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Comptroller

To: The Honorable Randy McNally, Speaker of the Senate
The Honorable Cameron Sexton, Speaker of the House of Representatives
Members of the House and Senate Judiciary Committees

From: Jason E. Mumpower, Comptroller of the Treasury 

Date: March 30, 2022

Subject: Weighted Caseload Reports from the Comptroller's Office

State law¹ requires the Comptroller of the Treasury to update the judicial weighted caseload study annually to compare the state's existing judicial resources with an estimate of the judicial resources needed.

Due to the continuing effects of the pandemic on the state's courts, the Comptroller's Office is not producing a judicial weighted caseload update for FY 2021. The number and types of case filings for FY 2021 were significantly affected by the adoption of pandemic-influenced measures by the state's courts.² This was also the case for the number and types of case filings for FY 2020, and FY 2022 filings data may also be affected.

State law also requires the Comptroller's Office to annually update weighted caseload reports for *district attorneys general* and *public defenders*. The Comptroller's Office has not published weighted caseload reports for district attorneys general and public defenders since FY 2006, however, because of 1) a lack of standardized data from the state's general sessions courts and 2) a lack of current case weights. Although the data from the state's general sessions courts has become more standardized with the recent creation of the General Sessions Data Repository, the lack of current case weights remains a barrier to producing updated weighted caseload reports. Accordingly, the Comptroller's Office will not publish weighted caseload reports for district attorneys general and public defenders for FY 2021.

In lieu of producing weighted caseload studies for judges, district attorneys general, and public defenders for FY 2021, the Comptroller's Office offers this memo, which addresses when the case weights used for weighted caseload studies were last updated.

The weights used in weighted caseload studies are based on the amount of time selected court staff – judges, district attorneys, and public defenders - report spending on certain case types. A felony case, for example, usually requires significantly more time to process than a traffic case.

¹ *Tennessee Code Annotated* 16-2-513.

² Pandemic-influenced measures adopted by the state's courts include the suspension of in-person proceedings and jury trials, the extension of deadlines, etc.

Periodically updating the case weights assigned to different types of cases is necessary to account for developments that affect the time needed to process cases, – such as new laws, technological changes, population shifts, redistricting, and other factors.³

The case weights for judges were last updated in 2013. The case weights for district attorneys general and public defenders have not been updated in over 20 years. The National Center for State Courts, which contracts with states to carry out the time studies used in updating case weights, suggests updating case weights every five to seven years to improve the reliability of weighted caseload studies.

To update the case weights, the state would need to contract with an organization that specializes in carrying out such work. The General Assembly set aside \$400,000 in the FY 2014 budget for updating the time studies for judges, district attorneys, and public defenders, but the case weights were ultimately only updated for judges, at a cost of \$135,000. (The time study for district attorneys and public defenders could not be updated because of data problems.)

Update on the General Sessions Data Repository

As noted earlier, the Comptroller’s Office has not published a weighted caseload report for district attorneys general and public defenders since FY 2006. One reason for this is because the data from General Sessions courts has historically been unreliable for use in a weighted caseload study. However, this situation is changing.

In 2021, the Administrative Office of the Courts launched the General Sessions Data Repository (GSDR), which aims to collect and store standardized, detailed case information from the state’s general sessions courts. The GSDR currently includes data from 87 of the state’s general sessions courts. Data from the largest counties – Shelby, Davidson, Knox, and Hamilton – is anticipated to be included in the GSDR by the end of 2023. The caseloads for these counties make up the majority of cases statewide and are essential for a complete picture of the need for district attorneys general and public defenders in Tennessee.

Obtaining standardized caseload data for district attorneys and public defenders through the GSDR, along with updated case weights, would allow the Comptroller’s Office, for the first time in many years, to carry out its statutory responsibility regarding weighted caseload studies for district attorneys and public defenders.

If you have any questions, please call.

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³ For example, Public Chapter 530 (2020) created a new judicial district by splitting Judicial District 21 (Hickman, Lewis, Perry, and Williamson Counties) into two districts. Additionally, Public Chapter 566 (2021) created a new three-judge panel to hear certain time-intensive cases. The impact of this new panel on demand estimates for judicial resources will depend on the frequency of such cases, which is currently unclear.