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Justin P. Wilson
Comptroller

February 1, 2013

MEMORANDUM

TO: The Honorable Ron Ramsey, Speaker of the Senate
The Honorable Beth Harwell, Speaker of the House of Representatives
Members of the House and Senate Judiciary Committees

FROM: Justin P. Wilson
Comptroller of the Treasury

SUBJECT: Tennessee Judicial, 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. The FY2011-12 Judicial Weighted Caseload Study Update can be found on our website www.comptroller1.state.tn.us/OREA. Due to insufficient data and outdated case weights, the Comptroller's Office will not publish FY 2012 weighted caseload studies for Tennessee's District Attorneys General and District Public Defenders. Also, we have reviewed the data and results of the last estimates produced by the current weighted caseload models in January 2007 (using FY 2006 data) and find them to be 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 estimates based on current circumstances and comparable caseload data are needed to determine the need for attorneys in these offices.

The current models were developed over ten years ago and no longer appear to accurately project the number of attorneys needed in District Attorneys' and Public Defenders' offices. 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 models every five to seven years.

Although the caseload data has improved, several inconsistencies and inaccuracies will 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 administration's FY 2013-14 budget proposes a non-recurring miscellaneous appropriation cost increase of $1,250,000 for implementation of a data repository system for General Sessions Court cases. The system would "begin the process of uniform data collection in the judicial system."[1] Properly implemented and maintained over time, such a system could improve General Session Courts' caseload data.

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 you have any questions, please call.

cc: James W. Kirby, Executive Director, Tennessee District Attorneys General Conference
Jeffrey S. Henry, Executive Director, Tennessee District Public Defenders Conference
Elizabeth A. Sykes, Director, Tennessee Administrative Office of the Courts

JPW/scm

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[1] State of Tennessee, *The Budget – Fiscal Year 2013- 2014*, p. B-23, http://www.tn.gov/finance/bud/documents/2014BudgetDocumentVol1.pdf (accessed Jan. 30, 2013).