



STATE OF TENNESSEE

COMPTROLLER OF THE TREASURY

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Comptroller

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MEMORANDUM

TO: The Honorable Ron Ramsey, Speaker of the Senate
The Honorable Jimmy Naifeh, Speaker of the House of Representatives
Member of the House and Senate Judiciary Committees
Members of the Judicial Council

FROM: John G. Morgan
Comptroller of the Treasury

SUBJECT: Tennessee District Attorneys General and District Public Defenders Weighted Caseload Studies

Tennessee Code Annotated 16-2-513 requires the Comptroller of the Treasury to maintain and update a weighted caseload study for the state judges, district attorneys, and public defenders. I want to inform you that the Comptroller's Office will not publish FY 2006-07 weighted caseload studies for Tennessee's District Attorneys General and District Public Defenders. Also, after further review of the data and results, January 2007 estimates produced by the current weighted caseload models using FY 2005-06 data are questionable.

The weighted caseload studies are intended to provide objective information for the judicial, executive, and legislative budgetary deliberations for Public Defenders and District Attorneys. Weighted caseload models provide an effective means to project and compare the need for attorneys based on objective data of the time requirements for different types of cases, as well as other workload requirements. However, accurate and reliable estimates based on the current circumstances and comparable caseload data are needed to adequately determine the need and funding for attorneys in these offices.

The current models, developed nine years ago, no longer appear valid nor reliable to accurately project the number of attorneys needed in District Attorneys' and Public Defenders' offices statewide and by district. Consultants developed the current weighted caseload models in 1999 based on small samples and estimated case counts. The National Center for State Courts recommends updates of weighted caseload studies every five to seven years. Unexplained

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differences in the caseload data and case definitions from the original studies, and inconsistencies in the projections from the current models indicate a need for revised studies for Tennessee.

The FY 2005-06 published weighted caseload updates indicated an overall need for 447 district attorneys and 432 public defenders, a 97 percent ratio. The original studies indicated a total need for 495 district attorneys and 306 public defenders, a 62 percent ratio. There is no apparent explanation for a decreased need for district attorneys or a significant growth in the need for public defenders relative to district attorneys.

Although the caseload data has improved, several inconsistencies and accuracies affect the reliability of any model to project the need for attorneys and its applicability for years to come. These issues include:

- the accuracy and consistency in reporting General Sessions criminal case data,
- the differences in the case definitions used for the Public Defender and District Attorney studies, and
- the variability in the number of cases reported by district.

The Comptroller's Office will continue to work with the Tennessee District Attorneys General Conference, the Tennessee District Public Defenders Conference, and the Administrative Office of the Courts to improve the quality and comparability of the data used in the weighted caseload studies. If these issues can be sufficiently improved, then we would recommend funding for new weighted caseload studies.

The National Center for State Courts has recently completed a new weighted caseload studies for the trial judges in Tennessee. The Comptroller's Office is preparing an update for FY 2006-07 using the new model.

If you have any questions, please call.

JGM/scm