

BUDGET NARRATIVE

2011-2013 biennium

Name: The Indiana Supreme Court
Unit of Program Name: Division of State Court Administration
Fund: 10340

Special Judges - County Courts

A. Purpose of Program

To pay travel and reimbursement expenses for senior judges, special judges, and judicial reallocation initiatives. To pay statutory fees for special judge service.

B. Numbers and Profile of Population Served

Ninety-eighty senior judges, all special judges, and all trial court judges subject to caseload reallocation initiatives.

C. Accomplishments for 2009-2010

In December 1996, the Judicial Administration Committee of the Judicial Conference of Indiana produced its Weighted Caseload Study for Indiana's Trial Court Officers to examine and fairly evaluate judicial workloads and availability of judicial resources. Application of the Weighted Caseload measures to current data indicated a serious shortage of judicial resources, which risked translating into congested courts and dissatisfied litigants.

In 1999, the Indiana Supreme Court instituted a plan for reallocation of judicial resources to alleviate this shortage. Under the plan, discrepancies among trial courts both within counties and across county lines were directed to be addressed by locally-tailored reallocation plans to be approved by the Supreme Court. Once each county and judicial district submitted its plan, the Court reviewed it, directed changes to be made as necessary, and permitted the jurisdiction(s) to implement the plan.

During the 2001-2003 and 2004-2005 bienniums, each county and district plan was implemented. Effective in January of 2006, the Supreme Court incorporated this caseload allocation requirement into a mandatory rule. During the 2007-2009 biennium, courts were

required to adjust their caseloads to achieve a variance among courts of not more than .40 based on the weighted caseload system.

The state's senior judge program, created by statute in 1989 to allow retired judges to provide cost-effective services to the trial courts, presently includes 98 senior judges. During 2007, this valuable resource provided 3,805 days of judicial service statewide. In 2008, 3,636 days of service were provided. In 2009, the number of days of service jumped to 4,307, due in part to the retirement of 38 judicial officer by the end of 2008. Although the statutory per diem for each day of this service is paid from the Supreme Court's county judges' salary account, mileage claims and attendant expenses (meals, parking, etc.) are paid from the special judges-county courts budget.

D. Goals for 2011-2013

The Court requests a modest 10% increase in each year of the biennium in travel funds allocated to pay for senior judge travel. The increased use of senior judges to fill vacancies that would otherwise require a pro tem judge at full time pay and to supplant the need for additional judges in courts with high weighted caseloads has resulted in increased cost of travel. This increase however, is still a fraction of what it would cost to fill this judicial need with full-time judges or magistrates. Also, Indiana Code 33-27-4-3 was amended effective July 1, 2010 to make retiring magistrates eligible to serve as senior judges.

E. Relevant Statutes

IC 33-4-8-1 et seq. (Senior Judges)

Ind.Adminstrative Rule 1 (Caseload Allocation Plans)

Ind.Administrative Rule 5 (Senior Judge mileage reimbursement)

Ind.Trial Rule 79 (Special judges-- civil matters)

Ind.Criminal Rules 2.2 and 13 (Special judges-- criminal matters)

IC 33-27-4-3 (magistrates eligible to serve as senior judges)