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Justin P. Wilson
Comptroller

March 26, 2015

MEMORANDUM

TO: The Honorable Ron Ramsey, Speaker of the Senate
The Honorable Beth Harwell, Speaker of the House of Representatives
Members of the Senate Judiciary Committee
Members of the House Civil Justice and Criminal Justice 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 FY2013-14 Judicial Weighted Caseload Study Update can be found on our website at www.comptroller1.state.tn.us/OREA. Due to insufficient data and outdated case weights, the Comptroller's Office will not publish FY 2014 weighted caseload studies for Tennessee's District Attorneys General and District Public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 15 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.

Issues that affect the ability to develop a reliable model to project the need for attorneys include:

- the lack of accurate and consistent General Sessions criminal case data, and
- the lack of a consistent case definition for reporting criminal cases.

The General Assembly and the Administrative Office of the Courts (AOC) have taken steps toward resolving these issues. Public Chapter 673 of 2014 clarified the definition of a criminal case in TCA 16-1-117. The Administrative Office of the Courts has worked with the court clerks, judges, district attorneys, and public defenders to understand the definition, and implemented the revised definition in the court information systems on July 1, 2014.

In FY2013-14, the General Assembly appropriated $1,250,000 in non-recurring funds for implementation of a uniform data collection system for General Sessions courts. The Administrative Office of the Courts committed about $200,000 for the National Center for State Courts (NCSC) to develop an initial plan and cost estimates on how to create the data repository. The NCSC plan estimates first-year costs to develop the repository of $3.1 million for hardware and infrastructure, applications, staff, equipment and furniture. Annual on-going costs to maintain and operate the repository are estimated at $1.7 million. Implementation of the system to begin collecting state-wide data will require about 18 months. These cost and time estimates may vary as the AOC works to finalize the plan with the court clerks statewide and based on actual proposals received from vendors. These costs do not include staff to analyze and develop reports with the repository data. Additional funding is necessary to move forward with the development and operation of the General Sessions court data repository.

If you have any questions, please call.

cc: Bill Whitesell, Interim Executive Director, Tennessee District Attorneys General Conference
Jeffrey S. Henry, Executive Director, Tennessee District Public Defenders Conference
Deborah Taylor Tate, Director, Tennessee Administrative Office of the Courts

JPW/scm