



## **Marion County, Indiana**

### **Small Claims Courts**

# **FINAL REPORT**

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## I. INTRODUCTION

Through an agreement with the Circuit Court of Marion County, the Court Consulting Division of the National Center for State Courts conducted an evaluation of the small claims court system to help develop a plan for more uniform, fair and efficient practices. This evaluation consisted of two site visits which included individual meetings with many of the small claims court judges, a number of constables, officials with the Indiana Supreme Court Division of State Court Administration (DSCA), the Judicial Technology and Automation Committee (JTAC), the State Board of Accounts (SBO), one township trustee, a number of attorney practitioners, and other interested parties. In addition, the NCSC consultant reviewed a variety of background materials and operational data provided by the DSCA, JTAC, SBO, the Circuit Court and independent research of relevant websites and legal databases.

Small Claims cases throughout Indiana are heard in a Small Claims Division of either a Superior Court or a Circuit Court in 91 of the state's 92 counties, depending on the applicable case allocation plan prepared for each county. The only exception is in Marion County, in which Township-based Small Claims Courts were statutorily established in 1975 following the elimination of Justice of the Peace Courts. Marion County is the most populous in the state with a population of 928,281 according to the 2013 estimate by the United States Census Bureau. Marion County and the City of Indianapolis have a consolidated city/county government, referred to as UniGov. The County is sub-divided into 9 townships which are of similar geographic size and provide various basic local services including the small claims courts.

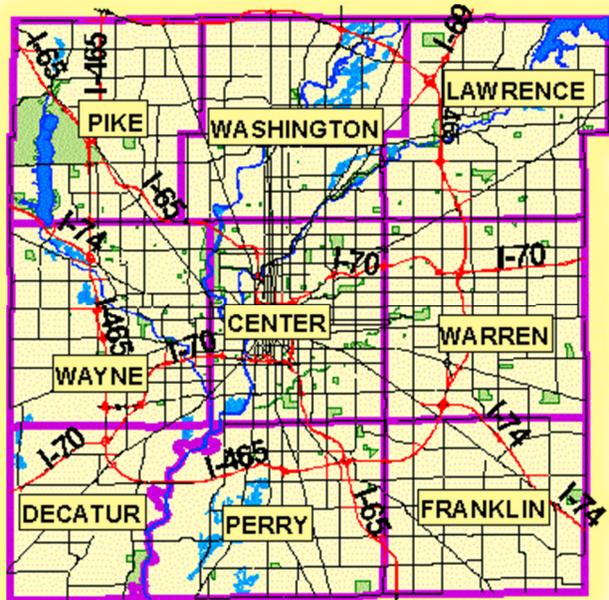


Figure 1 – Marion County Townships Map

In 1992, the Judicial Study Commission of the Indianapolis Bar Association (IBA), upon issuing a report addressing local court matters, called for the creation of a separate study commission to evaluate the Marion County Small Claims Court and make recommendations for improvements.

The IBA subsequently did evaluate the small claims courts and issued a report<sup>1</sup> in 1998 raising concerns about the use of part-time judges, forum-shopping by plaintiffs, the lack of uniformity, small claims courts not designated as courts of record, favorable treatment to repeat filers, and other issues. That study commission recommended;

- Establishing the Marion County Small Claims Court as a court of record;
- Increasing the jurisdictional limit to \$10,000;
- Eliminating the “two-step” appeal by providing for appeals to be filed directly to the Indiana Court of Appeals;
- Eliminating the ability to forum-shop;
- Unifying the nine township judges into a single court and realigning the court to operate in five geographic locations: central, north, east, south and west; and
- “Delinking” the Small Claims Courts from the townships.

In the past several years, the township small claims courts have been the focus of critical media attention with respect to issues primarily related to questions of fairness and accessibility including alleged forum shopping by plaintiffs, fairness in the assessment of attorney fees, perceived favoritism toward plaintiff’s attorneys, courtroom procedures involving plaintiff’s attorneys and/or court staff, and a widespread view that at least some of the courts emphasized revenue generation for the townships rather than fair and impartial resolution of disputes.

In January 2012, the Indiana Supreme Court created the Marion County Small Claims Courts Task Force (Task Force) to investigate whether litigants in those courts are denied access to a level of justice that is provided to small claims litigants in Indiana's 91 other counties and whether the township trustees exert control over the courts' financial and personnel matters in a manner that threatens judicial independence. The Task Force gathered information and input from a variety of sources, including judges, attorneys, small claims plaintiffs and defendants, community leaders, local bar associations, and concerned citizens. In addition, the Task Force conducted a series of three public hearings at various locations throughout Marion County.

The Task Force issued a report dated May 1, 2012,<sup>2</sup> in which it made a number of recommendations sub-divided into three distinct groupings labeled as;

- Plan A: Incorporate the Township Courts into the Marion County Superior Court;

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<sup>1</sup> Indianapolis Bar Association; *Report of the Indianapolis Bar Association’s Marion County Small Claims Court Study Commission*; (Draft) June 1998

<sup>2</sup> Small Claims Task Force; *Report on the Marion County Small Claims Courts*; May 1, 2012; <http://www.in.gov/judiciary/3844.htm>

- Plan B : Reform the Existing Township Courts; and
- Plan C: Complementary Reforms

Plans A and B were presented as alternative models for future structuring of the small claims court system in Marion County. A number of the detailed recommendations expanded upon and reiterated those made in the IBA report of 1998. Each of these plans would require some action by the Indiana General Assembly to revise the statutory provisions that established the township small claims courts. Plan C provided a set of recommended reforms that could be implemented regardless of whether Plan A, Plan B or neither of those models were implemented. In the 2013 and 2014 legislative sessions, no bills were introduced in the General Assembly with regard to incorporating the township courts into the Marion County Superior Court. In the State Senate however, S.B. 366 was introduced during the 2014 session, although it was not passed. Among other provisions, the Bill would have created the position of a small claims administrative judge to assume various responsibilities which are now assigned to the circuit court judge. These responsibilities include the option to establish a regular hourly schedule for the performance of duties by full-time or part-time township small claims courts and, making and adopting uniform rules for conducting the business of the small claims court. As introduced, the Bill would retain, under I.C. § 33-34-1-5, a provision that the judge of the circuit court shall extend aid and assistance to the small claims judges in the conduct of the township small claims courts.

Also, in November 2011 Center Township Small Claims Judge Michelle Smith Scott issued a Mandate Order requiring Center Township to 1) show cause why the Small Claims Court should not remain located in the City-County Building; 2) appropriate funds for a 5% salary increase for court clerks and; 3) procure space-efficient furniture allowing for reconfiguration of the existing small claims court space. The Indiana Supreme Court appointed a Special Judge to hear the matter. In a Decree dated June 11, 2012, the Special Judge ordered that the Center Township Small Claims Court remain located in the City-County Building, that funding for two additional full-time staff members be allocated, that updated furniture and equipment be provided and that the facility be reconfigured to ensure an adequate space in accordance with IC § 33-34-6-1.

In addition, the Decree provided that the Center Township Trustee relinquish control over the Small Claims Court operations to the Court. The Court, in maintaining authority and control over financial and staff-related matters, shall:

- Prepare an annual budget for submission to the Trustee and Board;
- Manage the Court bank account, including issuing checks, without Trustee involvement;
- Manage financial records and submit mandatory reports;
- Supervise Court staff and make decisions on personnel policies without Trustee involvement; and

- Make decisions on hiring and termination of staff members in accordance with its personnel policies and without Trustee involvement.

This Decree specifically addresses Center Township and the Center Township Small Claims Court but can reasonably be construed to apply to each of the township courts and establish guidance as to the relative roles of the judges and the trustees.

Following the release of the Task Force report and the Special Judge's Decree, the Circuit Court Judge and the township small claims court judges have met on a number of occasions and formed consensus on several of the Task Force recommendations. For example, court staff have been provided with identification badges, a standard explanation of rights brochure and poster was developed which is also used by judges at the start of each court session, creditors attorneys are no longer permitted in court staff areas to retrieve case files, development of a set of standard forms is in process and a local rule was established prohibiting a township small claims judge from representing clients in another township small claims court. In fact, the complete set of small claims local rules were substantially revised effective March 1, 2013.

The Indiana Supreme Court amended the Indiana Rules for Small Claims, effective January 1, 2014, to require that proper venue for a collection case filed in a township small claims court shall be in the township where the transaction or occurrence took place, where the obligation was incurred or is to be performed, or where a defendant resides or is employed at the time the complaint is filed. In addition, a recent decision by the United States Seventh Circuit Court of Appeals issued on July 2, 2014 (*Mark Suesz v. Med-1 Solutions, LLC*; App. Cause 13821) holds that the filing of a collection suit outside of the township where the consumer-defendant resides or the township where the document on which the claim is founded, was signed violates the Fair Debt Collections Practices Act. It suggests that Rule 12 as it pertains to Marion County could expose unwary debt collectors to FDCPA liability if they filed in a township other than the township of residence or execution e.g. township of employment.

However, other recommendation of the Task Force have not been acted upon. No action has been taken with respect to recommendations under Plan A and, other than the rule change by the Indiana Supreme Court, the recommendations included in Plan B have not been implemented. Some of the Plan B recommendations deal with the small claims courts managing their financial and personnel matters. It is unclear what role each of the courts currently plays in preparing and submitting annual operating budgets or maintaining control over all financial accounts and employee supervision. The progress that has occurred has primarily been with respect to the complementary reforms, although some of those remain to be addressed.

## II. DATA ANALYSIS OF THE TOWNSHIP COURTS

This section provides comparative information regarding the operations of the township courts.

### A. POPULATION

The nine townships in Marion County are roughly equivalent in geographical size but vary significantly in terms of population. The townships are ranked, according to 2010 population figures, in Table 1:

<b>MARION COUNTY - 2010</b>		<b>903,393</b>
Center		142,787
Wayne		136,828
Washington		132,049
Lawrence		118,447
Perry		108,972
Warren		99,433
Pike		77,895
Franklin		54,594
Decatur		32,388

### B. OPERATING EXPENDITURES OF THE SMALL CLAIMS COURTS

The township expenditures<sup>3</sup> for operating the courts, including salaries and benefits for the judges and court staff, other personal and non-personal services, supplies and capital outlays increased by an average of over 11 percent over the three year period from 2010 to 2012, as demonstrated in Table 2. Figures for township court expenditures were not available for calendar year 2013 at the time this report was prepared.

<b>TOWNSHIP</b>	<b>TOTAL EXPENDITURES</b>			
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>% CHG 2010 to 2012</b>
CENTER	\$374,036	\$460,400	\$630,984	68.70%
DECATUR	\$405,406	\$340,833	\$341,277	-15.82%
FRANKLIN	\$250,928	\$230,467	\$262,964	4.80%
LAWRENCE	\$300,446	\$290,900	\$312,389	3.98%
PERRY	\$254,701	\$249,509	\$275,900	8.32%
PIKE	\$417,907	\$395,329	\$329,794	-21.08%
WARREN	\$284,860	\$266,775	\$334,859	17.55%
WASHINGTON	\$398,887	\$354,400	\$525,832	31.82%
WAYNE	\$245,738	\$238,262	\$252,372	2.70%
COUNTY TOTAL	\$2,932,909	\$2,826,875	\$3,266,371	11.37%

<sup>3</sup> Figures for expenditures by the townships for operation of the small claims courts were obtained from the Indiana Supreme Court Division of State Court Administration.

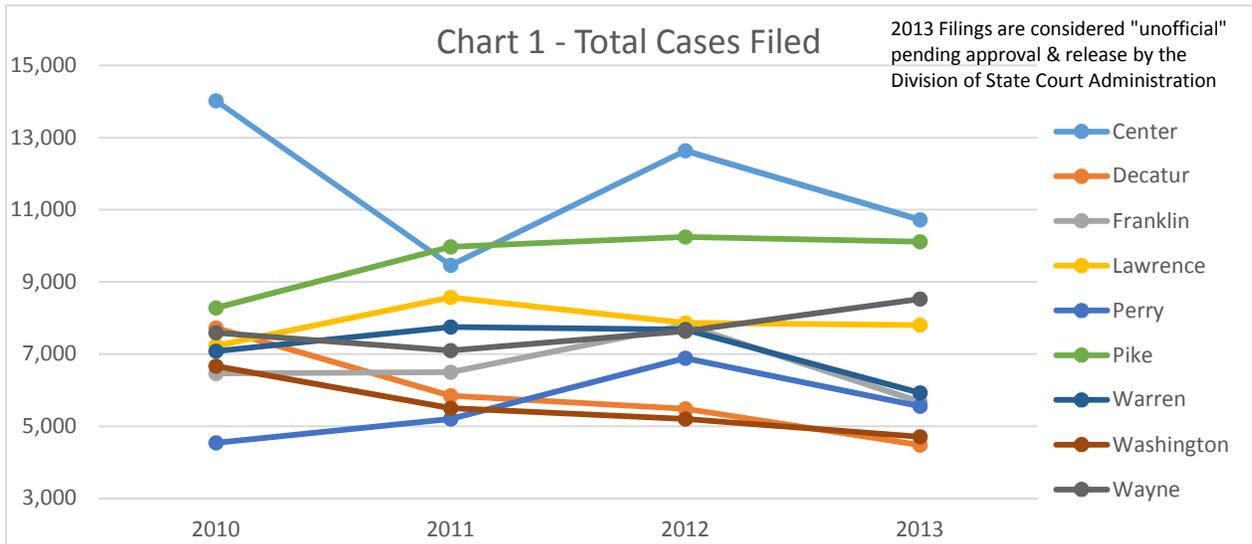
Pike and Decatur Townships showed reductions in total operating expenditures for the small claims courts with declines of 21.08% and 15.82% respectively. Each of the other seven townships experienced increases in court operating expenses; the cost of operation in the Center Township Court rose by 68.7% which represented the largest rate of increase. Much of that increase occurred in 2012 and may be attributable in part to hiring new staff members, procuring new furnishing and reconfiguring court space, as ordered in the Special Judge's Decree of June 11, 2012.

### C. ANNUAL CASE FILINGS

From 2010 through 2013, with the exception of 2012, total small claims cases filed in the townships courts has declined by almost 9 percent. However, this decline in case filings has not occurred evenly throughout the nine township courts. In fact, while several courts have seen sizeable increases in their case filings from 2010 to 2013, only the Wayne Township court showed an increase in case filings from 2012 to 2013. Based upon this data and observations provided by local practitioners, there appears to have been a general movement of debt collection cases from the small claims courts to the Superior Court. In addition, because of the previous rule that permitted such cases to be filed in any of the townships the data likely also reflects movement of debt collection cases among the township courts. The four-year trend is presented in Table 3, below:

<b>Table 3 TOTAL CASES FILED</b>					
<b>TOWNSHIP</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013<sup>4</sup></b>	<b>% CHG</b>
CENTER	14,021	9,457	12,639	10,721	-23.54%
DECATUR	7,718	5,847	5,482	4,478	-41.98%
FRANKLIN	6,461	6,499	7,800	5,672	-12.21%
LAWRENCE	7,226	8,567	7,866	7,800	7.94%
PERRY	4,542	5,202	6,887	5,548	22.15%
PIKE	8,277	9,967	10,247	10,112	22.17%
WARREN	7,082	7,750	7,674	5,926	-16.32%
WASHINGTON	6,660	5,499	5,200	4,705	-29.35%
WAYNE	7,594	7,098	7,631	8,525	12.26%
COUNTY TOTAL	69,581	65,886	71,426	63,487	-8.76%

<sup>4</sup> Case filing figures were obtained from the Indiana Supreme Court, Division of State Court Administration. However, 2013 figures have not yet been published and should be considered unofficial.



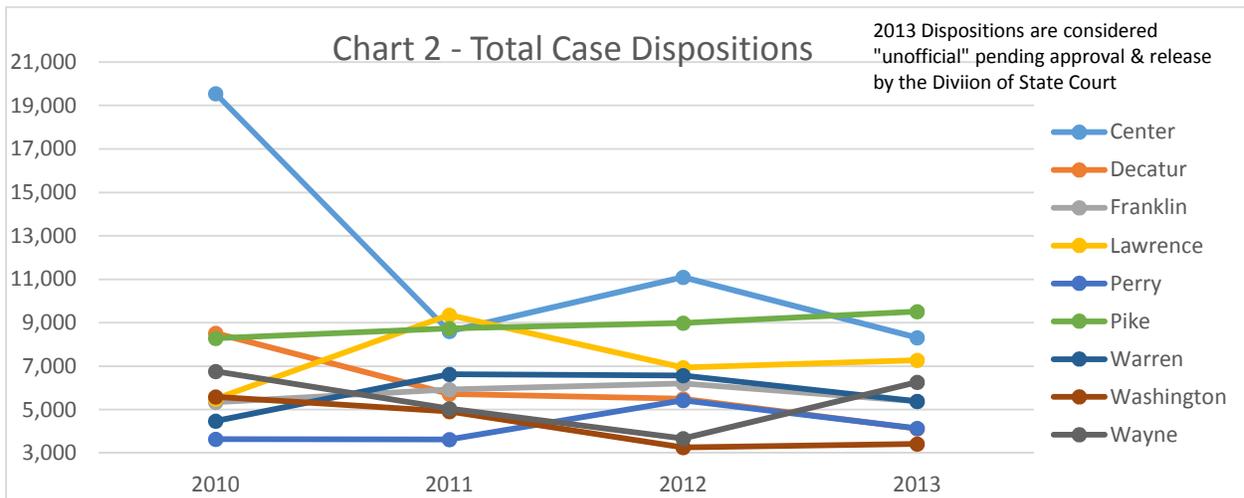
Despite an increase in filings during 2012, about eighty percent of which took place in Center and Franklin Townships, overall small claims cases filed in Marion County declined by 8.76% from 2010 through 2013. Changes in the individual townships ranged from a decline of 41.98% in Decatur Township to an increase of 22.17% in Pike Township.

One of the attorney practitioners interviewed reported that the decline in case filings was attributable, at least in part, to changing collection policies within the consumer credit financing industry in response to regulatory pressure from the federal government and that the reduced collection activity was likely to be the norm for the foreseeable future.

**D. ANNUAL CASE DISPOSITIONS**

While the filing of a case denotes its initiation in a court, the disposition of a case marks its conclusion. The rules for determining when a case is concluded from a statistical standpoint are issued by the Division of State Court Administration. Dispositions in small claims cases can be attributable to the entry of a judgment after a bench trial or by default, dismissal or other reasons. It should be noted that, while a case may be disposed statistically, further hearing may continue to take place. Case dispositions by Township Court for the period from 2010 through 2013 are presented in Table 4, below:

Table 4		TOTAL CASES DISPOSED			
TOWNSHIP	2010	2011	2012	2013 <sup>5</sup>	% CHG
CENTER	19,550	8,614	11,092	8,320	-57.44%
DECATUR	8,516	5,723	5,509	4,125	-51.56%
FRANKLIN	5,343	5,926	6,203	5,385	0.79%
LAWRENCE	5,489	9,362	6,936	7,270	32.45%
PERRY	3,644	3,625	5,426	4,149	13.86%
PIKE	8,282	8,742	8,996	9,522	14.97%
WARREN	4,475	6,632	6,578	5,387	20.38%
WASHINGTON	5,588	4,912	3,269	3,419	-38.82%
WAYNE	6,759	5,045	3,667	6,265	-7.31%
COUNTY TOTAL	67,646	58,581	57,676	53,842	-20.41%



For the period from 2010 through 2013, total annual dispositions by the nine township courts decreased by over 20%. During that same period, annual case dispositions in the Lawrence Township Court increased by over 32 percent while declining by over 57 percent in Center Township. The county-wide and Center Township rates of change may be attributable to an inordinately high number of case disposition reported in 2010 by Center Township; the reason for that unusual level of activity 2010 figure is not known to the NCSC consultant. One possible explanation regarding the high number of dispositions is that it may include data entry to correct case records in the Odyssey system for cases that had

<sup>5</sup> Case disposition figures were obtained from the Indiana Supreme Court, Division of State Court Administration. However, 2013 figures have not yet been published and should be considered unofficial.

actually been disposed in previous years but which were not reflected as disposed in the data converted from the prior case management system.

## E. CASE CLEARANCE RATE

Perhaps the most common general measure of a court's performance, the clearance rate presents a comparison of the case dispositions divided by case filings over a period of time.

$$(Case Dispositions \div Case Filings) \times 100 = Case Clearance Rate$$

It is typically expressed as a percentage with one hundred percent indicating that case dispositions and case filings were equal for the selected period. Case clearance rates below one hundred percent indicate the number of cases disposed is fewer than the number of cases filed and may indicate the potential for a backlog in the court's caseload and increasing average lengths of time to disposition. Because clearance rates can vary from one period to the next for various reasons, it is common to consider trends over successive periods rather than a single period of time. Table 5 presents the calculated clearance rates for each of the township courts, based on the annual case filing and case disposition figures for the four year period from 2010 through 2013.

Table 5		CASE CLEARANCE RATE			
TOWNSHIP	2010	2011	2012	2013 <sup>6</sup>	
CENTER	139%	91%	88%	78%	
DECATUR	110%	98%	100%	92%	
FRANKLIN	83%	91%	80%	95%	
LAWRENCE	76%	109%	88%	93%	
PERRY	80%	70%	79%	75%	
PIKE	100%	88%	88%	94%	
WARREN	63%	86%	86%	91%	
WASHINGTON	84%	89%	63%	73%	
WAYNE	89%	71%	48%	73%	
COUNTY TOTAL	97% <sup>7</sup>	89%	81%	85%	

<sup>6</sup> Case filing and disposition figures were obtained from the Indiana Supreme Court, Division of State Court Administration. However, 2013 figures have not yet been published and should be considered unofficial.

<sup>7</sup> If Center Township's unusually high 2010 clearance rate of 139% is excluded due to the unresolved questions about the accuracy of the 2010 figures, the county total clearance rate would be 86.6%. [ (67,646 – 19,550) / (69,581 – 14,021) = .8656 ] See Tables 3 and 4.

The data in Table 5 appears to indicate that the township courts may not be keeping up with the workload associated with the level of case filings. In general, consistent patterns of case clearance rates below one hundred percent may be attributable to many reasons such as any or all of the following:

- Accuracy and integrity of data in the case management system;
- Statistical rules for counting filings and dispositions;
- Case scheduling practices;
- Continuance policies and practices;
- Rising level of case filings;
- Insufficient level of judicial and/or staff capacity.

The reasons for the level of clearance rates in the various township courts over the past three years was not able to be discerned from the data provided. It should be noted that many cases which are disposed for statistical purposes may include post-judgment activities which consume available judicial and staff time.

#### F. COST PER CASE

A less-commonly used measure of court performance is cost per case. This calculation provides a measure of the cost, on average, for the court to process a single case. The cost per case measure is typically calculated using the number of cases filed, with the assumption that case filings and case dispositions will be relatively equal, and is provided in Table 6, below.

$$\text{Court Expenditures} \div \text{Cases Filed} = \text{Cost per Case Filed}$$

<b>Table 6</b>	<b>COST PER CASE FILED</b>			
<b>TOWNSHIP</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>% CHG</b>
CENTER	\$27	\$49	\$50	87.14%
DECATUR	\$53	\$58	\$62	18.52%
FRANKLIN	\$39	\$35	\$34	-13.19%
LAWRENCE	\$42	\$34	\$40	-4.48%
PERRY	\$56	\$48	\$40	-28.56%
PIKE	\$50	\$40	\$32	-36.26%
WARREN	\$40	\$34	\$44	8.48%
WASHINGTON	\$60	\$64	\$101	68.84%
WAYNE	\$32	\$34	\$33	2.20%
COUNTY TOTAL	\$42	\$43	\$46	8.49%

It is normal for cost per case calculations to fluctuate from one period to another as the level of case filings rise or fall and as total expenditures vary based on changes in costs of operation. Because of this variability, cost per case should be considered over successive periods and in conjunction with statistical data on case filings and financial information, such as changes in staffing and salary rates or other significant expenditures, to provide context.

However, because the case filings have not been declining as rapidly as case dispositions in the township courts over the past four years and the case clearance rates are below 100%, it is also helpful to calculate the cost per case based on the number of cases disposed. Those calculations are presented in Table 7:

$$\text{Court Expenditures} \div \text{Cases Disposed} = \text{Cost per Case Disposed}$$

<b>Table 7</b>		<b>COST PER CASE DISPOSED</b>		
<b>TOWNSHIP</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>% CHG</b>
CENTER	\$19	\$53	\$57	197.33%
DECATUR	\$48	\$60	\$62	30.13%
FRANKLIN	\$47	\$39	\$42	-9.73%
LAWRENCE	\$55	\$31	\$45	-17.72%
PERRY	\$70	\$69	\$51	-27.25%
PIKE	\$50	\$45	\$37	-27.35%
WARREN	\$64	\$40	\$51	-20.03%
WASHINGTON	\$71	\$72	\$161	125.34%
WAYNE	\$36	\$47	\$69	89.30%
COUNTY TOTAL	\$43	\$48	\$57	30.62%

## **G. TOWNSHIP COURT REVENUES & EXPENDITURES**

For a number of years, there has been a common perception, usually critical, that the townships were operating the small claims courts primarily for the purpose of generating revenue which was used to supplement their general funds. The administration of justice should never be viewed as a revenue generating enterprise. Courts must be operated independently in order to ensure that they can make decisions that are fair, equitable and in accordance with the law, without regard for generating revenue. This is no less a foundational issue in the small claims courts as it is in the Superior, Circuit and appellate

courts. Because of the large number of citizens whose involvement with the judiciary is in the limited jurisdiction courts, such as small claims, widespread perceptions regarding the emphasis of generating revenues degrade public trust and confidence across all types of courts.

Each of the township courts collects revenue in the form of the various fees for each case filed, and other ancillary services, which includes a variety of individual components. These fees are established by the state legislature and are collected by the courts pursuant to statute. Although the fee structure for the township courts in Marion County varies somewhat from that applicable to small claims cases in other counties, the townships do not have the authority to set the rates. The revenues collected are broken down and sent to the Townships, Marion County and the State of Indiana according to a statutory distribution schedule.

The total filing fee, and all of its associated components as statutorily created, are broken down in Table 8 on the following pages. In addition to providing the breakdown for the Marion County small claims courts, Table 8 also provides a comparison of those costs with the Superior and Circuit Courts throughout Indiana.

Table 8 –Small Claims Filing Fee Components & Distribution	MARION COUNTY TOWNSHIP COURTS			SUPERIOR/CIRCUIT COURTS THROUGHOUT INDIANA		
	Fee Type	Amount	Distribution	Total	Amount	Distribution
Service of Process Fee	\$13.00	TOWNSHIP CONSTABLE	\$13.00	\$10.00	COUNTY GENERAL FUND	\$10.00
Pro Bono Legal Services Fee	\$1.00	INDIANA BAR FOUNDATION (Passed through the state auditor to the Indiana Bar Foundation)	\$1.00	\$1.00	INDIANA BAR FOUNDATION (Passed through the state auditor to the Indiana Bar Foundation)	\$1.00
Document Storage Fee	\$2.00	MARION COUNTY - CLERK'S RECORD PERPETUATION FUND	\$2.00	\$2.00	COUNTY CLERK'S RECORD PERPETUATION FUND	\$2.00
Automated Record Keeping Fee	\$7.00	STATE - USER FEE FUND	\$7.00	\$5.00	STATE - USER FEE FUND	\$5.00
				\$2.00	COUNTY CLERK'S RECORD PERPETUATION FUND	\$2.00
Court Administration Fee	\$3.00	STATE GENERAL FUND	\$19.25	\$5.00	STATE GENERAL FUND	\$25.00
Judicial Salary Fee (State Judges)	\$11.25			\$15.00		
Public Defense Administration Fee	\$5.00			\$5.00		

Table 8, continued						
Judicial Insurance Adjustment Fee	\$1.00	STATE JUDICIAL INSURANCE ADJUSTMENT ACCOUNT	\$1.00	\$1.00	STATE JUDICIAL INSURANCE ADJUSTMENT ACCOUNT	\$1.00
Court Administration	\$ 2.00	TOWNSHIP GENERAL FUND	\$42.75	N/A	N/A	N/A
Judicial Salary Fee (Township Judges)	\$ 3.75			N/A	N/A	N/A
Docket Fee	\$37.00			35.00		\$35.00
Total:	\$86.00		\$86.00	\$81.00		\$81.00

The revenues collected by the nine township small claims courts for the years 2010 through 2013 are presented in Tables 9 through 12. Official revenue information for the year 2013 has not yet been published by the Indiana Supreme Court, Division of State Court Administration so the figures presented are unofficial. The local revenue figures do not include the service of process fees which are designated for the township constables.

<b>Table 9 – 2010 Small Claims Court Revenues</b>				
<b>Township</b>	<b>State</b>	<b>County</b>	<b>Local <sup>8</sup></b>	<b>Total Revenues</b>
CENTER	330,623	27,842	625,682	984,147
DECATUR	183,370	15,412	377,419	576,201
FRANKLIN	153,449	12,922	293,147	459,517
LAWRENCE	175,932	14,413	313,846	504,191
PERRY	110,879	9,344	213,655	333,877
PIKE	190,637	16,552	380,768	587,957
WARREN	167,220	14,068	316,876	498,163
WASHINGTON	155,468	13,092	286,793	455,352
WAYNE	139,721	11,766	263,511	414,999
TOTAL	\$1,607,298	\$135,411	\$3,071,695	\$4,814,404

<b>Table 10 – 2011 Small Claims Court Revenues</b>				
<b>Township</b>	<b>State</b>	<b>County</b>	<b>Local <sup>7</sup></b>	<b>Total Revenues</b>
CENTER	296,339	24,500	555,179	876,018
DECATUR	140,620	11,652	285,076	437,348
FRANKLIN	156,071	12,960	297,032	466,063
LAWRENCE	206,890	17,150	383,254	607,293
PERRY	127,266	9,989	226,581	363,836
PIKE	240,838	19,924	455,660	716,422
WARREN	186,408	15,430	358,907	560,745
WASHINGTON	131,211	10,874	236,632	378,717
WAYNE	171,999	14,260	310,873	497,132
TOTAL	\$1,657,642	\$136,739	\$3,109,194	\$4,903,575

<sup>8</sup> Excludes service of process fees which are designated for the constables.

<b>Table 11 – 2012 Small Claims Court Revenues</b>				
<b>Township</b>	<b>State</b>	<b>County</b>	<b>Local <sup>7</sup></b>	<b>Total Revenues</b>
CENTER	311,729	35,536	572,402	919,667
DECATUR	137,588	10,920	263,506	412,014
FRANKLIN	194,635	15,612	362,716	572,963
LAWRENCE	193,636	15,560	350,975	560,171
PERRY	176,678	14,268	324,202	515,148
PIKE	259,270	20,482	475,290	755,042
WARREN	187,610	15,088	354,045	556,743
WASHINGTON	128,058	10,301	226,451	364,810
WAYNE	182,884	14,700	323,530	521,114
TOTAL	\$1,772,088	\$152,467	\$3,253,117	\$5,177,672

<b>Table 12 – 2013 Small Claims Court Revenues (Unofficial)</b>				
<b>Township</b>	<b>State</b>	<b>County</b>	<b>Local <sup>7</sup></b>	<b>Total Revenues</b>
CENTER	\$287,412	\$21,122	\$483,726	\$792,260
DECATUR	\$122,594	\$8,896	\$214,491	\$345,981
FRANKLIN	\$153,781	\$11,401	\$274,363	\$439,545
LAWRENCE	\$213,190	\$15,598	\$357,022	\$585,810
PERRY	\$150,767	\$11,042	\$256,400	\$418,209
PIKE	\$275,165	\$20,198	\$467,309	\$762,672
WARREN	\$162,727	\$12,010	\$282,876	\$457,613
WASHINGTON	\$128,487	\$9,424	\$210,306	\$348,217
WAYNE	\$229,384	\$16,830	\$373,443	\$619,657
TOTAL	\$1,723,507	\$126,521	\$2,919,936	\$4,769,964

The township courts collect a sizeable amount of revenue for various state funds, Marion County and the Indiana Bar Foundation in addition to the amounts that are retained for the township general funds. Over the four-year period from 2010 through 2013, this amounted to approximately \$20 million total revenue, of which over \$12 million was distributed to the township general funds. The townships are also responsible to provide the appropriated funds to operate the courts.

Table 13 – 3-year Revenue/Expenditure Comparison				
Township	Local Revenue Over/Under Expenditures 2010	Local Revenue Over/Under Expenditures 2011	Local Revenue Over/Under Expenditures 2012	3 Year local Revenue Over/Under Expenditures
CENTER	251,646	94,779	-58,582	287,843
DECATUR	-27,987	-55,756	-77,771	-161,514
FRANKLIN	42,219	66,565	99,752	208,536
LAWRENCE	13,400	92,354	38,586	144,340
PERRY	-41,047	-22,928	48,302	-15,673
PIKE	-37,139	60,331	145,496	168,688
WARREN	32,016	92,132	19,186	143,334
WASHINGTON	-112,094	-117,768	-299,381	-529,243
WAYNE	17,773	72,610	71,158	161,541
TOTAL	\$138,786	\$282,319	-\$13,254	\$407,851

As seen in Table 13, above, the Franklin, Lawrence, Warren and Wayne Township Courts consistently collected more revenue for their township general fund than the amount they spent in operations. The Decatur and Washington Township Courts consistently collected less local revenue than the amount they spent in operations. Center, Perry and Pike Township Courts had mixed year to year results with one or more years in which they spent more funds in operations than were collected in local revenue. For the three year period however, Decatur and Washington collected significantly less, and Perry a relatively minor amount less, in local revenue than was spent in operations. This likely coincides with the steady decline in case filings in the Decatur and Washington Township Courts and a one-year large increase in case filings in Perry Township during 2012.

While these amounts vary widely, and sizeable amounts were contributed to individual townships in particular years, the data does not seem to indicate that the townships operated the small claims courts for the primary purpose of revenue generation.

## H. 2014 CASE FILINGS

The change to the Indiana Small Claims Rule 12 concerning venue, effective January 1, 2014, appears to have had an effect on the number of small claims cases filed in the various township courts. The change to the rule based the determination of correct venue on the township where the transaction or occurrence took place, where the obligation was incurred or is to be performed, or where the defendant resides or is employed at the time the complaint is filed. Previously, a case could be filed in any of the nine township courts within Marion County.

Through the first four months of 2014, we have seen a significant decline in cases filed relative to January through April of 2013. This is true for all township courts with the exception of Perry, in which case filings are relatively flat, and Washington township, which has experienced a sizeable increase in case filings during this four month period. See Table 14.

<b>Table 14 – Cases Filed 2013 &amp; 2014 January to April (Unofficial Figures)</b>			
<b>Court Name</b>	<b>Jan - April 2013 Cases Filed</b>	<b>Jan - April 2014 Cases Filed</b>	<b>% Change</b>
CENTER TOWNSHIP	3,800	2,680	-29.5%
DECATUR TOWNSHIP	1,446	424	-70.7%
FRANKLIN TOWNSHIP	2,962	483	-83.7%
LAWRENCE TOWNSHIP	2,316	2,300	-0.7%
PERRY TOWNSHIP	1,544	1,582	2.5%
PIKE TOWNSHIP	3,331	1,758	-47.2%
WARREN TOWNSHIP	2,245	2,030	-9.6%
WASHINGTON TOWNSHIP	1,516	2,046	35.0%
WAYNE TOWNSHIP	2,793	3,031	8.5%
<b>TOTAL</b>	<b>21,953</b>	<b>16,334</b>	<b>-25.6%</b>

Using the January through April 2014 unofficial case filings to project total filings for the entire calendar year, provides the results provided in Table 15, on the next page:

<b>Table 15 – Cases Filed 2013 &amp; Projected 2014</b>			
<b>Court Name</b>	<b>2013 Cases Filed</b>	<b>Projected 2014 Case Filings</b>	<b>% Projected Change</b>
CENTER TOWNSHIP	10,721	8,040	-25.0%
DECATUR TOWNSHIP	4,478	1,272	-71.6%
FRANKLIN TOWNSHIP	5,672	1,449	-74.5%
LAWRENCE TOWNSHIP	7,800	6,900	-11.5%
PERRY TOWNSHIP	5,548	4,746	-14.5%
PIKE TOWNSHIP	10,112	5,274	-47.8%
WARREN TOWNSHIP	5,926	6,090	2.8%
WASHINGTON TOWNSHIP	4,705	6,138	30.5%
WAYNE TOWNSHIP	8,525	9,093	6.7%
TOTAL	63,487	49,002	-22.8%

The projected percentage change for the year versus a four month period is similar for six of the courts but varies a large amount in the Lawrence, Perry and Warren Courts. These variations are likely due to fluctuations in the rate of case filing trends throughout 2013. It is reasonable to conclude that not only did the venue change rule have some effect in shifting case filings out of some townships and into others but that throughout Marion County, the overall decline in case filings seen in 2013 continued steadily throughout the early months of 2014.

#### IV. COMPARATIVE JURISDICTIONS

Additional insight into small claims court operations in Marion County can be gained by looking at how similar jurisdictions have organized their small claims court operations. It should be noted that most small claims courts are a part of the broader state-wide judicial system as they are in the other 91 counties of Indiana. Nine counties of similar population, using the 2011 official estimate from the United States Census Bureau, are compared to Marion County in Table 16, below. According to the 2011 population estimates, Marion County had 903,393 residents. Population estimates for the other nine counties ranged from 800,362 in Hamilton County, Ohio to 998,692 in St. Louis County, Missouri. Honolulu County Hawaii is the only comparative county that has a consolidated City/County government.

Of the small claims court systems in these nine comparative counties, five function as a division or department of the general jurisdiction court. These are all states in which there is a single level state trial court system. The small claims courts in the other four counties function as a division or department of the limited jurisdiction trial court.

Of the nine comparative counties, five hear small claims cases in a single court location<sup>9</sup> and two of the counties have two small claims court locations. The only counties that approach the nine locations found in Marion County is Honolulu County Hawaii and Kern County California which each have seven separate court locations at which small claims cases are heard. However, Honolulu County covers a geographical land area that is about 65% larger than Marion County, is mountainous and has a less developed road system. Kern County covers over 8,131 square miles – more than twenty times the geographical area of Marion County.

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<sup>9</sup> These counties have multiple judges/courtrooms that are used to hear small claims cases but they are all housed in a single courthouse or court complex.

<b>Table 16 – Small Claims Courts in Comparable Counties</b>					
<b>COUNTY - STATE</b>	<b>LAND AREA (miles <sup>2</sup>)</b>	<b>POPULATION (2011 Official Estimate)</b>	<b>COURT TYPE/JURISDICTION</b>	<b>SMALL CLAIMS COURT LOCATIONS</b>	<b>SERVICE of PROCESS</b>
St. Louis - MO	507.8	998,692	Circuit Court – General	1	Personal or Certified Mail
Honolulu – HI	600.74	963,607	District Court - Limited	7	Personal or Certified Mail
Milwaukee - WI	241.4	952,532	Circuit Court - General	1	Personal or Certified Mail
Wake - NC	835.22	929,780	District Court - Limited	1	Sheriff or Certified Mail
Du Page - IL	327.5	923,222	Circuit Court - General	1	Sheriff or Certified Mail
Pinellas - FL	273.8	917,398	Circuit Court - General	2	Personal or Certified Mail
Marion - IN	396.3	903,393	Township Small Claims Courts	9	Constable or Certified Mail
Prince George’s - MD	482.69	871,233	District Court – Limited	2	Personal or Certified Mail
Kern - CA	8131.92	851,710	Superior Court – General	7	Personal or Certified Mail
Hamilton - OH	405.91	800,362	Municipal Court - Limited	1	Personal or Certified Mail

All of the comparative counties allow for service of process by either personal service (some specifically indicate that the Sheriff’s Department will serve process while others indicate that personal service can be performed by anyone over 18 years of age who is not a party to the case, or by a private process server) or by certified mail.

Marion County has independently elected constables who provide personal service in all small claims cases. During the interviews, small claims judges and practitioners spoke highly of the work done by the constables. However, no data was available to compare the relative effectiveness of service by constables as compared to sheriff’s service or certified mail.

## **V. GOVERNANCE OF THE SMALL CLAIMS COURTS**

Each of the Township Courts operates separately from one another and is administered by the small claims judge with varying degrees of control by the individual township trustees. While each of the township courts operates in accordance with the applicable statutes and rules regarding small claims cases in Marion County, significant administrative and procedural differences have proliferated.

The concerns about the small claims court system in Marion County; namely, equal accessibility including alleged forum shopping by plaintiffs, fairness in the assessment of attorney fees, perceived favoritism toward plaintiff's attorneys, courtroom procedures involving plaintiff's attorneys and/or court staff, and a widespread view that the courts are treated as revenue generators for the townships have been present for at least the past twenty years. They were acknowledged by the Indianapolis Bar Association in the early 1990's and have not yet been adequately addressed or resolved. Many of these issues are a likely result of separate operations and the lack of a consistent, authoritative governance structure. Prompted by the Task Force report released in 2012, there have been positive efforts undertaken by the small claims judges along with the Judge of the Circuit Court. These include the development of more standardized forms and uniform practices, revision of the local rules and designation of a presiding judge from within their ranks. The small claims judges have been taking steps toward developing more consistency in their operations and addressing the problems that were identified.

The measures taken by the small claims judges, in addition to the venue rule change approved by the Indiana Supreme Court, will help but they likely will not provide a long-term resolution of all of the issues with the Marion County small claims court system. Agreements regarding the use of forms and court practices may only be effective so long as the current judges remain in office. The status of nine courts receiving funding and operating in nine different ways, albeit within a loose association, would continue. The measures taken do not adequately strengthen the basic governance structure of the small claims courts. In addition, the measures do not firmly establish the independence of the small claims courts from the township trustees, eliminate the possibility of the courts functioning as a supplementary revenue source for the townships or avoiding potential favoritism toward high-volume filers.

## VI. PROPOSED PLANS & RECOMMENDATIONS

Structural reform of the Marion County small claims courts should be designed to address the previously identified problems within a model that offers long-term stability and includes for effective governance. This would allow for consistency in additional procedural and organizational reforms that might be considered going forward.

1. **TRANSITION SMALL CLAIMS INTO THE SUPERIOR COURT:** The structure that best meets these objectives is for the small claims courts to transition into a unified section within the Civil Division of the Superior Court. This would provide ongoing assurance that small claims litigants in Marion County receive access to justice comparable to all other Indiana counties, judicial officers hearing these cases are not unduly influenced or controlled by other branches of government, and that consistency in how such cases are processed and adjudicated is maintained. Incorporating the township courts into a Small Claims Division of the Marion County Superior Court requires new legislation including the repeal of Indiana Code Title 33, Article 34, which establishes the small claims courts in the township level of government. While this approach provides the best prospects for long-term reform of the Marion County Small Claims system, reservations have been expressed by a number of stakeholders regarding the likelihood that it would survive the legislative process.

Key components of such a transition would include:

- The Small Claims Courts could be set up as a separate division within the Superior Court or as a sub-division of the Civil Division. There should also be a designated judge serving on the Executive Committee as chair of the Small Claims Division or, if established as a sub-division of the Civil Division, to serve as a liaison to the Civil Division chair.
- Additional Superior Court judicial officers would need to be established to hear small claims cases. It may be possible to convert existing township judges to Superior Court judicial officers. These should be full-time positions but further analysis would have to be undertaken to determine the number and type needed. For example, some counties in Indiana utilize magistrates to perform certain judicial functions in small claims. Use of magistrates may represent potential financial savings to Marion County although Indiana statutes require that a judge sign all judgments.

- Small claims proceedings would be conducted under the Indiana Small Claims Rules, maintaining the simplicity and informality of process which is currently provided. Local rules could be approved as needed.
- Court support operations would be transferred to the Clerk's Office and the Office of the Court Administrator. Additional staffing may be necessary; it further analysis would have to be undertaken to determine the number and type needed. It may be desirable to appoint some of the existing township court staff to these positions depending upon the skills needed.
- The Odyssey case management system would be used to track events and record financial information for all small claims cases. The Clerk's Office would assume responsibility for financial reporting and distribution of revenues collected as is currently done in its duties related to Superior Court.
- The small claims courts would become courts of record. Appeals would be taken directly to the Court of Appeals, as is done in all other counties throughout Indiana.
- A benefit of the current township-based structure is that cases are heard throughout the county in locations that are usually convenient for many litigants. It may be desirable to maintain a process by which cases are heard in a number of outlying locations. This may include utilizing some of the township court facilities to hear cases.
- All new cases should be filed centrally with the Clerk's Office. If outlying court facilities will be used, a system should be developed to assign cases to those locations in a way that preserves convenience for the majority of litigants.
- Courtroom security would likely become the responsibility of the Sheriff's Department, although this may be dependent upon whether existing township facilities are used.
- Process of service could be completed in a variety of ways; Sheriff's Department, Township Constables or certified mail. The plaintiffs can choose the option they prefer and the associated fees would be distributed accordingly.

2. **JOINT PLAN FOR REFORM (AS ENDORSED BY SEVEN SMALL CLAIMS JUDGES):**

During the course of this study, the Marion County Small Claims Judges were provided with several opportunities to provide their insight and perspectives. As a part of this process, a 'Joint Plan for Reform' was prepared and endorsed by seven of the nine judges. This plan includes some overlap and similarity to a transition to Superior Court as described above, particularly with respect to the central filing concept. It also raise the issue of increasing the small claims jurisdictional limit, which would likely be a statewide question, and handing non-criminal offenses and infractions in the small claims courts. However, there are distinct differences with respect to the overall organizational structures. This joint plan provides a creative approach for dealing with

the issues of determining venue and equalization of caseloads which preserves the current number of separate courts geographically placed in each of the nine townships.

The entirety of the Joint Plan for Reform, as prepared by the judges, is included as the appendix to this report.

**JOINT PLAN FOR REFORM**

1. Judges shall serve full-time, with salaries fixed by statute (Source: Plan B of Task Force Report);

2. The Small Claims Courts shall become courts of record (Source: Plan B of Task Force Report);

3. Appeals shall go directly to the Indiana Court of Appeals (Source: Plan B of Task Force Report);

4. The Small Claims Courts shall have sole authority to hire, supervise, and fire court personnel (Source: In Re Mandate of Funds For Center Township Of Marion County Small Claims Court Order For Mandate And Mandate of Funds, 989 N.E.2d 1237 (Ind.2013) and Plan B of Task Force Report);

5. The Small Claims Courts shall maintain sole control over all court funds ( Source: In Re Mandate of Funds For Center Township Of Marion County Small Claims Court Order For Mandate And Mandate of Funds, 989 N.E.2d 1237 (Ind.2013) and Plan B of Task Force Report);

6. The Small Claims Courts shall prepare their own budgets for approval by the township boards ( Source: In Re Mandate of Funds For Center Township Of Marion County Small Claims Court Order For Mandate And Mandate of Funds, 989 N.E.2d 1237 (Ind.2013) and Plan B of Task Force Report);

7. Creation of a Presiding Judge for management and administration of the Marion County Small Claims Courts. (Source: New from Joint Plan For Reform);

The Small Claims Judges would select a "Presiding Judge". The Presiding Judge shall have the powers previously reposed in the Circuit Court Judge, Except for those responsibilities identified below and reposed in the "Small Claims Executive Committee".

8. Creation of a "Small Claims Executive Committee" for supervision and administration of the Small Claims Courts in Marion County. (Source: New from Joint Plan For Reform):

The committee would have the following responsibilities: (1) Rule making; (2) Hiring of such employee(s) as required to provide technical assistance and support for the Small Claims Court per approval of any other expenditures deemed necessary for the overall administration of the Small Claims Court, but not for the administration of one division thereof. The Small Claims Executive Committee would consist of the Marion County Small Claims Presiding Judge, the Marion County Circuit Court Judge and a Marion

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County Superior Court Judge appointed by the Executive Committee of the Marion County Superior Court.

9. Creation of the position of Small Claim Court Administrator to provide assistance to the Presiding Judge and the Small Claims Executive Committee (Source: Plan B of Task Force Report) :

10. The Judges shall be elected in the Township and paid in the same manner as a Superior Court Judge. (Source: New from Joint Plan For Reform):

11. Plan for Equalization of Caseloads (Source: New from Joint Plan For Reform):

(A) A clerk for the Marion County Small Claims Courts shall be stationed in the office of the Marion County Clerk, or other location as agreed, hereinafter referred to as the "Central Station".

(B) The clerk at the "Central Station" shall have access to Odyssey and be able to file cases directly into any of the small claims courts that are on Odyssey.<sup>1</sup>

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FIRST ALTERNATIVE PARAGRAPH C:

(C) All consumer debt cases not handled by a designated witness pursuant to Small Claims Rule 8, or other cases as permitted by the Indiana Supreme Court, would be required to be filed at the "Central Station".<sup>2</sup> All other claims shall be filed in accordance with Small Claims Rule 12.<sup>3,5,6,7,8</sup>

SECOND ALTERNATIVE PARAGRAPH C:

(C) All small claims cases are to be filed at the Central Station. In the case of a landlord tenant claim the landlord may elect to file in the Township in which the property is located. Additionally the defendant in a landlord tenant case may elect to have the case transferred to township small claims court for the township in which the property is located as a matter of right. A determination of venue shall be post possession and must be filed within ten (10) days after the possession hearing.<sup>4</sup>

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(D) The Central Station clerk shall be authorized to file cases identified in paragraph C above directly into the nine (9) small claims courts to equalize caseloads according to agreed upon standards.<sup>5,6,7</sup>

(E) The Executive Committee shall establish standards for the distribution of cases to maintain a minimum caseload level in each court.

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(F) The clerk at the “Central Station” shall distribute the filing fees generated at the “Central Station” in accordance with IC 33-34-8-1 and IC 33-34-8-3. (This means the money will follow the cases.)

(G) Arrangements will be required for physical transfer of the court files and distribution of service to the constables.

(H) The Marion County Small Claims Courts shall be considered to be one court for jurisdictional purposes under the Fair Debt Collection Practices Act.

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COMMENTS:

1. In order to be effective all nine (9) Small Claims Courts will need to be functioning on Odyssey.
2. Since the vast majority of consumer debt cases are handled by attorneys who are familiar with filing claims at the clerk’s office there will be little disadvantage to them in requiring them to file small claims consumer debt claims at the “Central Station” pursuant to First Alternative Paragraph C if that paragraph is selected.
3. Selection of First Alternative Paragraph C will require a definition of “consumer debt” for filing in Marion County Small Claims.
4. Selection of Second Alternative Paragraph C and the requirement of random filing for all cases filed in Marion County Small Claims Court will mitigate against allegations of favoritism and bias.
5. The clerk at the “Central Station” shall file cases based upon a blind filing when the clerk is allowed under the agreed upon standards for equalizing caseloads.
6. The agreed upon standards should include a provision for bulk filing to minimize the cost of litigation.
7. IC 33-34-5-1 authorizes the Circuit Court Judge to transfer cases “from one (1) township small claims court to another as necessary”.
8. The calendar of each court should be coordinated to provide that each court is assigned a session for consumer debt that does not overlap with the other courts.

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12. FUNDING: This plan expressly omits a recommendation for funding although the following options are offered for discussion along with the following observations:

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(A). A nominal local administrative fee in the amount of \$3.00 could be assessed as part of the filing fee to finance expenses approved by the Small Claims Court Executive Committee. This would raise \$150,000 at the current rate of filing (50,000 cases) or as much as \$210,000 at previous filing rates (70,000 cases). (Source: New from Joint Plan For Reform):

(B) Currently each township is responsible for payment of the salary of the Small Claims Judge for that township. IC 33-34-8-1(a)(1) provides that 45% of the small claims filing fees are to be paid to the Trustee of the township on a monthly basis. Given that the first \$13.00 of the filing fee is directed to the Constable for service this means that the 9 Marion County Trustees receive 45% of the total filing fees for the small claims courts or \$1,642,500 calculated as follows:

$$\begin{array}{r} 50,000 \text{ cases} \\ \times \text{ \$73 } (\$86.00 - \$13 = \$73) \text{ filing fee per case} \\ \hline \$3,650,000 \text{ total filing fees} \\ \times \text{ .45} \\ \hline \$1,642,500 \text{ total share paid to the trustees} \end{array}$$

During years when 70,000 cases were filed the 9 Marion County Trustees received 45% of the total filing fees for the small claims courts or \$2,299,500 calculated as follows:

$$\begin{array}{r} 70,000 \text{ cases} \\ \times \text{ \$73 } \text{ filing fee per case} \\ \hline 5,110,000 \text{ total filing fees} \\ \times \text{ .45} \\ \hline \$2,299,500 \text{ total share paid to the trustees} \end{array}$$

In the event that the Judges become full time and paid on the same basis as a full time trial judge in the State of Indiana out of the same fund then the Trustees will incur a savings for the judicial salary they no longer have responsibility to pay and it would be appropriate for a portion of the filing fee currently paid to the trustee to be diverted to the fund that would be responsible for payment of the township judges salary thereby offsetting the expense of making the judges full time.

(C) The individual courts could participate in the administration of the plan for equalizing cases by contributing township personnel to the Central Station.

(D) There are approximately 1.4 million “plus” closed Marion County Small Claims cases (20 years x 70,000 annually). There are a substantial number of those cases which are the subject of continued collection activity. How will these cases be stored and administered if the Small Claims Courts are absorbed into the Superior Court system and what will be the cost?

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The joint plan will cause little if any change and incur no additional cost.

(E) There is at least one act of service for each new case that is filed. Additionally there are new acts of service requested for old cases for collection activity on a routine basis. In the event that the courts are absorbed into the Superior Court system the Sheriff will be required to perform at a minimum of 50,000 acts of service for new cases not currently contemplated in the Sheriff's budget or 70,000 acts of service for new cases if the caseload returns to the levels that were experienced prior to the change in rule 12.

Additionally it is not unreasonable to anticipate that the post judgment acts of service per year will at a minimum match the number required for new filings which means that the Sheriff will be required to perform at a minimum of 100,000 acts of service not currently contemplated in the Sheriff's budget or 140,000 acts of service if the caseload returns to the levels that were experienced prior to the change in rule 12.

How will the demand for service on Small Claims cases be paid for if the Small Claims Courts are absorbed into the Superior Court system? There is no change in cost under the joint plan.

How will the demand for service be administered logistically if the Small Claims Courts are absorbed into the Superior Court system? There is no change in the administration and current efficiency under the joint plan.

(F) The joint plan will be supportive of more uniformity in the cost required for staff and facilities for the 9 individual courts and thereby assist with more accountability on how money is spent from funds attributed to the court. It is not unreasonable to assume that savings will be found in this effort.

(G) Meaningful reform in the structure of Marion County Small Claims Courts would support raising the jurisdictional limit from \$6,000 to \$8,000 or \$10,000. It would also support including non-criminal offenses and infractions into the jurisdiction of the Small Claims Courts thereby relieving the Superior Courts from growing caseloads and ultimately save money by avoiding the creation of more Superior Courts.

(H) The current process of selecting Superior Court Judges is under attack in Federal Court. The joint plan would exclude the Small Claims Court system from the criticism that generated the conflict in Federal Court.