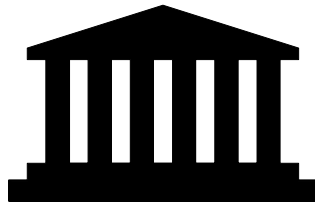


# **The Need for Standardized Caseload Data in Tennessee Courts**



**Denise Denton, M.S.W.  
Senior Legislative Research Analyst**

**Bonnie S. Adamson  
Legislative Research Intern**

**Ethel Detch, Director  
Douglas Wright, Assistant Director  
Office of Research  
505 Deaderick St., Suite 500  
Nashville, Tennessee 37243  
615/532-1111  
[www.comptroller.state.tn.us/orea/reports](http://www.comptroller.state.tn.us/orea/reports)**

**John G. Morgan  
Comptroller of the Treasury**

May 2001

## *Executive Summary*

The legislature needs accurate and objective information to make informed decisions regarding the allocation of judicial resources. The legislature and the Judicial Council attempted unsuccessfully from 1984-1997 to establish an impartial means of assessing the workload and need for judicial resources.

In 1997 the state contracted with the National Center for State Courts to conduct weighted caseload studies for the judges, district attorneys, and public defenders. Weighted caseload studies are the most valid means to assess the need for judicial resources.<sup>1</sup> The results were released in April 1999. That same year, the General Assembly passed Public Chapter 311 requiring the Comptroller to update the studies annually, using the original case weights. However, this cannot be done until the General Assembly and judicial branch establish, implement, and enforce caseload standards.

The report concludes:

**Tennessee lacks standard caseload data from general sessions courts, courts of record, and, to a lesser degree, municipal courts with general sessions jurisdiction. Without accurate, standardized data from these courts, the Comptroller cannot update the District Attorney weighted caseload study as required by Tennessee Code Annotated 16-21-107.**

Consequently, the General Assembly cannot effectively allocate positions. Several factors affect this situation:

- 1. Unlike courts of record, general sessions courts and municipal courts with general sessions court jurisdiction lack a standard definition of a case.** As a result, courts count cases in various ways, preventing collection of comparable general sessions court data on a statewide basis.
- 2. According to survey results, most general sessions courts count each charge as a case, while others count all charges related to the same person and incident as a single case.** These varied methods of counting cases result in inflated case counts and an inaccurate picture of jurisdictions' caseloads relative to other jurisdictions. The ability to collect litigation tax on each case creates an incentive for jurisdictions to count cases in this manner.
- 3. Some courts of record do not count and/or report cases according to standards established by Supreme Court Rule 11, AOC Guidelines, or grant requirements in the case of juvenile court data.** This lack of compliance costs the state time and money in the way of staff resources to "clean" and verify data, and still results in unreliable data.
- 4. Not all courts use a common identifier such as docket number to distinguish among separate cases, charges, and individuals.** Supreme Court Rule 11 requires that all counts

---

<sup>1</sup> National Center for State Courts State Justice Institute, *Assessing the Need for Judges and Court Support Staff*, p. 19, 1996.

associated with one case go under one docket number, but some courts assign a different docket number to each charge.

5. **Most general sessions courts do not use a common identifier, such as the TCA section, to identify charge, case type, and class.**<sup>2</sup> It is essential to the district attorneys' caseload study that courts categorize cases by type and class to apply the appropriate case weight to the formula.
6. **The AOC does not collect general sessions court data statewide. Neither statutes nor Supreme Court Rules require general sessions courts to report case filing and disposition data to the state.** TCA 16-3-803(g) requires the administrative director of the courts to "survey and study the operation of the state court system, the volume and condition of business in the courts of the state, whether of record or not." However, the AOC does not collect general sessions court data as it does with state courts.
7. **Currently the scope of the Tennessee Court Information System (TnCIS) project does not include plans to collect caseload data from general sessions courts or municipal courts with general sessions jurisdiction.** While TCA 16-3-803 (h) requires TnCIS be developed for all courts, including general sessions, there are no written plans by the AOC to collect data from these courts. AOC staff also reports that once reporting requirements are in place the system can collect this data on a statewide basis.

**The lack of automated and/or standard automated systems statewide results in a lack of standard caseload data.** According to a survey done by the Office of Research, 12 general sessions courts are not automated, five courts have their own in-house systems, and four different vendors serve the rest of the courts. Without automation it is more difficult to compile caseload totals. Lack of uniform software programming, even for courts using the same software, also contribute to the problem.

### ***Recommendations***

**To ensure the collection of standard caseload data the judicial system must establish:**

- 1) a standard definition of a case;
- 2) a uniform method of classifying cases and charges by type and class;
- 3) enforceable requirements and a system for the AOC to monitor compliance; and
- 4) a system to collect general sessions court data statewide.

The General Assembly may wish to:

1. Establish a standard case definition in all courts as necessary. (See Appendix A.)
2. Clarify the law regarding litigation tax and whether each charge can be counted as a separate case.<sup>3</sup>
3. Require courts of record to report caseload data according to a standard definition.

---

<sup>2</sup> In general sessions court cases only the "type" of case is needed, as all misdemeanors are weighted the same. Only felonies are weighted differently based on class.

<sup>3</sup> The Comptroller's Office is currently awaiting a ruling by the Attorney General's Office to determine if current law is being violated, and if not, if statute can be clarified to distinguish between a charge and a case so that clerks can collect tax on each charge without assigning a separate docket number and counting it as a separate case.

4. Require judges and clerks to ensure the TCA section is recorded on all judgment forms for each charge to create uniform categories from court to court.
5. Require that TnCIS be designed to collect standard charge and caseload data using a standard definition<sup>4</sup> and programmed to use Tennessee Code Annotated as a uniform means to categorize and count cases and charges by type and class.
6. Require all general sessions courts, and municipal courts with general sessions jurisdiction, to report caseload data according to a standard definition of a case<sup>5</sup> to the Administrative Office of the Courts beginning FY 2002-2003.
7. Postpone an update for the district attorneys study (except for those districts that can provide the data) until November 2003 to allow the courts, and Administrative Office of the Courts, time to institute new standards, conduct training, and begin collecting caseload data in fiscal year 2002-2003.
8. Add the Tennessee Public Defenders Conference and the Comptroller of the Treasury to the list of agencies to have transfer capabilities with TnCIS, especially if no central depository for general sessions caseload data is established.

The Administrative Office of the Courts should:

1. Provide training on case definitions to clerks, district attorneys, judges, and public defenders;
2. Monitor and enforce compliance with reporting requirements;
3. Establish reporting guidelines for general sessions courts; and
4. In cooperation with the District Attorneys Conference, establish a uniform system for naming and coding each charge by type and class, according to TCA section and subsection for sections with more than one type and class offense.

The TnCIS Steering Committee should consider collection of general sessions caseload data in the development of TnCIS. Such plans should be incorporated into the scope and business plans of TnCIS. The Steering Committee may also want to consider using the consulting services of SEARCH, a national organization that specializes in state and local integrated justice information systems.<sup>6</sup>

Recommendations begin on page 13.

---

<sup>4</sup> See Appendix A.

<sup>5</sup> Ibid.

<sup>6</sup> SEARCH is a nonprofit membership organization created by and for the states. SEARCH is funded by annual fees from member states; grants from U.S. Department of Justice agencies such as the Bureau of Justice Assistance, Bureau of Justice Statistics, and National Institute of Justice; state grants; and federal, state, and local contracts.

## ***Introduction***

In 1998 Tennessee contracted with the National Center for State Courts (NCSC) to conduct weighted caseload studies for judges, district attorneys, and public defenders to provide for an objective means to assess the workload and need for judicial resources. The results of these studies were released in April 1999.<sup>1</sup> The Tennessee General Assembly passed Public Chapter 311 (1999) requiring the Comptroller of the Treasury to update the studies annually with new caseload data, using the case weights from the original study.

The consultants noted a lack of standard caseload data in all three weighted caseload studies, especially in general sessions court. To address this problem and allow for the collection of data to update the studies, in September 1999, the Comptroller's Office of Research applied for and received a Byrne Grant. The purpose of the grant is to work with the state and local judiciary to standardize general sessions court caseload data and TnCIS to collect uniform filing and disposition data and update the weighted caseload studies.

## ***Methodology***

The following methodology was used to carry out the work of the grant:

- Review of current Tennessee statutes concerning case reporting, Tennessee Court Information System (TnCIS), litigation taxes, warrant information, and weighted caseload studies;
- Review of literature on automated and integrated criminal justice systems;
- Review of literature on weighted caseload studies;
- A survey of all elected or appointed general sessions and/or juvenile court clerks (see Appendix B),
- A survey of all public defender districts (see Appendix C),
- Site visits to automated and non-automated courts,
- Interviews with circuit, general sessions, and juvenile court clerks,
- Interviews with district attorneys and public defenders,
- Interviews with software vendors,
- Interviews with the original consultants from all studies, and
- Meetings and interviews with key persons and organizations related to the issue (For a complete list, see Appendix D.)

## ***Background***

From 1984 to 1997 the General Assembly and the Tennessee Judicial Council attempted unsuccessfully to establish an objective means to assess the need for judicial resources. Because of various case-counting practices (in addition to disagreement about case weights), inaccurate caseload data thwarted those efforts to establish weighted caseload formulas, and remains a problem in updating the current studies.

Consultants and clerks invested an enormous amount of time and effort to collect accurate caseload data at all levels, especially general sessions, for the most recent studies released in

---

<sup>1</sup> These studies may be found at [www.comptroller.state.tn.us/orea/reports/index.htm](http://www.comptroller.state.tn.us/orea/reports/index.htm).

April 1999. In some courts, clerks manually counted warrants to determine the number of cases disposed during the time study.<sup>2</sup> Additional effort was required to convert charges to cases and “clean” data from the Administrative Office of the Courts. Although feasible for the one-time study, repeating this process each year for general sessions court data is not practical.

All three studies note limitations in the accuracy of data because of varied case-counting practices. As one consultant noted in a presentation to the Fiscal Review Committee: “You have a real problem in general sessions court.”<sup>3</sup>

Case standards, reporting requirements, and a central depository provide data for the judges’ weighted caseload study, the public defenders’ caseload study, and part of the district attorneys’ study, through:

- the Administrative Office of the Courts (AOC) TJIS System,
- the Tennessee Public Defenders Conference (TPDC’s) CaseMan System, and
- the Tennessee Council of Juvenile and Family Court Judges (CJFCJ’s) system.

However, General Sessions courts have neither case standards, reporting requirements, nor a central depository. Without general sessions data it is not possible to update the DA’s study to objectively estimate the need for district attorneys general.

The Comptroller’s Office of Research applied for and received a Byrne Grant<sup>4</sup> in September 1999 to help the state and local judiciary standardize and automate disposition data from general sessions courts.<sup>5</sup>

The grant’s goals are to:

- Assess the data collecting and reporting abilities of all courts that collect filing and disposition data for general sessions courts;
- Identify the various case counting definitions for each court;
- Coordinate with the Administrative Office of the Courts, District Attorneys General Conference, District Public Defenders Conference, General Sessions Court Judges Conference, and Tennessee Clerks of Court Conference to collect standard caseload data from general sessions courts and ensure that the Tennessee Court Information System (TnCIS) will be able to provide such data once developed;
- Develop a system to collect disposition data from all general sessions courts in a uniform and automated manner;
- Collect the total dispositions for all general sessions courts where possible; and
- Conduct a judicial weighted caseload study for district attorneys based on dispositions.

---

<sup>2</sup> American Prosecutors Research Institute, *Tennessee District Attorneys Generals Weighted Caseload Study*, p. 30, April 1999.

<sup>3</sup> Robert Spangenberg, April 1999.

<sup>4</sup> U.S. Department of Justice Edward Byrne Memorial Grant

<sup>5</sup> Recently, when updating the judges’ study, similar problems were identified with collection of state court data from the Administrative Office of the Courts. Although this issue was not included in the original scope of the project it is addressed in this report as well.

## ***Analysis and Conclusions***

**Tennessee lacks standard caseload data from general sessions courts, courts of record, and, to a lesser degree, municipal courts with general sessions jurisdiction. Without accurate, standardized data from these courts, the Comptroller cannot update the District Attorneys' weighted caseload study required by *Tennessee Code Annotated*, §16-21-107.** Neither statutes nor Supreme Court Rules require general sessions courts to report case filing and disposition data to the state. And despite caseload standards for courts of record, many courts do not comply with those standards, also contributing to unreliable data. As a result, policy makers do not have the information needed to make decisions, or to assess the need for, and allocation of, judicial resources.

### ***The Need for Case Standards***

The original studies essentially defined a case according to the standard recommended by the National Center for State Courts (NCSC), which suggests courts count “each defendant and all charges involved in a single incident as a single case. If the charging document includes multiple defendants involved in a single incident, count each defendant as one case.”<sup>6</sup> (See original studies for specific definitions.)<sup>7</sup> The case weights resulting from Tennessee’s 1998 district attorney time-study cannot be used to calculate the workload and update the study unless caseloads are based on the standard definition of a case employed in the study.

Although some courts have standard data, most do not, making it impossible to get comparable data from all districts. As of April 2001 only three districts (7-Knox; 19-Davidson; 30-Shelby) can provide standard data from general sessions court. Case-counting practices must be uniform according to those used by the original weighted caseload studies to apply the case weights and calculate workload needed to update the studies. (See Appendices A and F.)

David Roberts of SEARCH<sup>8</sup> notes in a special report on justice information systems that states have a responsibility to establish “systems that support the operational information needs of local (and state) users” as well as to establish “standards to enable sharing of information among local jurisdictions, and between local jurisdictions and state and national systems.”<sup>9</sup>

### ***General Sessions Court Data***

Unlike courts of record, general sessions courts and municipal courts with general sessions court jurisdiction lack a standard definition of a case. As a result, many courts count cases differently, preventing collection of comparable general sessions court data statewide.

---

<sup>6</sup> National Center for State Courts, *State Court Model Statistical Dictionary*, p. 19, 1989.

<sup>7</sup> American Prosecutors Research Institute, *Tennessee District Attorneys General Weighted Caseload Study*, p. 25-26, 1999; The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study Final Draft Report*, p. 49, April 1999.

<sup>8</sup> SEARCH is a nonprofit membership organization created by and for the states. It is funded by annual fees from member states; grants from U.S. Department of Justice agencies such as the Bureau of Justice Assistance, Bureau of Justice Statistics, and National Institute of Justice; state grants; and federal, state, and local contracts.

<sup>9</sup> David J. Roberts, *Integration in the Context of Justice Information Systems: A Common Understanding*, A SEARCH Special Report, p. 6, March 2000.

The majority of court clerks count each charge as a case rather than combining all charges associated with the same individual and incident. A survey of general sessions courts found that 83 count each charge involving the same person and incident as a separate case, while only 12 count all charges associated with a single individual in a single incident as one case. (See Appendix E for a list of counties by case counting practices.)<sup>10</sup>

A nationwide survey of case counting practices for limited jurisdiction courts<sup>11</sup> conducted by the NCSC in 1999 found that the majority of states (56 percent) define a case according to national standards and only 20 percent of states count each charge as a case. (See Exhibit 1.)<sup>12</sup>

### Exhibit 1

| <b>Summary of How States Define a Case in Limited Jurisdiction Courts- 1999</b>   |                         |                          |
|---|-------------------------|--------------------------|
| <b>Contents of Charging Document at Point of Case Counting</b>  | <b>Number of States</b> | <b>Percent of States</b> |
| All charges associated with incident  | 21                      | 42%                      |
| Charges from multiple incidents   | 7                       | 14%                      |
| Prosecutor discretion   | 4                       | 8%                       |
| Single charge   | 10                      | 20%                      |
| Other**   | 6                       | 12%                      |
| Unknown   | 2*                      | 4%                       |
| *Tennessee is one of the two that did not provide data to NCSC.   |                         |                          |
| **Other includes allowing up to three charges on a warrant in one state, having different practices for different types of limited jurisdiction courts in three states and having inconsistent practices within the same type of court across two states. Tennessee would have fallen in this category had we produced data for the survey. |                         |                          |
| National Center for State Courts, 2000  |                         |                          |

In Tennessee, courts count each charge as a separate case for various reasons: to collect additional litigation tax, to assess clerk workload,<sup>13</sup> and because of judge and district attorney preferences. Clerks report that they count cases this way because it more accurately reflects the workload since each charge is processed separately, even if handled in one hearing. Courts can also collect litigation tax on each charge resulting in a conviction, which clerks believe is justified because it takes additional time to process additional charges. They point out that they may have to process several charges against one defendant, but often many are dismissed.

<sup>10</sup> These numbers reflect a change from figures included in previously released executive summaries of this report. Follow-up calls to clerks to investigate the handling of certain case scenarios revealed different case counting practices in several counties than were indicated on responses to the survey conducted by this office in June-December 2000.

<sup>11</sup> Limited Jurisdiction courts include general sessions courts or the equivalent.

<sup>12</sup> National Center for State Courts, *State Court Caseload Statistics*, pp. 78-83, 2000.

<sup>13</sup> There is also some concern by local officials that case numbers will be used to determine the workload of clerks and general sessions judges. However, the weighted caseload study weights and counting practices are in no way an indicator of work performed by general sessions judges and clerks. Since there were no time studies to establish case weights for general sessions court judges or clerks, that information cannot be used to determine the workload of, or need for, clerks or judges.



On the other hand, some courts think it is unfair to collect the tax for each charge, in addition to being very inefficient and time consuming. Clerks and judges also claim that officers often “jack up the charges” unnecessarily to get convictions. These courts, as well as software vendors, claim that putting all charges on one warrant under one docket number saves time and money. They also claim that this reduces the incentive and likelihood of officers making excessive charges.

The State Court Clerks Conference Board voted to endorse a standard definition of a case at their conference in Memphis on November 16, 2000, with the stipulation that courts also count and report charges and that courts still be allowed to collect litigation tax on each charge resulting in a conviction.<sup>14</sup> It is unclear if defining and distinguishing between a case and charge would prevent clerks from collecting litigation tax on each charge if more than one is filed as a single case under a single docket number.

*It should be noted that establishing a single standard for a case does not prohibit courts from also counting and reporting the number of charges made and convicted.* In fact, it is important to distinguish between the two and count each for various data management and administrative purposes.

### ***Litigation Tax Issues***

In March 1999, Attorney General Paul G. Summers released opinion AG 99-56 ruling on the question: “When a defendant is charged with multiple misdemeanor criminal offenses on a single citation, is the state litigation tax assessed on each separate conviction?” The opinion states, “the privilege tax on litigation should be collected on each criminal case rather than on each separate conviction.”

In the analysis section, the opinion cites TCA §67-4-602, which states that the privilege tax on litigation should be assessed on “the first conviction when there are multiple offenses charged in a single case.” However, the law does not specifically prevent courts from counting each charge as a case and still collecting litigation tax on each “conviction.”<sup>15</sup> Some clerks also assert that if the state establishes a uniform definition of a case, state and local revenue will decrease. Currently, TCA 16-4-602 allows courts to collect a total of \$28.50 per case, of which the state gets 95 percent and local government gets five percent, except in counties with populations over 700,000, where the clerk’s commission is 10 percent.<sup>16</sup>

The fiscal impact of changing the way litigation taxes are assessed in general sessions courts is undeterminable at this time. However, on average, the number of cases reported in counties that tax and count by charge is twice that of counties of similar population that count cases by incident. According to the Department of Revenue, total state and local litigation tax revenue in 1999 for all counties assessing per charge was \$7,118,964 and \$711,169 respectively. Given

---

<sup>14</sup> The Data subcommittee of the Clerks Board and full Board met and voted at the conference in November 2000 to endorse case standards.

<sup>15</sup> The Comptroller’s Office has requested an Attorney General opinion on this and is currently awaiting a response.

<sup>16</sup> State share is \$27.075 and county share is \$1.425. TCA 40-24-105 allows the district attorneys general and criminal or general sessions court clerks to retain up to 50 percent of any taxes collected after six months of being in default.

these numbers, the estimated fiscal impact of adopting multi-charge cases is a loss of \$3,559,482 in state revenue and \$355,584 in county revenue. Unfortunately, the table of litigation tax revenue produced by the Department of Revenue at the request of this office did not match the data gathered from the court clerks for the same time period. Follow-up calls to the clerks in the Tennessee’s four largest counties revealed that they reported remitting to the state a total of \$847,273.67 more than was reported by the Department of Revenue. (See Exhibit 2.)

**Exhibit 2**

| <b>State Portion of State Criminal Litigation<br/>Tax Revenue for Calendar Year 1999</b>              |                   |                       |                      |
|---|-------------------|-----------------------|----------------------|
| <b>County</b>   | <b>DOR Figure</b> | <b>Clerk’s Office</b> | <b>Difference</b>    |
| Davidson  | \$236,484         | \$307,357             | -\$70,873            |
| Hamilton  | \$279,598         | \$414,505.30          | -\$134,907.30        |
| Knox  | \$341,452         | \$521,712.03          | -\$180,260.03        |
| Shelby  | \$457,111         | \$918,344.34          | -\$461,233.34        |
| <b>Total</b>  |                   |                       | <b>-\$847,273.67</b> |
| Source: Department of Revenue and survey calls to general sessions accounting offices in each county. |                   |                       |                      |

The Division of County Audit periodically tests samples of return forms for accuracy at the county level, but no longer tracks these funds statewide. Despite the difficulties in accurately determining fiscal impact, with most courts now collecting litigation taxes per charge, state and county revenue would be reduced if litigation taxes were collected per case statewide.

On the other hand, this case counting practice may also increase state expenses in the form of indigent defense reimbursements. As a report by the Administrative Office of the Courts found, how a case is counted “may result in higher reimbursement for counties which give separate docket numbers for multiple charges.”<sup>17</sup>

The Office of Research did not collect information on how state courts assess taxes and is unable to accurately estimate the statewide costs. However, data from the AOC show that in FY 1999-2000, the state paid \$2,429,403 in indigent defense reimbursement to general sessions courts alone. Based on the general sessions court surveys, 83 courts give each charge a separate docket number.

The lack of uniformity in counting cases in general sessions courts affects not only the ability to collect caseload data to update the district attorneys weighted caseload study, but also how litigation tax is assessed and indigent defense is reimbursed. The statute needs to be clarified to distinguish between a case and charge, in order to address these problems.

**Data problems also exist in state and juvenile courts , despite standard case definitions and reporting requirements.** Lack of compliance affects the judges’ weighted caseload study, but also compromises the efficient and effective administration of justice at all levels. This costs the state and local government in the form of staff time and resources to process additional warrants,

<sup>17</sup> Tennessee Administrative Office of the Courts, *State Payment of Cost and Fees Incurred in the Prosecution of Indigents*, p.5, October, 2000.

cover sheets, and charges - and to correct and reconcile data that is not provided according to the guidelines. This also affects the accuracy of filing and disposition data in the AOC and JFCJ's annual reports, and decisions made based on that data such as estimating fiscal the impact of legislation. The problems in state and juvenile courts are described below.

### ***State Court Data***

Supreme Court Rule 11 states:

(3) Case Numbering. For purposes of this rule, the term "docket number" is defined as the separate and distinct identification number used for a case once it is filed in criminal or circuit court. A criminal "case" shall be defined as "a criminal proceeding against one individual at one level of court." Accordingly, all charges consolidated into a single proceeding shall be included under one case number. In criminal cases, each defendant shall be assigned a separate case (docket) number. In the alternative, separate defendant identifiers (such as letters) shall be added to the end of the original docket number to reflect co-defendants listed in a single case or charge.

Because courts fail to comply with Supreme Court Rule 11 and other reporting guidelines, AOC staff must enter much more data than would otherwise be necessary. Courts also fail to follow other guidelines resulting in over-or undercounting of cases, and an inaccurate picture of these districts' workload compared to others.

The AOC reports that five courts continue to report each count on a separate sheet with a separate docket number, including Shelby County, where the largest percentage of all criminal cases are disposed. AOC staff indicate they have identified some of the courts that do not comply, but in some cases (civil for example) they have no way to know how many other courts may not be reporting data according to this or other civil reporting guidelines.

The Information Systems Director for the Administrative Office of the Courts said that four people process the data full time. In the past staff from other positions have worked overtime to enter and clean up TJIS data.<sup>18</sup> He said that the "majority" of staff time is spent cleaning the data because clerks and courts do not report data according to rules and/or guidelines.

The AOC recently implemented policies to monitor compliance. Staff is beginning to identify those courts that do not comply and is working with the courts through education and assistance to improve the quality of the data submitted. The AOC acknowledges however, that without authority to enforce compliance, its enforcement powers are limited.

### ***Juvenile Court Data***

The Council of Juvenile and Family Court Judges (CJFCJ) serves as the central depository of all juvenile court data. Although the council's Executive Director notes the data is better than in the past, surveys and interviews with staff indicate that not all courts comply with the reporting requirements.

---

<sup>18</sup> As of January 2001.

TCA § 37-1-506 requires that “the clerk of each juvenile court shall, each month, report to the executive secretary such information as the council may require concerning cases handled by such court.” The juvenile court clerks’ users manual defines a case as "all Referral Reasons/Charges reported to the court (via complaint, petition, motion, etc.) on a given day for a given child." The courts collect up to five referral reasons per case; if more than five, the court collects the five most serious referrals.

As with other courts, some juvenile courts do not count cases according to the definition set forth by the Council on Juvenile and Family Court Judges. Further, all courts are allowed to establish their own case counting standards, both manually and electronically, making it difficult to verify the accuracy of the caseload totals. Clerks and CJFCJ also acknowledge that they have no means to enforce the reporting requirements. Although grant money may be withheld, the Council staff believes the penalty is insufficient to encourage compliance

Juvenile delinquent caseload data also is needed to update the district attorneys’ study. The CJFCJ was included in the subcommittee of the Judicial Council to develop a case standard for all courts. And while the definition for juvenile courts is essentially the same, the means of using a docket number to count each case is not. Thus the Council needs to institute a uniform method to count cases and monitor compliance.

#### ***Establishing Case Standards for All Courts***

To address this and other data standardization issues the Comptroller’s Office recommended to the Judicial Council at the November 28, 2000 meeting that it establish a subcommittee representing the following groups:

- Administrative Office of the Courts,
- Comptroller’s Office,
- Clerks of Court Association,
- Council on Juvenile and Family Court Judges,
- District Attorneys Conference,
- General Sessions Judges Conference,
- Public Defenders Conference, and
- State Trial Court Judges.

The following goals and objectives were recommended to the committee by the Comptroller’s Office:

1. Identify current problems with, and those caused by, lack of compliance and inaccurate data;
2. Establish a standard definition of a case for all parties in the judiciary according to Supreme Court Rule 11, and weighted caseload study definitions that distinguish between a case and charge, and a means to count each separately;
3. Institute same case standards for general sessions courts to allow for collection of data when courts are automated, while allowing courts to continue collecting litigation tax on individual charges;
4. Establish reporting requirements for state courts;
5. Institute means to monitor reporting compliance; and
6. Institute penalties for non-compliance.

The Data Subcommittee met three times and recommended a standard case definition for civil, criminal, and juvenile cases, which it presented to the full Judicial Council on March 15, 2001. The subcommittee defines a criminal case as a single charge or set of charges, arising out of a single incident involving the same victim(s), concerning a defendant in one court proceeding. (See Appendix A.) On April 2, 2001, the Judicial Council subsequently approved the subcommittee's recommendation regarding all definitions with the exception of general sessions cases. However, given that general sessions courts use a significant portion of state district attorney resources it is necessary that the same standard apply to general sessions courts to collect data and update district attorneys' weighted caseload study as mandated by statute.

**Most general sessions courts do not use a common identifier, such as docket number, to distinguish among individuals, cases and charges; nor Tennessee Code Annotated (TCA) section corresponding to charges, to identify types and classes of cases.** Lack of a unique and standard identifier makes it difficult, and sometimes impossible, to differentiate between individuals with the same or similar names, between a case and charge, and to know the type and class of case. A report by the National Center for State Courts states, "Local courts should provide the data necessary to assess the need for judges and court support staff on a regular basis. Statutes or court rules should specify a clear set of definitions and the data elements required to produce the assessment measures."<sup>19</sup> Although this statement applies to judges, the same can be said for district attorney and public defender resources as well.

Some courts use docket numbers to identify separate cases, but if each charge is recorded as a separate case and given a separate docket number, the docket numbers cannot be used to identify and count cases. Currently, statute and Rules of Criminal Procedure only *require* a warrant to include the name of defendant, offense, and county where issued.<sup>20</sup> And although courts collect some identifying information such as date of birth, driver's license, and social security number, the degree to which that information is collected and entered into the computer is neither consistent nor uniform in all courts.

To apply the appropriate "case weight" to caseloads and determine workloads of court officials for the weighted caseload studies, courts need a standard method to name charges by type and class.<sup>21</sup> Using TCA as a common identifier would provide more consistency among courts than if each court established its own system.

Courts are not required to collect or record the Tennessee Code Annotated (TCA) section violated for charges. Rule 3 of Criminal Procedure only requires "sufficient information to support an independent judgment that probable cause exists for the warrant. A factually sufficient basis for the probable cause judgment must appear within the affidavit of complaint."

A survey of the courts found that most general sessions courts do not collect this information, nor use it to record the type and class of charges and cases. (See Exhibit 3.)

---

<sup>19</sup> National Center for State Courts, *Assessing the need for Judges and Court Support Staff*, p.viii, 1996.

<sup>20</sup> TCA 40-6-208 and Tennessee Rules of Criminal Procedure, Rule 4 Arrest Warrant.

<sup>21</sup> In general sessions cases only the "type" of case is needed, as all misdemeanors are weighted the same. Only felonies are weighted differently based on class.

### Exhibit 3

| <b>The Number of General Sessions Courts<br/>that Require TCA to be Included on Warrants</b> |    |         |
|--|----|---------|
| No   | 47 | 49.47%  |
| Yes  | 26 | 27.37%  |
| Sometimes  | 17 | 17.89%  |
| Didn't Answer  | 5  | 5.26%   |
| Total  | 95 | 100.00% |
| Office of Research Survey.   |    |         |

As the table shows, only 27 percent of all courts require the TCA references to be included on the warrant. Of those, even fewer enter it into the computer. Thus, descriptions and coding of case types also vary from court to court (even those using the same software). In some courts inaccurate charges are reported on the warrant that “technically” do not exist, e.g. domestic violence and shoplifting. Without this information it is not possible to standardize cases by type and class without developing an entirely new coding system to be used by all courts.

Some court clerks say that officers will not provide, or cannot provide, TCA information. Some officers do not believe it is their job, or simply refuse to provide it. Clerks say police lack training and knowledge to report the correct TCA. In many cases clerks put the TCA on the warrant, but do not want to be legally responsible because they lack legal training. The President of the Tennessee Chiefs of Police Association indicated it should be the officers’ responsibility to record the TCA on the warrant for initial filing. Judges thought that they should be responsible for *ensuring* that the TCA section is recorded for the charge as disposed on the judgment order, but that the district attorney should be responsible for specifying TCA for the charge as disposed.

**The Administrative Office of the Courts does not collect general sessions court data statewide as it does for state courts.** TCA 16-3-803 (g) requires the administrative director of the courts to “survey and study the operation of the state court system, the volume and condition of business in the courts of the state, whether of record or not.” However, the AOC does not set caseload standards or collect general sessions court data. The American Prosecutors Research Institute states in its report on the district attorneys’ weighted caseload study that there were limitations to the completeness and quality of the data “because general sessions court clerks do not report case filings or dispositions to a central source.”<sup>22</sup>

The AOC claims it lacks the authority to require locally funded courts to report the data, or the staff resources to process the volume of data that would come from general sessions court. However, there is considerable overlap between state and local clerks and judges. In the Office of Research survey 85 out of 94 general sessions clerks who responded also have state court jurisdiction. In addition, the state exercises some authority over local governments in several other areas, such as education, accounting, and solid waste.

<sup>22</sup> American Prosecutors Research Institute, *Tennessee District Attorneys Generals Weighted Caseload Study*, p. 30, April, 1999.

Thus, in addition to case standards and reporting requirements, the relationship between the AOC and the general sessions courts needs to be clarified and a central depository for the collection of general sessions court data established.

**Municipal courts are increasingly gaining general sessions court jurisdiction, but there is no means to collect this caseload data.** Clerks reported that 18 city courts with general sessions jurisdiction operate in their counties. (See Exhibit 4.)

**Exhibit 4**

| <b>Number of City Courts with General Sessions Court Jurisdiction</b> |           |                |
|---|-----------|----------------|
|   | Number    | Percent        |
| Yes   | 18        | 18.95%         |
| No  | 69        | 72.63%         |
| Unsure  | 3         | 3.16%          |
| Missing   | 5         | 5.26%          |
| <b>Total</b>  | <b>95</b> | <b>100.00%</b> |
| Source: Office of Research Survey, 2000                               |           |                |

Caseload data from these courts were not included in the original district attorney caseload study, and currently are not included in the scope of TnCIS. (See issue below.) Given the trend, this data also may need to be collected.

**The scope of the statewide court information system, TnCIS, does not include plans to collect general sessions data.** TCA 16-3-803 (h) states: “The administrative director of the courts shall establish criteria, develop procedures and implement a Tennessee court information system (TnCIS). The system shall provide an integrated case management and accounting software system addressing the statutory responsibilities of the clerks of the general sessions, chancery, circuit, and juvenile courts.” TnCIS is being developed for all courts including general sessions courts, but the current scope of TnCIS does not include plans to establish a central depository for this data.

A report by the National Task Force on Court Automation and Integration recommends that “development of standards to ensure the collection, transmission, and exchange of data between courts...be a high priority of national and state court and justice system management organizations.”<sup>23</sup> AOC staff report that while the scope approved by the TnCIS Steering Committee does not include plans to collect data statewide, the design specifications of the system will allow for collection of data once reporting requirements are in place and additional staff are hired to manage the data.

The AOC indicates that the Clerks Advisory Committee has discussed this and there is the “understanding” that once reporting requirements are in place this system will collect this data on

---

<sup>23</sup> Bureau of Justice Assistance, U.S. Department of Justice, *Report of the National Task Force on Court Automation and Integration*, p. 50, July 1999.

a statewide basis. Nonetheless, if TnCIS is to collect data statewide the TnCIS Steering Committee needs to include this in its scope and business plan.

**Lack of automation and varied case naming and classing practices also contribute to the lack of standardization.** As Exhibit 5 shows, automated courts use ten different types of software and 12 courts are not automated. ('Automated' means that courts have computerized information systems to collect caseload data.) The Local Government Data Processing Corporation, Bridge, and GSA serve most of the courts.

**Exhibit 5**

| <b>General Sessions Courts by Software Vendor</b> |               |                |
|---|---------------|----------------|
| <b>System Type</b>                                | <b>Number</b> | <b>Percent</b> |
| Local Government Data Processing Corporation      | 51            | 53.68%         |
| Bridge  | 19            | 20.00%         |
| Government Services Automation                    | 5             | 5.26%          |
| In-house  | 5             | 5.26%          |
| Full Court  | 3             | 3.16%          |
| None  | 12            | 12.63%         |
| <b>Total</b>                                      | <b>95</b>     | <b>100.00%</b> |

Source: Office of Research Survey, 2000.

Courts that use the same software have several ways of counting, naming, and coding types of cases and charges. For example, one court’s software might be programmed to categorize type of case with “M” and “F” to denote misdemeanor or felony, but in another court using the same software, those letters will be used to indicate male or female. Also, because clerks are able to create charge names, clerks and vendors say that there may be several different names for the same offense. For example for a burglary under \$500 - the same system may code it as theft, shoplifting (which is not an official offense), and robbery.

A report by the Bureau of Justice Assistance states that a lack of data standards and resistance to change (especially among elected officials) are some of the many barriers that prevent automation and integration.<sup>24</sup> It also states that “the development and implementation of integrated justice information systems should be a top priority for all state and local judicial agencies in the coming years” and cites the need to establish data standards as one of four strategies necessary to achieve this goal.

Many software vendors and programmers expressed frustration with the lack of standardization for counting, naming, and classifying cases, and a desire for the state to establish standards for all courts to follow. Some recommended that the Administrative Office of the Courts and District Attorneys Conference establish standard names with corresponding *Tennessee Code Annotated* sections for all offenses (and sub offenses for those with several different classes of offense within the same section) for all courts to use.

<sup>24</sup> Bureau of Justice Assistance, *Report of the National Task Force on Court Automation and Integration*, July 1999, p.45.



## ***Recommendations***

These recommendations are offered to establish standards, policies, and/or legislation to facilitate the efficient automation and administration of caseload data and ensure accurate and reliable data for the weighted caseload studies, as well as other information needs.

### **Legislative Recommendations**

The General Assembly may wish to:

1. Enact legislation requiring a standard definition of a case for civil, criminal, and juvenile delinquent cases in courts of record, general sessions courts, municipal courts with general sessions jurisdiction, and juvenile courts. (See Appendix A.) A uniform policy for counting cases for all courts would help ensure that caseloads and workloads are comparable among districts and case weights can be applied according to §TCA 16-21-107.
2. Clarify the law regarding litigation tax and whether each charge can be counted as a separate case. As of April 16, 2001, the Comptroller's Office is waiting a ruling by the Attorney General's Office to determine if current law is being violated, and if not, if statutes can be clarified to distinguish between a charge and a case so that clerks can collect tax on each charge without assigning a separate docket number and counting it as a separate case.
3. Amend §TCA 16-21-107 and 37-1-506 to require courts of record to report caseload data according to a standard definition. (See Appendix A.) Supreme Court Rules, AOC guidelines, and grant requirements all require reporting according to standards, but not all courts comply with these requirements. This would help assure that data is comparable for all districts for the weighted caseload studies, as well as the AOC Annual Report and the Council on Juvenile and Family Court Judge's Annual Report.
4. Enact legislation requiring judges in each case to ensure the TCA section for each charge violated is recorded on all judgment forms to allow for uniform classifying of charges and cases. It is recommended that charges and cases be standardized by Tennessee Code Annotated Section since TCA is one case identifier that is the same for all courts, , rather than establishing a new classification system.
5. Amend §TCA 16-3-803(i) to require that TnCIS be designed to collect standard charge and caseload data using a standard definition<sup>25</sup> and programmed to employ TCA section (and subsections with different classes of offense) as a uniform means to categorize and count cases and charges by type and class. National experts advise that data "should be captured at the originating point, rather than trying to reconstruct it down line or have others capture it" as one of the foundation principals of integration.<sup>26</sup> The Comptroller's Office recommended, and the TnCIS Steering Committee approved, this recommendation in August 2000.
6. Require all general sessions courts, and municipal courts with general sessions jurisdiction, to collect and provide the Administrative Office of the Courts with total criminal case filings

---

<sup>25</sup> See Appendix A.

<sup>26</sup> David J. Roberts, *Integration in the Context of Justice Information Systems: A Common Understanding*, A SEARCH Special Report, SEARCH The National Consortium for Justice Information and Statistics, p. 5 March 2000.

and dispositions annually; and require all juvenile courts to provide the Council of Family and Juvenile Court Judges juvenile delinquent data annually according to a standard definition of a case<sup>27</sup> beginning FY 2002-2003. This would allow for the collection of standard caseload data to update the district attorney weighted caseload study by November 2003.

7. Postpone an update of the district attorneys study (except for those districts which can provide the data—30, 19, 6) until November 2003 to allow the courts and Administrative Office of the Courts time to institute new standards, conduct training, and begin collecting caseload data in fiscal year 2002-2003.
8. Amend TCA §16-3-803(h) to add the Comptroller of the Treasury to the list of agencies to have transfer capabilities with TnCIS, especially if no central depository for general sessions caseload data is established.

### **Judicial Recommendations**

1. The TnCIS steering committee should consider whether TnCIS is expected to collect general sessions caseload data, and if so, include those plans within the scope and business plan of TnCIS.
2. The TnCIS Steering Committee may wish to consider using the consulting services of SEARCH (provided at no cost to the state) to assist with the development of TnCIS. SEARCH is a national organization that specializes in working with state and local judicial agencies to develop integrated justice information systems.<sup>28</sup>
3. The Administrative Office of the Courts should provide training regarding the standard definition of a case at each clerk, district attorney, judge, and public defender conference.
4. The Administrative Office of the Courts should collaborate with the clerks conference and software vendors to establish reporting guidelines for general sessions courts.
5. The Tennessee Court Clerks Conference, in conjunction with the Administrative Office of the Courts, and Tennessee Council of Juvenile and Family Court Judges, should provide training regarding the reporting requirements and guidelines of caseload data for all court clerks at each clerks conference.
6. The Council on Juvenile and Family Court Judges in coordination with the Tennessee Commission on Children and Youth should establish a standard means of numbering cases among all juvenile courts to ensure the accuracy and comparability of caseload data and verify compliance with reporting requirements.

---

<sup>27</sup> See Appendix D.

<sup>28</sup> SEARCH is a nonprofit membership organization created by and for the states. SEARCH is funded by annual fees from member states; grants from U.S. Department of Justice agencies such as the Bureau of Justice Assistance, Bureau of Justice Statistics, and National Institute of Justice; state grants; and federal, state, and local contracts.

7. The Administrative Office of the Courts, in conjunction with the District Attorneys Conference should establish a uniform system for naming all charges and coding each charge by type and class according to TCA section (and subsection if more than one class of offense exist within the same section). This is needed to program TnCIS and should be made available to other software vendors to ensure that all systems are standardized to identify type and class of case according to TCA.
8. The TnCIS Steering Committee may wish to consider integrating TnCIS with the public defenders conference information system and collect public defender caseload data.

## ***Appendix A***

### **Case Definitions**

The term “docket number” is defined as the separate and distinct identification number used for a case once it is filed in general sessions, criminal, circuit, chancery, or probate court. Every criminal case will be assigned a docket number.

#### **Criminal Case**

Every criminal case will be assigned a docket number. A criminal case is a single charge or set of charges, arising out of a single incident involving the same victim, concerning a defendant in one court proceeding with the exception of cases involving worthless checks, multiple victims, and/or multiple incidents. An incident is all criminal activity occurring within a twenty-four hour period. A court proceeding refers to a single level of court, i.e., general sessions, circuit, appeals or Supreme Court. An appeal, probation revocation, or other post-judgement proceeding is considered a separate case. This definition is not intended to alter the practice in Tennessee Rules of Criminal Procedure dealing with joinder and severance of criminal cases.

#### *Worthless Check(s) Case*

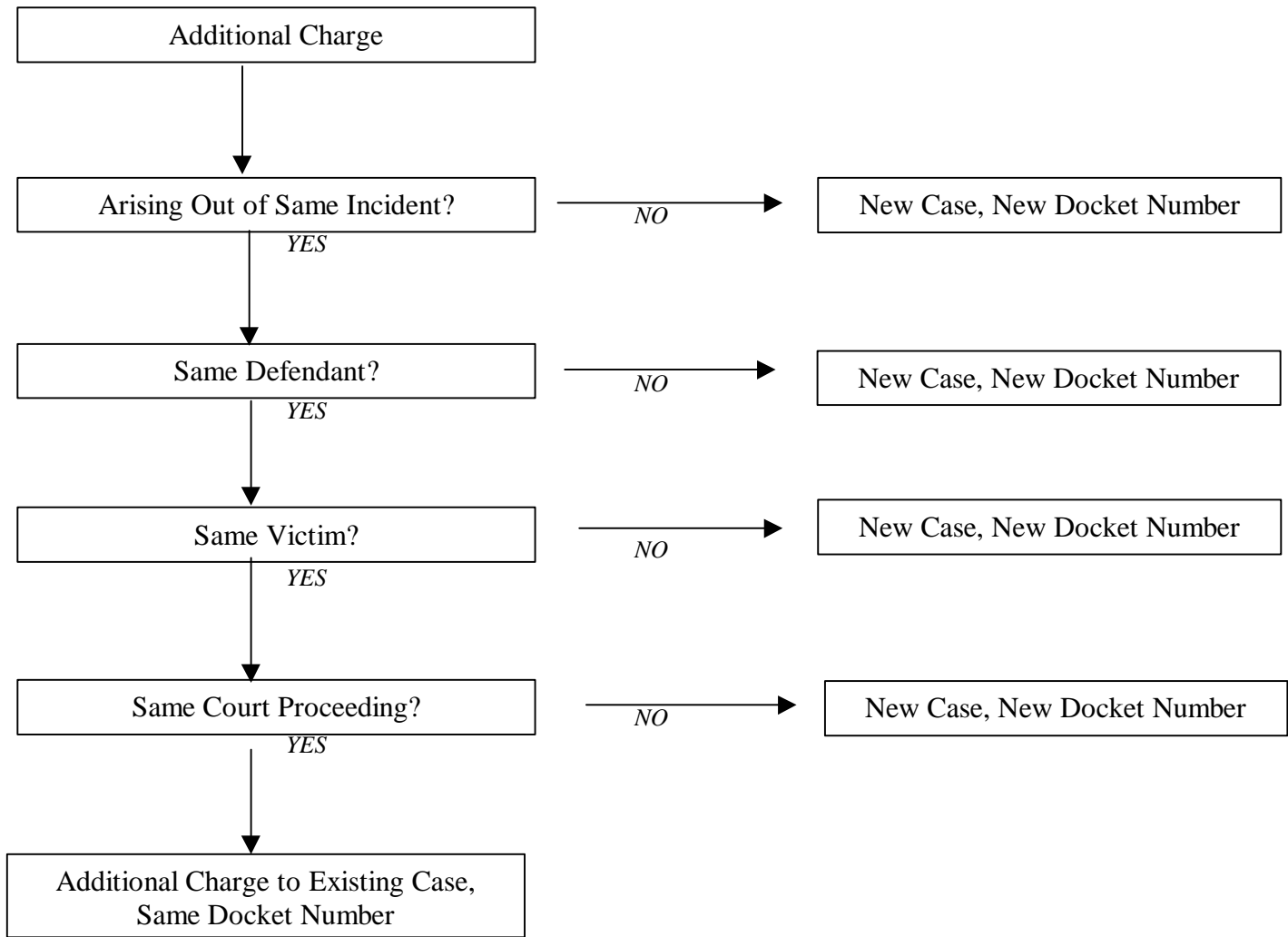
Each worthless check filed by the same affiant against the same defendant within a 24-hour period shall be counted as a separate charge and combined into one case.

#### *Multiple Victims and Multiple Incident Case*

Charges against a single defendant that involve more than one victim and/or one incident shall be defined as a single case when the charges are of a related nature and it is the district attorney general’s intention that all of the charges be handled in the same court proceeding. This includes, but is not limited to: burglaries, drug offenses, and/or serial rape.

On the following page is a criminal case decision tree that was developed by the Tennessee Public Defenders Conference, approved by the Comptroller’s Office during the original weighted caseload time study, and adopted by the Data Subcommittee of the Judicial Council to help clarify how to define a case.

## CRIMINAL CASE DECISION TREE<sup>29</sup>



<sup>29</sup> Tennessee Public Defenders Conference, 1998.

**Civil**

A unique docket number will be assigned to a civil case upon filing. 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. Until said case is disposed, all subsequent motions, petitions, claims, counter-claims, or proceedings between the parties resulting from the initial filing will be handled under the assigned docket number and will not be assigned a new docket number. Once a civil case has been disposed and further actions occur on the case, the original case will be reopened using the same docket number under which it was originally filed and are subject to additional court costs.

**Juvenile**

All referral reasons/charges reported to the court (via complaint, petition, motion, etc.) on a given day for a given child.<sup>30</sup>

---

<sup>30</sup> Council on Juvenile and Family Court Judges.

## ***Appendix B***

### **Survey of Clerks with General Sessions and Juvenile Court Jurisdiction**

This survey should **be completed by every elected or appointed clerk who has general sessions and/or juvenile court jurisdiction** (whether circuit, general sessions, juvenile, county clerk, master and clerk, or probate). I will be available at the General Sessions Round Table discussion and at the registration table between meetings on Wednesday if you have any questions. Thank you for your participation.

.....  
Name \_\_\_\_\_

What county and court do you serve? \_\_\_\_\_

Check (✓) answers to following questions

1. What is your elected or appointed title?

? General Sessions Court Clerk

? Circuit Court Clerk

? Juvenile Court Clerk

? County Court Clerk

? Clerk & Master

? Probate Clerk

? Other (please specify) \_\_\_\_\_

2. What courts do you have jurisdiction over? (*Check all that apply*)

? General sessions criminal court

? General Sessions civil court

? Juvenile court

? State criminal court

? State civil court

? Probate court

? Other (please specify) \_\_\_\_\_

3. Is your general sessions office automated or planning to be automated within the year 2000?

? Yes

? No

? Planning to be

? NA

4. Is your juvenile office automated or planning to be automated within the year 2000?

? Yes

? No

? Planning to be

? NA

5. If so, what software do you use in general sessions court?

?Bridge

?GSA

?Local Government Data Processing

?Full Court

?Other (please include name of software) \_\_\_\_\_

6. If so, what software do you use in juvenile court?

?Bridge

?JIF

?GSA

?Local Government Data Processing

?Full Court

?Other (please include name of software) \_\_\_\_\_

7. In general sessions court, is the TCA required to be included on the warrant?

?Yes

?No

?Sometimes

?NA

8. In juvenile court, is the TCA required to be included on each petition?

?Yes

?No

?Sometimes

?NA

9. Who is responsible for identifying and putting TCA on the warrant?

?Police officer

?Clerk

?No one

?Other (please specify) \_\_\_\_\_

10. Who is responsible for identifying and putting TCA on the petition?

?Police officer

?Clerk

?No one

?Other (please specify) \_\_\_\_\_

11. Is the TCA entered into the system for general sessions court cases?

?Yes

?No

?Sometimes

?NA

?Unsure

12. Is the TCA entered into the system for juvenile court cases?

?Yes

?No



- ? Sometimes
- ? Unsure
- ? NA

13. What is the definition of a “**CASE**” as defined and counted by your office?

- ? One incident/one defendant = one case (regardless of number of charges)
- ? Every charge = one case
- ? Other (please explain) \_\_\_\_\_

14. How are juvenile court cases counted?

- ? One case per petition
- ? One case per incident/defendant
- ? NA
- ? Other (please explain) \_\_\_\_\_

15. Can your system currently provide total number of cases **filed** (with case defined as one case per incident/defendant regardless of number of charges) in general sessions?

- ? Yes
- ? No
- ? NA
- ? Unsure

16. Can your system currently provide total number of cases **disposed** (same as definition used in #15) in general sessions?

- ? Yes
- ? No
- ? NA
- ? Unsure

17. Do your disposition totals include felony cases that are bound over to criminal court?

- ? Yes
- ? No
- ? NA
- ? Unsure

18. If so, do you have a way of providing disposition totals for general sessions court that include disposed misdemeanors only (i.e. that do not include felony cases that are bound over)?

- ? Yes
- ? No
- ? NA
- ? Unsure

19. Is there a city court in your county that has **general sessions court jurisdiction**?

- ? Yes
- ? No
- ? Not sure
- ? If so, what city or cities \_\_\_\_\_

20. Did your county participate in the original caseload study conducted in 1999?

? Yes

? No

? Not sure

21. If yes, did your court provide general sessions caseload information for the study?

? Yes

? No

? NA

? If not, can you provide the name of the office and/or person who did provide data?

---

Additional questions or comments regarding survey or the weighted caseload study:

---

---

---

---

---

---

---

---

---

---

Thank you.

***Appendix C***  
**Tennessee District Public Defenders**  
**Case Counting Practices Survey**

Name: \_\_\_\_\_

District: \_\_\_\_\_

Please answer the following questions using the definition of a case that was employed in the recent weighted caseload study, which is: “a single charge, or set of charges, arising out of a single incident and concerning one defendant in one court proceeding.”

1. Do you currently count general sessions and criminal court cases using this definition?

? Yes for both

? No for both

? Yes for criminal only

? Yes for general sessions only

2. If so, have you been doing that consistently since July 1, 1999?

? Yes

? No

? NA

? Other \_\_\_\_\_

3. How many cases would be counted in the following example, given the way you currently count cases?

A person is arrested on following charges at the same time; they are charged with DUI, driving on a revoked license, and possession of drugs; person is also charged with robbery committed earlier in the week; and arrested for outstanding warrant from previous charges for hitting another car and leaving the scene of an accident that occurred the day before the robbery.

? 1

? 3

? 6

? Other \_\_\_\_\_

4. Do you serve city courts with general sessions jurisdiction?

? Yes

? No (If no, skip to number 8)

5. If so, which one? \_\_\_\_\_

6. If so, are the filings and dispositions for those cases counted in your system?

? Yes

? No? Yes

? No

7. If so, were they included in the caseload totals for misdemeanors in the original weighted caseload study?

? Yes

? No

? Unsure

8. Do *disposition* totals for general sessions court cases include felony cases bound over to criminal court?

? Yes

? No

9. Will you be able to provide caseload filings and dispositions for FY 1999/2000 from general sessions and criminal court using the definition of case used in the study?

? Yes for both

? No for both

? Yes for Criminal only

? Yes for General sessions only

10. If I have questions about collection of caseload data whom should I call?

---

Any other Questions or Comments:

---

---

---

---

---

---

Thank you

## ***Appendix D***

### **List of Persons and Organizations Interviewed:**

#### **Administrative Office of the Courts:**

Connie Clark, Executive Director  
Libby Sykes, Assistant Executive Director  
Walt Hampton, Director of Information Systems

#### **Tennessee State Court Clerks Association:**

Marie Murphy, Executive Director  
Janice Jones, Circuit Court Clerk, Data Subcommittee  
Kenneth Todd (President 2000)  
Barbara Walls, TnCIS Advisory Committee, Clerks Association  
Tennessee State Court Clerks Association Data Subcommittee  
Tennessee State Court Clerks Association Board of Directors

#### **Tennessee District Attorneys Conference:**

James W. Kirby, Executive Director  
Guy Jones, Assistant Director

#### **Tennessee Public Defenders Conference:**

Andy Hardin, Executive Director  
Kevin Batts, Director, Information Systems Management

#### **Tennessee Association of Chiefs of Police:**

J. D. Sanders, President.

#### **General Sessions Judges Conference:**

Judge Lauderback, President

#### **Tennessee Council of Juvenile and Family Court Judges:**

Joan Archer, Executive Director  
David Lewis, Director of Tennessee Juvenile Court Information Systems

#### **Tennessee Supreme Court Judicial Council:**

Data Subcommittee of the Clerks Association  
Data Subcommittee of the Judicial Council  
Qualitative Subcommittee of the Judicial Council  
TnCIS Steering Committee  
TnCIS Advisory Committee

#### **Vendors:**

Bridge Computer Systems, Inc.: Stan Yonce, President  
Government Service Automation: Randy Jordan, President  
Local Government Data Processing Corporation:  
Mike Kesler, President  
Bruce Collier, Executive Vice President  
Tommy Lee, Harold Levi SoftTec, Inc.: Eddie McCandless, VP System Analyst

## **Courts Visited:**

### **Blount County:**

Tom Hatcher, Circuit Court Clerk  
Teri Travis, Juvenile Court Clerk  
Scott Helton, Deputy Juvenile Court Clerk  
Lisa Bryant, Office Manager, General Sessions Court

### **Carroll County:**

Judge Logan, President of the Tennessee Juvenile and Family Court Judges Conference (TJFCJC) and General Sessions Court Judge

### **Cheatham County:**

Julie Womack, Circuit Court Clerk

### **Davidson County:**

Walt Draper, Chief Assistant Criminal Court Clerk  
Tim Adgent, Juvenile Court Administrator  
Tisa Green, Juvenile Court Clerk's Office Manager  
Gary Lukowski, Juvenile Court Administrator of Operations  
Billy Center, Software Systems Analyst, Juvenile Court  
Jim Todd, District Attorney, Juvenile Court

### **Fayette County:**

Jimmy German, Circuit Court Clerk  
Elizabeth Rice, District 25 Attorney General  
Judge J. Weber McCraw, General Sessions

### **Giles County:**

Judy Callahan, Circuit Court Clerk

### **Hamilton County:**

Gwen Tidwell, Circuit Court Clerk  
Ron Swafford, Juvenile Court Clerk  
Juanita Slater, Chief Deputy Juvenile Court Clerk  
Judy Medearis, General Sessions Civil Court  
Sam Mairs, Information Systems, Juvenile Court  
Rick Durham, Court Information Management Staff  
Bart McKinney, Criminal Court Data Processing

### **Hardeman County:**

Laura Cook, Chief Deputy Circuit Court Clerk

### **Knox County:**

Kathy Quist, Circuit Court Clerk  
Martha Phillips, Criminal Court Clerk  
Dick Moran, Data Processing Director, Circuit Court  
David Ball, System Services Manager, Circuit Court  
Shaun Ferguson, JIMS Project Manager

Larry Gibney, Director of Juvenile Court Services  
Mitzy Lewis, Juvenile Court Data Processing  
John W. Gill Jr., Special Counsel  
Mark Stephens, District 6 Public Defender

**Madison County:**

Judy Barnhill, Circuit Court Clerk  
Lacy Bond, Juvenile Court Clerk  
Jay McBride, Deputy General Session Court Clerk

**Obion County:**

Ken Reiger, Youth Services Officer, Juvenile Court  
Judge Sam Nailing, Executive Committee of the TJFCJ and Juvenile Court Judge

**Rhea County:**

John Fine, Circuit Court Clerk  
Christy Flory, Deputy Criminal Court Clerk  
Jana Henry, Deputy Juvenile Court Clerk

**Roane County:**

Angela Randolph, Circuit Court Clerk,  
Margret Hutchenson, Deputy Juvenile Court Clerk  
Jennifer Hallcox, Deputy Juvenile Court Clerk

**Robertson County:**

Mike Jones, District 19 Public Defender  
Collier Goodland, Assistant District 19 Public Defender  
Russ Church, Assistant District 19 Public Defender  
Harriet Williams, Administrative Assistant, District 19 Public Defender's Office  
Carmen Daniels, Administrative Assistant, District 19 Public Defender's Office

**Rutherford County:**

Eloise Gaither, Circuit Court Clerk  
Gerald L. Melton, District 16 Public Defender  
Connie Ellis, Office Manager, District 16 Public Defender's Office

**Shelby County:**

Terry Harris, Head of General Sessions Division  
Frank Cooper, Chief Administrative Officer to General Sessions Court Clerk  
Barbara Colton, Criminal Division Administrator  
John Ryan III, Manager, 24hour Clerk Criminal Division  
Bill Freeman, Manager, Customer Service, Records Management and Research  
Pat Little, Lead System Analyst for All Courts  
Maury Wessel, General Sessions Court Information Systems Manager  
Jack Applegate, Systems Analyst, State Criminal Court  
Renaldo Martin, Data Entry Clerk, 24 hour Clerk Criminal Division  
Ronnie Clark, Juvenile Court Manager  
Shannon Caraway, Administrative Assistant to Juvenile Court Clerk  
William L. Gibbons, District Attorney General

Tom Henderson, District Attorney  
Michael P. Boyle, Chief Deputy Attorney General  
James Challenge, Deputy Attorney General  
Cary Woods, Assistant District Attorney, Juvenile Court  
Tom Clifton, Systems Analyst, District Attorney General's Office  
Marilyn Sellers-Hobbs, Public Defender, Juvenile Court

**Sullivan County:**

Raymond Winters, Circuit Court Clerk  
Helen Day, Chief Deputy Clerk, Kingsport  
Carolyn Dempsey, Chief Deputy Clerk, Bristol, Sullivan County  
Michele G. Steadman, Juvenile Court Clerk, Bristol  
Janice Vaughn, Juvenile Court Clerk, Kingsport  
Judge Klyne Luaderback, President, General Sessions Judges Conference  
Judge Bill Watson

**Sumner County:**

Linda Hall, Executive Assistant to General Sessions Court Clerk

**Tipton County:**

Mike Forbess, Circuit Court Clerk  
Gary Atrikin, District 25 Public Defender

**Van Buren and Warren Counties:**

Robert Jones, Chief Deputy Public Defender, District 31  
Jack Green, Assistant Public Defender, District 31  
Alan Newport, Assistant Public Defender and Information Specialist, District 31

**Weakley County:**

Judge Tommy Moore, General Sessions Judge



## Appendix E

| List of Counties by Case Counting Practice* |            |
|---|------------|
| 82 Count by Charge                          |            |
| 1   | ANDERSON   |
| 2   | BEDFORD    |
| 3   | BENTON     |
| 4   | BLEDSON    |
| 5   | BLOUNT     |
| 6   | BRADLEY    |
| 7   | CAMPBELL   |
| 8   | CANNON     |
| 9   | CARROLL    |
| 10  | CARTER     |
| 11  | CHEATHAM   |
| 12  | CHESTER    |
| 13  | CLAIBORNE  |
| 14  | CLAY       |
| 15  | COCKE      |
| 16  | COFFEE     |
| 17  | CROCKETT   |
| 18  | CUMBERLAND |
| 19  | DAVIDSON   |
| 20  | DECATUR    |
| 21  | DICKSON    |
| 22  | DYER       |
| 23  | FAYETTE    |
| 24  | FRANKLIN   |
| 25  | GIBSON     |
| 26  | GILES      |
| 27  | GRAINGER   |
| 28  | GREENE     |
| 29  | GRUNDY     |
| 30  | HAMILTON   |
| 31  | HANCOCK    |
| 32  | HARDEMAN   |
| 33  | HARDIN     |
| 34  | HAWKINS    |
| 35  | HAYWOOD    |
| 36  | HENDERSON  |
| 37  | HENRY      |
| 38  | HICKMAN    |
| 39  | HOUSTON    |
| 40  | HUMPHREYS  |
| 41  | JACKSON    |
| 42  | JEFFERSON  |
| 43  | JOHNSON    |
| 44  | KNOX       |
| 45  | LAKE       |
| 46  | LAUDERDALE |
| 47  | LAWRENCE   |
| 48  | LEWIS      |
| 49  | LINCOLN    |
| 50  | LOUDON     |
| 51  | MARION     |
| 52  | MAURY      |
| 53  | MCMINN     |
| 54  | MCNAIRY    |
| 55  | MEIGS      |
| 56  | MONROE     |
| 57  | MONTGOMERY |
| 58  | MORGAN     |
| 59  | OBION      |
| 60  | OVERTON    |
| 61  | PERRY      |
| 62  | POLK       |
| 63  | PUTNAM     |
| 64  | RHEA       |
| 65  | ROANE      |
| 66  | ROBERTSON  |
| 67  | RUTHERFORD |
| 68  | SEVIER     |
| 69  | SHELBY     |
| 70  | SMITH      |
| 71  | STEWART    |
| 72  | SUMNER     |
| 73  | TIPTON     |
| 74  | TROUSDALE  |
| 75  | UNICOI     |
| 76  | UNION      |
| 77  | VANBUREN   |
| 78  | WARREN     |
| 79  | WAYNE      |
| 80  | WEAKLEY    |
| 81  | WHITE      |
| 82  | WILLIAMSON |
| 83  | WILSON     |
| 12 Count by Incident                        |            |
| 1   | DEKALB     |
| 2   | FENTRESS   |
| 3   | HAMBLÉN    |
| 4   | MACON      |
| 5   | MADISON    |
| 6   | MARSHALL   |
| 7   | MOORE      |
| 8   | PICKETT    |
| 9   | SCOTT      |
| 10  | SEQUATCHIE |
| 11  | SULLIVAN   |
| 12  | WASHINGTON |

\*Source: Office of Research Survey, 2000

## ***Appendix F***

### **Letter from American Prosecutors Research Institute**

April 11, 2001

Denise,

As we discussed on the phone, the case weighting studies conducted by the National Center for State Courts, the Spangenberg Group, and APRI counted cases by defendant, by highest charge or count, and by incident not by charges. For the year that we collected data from attorneys, we were able to validate the General Sessions dispositions within a margin of error of +/- 2percent. It is APRI's recommendation that a standard case definition and counting method (based on how cases were defined in the study) be developed and implemented in order to use the resource projection formula to obtain the most accurate resource needs. It would not be appropriate to continue using charges to update the projections.

However, in recognition that warrants issued and disposed represent the best available data currently, I believe there is a valid method for using the formula (and current General Sessions data) to estimate resource needs until standardization occurs. In my letter of March 30<sup>th</sup>, I recommended an interim method for determining resource needs that would produce conservative estimates of the resource needs until a standardized counting system is established, but I did not mean to suggest that this should be a permanent solution. The interim method would use a rate of change in the number of dispositions rather than the actual number of cases or charges. The calculation of change rate will produce a percentage. To determine what the new resource needs would be, you'd simply take the projections made during the study and multiply it by the rate of change. This will help to maintain a low margin of error, although it would be impossible to predict exactly what the margin would be (just based on the laws of statistics though, I doubt it would rise above 5 percent over the next year or two). It would also protect against artificially high projections that you would get if you simply used the charges.

This interim method would be a valid way to project resource needs as a temporary solution only. I would not recommend using this method for more than a couple of years as the margin of error would then likely grow substantially.

As for the question of how the workload measure is calculated, you are correct that you divide the number of hours available in a year for work by the case weight.

Sincerely,

Elaine

***M. Elaine Nugent***

***Director of Research***

***American Prosecutors Research Institute***

***99 Canal Center Plaza, Suite 510***

***Alexandria, Virginia 22314***

***703-549-4253***

***703-836-3195 (fax)***