



STATE OF TENNESSEE

COMPTROLLER OF THE TREASURY

STATE CAPITOL

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MEMORANDUM

TO: The Honorable Randy McNally, 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. The judicial case weights are up to date – last updated in 2013 – and the Administrative Office of the courts has provided us the FY 2015-16 state trial court case filings. The FY2015-16 Judicial Weighted Caseload Study Update will be posted to our website (<http://www.comptroller.tn.gov/orea/>) in March or April 2017.

Due to insufficient data and outdated case weights, the Comptroller's Office will not publish FY 2016 weighted caseload studies for Tennessee's district attorneys general and district public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.

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 to produce an implementation plan for a General Sessions Data Repository.

The FY 2016-17 budget included \$1.7 million in recurring funding and staffing (seven positions) to collect General Sessions' caseload data and operate and maintain the data repository. AOC is working with the Department of Finance and Administration's Strategic Technology Solutions to design, develop, and host the data repository. AOC indicates they have hired most of the staff needed to develop an inquiry system for authorized users to access data. FY 2017-18 is expected to be the first year during which a full year's worth of data will be collected in the data repository.

To continue the use of the weighted caseload methodology, the Comptroller's Office will need to contract for updated time studies in FY 2018-19 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.

The FY 2017-18 Governor's Budget¹ includes an additional 27 positions for the District Attorneys General offices, and 18 District Public Defender positions to address increased workload. An additional \$180,000 is included for the Shelby County Public Defender and \$80,000 for the Davidson County Public Defender to address increased workload.

If you have any questions, please call.

cc: Jerry Estes, Executive Director, Tennessee District Attorneys General Conference
Patrick Frogge, Executive Director, Tennessee District Public Defenders Conference
Deborah Taylor Tate, Director, Tennessee Administrative Office of the Courts

JPW/scm

¹ State of Tennessee, Bill Haslam, Governor, *The Budget Fiscal Year 2017-2018*, pp. B-222 and B-224 <https://www.tn.gov/assets/entities/finance/budget/attachments/2018BudgetDocumentVol1.pdf> (accessed February 22, 2017). No final legislative action on the 2017-18 budget has been taken as of the date of this memorandum.