cancel the June 2015 meeting,
- b. Committee members agreed to distribute a link to draft data collection forms on July 3, and keep time sheets through July 9, 2015. They would meet on July 10 to review the forms and instructions via conference call with the NCSC.
- c. The committee agreed to meet on August 14 in preparation for the educational presentation on September 10, 2015.

- d. Committee agreed to keep the October 9, 2015 meeting on the calendar for discussion of participation rates, if enough data was gathered by that time and if needed.
- e. The November 2015 meeting was cancelled.
- f. Members of the committee agreed to meet on Friday, January 15, 2016 to review data from the study. They agreed to conduct the adequacy of time survey and focus groups in February, March and April, 2016. They agreed to schedule meetings of the committee for February 12 and March 11, 2016 for use if needed.
- g. Committee members agreed to meet on May 13, 2016 to conduct a final review of data after the surveys and focus groups and look at a draft report.
- h. Members of the committee agreed to review the final report at their July 8, 2016 meeting.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
July 10, 2015

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, July 10, 2015 from 10:00 a.m. – 2:00 p.m.

1. Members present. Robert R. Aylsworth, David R. Bolk, Nancy Eschcoff Boyer, J. Richard Campbell, John F. Hanley, William C. Menges, Timothy P. Spahr, Robert J. Tornatta, and Rick Maughmer, Chair.
2. Staff present. Jeffrey Bercovitz and Anne Jordan, Indiana Judicial Center; James Diller, Court Analyst, Angela James, Tom Jones and Jeff Wiese, Division of State Court Administration provided the committee with staff assistance.
3. Guests present. Erica D. Friess, Project Analyst, and David Sayles, Project Analyst, National Center for State Courts (NCSC) were present via speakerphone.
4. Minutes approved. The minutes for the meeting on May 8, 2015 were approved by the committee.
5. Weighted caseload pilot time study.
 - a. Members of the committee reviewed the Indiana judicial weighted time study instructions, log sheet, and web based data entry site prepared by the National Center for State Courts.
 - The Case Types should be delineated with Indiana’s two letter designation, not a number. The Case Related Activities and the Non-Case Related Activities should be delineated by sequential numbers.
 - The letters and numbers on the log sheet should match the pull down menu of the web based data site.
 - The division of “in-court” and “out-of-court” case related activities should remain in the Pre Trial, Dispositions and Post Trial categories in order to gain more knowledge about the work within each case type.
 - The data entry date should default to the current date. If another date is desired, all applicable dates are loaded into the web entry tool and the desired date may be manually selected by the user.
 - The pull down menu on the web should require a county, not a district.
 - The recording of “waiting time” is explained in the instructions, but may need additional explanation.
 - If a default judgment is entered in court, the “Non-Trial Disposition” should be used and if the default judgment is entered out of court, the “Bench Trial Activities” should be used.
6. National Center for State Courts telephone conference.

In addition to the items above, committee members discussed the following with David Sayles and Erica Friess from the NCSC.

 - The committee expressed a concern about not keeping time to the minute in lieu of five minute increments. NCSE explained that the recording of time in five (5) minute increments has historically been determined to provide consistent and useful data. If a

judge is interrupted briefly and then returns to the same activity, the judge should roll the brief interruption time into the time of what the judge is already doing. Rounding up or rounding down times is not discussed in the instructions, but most judges round up.

- A unique identifier will be assigned by the National Center for State Courts to every judge, magistrate, commissioner and referee in a county under the judicial weighted caseload study in order to track participation by county. The NCSC requested the email address and phone number for each judicial officer.
- Committee members noted a “plea” in the instructions as both a Pre-trial in-Court Activity and as a Disposition as a Non-Trial Disposition Activity. The NCSC recommended a “plea” be in one category - the Disposition category for consistency in gathering data. The committee agreed by consensus it should only appear in the Non-Trial Disposition Activity category.
- Committee members asked how problem-solving time spent on a “staffing, in-court or administration” should be counted. The NCSC recommended a response be added in the drop down menu for case related activity called “problem-solving time” to account for any time spent by a judge working in a problem-solving court. Committee members agreed by consensus with this solution.

7. Weighted Caseload educational program. Anne Jordan discussed an educational program for Indiana’s weighted caseload study.

a. Committee members discussed the plenary program on the new Judicial Weighted Caseload Study on Thurs., Sept. 10. They recommended it begin with opening remarks from the Chief Justice (5 minutes), continue with Judge Maughmer, Chair discussing the reasons for the new study and addressing concerns of previous studies (10 minutes), a judicial weighted caseload overview from the National Center for State Courts (20 minutes) and the close from the Chief Justice encouraging participation (5 minutes). Judge Maughmer asked committee members to give him suggestions for areas to cover. They agreed to refine this outline at the next meeting of the committee.

b. Members of the committee agreed to sign up to attend one of the three training sessions for the time study portion of the judicial weighted caseload study.

8. Other.

a. Jeff Weise asked whether this committee would provide a representative for a subcommittee of the Records Management Committee to examine a proposal of a defendant keeping the same case number in a criminal case. Committee members agreed to supply a representative if asked to do so.

b. Jeff Bercovitz asked committee members to test the revised instructions, log sheet and web based data site as revised for one day’s activities the week of the next meeting.

9. Next meetings.

Fri., Aug. 14, 2015	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., Oct. 9, 2015*	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., Jan. 15, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., Feb. 12, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., March 11, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., May 13, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center

Fri., July 8, 2016
*if needed

10:00 a.m. - 4:00 p.m.

Indiana Judicial Center

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
August 14, 2015

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, August 14, 2015 from 10:00 a.m. – 2:00 p.m.

1. Members present. Robert R. Aylsworth, Craig J. Bobay, David R. Bolk, Nancy Eschcoff Boyer, J. Richard Campbell, John F. Hanley, Timothy P. Spahr, Robert J. Tornatta, and Rick Maughmer, Chair.
2. Staff present. Jeffrey Bercovitz, Indiana Judicial Center; and James Diller, Court Analyst, Angela James, Tom Jones and Jeff Wiese, Division of State Court Administration provided the committee with staff assistance.
3. Guests present. Erica D. Friess, Project Analyst, and David Sayles, Project Analyst, National Center for State Courts (NCSC) were present via speakerphone.
4. Minutes approved. The minutes for the meeting on July 10, 2015 were approved by the committee.
5. Weighted caseload pilot time study.
 - a. Members of the committee reviewed the Indiana judicial weighted time study instructions, log sheet, and web based data entry site prepared by the National Center for State Courts (NCSC) and discussed the following with David Sayles and Erica Friess:
 - The committee agreed by consensus the case type for domestic relations no children should be “DN.”
 - Daviess County should be spelled correctly in the NCSC web data entry tool.
 - Judicial Officers should be told their Participant ID and Password will be emailed to them by individual court after the September judicial conference. When the Participant ID and Password are used, the county of the judicial officer will come up automatically. In addition, the instructions should note case activities data may be submitted throughout the day.
 - Jim Diller agreed to add additional information about the calculation of multi-day trials to instructions.
 - The NCSC indicated there is no time out limit in which “pending” entries will remain on the web entry tool. However, NCSC indicated the entries should be submitted as soon as possible.
 - The draft FAQ will be corrected to note travel time is noncase related time, in order to not dilute the time available for case related activities.
 - A FAQ will be added to indicate that for a summary judgment motion, the court may have a pretrial hearing (#1), conduct research post-hearing (#2) and prepare a written order (2), which may be a partial summary judgment.
 - The committee members agreed by consensus a new definition for “TS” or Tax Sale should be, “Although filed as an MI, any action taken as a Tax Sale case shall be logged as a ”TS” case type for this weighted caseload study.”
 - Jim Diller will work with the NCSC to provide a list of part-time judicial officers as full time equivalents (FTE) to the NCSC.

- The Division of State Court Administration will work with the NCSC to determine the number of Domestic Relations with Children, Domestic Relations – No Children, and Tax Sale cases.
6. Commercial Courts.
 - a. Judge Bobay gave an overview of the Commercial Courts Pilot Project. He distributed suggested language for the committee to consider concerning this business to business litigation. He explained the Indiana Supreme Court will structure the pilot which, by definition, will include complex cases. There is a need to study the time taken for a court to administer these cases.
 - b. Judge Maughmer, Chair, moved the Judicial Administration Committee approve the attached language (See Attachment No. 1) for inclusion in the report of the Commercial Court Working Group to the Indiana Supreme Court under 94S00-150-6-MS-337 dated June 2, 2015. Judge Boyer seconded the motion. The motion was passed unanimously. [NOTE – Judge Bobay will forward language to this office as revised by committee on Aug. 14.]
 7. Education program at Annual Meeting in September.
 - a. Committee members agreed to attend the following training sessions: Sept. 10, 10:00 a.m. – 11:30 a.m. – Judge Bobay, Judge Boyer, and Judge Maughmer; Sept. 10, 3:00 p.m. – 4:30 p.m. – Judge Campbell, Judge Maughmer, and Judge Tornatta; and Sept. 11, 10:00 a.m. – 11:30 a.m. – Judge Aylsworth, Judge Bolk, and Judge Spahr. Members of the committee agreed to attend the plenary session as well on September 10, 2015 from 8:45 a.m. – 9:45 a.m.
 - b. Committee members discussed suggested talking points for Judge Maughmer and Chief Justice Rush. They agreed to send additional talking points to Judge Maughmer.
 8. Next meetings. The committee agreed to meet again on the following dates:

Fri., Oct. 9, 2015*	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., Jan. 15, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., Feb. 12, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., March 11, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., May 13, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center
Fri., July 8, 2016	10:00 a.m. - 4:00 p.m.	Indiana Judicial Center

*if needed

Respectfully submitted,

Jeffrey Bercovitz, Director
 Juvenile and Family Law