

ANNUAL REPORT OF THE COMMISSION ON COURTS

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U.S. Department of Justice
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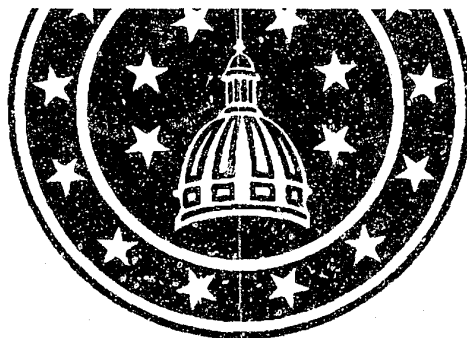
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**Indiana Legislative Services Agency
Room 302, State House
Indianapolis, Indiana 46204**

December, 1994

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NCJRS

AUG 16 1995

COMMISSION ON COURTS

ACQUISITIONS

Membership Roster

Senators

William Soards, Chairperson
Indianapolis

Richard Bray
Martinsville

Willaim Alexa
Valparaiso

William McCarty
Anderson

Representatives

Jesse Villalpando
East Chicago

Earle Howard
Kokomo

Ralph Ayres
Chesterton

Kathy Richardson
Noblesville

Lay Members

Earnest Yelton
Brazil

Mary Lou Schnell
Birdseye

Randall Shepard
Indianapolis

William Overdeer
Columbia City

INDIANA LEGISLATIVE COUNCIL

1994

Representative Michael Phillips
Boonville
Speaker of the House

Representative Paul Mannweiler
Indianapolis

Representative John Gregg
Sandborn

Representative Dennis Heeke
Dubois

Representative William Cochran
New Albany

Representative Mark Kruzan
Bloomington

Representative Dan Pool
Crawfordsville

Representative Richard Mangus
Lakeville

Senator Robert Garton
Columbus
President Pro Tempore of the Senate

Senator Robert Hellmann
Terre Haute

Senator Harold Wheeler
Larwill

Senator Joseph Harrison
Attica

Senator Patricia Miller
Indianapolis

Senator John Sinks
Fort Wayne

Senator James Lewis
Charlestown

Senator William McCarty
Anderson

Arden Chilcote
Executive Director
Legislative Services Agency

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I. STATUTORY DIRECTIVE

IC 33-1-15-7 directs the Commission on Courts to do the following:

(1) Review and report on all requests for new courts or changes in jurisdiction of existing courts. A request for review under this subdivision must be received by the Commission not later than July 1 of each year. A request received after July 1 may not be considered unless a majority of the Commission members agree to consider the request.

(2) Conduct research concerning requests for new courts or changes in jurisdiction of existing courts. This research may include the conduct of surveys sampling members of the bar, members of the judiciary, and local officials to determine needs and problems.

(3) Conduct public hearings throughout Indiana concerning requests for new courts or changes in jurisdiction of existing courts. The Commission shall hold at least one (1) public hearing on each request presented to the Commission.

(4) Submit a report before November 1 of each year to the General Assembly that includes the following:

(A) A recommendation on all requests considered by the Commission during the preceding year for the creation of new courts or changes in the jurisdiction of existing courts.

(B) If the Commission recommends the creation of new courts or changes in jurisdiction of existing courts, the following:

(i) A draft of legislation implementing the changes.

(ii) A fiscal analysis of the cost to the state and local governments of implementing recommended changes.

(iii) Summaries of any research supporting the recommended changes.

(iv) Summaries of public hearings held concerning the recommended changes.

II. INTRODUCTION AND REASONS FOR STUDY

The Commission on Courts was established by the 1991 General Assembly to review the need for additional courts and for changes in the jurisdiction of existing courts. The Commission's creation was a result of the findings of the 1990 Interim Study Committee on Courts and Criminal Law Issues. That Committee found that current statutes contain neither procedures for creating courts nor specific criteria for the General Assembly to use in evaluating the need for new courts. The Committee concluded that this situation had allowed the creation of new courts that could not be justified on the basis of judicial workload. The General Assembly provided for the expiration of the Commission on Courts after four years, on June 30, 1995, thus allowing it to evaluate the work and effectiveness of the Commission at that time.

III. SUMMARY OF WORK PROGRAM

The Commission held six meetings during the interim following the conclusion of the 1994 General Assembly. It held one meeting in July, one in August, two in September, and two in October.

The Commission began first with a consideration of the legislative proposals that had been approved by the Commission the preceding interim and introduced during the 1994 General Assembly, but failed to pass. Many of these proposals were considered by the Commission to be "non-controversial" because there was general agreement on them at the end of the 1994 Session. However, these proposals did not pass because they were made a part of other proposals on which agreement could not be reached.

The Commission divided the issues for consideration into the following categories:

1. Non-controversial proposals from the 1994 Session:

- Issues approved by the Commission on Courts during the 1993 Interim and introduced in the 1994 Session in SB 116, the omnibus courts bill.
- Issues added to SB 116 at various points during the 1994 legislative session; either by committee amendments, floor amendments, or conference committee amendments.

2. New requests submitted to the Commission on Courts at the beginning of its deliberations for the 1994 Interim.

3. Salary increases for judicial officers.
4. Election of judges in Lake and St. Joseph counties.

IV. SUMMARY OF TESTIMONY

A. FIRST MEETING (July 29, 1994):

1. New Requests: The Commission discussed the following new requests received as of the date of this meeting:

(a) Court funding:

- Allen County: Rep. Goeglein requested the consideration of a portion of court fees going to counties for the maintenance of law libraries.
- Tippecanoe County: Rep. Scholer requested the consideration of her HB 1116 from the 1994 General Assembly, concerning funding of courts with a local levy.

(b) New courts:

- Johnson County: Superior Court Judge Cynthia Emkes asked that the Commission consider two alternatives: Abolish the current magistrate and create two new superior courts; or retain the current magistrate and create one new superior court.
- Hamilton County: Representative Richardson presented a letter from the Hamilton County judges requesting the creation of a magistrate position and either a county court or an additional superior court with small claims jurisdiction.
- Kosciusko County: The local officials and county court judge in Kosciusko County submitted a request for the upgrading of the county court to a superior court and the creation of a superior court to replace the existing referee.
- Lake County: Senator Randolph submitted a request for two new courts in Lake County and for changes to the Lake County Judicial Nominating Commission.

(c) Court organization:

- Indiana Tax Court: The Commission agreed to consider a possible problem related to appellate review jurisdiction of the Tax Court raised by Senator Garton at its August meeting and to invite Tax Court Judge Fisher, a representative of the State Board of Tax Commissioners, and others interested in this issue to attend that meeting to explore the issue.
- Marion County unified court: Senator Soards informed the Commission that a major proposal for a unified court system in Marion County, providing for the election of all judges would be presented at the August meeting of the Commission.

(d) Other issues:

- Marion County: Rep. Cantwell requested the consideration of his bill concerning participation by certain court employees in political activities. (This issue was inserted into SB 116 in the House late in the 1994 Session, but had never been discussed by the Commission.)

2. Judicial Compensation: Judge Michael Cook, Marshall Circuit Court, presented the proposal of the Indiana Judges Association, which included the following components:

- A salary of \$95,000 for trial court judges (from \$61,740).
- A salary of \$105,000 for appellate court judges (from \$76,500).
- A salary of \$115,000 for the Supreme Court (from \$81,000).
- An effective date of January 1, 1995.
- A cost of living adjustment, effective January 1, 1996.
- A cap on the amount of county supplements allowed.
- The elimination of special judge fees.

3. Election of Judges in Lake and St. Joseph counties: The Commission noted that, unless there was agreement among the Lake County delegation, there would not be time to hear all of the versions of the election of judges in Lake County that had been proposed at various times in the past.

The Commission also agreed to consider the issue of the election of judges in St. Joseph County if asked to do so by a Commission member or a member of the General Assembly. They emphasized that the Commission's role is in assisting in a resolution of the issue, noting that the election issues are separate issues from those of salary and judicial reform.

The members concluded that the primary issue is how to elect judges in these counties. They stressed that the Commission would be willing to assist in a resolution and urged the interested parties to put specific proposals in writing for consideration by the Commission.

B. SECOND MEETING (August 25, 1994):

1. Fiscal Impact of Proposed Judicial Salary Increase: The Commission reviewed the estimate of the fiscal impact of the proposed salary increase for judges and prosecuting attorneys presented at the first meeting. This estimate included only the current number of courts and prosecutors, and did not take into account changes that might be occasioned by the adoption of any of the new requests presented to the Commission this year. (This fiscal estimate is contained in Appendix A of this report.)

2. Marion County Court Unification: The following individuals spoke in support of the unification of the Marion County superior and municipal courts:

Mr. Leslie Duvall, representing the Indianapolis Bar Association, reviewed the preliminary bill draft (PD 3186) for the Commission members. Mr. Duvall noted that the bill was patterned after SB 533, introduced by Senator Soards in the 1993 General Assembly. The 1993 bill differed in that it had retained the current selection process for the superior and municipal courts.

Mr. Thomas Davis, President of the Indianapolis Bar Association.

Judge James K. Kirsch, Indiana Court of Appeals.

Judge Gary Miller, Marion Superior Court, Criminal Division.

3. Indiana Tax Court Jurisdiction:

Two issues concerning Tax Court jurisdiction had been raised: the first pertaining to the procedures surrounding remand of cases by the Tax Court to the State Board of Tax Commissioners (Tax Board); the second pertaining to appellate review of Tax Court decisions and the composition of the Tax Court. The following persons presented testimony:

- **Judge Thomas Fisher**, Indiana Tax Court, explained the operation of the Tax Court, its jurisdiction, and procedures.

The following individuals testified concerning delays and other perceived problems with the Tax Board's operation:

- **Mr. John Rumble**, Attorney, Columbus, IN. addressed the Commission concerning real estate appeals before the Tax Board. Mr. Rumble told the Commission that the Tax Court should have the same power concerning decisions of the Tax Board as it has with appeals from the Department of Revenue. The Tax Board should be limited in its action on a case received on remand to the issues that were before the Tax Court.

- **Mr. Milo Smith**, President, Tax Consultants, Inc., Columbus, IN, told the Commission that the Tax Board should be required to follow the exact instructions of the Tax Court and be prohibited from making any other changes to the reassessment.

- **Mr. Joseph Geeslin, Jr.**, Attorney, Indianapolis, told the Commission that he had served as Chairman of the Tax Board from 1969 through 1971, and that 90% of his current practice is before the Board. He stressed that the Tax Court is qualified to make final assessment determinations on appeals from the Tax Board, and that justice and equity demand this. The General Assembly should act to stop the remand cycle and let the Tax Court exercise its discretion on the matter before it to make a final determination.

- **Ms. Peggy Boehm**, Chairperson, State Board of Tax Commissioners, reviewed the assessment appeal procedures and remand procedures of the Tax Board.

- **Mr. Larry Stroble**, representing the Taxation Section of the Indiana Bar Association, addressed the issue of the composition of the Tax Court, and proposals presented during the 1994 legislative session to restructure the Tax Court. The Bar Association's preference is for no change to be made to the structure of the Tax Court. If the General Assembly wants more judges on the Tax Court, it should simply expand the Court, rather than use a three-judge panel made up of the Tax Court judge and two judges from the Court of Appeals.

C. THIRD MEETING (September 13, 1994):

Cost of New Requests:

The Commission reviewed the information prepared by the LSA fiscal analyst concerning each request for a court upgrade or new court. The information presented in a memorandum included the following:

- A summary table showing the number of state-paid court officers, the average number of case filings, disposed cases, and the pending cases per court. Each county was ranked from the highest to the lowest for each of these categories.
- A table ranking each county by the average number of filings, less infractions.
- A table showing the filing history for each county requesting either a new court or a new magistrate.

(This memorandum is included in Appendix B of this report.)

(a) Hamilton County Request: A full-time magistrate to begin as soon as possible and an additional superior court to begin January 1, 1997, following election of the judge in the 1996 general election. The proposed new court would have misdemeanor and small claims jurisdiction and would also handle traffic and Class D felony cases.

The following persons presented testimony on the Hamilton County request:

- **Representative Kathy Richardson.**
- **Judge William Hughes, Hamilton Superior Court No. 3.**
- **Judge Wallace Weakley, Hamilton Superior Court No. 4.**

Judge Hughes suggested that perhaps a difference in methodology used was the cause of the 11% decrease in case filings shown by the LSA statistics, noting that he had been unable to reproduce those figures. Because the Hamilton County courts count by the number of defendants, not by the number of counts, he suggested that this could account for the drop in criminal case filings shown in the LSA figures.

(b) Allen County Request: Additional magistrate.

Judge John Surbeck, Allen Superior Court, presented the Allen County request. Judge Surbeck distributed a packet of data to the members showing felony filings, dispositions, and caseload trends in the Criminal Division of the Allen Superior

Court over the past several years.

(c) Jasper and Pulaski Counties' Request: (1) Change the jurisdictional limit of the Pulaski Superior Court from \$3000 to \$6000, as it had been before the county court was upgraded to a superior court. (2) Eliminate one of the two Jasper superior courts.

Representative Michael Smith addressed the Commission concerning the requested changes in Jasper and Pulaski Counties. The primary request being made by Representative Smith was the elimination of a Jasper superior court. He distributed to the members a packet of information concerning data on case filings and dispositions both before and after the creation of the second superior court in 1990, as well as data on the expenses and revenues of the courts. Also included in the packet were Resolutions from the Jasper County Council and Board of Commissioners in support of abolishing Jasper Superior Court No. 2.

Mr. Michael Riley, an attorney from Jasper County, told the Commission that the second Jasper superior court was created to fix the tremendous backlog due to Jasper County being a venue county from Lake.

Mr. Riley emphasized that Jasper county is the only county asking to eliminate a court and services. He stressed that one cannot tell the workload of a court from mere numbers; the complexity of the cases must also be examined to determine a court's workload.

(d) Johnson County Request: The Johnson County proposal was presented in the alternative. Either: (1) Create an additional superior court and retain the current magistrate; or (2) Create two additional superior courts and eliminate the magistrate.

The following persons testified in support of the request:

Judge Cynthia Emkes, Superior Court No. 2.

Judge Coachys, Johnson Superior Court No. 1.

Mr. Larry Jessie, President of the Johnson County Bar Association.

(e) Marion County Request: Political participation by court employees.

Representative Paul Cantwell distributed to Commission members his proposal from the 1994 Session, which was contained in Amendment Number 14 to SB 116.

Representative Cantwell's specific proposal provided that court employees cannot be discouraged from participating in political activity or be denied the right to choose to refrain from engaging in political activity. He told the Commission that, while his proposal was not the only answer, the current restraints on court employees go too far and should be addressed.

(f) Kosciusko County Request: Upgrade the county court to a superior court and establish a new superior court.

Judge James C. Jarrette, Kosciusko County Court, distributed to the Commission a packet of information in support of the request, including statistics on case filings and Resolutions from the Kosciusko County Council, Board of Commissioners, and Bar Association. This plan would allow the new superior courts to use existing courtrooms.

(g) Monroe County Request: Upgrade the current magistrate position to a circuit court. (Because Monroe County has a unified court system, all of the courts are called circuit courts, rather than superior courts as in other counties.)

Judge Douglas Bridges, Monroe Circuit Court, distributed to the Commission a letter of support from Circuit Court Presiding Judge, Elizabeth Mann, and from the President of the Monroe County Bar Association, Mr. Robert Jones.

Judge Kenneth Todd, Monroe Circuit Court, testified to the Commission about the need to convert the magistrate position into another court.

(h) Ripley County Request: Upgrade the current part-time referee position to a superior court.

The following persons testified concerning the need for a superior court in Ripley County:

Judge Carl H. Taul, Ripley Circuit Court.

Mr. Franklin Arkenberg, Ripley County Prosecuting Attorney.

Mr. Steven B. McCombs, Ripley County Public Defender.

(i) Steuben County Request: A magistrate for the Steuben County courts.

Representative Dennis Kruse stated that the requested position could be either part-time or full-time, as the Commission finds appropriate. He distributed a packet of information in support of his request to the Commission.

COMMISSION DISCUSSION:

In conclusion, Senator Soards commented that he believes the system is flawed, with some judges **much** busier than others, and others not utilizing their time properly. He observed that the statistics do not adequately tell the real story, and suggested that perhaps a total freeze on new courts should be considered.

Senator Soards asked the Commission members to remember that the total cost of all of the proposals approved would be funded out of court costs. He stressed that the Commission needs time to put together **all** of the proposals and determine the total cost. This will result in a dramatic increase in court fees, which could have a negative effect on access to the courts by the public, a concern expressed earlier by Chief Justice Shepard.

D. FOURTH MEETING (September 27, 1994):

1. Civil Legal Aid Fund:

The following persons presented testimony concerning creation of a Civil Legal Aid Fund:

Representative Michael Dvorak.

Ms. Deborah Cataldo, Legal Services Program of Northern Indiana.

Ms. Judy Haller, Legal Services of Northwest Indiana.

Mr. Norman Metzger, Executive Director, Legal Services Organization of Indiana.

Ms. Carolyn Sutton, Legal Services Organization of Maumee Valley.

Senator Soards commented that all of the members are aware of the need for some type of funding for civil legal aid for the indigent. However, he said, it is not clear whether such funding should come out of court fees or out of the state general fund.

2. Public Defense Fund:

Mr. Larry Landis, Indiana Public Defender Council, addressed the Commission concerning additional funding for the Public Defense Fund. He distributed to the members a memorandum from Norman Lefstein, Chairman of the Indiana Public Defender Commission, stressing the need to increase funding for the Public Defense Fund.

3. Violent Crime Victims Compensation:

Ms. Catherine O'Connor, Criminal Justice Institute (CJI), spoke to the Commission concerning the funding of the Violent Crime Victims Compensation Fund, which is administered by the Criminal Justice Institute. She told the Commission that the total backlog of amounts due to victims under the fund is now \$4,200,000, making the amount needed per year \$1.2 million. For every dollar of state money, the CJI receives 40% federal funding. Therefore, the true amount needed is actually 60% of the \$1.2 million. The CJI has received \$494,000 this year from federal sources.

4. Funding of Courts With A Local Tax Levy:

Representative Sue Scholer presented 1994 HB 1116, which would fund courts with a local tax levy. She told the members that this would be a useful tool for counties.

5. Indiana Tax Court:

The following persons addressed the Commission on the Indiana Tax Court proposals presented in Preliminary Draft 3320:

Ms. Peggy Boehm, Chairperson, State Board of Tax Commissioners.

At the close of her testimony, Ms. Boehm presented to the Chairperson information requested at the previous meeting concerning the number of cases before the Tax Court that would meet the \$2 million threshold contained in the amendment made to 1994 SB 116 in the House of Representatives. (That amendment would have required cases involving amounts over \$2 million to be heard by a three-judge panel, rather than by the sole judge of the Tax Court. The amendment was contained in SECTION 27 of 1994 Engrossed SB 116, as reprinted February 24, 1994.) Ms. Boehm told the Commission that of 71 cases filed over the past five years against the Indiana Department of Revenue, only 5 were for amounts over \$2 million.

Judge Thomas Fisher, Indiana Tax Court, questioned what happens under the draft if the Supreme Court grants review, and suggested that language be added to clarify that the 90-day period begins anew.

Senator Soards directed the staff attorney to have a revised draft available for review at the next meeting of the Commission incorporating the suggestions made by Ms. Boehm and Judge Fisher.

6. Expansion of Indiana Supreme Court:

Judge Lorenzo Arredondo, Lake Circuit Court, reviewed with the Commission a Resolution from the Commission on Opportunities for Minorities in the Profession presented to the Board of Governors of the Indiana State Bar Association. The Resolution notes that the Indiana Constitution allows for a Supreme Court with up to nine justices and urges the expansion of the Court from the current five justices. Judge Arredondo stressed the need for racial, ethnic, and gender representation on the Indiana Supreme Court. He presented data on the 19 other states with five supreme court justices, and pointed out that Indiana has the greatest population of all of those states.

7. Marion County Court Unification:

The following persons addressed the Commission on the Marion County court unification issue:

Mr. Leslie Duvall, representing the Indianapolis Bar Association, updated the Commission on the activity concerning the Marion County court unification proposal.

Representative William Crawford, Indianapolis, told the Commission that he agrees that the concept of unification has merit, but noted that it is a significant departure from the current system and therefore has a major impact on all voters and taxpayers in Marion County. He commended the election portion of the proposal, because, he asserted, most people favor the election of judges.

In response to questions from members, Representative Crawford made the following comments:

- He does favor unification of the Marion County courts, but has problems with the method of selection proposed. He reiterated that he favors a modified form of at-large election of judges.
- Of the 31 current Marion County superior and municipal court judges, only five are African-Americans. (This includes three superior court judges, who are elected, and two municipal court judges, who are appointed.) The current presiding judges of both the superior and municipal courts are black.
- He does not object to the election of all of the 31 judges, but does object to the at-large, county-wide election proposed in the preliminary bill draft. He supports unification as a means of achieving judicial efficiency and tax efficiencies. His specific recommendation would include modified at-large elections, use of the cumulative voting or limited voting concepts, or single transferrable votes.

Mr. W. Tobin McClamroch, Indianapolis City-County Council Vice-President and Majority Leader, spoke in support of the concept of a unified court. With Mr. McClamroch was Mr. Dan Jones of the Marion County Auditor's Office.

Mr. McClamroch stated that his estimate of the savings from the unification of the courts is \$3,215,000. This savings would be accomplished through consolidation of the probation departments and court administrator's offices, coordination of bailiffs and court reporters, and centralized payroll and purchasing functions.

8. Selection of Judges In Lake County:

The extensive testimony on the selection of judges in Lake County is set out in detail in the minutes of the meeting. The following persons addressed the Commission:

Representative Charlie Brown, Lake County, urged a form of election that involved either district elections or the use of cumulative or preferential voting. He said that his preference is for some form of cumulative voting. 1/

Senator Lonnie Randolph, Lake County, addressed the Commission on his proposal to change the composition on the Lake county judicial nominating commission and to create two new superior courts. (This proposal is contained in Preliminary Draft 3265.)

The following persons then spoke in favor of the merit selection of judges:

Mr. W. Stell Huie, American Bar Association (ABA) Committee on Judicial Selection, Tenure, and Compensation.

Mr. Jona Goldschmidt, American Judicature Society (AJS).

Ms. Tula Kavadias, President of the Lake County Bar Association.

Mr. Saul Ruman, Attorney, Hammond.

Judge Jeffrey Dywan, Lake Superior Court.

COMMITTEE DISCUSSION:

Senator Soards remarked that the Commission and the General Assembly have struggled with the issues of diversity on the courts and the selection of judges in Lake County many times. Senator Soards noted that the only specific proposal presented to the Commission was Senator Randolph's proposal for changes in the nominating commission and the creation of two new courts.

Senator Soards reminded the Commission that he had asked that specific language be presented on this issue, but that no definite written proposals had been submitted for the Commission to consider.

Senator Soards stated that unless specific proposals are presented to the Commission in time for review at its next meeting, the Commission would not make any recommendation. He indicated that he had conveyed this same message to the St. Joseph County legislators, and had not yet received anything from them.

Representative Villalpando observed that the animosity between the parties has not diminished from last year. He reiterated that it is good to see the opposing sides appearing at today's meeting to present their views.

Representative Villalpando told the Commission that he did not plan to recommend a specific plan or recommend that the Commission solve the Lake County problem. He noted that last year he had tried to do this, but that this year he would not proceed unless and until the parties agree.

Representative Villalpando pointed out that ten other counties are requesting new courts over and above what was in SB 116 last year. He asked Senator Randolph to persuade the Lake County Council to take a stand regarding paying for the two new courts being requested.

E. FIFTH MEETING (October 5, 1995):

The fifth meeting of the Commission was a working meeting, with no testimony presented and no votes taken. The goal was to reach a consensus among Commission members on which proposals to have the staff attorney draft in bill form for consideration at the Commission's final meeting on October 25, 1994.

1. COURT UPGRADES APPROVED FOR THE 1994 SESSION:

The Commission agreed to have the following proposals for upgrades of county courts to superior courts prepared in bill form for action at the final meeting and possible recommendation to the upcoming 1995 General Assembly:

- Blackford*
- Clark*
- Elkhart (2)**
- Lawrence**
- Madison unified court**
- Morgan**
- Posey**
- Wabash

[* Added in the 1993 Session during conference committee.]

[** Also approved by the Commission for the 1993 Session.]

2. JURISDICTIONAL CHANGES APPROVED FOR THE 1994 SESSION:

The Commission agreed to have the following proposals regarding jurisdictional changes for selected courts prepared in bill form for action at their final meeting:

- Concurrent Title IV-D paternity jurisdiction for the Allen circuit and superior courts.
- Concurrent juvenile jurisdiction for the Harrison circuit and superior courts.

3. MISCELLANEOUS CHANGES APPROVED FOR THE 1994 SESSION:

The Commission agreed to have the following proposals prepared in bill form for action upon at their final meeting:

- Commission on Courts: alternate chair; expand duties.**
(The Commission also agreed to add a provision to extend the

Commission for another four years, through 1998.)

- Residency of Court of Appeals judges.**
- Allen County nominating commission changes.
- Lake Circuit Court domestic relations division.**
- Require town court judges to be attorneys in:
 - Anderson city court
 - Brownsburg town court**
 - Muncie city court**
 - Plainfield town court**
- Prosecuting attorneys: full-time election.
- Senior judges per diem: payment by state.**
- Warrick County community corrections advisory board.

[** Also approved for 1993 Session.]

4. OTHER PROVISIONS APPROVED FOR THE 1994 SESSION:

The Commission agreed to have the proposal creating a new court for LaPorte County prepared as a bill draft. However, the members agreed to remove language from the 1994 version that eliminated the circuit court probate commissioner position, since commissioner positions are created and paid by the local governing bodies. The Commission agreed that it was not appropriate for the General Assembly to direct local governments to abolish positions that were entirely within local control.

The Commission then agreed to have the following requests for magistrates prepared in bill draft form for action upon at its final meeting:

- Allen Superior: 3. [Applying the same rationale as used for LaPorte County, the Commission agreed to remove the language eliminating the two current referee positions and one probate commissioner position.]
- Allen Circuit: 1.
- Clark: 1.
- Elkhart: 1.**
- Lake Circuit: 1 for domestic relations division.
- Marion: 7.
- Madison: 1.**
- Porter: 2.** [Again, the Commission agreed to remove the language eliminating the commissioner positions.]
- Tippecanoe: 1.**
- Vanderburgh: 2.**

[** Also approved by Commission for 1993 Session.]

The Commission noted that the cost to the state for each new magistrate

position is a total of \$67,000 (\$53,471 salary plus fringe benefits). They noted that 20 of these positions had been approved for the 1994 Session.

5. "NON-CONTROVERSIAL" PROVISIONS ADDED TO SB 116 DURING THE 1994 SESSION:

The Commission agreed to have the following provisions prepared in bill form for consideration at its final meeting:

- Hamilton jury commissioners; using one pool for all courts.
- Removing prohibition against publication of small claims decisions of the Indiana Tax Court.

6. 1995 REQUESTS:

Upgrades: The Commission agreed to have the following proposals for the upgrade of county courts to superior courts prepared in bill form for the October 25th meeting:

- Kosciusko (upgrade of small claims referee to court).
- Monroe (upgrade of magistrate to court).

New Courts: The Commission agreed to have the following requests for new courts prepared in bill form for consideration at the final meeting:

- Hamilton: One new court and one magistrate.
- Johnson: One new court and retention of existing magistrate.
- Kosciusko: One new court.
- Ripley: One new court.

Senator Soards directed the staff attorney to draft all of the court upgrades together, both old and new requests, and to draft all of the requests for new courts together in one draft.

Jasper County Elimination of Court: The Commission agreed to vote at its final meeting on the proposal presented by Representative Michael Smith to eliminate one of the Jasper superior courts.

Marion County Unification: Senator Soards noted that there are concerns with some of the Marion County legislators with the method of election of judges under the proposed unified court. Therefore, he suggested that the Commission agree with the **concept** of unification, but make no recommendation regarding the selection process

and the powers of the presiding judge. The Commission agreed to slightly revise the resolution presented at its last meeting and to take action on it at the final meeting.

New Magistrates: The Commission agreed to have the following new requests for magistrates prepared in bill form for consideration at its final meeting:

- Hamilton County: 1.
- Steuben County: 1.

The Commission agreed to take action at its final meeting on the proposal for a hearing officer for Allen Circuit Court who would have the powers of a magistrate, but would be paid entirely by the county, as shown in Preliminary Draft 3392. (This hearing officer will be used to assist with child support matters. The County Council has approved the funding and will receive 2/3 reimbursement from the federal government.)

Immunity of County Clerks: Representative Richardson told the Commission that she would pursue this issue on her own for the upcoming Session, and if necessary, would ask the Commission to look at it next year.

Lake and St. Joseph Counties' Election of Judges: Since no specific proposals have been presented to the Commission, the Commission agreed to take no action on this issue.

Victims Compensation, Public Defenders, and Civil Legal Aid:

The members noted that a total of \$7 million per year had been requested by these three funds (\$1 million for civil legal aid, \$2 million for the public defense fund, and \$4 million for the violent crime victims compensation fund).

Representative Villalpando observed that from his experience as author of the judges' pay bill last year, he had learned how difficult it is to get a consensus in tight budgetary times. There is a fine balance between judges' pay and these three areas, he continued, and the Legislature must accommodate the parties involved. He suggested that the constituency be broadened to include the proponents of these three programs in order to pass the judges' pay bill in the upcoming Session.

Representative Richardson expressed concern that court fees will become so high that counties will have to waive fees for people who cannot pay, thus causing the counties to lose funds.

The Commission agreed to have a resolution drafted making a policy statement that the public defense and violent crime victims funds are already law and thus should be funded by the general fund. The members agreed that no specific level of funding

would be recommended.

Judges' Salary Proposal: Senator Soards suggested that the Commission adopt a resolution supporting judicial reform and an increase in compensation similar to that contained in SB 116, with some added increase to compensate for the bill's lack of passage last year. He referred to the resolution adopted by the Commission on Courts two years ago in its 1993 Report. (1993 PD 3505) He suggested that the Commission recommend that the increase either be funded out of court costs with specific dollar amounts proposed; or that it be funded out of the state general fund.

The Commission members agreed to have drafted a separate resolution concerning judges' and prosecutors' salaries.

F. SIXTH MEETING (October 25, 1994):

At the sixth and final Commission meeting of the year, the members voted on the Commission recommendations to the General Assembly for the 1995 Session. No testimony was taken, other than in response to questions from Commission members.

In recognition of Senator Soards' forthcoming retirement from the General Assembly, Representative Villalpando expressed his appreciation and that of the other Commission members for the efforts that Senator Soards had made as Chairman during the past year. He recounted the substantial amount of time that Senator Soards had devoted to preparation for the Commission meetings, and commented that it had been a pleasure and a privilege to work with Senator Soards. Representative Villalpando concluded that Senator Soards was a tribute to his constituency, to his political party, and to his profession. Senator Soards told the Commission members that it had been a pleasure working with them. Representative Ayres thanked Senator Soards for his help over the years in both the House and the Senate.

REVIEW OF PRELIMINARY BILL DRAFTS

The Commission then reviewed the following preliminary bill drafts that had been prepared by the staff attorney pursuant to the Commission's instructions at its meeting on October 5, 1994:

1. PD 3504: COURT UPGRADES:

The Commission agreed by consent to add to the draft a repeal of IC 33-10.5-9, the statutory authorization for a small claims referee for the Kosciusko county court. (The Kosciusko county court was eliminated and converted to a superior court in the draft.)

Action on PD 3504: Upon motion of Representative Howard and second by Judge Yelton, the Commission voted to recommend PD 3504, as amended, by a vote of 10-0.

2. PD 3503: MISCELLANEOUS PROVISIONS: PD 3503 contained numerous courts-related changes considered generally to have little or no state fiscal impact, many of which were recommended by the Commission in the previous legislative session.

Action on PD 3503:

Upon motion of Judge Yelton and second by Representative Richardson, the Commission voted to recommend PD 3503, as amended, by a vote of 10-0.

3. PD 3508: PREVIOUSLY APPROVED REQUESTS FOR MAGISTRATES:

The Commission members reviewed Preliminary Bill Draft 3508, which contained provisions concerning magistrates and prosecuting attorneys approved by the Commission for the 1994 legislative session.

Allen County:

The members discussed the provisions in SECTION 13 of the draft, concerning Allen County concurrent paternity jurisdiction and the appointment of a hearing officer for the circuit court.

Chief Justice Shepard commented that he felt the language contained in lines 18 through 20 of page 7 was sufficient to clarify that the hearing officer would be a county employee, paid by the county and not eligible for state benefits. Representative Villalpando emphasized that he supported this language because it shows that the local unit is recognizing the need and is taking financial responsibility; an important principal.

The members agreed to change the effective date of the Allen County provisions in SECTION 13 from July 1, 1995, to Upon Passage.

Judge Yelton questioned whether the provision concerning the Allen circuit court hearing officer position should be included in this draft with the magistrate positions, since it is a unique position, with no fiscal impact to the state. He suggested that the members consider putting this provision in one of the other drafts containing only proposals with no fiscal impact, such as PD 3504.

Prosecuting Attorneys:

Mr. Richard Good, Prosecuting Attorneys Council, explained the provisions in the draft relating to prosecuting attorneys. (These provisions are contained in SECTIONS 31, 32, and 33 of PD 3508.) These changes eliminate the current restrictions in some counties against prosecuting attorneys electing to be full-time, and treats all counties alike. The date changes made in SECTION 32 of the draft would let prosecuting attorneys opt as soon as possible to serve full-time.

In response to Commission questions, Mr. Good explained that of the current 90 prosecuting attorneys, 36 are full-time and 54 are part-time. Eleven of the part-time prosecutors are in Class 1-5, where the full-time election is permitted under current law. Senator Soards directed the Commission's attention to the handout prepared by the LSA fiscal analyst for a more detailed analysis of the current prosecutor positions. (This is contained in Appendix C of this report.)

Marion County Magistrates:

The Marion County provision approved the year before authorized the appointment of seven additional magistrates for the Marion superior court. Representative Villalpando pointed out that the House had reduced this number to four during the 1994 Session. He emphasized that he supports the need for additional magistrates in Marion County superior court, noting that the numbers can be further adjusted during the Session.

Senator Soards agreed that the exact number of new magistrates could be adjusted, depending on the outcome of the unification proposal.

Tippecanoe County:

Senator Soards commented that he was not comfortable with the appointment by the county court of a magistrate to serve the county, superior, and circuit courts. He stressed that the judge whom the magistrate serves should have input in the appointment of the magistrate. Senator Soards urged that this provision be more closely examined as the bill moves through the legislative session. Representative Howard asserted that the Commission should not endorse this concept of appointment.

Chief Justice Shepard recalled that the original Tippecanoe County proposal from last year was for the magistrate to work mainly for the county court, and that the other courts were added on as the proposal progressed. He stated that he thought the proposal should be consistent with all other magistrate appointments.

Representative Sue Scholer briefly told the Commission members that the magistrate will work mostly for the two county courts.

The Commission agreed by consent to amend the provision on page 14, lines 4 through 7, to delete all references to which court the magistrate is to serve.

Porter County:

In response to Representative Villalpando's question, Representative Ayres stated that the request for two magistrates in Porter County was initially made before the abolition of the automatic change of venue rule. However, he noted, there has been no difference in caseloads since the rule was changed. The need for the magistrates is still there as the caseload continues to increase, he stressed.

Judge Thomas Webber, Porter Superior Court No. 2, confirmed that, rather than a reduction in caseload, there has been an increase in caseload among the circuit and superior courts. He explained that, because three of the five superior courts deal with

former county court matters, and because 2/3 of the circuit court docket consists of juvenile matters, all of the criminal docket is handled by the remaining two superior courts. Judge Webber told the Commission that Porter County uses commissioners for probate and domestic relations matters, and that the plan is to convert these commissioners to magistrates and increase their workload. Representative Villalpando pointed out that the Porter County request presented two years ago had been for only one magistrate, and that last year the request was increased to two.

Action on PD 3508:

On the motion of Representative Ayres and second by Representative Howard, the Commission voted to recommend PD 3508, as amended, by a vote of 10-0.

4. PD 3511: NEW REQUESTS FOR COURTS AND MAGISTRATES:

Senator Soards reviewed the requests presented to the Commission for the first time this year concerning the creation of new courts and authorization for the appointment of magistrates. All of these requests were contained in Preliminary Draft 3511.

Johnson County:

Judge Cynthia Emkes, Johnson Superior Court, addressed the Commission concerning the request for a new superior court for Johnson County. She asked the Commission to change the effective date from January 1, 1996, as in the draft, to January 1, 1997.

Judge Emkes explained that she was requesting this change in effective date because the Johnson County Council will be required to build a new building to house the new court and accompanying expanded probation department. She acknowledged that the need exists now for the new court, and indicated that she had no problem with the prospect of a gubernatorial appointment for the judge of the new court. However, she stressed, the overriding reason for the delay in the court's creation is to allow time for construction of a building to house the court.

Senator Soards asked Judge Emkes why the Johnson County superior court proposed bill draft provides for superior court judges to switch courts. Judge Emkes replied that circuit courts can do this by statute, but that the superior courts do not have this authorization. Judge Yelton pointed out that the superior court statutes for other counties contain this same language but that the Johnson County statute does not contain the language. Senator Soards asserted that there should be a standard provision covering all superior courts, so that this language would not have to be repeated in each county's statute. He asked the Commission to consider the addition of such a general provision in the future.

The Commission agreed by consent to amend SECTION 11 of PD 3511 to remove the number of the court that has small claims and misdemeanor jurisdiction. (See page 4, line 39) This will result in all superior courts in Johnson County having concurrent small claims and misdemeanor jurisdiction.

LaPorte County:

Representative Villalpando noted that since the request for a new superior court in LaPorte County had been approved by the Commission last year, it should be included in the draft with the other previously approved requests as it proceeds through the legislative process. He stressed the General Assembly should prioritize the requests of those counties that have been seeking new courts for a longer period of time.

Action on PD 3511:

Upon motion of Representative Howard and second by Judge Yelton, the Commission approved PD 3511, as amended, by a vote of 10-0.

5. RESOLUTIONS:

Resolution Number 1: Judges Compensation:

(A copy of Resolution Number 1 is contained in Appendix D of this report.)

Senator Soards reiterated the Commission's conclusion that there is a need for an increase in compensation for judges, but observed that there is not sufficient time for the Commission to put together a specific proposal, complete with a funding source. He stressed that he hoped the Commission would go on record as supporting the concept of a salary increase for judicial officers.

Judge Michael Cook, Marshall Circuit Court, and Vice-President of the Indiana Judges' Association, addressed the Commission. He asked the Commission to favorably consider Resolution Number 1, and to give the Judges' Association an opportunity to work with the prospective authors of a judicial compensation bill and with the House and Senate leadership.

Judge Cook thanked the Commission for their time and attention to the matter of judicial compensation. In conclusion, he thanked Senator Soards for his past service as a legislator and for the support he has given to the judges.

Action on Resolution Number 1:

Upon motion of Representative Howard and second by Mr. Overdeer, the Commission approved Resolution Number 1 by a vote of 10-0.

Resolution Number 3: Marion County Court Unification:

(A copy of Resolution Number 3 is contained in Appendix E of this report.)

Representative Villalpando commented that the issue of the unification of the superior and municipal courts in Marion County is an important issue to be debated during the upcoming legislative session.

Action on Resolution Number 3:

Upon motion of Representative Howard and second by Representative Richardson, the Commission approved Resolution Number 3 by a vote of 10-0.

Resolution Number 2: Public Defender, Violent Crime Victims, Civil Legal Aid:

(A copy of Resolution Number 2 is contained in Appendix F of this report.)

Representative Villalpando emphasized the importance of these issues, and stated that Resolution Number 2 sends a signal to the General Assembly while leaving it flexibility to deal with funding for these three programs.

During the discussion, it was noted that the Resolution recognizes the **need** for funding, but that the major concern remains the **source** of the funding.

Action on Resolution Number 2:

Upon motion of Judge Yelton, and second by Representative Howard, the Commission approved Resolution Number 2 by a vote of 10-0.

6. TAX COURT AND STATE BOARD OF TAX COMMISSIONERS: PD 3383:

Senator Soards directed the Commission's attention to the letter from Judge Fisher suggesting several changes to PD 3383. (This letter, dated October 20, 1994, had been sent to the members prior to the meeting.)

After discussion, the Commission agreed by consent to make the following revisions to PD 3383:

- Page 1, line 16, delete "taken" and insert "filed with the Supreme Court".
- Page 2, after line 1, insert a new subsection (d) to read as follows:
"(d) If a case remanded under subsection (a) is filed with the Supreme Court as provided in IC 33-3-5-15, the ninety (90) day period provided in subsection (b) is tolled until the Supreme Court concludes the appeal."

Action on PD 3383:

Upon motion of Representative Howard and second by Representative Ayres, the Commission approved PD 3383, as amended, by a vote of 9-0.

Chief Justice Shepard asked for a clarification of the record regarding the structure of the Tax Court. Senator Soards affirmed that the only testimony heard by the Commission was on the Tax Court's remand procedure, and that no testimony had been presented on either the structure or threshold levels of the Tax Court. Therefore, Senator Soards concluded, since these issues were not presented to the Commission, the Commission would take no position on them.

7. ELIMINATION OF JASPER SUPERIOR COURT NO. 1: PD 3433:

Representative Villalpando commented that the issue of eliminating a superior court in Jasper County has been consistently brought by Representative Smith. He pointed out that, during the last legislative session, the issue had received substantial debate in the House as a second reading amendment, even though debate could have been disallowed under House Rules since a similar bill was pending in Committee. He noted that the amendment had been defeated on second reading in the House.

Representative Villalpando emphasized that if a bill were passed eliminating a Jasper superior court before the expiration of the judge's term, the state would still have to pay the salary of the judge for the remainder of the term, thus canceling any savings to the state. Instead, he stressed, elimination of the court would result in denying the citizens of Jasper County access to the court.

Senator Soards pointed out that the draft before the Commission (PD 3433) would eliminate the court at the **end** of the current judge's term, thus avoiding the question of paying the judge's salary after the discontinuance of the court. Mr. Overdeer observed that there **would** be an immediate savings to the county, noting that the County Council has said that both superior courts are not needed.

Representative Smith told the Commission that he had no strong preference for which superior court is eliminated, and would leave that up to the Commission's discretion. He reiterated that his proposal before the Commission today (PD 3433) calls for the elimination of Jasper Superior Court No. 1 upon the December 31, 1996, expiration of the current judge's term.

Action on PD 3433:

On motion of Representative Richardson and second by Mr. Overdeer, the Commission approved PD 3433 by a vote of 6-2. Chief Justice Shepard abstained from voting.

Those voting "Yes" were: Senator Soards, Representative Ayres, Mr. Overdeer, Representative Richardson, Ms. Schell, and Judge Yelton. Those voting "No" were Representative Villalpando and Representative Howard.

OTHER ISSUES PREVIOUSLY DISCUSSED:

1. Expansion of Indiana Supreme Court:

Judge Lorenzo Arrædono, Lake Circuit Court, distributed to the Commission members a written report summarizing the action taken by the Indiana State Bar Association at its October 20, 1994, meeting. At that meeting, the House of Delegates of the Indiana State Bar Association voted on the Resolution to Expand the Indiana Supreme Court. The motion to adopt the Resolution failed for lack of a majority vote. (A copy of the Report submitted by Judge Arrædono is contained in Appendix G of this report.)

2. Funding of Courts With A Local Tax Levy:

The Commission took no action on the proposal presented to it by Representative Scholer at it's meeting on September 27, 1994 (1994 House Bill 1116).

V. COMMISSION FINDINGS AND RECOMMENDATIONS:

1. PROPOSAL: PD 3504: COURT UPGRADES AND ORGANIZATIONAL CHANGES:

PD 3504 contained conversions of county courts to superior courts in the following counties:

- Blackford
- Clark
- Elkhart
- Kosciusko
- Lawrence
- Morgan
- Posey
- Wabash

The draft provided that the current judges of the county courts being converted to superior courts serve as the initial judges of the newly created superior courts.

PD 3504 also contained the following provisions:

- Combines the current Madison circuit court, the three Madison superior courts, and the two Madison county courts into a unified circuit court with six judges and abolishes the Madison superior court.
- Converts the office of magistrate in the Monroe unified circuit court to a circuit court and removes the authority of the Monroe circuit court to appoint a magistrate.

FINDINGS:

1. The General Assembly should prioritize the requests of those counties that have been seeking new courts for a longer period of time.

2. Kosciusko County: Since the county court is being eliminated and converted to a superior court, the statutory authorization for a small claims referee for the Kosciusko county court, IC 33-10.5-9, should be repealed.

RECOMMENDATION:

Upon motion of Representative Howard and second by Judge Yelton, the Commission voted to recommend PD 3504, as amended, by a vote of 10-0.

2. PROPOSAL: PD 3503: MISCELLANEOUS PROVISIONS:

The items contained in PD 3503 included the following:

- (1) Specifies that a person appointed by the Governor to fill a circuit court vacancy holds office until the earlier of the end of the unexpired term or when a successor is elected at the next general election.
- (2) Makes changes in the appointment of the community corrections advisory board in Warrick County.
- (3) Allows the judge of the Lake circuit court to establish a domestic relations division and a domestic relations counseling bureau.
- (4) Extends the authority for the Commission on Courts until June 30, 1999. Specifies that the chairmanship and vice chairmanship of the Commission on Courts shall alternate annually between a member of the Senate and a member of the House of Representatives. Revises the duties of the Commission on Courts to allow the Commission to review matters relating to court operation and administration, including court fees, court personnel, and salaries of court officers.
- (5) Specifies that judges of the First, Second, and Third Districts of the Court of Appeals must have resided in the district from which they are appointed before appointment to the court. (Current law requires the judges to reside in the district from which they are appointed after appointment.)
- (6) Removes the prohibition on the publication of small claims decisions of the tax court.
- (7) Provides that the Allen circuit and superior courts have concurrent jurisdiction concerning paternity actions, effective upon passage.
- (8) Provides that the \$50 per diem paid to senior judges is to be paid entirely by the state. (Current law specifies that the county pays 50% and the state pays 50% of senior judges' per diem.)
- (9) Requires counties to pay the statutory minimum portion of judges' salaries to the state for payment to the judges rather than requiring counties to make payment directly to the judges. Allows the state to stop FICA withholdings when the FICA base amount is reached. (Current law does not require either the state or a county to withhold enough FICA to reach the FICA base amount that would allow FICA withholdings to be stopped.)
- (10) Allows Allen County attorneys who elect the three attorney members of the Allen County superior court nominating commission to vote for not more than three attorney member candidates running for the commission. (Current law allows Allen County attorneys to vote for only one attorney member candidate running for the commission.)
- (11) Specifies that the clerk and the jury commissioners of the Hamilton circuit court serve as jury commissioners of the Hamilton superior courts.
- (12) Changes the jurisdiction of the municipal court of Marion County so that its original civil jurisdiction is the same as the original civil jurisdiction of the

superior and circuit court in the county. (Current law provides that the jurisdiction of the Marion County municipal court in civil cases is limited by the amount in controversy.)

(13) Requires the judges of the Anderson city court, Brownsburg town court, Muncie city court, and Plainfield town court to be attorneys.

FINDINGS:

PD 3503 contained numerous court-related changes considered generally to have little or no state fiscal impact. Because many of these changes were recommended by the Commission in the previous two legislative sessions, these requests should receive priority in consideration by the 1995 General Assembly.

RECOMMENDATION:

The Commission approved PD 3503, as amended, by a vote of 10-0.

3. PROPOSAL: PD 3508: PREVIOUSLY APPROVED REQUESTS FOR MAGISTRATES:

Preliminary Bill Draft 3508 contained the following provisions concerning magistrates and prosecuting attorneys:

- (1) Allows the judge of the Lake circuit court to establish a domestic relations division and a domestic relations counseling bureau. Authorizes the appointment of one magistrate for the domestic relations division.
- (2) Provides that the Allen circuit and superior courts have concurrent jurisdiction concerning paternity actions. Authorizes the circuit court judge to appoint a hearing officer, with the powers of a magistrate, to be paid by the county. Effective upon passage.
- (3) Authorizes the Allen superior court to appoint three magistrates.
- (4) Makes changes concerning full-time prosecuting attorneys. Changes the date of notice of full-time election from February 1 to June 30. Applies to prosecuting attorneys in all judicial circuits.
- (5) Establishes the Madison circuit court. Combines the current Madison circuit court, three superior courts, and two county courts into a unified circuit court with six judges. Authorizes the appointment of one magistrate for the Madison circuit court.
- (6) Converts the Clark county court to a superior court. Provides that the judge of the Clark county court serves as the initial judge of the newly created superior court. Authorizes the appointment of one magistrate for the Clark superior court.
- (7) Converts the two divisions of the Elkhart county court to superior courts.

Provides that the judges of the county courts serve as the initial judges of the new superior courts. Authorizes the appointment of one magistrate for the Elkhart circuit and superior courts.

(8) Authorizes the judges of the Marion superior court to appoint seven additional magistrates.

(9) Authorizes the judges of the Porter superior court to appoint two magistrates.

(10) Authorizes the appointment of one magistrate by the judges of the Tippecanoe county court.

(11) Authorizes the judges of the Vanderburgh superior court to jointly appoint three magistrates. (Current law allows the appointment of one magistrate.)

FINDINGS:

The provisions contained in PD 3508 had been approved by the Commission for the 1994 legislative session. A need for the authorization of magistrates in these counties had been previously demonstrated and continues to exist, therefore, these requests should receive priority consideration by the 1995 General Assembly.

RECOMMENDATION:

The Commission approved PD 3508, as amended, by a vote of 10-0.

4. PROPOSAL: PD 3511: NEW REQUESTS FOR COURTS AND MAGISTRATES:

Senator Soards reviewed the requests presented to the Commission for the first time this year concerning the creation of new courts and authorization for the appointment of magistrates. All of these requests were contained in Preliminary Draft 3511, and are listed below:

(1) Authorizes the Allen superior court judges to appoint four full-time magistrates.

(2) Establishes a fifth superior court in Hamilton County. Authorizes the judges of the Hamilton superior court to appoint one magistrate.

(3) Establishes a third superior court in Johnson County. Specifies that all of superior courts have a standard small claims and misdemeanor division.

(4) Converts the county court to a second superior court in Kosciusko County. Establishes a third superior court in Kosciusko County.

(5) Establishes a fifth superior court in LaPorte County.

(6) Establishes a superior court in Ripley County.

(7) Authorizes the judges of the Steuben circuit and superior courts to jointly appoint one magistrate. (This request was before the Commission last year, but was not approved. The motion to recommend the proposal, 1994 PD 3265,

failed for lack of a second.)

FINDINGS:

1. The General Assembly should prioritize the requests of those counties that have been seeking new courts for a longer period of time.

2. The statistics on cases filed do not give a completely accurate picture. The system is flawed, with some judges much busier than others, and others not utilizing their time properly. Perhaps a total freeze on new courts should be considered. Because all new courts and magistrates will be funded out of increased court fees, a dramatic increase in court fees could have a negative effect on the public's access to the courts.

3. It is not appropriate for the General Assembly to direct local governments to abolish positions that are entirely within local control, such as court commissioners and referees.

4. The cost to the state for each new magistrate position is a total of \$67,000 (\$53,471 salary plus fringe benefits).

5. The judge whom a magistrate serves should have input in the appointment of the magistrate.

6. There should be a standard provision covering all superior courts allowing judges to switch courts, so that this language would not have to be repeated in each county's statute.

7. Allen County:

- The statistics presented on the Allen County proposal are based upon the number of defendants, not the number of counts. While the data did not include the number of filings to date for 1994, it is anticipated that it will match the 1993 filings.

- The increase in filings can be attributed partly to an increased crime rate.

- The Allen County courts are getting more serious cases, which take more of the court's time.

- Since May, the Allen County Probation Department has taken a zero tolerance position, which has resulted in an additional 200 cases filed and in an increased number of probation revocations filed. There are 125 persons per year held in jail on probation revocations. As a result, in the period from May to September, the former lag time of two weeks has increased to two months for disposition of these cases.

8. Johnson County:

The Johnson County superior courts handle very few infractions. Johnson County's rank changed from 41st to 37th when calculated without including infractions, thus emphasizing the need to consider the types of cases when looking at numbers of filings. Further, the numbers do not reflect the numbers of redocketed cases, probation revocation hearings, modifications, and proceedings supplemental.

9. Kosciusko County has an unusual situation in that, because of the significant Spanish-speaking population in the county, the courts are often required to hold hearings in Spanish. There would be no additional cost to the county for the additional superior courts because the facilities are in place for the new courts, and that staff is available for both new courts.

10. LaPorte County:

- Since the request for a new superior court in LaPorte County had been approved by the Commission last year, it should be included in the draft with the other previously approved requests as it proceeds through the legislative process.

11. Ripley County is the only county among those of similar population that has neither a superior court nor a county court.

12. Steuben County currently has no magistrates or referees. Because of the number of lakes and recreational areas, Steuben County has a significant volume of summer traffic, generating much court activity.

RECOMMENDATION:

The Commission approved PD 3511, as amended, by a vote of 10-0.

5. PROPOSAL: RESOLUTION NUMBER 1: JUDGES COMPENSATION:

FINDINGS:

There is a need for an increase in compensation for judges, but there is not sufficient time for the Commission to put together a specific proposal, complete with a funding source. Therefore, the Commission supports the concept of a salary increase for judicial officers.

RECOMMENDATION:

The Commission approved Resolution Number 1 by a vote of 10-1.

6. PROPOSAL: RESOLUTION NUMBER 3: MARION COUNTY COURT UNIFICATION:

FINDINGS:

The issue of the unification of the superior and municipal courts in Marion County is an important issue to be debated during the upcoming legislative session. The Commission endorses the concept of unification, but recognizes that the specific provision regarding the method of selecting judges and the scope of authority of the presiding judge of the unified court will require further refinement.

RECOMMENDATION:

The Commission approved Resolution Number 3 by a vote of 10-0.

7. PROPOSAL: RESOLUTION NUMBER 2: PUBLIC DEFENDER, VIOLENT CRIME VICTIMS, CIVIL LEGAL AID:

FINDINGS:

The Commission recognizes the importance of these issues, and feels that Resolution Number 2 sends a signal to the General Assembly, while leaving the General Assembly flexibility to deal with funding for these three programs. The Resolution recognizes the **need** for funding; however, the major concern remains the **source** of the funding. It is not clear whether such funding should come out of court fees or out of the state general fund.

RECOMMENDATION:

The Commission approved Resolution Number 2 by a vote of 10-0.

8. PROPOSAL: TAX COURT AND STATE BOARD OF TAX COMMISSIONERS: PD 3383:

FINDINGS:

1. Clarification is needed regarding the scope of action to be taken by the State Board of Tax Commissioners on cases that are received on remand from the Indiana Tax Court, as well as the time frame within which such action should be taken. Preliminary Draft 3383 sets out these clarifications in a manner satisfactory to all parties involved and should be recommended to the 1995 General Assembly.

2. Since no testimony has been presented to the Commission on either the structure or threshold levels of the Tax Court, the Commission takes no position on them.

3. Since no testimony was presented on either the structure or threshold levels of the Tax Court, the Commission takes no position on them.

RECOMMENDATION:

The Commission approved PD 3383, as amended, by a vote of 9-0.

9. PROPOSAL: ELIMINATION OF JASPER SUPERIOR COURT NO. 1: PD 3433:

FINDINGS:

1. The proposal highlights the dramatic difference in workload from county to county. The ranking of counties by case filings suggests a need for a better method of making decisions on new courts and court officers. While the creation of the Commission on Courts is a step toward that goal, the data raises the question of how efficiently Indiana's existing courts are being used.

2. Since the new change of venue rule adopted by the Supreme Court went into effect, the caseload in the Jasper Circuit Court has declined by 85%. Therefore, the need for two superior courts no longer exists.

RECOMMENDATION:

The Commission approved PD 3433 by a vote of 6-2. Chief Justice Shepard abstained from voting.

Those voting "Yes" were: Senator Soards, Representative Ayres, Mr. Overdeer, Representative Richardson, Ms. Schnell, and Judge Yelton. Those voting "No" were Representative Villalpando and Representative Howard.

10. PROPOSAL: EXPANSION OF INDIANA SUPREME COURT:

Judge Lorenzo Arredondo, Lake Circuit Court, distributed to the Commission members a written report summarizing the action taken by the Indiana State Bar Association at its October 20, 1994, meeting. At that meeting, the House of Delegates of the Indiana State Bar Association voted on the Resolution to Expand the Indiana Supreme Court. The motion to adopt the Resolution failed for lack of a majority vote.

FINDINGS:

The need for racial, ethnic, and gender diversity on the Supreme Court should be explored. An expansion of the number of justices on the Court is one option that could advance the goal of greater diversity.

RECOMMENDATION:

The Commission makes no specific recommendation on this issue.

11. PROPOSAL: FUNDING OF COURTS WITH A LOCAL TAX LEVY:

The Commission took no action on the proposal presented to it by Representative Scholer at it's meeting on September 27, 1994 (1994 House Bill 1116).

VI. WITNESS LIST:

FIRST MEETING:

Judge Michael Cook, Marshall Circuit Court.
Mr. David Dinn, Parents' and Children's Equality of Indiana.

SECOND MEETING:

Mr. Leslie Duvall, representing the Indianapolis Bar Association.
Mr. Thomas Davis, President of the Indianapolis Bar Association.
Judge James K. Kirsch, Indiana Court of Appeals.
Judge Gary Miller, Marion Superior Court, Criminal Division.

Senator Soards recognized others in the audience in support of the Marion County unified court proposal who would not address the Commission today:

Judge Gerald Zora, Marion Superior Court, Civil Division.
Judge Thomas Carroll, Marion Municipal Court, Civil Division.
Judge David L. Rimstidt, Marion Superior Court, Civil Division (who replaced Judge Kirsch).

Judge Thomas Fisher, Indiana Tax Court.
Mr. John Rumble, Attorney, Columbus, IN.
Mr. Milo Smith, President, Tax Consultants, Inc., Columbus, IN.
Mr. Joseph Geeslin, Jr., Attorney, Indianapolis.
Ms. Peggy Boehm, Chairperson, State Board of Tax Commissioners.
Mr. Larry Stroble, representing the Taxation Section of the Indiana Bar Association.

THIRD MEETING:

Judge William Hughes, Hamilton Superior Court No. 3.
Judge Wallace Weakley, Hamilton Superior Court No. 4.
Judge John Surbeck, Allen Superior Court.
Representative Michael Smith, Jasper County.
Mr. Michael Riley, Attorney, Jasper County.
Judge Cynthia Emkes, Johnson Superior Court No. 2.
Judge James Coachys, Johnson Superior Court No. 1.
Mr. Larry Jessie, President of the Johnson County Bar Association.
Representative Paul Cantwell, Marion County.
Judge James C. Jarrette, Kosciusko County Court.
Judge Douglas Bridges, Monroe Circuit Court.
Judge Kenneth Todd, Monroe Circuit Court.
Judge Carl H. Taul, Ripley Circuit Court.
Mr. Franklin Arkenberg, Ripley County Prosecuting Attorney.
Mr. Steven B. McCombs, Ripley County Public Defender.

Representative Dennis Kruse, Steuben County.

FOURTH MEETING:

Representative Michael Dvorak, St. Joseph County.
Ms. Deborah Cataldo, Legal Services Program of Northern Indiana.
Ms. Judy Haller, Legal Services of Northwest Indiana.
Mr. Norman Metzger, Executive Director, Legal Services Organization of Indiana.
Ms. Carolyn Sutton, Legal Services Organization of Maumee Valley.
Mr. Larry Landis, Indiana Public Defender Council.
Ms. Catherine O'Connor, Criminal Justice Institute.
Representative Sue Scholer, Tippecanoe County.
Ms. Peggy Boehm, Chairperson, State Board of Tax Commissioners.
Judge Thomas Fisher, Indiana Tax Court.
Judge Lorenzo Arredondo, Lake Circuit Court.
Mr. Leslie Duvall, representing the Indianapolis Bar Association.
Representative William Crawford, Marion County.
Mr. W. Tobin McClamroch, Indianapolis City-County Council Vice-President and Majority Leader.
Representative Charlie Brown, Lake County.
Senator Lonnie Randolph, Lake County.
Mr. W. Stell Huie, American Bar Association (ABA) Committee on Judicial
Mr. Jona Goldschmidt, American Judicature Society (AJS).
Ms. Tula Kavadias, President of the Lake County Bar Association.
Mr. Saul Ruman, Hammond, IN.
Judge Jeffrey Dywan, Lake Superior Court.

Because of time constraints, the Commission was unable to hear testimony from the following persons who also attended the meeting to speak in support of the merit selection of judges in Lake County:

- Judge James Danikolas, Lake Superior Court.
- Judge James E. Letsinger, Lake Superior Court.
- Judge Mary Beth Bonaventura, Lake Superior Court.
- Magistrate T. Edward Page, Lake Superior Court.
- Mr. Charles Enslin, President-elect of the Lake County Bar Association.

Judge James L. Clement, Lake Superior Court, was unable to attend the meeting but submitted written remarks to the Commission.

FIFTH MEETING:

No testimony was taken.

SIXTH MEETING:

No testimony was taken.

APPENDIX A

**FISCAL ESTIMATE OF JUDICIAL SALARY
INCREASE**

APPENDIX A

COURT OFFICER SALARIES AND COURT COST FEES:

assumes minimum salaries of \$95,000 for trial court judges, magistrates with 80% of salary of trial court judge
assumes justices of the supreme court receive \$110,000 and judges of the court of appeals receive \$100,000.

Percentage Increase in Salaries:	# of Officers	current salary	0%	
			Proposed for: FY 1996	FY 1997
Supreme Court Justices	5	\$81,000	\$115,000	\$115,000
Court of Appeals Judges	16	\$76,500	\$105,000	\$105,000
Trial Court Judges (state share):				
Class 1 - 2	104	\$51,265	\$84,525	\$84,525
Class 3 - 6	116	54,575	\$87,835	\$87,835
Class 7 - 9	66	56,780	\$90,040	\$90,040
average state share:		\$53,880	\$87,140	\$87,140
state and county share:		\$61,740	\$95,000	\$95,000
Magistrates	14	\$53,471	\$76,000	\$76,000
Juvenile Court Referees:	12	\$12,078	\$34,607	\$34,607
Prosecuting Attorneys				
Full Time:	36	\$61,740	\$95,000	\$95,000
Part Time @ 66%	18	\$40,748	\$62,700	\$62,700
Part Time @ 60%	36	\$37,044	\$57,000	\$57,000
Deputy Prosecuting Attorneys				
Full Time:	45	\$46,305	\$71,250	\$71,250
Deputies @ 66%	20	\$30,561	\$47,025	\$47,025
Deputies @ 60%	45	\$27,783	\$42,750	\$42,750
Total Number	533			

*includes state share only, see Ex. 1

Estimated Impact on the STATE General Fund:

Estimated Costs:	Ex. #	FY 1995	FY 1996	FY 1997
Judges & Magistrates:	1		(\$11,110,061)	(\$11,110,061)
Judges Retirement Fund	1		(\$2,501,739)	(\$2,501,739)
Prosecuting Attorneys:	2		(\$4,768,675)	(\$4,768,675)
*Eliminate Spec. Judge Fees:			\$487,100	\$487,100
Senior Judges Payments:			(\$19,000)	(\$19,000)
Additional Expenditures:		\$0	(\$17,912,375)	(\$17,912,375)
Additional Revenue:	3 **	\$3,049,597	\$18,297,583	\$18,297,583
NET EFFECT ON STATE GENERAL FUND:		\$3,049,597	\$385,209	\$385,209

* based on 1993 expenditures

** FY 94 revenue based on two months of revenue

COURT FEES:

	Current	Proposed
civil:	\$55	\$84
probate:	\$55	\$84
juvenile	\$40	\$65
crim. & misd.	\$110	\$115
inf. & ord. viol.:	\$51	\$83
def. pros.	none	\$25

changes in % share

	Proposed	Current
trial cts.		
state	65%	50%
city & twns	3%	3%
counties	32%	47%
	100%	100%
city & town cts.		
state	70%	55%
city & twns	20%	30%
counties	10%	15%
	100%	100%

Estimated Impact on the LOCAL General Fund:

	Ex. #	CY 1995	CY 1996	CY 1997
Savings due to \$5,000 cap on county share of salaries of:				
Judges:	6	\$353,606	\$707,211	\$707,211
Full Time Pros. Atty's:	6	\$54,944	\$109,888	\$109,888
Senior Judges:		\$9,500	\$19,000	\$19,000
Transfer of FICA payments:	7	\$108,303	\$216,605	\$216,605
Total Savings to County Govts.		\$526,352	\$1,052,704	\$1,052,704
Change in County Revenue:	3	(\$489,792)	(\$734,689)	(\$734,689)
Net Change for Counties:		\$36,560	\$318,015	\$318,015
Change in City and Town Revenue:	3	\$143,938	\$215,907	\$215,907
NET EFFECT ON LOCAL GENERAL FUND:		\$180,497	\$533,922	\$533,922

filed under:
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date note
was prepared:
04-Aug-94

date note
was printed:
18-Nov-94

APPENDIX B

INFORMATION REGARDING COSTS ON NEW REQUESTS

LEGISLATIVE SERVICES AGENCY

Office of Fiscal and Management Analysis

302 State House
Indianapolis, Indiana 46204-2789
(317) 232-9855
(317) 232-2554 (FAX)

APPENDIX B

MEMORANDUM

To: Members of the Commission on Courts

From: Mark Goodpaster, Senior Fiscal Analyst

Re: Information Concerning the Court Requests on the Agenda for the
September 13, 1994 meeting

Date: September 12, 1994

The following information was compiled for your review when you are examining the need for additional courts or new magistrates during today's meeting. These tables include:

- a summary table showing the number of state paid court officers, the average number of case filings, disposed cases and the pending cases per court. each county is ranked accordingly from the highest to the lowest for each of these categories.
- a table ranking each county by the average number of filings less infractions
- a table showing the filing history for each county that is on the agenda and requesting either a new court or a new magistrate.

The following section briefly summarizes the filings history and rank for each of the counties in which a representative is appearing before the Commission today:

Allen County:

Request: four additional magistrates

Summary of Statistics: Allen County has 10 judges, 2 juvenile referees and one magistrate for 13 total state paid court officers. It has no city or town courts. In 1983, Allen County ranked 5th in average filings per court, 4th in average dispositions per court and 9th in average pending cases per court. Between 1986 and 1993, Allen County's case filings increased by 25%

Additional Costs to the State: \$271,000. Each magistrate costs the state an

estimated \$67,700 when taking into account fringe benefits, health insurance and other direct costs.

Hamilton County:

Request: one additional court and one additional magistrate

Summary of Statistics: Hamilton County has five courts of record and two city courts in Noblesville and Carmel. During CY 1993, Hamilton County ranked 50th in the average number of cases filed, 28th in the average number of cases disposed, and 39th in the average number of pending cases per court. Between 1986 and 1993 the total number of case filings in the county declined by 11% when adjusting for redocketed filings.

Additional Costs to the State: \$145,276; \$77,566 for a new court and \$67,700 for a new magistrate.

Jasper County:

Request: Elimination of Jasper Superior Court #2

Summary of Statistics: Jasper County currently has three courts of record with three judges and no other state paid court officers. It also has town courts located in Demotte and Wheatfield. Jasper County ranks 69th in average filings, 60th in average dispositions, and 48th in average pending cases per court. Between 1986 and 1993, the total number of case filings in Jasper County has increased by 4% while the total number of filings in the courts of record have increased by 6%.

Additional Costs to the State: Savings of \$77,566 when taking into account current salary, health insurance and other expenses.

Johnson County:

Request: One new superior court with or without the abolishment of the current magistrate.

Summary of Statistics: Johnson County currently has a three courts of record, one juvenile court referee, and one magistrate. City and town courts in Greenwood, Franklin and New Whiteland appear to have most of the infractions filings. For the courts of record in Johnson County, their average number of filings per court is ranked at 73rd of all 92 counties; the average number of dispositions is ranked at 75th; while the average number of pending cases per county is ranked at 27th. Between 1987 and 1993, the number of filings in the county overall has declined by 6%, while the number of filings in the courts of record has increased by 44%.

Additional Cost to the State: If a new superior court is added in Johnson County

and the current magistrate position is retained, the additional cost is estimated at \$77,566. If a new superior court is added and the magistrate position is eliminated, the additional cost to the state would be \$1,100.

Kosciusko County:

Request: Convert small claims referee into a superior court.

Summary of Statistics: Kosciusko County has three courts of record with three judges, one state paid small claims referee, and no city or town courts. Kosciusko County is ranked 32nd in average case filings, 46th in the average number of cases disposed per court and 15th in the average number of pending cases. Between 1986 and 1993 the total number of filings in all three courts has increased by 37%.

Additional Cost to the State: ~~\$77,566~~ \$62,870. The costs of the added court (\$77,566) would be offset by the elimination of the small claims referee, who is currently being paid \$14,696 by the state under the current statute. IC 33-10.5-9-8 specifies that the small claims court referee is paid 40% of the salary of the county court judge (\$24,696). The county pays \$10,000, while the state pays the remainder (\$14,696).

Lake County:

Request: Two new superior courts

Summary of Statistics: Lake County has 14 courts of record, three small claims referees, 4 juvenile court referees, and 1 magistrate for a total of 22 state paid court officers. Besides the courts of record, Lake County has seven city or town courts in Crown Point, East Chicago, Gary, Hammond, Hobart, Lake Station and Whiting. The average number of filings in Lake County's courts of record rank 17th, the number of cases disposed per court ranks 24th, while the average number of pending cases ranks 6th overall. Between 1986 and 1993, the overall filings in Lake County's courts of record have increased by 36%.

Additional Costs to the State: \$147,924 for both new courts.

Monroe County:

Request: Upgrade magistrate to circuit court.

Summary of Statistics: Monroe County has a unified court system with six courts and one juvenile court magistrate and no city or town courts. Monroe County ranks 21st overall in the average number of filings per court, 19th in the average number of dispositions per court and 54th in the average number of pending cases per court. The overall number of filings has increased by 13%.

Additional Costs to the State: \$1,100

Ripley County

Request: Create new superior court and abolish position of small claims referee.

Summary of Statistics: Ripley County has one circuit court and one small claims referee and city or town courts located in Batesville and Versailles. Compared to other counties, Ripley County's average filings per court is ranked 86th, its average dispositions per court is ranked 76th while the average pending cases per court officer is ranked 58th. Between 1986 and 1993 the number of filings in Ripley Circuit Court has increased by 49%.

Additional Costs to the State: \$43,000. The difference between the state's contribution to the current small claims referee (\$36,000) and a new judge (\$79,966).

Steuben County:

Request: One additional magistrate

Summary of Statistics: Steuben County has two courts of record and a town court located in Freemont. Steuben County's courts of record rank 45th in the average number of filings per court, 57th in the average number of cases disposed and 14th in the average number of pending cases. The overall case filings have increased by 52% between 1986 and 1993.

Additional Cost to the State: \$67,711.

Counties Ranked By Total Filings Less Infractions
(includes judges, magistrates, juvenile court referees, and small claims referees)
CY 1993

		Judges	Referees & Magistrates	Total	Filings Infractions	Totals less Infractions	Ave.
1	Allen	10	3	70,703	15,784	54,919	4,225
2	Saint Joseph	10	1	46,075	2,928	43,147	3,922
3	Porter	5		32,984	17,621	15,363	3,073
4	Elkhart	6		23,697	6,055	17,642	2,940
5	Marion	32	4	187,907	88,364	99,543	2,765
6	Vanderburgh	8	1	37,018	12,633	24,385	2,709
7	Tippecanoe	6		25,259	9,681	15,578	2,596
8	Floyd	3		12,538	4,756	7,782	2,594
9	Laporte	5		27,561	15,402	12,159	2,432
10	Howard	4		13,692	4,462	9,230	2,308
11	Dearborn	1.5		3,879	425	3,454	2,303
12	Lake	14	8	84,668	34,237	50,431	2,292
13	Clark	4		30,194	21,235	8,959	2,240
14	Jackson	2		13,822	9,343	4,479	2,240
15	Vigo	5	1	13,065	32	13,033	2,172
16	Jefferson	1.5		4,781	1,579	3,202	2,135
17	Delaware	5		10,940	321	10,619	2,124
18	Madison	6		12,597	1	12,596	2,099
19	Monroe	6	1	25,344	10,779	14,565	2,081
20	Hendricks	3		8,602	2,623	5,979	1,993
21	Warrick	2		9,047	5,074	3,973	1,987
22	Wayne	4		17,358	9,455	7,903	1,976
23	Cass	2		5,620	1,691	3,929	1,965
24	Bartholomew	3	1	15,159	7,304	7,855	1,964
25	Knox	3		9,829	4,290	5,539	1,846
26	Huntington	2		7,596	3,908	3,688	1,844
27	Hamilton	5		11,828	2,673	9,155	1,831
28	Grant	4		8,304	1,018	7,286	1,822
29	Steuben	2		5,013	1,445	3,568	1,784
30	Fulton	1.5		5,570	3,032	2,538	1,692
31	Parke	1		3,117	1,439	1,678	1,678
32	Lawrence	3		7,749	2,754	4,995	1,665
33	Henry	3		7,706	2,740	4,966	1,655
34	Wabash	2		5,591	2,302	3,289	1,645
35	Dubois	2		6,921	3,726	3,195	1,598
36	Newton	2		3,191		3,191	1,596
37	Johnson	3	2	8,061	156	7,905	1,581
38	Putnam	2		5,801	2,661	3,140	1,570
39	Vermillion	1		1,816	261	1,555	1,555
40	Marshall	3		12,188	7,682	4,506	1,502
41	Franklin	1		2,697	1,195	1,502	1,502
42	Shelby	3		8,030	3,529	4,501	1,500
43	Kosciusko	3	1	11,465	5,577	5,888	1,472
44	Perry	1		2,632	1,161	1,471	1,471
45	Noble	3		7,792	3,521	4,271	1,424

46	Washington	2		4,067	1,221	2,846	1,423
47	Miami	2		4,197	1,360	2,837	1,419
48	Fayette	2		3,898	1,164	2,734	1,367
49	Gibson	2		9,513	6,954	2,559	1,280
50	Harrison	2		5,805	3,277	2,528	1,264
51	Lagrange	2		5,257	2,764	2,493	1,247
52	Scott	2		3,748	1,268	2,480	1,240
53	Greene	2		4,912	2,438	2,474	1,237
54	Spencer	1		5,272	4,051	1,221	1,221
55	Clinton	2		5,762	3,335	2,427	1,214
56	Montgomery	3		6,254	2,642	3,612	1,204
57	Morgan	3	1	4,812	24	4,788	1,197
58	Decatur	2		4,176	1,821	2,355	1,178
59	Dekalb	2	1	5,192	1,674	3,518	1,173
60	Hancock	3		8,544	5,091	3,453	1,151
61	Crawford	1		2,442	1,341	1,101	1,101
62	Clay	2		4,957	2,825	2,132	1,066
63	White	2		6,382	4,295	2,087	1,044
64	Daviess	2		4,835	2,757	2,078	1,039
65	Randolph	2		2,045		2,045	1,023
66	Pulaski	1.5		3,132	1,619	1,513	1,009
67	Martin	1		2,156	1,209	947	947
68	Ripley	1	1	1,883	3	1,880	940
69	Posey	2		4,675	2,802	1,873	937
70	Boone	3		2,899	95	2,804	935
71	Wells	2		1,942	120	1,822	911
72	Adams	2		3,912	2,106	1,806	903
73	Sullivan	2		5,336	3,547	1,789	895
74	Orange	2		3,318	1,576	1,742	871
75	Jasper	3		5,349	2,794	2,555	852
76	Whitley	2	1	5,767	3,234	2,533	844
77	Jay	2		1,707	25	1,682	841
78	Starke	1	1	1,657	1	1,656	828
79	Rush	2		3,144	1,521	1,623	812
80	Jennings	1	1	1,563		1,563	782
81	Carroll	2		3,438	1,876	1,562	781
82	Union	1		2,026	1,278	748	748
83	Switzerland	1		1,014	306	708	708
84	Owen	1	1	2,187	848	1,339	670
85	Brown	1	1	2,230	964	1,266	633
86	Blackford	2		1,275	33	1,242	621
87	Fountain	1	1	1,932	751	1,181	591
88	Pike	1	1	2,100	924	1,176	588
89	Warren	1		1,872	1,363	509	509
90	Benton	1		1,322	850	472	472
91	Ohio	1		739	281	458	458
92	Tipton	1	1	691	3	688	344
TOTAL		281	34	1,046,743	417,286	629,457	1,998

09-Sep-94

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Counties Ranked by Average Case Filings Per Court Officer
 (includes judges, magistrates, juvenile court referees, and small claims referees)
 CY 1993

State Paid Court Officers:				rank					rank					rank	Pending Cases	
Judges	Sm. Clms. Refs.	Juv. Refs.	Magis- trates	Total Offi- cers	rank in avg. filings	Filings		rank in avg. disp.	Dispositions		rank in avg. pend.	Total	Avg.			
						Total	Avg.		Total	Avg.						
Adams	2			2	1	Clark	30,194 7,549	1	Jackson	13,716 6,858	1	Clinton	3,094	6,033		
Allen	10	2	1	13	2	Jackson	13,822 6,911	2	Porter	33,601 6,720	2	Floyd	16,770	5,590		
Barthlm	3		1	4	3	Porter	32,984 6,597	3	Clark	23,767 5,942	3	Delaware	27,079	5,416		
Benton	1			1	4	Laporte	27,561 5,512	4	Allen	75,047 5,822	4	Parke	5,065	5,065		
Blackfd	2			2	5	Allen	70,703 5,439	5	Laporte	26,689 5,338	5	Saint Joseph	51,866	4,715		
Boone	3			3	6	Spencer	5,272 5,272	6	Spencer	5,241 5,241	6	Lake	99,897	5,511		
Brown	1	1		2	7	Marion	187,907 5,220	7	Marion	185,598 5,156	7	Hancock	13,411	4,470		
Carroll	2			2	8	Gibson	9,513 4,757	8	Gibson	9,648 4,824	8	Warrick	8,482	4,241		
Cass	2			2	9	Warrick	9,047 4,524	9	Warrick	8,738 4,369	9	Allen	53,339	4,108		
Clark	4			4	10	Wayne	17,358 4,340	10	Wayne	16,605 4,151	10	Hendricks	12,066	4,022		
Clay	2			2	11	Tippecanoe	25,259 4,210	11	Bartholomew	16,283 4,071	11	Porter	19,811	3,962		
Clinton	2			2	12	Saint Josepl	46,075 4,189	12	Tippecanoe	24,286 4,048	12	Jackson	7,862	3,931		
Crawfor	1			1	13	Floyd	12,538 4,179	13	Floyd	12,140 4,047	13	Knox	10,761	3,587		
Daviess	2			2	14	Vanderburgl	37,018 4,113	14	Marshall	12,063 4,021	14	Stauben	7,071	3,537		
Dearbrn	1.5			1.5	15	Marshall	12,188 4,063	15	Saint Joseph	42,822 3,893	15	Kosciusko	13,553	3,380		
Decatur	2			2	16	Elkhart	23,697 3,950	16	Elkhart	23,162 3,860	16	Laporte	16,618	3,324		
Dekalb	2	1		3	17	Lake	84,668 3,849	17	Howard	15,218 3,805	17	Elkhart	18,063	3,011		
Delawar	5			5	18	Huntington	7,596 3,798	18	Vanderburgh	34,086 3,787	18	Marion	105,102	2,920		
Dubois	2			2	19	Bartholomev	15,159 3,790	19	Monroe	24,915 3,559	19	Vanderburgh	25,718	2,858		
Elkhart	6			6	20	Fulton	5,570 3,713	20	Fulton	5,330 3,553	20	Harrison	5,599	2,800		
Fayette	2			2	21	Monroe	25,344 3,621	21	Huntington	7,026 3,513	21	Decatur	5,523	2,762		
Floyd	3			3	22	Dubois	6,921 3,461	22	Knox	10,108 3,369	22	Jefferson	4,076	2,717		
Fountair	1	1		2	23	Howard	13,692 3,423	23	Parke	3,322 3,322	23	Benton	3,197	2,681		
Franklin	1			1	24	Knox	9,829 3,276	24	Lake	72,901 3,314	24	Marshall	7,966	2,655		
Fulton	1.5			1.5	25	White	6,382 3,191	25	White	6,299 3,150	25	Tippecanoe	14,779	2,463		
Gibson	2			2	26	Jefferson	4,781 3,187	26	Dubois	5,806 2,903	26	Wayne	9,795	2,449		
Grant	4			4	27	Parke	3,117 3,117	27	Wabash	5,754 2,877	27	Johnson	12,117	2,423		
Greene	2			2	28	Harrison	5,805 2,903	28	Hamilton	14,270 2,956	28	Daviess	4,818	2,409		
Hamiltol	5			5	29	Putnam	5,801 2,901	29	Dearborn	4,245 2,830	29	Lawrence	7,147	2,382		
Hancock	3			3	30	Clinton	5,762 2,881	30	Cass	5,648 2,824	30	Fulton	3,345	2,230		
Harrisor	2			2	31	Hendricks	8,602 2,867	31	Martin	2,812 2,812	31	Howard	8,801	2,200		
Hendricl	3			3	32	Kosciusko	11,465 2,866	32	Jefferson	4,203 2,802	32	Perry	2,165	2,165		
Henry	3			3	33	Hancock	8,544 2,848	33	Clinton	5,591 2,796	33	Lagrange	4,132	2,066		
Howard	4			4	34	Cass	5,620 2,810	34	Putnam	5,527 2,764	34	Madison	12,249	2,042		
Huntingl	2			2	35	Wabash	5,591 2,796	35	Harrison	5,390 2,695	35	Whitley	6,039	2,013		
Jackson	2			2	36	Franklin	2,597 2,697	36	Perry	2,645 2,645	36	Clark	32,050	1,968		
Jasper	3			3	37	Shelby	8,030 2,677	37	Hancock	7,852 2,617	37	Dekalb	5,688	1,898		

Jay	2		2	38 Sullivan	5,336	2,668	38 Shelby	7,767	2,589	38 Dearborn	2,832	1,888
Jefferso	1.5		1.5	39 Perry	2,632	2,632	39 Clay	5,170	2,585	39 Hamilton	4,822	1,877
Jenning	1	1	2	40 Lagrange	5,257	2,629	40 Sullivan	5,132	2,586	40 Dubois	3,675	1,838
Johnsor	3	1	1	41 Noble	7,792	2,597	41 Lagrange	5,081	2,541	41 Switzerland	1,735	1,735
Knox	3		3	42 Dearborn	3,879	2,586	42 Crawford	2,539	2,539	42 Union	1,691	1,691
Koscius	3	1	4	43 Lawrence	7,749	2,583	43 Franklin	2,520	2,520	43 Franklin	1,690	1,690
Lagrang	2		2	44 Henry	7,706	2,569	44 Henry	7,552	2,517	44 Henry	4,981	1,660
Lake	14	3	4	45 Steuben	5,013	2,507	45 Lawrence	7,439	2,480	45 Vigo	9,697	1,616
Laporte	5		5	46 Clay	4,957	2,479	46 Kosciusko	5,842	2,481	46 Newton	3,129	1,565
Lawrenc	3		3	47 Greene	4,912	2,456	47 Noble	7,326	2,442	47 Washington	3,115	1,558
Madisor	6		6	48 Crawford	2,442	2,442	48 Hendricks	7,306	2,435	48 Jasper	2,598	1,533
Marion	32	3	1	49 Daviess	4,835	2,418	49 Montgomery	7,183	2,394	49 White	2,980	1,490
Marshal	3		3	50 Hamilton	11,828	2,366	50 Greene	4,763	2,382	50 Greene	2,960	1,480
Martin	1		1	51 Posey	4,675	2,338	51 Madison	13,945	2,324	51 Clay	1,722	1,480
Miami	2		2	52 Delaware	10,940	2,188	52 Posey	4,529	2,265	52 Fayette	2,911	1,456
Monroe	6	1	7	53 Vigo	13,065	2,178	53 Grant	8,694	2,174	53 Huntington	2,827	1,414
Montgoi	3		3	54 Martin	2,156	2,156	54 Daviess	4,250	2,125	54 Monroe	3,627	1,375
Morgan	3		1	55 Madison	12,597	2,100	55 Pulaski	3,186	2,124	55 Grant	5,444	1,361
Newton	2		2	56 Miami	4,197	2,099	56 Union	2,061	2,061	56 Noble	3,877	1,292
Noble	3		3	57 Decatur	4,176	2,088	57 Steuben	4,081	2,047	57 Crawford	1,284	1,284
Ohio	1		1	58 Pulaski	3,132	2,088	58 Miami	4,020	2,010	58 Ripley	2,506	1,252
Orange	2		2	59 Montgomery	6,254	2,085	59 Decatur	4,011	2,006	59 Jennings	2,408	1,204
Owen	1	1	2	60 Grant	8,304	2,076	60 Jasper	5,786	1,929	60 Shelby	3,608	1,203
Parke	1		1	61 Washington	4,067	2,034	61 Adams	3,825	1,913	61 Miami	4,759	1,190
Perry	1		1	62 Union	2,026	2,026	62 Vigo	11,409	1,902	62 Scott	2,373	1,187
Pike	1	1	2	63 Adams	3,912	1,956	63 Washington	3,761	1,881	63 Montgomery	3,509	1,170
Porter	5		5	64 Fayette	3,898	1,949	64 Warren	1,850	1,850	64 Wells	2,272	1,136
Posey	2		2	65 Whitley	5,767	1,922	65 Rush	3,690	1,845	65 Carroll	1,174	1,105
Pulaski	1.5		1.5	66 Scott	3,748	1,874	66 Vermillion	1,796	1,796	66 Orange	2,210	1,105
Putnam	2		2	67 Warren	1,872	1,872	67 Whitley	5,335	1,778	67 Randolph	2,200	1,100
Randolp	2		2	68 Vermillion	1,816	1,816	68 Scott	3,526	1,763	68 Wabash	2,165	1,083
Ripley	1	1	2	69 Jasper	5,349	1,783	69 Fayette	3,497	1,749	69 Cass	2,775	1,083
Rush	2		2	70 Dekalb	5,192	1,731	70 Newton	3,475	1,738	70 Pulaski	1,548	1,032
Saint Jo	10		1	71 Carroll	3,438	1,719	71 Carroll	3,430	1,715	71 Owen	2,059	1,030
Scott	2		2	72 Orange	3,318	1,659	72 Dekalb	5,097	1,699	72 Brown	4,304	1,030
Shelby	3		3	73 Johnson	8,061	1,612	73 Delaware	7,973	1,595	73 Putnam	1,981	991
Spencei	1		1	74 Newton	3,191	1,596	74 Orange	3,075	1,538	74 Gibson	1,931	966
Starke	1		1	75 Rush	3,144	1,572	75 Johnson	7,437	1,487	75 Warren	961	961
Steuber	2		2	76 Benton	1,322	1,322	76 Ripley	2,619	1,310	76 Jay	1,883	942
Sullivan	2		2	77 Morgan	4,812	1,203	77 Benton	1,275	1,275	77 Spencer	931	931
Switzerl	1		1	78 Brown	2,230	1,115	78 Morgan	4,834	1,209	78 Sullivan	1,816	908
Tippeca	6		6	79 Owen	2,187	1,094	79 Owen	2,236	1,118	79 Ohio	857	857
Tipton	1	1	2	80 Pike	2,100	1,050	80 Pike	2,165	1,083	80 Bartholomew	7,606	836
Union	1		1	31 Randolph	2,045	1,023	81 Brown	2,080	1,040	81 Vermillion	776	776
Vandert	8		1	82 Switzerland	1,014	1,014	82 Fountain	1,916	958	82 Rush	1,455	728

Vermilic	1		1	83 Wells	1,942	971	83 Wells	1,871	936	83 Martin	702	702		
Vigo	5	1	6	84 Boone	2,899	966	84 Boone	2,668	889	84 Adams	1,382	691		
Wabash	2		2	85 Fountain	1,932	966	85 Randolph	1,738	869	85 Morgan	2,681	670		
Warren	1		1	86 Ripley	1,883	942	86 Switzerland	834	834	86 Posey	1,174	587		
Warrick	2		2	87 Jay	1,707	854	87 Starke	1,635	818	87 Starke	926	463		
Washing	2		2	88 Starke	1,657	829	88 Jay	1,536	768	88 Fountain	902	451		
Wayne	4		4	89 Jennings	1,563	782	89 Jennings	1,304	652	89 Pike	884	442		
Wells	2		2	90 Ohio	739	739	90 Ohio	610	610	90 Boone	2,933	301		
White	2		2	91 Blackford	1,275	638	91 Blackford	1,084	542	91 Blackford	5,388	297		
Whitley	2	1	3	92 Tipton	691	346	92 Tipton	756	378	92 Tipton	593	297		
TOTAL	281	13	12	9	315		1,046,743	3,323		1,013,779	3,218		822,853	2,612

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12-Sep-94

**Allen County
Summary of Case Filings:**

	1986	1987	1988	1989	1990	1991	1992	1993	6 year change
Criminal	32,904	8,914	8,262	9,871	11,326	11,720	10,498	10,260	-69%
Non Civil	0	21,341	20,012	22,416	27,021	27,877	24,571	24,960	17%
Juvenile	1,479	3,553	4,361	4,913	4,763	5,582	5,417	5,236	254%
Civil	3,108	3,114	3,037	3,384	3,613	4,286	3,687	3,699	19%
Small Clms.	14,532	17,356	17,421	17,154	18,804	18,931	18,324	20,828	43%
Dom. Rel.	2,006	2,481	2,114	2,305	2,272	2,352	2,171	2,238	12%
Other Civil	2,195	1,664	1,916	2,105	2,071	2,414	2,754	3,212	46%
Case Filings	56,224	58,423	57,123	62,148	69,870	73,162	67,422	70,433	25%

Summary of Filings By Court:

	1986	1987	1988	1989	1990	1991	1992	1993	6 yr. change
Circuit	2,833	3,045	2,553	3,113	3,271	3,405	3,402	3430	21%
Sup. Ct.	53,391	55,378	54,570	59,035	66,599	69,757	64,020	67003	25%
	<u>56,224</u>	<u>58,423</u>	<u>57,123</u>	<u>62,148</u>	<u>69,870</u>	<u>73,162</u>	<u>67,422</u>	<u>70,433</u>	<u>25%</u>

Notes:

- 1 . criminal filings include felonies, misdemeanors, postconviction petitions and miscellaneous criminal
- 2 . noncivil filings include infractions and ordinance violations
- 3 . civil filings include civil plenary and civil torts
- 4 . domestic relations filings include domestic relations and reciprocal support filings
- 5 . other civil filings include mental health, adoptions, estates, guardianships, trusts, and miscellaneous filings
- 6 . case filings do not include redocketed cases

Source: Indiana Judicial Report, 1987 through 1993

prepared by Mark Goodpaster, Legislative Services Agency, (317) 232-9852

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09-Sep-94

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**Allen County
Summary of Case Filings:**

	1986	1987	1988	1989	1990	1991	1992	1993	6 year change
Criminal	32,904	8,914	8,262	9,871	11,326	11,720	10,498	10,260	-69%
Non Civil	0	21,341	20,012	22,416	27,021	27,877	24,571	24,960	17%
Juvenile	1,479	3,553	4,361	4,913	4,763	5,582	5,417	5,236	254%
Civil	3,108	3,114	3,037	3,384	3,613	4,286	3,687	3,699	19%
Small Clms.	14,532	17,356	17,421	17,154	18,804	18,931	18,324	20,828	43%
Dom. Rel.	2,006	2,481	2,114	2,305	2,272	2,352	2,171	2,238	12%
Other Civil	2,195	1,664	1,916	2,105	2,071	2,414	2,754	3,212	46%
Case Filings	56,224	58,423	57,123	62,148	69,870	73,162	67,422	70,433	25%

Summary of Filings By Court:

	1986	1987	1988	1989	1990	1991	1992	1993	6 yr. change
Circuit	2,833	3,045	2,553	3,113	3,271	3,405	3,402	3430	21%
Sup. Ct.	53,391	55,378	54,570	59,035	66,599	69,757	64,020	67003	25%
	56,224	58,423	57,123	62,148	69,870	73,162	67,422	70,433	25%

Notes:

- 1 . criminal filings include felonies, misdemeanors, postconviction petitions and miscellaneous criminal
- 2 . noncivil filings include infractions and ordinance violations
- 3 . civil filings include civil plenary and civil torts
- 4 . domestic relations filings include domestic relations and reciprocal support filings
- 5 . other civil filings include mental health, adoptions, estates, guardianships, trusts, and miscellaneous filings
- 6 . case filings do not include redocketed cases

Source: Indiana Judicial Report, 1987 through 1993

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**Hamilton County
Summary of Case Filings:**

	1986	1987	1988	1989	1990	1991	1992	1993	7 year change
Criminal	4,544	2,627	2,954	2,768	2,967	3,796	3,054	2,709	-33%
Non Civil	11,689	10,254	12,220	12,915	10,773	11,105	10,094	10,451	-14%
Juvenile	492	545	414	395	378	569	600	791	22%
Civil	1,487	1,053	1,204	1,237	1,163	1,140	1,094	1,039	-26%
Small Clms.	1,367	1,482	1,671	2,113	2,304	2,116	1,805	1,989	32%
Dom. Rel.	657	727	881	771	721	881	913	996	39%
Other Civil	516	572	593	555	589	832	868	927	68%
Case Filings	20,752	17,260	19,937	20,754	18,895	20,439	18,428	18,902	-11%

Summary of Filings By Court:

	1986	1987	1988	1989	1990	1991	1992	1993	6 yr. change
Circuit	1,497	1,541	1,477	1,202	1,129	1,396	1,582	1,515	1%
Sup. Ct. #1	840	977	902	896	848	1,181	1,105	1,017	21%
Sup. Ct. #2	633	627	618	533	564	577	640	675	7%
Sup. Ct. #3			586	850	839	825	785	1,027	75%
Sup. Ct. #4	11,900	8,946	10,946	10,675	9,305	9,772	8,300	7,594	-36%
Cts. of Record	14,870	12,091	14,529	14,156	12,685	13,751	12,412	11,828	-17%
Carmel	2,875	2,547	2,549	3,351	3,573	4,675	3,511	3,482	22%
Noblesville	3,007	2,622	2,859	3,247	2,637	2,013	2,505	3,592	-17%
City & Town Cts	5,882	5,169	5,408	6,598	6,210	6,688	6,016	7,074	2%
Grand Total	20,752	17,260	19,937	20,754	18,895	20,439	18,428	18,902	-11%

Notes:

- 1 . criminal filings include felonies, misdemeanors, postconviction petitions and miscellaneous criminal
- 2 . noncivil filings include infractions and ordinance violations
- 3 . civil filings include civil plenary and civil torts
- 4 . domestic relations filings include domestic relations and reciprocal support filings
- 5 . other civil filings include mental health, adoptions, estates, guardianships, trusts, and miscellaneous filings
- 6 . case filings do not include redocketed cases

Source: Indiana Judicial Report, 1987 through 1993

prepared by Mark Goodpaster, Legislative Services Agency, (317) 232-9852

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Additional Analysis of Case Filings		Hamilton County							1993	6 year change (1987-92)
		1986	1987	1988	1989	1990	1991	1992		
criminal	felonies	1,037	499	522	528	542	616	593	598	-43%
	misdemeanors	3,507	2,003	2,254	1,999	2,158	2,837	2,049	1,795	-42%
	redocketed	196	236	125	165	244		45	30	
	post conviction							45	30	
	miscellaneous		125	178	241	267	298	382	273	
non civil	infractions	7,426	7,780	10,152	9,061	7,150	8,384	7,543	7,432	2%
	ord. violations	4,263	2,474	2,068	3,854	3,623	2,721	2,551	3,019	-40%
juvenile	juvenile chins	492	10	23	17	23	33	25	40	
	juvenile delinquency		437	326	263	235	352	358	553	
	juvenile status			63	50	43	81	89	96	
	juvenile paternity		97		62	67	91	118	95	
	juvenile miscellaneous		1	2	3	10	12	10	7	
	juvenile redocketed			154	84	126				
civil	civil plenary	1,487	1,053	1,204	998	1,003	980	892	851	-40%
	civil torts				239	160	160	202	188	
small clms.	small claims	1,367	1,482	1,671	2,113	2,304	2,116	1,805	1,989	32%
	civil redocketed	776	680	683	1,525	1,703				
dom. rel.	domestic relations	657	727	881	771	721	768	809	867	23%
	redocketed dom. rel.	600	578	599	608	725				
other civil	reciprocal support						113	104	129	
	mental health		17	18	26	52	39	21	30	
	adoptions	265	46	40	53	41	78	107	169	-60%
	estates		224	243	275	236	293	255	295	
	guardianships	97	105	92	88	94	169	131	104	35%
	trusts		3	2	6	3	8	3	2	
	protective orders							48	49	
miscellaneous	154	177	198	107	163	245	303	278		
total case filings		22,324	18,754	21,498	23,136	21,693	20,439	18,428	18,902	-17%
redocketed cases		1,572	1,494	1,561	2,382	2,798	0	0		
adjusted total cases		20,752	17,260	19,937	20,754	18,895	20,439	18,428	18,902	-11%

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Summary of Case Filings: Jasper County

	1987	1988	1989	1990	1991	1992	1993	6 year change (1987-93)	average annual change
Criminal	885	941	1,119	1,486	1,172	1,038	1,052	19%	3%
Non Civil	3,374	2,431	2,888	2,273	2,648	3,446	3,082	-9%	-1%
Juvenile	56	64	88	78	89	87	93	66%	11%
Civil	177	203	215	270	186	214	181	2%	0%
Small Clms.	608	963	836	805	736	817	692	14%	2%
Dom. Rel.	155	166	181	202	192	350	312	101%	17%
Other Civil	190	161	187	219	243	226	224	18%	3%
Case Filings	5,445	4,929	5,514	5,333	5,266	6,178	5,636	4%	1%

Summary of Filings By Court:

	1987	1988	1989	1990	1991	1992	1993	6 yr. change	avg. annual change
Circuit	377	379	459	400	288	271	339	-10%	-2%
Sup. Ct. #1	4,669	4,244	4,797	2,812	1,119	1,255	1,241	-73%	-12%
Sup. Ct. #2				1,879	3,519	4,334	3,769	101%	34%
Total	5,046	4,623	5,256	5,091	4,926	5,860	5,349	6%	1%
Demotte	392	300	255	242	299	257	264	-33%	-5%
Wheatfield	7	6	3	0	41	61	23	229%	38%
Total	399	306	258	242	340	318	287	-28%	-5%
Grand Total	5,445	4,929	5,514	5,333	5,266	6,178	5,636	4%	1%

Notes:

- 1 . criminal filings include felonies, misdemeanors, postconviction petitions and miscellaneous criminal
- 2 . noncivil filings include infractions and ordinance violations
- 3 . civil filings include civil plenary and civil torts
- 4 . domestic relations filings include domestic relations and reciprocal support filings
- 5 . other civil filings include mental health, adoptions, estates, guardianships, trusts, and miscellaneous filings
- 6 . case filings do not include redocketed cases

Source: Indiana Judicial Report, 1987 through 1993

prepared by Mark Goodpaster, Legislative Services Agency, (317) 232-9852

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Additional Analysis of Case Filings -- Jasper County

		1987	1988	1989	1990	1991	1992	1993	6 year change (1987-93)
criminal	felonies	169	173	197	315	250	223	255	51%
	misdemeanors	713	742	864	1,139	901	781	756	6%
	redocketed	136	154	143	561	0	0	6	
	post conviction	0	0	0	0	7	7	6	
	miscellaneous	3	26	58	32	14	27	35	1067%
non civil	infractions	3,366	2,424	2884	2,273	2,645	3,439	3080	-8%
	ord. violations	8	7	4	0	3	7	2	-75%
juvenile	juvenile chins	4	10	7	13	18	14	13	225%
	juvenile delinquency	32	32	39	27	32	29	27	-16%
	juvenile status	0	0	3	3	4	5	9	
	juvenile paternity	17	19	38	31	34	32	43	153%
	juvenile miscellaneous	3	3	1	4	1	7	1	
	juvenile redocketed	0	0	0	0	0	0		
civil	civil plenary	177	203	169	186	149	174	137	-23%
	civil torts	0	0	46	84	37	40	44	
small cims.	small claims	608	963	836	805	736	817	692	14%
	civil redocketed	551	537	357	587				
dom. rel.	domestic relations	155	166	181	202	173	330	274	77%
	redocketed dom. rel.	46	100	76	70				
	reciprocal support	0	0	0	0	19	20	38	
other civil	mental health	9	11	15	15	39	14	13	44%
	adoptions	15	14	14	12	18	15	14	-7%
	estates	112	89	90	107	92	95	69	-38%
	guardianships	49	37	34	27	34	22	30	-39%
	trusts	1	1	1	4	2	2	1	
	protective orders						26	58	
	miscellaneous	4	9	33	54	58	52	39	875%
total case filings		0	6,178	5,720	6,090	5,266	6,178	5,636	
redocketed cases		0	733	791	576	0	0	0	
adjusted total cases		0	5,445	4,929	5,514	5,333	6,178	5,636	4%

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07-Sep-94

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JOHNSON COUNTY

Summary of Case Filings:

	1987	1988	1989	1990	1991	1992	1993	6 year change	annual change
criminal	4,037	3,938	4,377	4,975	3,787	3,770	3,858	-4%	-1%
non civil	11,268	11,938	12,406	11,790	9,500	9,033	8,191	-27%	-5%
juvenile	145	58	51	1,104	456	462	600	314%	52%
civil	735	794	1,002	1,063	1,115	796	733	-0%	-0%
small clms.	1,557	1,790	2,044	2,086	2,212	2,602	2,819	81%	14%
dom. rel.	783	875	843	1,112	1,088	982	993	27%	4%
other civil	445	469	492	597	611	598	662	49%	8%
Total case filings	18,970	19,862	21,215	22,727	18,769	18,243	17,856	-6%	-1%

Summary by Court:

	1987	1988	1989	1990	1991	1992	1993		
Circuit Court	1,080	1,039	776	1,830	1,319	1,178	1,462	35%	6%
Sup. Ct. #1	380	451	1,737	2,035	1,672	1,347	1,261	232%	39%
Sup. Ct. #2	4,136	4,195	3,620	4,070	4,290	5,136	5,338	29%	5%
Total	5,596	5,685	6,133	7,935	7,281	7,661	8,061	44%	7%
Franklin	4,638	5,500	6,250	5,280	3,262	3,622	3,529	-24%	-4%
Greenwood	4,171	4,998	4,128	3,738	3,766	3,995	3,836	-8%	-1%
New Whiteland	4,565	3,679	4,704	5,774	4,460	2,965	2,430	-47%	-8%
Total	13,374	14,177	15,082	14,792	11,488	10,582	9,795	-27%	-4%
Grand Total	18,970	19,862	21,215	22,727	18,769	18,243	17,856	-6%	-1%

Notes:

- 1 . criminal filings include felonies, misdemeanors, postconviction petitions and miscellaneous criminal
- 2 . noncivil filings include infractions and ordinance violations
- 3 . civil filings include civil plenary and civil torts
- 4 . domestic relations filings include domestic relations and reciprocal support filings
- 5 . other civil filings include mental health, adoptions, estates, guardianships, trusts, and miscellaneous filings
- 6 . case filings do not include redocketed cases
- 7 . 1992 filings are for the first six months of 1992 and do not include the Johnson Circuit Court

Source: Indiana Judicial Report, 1987 through 1993

prepared by Mark Goodpaster, Legislative Services Agency, (317) 232-9852

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Johnson County: Analysis of Case Filings By Category

		1987	1988	1989	1990	1991	1992	1993
criminal	felonies	434	440	590	657	750	597	656
	misdemeanors	3,598	3,497	3,781	4,286	2,983	3,146	3,159
	redocketed	85	36	33	64	0	0	0
	post conviction	0	0	0	0	5	0	5
	miscellaneous	5	1	6	32	49	27	38
non civil	infractions	10,555	11,644	12,197	11,658	9,317	8,891	7,922
	ord. violations	713	294	209	132	183	142	269
juvenile	juvenile chins	58	52	49	44	40	56	51
	juvenile delinquency	52	2	0	721	157	242	277
	juvenile status	0	0	0	214	95	45	39
	juvenile paternity	34	3	2	124	152	115	230
	juvenile miscellaneous	1	1	0	1	12	4	3
	juvenile redocketed	0	0	0	290	0	0	0
civil	civil plenary	735	794	814	911	908	573	560
	civil torts			188	152	207	223	173
small clms.	small claims	1,557	1,790	2,044	2,086	2,212	2,602	2,819
	civil redocketed	360	240	397	976			
dom. rel.	domestic relations	783	875	843	1,112	916	833	787
	redocketed dom. rel.	363	319	283	187			
other civil	reciprocal support					172	149	206
	mental health	12	15	6	9	7	11	9
	adoptions	36	33	48	43	28	58	48
	estates	231	276	286	254	299	258	286
	guardianships	86	103	93	98	107	103	106
	trusts	1	2	0	4	4	2	2
	protective orders						123	169
miscellaneous	79	40	59	189	166	43	42	
total case filings		19,778	20,457	21,928	24,244	18,769	18,243	17,856
redocketed cases		808	595	713	1,517	0	0	
adjusted total		18,970	19,862	21,215	22,727	18,769	18,243	17,856

Note: 1992 filings are for the first six months of 1992 and do not include the Johnson Circuit Court.

**Kosciusko County
Summary of Case Filings:**

	1986	1987	1988	1989	1990	1991	1992	1993	7 year change
Criminal	2,135	1,736	2,133	2,388	2,134	2,360	2,326	2137	0%
Non Civil	3,117	3,696	4,178	4,704	4,423	4,873	4,102	5577	79%
Juvenile	259	240	303	283	214	223	231	272	5%
Civil	719	768	584	638	666	784	899	726	1%
Small Clms.	1,102	909	1,214	1,343	1,435	1,918	1,525	1853	50%
Dom. Rel.	508	458	447	543	513	560	597	593	17%
Other Civil	551	469	364	422	495	387	481	507	-8%
Case Filings	8,391	8,276	9,223	10,321	9,880	11,105	10,161	11,465	37%

Summary of Filings By Court:

	1986	1987	1988	1989	1990	1991	1992	1993	6 yr. change
Circuit	942	1,031	873	995	1,007	1,183	1,455	1299	38%
Sup. Ct. #1	750	1,035	1,047	1,077	1,059	1,010	1,037	1083	44%
County	6,699	6,210	7,303	8,249	7,814	8,912	7,669	9083	36%
Cts. of Record	8,391	8,276	9,223	10,321	9,880	11,105	10,161	11,465	37%
Grand Total	8,391	8,276	9,223	10,321	9,880	11,105	10,161	11,465	37%

Notes:

- 1 . criminal filings include felonies, misdemeanors, postconviction petitions and miscellaneous criminal
- 2 . noncivil filings include infractions and ordinance violations
- 3 . civil filings include civil plenary and civil torts
- 4 . domestic relations filings include domestic relations and reciprocal support filings
- 5 . other civil filings include mental health, adoptions, estates, guardianships, trusts, and miscellaneous filings
- 6 . case filings do not include redocketed cases

Source: Indiana Judicial Report, 1987 through 1991

prepared by Mark Goodpaster, Legislative Services Agency, (317) 232-9852

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Additional Analysis of Case Filings -- Kosciusko County

		1986	1987	1988	1989	1990	1991	1992	1993	6 year change (1987-92)
criminal	felonias	194	183	243	211	229	270	313	311	60%
	misdemeanors	1,941	1,545	1,874	2,165	1,893	2,058	1,969	1,794	-8%
	redocketed	30	34	34	77	99			2	
	post conviction						7	2	2	
	miscellaneous		8	16	12	12	25	42	30	
non civil	infractions	3,117	3,696	4,177	4,704	4,423	4,873	4,102	5,577	79%
	ord. violations			1						
juvenile	juvenile chins	259	45	38	50	34	28	30	25	
	juvenile delinquency		83	104	112	65	85	83	104	
	juvenile status									
	juvenile paternity		112	161	121	115	110	112	140	
	juvenile miscellaneous				62	84		6	3	
	juvenile redocketed									
civil	civil plenary	719	768	584	592	608	739	840	676	-6%
	civil torts				46	58	45	59	50	
small clms.	small claims	1,102	909	1,214	1,343	1,435	1,918	1,525	1,653	50%
	civil redocketed	694	659	926	1,096	1,193				
dom. rel.	domestic relations	508	458	447	543	513	508	521	541	6%
	redocketed dom. rel.	287	295	386	489	522				
other civil	reciprocal support						52	76	52	
	mental health		10	12	15	16	16	21	32	
	adoptions	273	41	42	37	32	46	36	44	
	estates		237	209	197	226	229	232	213	
	guardianships	54	59	58	48	81	56	97	76	
	trusts		6	2		5	4	4		
	protective orders							57	113	
	miscellaneous	224	116	41	125	135	36	34	29	
total case filings		9,402	9,264	10,569	12,045	11,778	11,105	10,161	11,465	22%
redocketed cases		1,011	988	1,346	1,724	1,898	0	0	0	
adjusted total cases		8,391	8,276	9,223	10,321	9,880	11,105	10,161	11,465	37%

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Lake County

Summary of Case Filings:

	1986	1987	1988	1989	1990	1991	1992	1993	6 year change	annual change
criminal	26,892	15,607	17,516	19,159	31,046	30,267	24,788	30,911	-8%	-1%
non civil	40,847	40,721	53,736	77,541	68,922	66,733	62,865	100,707	54%	8%
juvenile	4,240	5,019	2,971	3,275	3,922	4,600	4,849	4,630	14%	2%
civil	25,536	22,990	18,663	15,651	19,447	24,670	22,451	23,033	-12%	-2%
small clms.	5,136	6,595	9,251	8,992	9,072	9,955	11,207	12,149	118%	17%
dom. rel.	3,170	3,039	3,485	3,392	3,470	3,839	3,937	4,013	24%	3%
other civil	3,572	3,617	3,935	3,207	4,017	3,463	2,896	2,995	-19%	-3%
total case filings	109,393	97,588	109,557	131,217	139,896	143,527	132,993	178,438	22%	3%

Summary by Court:

	1986	1987	1988	1989	1990	1991	1992	1993	7 year change	annual change
Circuit Court	7,108	6,295	6,284	5,239	5,324	3,358	3,019	3,008	-58%	-8%
civil 1	1,532	1,724	1,559	1,573	1,342	1,236	1,860	1,997	30%	4%
civil 2	2,293	2,109	1,994	1,701	1,766	1,853	1,725	1,521	-34%	-5%
civil 3	2,378	2,288	2,500	2,483	2,735	4,878	4,674	4,709	98%	14%
civil 4	918	1,038	1,007	1,133	1,083	1,419	1,546	1,657	81%	12%
civil 5	1,402	1,203	1,029	1,004	1,485	3,401	2,431	2,527	80%	11%
juv. div.	4,726	5,019	2,968	3,272	3,922	4,600	4,813	4,604	-3%	-0%
crim. 1	202	232	254	259	264	327	372	379	88%	13%
crim. 2	212	239	272	247	270	334	388	386	82%	12%
crim. 3	245	245	262	233	249	323	369	369	51%	7%
crim. 4	206	227	349	306	335	461	495	536	160%	23%
sup. 7	13,026	12,055	16,298	20,044	20,364	18,777	20,942	21,982	69%	10%
sup. 8	14,008	12,992	16,578	21,436	21,892	21,118	20,087	19,890	42%	6%
sup. 9	13,871	12,907	16,414	20,668	20,839	21,279	20,698	21,103	52%	7%
Cts. of Rec'd.	62,127	58,573	67,768	79,598	81,870	83,364	83,419	84,668	36%	5%
Crown Point	1,166	1,447	1,755	2,127	1,615	1,736	1,527	1,372	18%	3%
East Chicago	7,977	7,854	8,710	5,718	7,188	8,967	6,756	6,984	-12%	-2%
Gary	22,038	16,905	15,220	24,346	19,834	24,838	15,925	57,266	160%	23%
Hammond	12,977	9,713	10,951	13,708	24,356	19,823	21,403	23,676	82%	12%
Hobart	1,775	1,773	2,575	3,049	2,841	3,007	1,790	1,658	-7%	-1%
Lake Station	947	977	2,185	2,235	1,757	1,432	1,776	1,940	105%	15%
Whiting	386	346	393	436	435	360	397	874	126%	18%
City & Town Cts	47,266	39,015	41,789	51,619	58,026	60,163	49,574	93,770	98%	14%
Grand Total	109,393	97,588	109,557	131,217	139,896	143,527	132,993	178,438	63%	9%

note: case filings do not include redocketed cases

source: Indiana Judicial Reports, 1986 through 1993

prepared by Mark Goodpaster, Legislative Services Agency, (317) 232-9852

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Lake County: Analysis of Case Filings By Category

		1986	1987	1988	1989	1990	1991	1992	1993
criminal	felonies	1,794	1,861	1,834	2,067	2,304	2,246	2,646	2,996
	misdemeanors	25,098	13,183	14,518	16,034	25,209	26,378	21,290	27,034
	redocketed	404	678	969	1,079	1,105			
	post conviction						100	136	134
	miscellaneous		563	1,164	1,058	3,533	1,543	716	747
		<u>27,296</u>	<u>16,285</u>	<u>18,485</u>	<u>20,238</u>	<u>32,151</u>	<u>30,267</u>	<u>24,788</u>	<u>30,911</u>
non civil	infractions	30,762	34,079	41,854	60,890	54,598	52,768	52,769	83,144
	ord. violations	10,085	6,842	11,882	16,651	14,324	13,965	10,096	17,563
		<u>40,847</u>	<u>40,721</u>	<u>53,736</u>	<u>77,541</u>	<u>68,922</u>	<u>66,733</u>	<u>62,865</u>	<u>100,707</u>
juvenile	juvenile chins	4,240	515	532	367	410	651	692	689
	juvenile delinquency	0	1,564	1,875	1,366	1,625	1,618	1,806	1,812
	juvenile status	0			82	13	1	4	18
	juvenile paternity	0	2,354	69	943	1,650	1,913	1,825	1,768
	juvenile miscellaneous	0	586	495	517	224	417	522	343
	juvenile redocketed	0		120	910	547			
		<u>4,240</u>	<u>5,019</u>	<u>3,091</u>	<u>4,185</u>	<u>4,469</u>	<u>4,600</u>	<u>4,849</u>	<u>4,630</u>
civil	civil plenary	25,536	22,990	18,663	11,887	14,406	22,955	20,608	21,359
	civil torts	0			3,764	5,041	1,715	1,843	1,674
		<u>25,536</u>	<u>22,990</u>	<u>18,663</u>	<u>15,651</u>	<u>19,447</u>	<u>24,670</u>	<u>22,451</u>	<u>23,033</u>
small clms.	small claims	5,136	6,595	9,251	8,992	9,072	9,955	11,207	12,149
	civil redocketed	9,804	9,522	10,846	11,962	12,401			
		<u>14,940</u>	<u>16,117</u>	<u>20,097</u>	<u>20,954</u>	<u>21,473</u>	<u>9,955</u>	<u>11,207</u>	<u>12,149</u>
dom. rel.	domestic relations	3,170	3,039	3,485	3,392	3,470	3,162	3,030	2,987
	redocketed dom. rel.	1,813	1,759	1,731	1,705	1,491			
	reciprocal support	0					677	907	1,026
		<u>4,983</u>	<u>4,798</u>	<u>5,216</u>	<u>5,097</u>	<u>4,961</u>	<u>3,839</u>	<u>3,937</u>	<u>4,013</u>
other civil	mental health	0	470	537	485	452	415	351	316
	adoptions	1,485	209	248	249	216	210	182	174
	estates	0	1,398	1,305	1,210	1,273	1,205	1,196	1,158
	guardianships	716	581	567	528	511	550	480	487
	trusts	0	8	9	4	2	22	18	12
	protective orders							309	387
	miscellaneous	1,371	951	1,269	731	1,563	1,061	360	461
		<u>3,572</u>	<u>3,617</u>	<u>3,935</u>	<u>3,207</u>	<u>4,017</u>	<u>3,463</u>	<u>2,896</u>	<u>2,995</u>
total case filings		121,414	109,547	123,223	146,873	155,440	143,527	132,993	178,438
redocketed cases		12,021	11,959	13,666	15,656	15,544	0	0	
adjusted total		<u>109,393</u>	<u>97,588</u>	<u>109,557</u>	<u>131,217</u>	<u>139,896</u>	<u>143,527</u>	<u>132,993</u>	<u>178,438</u>

source: Indiana Judicial Reports, 1986 through 1993

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**Monroe County
Summary of Case Filings**

	1986	1987	1988	1989	1990	1991	1992	1993	7 year change
Criminal	15,191	4,083	3,826	3,999	5,247	6,924	5,862	5,206	-66%
Non Civil	292	7,672	9,097	11,642	10,822	12,573	11,974	12,999	4352%
Juvenile	750	730	768	603	998	637	571	439	-41%
Civil	1,177	1,226	1,250	1,180	1,335	1,125	1,038	1,249	6%
Small Clms.	3,692	4,191	4,158	4,649	5,118	4,939	4,336	3,734	1%
Dom. Rel.	926	935	920	925	892	914	912	976	5%
Other Civil	465	463	505	508	460	536	604	741	59%
Case Filings	22,493	19,300	20,524	23,506	24,872	27,648	25,297	25,344	13%

Summary of Filings By Court:

	1986	1987	1988	1989	1990	1991	1992	1993	6 yr. change
Circuit #1	1,951	1,558	869	1,641	2,003	1,464	1,629	2,278	17%
Circuit #2	1,800	610	1,530	662	704	655	852	2,402	33%
Circuit #3	1,816	581	685	691	716	665	781	2,179	20%
Circuit #4	1,863	581	728	679	719	701	908	2,163	16%
Circuit #5	15,063	10,934	12,299	15,037	15,468	18,926	16,847	2,419	-84%
Circuit #6		5,036	4,413	4,796	5,262	5,237	4,280	2,198	-56%
Circuit #7								11,705	
Grand Total	22,493	19,300	20,524	23,506	24,872	27,648	25,297	25,344	13%

Notes:

- 1 . criminal filings include felonies, misdemeanors, postconviction petitions and miscellaneous criminal
- 2 . noncivil filings include infractions and ordinance violations
- 3 . civil filings include civil plenary and civil torts
- 4 . domestic relations filings include domestic relations and reciprocal support filings
- 5 . other civil filings include mental health, adoptions, estates, guardianships, trusts, and miscellaneous filings
- 6 . case filings do not include redocketed cases

Source: Indiana Judicial Report, 1987 through 1993

Prepared by Mark Goodpaster, Legislative Services Agency, (317) 232-9852

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Additional Analysis of Case Filings: Monroe County

		1986	1987	1988	1989	1990	1991	1992	1993
criminal	felonies	758	660	705	678	732	798	732	836
	misdemeanors	14,433	3,423	3,119	3,321	4,515	6,113	5,111	4,334
	redocketed	2,055	1,839	1,812	1,882	1,651	0		0
	post conviction	0	0	0	0	0	13	19	35
	miscellaneous	0	0	2	0	0	0	0	1
non civil	infractions	0	7,357	9,097	11,642	10,822	12,573	11,974	10,779
	ord. violations	292	315	0	0	0	0	0	2,220
juvenile	juvenile chins	750	103	192	110	140	104	56	80
	juvenile delinquency	0	292	340	266	358	213	179	147
	juvenile status	0	0	0	0	0	0	0	3
	juvenile paternity	0	163	228	164	271	208	159	134
	juvenile miscellaneous	0	172	8	63	229	112	177	75
	juvenile redocketed	0	0	0	193	0	0		0
civil	civil plenary	1,177	1,226	1,250	1,038	1,171	920	863	1,061
	civil torts	0	0	0	142	164	205	175	188
small clms.	small claims	3,692	4,191	4,158	4,649	5,118	4,939	4,336	3,734
	civil redocketed	3,435	3,012	2,812	3,388	3,297			
dom. rel.	domestic relations	926	935	920	925	892	914	912	969
	redocketed dom. rel.	593	626	761	842	840			
other civil	reciprocal support	0	0	0	0	0	0	0	7
	mental health	0	129	140	154	127	93	72	88
	adoptions	264	47	38	36	36	40	43	44
	estates	0	194	238	230	208	212	223	245
	guardianships	90	92	87	82	87	64	85	96
	trusts	0	1	2	6	2	1	2	2
	protective orders							120	211
	miscellaneous	111	0	0	0	0	126	59	55
total case filings		28,576	24,777	25,909	29,811	30,660	27,648	25,297	25,344
redocketed cases		6,083	5,477	5,385	6,305	5,788	0	0	0
adjusted total cases		22,493	19,300	20,524	23,506	24,872	27,648	25,297	25,344

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(Ripley County)
Summary of Case Filings:

average
annual
change

	1986	1987	1988	1989	1990	1991	1992	1993	7 year change	
Criminal	1,074	924	995	1,017	926	953	704	821	-24%	-6%
Non Civil	2,841	3,060	3,206	3,550	3,557	3,929	3,492	3,617	27%	7%
Domestic	102	172	170	145	149	123	104	84	-18%	-4%
Civil	432	338	290	279	320	309	230	277	-36%	-9%
Small Clms.	514	513	655	334	595	604	549	510	-1%	-0%
Dom. Rel.	133	153	155	151	160	180	167	191	44%	11%
Other Civil	150	136	158	190	148	163	176	168	12%	3%
Case Filings	5,246	5,296	5,629	5,666	5,855	6,261	5,422	5,668	8%	2%

Summary of Filings By Court:

	1986	1987	1988	1989	1990	1991	1992	1993	7 yr. change	avg. annual change
Circuit	1,268	1,321	1,452	1,648	2,073	2,128	1,799	1,883	49%	12%
Cts. of Record	1,268	1,321	1,452	1,648	2,073	2,128	1,799	1,883	49%	
Batesville	1,868	2,440	2,506	2,250	1,807	1,981	1,639	1,441	-23%	
Versailles	2,110	1,535	1,671	1,768	1,975	2,152	1,984	2,344	11%	3%
City & Town Cts	3,978	3,975	4,177	4,018	3,782	4,133	3,623	3,785	-5%	-1%
Grand Total	5,246	5,296	5,629	5,666	5,855	6,261	5,422	5,668	8%	

Notes:

- 1 . criminal filings include felonies, misdemeanors, postconviction petitions and miscellaneous criminal
- 2 . noncivil filings include infractions and ordinance violations
- 3 . civil filings include civil plenary and civil torts
- 4 . domestic relations filings include domestic relations and reciprocal support filings
- 5 . other civil filings include mental health, adoptions, estates, guardianships, trusts, and miscellaneous filings
- 6 . case filings do not include redocketed cases

Source: Indiana Judicial Report, 1987 through 1993

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Additional Analysis of Case Filings

Ripley County

		1986	1987	1988	1989	1990	1991	1992	1993
criminal	felonies	89	95	99	144	120	119	129	139
	misdemeanors	985	826	394	865	774	797	541	646
	redocketed	68	33	65	17	2			
	post conviction						5		
	miscellaneous		3	2	8	32	32	34	36
non civil	infractions	2,763	2,988	3,130	3,502	3,500	3,844	3,449	3,576
	ord. violations	78	72	76	48	57	85	43	41
juvenile	juvenile chins	102	7	19	18	15	15	21	13
	juvenile delinquency		24	16	25	32	9	30	33
	juvenile status								1
	juvenile paternity		25	26	21	27	23	19	37
	juvenile miscellaneous		116	109	81	75	76	34	
	juvenile redocketed			48	30				
civil	civil plenary	432	338	290	261	282	293	219	263
	civil torts				18	38	16	11	14
small clms.	small claims	514	513	655	334	595	604	549	510
	civil redocketed	289	412	489	227	318			
dom. rel.	domestic relations	133	153	155	151	160	172	164	180
	redocketed dom. rel.	92	110	100	64				
other civil	reciprocal support						8	3	11
	mental health		15	6	8	10	13	10	6
	adoptions	107	14	17	13	10	14	11	10
	estates		69	95	126	81	92	86	92
	guardianships	43	33	37	36	33	38	30	25
	trusts								
	protective orders							26	23
	miscellaneous		5	3	7	14	6	13	12
total case filings		5,695	5,851	6,331	6,004	6,175	6,261	5,422	5,668
redocketed cases		449	555	702	338	320	0	0	0
adjusted total cases		5,246	5,296	5,629	5,666	5,855	6,261	5,422	5,668

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STEBEN COUNTY

Summary of Case Filings:

	1986	1987	1988	1989	1990	1991	1992	1993	7 year change	avg. annual change
riminal	1,378	1,218	1,121	1,396	1,636	1,607	1,968	1,961	42%	6%
ncivil	5,172	5,966	6,967	8,992	8,448	10,576	10,637	10,096	95%	14%
venile	118	133	97	134	110	142	132	194	64%	9%
ivil	265	240	209	194	243	275	260	291	10%	1%
mall clms.	699	785	1,012	1,063	1,211	1,365	1,090	1,294	85%	12%
m. rel.	191	213	213	234	203	278	296	312	63%	9%
ther civil	153	185	260	177	195	224	218	258	69%	10%
otal se filings	7,976	8,740	9,879	12,190	12,046	14,467	14,601	14,406	81%	12%

Summary by Court:

	1986	1987	1988	1989	1990	1991	1992	1993	6 year change	average annual change
Circuit Court	763	628	619	639	648	751	707	866	13%	2%
Sup. Ct.	2,544	400	349	3,617	3,446	4,601	4,086	4,147	63%	9%
Sup. Ct. CCF		3,043	2,965							
Total	3,307	4,071	3,953	4,256	4,094	5,352	4,793	5,013	52%	7%
Freemont Town Ct.	4,669	4,669	5,926	7,934	7,952	9,115	9,808	9,393	101%	14%
Total	7,976	8,740	9,879	12,190	12,046	14,467	14,601	14,406	81%	12%

Notes:

- 1 . criminal filings include felonies, misdemeanors, postconviction petitions and miscellaneous criminal
- 2 . noncivil filings include infractions and ordinance violations
- 3 . civil filings include civil plenary and civil torts
- 4 . domestic relations filings include domestic relations and reciprocal support filings
- 5 . other civil filings include mental health, adoptions, estates, guardianships, trusts, and miscellaneous filings
- 6 . case filings do not include redocketed cases

Source: Indiana Judicial Report, 1987 through 1993

Steuben County: Analysis of Case Filings By Category

		1986	1987	1988	1989	1990	1991	1992	1993	
criminal	felonies	134	234	187	253	331	288	301	317	125%
	misdemeanors	1,244	962	890	1,132	1,294	1,297	1,650	1,634	33%
	redocketed	95	55	276	322	281				196%
	post conviction miscellaneous		22	44	11	11	22	17	4 6	-23%
non civil	infractions	5,080	5,781	6,836	8,642	8,109	10,087	10,223	9,876	77%
	ord. violations	92	185	131	350	339	489	414	220	124%
juvenile	juv. chins	118	34	17	36	25	27	13	18	-62%
	juv. delinquency		54	36	35	34	38	24	66	-56%
	juv. status				3	2	5	11	16	
	juv. paternity		33	40	53	42	61	61	72	85%
	juv. misc.		12	4	7	7	11	23	22	92%
	juv. redocketed			45	58	40				
civil	civil plenary	265	240	209	152	216	226	226	243	-15%
	civil torts				42	27	49	34	48	17%
small clms.	small claims	699	785	1,012	1,063	1,211	1,365	1,090	1,294	39%
dom. rel.	civil redocketed	276	212	761	488	383				
	dom. relations	191	213	213	234	203	222	244	264	-76%
other civil	redock. dom. rel.	198	231	203	199	212				
	reciprocal support						56	52	48	
	mental health		5	19	10	16	43	29	50	1840%
	adoptions	109	19	18	14	16	16	17	22	26%
	estates		88	129	104	112	107	97	106	ERR
	guardianships	35	31	37	28	30	24	24	28	-77%
	trusts			1						
	protective orders							8	20	
	miscellaneous	9	42	56	21	21	34	43	32	ERR
total case filings		8,545	9,238	11,164	13,257	12,962	14,467	14,601	14,406	71%
redocketed cases		569	498	1,285	1,067	916	0	0		
adjusted total		7,976	8,740	9,879	12,190	12,046	14,467	14,601		83%

date
prepared:
09-Sep-94

saved under: f:\mgoodpas\commcts\1994\newcts\steuben.wk3

APPENDIX C

PROSECUTING ATTORNEYS

**Prosecuting Attorneys in Indiana by Full Time and Part Time Status:
October, 1994**

APPENDIX C

county name	county class	status	county name	county class	status
Lake	1	full time	Wells	7	part time @ 66%
Marion	1	full time	Putnam	7	part time @ 66%
St. Joseph	2	full time	Newton	8	part time @ 66%
Allen	2	full time	Starke	8	part time @ 66%
Madison	2	full time	Jennings	8	part time @ 66%
Vanderburg	2	full time	Franklin	8	part time @ 66%
Tippecanoe	2	full time	Harrison	8	part time @ 66%
Vigo	2	full time	Whitely	8	part time @ 66%
Porter	2	full time	Perry	9	part time @ 66%
Wayne	3	full time	Union	9	part time @ 66%
Johnson	3	full time	Randolph	5	part time @ 60%
Bartholomea	3	full time	Clinton	5	part time @ 60%
Hamilton	3	full time	Wabash	5	part time @ 60%
Delaware	3	full time	Dubois	6	part time @ 60%
Monroe	3	full time	Jackson	6	part time @ 60%
Howard	3	full time	Lagrange	7	part time @ 60%
Grant	3	full time	Fayette	7	part time @ 60%
Clark	3	full time	Jay	7	part time @ 60%
Dear/Ohio	4	full time	White	7	part time @ 60%
Cass	4	full time	Rush	7	part time @ 60%
Jeff/Switz	4	full time	Steuben	7	part time @ 60%
Floyd	4	full time	Sullivan	7	part time @ 60%
Henry	4	full time	Greene	7	part time @ 60%
Kosciusko	4	full time	Daviess	7	part time @ 60%
Knox	4	full time	Clay	7	part time @ 60%
Hendricks	4	full time	Pulaski	8	part time @ 60%
Montgomery	5	full time	Pike	8	part time @ 60%
Gibson	5	full time	Parke	8	part time @ 60%
Morgan	5	full time	Fulton	8	part time @ 60%
Miami	5	full time	Ripley	8	part time @ 60%
Lawrence	5	full time	Blackford	8	part time @ 60%
Shelby	5	full time	Washington	8	part time @ 60%
Posey	5	full time	Decatur	8	part time @ 60%
Hancock	5	full time	Spencer	8	part time @ 60%
Boone	6	full time	Carroll	8	part time @ 60%
Orange	9	full time	Vermillion	8	part time @ 60%
Elkhart	2	part time @ 66%	Benton	8	part time @ 60%
Laporte	3	part time @ 66%	Fountain	8	part time @ 60%
Warrick	4	part time @ 66%	Crawford	9	part time @ 60%
Jasper	5	part time @ 66%	Tipton	9	part time @ 60%
Marshall	5	part time @ 66%	Martin	9	part time @ 60%
Huntington	5	part time @ 66%	Warren	9	part time @ 60%
Dekalb	6	part time @ 66%	Brown	9	part time @ 60%
Noble	6	part time @ 66%	Owen	9	part time @ 60%
Adams	7	part time @ 66%	Scott	9	part time @ 60%

denotes counties where pros. atty. may work full time but elects to work part time

counties where pros. attys. may work full time:

full time pros. attys.	36	77%
part time pros. attys.	11	23%
subtotal	47	52%
part time # of pros. attys. @ 66%	13	
part time # of pros. attys. @ 60%	30	
subtotal	43	48%
total number of pros. attys.	90	

APPENDIX D

**RESOLUTION NUMBER 1:
JUDICIAL SALARY INCREASE**

APPENDIX D

INDIANA COMMISSION ON COURTS

Resolution Number 1

WHEREAS, The 107th General Assembly in its second regular session has established the Indiana Commission on Courts.

WHEREAS, The Indiana Commission on Courts is charged, in part, to study the current condition of judicial compensation and resources in Indiana and to recommend to the 109th General Assembly any actions that are a result of the Commission's study of judicial compensation.

WHEREAS, The Commission finds that Indiana ranks 50th in the United States in statutorily established judicial compensation and has ranked last or nearly last among all states for more than a decade.

WHEREAS, The Commission finds that Indiana trial court judges' salaries are not in keeping with the condition of Indiana's economy or its national rank of 12th by population and are significantly less than all of the adjacent states of Kentucky, Ohio, Illinois and Michigan.

WHEREAS, The Commission finds that judicial salaries in Indiana have consistently lagged behind general inflationary increases in consumer prices and annual increases in compensation to other state employees, while the number of case filings in Indiana courts have continually and significantly increased.

WHEREAS, The Commission finds that the current alternative compensation structure for Indiana judges has created significant disparities in the compensation of trial court judges throughout Indiana not necessarily related to quality or quantity of judicial work.

WHEREAS, The Commission finds that the decisions of Indiana's judiciary greatly impact all Hoosiers; and the citizens of Indiana deserve to have the best and brightest members of the legal profession attracted to public service as members of Indiana's judiciary: Therefore,

Be it resolved by the Indiana Commission on Courts:

SECTION 1. That the 109th General Assembly must significantly improve Indiana's last place ranking among the fifty states in statutory compensation to be more reflective of Indiana's economy and ranking nationally by population in order to be able to attract the best and brightest Hoosier attorneys to public service as judges.

SECTION 2. That the 109th General Assembly should reform Indiana's present system of judicial compensation and create a unitary and standard system of compensation for all members of the judiciary.

SECTION 3. That the 109th General Assembly, in recognition of the State's limited fiscal state resources, should finance the increased amounts needed for equitable judicial compensation through local court user fees in order to avoid impact on the state's general fund and to avoid further increased costs to local government.

SECTION 4. That the 109th General Assembly, in recognition of the lengthy delay in enacting judicial reform and compensation legislation, should establish this issue as one of its highest priorities and act swiftly and early in its first regular session to present corrective legislation to the Office of the Governor of the State of Indiana for his approval.

APPENDIX E

RESOLUTION NUMBER 3:

MARION COUNTY UNIFIED COURT

APPENDIX E

INDIANA COMMISSION ON COURTS

RESOLUTION NUMBER 3

WHEREAS, the Indianapolis Bar Association, through its Judicial Study Commission, has carried out an in-depth study of the Marion County court system; and

WHEREAS, as a result of that study the Commission filed a report in December, 1991, recommending unification of the Marion County Superior and Municipal courts; and

WHEREAS, Preliminary Draft Number 3186 prepared by the Legislative Services Agency under the auspices of Senator William Soards has been reviewed the Commission on Courts and supported by many witnesses, including members of the judiciary; and

WHEREAS, the testimony before the Commission on Courts strongly indicates that only through court unification can the major problems concerning the court system in Marion County be fully addressed; and

WHEREAS, the controversial aspects of the proposed legislation seem centered on the issues of the appropriate method of judicial selection for a unified court and the appropriate powers to be authorized a presiding judges; and

WHEREAS, the Commission on Courts recognizes that the determination of the method of selection and the scope of judicial powers to be granted a presiding judge must ultimately be resolved through the legislative process; Therefore,

Be it resolved by the Indiana Commission on Courts that:

SECTION 1. The concept of a unified court system wherein the Superior and Municipal Courts of Marion County are merged into a single superior court system supported by the Indianapolis Bar Association is endorsed by the Commission on Courts and recommended to the Indiana General Assembly for approval.

SECTION 2. Unification of the Superior and Municipal Courts in Marion County will provide a mechanism through which a single voice, the presiding judge, can speak on behalf of the Marion County judiciary; that such unification will permit the reduction of duplicate and parallel structures; that such unification will permit and result in uniformity in rules and procedure among the 31 divisions of the court; that unification will permit flexibility in the system in the allocation of resources and the most effective determination of jurisdiction; and through the office of a properly authorized presiding judge that caseload management and allocation of resources can effected.

SECTION 3. This Commission fully supports the concept of unification and urges the General Assembly to implement the goal of unification by appropriate legislation.

APPENDIX F

RESOLUTION NUMBER 2:

**PUBLIC DEFENDER FUND, VIOLENT CRIME
VICTIMS FUND, AND CIVIL LEGAL AID FUND**

APPENDIX F

INDIANA COMMISSION ON COURTS

Resolution Number 2

WHEREAS, The 107th General Assembly in its second regular session established the Indiana Commission on Courts.

WHEREAS, Part of the Indiana Commission on Courts' ongoing charge is to study the current condition of the judicial system in Indiana.

WHEREAS, The Indiana Commission on Courts finds that an effective judicial system must include the provision of both criminal and civil legal assistance for the indigent and the provision of financial compensation for victims of violent crimes.

WHEREAS, The General Assembly has furthered this goal by creating the Public Defender Fund and the Violent Crime Victims Compensation Fund, however, adequate funding has not been provided.

WHEREAS, The Indiana Commission on Courts finds that to meet the goal of an effective and fair judicial system, adequate funding must be provided for the existing Public Defender Fund and the Violent Crime Victims Compensation Fund.

WHEREAS, The Commission finds that a Civil Legal Aid Fund should be established and adequately funded.

WHEREAS, The Indiana Commission on Courts finds that, since these programs affect citizens throughout Indiana, the logical and preferred source of funding for these three funds is the state general fund. However, if the General Assembly finds that funding from the state general fund is not feasible, funding of the programs from an increase in local court user fees should be considered: Therefore,

Be it resolved by the Indiana Commission on Courts:

SECTION 1. That the 109th General Assembly provide funding at an adequate level for the existing Public Defender Fund and the Violent Crime Victims Compensation Fund, and that a Civil Legal Aid Fund be established and funded at an appropriate level.

SECTION 2. That the 109th General Assembly finance these three Funds from the state general fund, or, in the alternative, from an increase in local court user fees.

APPENDIX G

BAR ASSOCIATION REPORT ON EXPANSION OF INDIANA SUPREME COURT

APPENDIX G

R E P O R T

O N

A C T I O N

B Y T H E

I N D I A N A S T A T E B A R A S S O C I A T I O N

O N

T H E R E S O L U T I O N

T O E X P A N D

T H E I N D I A N A S U P R E M E C O U R T

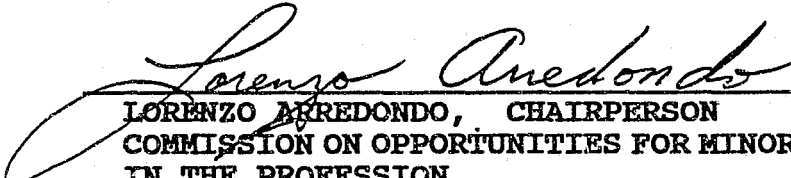
20 Oct 1994

On October 19, 1994, the resolution was presented to the ISBA Board of Governors for action. The Board recommended adoption of the resolution to the House of Delegates of the Indiana State Bar Association.

On October 20, 1994, the resolution was presented to the House of Delegates for a vote. A voice vote was taken. The Chair of the House of Delegates ruled the voice vote indecisive and called for a division of the House.

The Chair ruled that fifty (50) votes were in favor of adoption of the resolution and fifty (50) votes were against. Therefore, the motion to adopt the resolution did not carry for lack of a majority vote.

Respectfully submitted this 25th day of October, 1994, TO THE COMMISSION ON COURTS.


LORENZO AREDONDO, CHAIRPERSON
COMMISSION ON OPPORTUNITIES FOR MINORITIES
IN THE PROFESSION
OF THE INDIANA STATE BAR ASSOCIATION