



STATE OF TENNESSEE

**COMPTROLLER OF THE TREASURY**

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May 13, 2016

**Justin P. Wilson**  
**Comptroller**

MEMORANDUM

**TO:** The Honorable Ron Ramsey, Speaker of the Senate  
The Honorable Beth Harwell, Speaker of the House of Representatives  
Members of the House and Senate Judiciary Committees

**FROM:** Justin P. Wilson  
Comptroller of the Treasury

**SUBJECT:** Tennessee District Attorneys General and District Public Defenders Weighted Caseload Studies

*Tennessee Code Annotated* 16-2-513 requires the Comptroller of the Treasury to maintain and update a weighted caseload study for the state judges, district attorneys, and public defenders.<sup>1</sup> Due to insufficient data and outdated case weights, the Comptroller's Office will not publish FY 2015 weighted caseload studies for Tennessee's district attorneys general and district public defenders. Also, we have reviewed the data and results of the last estimates produced by the current weighted caseload models in January 2007 (using FY 2006 data) and find them to be questionable.

The weighted caseload studies are intended to provide objective information for the judicial, executive, and legislative budgetary deliberations for public defenders and district attorneys. Weighted caseload models provide an effective means to project and compare the need for attorneys based on objective data of the time requirements for different types of cases, as well as other workload requirements. However, estimates based on current circumstances and comparable data are necessary to accurately determine the need for attorneys in these offices.

The current models were developed over 15 years ago and no longer appear to accurately project the number of attorneys needed in district attorneys' and public defenders' offices. Consultants developed the current weighted caseload models in 1999 based on small samples and estimated case counts. The National Center for State Courts recommends updates of weighted caseload models every five to seven years.

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<sup>1</sup> The FY2014-15 Judicial Weighted Caseload Study Update can be found on our website at <http://www.comptroller.tn.gov/Repository/RE/weighted%20caseload%202016.pdf>.

Issues that affect the ability to develop a reliable model to project the need for attorneys include the lack of a consistent case definition for reporting criminal cases and the lack of accurate and consistent General Sessions criminal case data. The General Assembly and the Administrative Office of the Courts (AOC) have taken steps toward resolving these issues.

Public Chapter 673 of 2014 clarified the definition of a criminal case in *Tennessee Code Annotated* 16-1-117. The Administrative Office of the Courts has worked with the court clerks, judges, district attorneys, and public defenders to understand the definition, and implemented the revised definition in the court information systems on July 1, 2014.

In FY 2013-14, the General Assembly appropriated \$1.25 million in non-recurring funds for implementation of a uniform data collection system for General Sessions courts. The Administrative Office of the Courts spent approximately \$110,000 of the appropriation to contract with the National Center for State Courts (NCSC) to produce an implementation plan for a General Sessions Data Repository.

The FY 2016-17 budget includes \$1.7 million in recurring funding and staffing (seven positions) to collect General Sessions' caseload data and operate and maintain the data repository. After the selection of the vendor, it will take approximately 18 to 24 months for the data repository to become operational and data to be available. Sufficient case data should be available to begin analyzing caseloads during FY 2017-18.

The FY 2016-17 budget includes an additional \$466,800 in recurring funding for three assistant district attorneys and three criminal secretaries. In addition, Public Chapter 758 of 2016 appropriates \$450,000 to the District Attorneys General Conference for 12 additional administrative assistant positions with no more than two positions per district. The District Public Defenders Conference did not receive appropriations for additional staff for FY 2016-17.

To continue the use of the weighted caseload methodology, the Comptroller's Office will need to contract for updated time studies in FY 2017-18 to develop weighted caseload staffing estimates for district attorneys and public defenders. The judicial weighted caseload study was last updated in 2013 at a cost of \$135,000. Updating the weighted caseload staffing estimates for the district attorneys and public defenders would require two separate studies: one for the district attorneys and one for the public defenders.

If you have any questions, please call.

cc: Jerry Estes, Executive Director, Tennessee District Attorneys General Conference  
Jeffrey S. Henry, Executive Director, Tennessee District Public Defenders Conference  
Deborah Taylor Tate, Director, Tennessee Administrative Office of the Courts

JPW/scm