



JUSTIN P. WILSON  
*Comptroller*

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April 8, 2019

MEMORANDUM

TO: The Honorable Randy McNally, Lt. Governor  
The Honorable Glen Casada, Speaker of the House of Representatives  
Members of the 111<sup>th</sup> General Assembly

FROM: Justin P. Wilson  
Comptroller of the Treasury

SUBJECT: Tennessee District Attorneys General and District Public Defenders Weighted Caseload Reports

*Tennessee Code Annotated* § 16-2-513 requires the Comptroller's Office to annually update weighted caseload reports for district attorneys general and public defenders. Weighted caseload reports compare available resources (e.g., the number of district attorneys and the time public defenders have available to carry out their duties) with the estimated resources needed (i.e., the number and types of cases in a particular district).

Due to outdated case weights and unreliable data from general sessions courts, the Comptroller's Office will not publish the FY 2017-18 weighted caseload reports for Tennessee's district attorneys general and district public defenders. The Comptroller's Office has conveyed this situation for over a decade via a yearly memo. In the next few years, however, some of the data long needed to produce such reports may become available as the statewide data repository of general sessions' courts information becomes operational. The Administrative Office of the Courts (AOC) estimates FY 2017-18 data from the general sessions courts should be available by late 2019.

Even once the necessary data becomes available, however, there is another step to be taken before producing weighted caseload reports for district attorneys and public defenders: conducting new time studies. The time studies for district attorneys and public defenders have not been updated for almost two decades.

Time studies are based on surveys of selected court staff – judges, district attorneys, or public defenders – and determine the average time typically spent on each type of case. For example, a felony case typically requires significantly more time to process than a traffic case. Periodically updating the case weights assigned to different types of cases is necessary so that developments that affect the time needed to process cases – such as new laws, technological changes, and

population shifts – are taken into account. Consultants with the National Center for State Courts (NCSC) suggest conducting new time studies to update case weights every five to seven years.

Based on the standard of every five to seven years, an update to the time studies used for district attorneys and public defenders (last updated in 1999) is long overdue.

To update time studies, the state would need to contract with an organization that specializes in conducting such studies. The General Assembly set aside \$400,000 in the 2013-14 budget for time studies for judges, district attorneys, and public defenders, but only the time study for judges was conducted, as data problems prevented the state from conducting time studies for district attorneys and public defenders. The final cost for the 2013 judicial time study was \$135,000. Given that the time studies for the district attorneys and public defenders have not been updated since 1999, the cost to update them would likely exceed the cost for a judicial time study update.<sup>1</sup>

The state may wish to consider contracting for three separate time studies (one each for judges, district attorneys, and public defenders) at some point in the next couple of years. An appropriation in the 2020-21 budget may be advisable for this purpose, provided the data repository is ready within that time frame.

As for when to conduct the time studies, the summer of 2020 is one option. In addition to allowing more time for the data repository to become operational, waiting until summer 2020 takes into account the possibility that redistricting changes may occur in response to any conclusions and recommendations made by the state's redistricting task force. Public Chapter 974 (2018) created the task force and charged its members with reviewing the composition of Tennessee's current judicial districts and recommending a statewide judicial redistricting plan that provides timely access to Tennessee's circuit, chancery, and criminal courts. The deadline for the task force's final report is December 1, 2019. (Task force members were appointed by Lt. Governor McNally and former Speaker Harwell. A list of members is provided at the end of this memorandum.) Further, the judicial elections in 2022 for the circuit, chancery, and criminal courts might also be considered relative to conducting new time studies.

In conclusion, obtaining caseload data for district attorneys and public defenders and updating the time studies would allow the Comptroller's Office, for the first time in many years, to fully carry out its statutory responsibilities regarding weighted caseload studies for district attorneys and public defenders.

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<sup>1</sup> The most recent time study for Tennessee's state court judges was last updated in 2013, which means Tennessee is now in the five- to seven-year time frame for an updated time study for judges.

If you have any questions, please contact our office.

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Comptroller of the Treasury

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