

Judicial Administration Committee  
Judicial Conference of Indiana

**Minutes**  
May 10, 2013

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, May 10, 2013 from 10:00 a.m. – 2:00 p.m.

1. Members present. Thomas J. Alevizos, David Avery, Nancy Eschcoff Boyer, W. Timothy Crowley, John F. Hanley, Stanley A. Levine, Peggy Quint Lohorn, Bruce Markel, Richard A. Maughmer, and Thomas P. Stefaniak, Chair.
2. Staff present. Jeffrey Bercovitz, Indiana Judicial Center; James Diller, Court Analyst, and Tom Jones, Division of State Court Administration provided the committee with staff assistance.
3. Minutes approved. The minutes for the committee on October 12, 2013 were approved.
4. Weighted caseload measures.
  - a. Jeffrey Bercovitz reported the agreement with the National Center for State Courts (NCSC) was amended to provide for payment of about \$8.84 per case rather than \$5.00 per case for the first 2,692 CCS's reviewed by NCSC, and \$11.15 per case for the remaining cases to be reviewed. The amendment was based on the unanticipated additional time needed by NCSC to conduct a CCS review.
  - b. Judge Stefaniak reported Chief Justice Dickson agreed to curtail the review of felony case types because they were recently reviewed and because of pending legislation. Members of the committee agreed because of new legislation which revises the classification of felony and misdemeanor cases, there should be no weighted caseload study of them at this time. However, criminal case times will have to be examined in light of the new legislation effective July 1, 2014.
  - c. Committee members reviewed a list of plaintiff names used to determine if a case was a small claims "collection" or small claims "other." If there was any doubt, the case should be counted as a small claims "other" case. They also agreed of the plaintiff is a person; it should be counted as a small claims "other" case. They agreed with the list of plaintiff names chosen by the committee, the NCSC could randomly select small claims cases from these two categories. In addition, there may be a need to oversample these cases since these would be new categories. Mr. Bercovitz distributed a letter from the Judicial Qualifications Commission dated May 11, 2011 about the delegation of judicial functions, a judge's signature stamp, to a nonjudicial employee. The committee did not believe this would affect the study.
  - d. Members of the committee discussed the use of five minute minimum times for hearing and court trials in civil cases. Their use did not increase the total times in civil case types more than 10% except in civil collection cases. There were no mass advisements in civil cases except in small claims cases. In civil cases, just to check

service for a hearing, account for any discovery, prepare a CCS entry, determine if the parties are in the courtroom and/or represented by counsel, and/or other matters may take five minutes.

e. Committee members agreed to suggest a revision to the “.4” rule concerning its effect on distribution of cases in a county generally. The committee also agreed to suggest a statutory amendment to permit a problem solving court in a civil area, e.g. the specialized mortgage foreclosure settlement project in Allen County. Judge Boyer agreed to draft language with the assistance of other committee members for these ideas for review at the next meeting. This could be used as a recommendation in the final report.

f. Members of the committee reviewed revised MF, CC, CT, DR and MI case times. The case times for DR cases decreased significantly. The committee agreed DR cases should be reviewed to see why, in the following areas: How many pro se cases occurred, how many DR cases involved children, how many cases were filed where the parties did not appear and no further action was taken and the case was dismissed, how many DR cases were legal separation cases and never went any further, how many were no asset cases and how many were maintenance cases. There may be consideration of a case type of DR with and without children.

g. Committee members reviewed RS, GU, ES, EU and EM case types. They noted ES cases generally involve more research than the others.

h. Jeffrey Bercovitz reported in order to access CCS's in a timely fashion, some Odyssey counties were substituted for other similarly sized counties without Odyssey. For example, this included Union for Jay County. QUEST counties including Allen, Howard, Lake, and Marion were not affected by this process. Some Odyssey counties were already part of the study, including Hamilton and Monroe. Committee members agreed by consensus to substitute various counties in this manner.

i. Jeffrey Bercovitz distributed a Court Times article about JP cases by Tracy Beechy-Nufer about the confidentiality of JP records. Jeffrey Bercovitz explained the use of access agreements and the access to these records as a court employee under Administrative Rule 9.

5. Next meeting. Members of the committee agreed to not meet on Friday, July 12, 2013 as scheduled since it was unlikely the juvenile case CCS's reviews would be finished, and to meet on Friday, August 9, 2013 and Friday, October 11, 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  
Judicial Conference of Indiana

**Minutes**  
October 10, 2013

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 11, 2013 from 10:00 a.m. – 2:15 p.m.

1. Members present. Thomas J. Alevizos, David R. Bolk, Nancy Eschcoff Boyer, William C. Menges and Richard A. Maughmer, Chair. Judge Stefaniak was unable to attend due to a murder trial, State of Indiana v Knezevich.
2. Staff present. Jeffrey Bercovitz, Indiana Judicial Center; James Diller, Court Analyst, 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 May 10, 2013 were approved.
4. Weighted caseload measures.
  - a. Jeff Weiss distributed the Case Type Reference Guide from the Division of State Court Administration. Sometimes Clerks ask judges for guidance to determine the case type of an individually filed case and this document would help judges. Committee members discussed the need for a link on the judicial web page for this document and that Clerk's need to have this document.
  - b. Members of the committee discussed the implications of House Enrolled Act 1006 on weighted caseload calculations. This legislation changes the classes of criminal offenses to six "levels," which have not been studied for weighted caseload purposes. Committee members reviewed materials, including a chart from the Legislative Services Agency which reviews the new "levels" of various felonies. Judge Bolk moved to use a conversion chart which uses the minutes and the average of the prior case types in the level. Judge Boyer seconded the motion. The motion was passed 3 yes, 2 no.
  - c. Committee members reviewed a chart showing the numbers of court actions counted in DR cases. They also reviewed a chart showing the comparison of the current study and 2002, the last time DR cases were reviewed. In the approximately 400 CCS's reviewed, they noted 15% of the cases were dismissed, 10% of the cases were not dissolution cases, the child support guidelines were not only effective but the worksheet was computerized, the parenting time guidelines became effective, one half the cases had no children which reduce the time courts spent on a DR case. The committee discussed splitting the category into a case type of DR with children and DR without children, but agreed a new case type in this category was unlikely. Judge Menges moved to have 92 minutes for dissolution cases. Judge Alevizos seconded the motion. The motion was passed, 4-1.
  - d. Members of the committee reviewed a chart showing the numbers of court actions counted in JD cases by the National Center for State Courts. Jeff Bercovitz and Jim Diller reported many informal adjustments were reported in the JD category, rather than

the JM category, which lowers the case time for the category as a whole. They agreed by consensus to use the new number of 70 minutes, which is an increase from the previous time.

e. Committee members reviewed the JC case times. They noted in comparison to the 2009 study, the time for opinions and orders decreased and prejudgment hearing times decreased. They also noted the bench trial and bench disposition times and frequency of these actions were combined in the 2009 study, but are very disparate items and should not have been combined. In the current study, bench trials and bench dispositions and their frequency are separated, which also has reduced the time. Committee members agreed by consensus to approve the new time of 164 minutes for JC cases.

f. Some discussion occurred about all judges keeping all the time they spend on court matters, whether or not case related.

g. Members of the committee examined JT case times. They noted juvenile courts now use the “safe harbor” forms provided by the Indiana Judicial Center, the DCS pushes more voluntary terminations than before, and there are now statutory deadlines that function like a speedy trial rule, which have lowered case times. They also found bench trial and bench disposition times and frequency of these actions which were combined in the 2009 study, leading to flawed conclusions. They believe since these are disparate actions they should be separate actions and have separated the times and frequency of the actions in this study. Since the times for orders in the current study is more like the 1996 and 2002 studies, they believe the time for orders in the 2009 study of 307 minutes was clearly flawed. Committee members agreed by consensus to accept the new time of 170 minutes for TPR cases.

h. Committee members discussed whether expungements, effective July 1, 2013, should have their own case type. They agreed there would be interest in counting the number of these actions since it is a new law. Their experience so far is that when an attorney is involved in a case, little time is taken by the court. If the litigant is pro se, more time is involved. They agreed by a consensus a new case type should be created for this new statute. They agreed if a juvenile expungement was filed under this new law, not under the juvenile code, it should be counted too. They also agreed some time should be assigned to this case type, although there has not been enough time for a full study. They agreed 5 minutes should be given to this new case type.

i. Judge Boyer distributed a draft revision to the “.40” rule, which effects the distribution of cases in a county. Committee members agreed by consensus to revise the criteria for consideration of variances from the rule should be based on neutral, objective criteria. Members of the committee discussed the following factors should be used to consider relief from the rule: (a) all the judges in the county are above the statewide average in workload (e.g. all above 1.23) (b) cases are still being heard which are left from before 2006, the year the present rule took effect; (c) all the judges in the county unanimously ask for the variance; (d) the legislature has statutorily created divisions of court jurisdiction within a county; (e) The court has a Supreme Court approved initiative or pilot project occurring within the county (e.g. JDAI); (f) The county’s administrative caseload is higher for reason of a juvenile detention center, prison, mental health inpatient facility or other similar reason; (g) good cause shown. Committee members

agreed to review a revised draft rule at the January meeting of the committee and distribute the revised draft to all courts for comment.

j. Members of the committee agreed to have the National Center for State Courts randomly select small claims collection and small claims other cases based on the list of plaintiff names chosen by the committee at the May 2013 meeting.

5. Next meeting. Members of the committee agreed to meet on Friday, January 17, March 14, May 9, July 11, August 8, and October 10, 2014 from 10:00 a.m. - 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law