

**FY 2005-2006
Tennessee Judicial Weighted
Caseload Study Update**



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



STATE OF TENNESSEE

COMPTROLLER OF THE TREASURY

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January 30, 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 2005-06 Judges' Weighted Caseload Study Update, a special study prepared by the Office of Research as required by Tennessee Code Annotated, §16-2-513. The study compiles and analyzes the filings, workload, and Full Time Equivalents (FTEs) for each judicial district and the state as a whole. The report discusses the lack of inclusion of drug court reviews and plans to update the judges' time study in 2007. I hope you find this information helpful in your policy making process.

Sincerely,

John G. Morgan
Comptroller of the Treasury

**FY 2005-2006
Tennessee Judicial Weighted
Caseload Study Update**



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Comptroller of the Treasury, Office of Research. Authorization Number 307345, 275 copies, January 2007. This public document was promulgated at a cost of \$1.35 per copy.

EXECUTIVE SUMMARY

The 1997 appropriations bill passed by the General Assembly required the Comptroller's Office to conduct a judicial weighted caseload study to provide policymakers an objective means to determine the need for judicial resources.¹ The Comptroller's Office contracted with the National Center for State Courts in 1998 to conduct a time study to determine the case weights used to calculate workload and full time equivalent (FTE) judges needed by each judicial district.² *Tennessee Code Annotated*, Section 16-2-513, requires the Comptroller of the Treasury to update the judicial weighted caseload study annually. The estimated number of FTEs needed is calculated by multiplying the total number of case filings by case weights (average minutes per case for each type of case) and dividing that number by the judge year.

The quantitative weighted caseload model approximates judicial workload and provides a foundation for policymakers to assess the need for judicial resources, but it has limitations. The state should consider other qualitative court-specific factors, in addition to workload, when assessing the need for judicial resources.³

In FY 2005-06, 199,263 cases were filed in Tennessee's state courts. Domestic relations cases accounted for the largest portion at 36 percent followed by civil cases (24 percent) and felonies (21 percent). Overall, filings increased minimally over the previous year with a net increase of 281, about one-tenth of one percent. The most significant changes between FY 2004-05 and FY 2005-06 were a decrease in civil cases by 4,059 cases (7.9 percent) and an increase in felonies by 3,529 cases (9.3 percent). The numbers of probate and misdemeanor cases increased 6.4 percent and 5 percent, respectively. "Other Criminal" cases decreased 13 percent and domestic cases decreased minimally, about one-tenth of one percent.

Although caseload stayed relatively unchanged overall, the number of additional judges needed statewide decreased to 2.15 FTEs for FY 2005-06,

primarily a result of the decrease in more time intensive civil cases, particularly workers' compensation cases. As a result of legislative changes in 2004, workers' compensation cases filed in state courts decreased 32 percent in FY 2005-06, from 12,286 to 8,300. Workers' compensation cases now require exhaustion of the mandatory benefit review conference process before a case is filed in state courts.

In all but five districts, current judicial resources come within one FTE of FY 2005-06 needs according to the weighted caseload model. District 22 (Giles, Lawrence, Maury, and Wayne counties) and District 12 (Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie counties) have had need for one additional judge for the last three years. District 3 (Greene, Hamblen, Hancock, and Hawkins counties) also needed one additional judge in FY 2005-06. District 30 (Shelby County) shows an excess of 2.59 FTEs, down by one judge from the prior two years. District 20 (Davidson County) showed an excess of one judge in FY 2005-06, up from .57 in FY 2004-05. Three new judges were added in Davidson County during FY 2003-04.

Current case definitions and reporting standards do not accurately capture time spent on cases in Tennessee's 17 drug courts operating in 42 counties. Consideration of all drug court activities would increase the accuracy of resource needs in those districts. In accordance with recommendations by the National Center for State Courts, the Administrative Office of the Courts and the Comptroller's Office have agreed to update the time study in FY 2006-07. The new study will reflect drug court activity as well as other needed adjustments.

¹ Public Chapter 552 (1997), Section 12, Item 35.

² See Appendix A for complete explanation of the study methodology and formulas.

³ See Appendix B for more complete explanation of qualitative issues cited from the original study.

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INTRODUCTION AND BACKGROUND

The 1997 appropriations bill passed by the General Assembly required the Comptroller's Office to conduct a judicial weighted caseload study to provide policymakers an objective means to determine the need for judicial resources.¹ The Comptroller's Office contracted with the National Center for State Courts in 1998 to conduct a time study to determine the case weights that are used to calculate workload and full time equivalent judges (FTEs) needed by each judicial district.² *Tennessee Code Annotated (T.C.A.)* 16-2-513 requires the Comptroller of the Treasury to update the judicial weighted caseload study annually to assess the workload and need for judicial resources, or Full Time Equivalents (FTEs). The estimated number of FTEs that courts need is calculated by multiplying the total number of case filings by case weights (average minutes per case for each type of case) and dividing that number by the judge year.

The quantitative weighted caseload model can approximate judicial workload and the need for judicial resources, but it has limitations. The study provides qualitative information that affects the workload of judges, such as the number of child support referees and clerks and masters. State officials should always consider these and other court-specific factors when assessing the need for judicial resources.³

ANALYSIS AND CONCLUSIONS

Filings

In FY 2006, 199,263 cases were filed in Tennessee's state courts. Domestic relations cases accounted for the largest portion (36 percent) followed by civil cases (24 percent) and felonies (21 percent). (See Exhibit 1.)

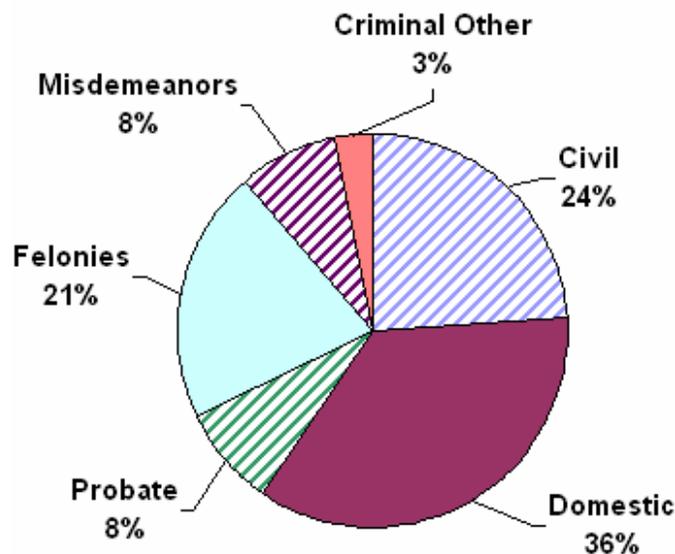
Overall filings increased minimally over the previous year with a net increase of 281 or less than one tenth of one percent. However, some case type filings decreased while others increased significantly. (See Exhibit 2.)

The most significant changes between FY 2004-05 and FY 2005-06 were a decrease in civil cases by 4,059 cases (7.9 percent) and an increase in felonies by 3,529 cases (9.3 percent). The numbers of probate and misdemeanor cases increased 6.4 percent and five percent, respectively. "Other Criminal" cases decreased 13 percent and domestic cases decreased minimally, about one-tenth of one percent.

Full Time Equivalents

Based on FY 2006 case filing data and workload, the state has a net deficit of 2.15 FTEs. (See Exhibit 3.)

Exhibit 1: Filings by Case Type, FY 2006



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

Exhibit 2: Total State Filings by Case Type and Year

Case Type	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	Change 05-06	Percent Change
Civil	52,598	52,445	52,842	54,240	53,265	51,616	47,557	-4,059	-7.9%
Domestic	68,517	67,718	66,306	65,769	67,384	70,860	70,778	-82	-0.1%
Probate	13,208	13,940	12,888	12,869	15,433	15,644	16,645	1,001	6.4%
Felonies	32,311	32,243	35,134	36,310	39,297	38,039	41,568	3,529	9.3%
Misdemeanors	13,578	13,800	13,244	14,727	15,614	15,837	16,634	797	5.0%
Criminal Other	6,768	6,910	7,539	9,642	6,122	6,986	6,081	-905	-13.0%
Totals	186,980	187,056	187,953	193,557	197,115	198,982	199,263	281	0.1%

Source: Administrative Office of the Courts.

Exhibit 3: Yearly Trend in Number of Judicial Resources (FTEs)

State Net FTEs	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
Total Judicial Resources (FTEs)	151	151	151	151	153.75	154	154
Total Judicial Resources Needed (FTEs)	147.74	148.1	149.78	154.32	157.21	157.28	156.15
Net Excess or Deficit in Judicial Resources	3.26	2.90	1.22	-3.32	-3.46	-3.28	-2.15

Source: Calculations by Office of Research staff based on data provided by the AOC, 2006.

Although caseload stayed relatively unchanged overall, the number of additional judges needed statewide decreased to 2.15 FTEs this year, primarily a result of the decrease in more time-intensive civil cases. Workers'

compensation cases filed in state courts decreased 32 percent in FY 2005-06, from 12,286 to 8,300.⁴ The Workers' Compensation Reform Act of 2004 requires exhausting the mandatory benefit review conference process prior to filing a workers' compensation lawsuit in state courts. The director of the Workers' Compensation Benefit Review program estimates that about 60 to 65 percent of cases covered under the 2004-revised law have settled at the benefit review conferences.⁵

In all but five districts, current judicial resources come within one FTE of FY 2005-06 needs according to the weighted caseload model. (See Exhibit 4.) District 22 (Giles, Lawrence, Maury, and Wayne counties) and District 12 (Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie counties) have had a need for one additional judge for the last three years. As of FY 2005-06, District 3 (Greene, Hamblen, Hancock, and Hawkins counties) also needs one additional judge. District 30 (Shelby County) shows an excess of 2.59 FTEs, down by one judge from the prior two years. District 20 (Davidson County) showed an excess of

one judge in FY 2005-06, up from .57 in FY 04-05. The General Assembly added three new judges in Davidson County during FY 2003-04. (See Appendix C for a map of Tennessee Judicial Districts.)

Qualitative Issues⁶

Current case definitions and reporting standards do not accurately capture time spent on cases in Tennessee's Drug Courts. As of November 2006, Tennessee has 17 drug courts covering 42 counties, up from 12 drug courts covering 31 counties in FY 2004-05. As a part of the special program in those courts for nonviolent drug offenders, judges review progress frequently over a period of 12 to 24 months. All drug court judges require weekly appearances for the first few months to a year and then decrease court appearances going from every two weeks to every third week and then to once a month. Annual filing numbers include cases handled in these courts the same as other cases filed in state criminal courts. However, caseload data and current case weights do not accurately reflect the additional judicial time and resources required by this enhanced program after the cases are transferred to a drug court. AOC officials estimated that judges handled over 14,000 of these labor-intensive drug court cases in FY 2004-05.

Exhibit 4: Difference between Actual Number of Full Time Equivalents (FTE's) and Need for FTEs by District, FY 00 through FY 06

Judicial District (Counties)	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
District 1 (Carter, Johnson, Unicoi, and Washington)	0.91	1.08	0.63	0.21	0.07	0.33	-0.26
District 2 (Sullivan)	0.45	0.41	0.17	-0.15	-0.32	-0.41	-0.08
District 3 (Greene, Hamblen, Hancock, and Hawkins)	0.05	0.01	-0.03	0.02	-0.12	-0.57	-1.30
District 4 (Cocke, Grainger, Jefferson, and Sevier)	-0.08	-0.02	0.09	-0.27	-0.74	-0.72	-0.68
District 5 (Blount)	-0.11	-0.22	-0.16	0.33	0.47	0.27	0.34
District 6 (Knox)	-1.04	-0.85	-0.47	-0.77	-0.59	0.06	-0.07
District 7 (Anderson)	-0.15	-0.29	-0.17	-0.25	-0.46	-0.28	-0.18
District 8 (Campbell, Claiborne, Fentress, Scott, and Union)	-0.05	-0.09	-0.18	-0.24	-0.39	-0.54	-0.60
District 9 (Loudon, Meigs, Morgan, and Roane)	1.35	1.20	0.93	1.01	0.79	0.76	0.86
District 10 (Bradley, McMinn, Monroe, and Polk)	0.33	-0.02	0.08	-0.76	-0.45	-0.64	-0.85
District 11 (Hamilton)	0.30	0.59	0.37	-0.07	-0.52	-0.05	0.12
District 12 (Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie)	-0.56	-0.39	-0.64	-0.91	-1.07	-1.06	-1.03
District 13 (Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White)	1.19	0.31	0.84	0.53	0.02	0.03	0.28
District 14 (Coffee)	0.66	0.62	0.48	0.30	0.21	0.32	0.43
District 15 (Jackson, Macon, Smith, Trousdale, and Wilson)	0.60	0.48	0.21	-0.15	-0.38	-0.22	-0.09
District 16 (Cannon and Rutherford)	0.43	0.31	0.02	-0.03	-0.02	-0.04	-0.03
District 17 (Bedford, Lincoln, Marshall, and Moore)	0.02	-0.07	-0.20	-0.30	-0.48	-0.88	-0.55
District 18 (Sumner)	-0.26	-0.45	-0.46	-0.71	-0.62	-0.77	-0.65
District 19 (Montgomery and Robertson)	0.04	0.04	0.05	-0.03	-0.14	-0.29	-0.45
District 20 (Davidson)	-1.81	-2.42	-3.02	-4.52	0.11	0.57	1.02
District 21 (Hickman, Lewis, Perry, and Williamson)	0.63	0.40	0.21	0.20	0.13	0.05	0.05
District 22 (Giles, Lawrence, Maury, and Wayne)	-1.15	-0.39	-0.59	-0.92	-1.36	-1.62	-1.20
District 23 (Cheatham, Dickson, Houston, Humphreys, and Stewart)	-0.21	-0.16	-0.41	-0.44	-0.83	-0.83	-0.66
District 24 (Benton, Carroll, Decatur, Hardin, and Henry)	0.07	0.25	0.14	0.29	0.35	0.60	0.71
District 25 (Fayette, Hardeman, Lauderdale, McNairy, and Tipton)	-0.08	0.12	-0.19	-0.06	-0.16	0.03	-0.14
District 26 (Chester, Henderson, and Madison)	0.28	0.37	0.38	0.38	-0.07	0.07	0.55
District 27 (Obion and Weakley)	-0.06	-0.28	-0.17	-0.30	-0.30	-0.35	0.03
District 28 (Crockett, Gibson, and Haywood)	-0.11	-0.25	-0.20	-0.32	-0.43	-0.51	-0.19
District 29 (Dyer and Lake)	0.37	0.31	0.33	0.35	0.16	0.19	0.25
District 30 (Shelby County)	1.49	2.77	3.64	4.56	3.54	3.65	2.59
District 31 (Van Buren and Warren)	-0.30	-0.47	-0.46	-0.31	-0.33	-0.43	-0.37
Total Excess or Deficit FTEs	3.26	2.90	1.22	-3.32	-3.96	-3.28	-2.15

Source: Calculations by Office of Research staff based on data provided by the AOC, 2006.

Evaluations of drug courts in Shelby and Davidson Counties showed these programs' effectiveness in reducing recidivism among program graduates. Further analysis indicates that the operational costs of these courts are less than incarceration for drug court-eligible individuals.⁷

RECOMMENDATIONS⁸

Alternatives

The General Assembly may wish to consider amending T.C.A. 16-1-117 to specify treatment of drug court case reviews in annual caseload calculations. Consideration of all drug court activities would increase the accuracy of calculations of resource needs in those districts.

The Administrative Office of the Courts should continue to work with the Comptroller's Office to update the judges' time study. While the Comptroller's Office will oversee the project, the AOC has agreed to fund an update of the judges' time study in FY 2006-07 to address issues such as the inclusion of drug court cases and increase in probation violations into the workload measures for use in future resource calculations. The Weighted Caseload Committee of the Tennessee Judicial Conference has begun working with the judges to explain the model, discuss training for timekeeping, and encourage participation by the judges. Because the time study is seven years old, an updated time study would likely increase the validity of the case weights, workload measures, and the weighted caseload model as a whole. The National Center for State Courts, which produced the original judicial weighted caseload model for Tennessee, recommends that states update the time studies every five years if possible.

Endnotes

¹ Public Chapter 552 (1997), Section 12, Item 35.

² See Appendix A for complete explanation of the study methodology and formulas.

³ See Appendix B for more complete explanation of qualitative issues from the original study.

⁴ Administrative Office of the Courts, Civil Filings provided by e-mail to author on November 22, 2006.

⁵ Tennessee Workers' Compensation Benefit Review Board via e-mail to author on November 27, 2006.

⁶ This issue was also included in the Judicial Weighted Caseload Study Updates for FY 2004-05 and FY 2003-04.

⁷ Comptroller of the Treasury, *Tennessee's Court System: Is Reform Needed?*, January 2004, p. 21.

⁸ These recommendations were also included in the Judicial Weighted Caseload Study Update for FY 2004-05.

APPENDIX A: TENNESSEE JUDICIAL WEIGHTED CASELOAD STUDY METHODOLOGY¹

History

In 1997, House Amendment 940 to the appropriations bill directed the Comptroller of the Treasury to conduct a study of the state judicial system. The Comptroller contracted with the National Center for State Courts (NCSC) in May of 1998 to conduct a weighted caseload study.

The weighted caseload model requires a time study whereby judges track time spent on various case types during a specified time period. The NCSC consultants then used time study information with disposition data for the same time period to construct a “case weight” for each case type. The weights are designed to consider the varying levels of complex cases a court may experience.

For the judge, public defender, and district attorney studies, the state established a steering committee to assist and make decisions in conjunction with the three consultant groups. The steering committee was composed of the AOC Director, members of the judiciary from the 13th, 16th, 30th Districts, the Executive Director of the District Attorneys General Conference, District Attorneys General from the 2nd, 8th, and 20th Districts, the Executive Director of the District Public Defenders Conference, Public Defenders from the 5th, 24th, and 26th Districts, the Deputy Executive Director of the Tennessee Bar Association, a state representative, a state senator, and representatives from Lt. Gov. John Wilder’s Office, Speaker Jimmy Naifeh’s Office, and the Comptroller’s Office.

Methodology

The study includes calculations of case weights, workload, judge year, adjusted judge year, full time equivalents, and case filings. Case types had to be established and a time study had to be conducted.

Case Types

The circuit, criminal, and chancery courts in Tennessee report 43 case types to the AOC. Together with the consultant groups, the steering committee collapsed the 43 case types into six to ensure enough data in each category to avoid sampling error and ensure valid conclusions. The

consultants included enough case types to develop realistic and reasonable weights. The Steering Committee then grouped cases by similar type and complexity into the following categories:²

1. Civil (includes civil appeals)
2. Domestic
3. Probate
4. Felonies
5. Misdemeanors
6. Criminal Other (includes criminal appeals)

Categories of Case Events³

The steering committee also decided case events:

1. Pre-Trial Hearings/Motions
2. Bench Trial/Juvenile Adjudication
3. Jury Trial
4. Adjudication/Non-Trial Disposition Hearings
5. Post-Trial/Adjudication/Disposition Hearings
6. Case-Related Administration
7. Non-Case Administration
8. Travel

Disposition Count

The AOC provided disposition data for the study. Although courts may count filings and dispositions differently, based on a statistical analysis done by the AOC, in a majority of cases, charges filed on a given date for a defendant had the same disposition date. Analysis of FY 97-98 found that “98% of statewide criminal dispositions for FY 97-98 that were filed on the same date for a defendant were disposed on the same date.”⁴ Furthermore, this analysis showed that “95% of statewide criminal dispositions for FY 97-98 that were disposed on the same date for a defendant were filed on the same date.”⁵ Given this, all charges against one defendant for one incident were classified as one filing, thus one disposition.

Construction of Case Weights

A case weight represents the average number of minutes required to process each case type. The case weight does not include the time expended on non-case related work or travel time. These two categories are used, however, to calculate the judge year. The consultants constructed the case weights by taking the total number of minutes for each case type and then dividing by the number of dispositions for each case type. (See Table 1.)

Table 1: Case Weight by Case Type

Case type	Case weight
Civil	92
Domestic	46
Probate	71
Felonies	73
Misdemeanors	34
Criminal-Other	61

Note: Case Weights as amended by NCSC Review in December 6, 2001.

For example, the average civil case takes approximately 92 minutes of judicial time; the average domestic case takes approximately 46 minutes.

The consultants also calculated case weights for the urban, rural, and transitional districts. From these weights, the consultants determined that it took longer to process civil, domestic, felony, and misdemeanor cases in rural districts than in urban. The consultants opined that the higher volume of the urban districts allowed them to aggregate some procedures and process cases faster. They also found that urban districts are specialized into civil and criminal divisions that could permit them to process cases faster. Urban districts took longer to process probate cases, and the consultants suggested that urban districts' probate cases could be more complex.

Although larger courts may have faster average processing times for cases than smaller courts, the Final Report of the Tennessee Judicial Weighted Caseload Model recommends, based on Guideline 9 in *Assessing the Need for Judges and Court Support Staff*, that a single set of case weights for judges within a state is preferable to multiple weights. However, one should evaluate differences in time requirements or case mix across courts of different sizes to determine if separate weights are needed. Another way to deal with differences engendered by economies of scale is to adjust the workloads of the districts to correct for the differences and use a single case weight.⁶

Filings Count

The AOC provided the annual filings data for the original study, the NCSC review, and ongoing weighted caseload study updates. The consultants used the filings for the previous year to validate

their model for the original study. They also substantiated the accuracy of the case weights by comparing the current filings count to existing judicial resources.⁷

Calculation of the Workload

Workload is defined as the number of minutes required for a judicial district to process its caseload annually. To calculate the workload, multiply the number of filings per case type by the corresponding case weight for that case type. (See Table 2.) For example, using FY 99-00 data for District 1, the workload is 346,146.

Adjusted Workload

The consultants determined that the rural judicial districts had higher case weights than the statewide case weight "because of factors intrinsic to the size of the court." The consultants subsequently increased the workload values by 15 percent for all rural judicial districts. Therefore, the adjusted workload is calculated by multiplying the workload by .15 and then adding that to the original workload. (See Table 3.)

Judge Year Value

The judge year value is an estimate of the time an average judge has available to process his or her workload in a year. The steering committee, with input from NCSC, estimated that a judge had eight hours per day and 217 days a year. The eight hours *does not* include time for lunch, breaks, or other interruptions. However, the judge year value must be adjusted to account for travel time and non-case related work. The consultants determined travel times by calculating the average minutes of travel per judge day and then characterizing districts by the number of courthouses, resulting in the following three categories: high travel (five to seven courthouses), medium travel (two to four courthouses), and low travel (one courthouse). Non-case related work is time not available for processing cases and must also be subtracted from the judge year value.

Judicial Resource Count

The AOC provided information regarding the number of judges and judicial officers per district. Judicial resources include judges and chancellors.⁸ Clerks and Masters and Child Support Referees are included in the study as a *qualitative* measure.

Table 2: Calculating Workload in Minutes, District 1 FY 2000

Case Type	Case weight (average minutes per case)	District 1 FY 2000 Filings	Workload (case weight x filings)
Civil	92	1,343	123,556
Domestic	46	2,455	112,930
Probate	71	235	16,685
Felonies	73	1,057	77,161
Misdemeanors	34	257	8,738
Criminal-Other	61	116	7,076
Total for District 1		5,463	346,146

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC.

Notes: Case weights as amended by NCSC Review in December 6, 2001. Updated filings for FY 2000 provided by the AOC, 2001.

Table 3: Calculating Adjusted Workload in Minutes, District 3 FY 2000

Original Workload (case weights x filings)	Rural Adjustment (workload x .15)	Adjusted Workload (workload + rural adjustment)
364,424	54,664	419,088

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC.

Table 4: Calculating Judicial Resource Needs/FTEs, District 1 FY 2000

Adjusted Workload (in minutes)	Adjusted Judge Year (in minutes)	Judicial Resources Needed (Adjusted Workload ÷ Adjusted Judge Year)
346,146	84,692	4.09

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC.

Table 5: Calculating District's Need for FTEs

Calculating FTE's Over or Under for District 1 (total resources – resources needed)	
Total Judicial Resources of District 1	5
Judicial Resources Needed	4.09
FTE's Over or Under	0.91

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC.

Calculating Resource Needs/Full Time Equivalents

To determine the number of judicial resources needed or full time equivalents (FTEs) for a particular judicial district, the adjusted workload is divided by the adjusted judge year value. (See Table 4.)

Comparison of Actual and Needed Judicial Resources

To determine if a district has an excess or deficit of judicial resources, subtract the judicial resources needed from the actual judicial resources. (See Table 5.) For example, District 1 had five judicial resources (FTEs). The district needed only 4.09 FTEs. Five minus 4.09 equals .91. Thus, District 1 had .91 more FTE than its workload required.

The updated weighted caseload study model calculates each of these figures based on the current years total and district filings.

¹ National Center for State Courts, *Tennessee Judicial Weighted Caseload Model, Final Report*, May 1999. Original study and all subsequent updates can be found on the internet at <http://www.comptroller.state.tn.us/orea/reports/index.htm>.

² National Center for State Courts, *Tennessee Judicial Weighted Caseload Model Final Report*, May 1999, p. 14.

³ *Ibid.*, p. 15.

⁴ *Ibid.*, p. 18.

⁵ *Ibid.*

⁶ V.E. Flango and B. J. Ostrom, *Assessing the Need for Judges and Court Support Staff*, National Center for State Courts, p. ix, 1996.

⁷ This was revalidated in the review conducted by the NCSC in 2001.

⁸ Note: Child Support Referees are no longer included in the quantitative calculation of judicial resources as they were in the original study as a result of the 2001 NCSC Review.

APPENDIX B: QUALITATIVE FACTORS AFFECTING THE DETERMINATION OF JUDICIAL RESOURCES¹

Qualitative factors also can affect judicial resource needs. There can be legal cultural differences that result in some case types taking longer in some districts within a single state. For example, the practice styles of local attorneys often have a significant impact on case processing times. What might be considered an efficient presentation to a court in a larger city might be considered too rushed in a less pressured environment. The dynamics of local scheduling practices can also influence the interpretation of the model. In a smaller court, something as trivial as one defendant who fails to appear may waste a good part of a judge's morning if there is not other court business that can be dealt with while the judge is waiting. Another qualitative factor to consider when interpreting the model is that the more rural areas may require additional FTEs than the model estimates to provide reasonable access to judicial services.

Another qualitative factor that needs to be considered is the economies of scale that may affect the interpretation of the model. Usually in the more populated districts and larger urban courts there exists economy of scale effects that are reflected in faster processing times and the ability to process more cases in a judge year because these larger courts have the ability to work more efficiently. For example, a larger court can have a judicial division of labor that leads to specialization. This economy of scale effect is not that pronounced in the Tennessee model. There is not much difference in case processing times between the urban courts and the transitional courts. This is a different phenomenon than has been seen in other similar weighted caseload studies where the urban districts have a significant economy of scale, i.e., an ability to process a greater number of cases per judge.

While a weighted caseload model provides a baseline from which to establish the need for judges, no set of statistical criteria will be so complete that it encompasses all contingencies. In addition to the statistical information, individual characteristics of the courts must be examined before any changes to a court's judicial complement are recommended. The outline below describes a general procedure that can be

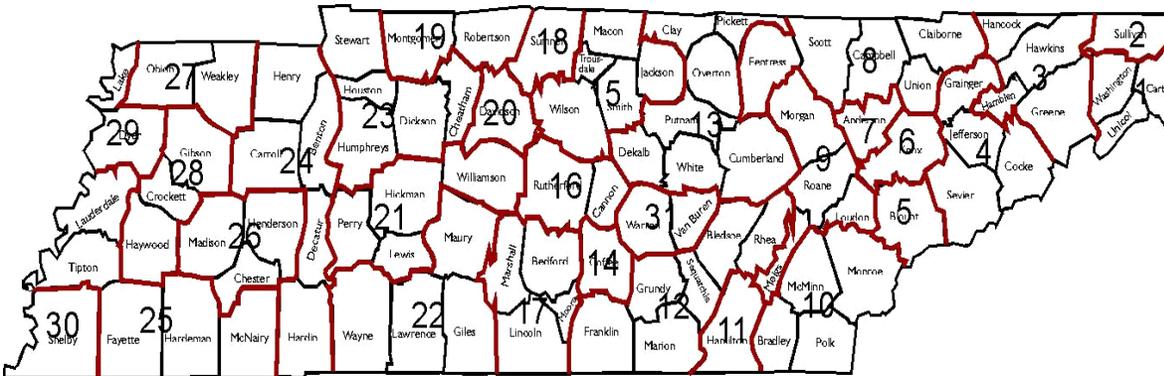
undertaken if the weighted caseload estimates indicate a particular court is over- or underjudged.

1. Determine whether the judges and administrative staff of the particular court believe they need additional judicial resources through a systematic procedure to solicit local opinion. Input also should be sought from the state or local court administrator, members of the bar, and other local leaders. A procedure should be established to obtain local input in writing.
2. Examine caseload trends over time to determine whether caseloads are increasing, decreasing, or remaining steady. Attention also should be paid to whether the court has an unusual caseload mix.
3. Review court organization to ensure that the court is structured and managed to make the most effective use of additional resources.
4. Explore options that will address concern over judicial workload without increasing the number of permanent, full-time judges. Options include (a) making greater use of judicial officers, (b) hiring retired judges on a part-time or contractual basis, (c) using alternative dispute resolution, and (d) simplifying the procedures for less complex cases.
5. Keep in mind that judicial productivity, and hence the need for new judges, also depends on the effectiveness of court staff and the available technology. Without the proper type and level of support, judges may be performing some tasks that could be delegated to qualified staff or perhaps new court technology could support more efficient administrative procedures (e.g., case screening, case clustering, and case tracking).

The weighted caseload approach provides an objective measure of the judicial resources needed to resolve cases effectively and efficiently. Like any model, it is most effective as a guide to workloads, not a rigid formula. The numbers need to be tempered by a qualitative assessment that must be an integral part of any judicial workload assessment.

¹ National Center for State Courts, *Tennessee Judicial Weighted Caseload Model Final Report*, May 1999, pp. 28-29.

APPENDIX C: 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 - Coker, 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 D: TENNESSEE JUDICIAL WEIGHTED CASELOAD UPDATE, FY 2005-06

Casetype	Case Weight	Case Filings per Judicial District									
		1	2	3	4	5	6	7	8	9	10
Civil	92	1,575	944	1,163	1,372	764	3,961	867	951	822	1,192
Domestic	46	2,490	2,263	3,906	3,331	884	5,982	1,197	1,391	861	3,522
Probate	71	620	667	1,196	198	38	1,815	307	367	83	427
Felonies	73	1,619	1,001	1,063	1,074	251	1,467	139	900	423	1,411
Misdemeanor	34	366	129	193	391	160	909	120	305	143	438
Criminal Other	61	184	492	137	419	27	100	21	40	18	184
Total Filings		6,854	5,496	7,658	6,785	2,124	14,234	2,651	3,954	2,350	7,174
Workload		445,315	345,774	464,106	410,763	139,060	912,546	172,131	256,045	157,962	431,112
Rural Adjustment (+)				69,616	61,614	20,859		25,820	38,407	23,694	64,667
Adjusted Workload		445,315	345,774	533,722	472,377	159,919	912,546	197,951	294,452	181,656	495,779
Judge Year		104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160
Travel Adjustment (-) ^(a)		6,225	6,225	6,225	6,225	280	280	280	9,154	6,225	6,225
Non-Casework Adj. (-)		13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243
Adjusted Judge Yr.		84,692	84,692	84,692	84,692	90,637	90,637	90,637	81,763	84,692	84,692
Total # of Judges		5	4	5	4.9	2.1	10	2	3	3	5
Judicial Res. Needed		5.26	4.08	6.30	5.58	1.76	10.07	2.18	3.60	2.14	5.85
FTE Deficit or Excess		-0.26	-0.08	-1.30	-0.68	0.34	-0.07	-0.18	-0.60	0.86	-0.85
Child Support Referee Category ^(b)		No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes
Civil Resources Needed		T	T	R	R	R	U	R	R	R	R
Criminal Resources Needed		3.58	2.81	5.05	3.99	1.44	8.48	1.99	2.50	1.64	4.10
		1.67	1.27	1.26	1.59	0.32	1.59	0.20	1.10	0.50	1.75

Casetype	Case Filings per Judicial District										
	11	12	13	14	15	16	17	18	19	20	21
Civil	3,110	881	1,265	460	938	1,831	731	1,363	1,182	7,515	1,265
Domestic	3,450	3,254	1,137	882	1,742	3,128	2,506	2,243	2,355	5,924	2,304
Probate	1,097	255	217	151	225	47	357	411	453	1,955	581
Felonies	2,899	1,160	1,279	366	1,113	1,192	536	872	1,371	4,934	704
Misdemeanors	1,816	674	1,357	98	701	601	68	221	592	908	393
Criminal Other	144	23	197	2	58	48	200	28	116	748	96
Total Filings	12,516	6,247	5,452	1,959	4,777	6,847	4,398	5,138	6,069	21,984	5,343
Workload	804,862	357,840	335,611	123,785	291,024	426,055	261,515	330,633	376,524	1,539,371	334,225
Rural Adjustment (+)		53,676	50,342	18,568	43,654		39,227				
Adjusted Workload	804,862	411,516	385,953	142,353	334,678	426,055	300,742	330,633	376,524	1,539,371	334,225
Judge Year	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160
Travel Adjustment (-) ^(a)	280	9,154	9,154	280	9,154	6,225	6,225	280	6,225	280	6,225
Non-Case Work Adjustment (-)	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243
Adjusted Judge Year	90,637	81,763	81,763	90,637	81,763	84,692	84,692	90,637	84,692	90,637	84,692
# Judges	9	4	5	2	4	5	3	3	4	18	4
Judicial Resources Needed	9	5.03	4.72	1.57	4.09	5.03	3.55	3.65	4.45	16.98	3.95
FTE Deficit or Excess	0	-1.03	0.28	0.43	-0.09	-0.03	-0.55	-0.65	-0.45	1.02	0.05
Child Support Referee Category ^(b)	No	Yes	No	No							
Civil Resources Needed	6	3.50	2.59	1.19	2.57	3.73	2.82	2.84	2.94	12.17	3.11
Criminal Resources Needed	3	1.53	2.13	0.38	1.53	1.30	0.73	0.80	1.50	4.82	0.83

Casetype	Case Filings per Judicial District											Totals
	22	23	24	25	26	27	28	29	30	31		
Civil	1,198	663	703	1,023	1,392	481	530	479	6,615	321		47,557
Domestic	2,096	1,939	868	1,871	1,900	1,082	830	650	4,111	679		70,778
Probate	508	163	259	659	114	246	327	26	2,702	174		16,645
Felonies	1,397	972	479	833	805	433	518	640	9,424	293		41,568
Misdemeanors	723	443	52	123	178	31	305	76	3,947	173		16,634
Criminal Other	221	204	46	35	65	17	44	56	2,108	3		6,081
Total Filings	6,143	4,384	2,407	4,544	4,454	2,290	2,554	1,927	28,907	1,643		199,263
Workload	382,744	260,225	162,534	294,097	292,340	145,190	161,025	128,534	1,940,266	100,574		
Rural Adjustment (+)	57,412	39,034	24,380	44,115		21,779	24,154	19,280		15,086		
Adjusted Workload	440,156	299,259	186,914	338,212	292,340	166,969	185,179	147,814	1,940,266	115,660		
Judge Year	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160		
Travel Adjustment (-) ^(a)	6,225	9,154	9,154	9,154	6,225	6,225	6,225	6,225	280	6,225		
Non-Casework Adjustment (-)	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243		
Adjusted Judge Year	84,692	81,763	81,763	81,763	84,692	84,692	84,692	84,692	90,637	84,692		
# Judges	4	3	3	4	4	2	2	2	24	1		154
Judicial Resources Needed	5	3.66	2.29	4.14	3.45	1.97	2.19	1.75	21.41	1.37		156.15
FTE Deficit or Excess	-1	-0.66	0.71	-0.14	0.55	0.03	-0.19	0.25	2.59	-0.37		-2.15
Child Support Referee	No	Yes	No	No								
Category ^(b)	R	R	R	R	T	R	R	R	U	R		
Civil Resources Needed	3	2.28	1.73	3.19	2.64	1.51	1.50	1.03	10.92	0.99		107.88
Criminal Resources Needed	2	1.38	0.56	0.94	0.81	0.46	0.69	0.72	10.49	0.37		48.26

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

(a) Travel adjusted based on High (9,154) Medium (6225), and Low (280) average travel time.

(b) U = Urban (established economic center), T = Transitional (significant population gains and/or regional economic center), R = Rural.

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