Tennessee Comptroller of the Treasury

Office of Research and Education Accountability

An overview of caseload studies and case filings in Tennessee

February 2024

★

Erin Brown
Research Analyst

David Melendez
Research Analyst

★

Jason E. Mumpower
Comptroller of the Treasury

Table of contents

2 Introduction

2 What is a weighted caseload study?
2 What is a case filing?

3 Weighted caseload study for judges

4 Weighted caseload study for district attorneys and public defenders

4 Case filing trends: 2016-2022

5 Impact of COVID-19 on court operations

5 Exhibit 1: Changes in the Tennessee courts during the COVID-19 pandemic

6 Exhibit 2: Criminal and civil filings in Tennessee courts | 2016-2022

7 Exhibit 3: Criminal case filings decreased in 2020 and 2021

7 Exhibit 4: Criminal cases filed by month in 2020 compared to the pre-pandemic average

8 Exhibit 5: Total civil filings by year

8 Exhibit 6: Civil filings for 2020 compared to pre-COVID average (2016-2019)

9 Exhibit 7: Criminal and civil case filings remain below pre-COVID levels, with civil filings closer to their pre-COVID average

10 Exhibit 8: Percent changes in criminal case filings by county | 2019-2020

10 Exhibit 9: Percent changes in criminal filings by county | 2020-2022

11 Exhibit 10: Percent change in civil filings by county | 2019-2020

11 Exhibit 11: Percent change in civil filings by county | 2020-2022

Introduction

Tennessee Code Annotated 16-2-513 requires the Comptroller of the Treasury to maintain and update a weighted caseload study for the state trial court judges, district attorneys (DAs), and public defenders (PDs).

The Comptroller's Office has not updated the judicial weighted caseload study for the last three fiscal years (2020, 2021, and 2022), however, because of the impact of the COVID-19 pandemic and the resulting changes to court operations. The number of filings declined following the onset of the pandemic, as court operations were disrupted and Tennessee's courts made operational changes to comply with federal and state requirements created to limit the spread of the virus.

Pandemic-related restrictions in Tennessee courts were not lifted until February 2022. As a result, the Administrative Office of the Courts (AOC) expected the volume of case filings for the 2022 fiscal year to be affected. Updating the weighted caseload study while case filing levels are atypically low would be expected to show a surplus of judicial resources.

In lieu of updating the judicial weighted caseload study during this period, the Comptroller's Office has conducted related research projects. In October 2021, the Comptroller's Office produced a legislative brief on the data collection process for judicial weighted caseload estimates. The legislative brief included two policy considerations for the AOC.

Due to lingering effects of COVID-19 mitigation strategies in the Tennessee court system and outdated case weights, the Comptroller's Office will not produce a weighted caseload analysis for the 2022 fiscal year and has instead prepared a report of the current status of the weighted caseload study, including trends in case filings.

What is a weighted caseload study?

What is a case filing?

A case filing is a written document that has been properly submitted to the court. A criminal case is defined as a single charge or set of charges arising out of a single incident concerning a single defendant in a court proceeding. A civil case shall be defined as all motions, petitions, claims, counterclaims, or proceedings between the parties resulting from the initial filing until the case is disposed.

A case filing is not the same as "crime." For criminal filings, a crime can only become a case filing when charges are filed against an individual. An example of a crime that does not become a case filing is an unsolved homicide. For civil filings, where civil actions are typically filed by the individual and do not require a police investigation, no charges are required before a civil case filing is created.

Weighted caseload studies account for the amount of time and resources needed to process the different types of cases in a caseload. Since not all cases require the same amount of time to process, a weighted caseload study adds more weight to cases that take more time and resources. In a court setting, a weighted caseload study adjusts (or "weights") different types of cases based on the amount of time and resources demanded. Cases that demand more time have a higher weight and those that demand less time have a lower weight. The weights for each type of case are then multiplied by the number of cases to produce an estimate of resources needed.

For example, the weighted caseload study for the state's trial court judges takes the caseload in each Judicial District and weighs the different case types according to how much time judges spend working on particular types of cases. The weights for each type of case are then multiplied by the number of case filings to produce an estimate of judicial resources needed in each district. This estimated need is the demand side of the weighted caseload calculation.

The supply side of the calculation (the judicial resources available) is based on the time judges have available to work on cases. The calculation of time available for case-related work in each district begins with eight hours per day/210 days per year, or 1,680 hours multiplied by the number of full-time state trial court judges in that district. The average amount of time spent by judges on travel, non-case-related activities, and non-trial duties are subtracted from the 1,680 hours, leaving only the time spent working on cases.

Each Judicial District's demand is then subtracted from its supply, and the resulting number is subtracted from the number of judges in the district to produce an estimate of judicial need. The estimate indicates whether there is a surplus or deficit of judges in each Judicial District.

Weighted caseload study for judges

From 1999 to the onset of the COVID-19 pandemic, the Comptroller's Office published an annual judicial weighed caseload study update for state trial court judges. Tennessee's trial courts include chancery, criminal, circuit, and probate courts. The most recent study analyzed data from the 2019 fiscal year and was published in April 2020. The Comptroller's Office has not updated the judicial weighted caseload study for the last three fiscal years (2020, 2021, and 2022) because of the impact of the COVID-19 pandemic and the resulting changes to court operations.

The volume of case filings, especially criminal case filings, decreased in 2020. While the number of case filings were higher in 2022 than 2020, case filing volume has not returned to pre-pandemic levels. Updating the weighted caseload study while case filing levels are atypically low, in comparison to pre-pandemic levels, would be expected to show a surplus of judicial resources.

The volume of case filings is not the only factor to consider when updating the weighted caseload study. The weights applied to the different types of cases are another factor. The current weights were last updated in 2013 and grow increasingly outdated with each passing year. The National Center for State Courts, with which Tennessee has contracted in the past to update the weights, recommends updating the weights every five to seven years. In addition, the current weights were set prior to 2020 and reflect the court operations and conditions of a decade ago. Some courts have made operational changes since then, such as wider use of e-filing and virtual options for bench trials. These practices can impact the amount of time spent on cases, but the extent of their use, as well as other factors that can impact how much time judges spend on different types of cases, is based on data from before the pandemic.

There are other factors to consider as well, such as the General Assembly's creation of a three-judge panel in 2021. This three-judge panel did not exist when the weights were last updated in 2013.

Public Chapter 566 (2021) established the three-judge panel to hear civil cases that:

- challenge the constitutionality of a state statute, an executive order, or an administrative rule or regulation;
- include a claim for declaratory judgment or injunctive relief; and
- are brought against the state, a state department or agency, or a state official acting in their official capacity.

The panel consists of one judge from each of the state's three grand divisions. As of December 1, 2023, there have been a total of 26 civil cases that have come before the three-judge panel. Three of the 26 cases came from West Tennessee, 21 from Middle Tennessee, and two from East Tennessee. These cases are otherwise known as UAPA cases, in reference to the Uniform Administrative Procedures Act.

Another change since 2013 is the creation of a new Judicial District. The 32nd Judicial District, created in 2022, contains three counties: Hickman, Perry, and Lewis. These three counties were previously in the 21st Judicial District along with Williamson County. Williamson is now the only county in the 21st Judicial District. This change has reduced travel time for judges in these counties, and, as noted earlier, travel time is subtracted when estimating the amount of time judges have available to spend on cases.

Regarding cost, when the weights used in the judicial weighted caseload study were last updated in 2013, the cost was $135,000 in one-time funding. The cost for a new study to create up-to-date weights is likely to be higher.

Weighted caseload study for district attorneys and public defenders

A weighted caseload study update for district attorneys (DAs) and public defenders (PDs) was last published by the Comptroller's Office for the 2006 fiscal year. One of the reasons for not conducting an update since then has been a lack of reliable court data from General Sessions Courts, as described in memos issued by the Comptroller's Office. In 2013, the General Assembly appropriated funding to update the case weights for DAs and PDs, but problems with the data (e.g., inconsistencies with juvenile data) prevented this from occurring.

Another complicating factor is that some Judicial Districts have not yet implemented the preferred system needed to upload data from their General Sessions courts into the General Sessions Data Repository (GSDR).[A] The GSDR was created in 2021 to compile all of the data from General Sessions Courts in a single database.

District 20 (Davidson County) has not yet implemented the preferred system[B] for uploading criminal case data from General Sessions Courts; District 30 (Shelby County) has not yet done so for criminal and civil cases; and District 6 (Knox County)[C] has not yet done so for civil cases.[D] The AOC is currently working with all three counties to fully implement the necessary system so that all the data from their General Sessions courts is loaded into the GSDR. Data from districts' criminal courts is especially important to be able to conduct a weighted caseload study for district attorneys and public defenders.

Another reason for not conducting an update for PDs and DAs is that the case weights are out-of-date, having last been updated in 1999. Thus, there are two issues related to updating the weighted caseload study for district attorneys and public defenders: 1) some Judicial Districts have not yet implemented the preferred system used to upload data to the General Sessions Data Repository, and 2) outdated case weights. By contrast, there is only one issue related to updating the weighted caseload study for state trial court judges: outdated case weights.

Regarding cost, the General Assembly appropriated $400,000 a decade ago to update the weights for state trial court judges, district attorneys, and public defenders. The weights were not updated for DAs and PDs because of problems with data from the General Sessions Courts. (As noted earlier, the weights for state trial court judges were updated in 2013 for a one-time cost of $135,000.) The cost of conducting a new study to create up-to-date weights for DAs and PDs is likely to be higher than a decade ago.

Case filing trends: 2016-2022

This section of the report analyzes case filing[E] trends from 2016 to 2022. The period chosen for this trend analysis includes years prior to the pandemic, allowing policymakers to assess changes in the number of case filings before and after 2020.[F]

From 2016 to 2022:

1. Criminal and civil case filings fell to their lowest levels in 2020 or afterward. Criminal case filings saw a greater decrease than civil filings.
2. Criminal and civil case filings rose between 2020 and 2022, but both remain below the average level for the years just before COVID. Civil filings are closer to their pre-COVID average than criminal filings. Civil filings have nearly returned to pre-COVID average filing levels, though criminal filings have not.
3. There was considerable variation at the county level in criminal and civil case filing trends.

[A] The GSDR's creation was funded as part of a $1.1 million dollar appropriation in fiscal year 2016-17.
[B] In 1999, the General Assembly required the creation of a new information system for the state's courts to provide for more uniform and accurate court data. The information system, TnCIS, is still used today to upload data into the General Sessions Data Repository.
[C] Morgan County has also not implemented TnCIS for criminal or for civil cases. A cost-benefit analysis determined the county's caseload was too small to warrant implementing TnCIS.
[D] See OREA's 2025 publication, *An Overview of Caseload Studies and Case Filings in Tennessee*, for an updated list of counties uploading data using TnCIS.
[E] Case filings consist mostly of cases from Tennessee's General Sessions courts but also include a small number of cases from juvenile courts and appeals courts.
[F] Calendar years are used rather than fiscal years to better correlate annual and monthly data trends within the timeline of the COVID-19 pandemic.

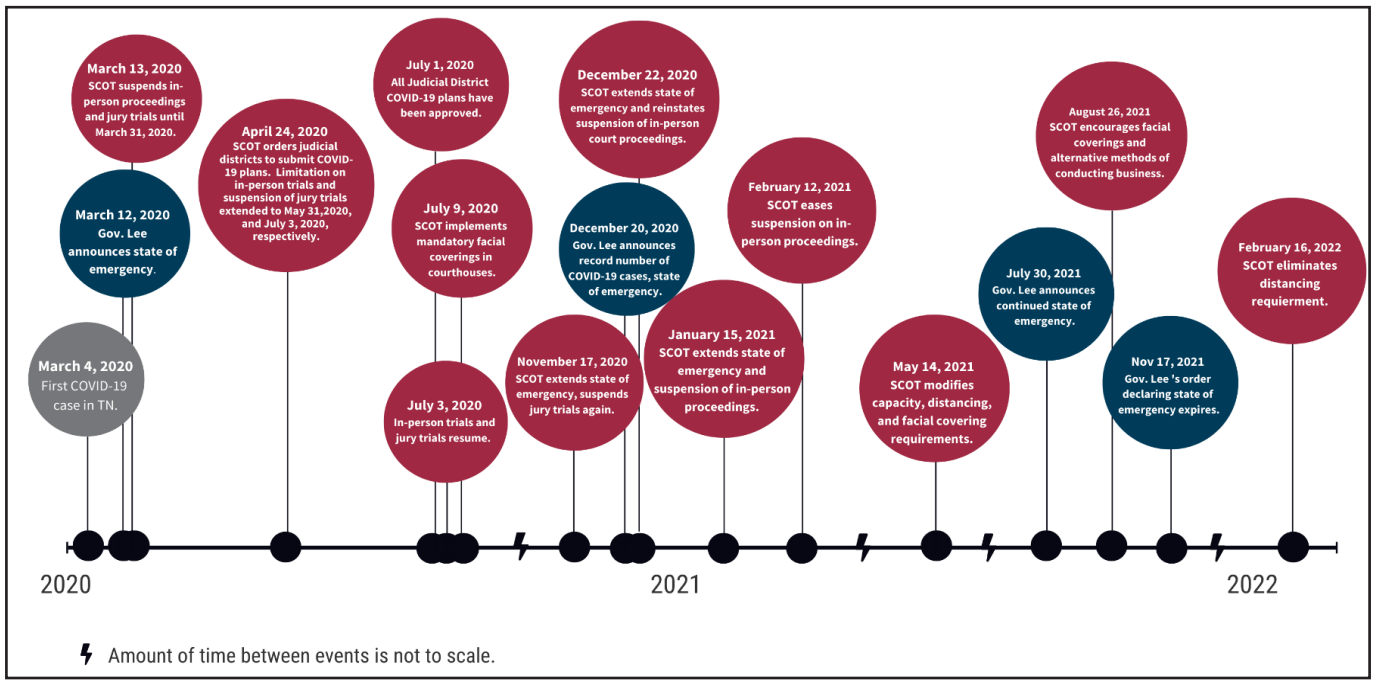
Impact of COVID-19 on court operations

In an order issued on March 13, 2020, the Tennessee Supreme Court suspended most in-person court proceedings.[G] The March 13 order also urged judges to limit in-person contact as much as possible by using alternative means of judicial processes, including e-filing, teleconferencing, email, and video conferencing. The order was extended on April 24, 2020, and this also paused in-person trials and jury proceedings until July 3, 2020.

The court required all Judicial Districts to submit COVID-19 plans detailing the efforts all courts in each Judicial District would take to mitigate the spread of the virus. All district plans were submitted and approved by July 1, 2020.

The court allowed in-person court proceedings that had been previously suspended and jury trials to resume on July 3, 2020. In November 2020, given a rising number of COVID-19 infections, the court reinstated the suspension on jury trials. In December 2020, the court again suspended in-person court proceedings and extended the suspension on January 15, 2021. In-person court proceedings and jury trials resumed on February 12, 2021. From this point on, courts gradually eased emergency measures up until February 14, 2022, when the Supreme Court of Tennessee eliminated the last remaining emergency measure; the social distancing requirement.

Exhibit 1: Changes in the Tennessee courts during the COVID-19 pandemic



Note: (1) Dates in red represent acts by the Supreme Court of Tennessee. Dates in blue represent announcements and executive orders by Governor Bill Lee. (2) SCOT refers to the Supreme Court of Tennessee. (3) Additional Tennessee Supreme Court orders that extended and/or clarified prior orders are not shown. All of the orders are available through the following link: Coronavirus & Court Leadership | Tennessee Administrative Office of the Courts (tncourts.gov).
Source: AOC webpage of COVID-19 related orders.

Criminal and civil case filings fell to their lowest levels in 2020 or afterward. Criminal filings declined more than civil filings.

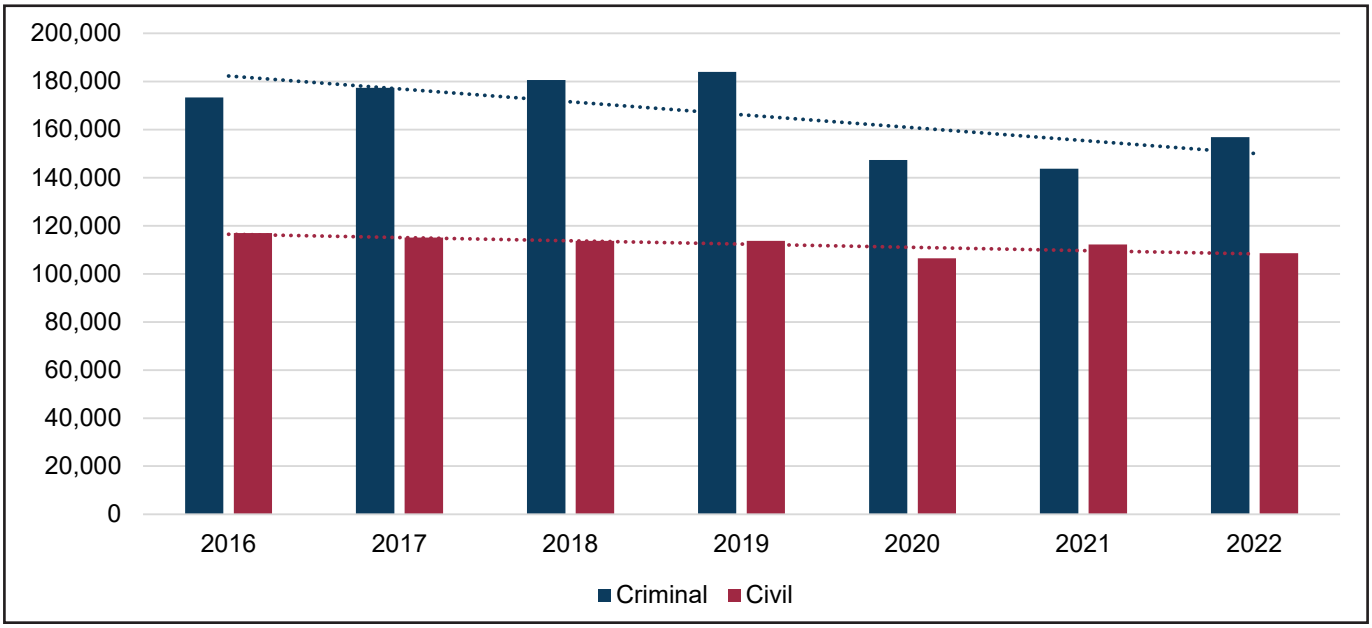
From 2016 to 2019, the average number of cases filed per year in Tennessee criminal courts was 178,798. The number of criminal cases filed in 2020 dropped to 147,330, a 19.9 percent decrease.

[G] Matters related to divorce, child custody, or a person's civil rights were still permitted to be held in in-person proceedings.

The number of criminal case filings continued to fall in 2021, and they reached the lowest level for the 2016-2022 time period that year. There were 144,721 criminal case filings in 2021, a 2.5 percent decrease from 2020 and a 22 percent decrease from 2019.

Civil filings declined as well in 2020, when they fell by 6 percent. This was a smaller percentage decrease than for criminal cases. In addition, civil case filings were declining prior to 2020. From 2016 to 2022, the only year in which civil filings increased compared to the previous year was 2021.

Exhibit 2: Criminal and civil filings in Tennessee courts | 2016-2022

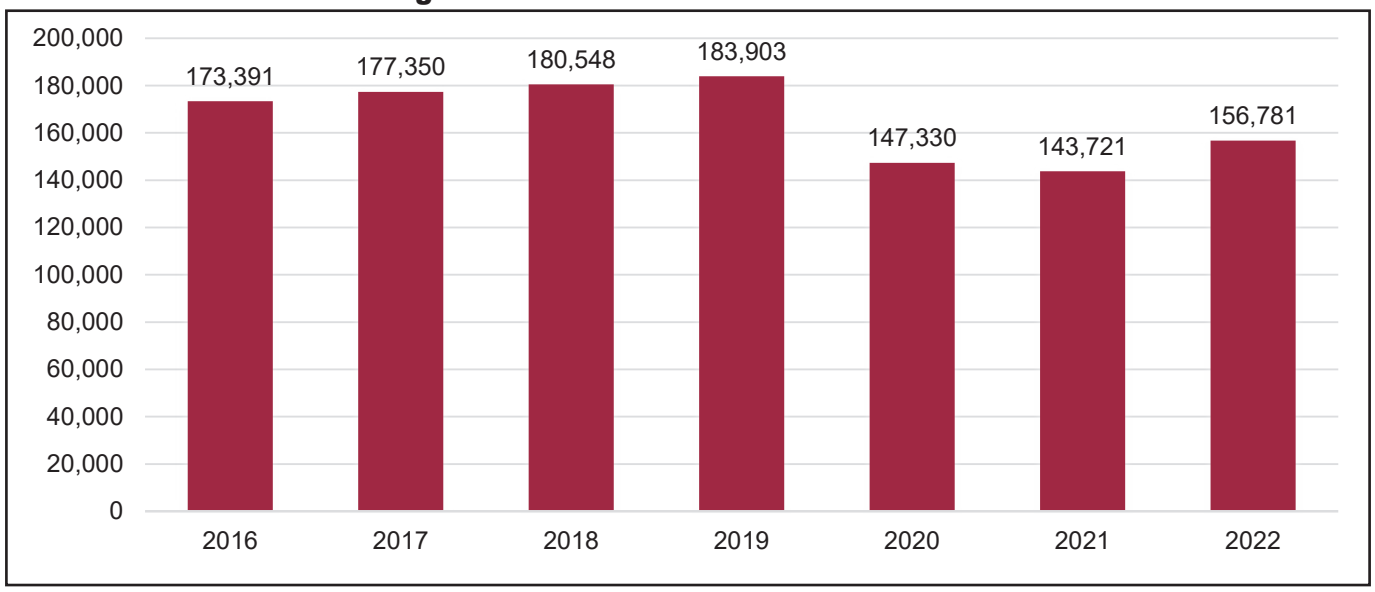


Source: OREA analysis of AOC data.

Criminal and civil case filings fell to their lowest levels in 2020 or afterward. Criminal case filings saw a greater decrease than civil filings.

During January and February 2020, criminal case filings were relatively similar to criminal case filing levels during the same months in 2019. However, in March, when Governor Lee declared a state of emergency due to the COVID-19 pandemic, the number of criminal cases filed began to decrease. The number of case filings for March was roughly a third less than that for February 2020. (February 2020 saw 15,509 cases; the number for March was 10,830.) The decline intensified in April, as the volume of criminal case filings decreased by 56 percent compared to March. The 4,812 case filings for April 2020 were the lowest of any month from 2016 to 2022. (In the years just before the pandemic, April filings ranged from 13,000 to 17,000 filings.)

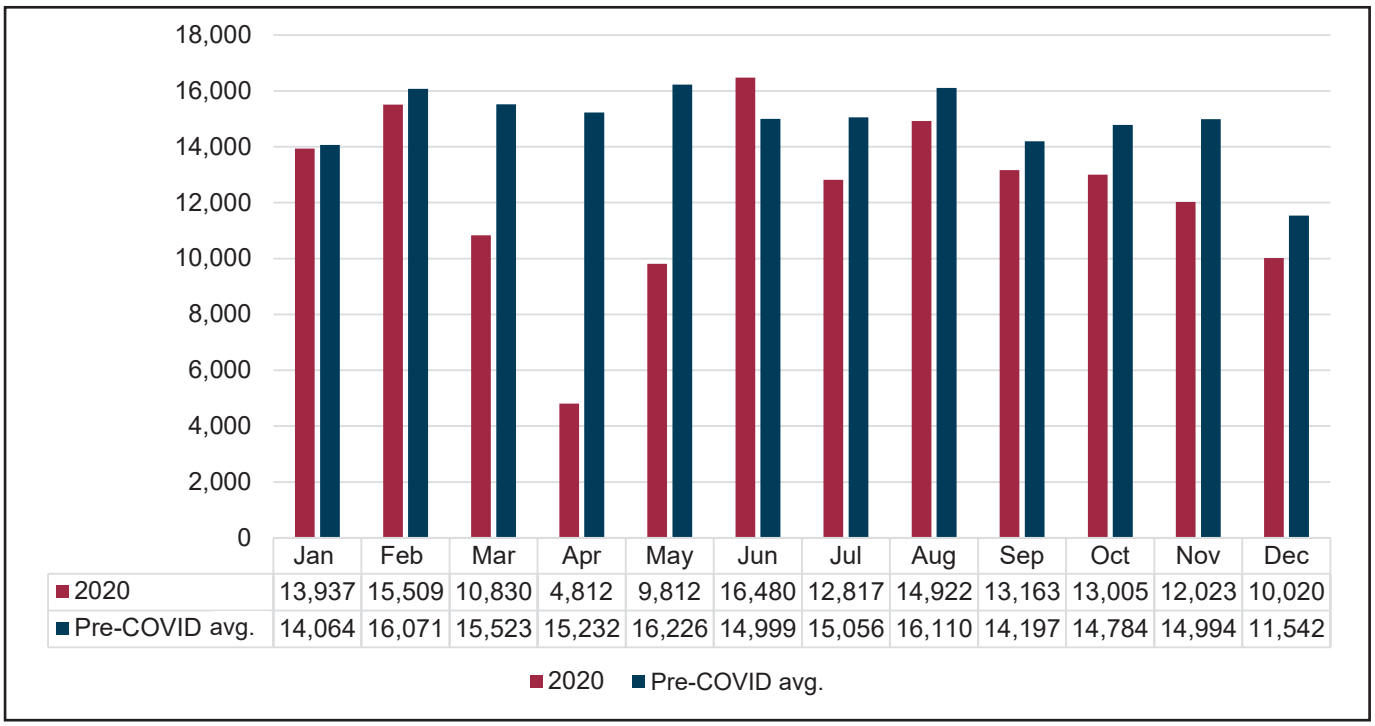
Exhibit 3: Criminal case filings decreased in 2020 and 2021



Source: OREA analysis of AOC data.

Criminal case filings began to rise in May 2020 when 9,799 cases were filed, a 51.1 percent increase in filings from April. The number of filings reached the highest point for the year in June (16,294). In that month, the number of filings exceeded the average for the same month in the four years before the pandemic (2016, 2017, 2018, 2019). For all the remaining months of 2020, the number of criminal case filings was below that of the pre-COVID average.

Exhibit 4: Criminal cases filed by month in 2020 compared to the pre-pandemic average

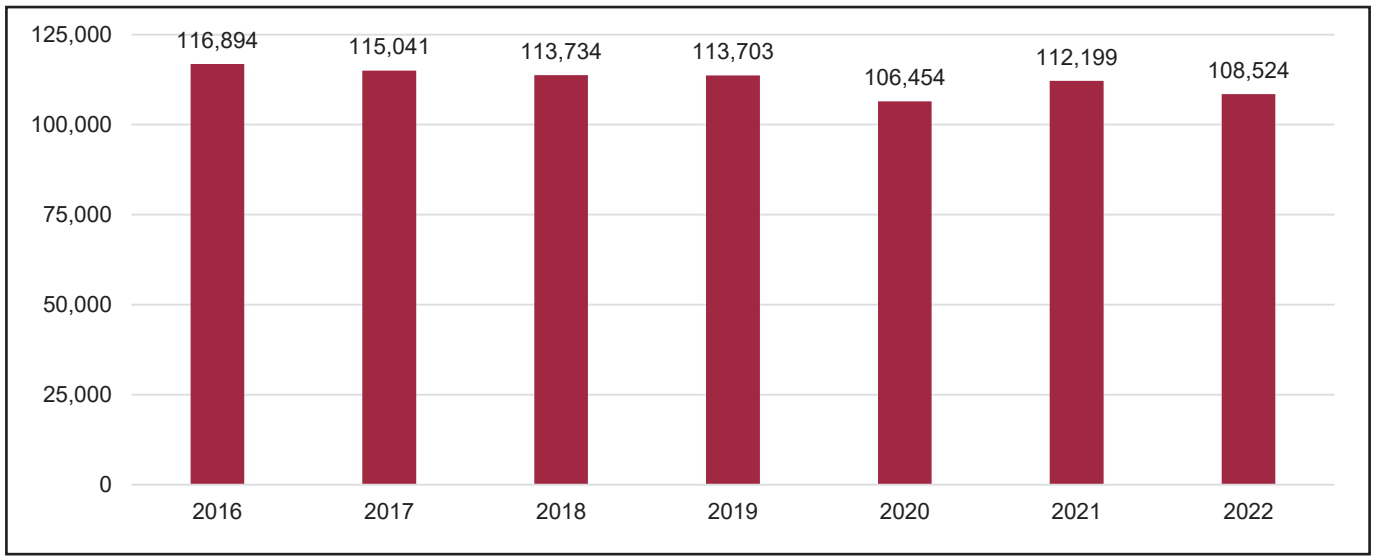


	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2020	13,937	15,509	10,830	4,812	9,812	16,480	12,817	14,922	13,163	13,005	12,023	10,020
Pre-COVID avg.	14,064	16,071	15,523	15,232	16,226	14,999	15,056	16,110	14,197	14,784	14,994	11,542

Note: "Pre-COVID avg." is the average number of criminal case filings per month from January 2016 to December 2019.
Source: OREA analysis of AOC data.

Civil filings declined by 6 percent in 2020. Unlike criminal filings, though, civil filings decreased in the three years preceding the pandemic. Filings decreased by 2 percent in 2017, by 1 percent in 2018, and by less than 1 percent in 2019.

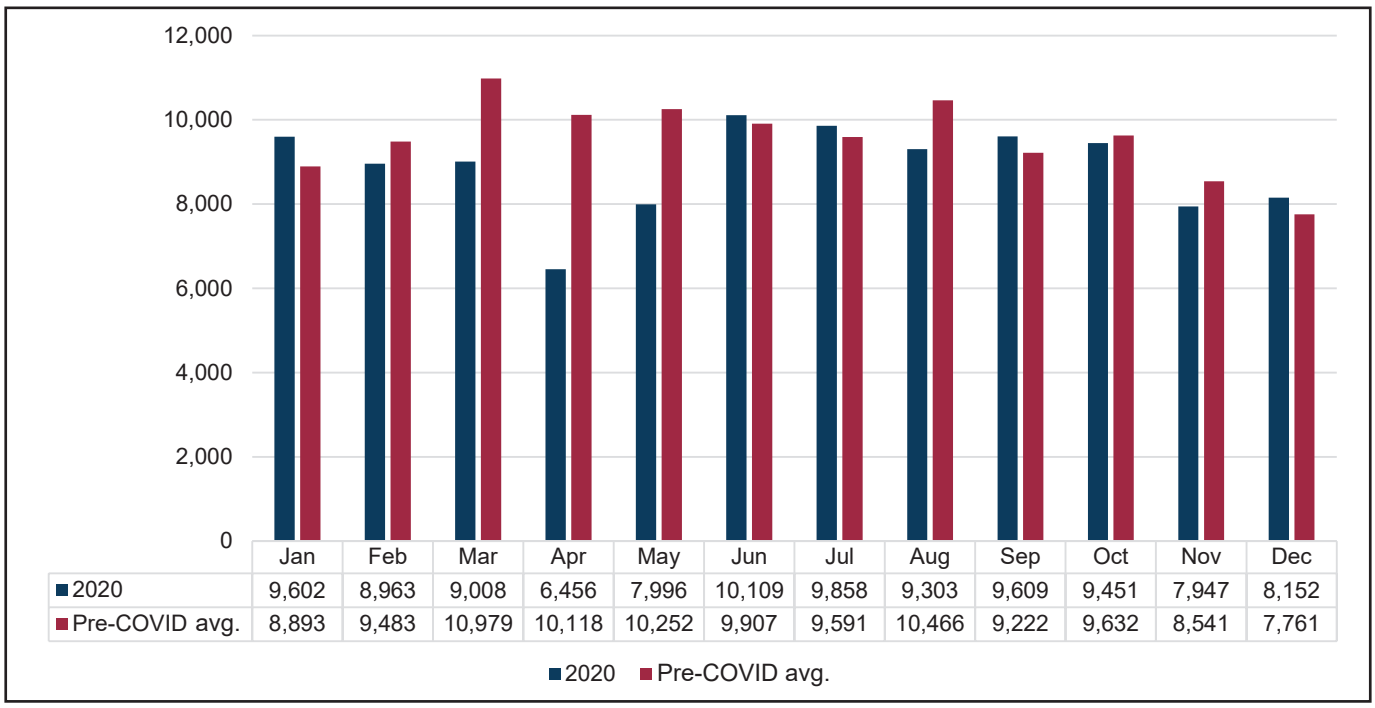
Exhibit 5: Total civil filings by year



Source: OREA analysis of AOC data.

Civil filings for March 2020 were below the average for the same month in the four years prior to the pandemic (2016, 2017, 2018, and 2019). In April, the number of filings dropped to the lowest point for the year and was 36 percent lower than the pre-pandemic average for April. Civil filings for the remaining months of 2020 were similar to the pre-pandemic average.

Exhibit 6: Civil filings for 2020 compared to pre-COVID average (2016-2019)



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2020	9,602	8,963	9,008	6,456	7,996	10,109	9,858	9,303	9,609	9,451	7,947	8,152
Pre-COVID avg.	8,893	9,483	10,979	10,118	10,252	9,907	9,591	10,466	9,222	9,632	8,541	7,761

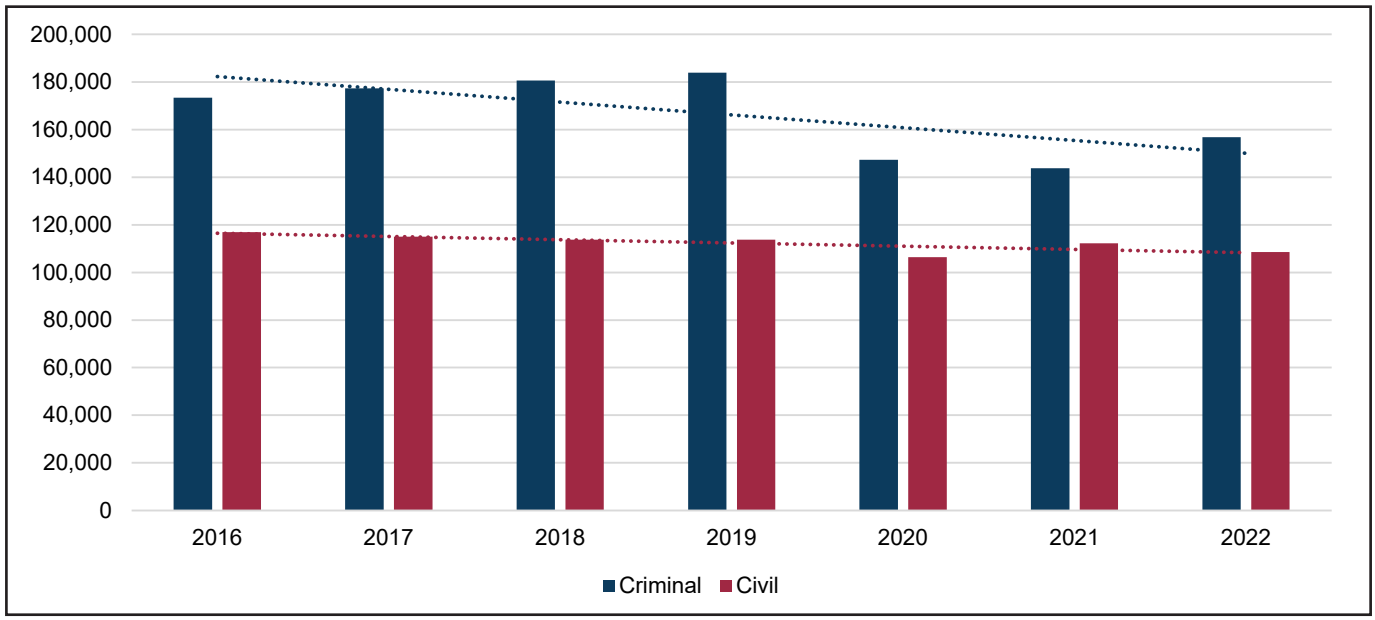
Note: "Pre-COVID avg." is the average number of civil case filings per month from January 2016 to December 2019.
Source: OREA analysis of AOC data.

Civil filings have nearly returned to pre-COVID average filing levels. Criminal filings, though rising, have not.

In the three years preceding 2020, civil filings decreased each year. From 2019 to 2020, civil filings declined by 6 percent, a more pronounced decrease than for the previous three years. Filings then rose in 2021, when they were less than 1 percent lower than in 2019, the year before the pandemic. For 2022, there was a 3 percent decrease, though the number of filings for that year was still higher than 2020 by around 2,000 filings.

There was greater variation in the number of criminal case filings over this period. From 2016 to 2019, the average number of case filings per year in criminal courts was 178,798. For 2020, there was a notable drop, as the number of filings fell to 147,330. The number decreased again in 2021, down to 144,721. The annual volume rose for the first time since the pandemic in 2022, increasing to 156,799 cases.

Exhibit 7: Criminal and civil case filings remain below pre-COVID levels, with civil filings closer to their pre-COVID average

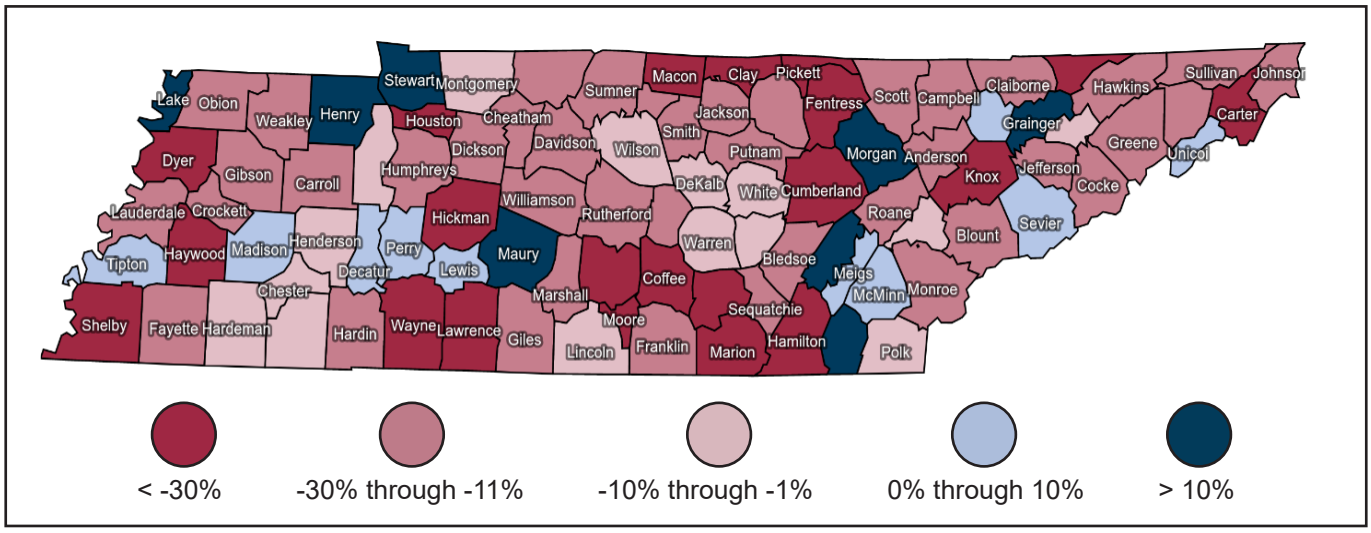


Source: OREA analysis of AOC data.

There was considerable variation at the county level in criminal and civil case filing trends.

In 2020, most counties (78 out of 95) saw declines in the number of criminal case filings. The decline was minimal in some counties and more substantial in others. The five counties with the biggest decrease in the number of filings from 2019 to 2020 were Hancock, Moore, Pickett, Hamilton, and Houston counties. The percentage decrease ranged from a 47.23 percent decline in Houston County to a 78.8 percent decline in Hancock County. (Statewide, there was an approximately 20 percent decline in criminal case filings that same year.) With the exception of Hamilton County, these counties have a relatively small number of annual filings (fewer than 500 in all but Hamilton), meaning small shifts in filings can translate to a large percentage change. The remaining 17 counties increased the number of criminal filings from 2019 to 2020 or the number of filings stayed stable.

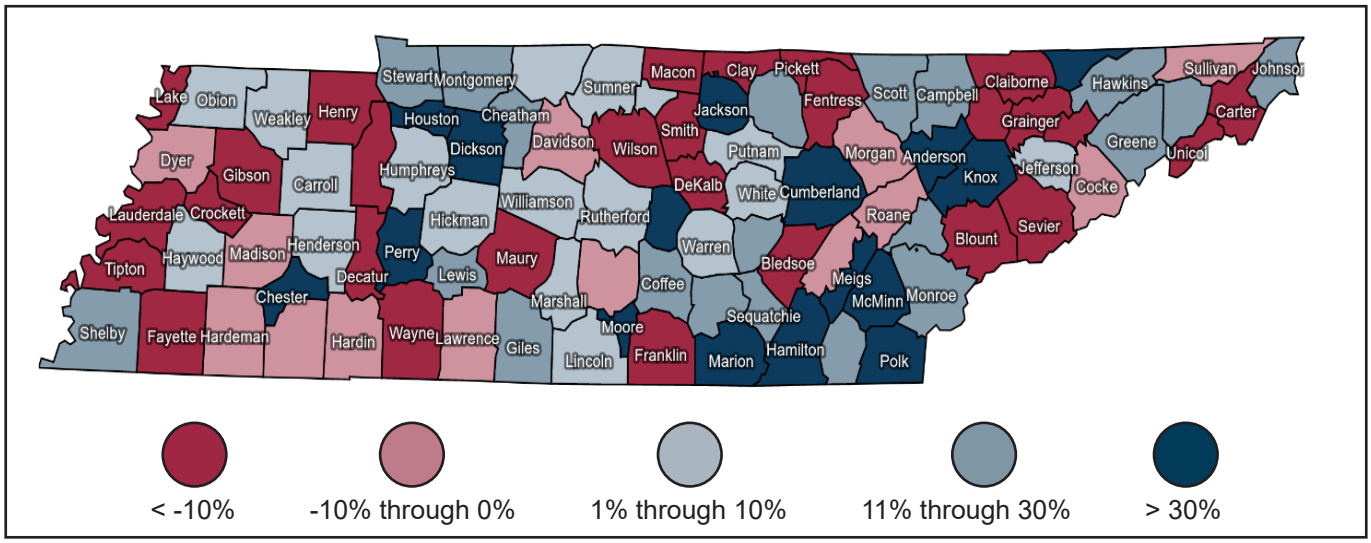
Exhibit 8: Percent changes in criminal case filings by county | 2019-2020



Source: OREA analysis of AOC data.

Of the 78 counties in which criminal filings decreased from 2019 to 2020, 50 counties increased the number of filings from 2020 to 2022. The remaining 29 counties continued to decrease the number of filings from 2020 to 2022 after decreasing from 2019 to 2020. Of the counties where case filings remained stable or increased, three counties continued to remain stable or increase from 2020 to 2022 and 14 counties decreased the number of criminal filings.

Exhibit 9: Percent changes in criminal filings by county | 2020-2022

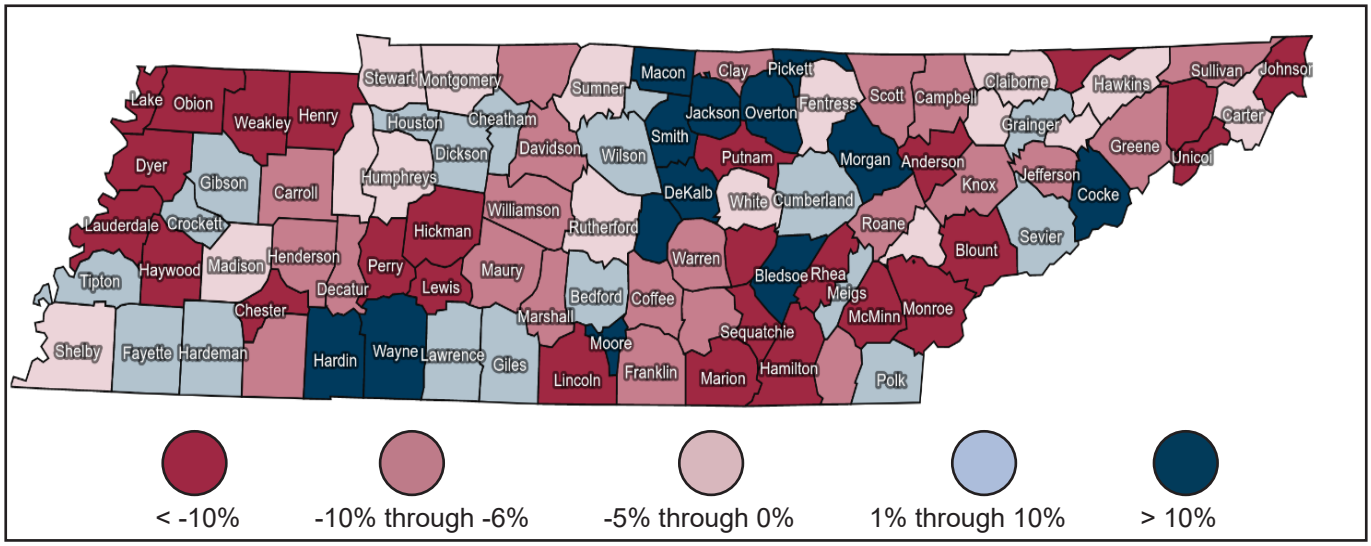


Source: OREA analysis of AOC data.

Most counties also saw decreases in the number of civil case filings. Sixty-three counties reported a decrease between 2019 and 2020, while 32 reported an increase. Case filing trends for counties in the same Judicial District were not always the same. Judicial District 25 (Fayette, Hardeman, Lauderdale, McNairy, and Tipton counties) is one example. Case filings increased in Fayette, Hardeman, and Tipton counties while decreasing in Lauderdale and McNairy counties.

The biggest percentage declines in civil filings in 2020 occurred in Hancock, Lewis, Unicoi, Hickman, and Lake counties. The number of civil filings increased in four of the five counties between 2020 and 2022; however, the number of civil filings in all five counties remained below each county's pre-pandemic average (based on the years 2016, 2017, 2018, and 2019).

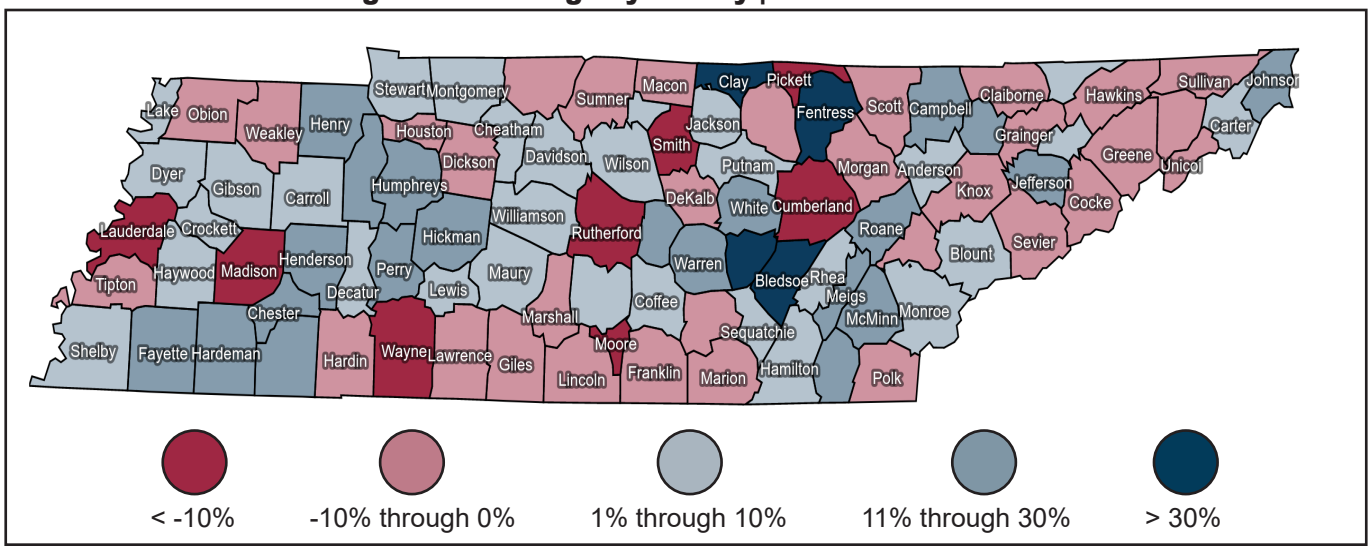
Exhibit 10: Percent change in civil filings by county | 2019-2020



Source: OREA analysis of AOC data.

Of the 63 counties where civil filings dropped in 2020, 43 saw an increase in filings between 2020 and 2022. In the remaining 20 counties, filings continued to decline and were lower in 2022 compared to 2020. Of the 32 counties that saw an increase in civil filings in 2020, 12 continued to see civil filings growth in 2022, while the remaining 20 reported a decrease between 2020 and 2022.

Exhibit 11: Percent change in civil filings by county | 2020-2022



Source: OREA analysis of AOC data.

Office of Research and Education Accountability Staff

Director

♦ Russell Moore

Assistant Director

♦ Lauren Spires

Principal Research Analysts

♦ Kim Potts

♦ Dana Spoonmore

Research Analysts

♦ Erin Brown

Lance Iverson

♦ David Melendez

♦ Allison Pams

Robert Quittmeyer

Matthew Veach

Publication Specialist

♦ Paige Donaldson

Program Coordinator

♦ Caitlin Kaufman

♦ Indicates staff who assisted with this project

Office of Research and Education Accountability

Russell Moore | *Director*
425 Rep. John Lewis Way N.
Nashville, Tennessee 37243
615.401.7866
www.comptroller.tn.gov/OREA/