

**FY 2005-2006
Tennessee District Attorney Weighted
Caseload Study Update**



John G. Morgan
Comptroller of the Treasury
Office of Research
February 2007



STATE OF TENNESSEE

COMPTROLLER OF THE TREASURY

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Comptroller

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February 20, 2007

The Honorable Ron Ramsey
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the FY 2005-2006 Tennessee District Attorney Weighted Caseload Study Update, prepared by the Office of Research as required by *Tennessee Code Annotated* §16-2-513. The study compiles and analyzes the dispositions, workload, and Full Time Equivalent (FTE) attorneys needed for each judicial district and the state as a whole. The report also discusses the continued need for improvement in general sessions court disposition data. I hope you find this information helpful.

Sincerely,

John G. Morgan
Comptroller of the Treasury

FY 2005-2006
Tennessee District Attorney Weighted
Caseload Study Update

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EXECUTIVE SUMMARY

The 1998 appropriations bill¹ required the Comptroller's Office to conduct a district attorney weighted caseload study to provide policy makers an objective means to determine the adequacy of appropriated judicial resources. In April 1999, consultants from the American Prosecutors Research Institute (APRI) conducted the original case-weighting study, designed to assess objectively the need for district attorney resources.

The weighted caseload study calculates the attorney resources, or Full Time Equivalents (FTEs), districts need by dividing the total number of case dispositions for the most recent fiscal year by the workload measure established by the consultants. However, the consultants' report emphasizes these calculations provide only a base from which to estimate the need for resources. Analysts and policy makers must consider other factors that influence the way prosecutor time is spent and the efficiency with which cases are processed, such as the geographic distance and number of courts covered by an office, the availability of technology, and the number of support staff in conjunction with quantitative methodology. (See Appendix A for a more detailed discussion of the methodology used.)

Tennessee Code Annotated (T.C.A.) 16-2-513 requires the Comptroller of the Treasury to update the weighted caseload study for district attorneys annually. However, because of the lack of uniform case disposition data among judicial agencies, the Comptroller's office could not update the original study until FY 2004-05. In response to this problem in 2001, the General Assembly instituted uniform case standards under *T.C.A. 16-1-117* for all courts. *T.C.A. 16-2-513* requires all courts, the Administrative Office of the Courts, the Council for Juvenile and Family Court Judges, and the Tennessee District Public Defenders Conference to provide the Comptroller's Office case disposition data according to the uniform case standards.

ANALYSIS AND CONCLUSIONS

Dispositions

The FY 2005-06 district attorney weighted caseload data showed 464,655 total dispositions.² Of those cases, 58.3 percent (270,905) were misdemeanor cases disposed in

general sessions courts, 24.4 percent (113,193) were juvenile court cases, and the state circuit, criminal, and appeals courts disposed of the remaining 17 percent (80,567 cases). Overall, case dispositions increased 2.4 percent (10,810) during FY 2005-06. Misdemeanors increased by 10,617 (4.1 percent) during FY 2005-06. Felony C, D, and E case type had the largest decrease in dispositions from FY 2004-05 with a decrease of 4,682 cases (13 percent). State trial court dispositions decreased by 4,075 (4.8 percent). (See page 2.)

Full Time Equivalents

Based on FY 2005-06 case disposition data and standard workload measures, the state needs between 22 and 53 additional assistant district attorney FTEs. The weighted caseload model estimates a need for a total of 447 district attorneys and assistant district attorneys statewide. In FY 2005-06 the district attorney offices included 425 state and locally funded attorneys: 31 district attorneys and 394 assistant district attorneys. According to the Executive Director of the Tennessee District Attorney's General Conference, many district attorneys are unable to handle a full caseload because of administrative and public relations duties. Because specific data on how much of the district attorneys' time is spent on duties unrelated to specific cases is not available, this update includes a range of FTEs needed. The low end assumes that the 31 district attorneys handle a full caseload, and the high end assumes all district attorneys spend all their time on administrative and other non-case-related duties. (See pages 2-3.)

Data Quality

Although the availability and accuracy of the case disposition data used to estimate resource needs has improved, additional work and resources are needed. Lack of uniform case disposition data continues to limit the accuracy and consistency of the weighted caseload studies for the district attorneys and the public defenders as well as limits management information available for internal and policymaking decisions for the district attorneys and the public defenders. Areas of particular concern include: 1) the different systems used to provide disposition data for the district attorneys and the public defenders; 2) the

incompleteness and questionable quality of misdemeanor dispositions in general sessions courts; and 3) insufficient control over the case counting methods among the districts. (See pages 3-5.)

RECOMMENDATIONS

The General Assembly should consider providing additional funding to the Administrative Office of the Courts to implement full general sessions court caseload data collection. Public Chapter 408 of 2001 requires the Administrative Office of the Courts to begin collecting caseload statistics for general sessions courts, effective July 1, 2003, that are similar in nature to those collected from the trial courts. The General Assembly did not fund AOC's improvement request in FY 2002-03 to implement this requirement and funding has not been included in the Governor's Improvement Budget in subsequent years, despite the AOC's requests. The Administrative Office of the Courts estimates that it would cost \$107,098 in one-time costs and \$551,408 in annual recurring costs.

The General Assembly may wish to ensure that there are enough assistant district attorneys to handle the workload based on the needs identified in the FY 2005-06 weighted caseload study update. The update for FY 2005-06 indicates a need for at least 22 and up to 53 additional attorneys, depending on the percentage of the district attorneys' time spent on duties unrelated to specific cases. The Tennessee District Attorney's General Conference should work with the Comptroller's Office to survey or study district attorneys time to determine the percentage of time spent on activities not directly related to cases to better incorporate this estimate into updates of the weighted caseload model.

The Administrative Office of the Courts should integrate data from the various courts into the Tennessee Court Information System (TnCIS). One system should provide information on cases handled by the district attorneys as well as the public defenders. This would reduce duplication of data entry and ensure more accurate, uniform, and timely case and disposition data.

The Administrative Office of the Courts should continue to monitor and work with the court clerks and district attorneys offices across the

state to improve the general sessions data until full case reporting of the general sessions cases is funded and implemented.

¹ Public Chapter 1135 (1998), Section 10, Item 145.

² The disposition data for district attorneys general is provided through the Administrative Office of the Court from various sources. See finding on data quality on page 3 of the full report discussing concerns with the completeness and accuracy of this data.

See pages 5-6 for a complete discussion of the recommendations.

See Appendix D for a letter of response from the Tennessee District Attorneys General Conference.

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Comptroller of the Treasury, Office of Research. Authorization Number 307346, 275 copies, January 2007. This public document was promulgated at a cost of \$1.48 per copy.

INTRODUCTION

Tennessee Code Annotated (T.C.A.) 16-2-513 requires the Comptroller of the Treasury to update the weighted caseload study for district attorneys annually. In April 1999, consultants from the American Prosecutors Research Institute (APRI) conducted the original case-weighting study, designed to assess objectively the need for district attorney resources. However, because of the lack of uniform case disposition data among judicial agencies, the Comptroller's office could not update the original study until FY 2004-05. The Comptroller's Office of Research presented information to the Judicial Council in November 2005 but did not publish a full report for FY 2004-05 because of unresolved issues of data quality with the Tennessee District Attorney's General Conference and staff changes within the Comptroller's Office of Research.

BACKGROUND

Public Act 301 of 1961 created the Tennessee District Attorney's General Conference (TDAGC). Each of the 31 judicial districts has a district attorney publicly elected for an eight-year term. *T.C.A.* 8-7-103 charges district attorneys with the duties of prosecuting all violations of state criminal statute, including cases removed from state courts in their district to federal court, and assisting the state Attorney General's Office in the protection of the state or public interest in cases before circuit and chancery courts. To fulfill these duties, *T.C.A.* 16-2-506 entitles each judicial district to a certain number of state funded assistant district attorney (ADA) and criminal investigator positions. As the volume and severity of criminal activity increased demands on the criminal justice system in the 1980s and 90s, legislators grew more concerned about the need for sufficient resources.¹

The 1998 appropriations bill² required the Comptroller's Office to conduct a district attorney weighted caseload study to provide policy makers an objective means to determine the adequacy of appropriated judicial resources. The ability to weight cases allows thorough consideration of not just the raw number of cases assigned to a district attorney's office annually, but also the overall severity of cases, and time required to handle each type of case.

The Comptroller's Office contracted with the National Center for State Courts who subcontracted with the American Prosecutors Research Institute (APRI) in 1999 to conduct a weighted caseload study for the TDAGC with the following objectives:

- Conduct a quantitative evaluation of prosecutorial resources on a statewide basis;
- Provide accurate, easily understandable criteria to assess the need for additional prosecutorial resources;
- Provide a valid method for allocating prosecutorial resources across the state's judicial districts; and
- Provide a mechanism that will allow the state to assess the effect of changes in case dispositions for individual case types on prosecutorial resource needs in the future.³

Prior to the original study, Tennessee had no uniform case counting standards, posing many problems in the judicial system, and making it difficult for all the consultants to conduct the respective studies.⁴ In response to this problem in 2001, the General Assembly instituted uniform case standards under *T.C.A.* 16-1-117 for all courts. *T.C.A.* 16-2-513 requires all courts, the Administrative Office of the Courts, the Council for Juvenile and Family Court Judges, and the TDPDC to provide the Comptroller's Office case disposition data according to the uniform case standards.

The weighted caseload study calculates the attorney resources, or Full Time Equivalents (FTEs), districts need by dividing the total number of case dispositions for the most recent fiscal year by the workload measure established by the consultants. However, the consultants' report emphasizes these calculations provide only a base from which to estimate the need for resources. Analysts and policy makers must consider other factors that influence the way prosecutor time is spent and the efficiency with which cases are processed, such as the geographic distance and number of courts covered by an office, the availability of technology, and the number of support staff in conjunction with quantitative methodology. (See Appendix A for a more detailed discussion of the methodology used.)

ANALYSIS AND CONCLUSIONS

Dispositions

The FY 2005-06 district attorney weighted caseload data showed 464,655 total dispositions.⁵ Of those cases, 58.3 percent (270,905) were misdemeanor cases disposed in general sessions courts, 24.4 percent (113,193) were juvenile court cases, and the state circuit, criminal, and appeals courts disposed of the remaining 17 percent, or 80,567 cases. (See Exhibit 1.)

Overall, case dispositions increased 2.4 percent (10,810) during FY 2005-06. Misdemeanors increased by 10,617 (4.1 percent) during FY 2005-06. Felony C, D, and E case type had the largest decrease in dispositions from FY 2004-05 with a decrease of 4,682 cases (13 percent). State trial court dispositions decreased by 4,075, or 4.8 percent. (See Exhibit 1.)

Full Time Equivalents

Based on FY 2005-06 case disposition data and standard workload measures, the state needs between 22 and 53 additional assistant district attorney FTEs. (See Exhibit 2.) The weighted caseload model estimates a need for a total of 447 district attorneys and assistant district attorneys statewide. (See Exhibit 3.) The state has 31 elected district attorneys and 394 assistant district attorneys.⁶ According to the Executive Director of

the Tennessee District Attorney's General Conference, many district attorneys are unable to handle a full caseload because of administrative and public relations duties. The original time study incorporated some time for district attorneys' duties that are not case-related, but the workload measures may not reflect all duties, especially in larger districts. Therefore, this update includes a range of FTEs needed with the low end assuming that the district attorneys handle a full caseload, and the high end assuming all district attorneys spend their time on administrative and other duties unrelated to specific cases.

The number of district attorneys resources needed decreased from 457 in FY 2004-05 to 447 in FY 2005-06, a decrease of 10 FTEs. The decrease is primarily a result of the decrease in more time-intensive state court dispositions, which was not offset by the increase in the less time intensive misdemeanor and juvenile cases. (See Exhibit 1.) Exhibit 3 shows the resource needs estimated for each case type for FY 2005-06.

The number of existing attorneys available also affects the deficit of assistant district attorneys. Exhibit 4 shows the difference in the number of attorneys available for FY 2004-05 and FY 2005-06 by district, as reported by the TDAGC. The number of state-funded attorneys remained the same. The number of locally-funded positions decreased by one statewide but varied among the districts.

Exhibit 1: Dispositions by Case Type and Change from FY 05 to FY 06

Case Type	FY 05 Number	Dispositions FY 06		Change FY 05 to FY 06	
		Number	Percent	Number	Percent
Capital/1 st Degree Murder	280	270	0.1%	-10	-3.6%
Felony A	1,342	1,336	0.3%	-6	-0.4%
Felony B	5,835	5,826	1.3%	-9	-0.2%
Felony C, D, & E	35,992	31,310	6.7%	-4,682	-13.0%
Misdemeanor (w/appeals)	16,155	15,979	3.4%	-176	-1.1%
Probation Violation	18,468	20,064	4.3%	1,596	8.6%
Post-Judgment Action	495	413	0.1%	-82	-16.6%
Other	6,075	5,369	1.2%	-706	-11.6%
State Trial Court Subtotal	84,642	80,567	17.3%	-4,075	-4.8%
Misdemeanor (in general sessions)	260,288	270,905	58.3%	10,617	4.1%
Juvenile	108,925	113,193	24.4%	4,268	3.9%
Total	453,855	464,665	100.0%	10,810	2.4%

Source: Chart produced by Office of Research staff with data from the Administrative Office of the Courts.

Staffing does not include positions funded with temporary federal or other grants.

Overall, the statewide deficit for district attorneys decreased by nine positions from FY 2004-05 to FY 2005-06. Districts needing over four or five (excluding the district attorney) FTEs include Districts 4 (Cocke, Grainger, Jefferson, and Sevier counties), 19 (Montgomery and Robertson counties), 20 (Davidson), 22 (Giles, Lawrence, Maury, and Wayne counties), and 30 (Shelby).

As stated earlier, the estimated number of attorneys needed provides only a base from which to estimate the need for resources and will vary with reported dispositions from year to year. Analysts and policy makers must consider other

factors that influence the workload of the district attorney offices over time in determining needs and allocating positions. (See Appendix A.)

Data Quality

Although the availability and accuracy of the case disposition data used to estimate resource needs has improved, additional work and resources are needed. Lack of uniform case disposition data continues to limit the accuracy and consistency of the weighted caseload studies for the district attorneys and the public defenders. Areas of particular concern include: 1) the various information systems used to provide disposition data for the district attorneys and the public defenders; 2) the incompleteness and questionable quality of misdemeanor dispositions

Exhibit 2: Yearly Trend in the Need for District Attorney Resources (FTEs)

State Net FTE's	FY 05	FY 06	Change
Total Case-Handling DA and ADAs (FTEs)	395 to 426	394 to 425	-1
Estimated Total DAs and ADAs Needed	457	447	-10
FTE Excess or Deficit	-31 to -62	-22 to -53	-9

Note: The range of positions is with and without the 31 district attorneys who vary on the direct caseload handled. In addition, 34 federal grant-funded positions are not included because the funding is not permanent and some positions are designated for specific activities, court, or case types.

Source: Calculations by Office of Research staff based on data from AOC, 2006

Exhibit 3: FY 2005-06 District Attorney Resources Needed by Case Type

Case Type	FY 06 Dispositions	Workload Measure	FTEs Needed
Capital/1 st Degree Murder	270	3.63	74.38
Felony A	1,336	100.82	13.25
Felony B	5,826	292.33	19.93
Felony C, D, & E	31,310	338.51	92.49
Misdemeanor (w/appeals)	15,979	970.43	16.47
Probation Violation	20,064	1,729.17	11.60
Post-Judgment Action	413	557.63	0.74
Other	5,369	461.27	11.64
State Trial Court Sub-Total	80,567		240.50
Misdemeanor (in general sessions)	270,905	2,462.69	110.00
Juvenile	113,193	1,171.05	96.66
Total	464,665		447.17

Note: The workload measure is an estimate of the number of cases that an attorney should be able to handle in a year if that is the only type of case handled by the attorney.

Source: Calculations by Office of Research staff based on data from AOC, 2006

Exhibit 4: Comparison of Estimated FTEs Needed in FY 05 and FY 06

Judicial District	FY 05			FY 06			Change in Deficit
	Staff FTEs	Estimated FTEs Excess/Deficit		Staff FTEs	Estimated FTEs Excess/Deficit		
		w/ DA	w/o DA		w/ DA	w/o DA	
1	11	-2.48	-3.48	11	-2.73	-3.73	0.25
2	12	2.24	1.24	12	2.33	1.33	-0.09
3	10	-1.71	-2.71	10	-1.05	-2.05	-0.66
4	9	-5.86	-6.86	9	-4.00	-5.00	-1.86
5	7	1.81	0.81	7	1.67	0.67	0.14
6	31	5.64	4.64	31	3.22	2.22	2.42
7	4	-0.5	-1.5	4	-0.31	-1.31	-0.19
8	8	-0.2	-1.2	8	-1.58	-2.58	1.38
9	6	2.17	1.17	6	1.47	0.47	0.70
10	12	-2.07	-3.07	12	0.09	-0.91	-2.16
11	23	-2.85	-3.85	22	-2.89	-3.89	0.04
12	9	-1	-2	9	-0.36	-1.36	-0.64
13	9	-4.39	-5.39	10	-2.78	-3.78	-1.61
14	4	1.03	0.03	4	0.98	-0.02	0.05
15	9	-2.81	-3.81	9	-2.25	-3.25	-0.56
16	12	-1.02	-2.02	12	0.19	-0.81	-1.21
17	7	0.48	-0.52	7	-0.83	-1.83	1.31
18	9	-0.75	-1.75	9	1.67	0.67	-2.42
19	12	0.1	-0.9	12	-5.32	-6.32	5.42
20	55	-14.7	-15.7	55	-4.37	-5.37	-10.33
21	8	-1.38	-2.38	9	0.92	-0.08	-2.30
22	10	-3.48	-4.48	10	-4.38	-5.38	0.90
23	10	0.22	-0.78	11	1.82	0.82	-1.60
24	6	-0.8	-1.8	6	-0.29	-1.29	-0.51
25	10	0.82	-0.18	10	1.57	0.57	-0.75
26	10	0.17	-0.83	10	0.21	-0.79	-0.04
27	4	0.4	-0.6	4	0.60	-0.40	-0.20
28	6	-2.89	-3.89	6	-0.98	-1.98	-1.91
29	4	-0.1	-1.1	4	-0.64	-1.64	0.54
30	95	3.22	2.22	92	-4.94	-5.94	8.16
31	4	-0.12	-1.12	4	0.81	-0.19	-0.93
Total	426	-30.81	-61.81	425	-22.15	-53.15	-8.66

Notes: (a) The state funded 322 attorney positions in both FY 2004-05 and FY 2005-06: 31 district attorneys and 291 assistant DAs. Any differences are in locally funded positions. Staffing does not include 32 positions in FY 2004-05 and 34 in FY 2005-06 funded with federal or other grants.

(b) See Appendix B for a map and listing of counties included in each judicial district.

Source: Calculation by the Office of Research staff from staffing data provided by the Tennessee District Attorneys General Conference and disposition data provided by AOC, 2006.

in general sessions courts; and 3) insufficient control over the case counting methods among the districts.

The case weighting study done by APRI in 1999 noted serious limitations in the completeness and quality of the general sessions' court data. The consultants had to develop estimates on the number of misdemeanor cases from manual counts of warrants by court clerks. The consultants adjusted for case counting differences between the courts to standardize the counts. The study also had to develop estimates of dispositions for state trial court cases to standardize the counting of case dispositions.

The court system still lacks a uniform information system to collect disposition data. Currently the public defenders conference information system, Prolaw, is not integrated with the Tennessee Court Information System (TnCIS),⁷ nor are the information systems for the big four urban counties and the Council of Juvenile and Family Court Judges. In addition, AOC relies on various systems, some manual, of the various court clerks for general sessions dispositions for district attorneys. Thus, several different information systems handle disposition data on the same individual charged with a criminal offense, leading to a duplication of effort and increasing chances for data entry errors.

Data collection for misdemeanor dispositions is not automated in most courts. Court clerks keep a hand tally of misdemeanor dispositions by DAs and ADAs during a court session. The court clerks report monthly totals to the Administrative Office of the Courts. The district attorneys also receive the monthly totals for their review. However, because the clerks provide only the total number of dispositions, not an individual listing of cases, no one can validate concerns if the data appears unreasonable.

While case counting practices have improved, the Tennessee District Attorney's General Conference and Tennessee District Public Defenders Conference continue to express concern about the accuracy of district level misdemeanor disposition totals. Prior to and during the original studies, Tennessee had no case counting standards, allowing local court officials to define a "case" as they saw fit. As a result, in some districts, clerks counted each charge as a separate case while

others bundled all charges into one case. In response to this problem in 2001, the General Assembly instituted uniform case standards under T.C.A. 16-1-117 for all courts. T.C.A. 16-2-513 requires all courts, the Administrative Office of the Courts, the Council for Juvenile and Family Court Judges, and the TDAGC to provide the Comptroller's Office case disposition data according to the uniform case standards. The AOC contends it needs full case reporting on individual cases for all systems to audit and control the accuracy of the data submitted from the various courts.

Public Chapter 408 of 2001 requires the Administrative Office of the Courts to begin collecting caseload statistics for general sessions courts, effective July 1, 2003, that are similar to those collected from the trial courts. However, the AOC states that the General Assembly did not provide the funding necessary to implement this requirement. The Administrative Office of the Courts estimates that it would cost \$107,098 in one-time costs and \$551,408 in annual recurring costs to implement full case reporting to meet this requirement. Currently, the AOC is collecting only a minimal amount of information from the general sessions courts. The continued lack of uniform case disposition data for misdemeanors in general sessions courts limits the accuracy and consistency of the weighted caseload studies for the district attorneys and the public defenders as well as information for internal and policymaking decisions for the district attorneys and the public defenders.

RECOMMENDATIONS

The General Assembly should consider providing additional funding to the Administrative Office of the Courts to implement full general sessions court caseload collection. Public Chapter 408 of 2001 requires the Administrative Office of the Courts to begin collecting caseload statistics for general sessions courts, effective July 1, 2003, that are similar in nature to those collected from the trial courts. The General Assembly did not fund AOC's improvement request in FY 2002-03 to implement this requirement and funding has not been included in the Governor's Improvement Budget in subsequent years, despite the AOC's requests. The Administrative Office of the Courts estimates

that it would cost \$107,098 in one-time costs and \$551,408 in annual recurring costs.

The General Assembly may wish to ensure that there are enough assistant district attorneys to handle the workload based on the needs identified in the FY 2005-06 weighted caseload study update. The update for FY 2005-06 indicates a need for at least 22 additional attorneys and up to 53, depending on the percentage of the district attorneys' time spent on duties unrelated to specific cases. The Tennessee District Attorney's General Conference should work with the Comptroller's Office to survey or study district attorneys time to determine the percentage of time spent on activities not directly related to cases to better incorporate this estimate into updates of the weighted caseload model.

The Administrative Office of the Courts should integrate data from the various courts into the Tennessee Court Information System (TnCIS). One system should provide information on cases handled by the district attorneys as well as the public defenders. This should reduce duplication of data entry and ensure more accurate, uniform, and timely case and disposition data.

The Administrative Office of the Courts should continue to monitor and work with the court clerks and district attorneys' offices across the state to improve the general sessions data until full case reporting of the general sessions cases is funded and implemented.

Endnotes

¹ The American Prosecutors Research Institute, *Tennessee District Attorneys General Weighted Caseload Study*, April 1999, p. 1.

² Public Chapter 1135 (1998), Section 10, Item 145.

³ *Ibid*, p. 2.

⁴ The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, pp. 48-49.

⁵ The Administrative Office of the Courts provided the disposition data for district attorneys collected from various sources. See the "Data Quality" section on page 3 discussing concerns with the completeness and accuracy of this data.

⁶ In addition, the district attorney offices have 34 federally funded attorney positions. These positions are not included in the estimates because funding is not permanent and some positions are designated for specific activities, court, or case types.

⁷ TnCIS is the statewide court information system available to all courts in the state who choose it.

APPENDIX A: DISTRICT ATTORNEY GENERAL WEIGHTED CASELOAD METHODOLOGY

The American Prosecutors Research Institute (APRI) employed a “disposition-based” methodology to conduct the district attorneys’ weighted caseload “time study.” Over the years, the APRI concluded a time-recorded case weighting method is the most thorough and complete method to determine a valid, empirical caseload assessment that can be translated into workload measure for district attorney offices.¹

Originally, a steering committee worked with consultants from the APRI to coordinate the study. The consultants conducted a time study for a period of seven weeks (from January 11 to February 26, 1999). The sample included twelve judicial districts representing rural, transitional, and urban districts:

Rural Districts

- 13- Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White Counties
- 22- Giles, Lawrence, Maury, and Wayne Counties
- 25- Fayette, Hardeman, Lauderdale, McNairy, and Tipton Counties
- 29- Dyer and Lake Counties

Transitional Districts

- 2- Sullivan County
- 4- Cocke, Grainger, Jefferson, and Sevier Counties
- 16- Cannon and Rutherford Counties
- 19- Montgomery and Robertson Counties
- 26- Chester, Henderson, and Madison Counties

Urban Districts

- 6- Knox County
- 20- Davidson County
- 30- Shelby County²

During the study, 173 attorneys kept track of all their time by type of activity, type of case, and disposition. For example, a type of activity would include arraignment, legal research, and sentencing. Sample dispositions include bound over, acquitted, convicted. Table 1 lists the activity categories and specific activities.

The steering committee narrowed all cases into the following major categories for the time study. They are:

1. Capital/First Degree Murder
2. Felony A
3. Felony B
4. Felony C/D/E
5. Misdemeanors(with appeals)
6. Juvenile
7. Probation Violations
8. Post Judgment Actions
9. Civil
10. Other

Counting Dispositions versus Filed Cases

The methodology employed by the APRI in the time study counted cases by dispositions. The time study measured the average amount of time spent to dispose of a case. While no study can calculate workload exactly, dispositions more accurately reflect the workload of attorneys than filings. Counting filings reflects only the number of cases opened during a given time period, not the time and work to complete the case. Cases can linger without action for months after filing. Dispositions reflect the total time spent working on a case, even if the case is filed in a previous year. In addition, if a case is filed and disposed in the same year it will be counted in the number of disposed cases in the weighted caseload study.

Disposition Methodology

The Exhibit 2 provides the basic definitions of calculations used in the methodology, followed by an overview of the methodology used to estimate the public defender resources needed.

Case Weights

The formula to determine the projected caseload and resulting measure for each type of case uses “attorney-time-per-disposition,” calculated by adding the total hours attributed to a case type during the time study and dividing that number by the total number of dispositions for the same case-type during the time study period.³ To determine case weights for the various case types, attorneys kept up with all the time they spent on cases and the number of cases disposed during the time study by the different case types listed above.

Table 1: District Attorney Activities

Activity Category	Specific Activities
Case-related	<p>Case screening and initiation: time spent <i>prior to the filing of charges</i> such as responding to law enforcement inquiries, screening potential warrants, and reviewing preliminary reports</p> <p>Case preparation: time spent <i>after a warrant has been issued, charge has been filed, or a True Bill has been returned</i> associated with the preparation of a case such as continuing investigation; interviewing victims; preparing for pre-trial hearings/motions; and plea negotiations, settlements, and nolle prosequis</p> <p>Post-conviction activities: time spent responding to victim inquiries, collection of fines/restitution, preparing for post-adjudication trials/hearings</p> <p>Case-related administration: time spent on case-related work not attributable to a specific case such as preparing a docket</p>
In-court	<p>General sessions proceedings: all time spent in general sessions court for arraignments, hearings, trial on the merits, and dispositional hearings</p> <p>Juvenile court proceedings: time spent in court for delinquency/ status offense proceedings and dispositional hearings including waiver hearings</p> <p>Grand jury proceedings: time spent making direct presentments to a grand jury, managing or preparing witnesses during grand jury proceedings, and conducting or monitoring proceedings</p> <p>Pre-trial hearings/motions (circuit/criminal court): time spent in court for bond/docket modification hearings, other administrative docket control, arraignments, motions, and dispositional hearings</p> <p>Bench trial (circuit/criminal court): time spent in court from when the judge takes the bench until a decision is reached</p> <p>Jury trial (circuit/criminal court): time spent in court for a jury trial from when the judge takes the bench to the rendering of a verdict, including jury selection and waiting for the jury to return if waiting must be done in court</p> <p>Post-adjudication trial/hearings: time spent in court for sentencing hearings, probation revocation, post-conviction relief, parole hearings, and appeals from lower courts</p> <p>In-court waiting: time spent in the courtroom or courthouse waiting if no other chargeable work is performed, excluding waiting for the jury to return</p>
Non-case related	<p>Non-case administration: time spent on general office and administrative tasks and conducting legal research not attributable to a specific case</p> <p>Community/outreach activities: time spent fielding phone calls from the public (unrelated to the initiation of a case), making referrals, responding to media inquiries, attending community meetings, crime prevention activities, serving as a liaison with victims groups and community groups, etc.</p> <p>Law enforcement coordination activities: time spent conducting in-service training and participating in a general or administrative capacity in various task forces</p> <p>Professional development: time spent attending state and local DAG conference meetings, participating in continuing legal education, and attendance at professional conferences or seminars</p> <p>Travel: time spent traveling from the office to other work-related places/events such as court, crime scenes, etc.</p> <p>Lunch/personal time away from the office: time spent during normal office hours on break, at lunch, or away from the office on personal business</p>

Table 2: Data Element Descriptions and Formulas

Data Element	Description & Source	Formula
Case Weight	Average time required to dispose of different case types based on attorney time divided by number of dispositions by case type reported on the Daily Activity Log sheet during the time study.	Total case hours ÷ total dispositions in time study
Case Dispositions	Closed cases.	Dispositions counted by highest class charge at the time the case is closed.
Annual Number of Case Dispositions	Total annual number of case dispositions by case types collected from the Public Defenders Conference.	Add total dispositions from each judicial district by case types.
District Attorney Year Value	The total amount of time available for processing cases per full-time attorney based on the State standard 7.5 hour workday.	See Exhibit 2.
Workload Measure	The total number of cases an attorney should be able to handle in a year for a single case type if that were the only type of case handled.	Workload Measure = Attorney Year ÷ case weight
FTEs (Full Time Equivalents)	The total number of resources/attorneys needed to handle workload.	1650 hours ÷ Workload Measure (DA Year Value)

The following is an example of how a Felony A case is calculated:

The total time spent on felony A cases during the time study = 4320.42 hours. The total dispositions reported during the same time = 264. Therefore,

Case weight = 4320.42 ÷ 264, or 16.37 per case.

While some cases may take more or less than 16 hours, this is an average amount of time as calculated by the time study.

Case Dispositions

Case dispositions are counted by the highest charge in the case *at the time of disposition* (when the case is closed). For example, a person may be initially charged with one felony A count, one felony B count, and two misdemeanor counts. If at trial the felony A count is dismissed and the defendant is found guilty on all other counts, the case is counted as a felony B case at disposition.

Attorney Year

The attorney year, or amount of time an attorney has to devote to cases, must be determined to calculate the workload standards for the different cases. Tennessee assistant district attorneys work a 7.5-hour workday, and receive 15 annual leave days and five annual sick days. In addition, Tennessee observes 12 state holidays. Assistant district attorneys also are paid for nine days of official conferences and training each year.

Based on these figures, the District Attorney Weighted Caseload Steering Sub-Committee determined that the average Tennessee assistant district attorney works 1,650 hours per year. Table 3 displays the formula and calculations used to determine the total attorney hours per year.

Table 3: Calculating Attorney Hours Per Year

Attorney Hours Per Year		
	Calculation	Hours
A.	Work Day	7.5
B.	Base Year Work Year	(Row A x365) (Row B -780 or 104 weekend days x 7.5)
C.	(Prior to Leave Time Allowance)	2737.5 1,957.5
Leave Time		
	Days Per Year	Hours
D.	State Holidays	12 90
E.	Annual Leave	15 112.5
F.	Sick Leave	5 37.5
G.	Official Conferences	9 67.5
H.	Total All Leave	41 307.5
	Calculation	Hours
Total Available Attorney Hours Per Year	(Row C - Row H)	1,650

Source: The American Prosecutors Research Institute, Tennessee District Attorneys General Weighted Caseload Study, April 1999, p. 32.

261 days (total workdays in a year) – 41 (total training and leave days per year) = 220 days.

Workload Measure Formula

The original consultant’s report defined workload standards as “the average number of cases that a single attorney can be expected to handle during the course of one year if that attorney handles only that type of case.” Once the case weights and attorney year are calculated, the workload measures can be calculated. The workload measure for each case type is calculated by dividing the attorney year by the case weight for each case type.⁴

Workload Measure = 1650 ÷ attorney hours per disposition (case weight)⁵

Example: Case type Felony A workload measure is calculated as follows:

1650 hours ÷ 16.37 hours per case = 100.82 per year

Based on these adjustments Table 4 lists the workload measure for each case type used in the formula to calculate FTEs.

Table 4: Case Types and Workload Measures to Estimate District Attorney Office Staffing Needs

Case Type	Workload Measure
Capital/1 st Degree Murder	3.63
Felony A	100.82
Felony B	500
Felony C, D, & E	292.33
Misdemeanor (w/appeals)	338.51
Probation Violation	1,729.17
Post-judgment action	557.63
Misdemeanor	2,462.69
Juvenile	1,171.05
Other	461.27

Note: The total number an attorney should be able to handle if they handled that case type only.

Source: The American Prosecutors Research Institute, Tennessee District Attorneys General Weighted Caseload Study, April 1999, 42-43.

Formula to Calculate Full Time Equivalent (FTEs)

The formula used to calculate the number of attorney resources (FTEs needed) is the total dispositions for the fiscal year (as reported by the Administrative Office of the Courts by Case Type) ÷ Workload Measure established in original consultants' study.⁶ More simply put:

$$\text{(FTEs)} = \text{Total Dispositions} \div \text{Workload Measure}$$

Other Factors to Consider

The APRI provided a list of FTEs needed by district in Appendix D of the original report. However, the consultants point out that other factors should be considered in making decisions about prosecutor resource allocations. Critical factors that influence the way prosecutor time is spent and efficiency include:

- The type and number of staff (e.g. investigators, victim/witness coordinators, or secretarial staff) that are available to support prosecution activities;
- Whether automation is available to facilitate the production of documents, link offices within a district, and provide access to criminal justice information systems;
- The number of counties and geographic distance that an office covers, and the number of satellite offices; and
- The number of courts and courtrooms that the district attorney's general office has responsibility for covering.⁷

Endnotes

¹ The American Prosecutors Research Institute, *Tennessee District Attorneys General Weighted Caseload Study*, April 1999, pp. 2.-3.

² APRI reduced the sample by one district after a tornado hit the 19th judicial district during the second week of data collection, disrupting normal work and causing the physical relocation of offices to usable space.

³ The American Prosecutors Research Institute, *Tennessee District Attorneys General Weighted Caseload Study*, April 1999, p. 42.

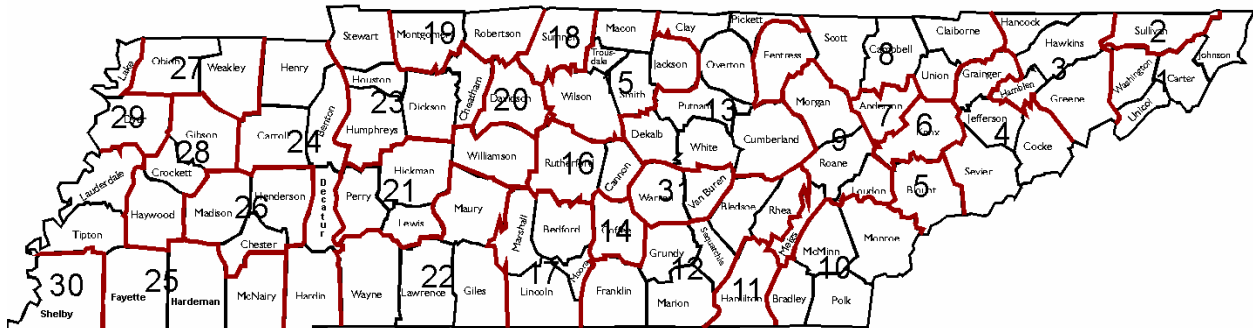
⁴ *Ibid*, pp.41-42.

⁵ *Ibid*.

⁶ *Ibid*, p. 44.

⁷ *Ibid*, p. 46.

APPENDIX B: TENNESSEE JUDICIAL DISTRICTS



- District 1 - Carter, Johnson, Unicoi, and Washington Counties
- District 2 - Sullivan County
- District 3 - Greene, Hamblen, Hancock, and Hawkins Counties
- District 4 - Cocke, Grainger, Jefferson, and Sevier Counties
- District 5 - Blount County
- District 6 - Knox County
- District 7 - Anderson County
- District 8 - Campbell, Claiborne, Fentress, Scott, and Union Counties
- District 9 - Loudon, Meigs, Morgan, and Roane Counties
- District 10 - Bradley, McMinn, Monroe, and Polk Counties
- District 11 - Hamilton County
- District 12 - Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie Counties
- District 13 - Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White Counties
- District 14 - Coffee County
- District 15 - Jackson, Macon, Smith, Trousdale, and Wilson Counties
- District 16 - Cannon and Rutherford Counties
- District 17 - Bedford, Lincoln, Marshall, and Moore Counties
- District 18 - Sumner County
- District 19 - Montgomery and Robertson Counties
- District 20 - Davidson County
- District 21 - Hickman, Lewis, Perry, and Williamson Counties
- District 22 - Giles, Lawrence, Maury, and Wayne Counties
- District 23 - Cheatham, Dickson, Houston, Humphreys, and Stewart Counties
- District 24 - Benton, Carroll, Decatur, Hardin and Henry Counties
- District 25 - Fayette, Hardeman, Lauderdale, McNairy, and Tipton Counties
- District 26 - Chester, Henderson, and Madison Counties
- District 27 - Obion and Weakley Counties
- District 28 - Crockett, Gibson, and Haywood Counties
- District 29 - Dyer and Lake Counties
- District 30 - Shelby County
- District 31 - Van Buren and Warren Counties

APPENDIX C: DISTRICT ATTORNEY WEIGHTED CASELOAD MODEL, CALCULATED BY WORKLOAD MEASURE, FY 2006

Casetype	Workload Measure	Case Dispositions per Judicial District ^(a)									
		1	2	3	4	5	6	7	8	9	10
Capital/1st Degree Murder	3.63	0	2	2	4	3	26	3	8	2	5
Felony A	100.82	30	43	17	28	11	46	9	23	11	45
Felony B	292.33	128	88	60	81	35	226	18	40	37	155
Felony C, D, & E	338.51	1,232	954	912	872	260	1,374	137	691	208	980
Misdemeanor (w/appeals)	970.43	379	162	194	338	154	844	149	294	130	328
Probation Violation	1729.17	836	431	278	412	441	905	101	430	102	704
Post-Judgement Action	557.63	1	4	0	3	11	3	1	2	0	4
Other	461.27	91	509	118	383	26	78	16	13	22	133
Misdemeanor	2462.69	10805	2,901	8,742	6,293	3,087	18,209	3,432	6,272	3,601	8,231
Juvenile	1171.05	4560	3363	3822	5,613	2,068	7,460	1507	2157	1665	2666
Total Dispositions		18,062	8,457	14,145	14,027	6,096	29,171	5,373	9,930	5,778	13,251
Total # of ADAs ^(c)		10	11	9	8	6	30	3	7	5	11
Total # DAs and ADAs ^(d)		11	12	10	9	7	31	4	8	6	12
FTEs Needed for Year ^(b)		13.73	9.67	11.05	13.00	5.33	27.78	4.31	9.58	4.53	11.91
FTE Deficit or Excess											
ADAs only		-3.73	1.33	-2.05	-5.00	0.67	2.22	-1.31	-2.58	0.47	-0.91
DAs and ADAs		-2.73	2.33	-1.05	-4.00	1.67	3.22	-0.31	-1.58	1.47	0.09

Casetype	Case Dispositions per Judicial District ^(a)										
	11	12	13	14	15	16	17	18	19	20	21
Capital/1st Degree Murder	30	3	6	1	3	0	7	1	15	48	1
Felony A	25	31	27	14	21	53	16	30	61	238	22
Felony B	258	114	83	39	197	194	81	107	158	1,015	115
Felony C, D, & E	1,937	941	1,076	328	967	882	462	610	1,021	3,091	590
Misdemeanor (w/appeals)	1,684	634	1,225	83	706	603	73	212	584	805	358
Probation Violation	1,252	651	1,013	191	593	962	111	872	728	3,017	451
Post-Judgement Action	22	11	11	2	3	12	21	8	19	64	6
Other	97	43	157	6	49	24	172	25	72	649	79
Misdemeanor	6,254	5,911	7,476	2,216	7,476	11,576	4,950	3,584	9,562	47,722	4,084
Juvenile	5,302	1,772	2,521	460	2,888	2,419	1,810	2,743	4,605	9,030	3,485
Total Dispositions	16,861	10,111	13,595	3,340	12,903	16,725	7,703	8,192	16,825	65,679	9,191
Total # of ADAs ^(c)	21	8	9	3	8	11	6	8	11	54	8
Total # DAs and ADAs ^(d)	22	9	10	4	9	12	7	9	12	55	9
FTEs Needed for Year ^(b)	24.89	9.36	12.78	3.02	11.25	11.81	7.83	7.33	17.32	59.37	8.08
FTE Deficit or Excess											
ADAs only	-3.89	-1.36	-3.78	-0.02	-3.25	-0.81	-1.83	0.67	-6.32	-5.37	-0.08
DAs and ADAs	-2.89	-0.36	-2.78	0.98	-2.25	0.19	-0.83	1.67	-5.32	-4.37	0.92

Casetype	Case Dispositions per Judicial District ^(a)											Totals
	22	23	24	25	26	27	28	29	30	31	31	
Capital/1st Degree Murder	7	2	4	0	4	0	3	1	78	1	270	
Felony A	46	26	12	24	40	17	20	13	324	13	1,336	
Felony B	128	151	78	94	148	77	91	91	1,704	35	5,826	
Felony C, D, & E	1,130	864	310	655	645	274	468	425	6,777	237	31,310	
Misdemeanor (w/appeals)	804	465	47	123	195	33	292	83	3,838	160	15,979	
Probation Violation	937	639	248	385	611	156	115	134	2,205	153	20,064	
Post-Judgement Action	22	4	9	2	27	4	3	9	124	1	413	
Other	211	196	52	28	42	9	34	45	1,988	2	5,369	
Misdemeanor	7,103	4,199	5,298	6,886	7,518	2,684	3,831	4,215	44,887	1,900	270,905	
Juvenile	4064	2718	1655	3195	2497	1070	2648	792	21547	1091	113,193	
Total Dispositions	14,452	9,264	7,713	11,392	11,727	4,324	7,505	5,808	83,472	3,593	464,665	
Total # of ADAs ^(c)	9	10	5	9	9	3	5	3	91	3	394.0	
Total # DAs and ADAs ^(d)	10	11	6	10	10	4	6	4	92	4	425.0	
FTEs Needed for Year ^(b)	14.38	9.18	6.29	8.43	9.79	3.40	6.98	4.64	96.94	3.19	447	
FTE Deficit or Excess												
ADAs only	-5.38	0.82	-1.29	0.57	-0.79	-0.40	-1.98	-1.64	-5.94	-0.19	-53.17	
DAs and ADAs	-4.38	1.82	-0.29	1.57	0.21	0.60	-0.98	-0.64	-4.94	0.81	-22.17	

Source: Calculations by the Comptroller's Office of Research based on data from the Administrative Office of the Courts.

(a) Dispositions based on highest charge if case involves more than one charge.

(b) FTEs needed are calculated by dividing number of filings by workload measure per case type

(c) Includes 291 state-funded ADAs, 103 locally funded ADAs. Does not include 31 DAs and 34 attorneys funded with federal grants.

(d) Includes 31 DAs, 291 state-funded ADAs, and 103 locally funded ADAs. Does not include 34 attorneys funded with federal grants.

**APPENDIX D: RESPONSE LETTER FROM THE TENNESSEE DISTRICT ATTORNEYS
GENERAL CONFERENCE**



TENNESSEE DISTRICT ATTORNEYS GENERAL CONFERENCE

JAMES W. KIRBY
EXECUTIVE DIRECTOR

February 6, 2007

Ethel Detch, Director
Office of Research
Comptroller of the Treasury
505 Deaderick Street, Suite 1700
Nashville, TN 37243-0268

Re: District Attorneys Caseload Study

Dear Director Detch,

My staff and I have reviewed the information contained in the Caseload Report and we are satisfied that your staff did a commendable job with the data presented to them. I still have some questions regarding the validity of the data from general sessions courts as each court seems to count the cases differently. That seems to put into question the accuracy of same.

I would also note that the original caseload study for the District Attorneys included a time study that showed the "amount of time actually spent" on each of the types of cases. That is vastly different from the "amount of time that should be spent" on each of these cases. This will certainly make a big difference when applying these figures to determine the FTEs needed.

Thank you and your office for their efforts in this report, and we commend you and them for their diligence.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Kirby", is written over a printed name.

James W. Kirby

JWK/adg

cc: Hon. John Morgan, Comptroller

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