

Judicial Administration Committee
Judicial Conference of Indiana

Minutes

August 10, 2012

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, August 10, 2012 from 10:00 a.m. – 2:45 p.m.

1. Members present. Thomas J. Alevizos, David Avery, W. Timothy Crowley, Stanley A. Levine, Rick Maughmer, Carol J. Orbison, and Roland W. Chamblee, Chair Pro Tem.
2. Staff present. Jeffrey Bercovitz, Indiana Judicial Center; James Diller, Court Analyst, and Tracy Beechy-Nufer, Director of Trial Court Management; Division of State Court Administration provided the committee with staff assistance.
3. Minutes approved. The minutes for the committee on October 14, 2011 were approved.
4. Weighted caseload measures.
 - a. Jeffrey Bercovitz reviewed the history of the study. He reported the National Center for State Courts was under contract to review CCS entries for judge actions in randomly selected case files. The current grant would pay for at least review of seven different case types, including CC, CT, DR, MF, MI, PL and RS.
 - b. Committee members urged careful attention to Infractions, Ordinance Violations and Civil Miscellaneous case types and discussion of priorities if continued grant funding is unavailable.
 - c. Members of the committee reviewed the raw data compiled of times from judicial time sheets. Jim Diller reported there were 131,896 time sheet entries by judicial officers. Jeffrey Bercovitz explained entries which used a case type of a number rather than two letter designations, or a number for an action not permitted in the key for judicial actions, and other unusable entries were removed. This led to 131,176 time sheet entries which could be used, almost three times the amount of entries from any previous studies.
 - d. Committee members reviewed timesheet data from CC, DR, CT, MI, RS and MF timesheets. They agreed to remove one minute jury trial entries from civil tort category. They also discussed how more pro se cases, parenting time guidelines, \$20.00 ADR fee programs, and increased use of mediation may affect DR times. Members of the committee also discussed how MI times could include name changes, driver's license cases, and complex litigation with other agencies. The committee suggested looking at high frequency action cases.
 - e. Jeffrey Bercovitz distributed instructions and sample CCS's which were given to the National Center for State Courts. These materials were used to train them for counting the number of judicial actions shown by CCS entries. They agreed "Order to Appear served" and Summons & Complaint issued should not be counted as judicial

actions and “Petitioner Failed to Appear; Respondent in [person]” should be counted as a hearing. If two clearly different orders occurred on the same date, they should be counted as two orders. Also, a hearing occurred if the entry, “Parties in Person; Witness sworn evidence” is used. The policy of previous studies in 1996, 2002 and 2009 of not counting continuances, but counting hearings held to decide whether or not to grant continuance was affirmed.

5. Next meeting. Members of the committee agreed to meet again on Friday, October 12, 2012, January 11, 2013, February 8, 2013, March 8, 2013, May 10, 2013, July 12, 2013, and August 9, 2013 from 10:00 a.m. - 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Judicial Administration Committee
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Minutes
October 12, 2012

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 12, 2012 from 10:00 a.m. – 2:00 p.m.

1. Members present. Thomas J. Alevizos, David R. Bolk, Nancy Eschcoff Boyer, W. Timothy Crowley, Stanley A. Levine, Peggy Quint Lohorn, Richard A. Maughmer, Thomas Newman and Roland W. Chamblee, Chair Pro Tem. Judge Stefaniak could not attend because of a hearing in State v. Isom, a death penalty case.
2. Staff present. Jeffrey Bercovitz, Indiana Judicial Center; James Diller, Court Analyst, and Tracy Beechy-Nufer, Director of Trial Court Management, and Angela James, Tom Jones, and Jeff Weiss, Division of State Court Administration provided the committee with staff assistance.
3. Minutes approved. The minutes for the committee on August 10, 2012 were approved.
4. Weighted caseload measures.
 - a. Jeffrey Bercovitz reviewed the first two grants received for the judicial weighted caseload study. He announced a third and final court improvement grant was awarded this fall which will complete the judicial weighted caseload study of all case types. Members of the committee discussed using the monies allocated to review of criminal case types to review civil case types in greater detail since civil case types had either never been reviewed since the 1996 original study or only reviewed one time since, and/or review Class D felonies only. Committee members also discussed waiting to see the results of the criminal code study commission before looking at review of criminal case types. They agreed the chair should meet with the chief justice about curtailing review of criminal case types.
 - b. Jeffrey Bercovitz reviewed a handout of a listing of CCS reviews for case related activity with counties listed which were sampled. He explained the number of counties selected was based on case type filings in the county. Also, the counties for case file audits were computerized with either Courtview, Doxpop, Odyssey or QUEST systems.
 - c. A listing of the average number of judicial actions from CCS reviews and average times per judicial action from time sheets for MF, CT, DR, CC, and MI case types were distributed. The committee agreed by consensus the category of Bench Trial/Settlement Conference should be separated in future studies.
 - d. Jim Diller distributed a list of the underlying cases within the Civil Miscellaneous category. The average time fell significantly in this category and committee members discussed the following:
 - (1) Tax warrant cases are a “CB” case type and should be removed from the count for weighted caseload purposes.

(2) Fee Waiver, Title issued, and Hardship/Drivers License cases could be studied as a possible new BMV case type.

(3) There is a need to determine what medical lien cases are in Marion County and whether to remove them.

(4) There were cases filed under the MI case type which should have been filed under the PL case type, including Verified Petition to dispute an agency action, Eminent Domain, Quiet Title actions;

(5) Grandparent visitation and custody cases are now being filed as MI cases. The committee agreed they should be filed as a Domestic Relations (DR) case. Jeff Weiss explained the DR category includes dissolutions, legal separations, and child support only, to help answer the repeated question of how dissolutions are filed in Indiana. Committee members agree to email their recommendation to file grandparent visitation and custody cases to the Division of State Court Administration.

e. The EM category was created in 2009 by the Division of State Court Administration at the request of the ISBA, and it was given the same time as an ES or EU case. It will be studied as a separate case type and since there are very few judicial actions in this case type, it is expected that the average time for this case will be lowered.

f. Probate CCS's will be audited next by the National Center for State Courts (NCSC). Then MH cases will then be reviewed. PO cases will be reviewed if they can be made available to the IJC. CCS entries may have to be redacted.

g. The Judicial Center will review SCC and SCO cases for separation and review by the committee at the next meeting. The names of the cases, out of state attorneys, use of an affidavit of debt, bulk filings, and landlord-tenant disputes will be used to distinguish cases in these potentially new categories.

h. Members of the committee reviewed the minimum times in pre and post judgment hearings and bench trials in CC, CT, DR, MI and MF case types. Times were noted which were under one (1) minute. This occurred for example when judges conducted a mass pretrial in 30 minutes for 20 persons, and then dividing the total time by the persons present. This left an artificially low average time for the hearing. Judge Boyer moved that five (5) minutes be used as a minimum time for pre and post judgment hearings and bench trials. Judge Bolk seconded the motion. The motion was passed.

5. Next meeting. Members of the committee agreed to meet again on Friday, January 11, 2013, February 8, 2013, March 8, 2013, May 10, 2013, July 12, 2013, and August 9, 2013 from 10:00 a.m. - 4:00 p.m. at the Indiana Judicial Center.

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