



OFFICE OF RESEARCH AND EDUCATION ACCOUNTABILITY

**DATA COLLECTION PROCESS FOR
JUDICIAL WEIGHTED CASELOAD ESTIMATES**



OCTOBER 2021



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Introduction

Tennessee Code Annotated (TCA) 16-2-513 requires the Comptroller of the Treasury to update the judicial weighted caseload study annually to compare the state’s existing resources with an estimate of the judicial resources needed. The current judicial weighted caseload model is based on how much time, on average, judges reported spending on different types of cases almost a decade ago. (The last time study was conducted in 2013.) The time averages used in the current model, thus, do not take into account the extraordinary circumstances of the pandemic. Given the pandemic conditions, the Administrative Office of the Courts (AOC) requested that the Comptroller’s Office suspend the judicial weighted caseload study for FY 2020.^A (See Appendix A for a copy of the AOC’s letter to the Comptroller.) The Comptroller’s Office decided to forgo an update for FY 2020. In lieu of an update for FY 2020, the Comptroller’s Office has produced this legislative brief on the data collection process that generates judicial caseload figures.

Additionally, this legislative brief contributes to the Comptroller of the Treasury’s mandate to certify the judicial weighted caseload data to the judiciary committees of the House and Senate, per *TCA* 17-1-107.^B In carrying out the research to produce this publication, the Comptroller’s Office inquired into any errors detected by the AOC after receiving the caseload data from the state’s judicial districts and evaluated some of the steps taken by the AOC to ensure quality data.

Background

In 1984, the Tennessee General Assembly passed the Judicial Restructure Act calling for the Judicial Council to submit a weighted caseload formula. Initial attempts to create a weighted caseload formula, including an effort to incorporate judges’ estimates of minimum and maximum judicial involvement per case type, were unsuccessful.

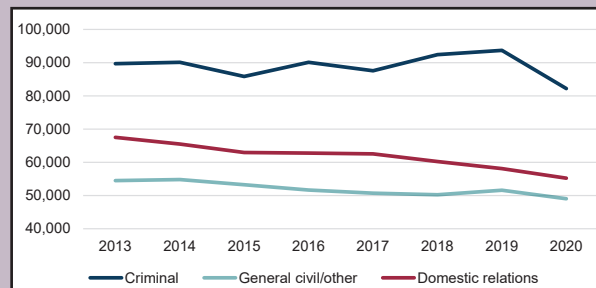
The first successful attempt to create a weighted caseload formula came in the late 1990s. In 1997, the General Assembly directed the Comptroller’s Office to conduct a study of the state judicial system. The Comptroller’s Office thereafter retained the services of the National Center for State Courts (NCSC), which produced a weighted caseload formula in 1999. For this study, the court staff in 12 sample districts tracked the time spent on eight types of judicial case events. These times were applied to six case types, and the results were averaged for urban, rural, and transitional districts, as defined by the study. Since districts counted filings/dispositions in various ways, a single filing/disposition was defined in the study as all charges against one defendant for one incident.

Public Chapter 486 (1999) directed the AOC to develop and implement the Tennessee Court

Analysis of case filings for FY 2020

The number and types of case filings for FY 2020 were affected by the pandemic and the adoption of pandemic-influenced measures (e.g., the suspension of in-person proceedings and jury trials, eviction moratoriums, the extension of deadlines, etc.) by the state’s courts.

Filings by case category FY 2013 – FY 2020



Total case filings for FY 2020 were down 8 percent compared to the prior fiscal year. Comparing the case categories of criminal, general civil/other, and domestic relations, criminal case filings saw the largest decrease, with a 12 percent reduction in filings. General civil/other cases and domestic relations cases both saw about a 5 percent decrease in filings. For comparison, the average year-to-year rate of change for total filings was -0.6 percent from FY 2014 to FY 2019.

The felony (C, D, E) case type saw the largest change in volume from FY 2019 to FY 2020, with a 6,682 drop in filings. Probation violations dropped by 1,848 filings from FY 2019 to FY 2020.

^A Pandemic-influenced measures were adopted in the last three months of FY 2020.

^B Public Chapter 420 (2019) substituted “comptroller of the treasury” for “judicial council,” thereby making the Comptroller’s Office the party responsible for certifying the judicial weighted caseload data.

Information System (TnCIS). The main purpose of the new system was to provide more uniform and accurate court data. As the AOC was working to create TnCIS, a 2001 Comptroller's Office report concluded that Tennessee lacked standard caseload data from general sessions courts and courts of record and affirmed the need for uniform and accurate court data.^C The report also found that some courts of record did not count and/or report cases according to criteria established by Tennessee Supreme Court rules and AOC guidelines. In addition, the report found that not all courts used a common identifier, such as a docket number, to distinguish among separate cases, charges, and individuals. The Comptroller's Office recommended that TnCIS be designed to address such issues.

The AOC completed a multiyear project to install the TnCIS case management software in trial courts at the end of 2011. TnCIS was installed in 151 court clerks' offices across the state, replacing legacy systems and automating 32 offices that previously relied on paper records. As of July 2021, the Morgan County Clerk and Master's Office is the only trial court clerk's office that is unautomated. A cost-benefit analysis of the Morgan County Chancery Court deemed their caseload too small to warrant paying annual software support.^D The majority of trial court clerks' offices (175 out of 196) use TnCIS. Sixty-one percent of civil cases and 68 percent of criminal cases were filed with TnCIS in FY 2020. With the exception of the Hamilton County Clerk and Master's Office, the trial court clerks' offices in the state's four most populous counties do not currently use TnCIS and instead use a different electronic case management system to file cases.

Data collection process for judicial weighted caseload

The process for reporting the data used in the judicial weighted caseload updates starts with the court clerks inputting the details of case filings into TnCIS or another electronic case management system. TnCIS reports the case information to the Tennessee Judicial Information System (TJIS). TJIS is the database used to generate the weighted caseload filings counts.

In TnCIS, clerks specify whether a case is a civil case or a criminal case.^E If clerks specify a civil case,^F they then select a case subtype (e.g., child support) that will automatically categorize the case for TJIS purposes and, ultimately, for judicial weighted caseload. Clerks working on a civil case with multiple petitions should use the petition with the highest case weight to open a case. For example, a party may file a petition alleging breach of contract. In the same petition, the party might also seek damages for personal injury in relation to carrying out the duties in that contract.^G For weighted caseload purposes, these petitions are categorized under the contract/debt/specific performance case type (case weight of 104) and the damages/tort case type (case weight of 135), respectively. The clerk who keys the details of this case into TnCIS will need to recognize that multiple requests for relief (termed *prayers*) have been made and use the petition with the highest case weight (i.e., the request for damages due to personal injury in this case). To help ensure that the request for relief with the highest case weight is chosen, many judges have the clerk write the case subtype on the front of the case jacket. According to the AOC, cases with wrongly recorded petitions occur at a relatively low frequency, about 10-12 per quarter. For reference, the average number of quarterly civil case filings between 2013 and 2019 was 28,797. This equates to an error percentage of 0.04 percent.

^C A court of record is a court for which all acts and proceedings are kept on permanent record.

^D Information provided by the AOC during the agency review process.

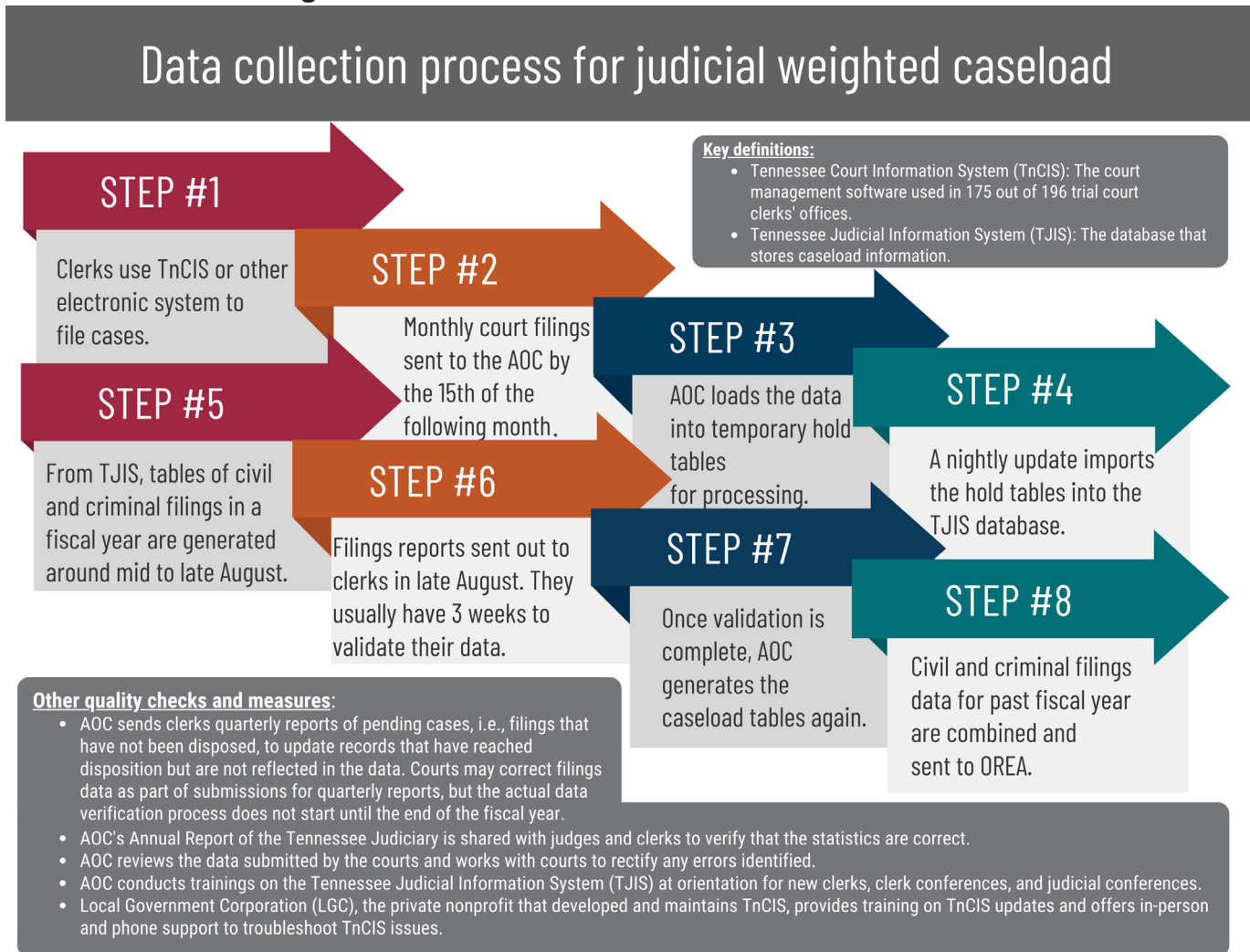
^E Only clerks for courts that deal with both criminal and civil cases see both options.

^F For the purposes of reporting case statistics, state law defines civil cases as all motions, petitions, claims, counter claims, or proceedings between parties resulting from the initial filing until disposition.

^G Specific requests for judgment, relief, and/or damages are typically listed at the conclusion of a petition. For this reason, the AOC stresses that clerks should review the requests at the end of a petition before opening a case.

For criminal cases, information is added and reported to TJIS for each charge.^H This includes the *TCA* reference associated with each charge. After clerks select the *TCA* code, the offense type (felony, misdemeanor, etc.) and offense class (A-E) are auto-populated. The AOC uses the offense type and class together with specific *TCA* codes to keep the most serious charge associated with each defendant. The resulting filings of the most serious charges are then categorized for judicial weighted caseload purposes.

Exhibit 1: Judicial weighted caseload data collection flow chart



Filings for each month are due to the AOC on the 15th of the next month. Noncompliance with reporting requirements results in a written notification from the AOC to the noncompliant court that specifies recommended corrective actions. If the corrective actions are not taken by the next reporting period, the AOC ceases accepting data from the court and notifies the districts' judges, district attorneys, public defenders, and related conferences and associations. Periods of noncompliance are included in the AOC's annual report to the chairs of the House and Senate Judiciary Committees. The Shelby County Criminal Court was issued a noncompliance letter for FY 2018 after not reporting data for over a year due to complications arising from a change in their case management system. The AOC indicates no other noncompliance letters have been sent out since FY 2014.

^H For the purposes of reporting case statistics, state law defines a criminal case as a charge or set of charges arising out of a single incident heard at a single level of court and associated with a single defendant. Multiple incidents of a related nature may be counted as a single case if the district attorney general intends to handle all charges in the same court proceeding.

With one exception, all state trial courts send their information electronically.¹ Prior to sending the data, clerks for courts that use TnCIS run a function that checks the data for errors. All the data needed for the judicial weighted caseload study is in required fields, and TnCIS generates an error message if one or more of the required fields is missing data. The clerk must include all the required data before TnCIS will accept the submission.

The AOC loads the monthly data batches sent by state trial courts into temporary hold tables until processing takes place. During processing, error checks are performed and an error report is generated. The AOC then works with the clerks to remedy any errors.

Each night, data in the temporary hold tables is imported into the TJIS database. The TJIS database will incorporate a record for each count in a criminal case and a record associated with the petition used to open a civil case. The nightly update of TJIS results in another round of error checks. All cases are matched based on their county, docket number,^J filing date, and location. If two or more filings/dispositions match on all these fields, the records are listed in an error report, and the earliest version is retained. The system also checks whether all dispositions have matching filing records. If a disposition does not have a matching filing record, it is flagged in a report, and the AOC follows up with the court to resolve the discrepancy.

In mid to late August, after the final data for the fiscal year has been loaded into TJIS, the AOC begins compiling the data that will be used for the judicial weighted caseload update. Since each criminal charge associated with a defendant's case is reported, part of the process is to drop all the charges except for the most serious charge. The ranking of case types by seriousness largely coincides with how they would be ranked if done according to case weight. In the rare instances where the ranking by seriousness is lower than the ranking by case weight, the more serious charge is kept.

Once the data is compiled in TJIS, the AOC sends reports to clerks for validation and correction (if needed). Typically, the clerks have about three weeks from the end of August to validate their data.^K If a clerk submits a large set of corrections,^L the AOC sends the clerk a new, corrected filings and dispositions report for review.

Once the verification process is complete, the AOC generates the caseload tables again. The civil and criminal filings data for the past fiscal year are combined by district and county and sent to the Comptroller's Office of Research and Education Accountability (OREA) by October 15, the statutorily mandated deadline for the AOC to provide the Comptroller with the caseload data for the prior fiscal year. OREA compares the demand for judicial resources to past weighted caseload updates and consults with the AOC regarding any unusual spikes, troughs, or deviations from trends.

Situations in which criminal case types with higher case weights may be dropped

The felony (C,D,E) case type is ranked above a DUI case type in the code used to condense cases with multiple charges into one case type. That means if a DUI charge, with an average processing time of 89 minutes, is filed together with a felony (C,D,E) charge, which takes 45 minutes on average to process, the lower-weighted felony (C,D,E) charge will be retained and counted for judicial weighted caseload purposes.

The ranking of post-judgment case types also does not coincide with respective case weights. Post-judgment proceedings are typically filed separately from chargeable offenses. The AOC has stated that different kinds of post-judgment proceedings are not filed together (i.e., on the same day) as part of a case. Therefore, even though post-judgment case types are not ranked by case weight in the code used to reduce the number charges, in practice they are not dropped in favor of case types with lower weights.

¹ Morgan County Chancery Court sends its data in paper format to the AOC where it is keyed into TJIS by an analyst.

^J Criminal cases with multiple defendants assign each defendant a letter that is added to the end of the docket number to uniquely identify these cases as required by TCA 16-1-117.

^K Corrections to pre-trial and judicial diversion case data are automated. All other corrections must be submitted by the clerks to the AOC via paper correction forms.

^L In the past, large sets of corrections have been associated with recurrent non-reporting/reporting errors on behalf of courts or to a change in case management system.

Other checks and measures to ensure data accuracy

The TJIS analyst at the AOC continuously reviews the monthly data submissions from court clerks for errors. While the bulk of the data is uploaded by the clerks by the 15th of the month, corrections data may come in at any time. A nightly process in TJIS uploads this data and performs a comprehensive error checking routine on every record. Any errors are recorded in a separate database table and those records are segregated into a hold table. The data analyst reviews every error – for example, a *TCA* code that does not correspond to the case categorization in TJIS for a criminal case – to determine the actions necessary to make corrections.

The AOC requests that court clerks review quarterly reports of pending cases, i.e., filings that have not been disposed, to update the records of cases that have reached disposition.^M For FY 2020, the AOC states that nearly 70 percent of court clerks' offices submitted quarterly reports. In general, courts that do not submit quarterly reports do not have missing dispositions to add to the data, according to the AOC. Courts may make updates and corrections to their filings data as part of submissions for quarterly reports, but the only actual verification of filings data happens yearly as the initial step of compiling data for the Weighted Caseload and Annual Statistical Reports. After updates are submitted via mail, fax, upload, or email, an analyst at the AOC changes the corresponding TJIS record to reflect the updates.

In addition, a draft of the AOC's Annual Report of the Tennessee Judiciary is sent to judges and clerks for feedback around mid to late August. The AOC revises the report to incorporate any corrections made by the courts and then sends the report back to the courts for an additional review. This process continues until the courts are satisfied with the accuracy of the data.

Presentations and trainings on TJIS reporting requirements provided by the AOC are designed to help clerks avoid errors of categorization and reporting. These trainings and presentations cover important requirements, such as that civil case filings must be opened with the highest weighted petition in order for state trial courts to be credited with the most time-consuming civil case type in the judicial weighted caseload update. These trainings have improved communication, procedures, and the established process for review.^N

Training on TJIS requirements and how to correctly submit case data is provided by the AOC at the orientation for newly elected or appointed clerks, which occurs every four years and is organized by County Technical Assistance Services (CTAS). In 2017, the year of the most recent orientation, the AOC delivered a presentation on TJIS reporting requirements at the Clerks of Court Conference and before the East Tennessee State Court Clerks Association. Additionally, the AOC works with the Committee on Relations with Court Clerks, a part of the Tennessee Judicial Conference Committee, to provide small-scale TJIS trainings. In addition to these trainings, the AOC has provided clerks with laminated filing and disposition guidelines. The full set of procedures is available to clerks on the AOC's website.

Local Government Corporation (LGC), the private nonprofit that developed and maintains TnCIS, provides training and support to court clerks who use TnCIS. As part of its service fee, LGC provides informational meetings to inform clerks of updates. LGC undertakes approximately two to three scheduled software releases each year to fix bugs, implement updates for interfacing changes (including TJIS), and make minor enhancements to TnCIS. Following each software release, LGC distributes informational materials about the changes made to the software and provides any related instructions. LGC typically employs five field technicians solely dedicated to working with the courts, with four staff members providing phone support. LGC also hosts regional meetings that clerks may attend remotely or in person. In addition, LGC provides training programs on case management to court clerks for a fee.

^M The AOC recently provided clerks with an online portal through which they can access their quarterly reports.

^N Information provided by the AOC during the agency review process.

Data collection issues

Clerks have a considerable degree of discretion on how to categorize civil cases, and although most filings are categorized correctly, some filings are miscategorized. Most miscategorizations are due to a petition being filed with a header that does not match the request for relief (i.e., prayer) with the highest case weight. Starting in 2017, judge trainings began addressing the issue of reading requests for relief. This led many judges to go back and stress that their file clerks read the requests for relief and categorize based on the relief with the highest case weight. Others had their clerks write on the case file folder the category selected so they could ensure the case was counted correctly.^o

Mistakes also occur with the use of the other general civil case type due to a clerk not knowing what category to choose. Since 2017, trainings have addressed these types of miscategorizations, and they are now relatively few in number.^p

For criminal cases, errors of categorization have been more likely to occur with post-judgment proceedings, such as petitions for post-conviction relief (PCR), probation violations (PV), or other petitions, motions, and writs (OPMW). LGC and the AOC have taken steps to address the categorization errors with filings for post-judgment proceedings by updating the TnCIS software so that it defaults to the proper filing type by *TCA* for those case types. Additional steps have also been implemented that will re-verify the TJIS filing type currently selected on an existing charge by comparing it to the default TJIS filing type set on the *TCA* code or case sub type. If the TJIS filing type currently selected for the charge does not match, the user will be notified and prompted to correct the TJIS filing type prior to saving any changes.

The AOC does not routinely report on the historical records of data discrepancies or changes in TJIS. Transactional history tables in the TJIS database record all errors and changes to both the records in the main filings and disposition tables and the temporary hold tables. In addition, the AOC does not keep a running record of systemic nonreporting/misreporting issues, many of which are caught after the caseloads used to update the judicial weighted caseload study have been finalized. Sharing historical records of data discrepancies and misreporting/nonreporting issues with the Comptroller's Office could serve to inform the Comptroller of the types and frequency of data discrepancies that may impact the caseload counts used in the judicial weighted caseload study.

In addition, although the AOC takes numerous steps designed to ensure data accuracy, the office does not maintain a document that outlines these steps. Producing such a document would yield a number of benefits, including an internal review (and possible revision) of all steps prior to putting them in writing, as well as providing external parties with an official document of the steps taken by the AOC to ensure data quality.

Policy considerations

The AOC may wish to share historical records of data and reporting issues that affect the counts for judicial weighted caseload updates with the Comptroller's Office. Greater knowledge of the type and frequency of data and reporting errors may help the Comptroller's Office provide greater context in the judicial weighted caseload updates. In turn, having an idea of the size and effect of potential data and reporting errors can help the Comptroller's Office provide the General Assembly more informed input regarding upcoming decisions related to weighted caseload projects.

^o Information provided by the AOC during the agency review process.

^p Information provided by the AOC during the agency review process.

The AOC may wish to create an internal document that outlines the validation steps taken to ensure data accuracy. Although the AOC takes numerous steps designed to ensure data accuracy, the office does not maintain a document that outlines these steps. Producing such a document would yield a number of benefits, including an internal review (and possible revision) of all steps prior to putting them in writing, as well as providing external parties with an official document of the steps taken by the AOC to ensure data quality.

Future considerations for data collection

The General Assembly appropriated \$8.6 million in nonrecurring funding in 2021 to modernize certain aspects of TnCIS, including the coding language used and online accessibility. The changes will provide clerks with more flexibility in how and where they access TnCIS and input data. In addition, a TnCIS update deployed at the end of September 2021 began automatically checking for the most up-to-date *TCA* tables nightly so that clerks no longer have to manually import the *TCA* tables if they wish to expand the selection options when filing criminal cases.

Future weighted caseload studies

The Comptroller's Office has not published weighted caseload reports for Tennessee's district attorneys general and district public defenders since FY 2006 because of (1) a lack of current case weights and (2) a lack of standardized general sessions data. Regarding the lack of standardized general sessions data, the AOC recently launched the General Sessions Data Repository (GSDR),^Q which presently includes data from 87 of the state's general sessions courts. Data from general sessions courts in nine counties are not included in the GSDR, however, and the caseloads for these counties (which include Shelby County, Knox County, Davidson County, and Hamilton County) make up the majority of general sessions court cases statewide. Data from these counties is essential for a complete picture of the need for district attorneys and public defenders. The AOC continues to work with these nine counties on uploading their general sessions court data into the GSDR. Public Chapter 446 (2021) requires the AOC to provide each court clerk in a county that has not installed TnCIS with a list of the data that must be submitted to the state per state law and Tennessee Supreme Court rule. Clerks in these counties must ensure that required data is submitted by January 1, 2022.

In addition to the GSDR, 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 since 1999. The National Center for State Courts (NCSC) suggests conducting new time studies to update case weights every five to seven years. Over the last 22 years, numerous changes in a variety of areas have affected the state's courts, including new laws, new technologies, and population changes.^R The time study that generated the current *judicial* case weights was conducted in 2013. As noted above, the NCSC suggests

updating case weights every five to seven years. 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 trial judges was conducted. (A lack of standardized general sessions data prevented the state from

E-filing has been expanding to more Tennessee courts over the last several years

E-filing makes clerks' offices more efficient by saving time that would otherwise be spent pulling paperwork, signing orders in person, and performing various other activities. E-filing systems may also reduce storage requirements enough to allow clerks offices to downgrade their office space and apply rent savings to other endeavors.

E-filing is currently available for Rutherford Chancery Court, Williamson Chancery Court, Williamson Circuit Court, Sumner Chancery Court, all Davidson County trial courts, and all Shelby County trial courts.

^Q The GSDR is the first iteration of the Courts Data Repository that will eventually replace TJIS.

^R Between the 2010 Census and the 2020 Census, the resident population in the state of Tennessee grew by 564,735 people, an 8.9 percent increase in population. Population growth likely increases the demands on the court system. Between 2010 and 2020, the number of state trial judges has grown from 152 to 156.

conducting time studies for district attorneys and public defenders.) The final cost for the 2013 judicial time study was \$135,000, paid to the NCSC. The final cost to update case weights for judges, district attorneys general, and district public defenders at some date in the future will be higher.

Further, there are some upcoming changes to judicial districting to consider for future weighted caseload studies. Tennessee will split its 21st judicial district to create a 32nd judicial district on September 1, 2022.⁵

The impact of Public Chapter 1021 (2018) is another factor to consider. Before passage of this law, appeals filed under the Uniform Administrative Procedures Act (UAPA), which are typically time-intensive cases, were largely restricted to Davidson County, and so Davidson County was assigned a higher case weight for administrative hearings. After PC 1021 went into effect, appeals of UAPA cases could also be heard in the chancery court nearest to the residence of the person contesting agency action or in the chancery court nearest to where the cause for action arose. A 2019 Comptroller survey of chancery courts found that about 67 percent of UAPA appeals were still heard in Davidson County in FY 2019. A 2020 Comptroller survey found Davidson County accounted for 41 percent of UAPA appeals for FY 2020 in the 67 chancery courts that responded to the survey. The percentage of appeals heard in Davidson County for FY 2020 may have been affected by pandemic conditions and the adoption of pandemic-influenced measures by the state's courts. The Comptroller's Office plans to survey chancery courts in 2021 about UAPA appeals for FY 2021 to continue to assess the effect of PC 1021 on the venues for UAPA appeals.

The General Assembly passed Public Chapter 566 during the 2021 session. This law creates a three-judge panel, with a judge pulled from each grand division, 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.

These are time-intensive cases. The impact on demand estimates for judicial resources will depend on the frequency of such cases, which is currently unclear.

⁵ The 21st judicial district will consist of Williamson County, while the 32nd judicial district will be composed of Hickman, Lewis, and Perry Counties.

Appendix A: Letter from the AOC to the Comptroller requesting a suspension of the judicial weighted caseload update for FY 2020



Supreme Court of Tennessee

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November 4th, 2020

Comptroller Justin P. Wilson
State Capitol
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615.741.2775

Sent by email

Dear Comptroller Justin P. Wilson,

On March 12th, the Governor declared a State of Emergency in Tennessee in order to facilitate the treatment and containment of COVID – 19. A Presidential Order designating a nationwide State of Emergency issued on March 13th. Likewise, the Judiciary, through an Order by the Tennessee Supreme Court, March 13, 2020 (expanded March 25) declared a State of Emergency for the entire Judiciary. For the past eight (8) months, our Judges, courts, and the AOC have been dealing with protecting our citizens as well as insuring constitutional rights and other emergency actions continued unimpeded. (Please see all actions and Orders by the Judiciary at: www.tncourts.gov)

On March 13, 2020, the Supreme Court's Order limited in person court activities to only the most crucial, and only as prescribed by the Court, suspending all in person hearings at every level of jurisdiction statewide. Extraordinary precautions were undertaken to insure Judges, court personnel and the public's health and safety. The AOC provided hardware, software and access to remote platforms in order to continue other non-essential matters remotely.

On April 24th, the Supreme Court further extended the moratorium on jury trials through July 3, 2020. Presiding Judges were requested to file "court reopening plans" each of which were reviewed by the Chief Justice prior to re-opening any courts for in-person jury trials. Many courts while working to identify jury pools were faced with numerous challenges and some have not even held a jury trial to date. Courts, unfortunately, just as other businesses also experienced covid outbreaks across the state closing both clerk's offices and courts as necessary to prevent further spread of the virus. Thus, while we have remained vigilant to keep courts "open" - utilizing remote technologies- it has certainly proven extremely challenging. In addition to

medical issues, other limitations included lack of appropriate broadband speed and lack of digital access by attorneys and the public exacerbated the challenges of covid. And, of course, some counties have been harder hit by the covid virus, and for varying periods of time. For counties that have not adopted e-filing, this was even more problematic during periods when the clerks closed their entire offices due to an outbreak in order to quarantine and further protect the larger public.

My reason for writing today is that we have provided your Office the necessary court data required to produce the annual Comptroller's Weighted Caseload Study. I would like to request that the weighted caseload study might be *suspended* this year due to the global, national and statewide covid pandemic. Certainly, the Judiciary has been responding to the pandemic-as well as all other business sectors- for over eight (8) months during 2020 - and possibly will continue even longer. **This cannot and does not reflect a usual or customary level of filings, dispositions, or trials by the court system.** Similar to the recent announcement by Governor Lee to temporarily suspend the annual education accountability measures, we would hope that you might follow a similar path with regard to the weighted caseload study.

Certainly, we continue to track and report all filings and dispositions, but the conclusions of any report during 2020 should certainly not to be utilized to measure or report any deficit or need for Judges across our state. In fact, the upcoming year will likely increase more than usual due to those matters that have not even been filed during covid. We also know there could be a tsunami of eviction matters as the current CDC moratorium expires on December 31. Thus all those matters- potentially thousands- that have been suspended for over eight months may immediately be filed. These anomalies are not in any way reflective of a usual, ordinary, or reasonable analysis of the Tennessee court system.

In the alternative, should you decide to publish this study for 2020, we would request that you also provide a **clear disclaimer and/or cover letter** which states the factual environment in which the data was collected, i.e. a global pandemic resulting in a State of Emergency which continues even today. We would also be pleased to adapt this letter for your inclusion in the Report.

We would be pleased to discuss this matter at your convenience. Clearly this has been an extraordinary moment in history for all our respective Branches of government and in no way reflects a "normal" working environment for Tennessee's state trial court system.

Thank you very much for your consideration and for your excellent public service.

Sincerely,



Deborah Taylor Tate

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