



JUSTIN P. WILSON
Comptroller

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Deputy Comptroller

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

From: Justin P. Wilson, Comptroller of the Treasury

Date: March 31, 2020

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

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

The Comptroller's Office will not publish the FY 2018-19 weighted caseload reports for Tennessee's district attorneys general and district public defenders because of a lack of current case weights and unreliable data. In the next few years, however, some of the data long needed to produce such reports may become available as the statewide repository of general sessions court data becomes operational. The Administrative Office of the Courts (AOC) plans to begin initial implementation of the data repository for the 86 counties on the Tennessee Court Information System (TnCIS) network by the end of 2020. The largest counties – Shelby, Davidson, Knox, and Hamilton – are not on the TnCIS network and will not be a part of the initial implementation, however. The caseloads for these counties make up the majority of cases statewide, and their data is essential for a complete picture of the need for district attorneys general and public defenders in Tennessee. The AOC will continue working with these four counties on uploading data into the repository.

In addition to the data repository, there is another step to take before producing weighted caseload reports for district attorneys and public defenders: conducting new time studies. The time studies for district attorneys and public defenders have not been updated for over two decades.

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

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

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

To update time studies, the state would need to contract with an organization that specializes in conducting such studies. The General Assembly set aside \$400,000 in the 2013-14 budget for time studies for judges, district attorneys, and public defenders, but only the time study for judges was conducted. (Data problems prevented the state from conducting time studies for district attorneys and public defenders.) The final cost for the 2013 judicial time study was \$135,000. The final cost to update judicial case weights and develop case weights for district attorneys and public defenders will be significantly higher.

One important development for potential future time studies of judges, district attorneys, and public defenders is the creation of a new judicial district. Public Chapter 530 (2020) creates a new judicial district by splitting Judicial District 21 (Hickman, Lewis, Perry, and Williamson Counties) into two districts. The per-district time estimates used to calculate judicial need may become less accurate for both districts. The effective date of the legislation is September 1, 2022, so conducting a potential time study after that date may be advisable. Any other actions taken by the General Assembly, such as the addition of new judges, should also be taken into account.

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

If you have any questions, please call.

Sincerely,

Justin P. Wilson
Comptroller of the Treasury

cc: Jerry Estes, Executive Director, Tennessee District Attorneys General Conference
Patrick Frogge, Executive Director, Tennessee District Public Defenders Conference
Deborah Taylor Tate, Director, Tennessee Administrative Office of the Courts
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