



JUSTIN P. WILSON
Comptroller

JASON E. MUMPOWER
Chief of Staff

May 3, 2018

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.¹

Due to insufficient data and outdated case weights, the Comptroller's Office will not publish the FY 2016-17 weighted caseload studies for Tennessee's district attorneys general and district public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 almost 20 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 (NCSC) recommends updates to weighted caseload models every five to seven years.

¹ The judicial case weights are up to date – last updated in 2013 – and the Administrative Office of the courts has provided us the FY 2017 data on state trial court case filings. [The FY 2016-17 Judicial Weighted Caseload Study Update](http://www.comptroller.tn.gov/orea) is currently posted on our website (<http://www.comptroller.tn.gov/orea>).

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 AOC 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.

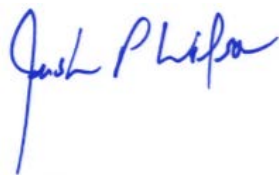
Regarding General Sessions criminal case data, the General Assembly appropriated \$1.25 million in non-recurring funds in FY 2013-14 for implementation of a uniform data collection system for General Sessions courts. The AOC spent approximately \$110,000 of the appropriation to contract with the NCSC 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. The AOC is working with the Department of Finance and Administration's Strategic Technology Solutions to design, develop, and host the data repository. The AOC has indicated the recurring funding first received in the FY 2016-17 budget, is sufficient for the creation and operation of the repository and, subsequently, did not request any additional funding for FY 2017-18 or FY 2018-19.

The AOC estimates a full fiscal year of data (FY 2017-18) will be available by September or October of 2018. This estimated timeframe may be pushed back, though, as some counties do not have Tennessee Court Information Systems (TnCIS) – an integrated case management and accounting software system that allows for statewide reporting and data transfer to AOC.

To continue the use of the weighted caseload methodology, the Comptroller's Office will need to contract with the NCSC to update the time studies for 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. Based on prior conversations with the NCSC, the AOC estimates that the cost for contracting with the NCSC for new weighted caseload studies would be between \$135,000 and \$175,000 per study. However, since neither the district attorneys' nor the public defenders' weighted caseload study has been updated in almost 20 years, the costs could be higher.

If you have any questions, please call.



Justin P. Wilson
Comptroller of the Treasury

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
Ann Lynn Walker, Information Technology Director, Tennessee Administrative Office of the
Courts