

**FY 2006-2007**  
**Tennessee Judicial Weighted**  
**Caseload Study Update**



**January 2008**



STATE OF TENNESSEE

**COMPTROLLER OF THE TREASURY**

John G. Morgan

Comptroller

STATE CAPITOL

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January 30, 2008

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 2006-07 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, using a new model developed by the National Center for State Courts. I hope you find this information helpful in your policy making process.

Sincerely,

John G. Morgan  
Comptroller of the Treasury

**FY 2006-2007**  
**Tennessee Judicial Weighted**  
**Caseload Study Update**



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January 2008

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## EXECUTIVE SUMMARY

The 1997 appropriations bill<sup>1</sup> 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. 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 judges (FTEs) needed by each judicial district. In 2007, the Comptroller's Office contracted with the National Center for State Courts to provide an updated weighted caseload study for Tennessee's general jurisdiction trial judges based on case filings in FY 2005-06.<sup>2,3</sup> *Tennessee Code Annotated* 16-2-513 requires the Comptroller of the Treasury to update the judicial weighted caseload study annually. This report provides updated estimates based on cases filed in FY 2006-07 using the revised model.

The estimated number of FTE judges 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 judges' annual availability for case-specific work.

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. When assessing the need for judicial resources, the state should consider other qualitative court-specific factors in addition to workload.<sup>4</sup>

In FY 2007, 198,967 cases were filed in Tennessee's state courts. Criminal cases accounted for 41 percent of cases, followed by domestic relations cases at 30 percent, and civil cases at 29 percent. Overall, filings decreased from the previous year by 4,168 cases (two percent). Criminal cases remained fairly constant, although some criminal case type filings increased while others decreased. Civil cases decreased about four

percent and domestic relations cases decreased three percent with declines in almost every case type.

Based on FY 2007 case filing data and workload, the state has an estimated net excess of 1.59 judges. The decrease in caseload resulted in an excess of 1.59 judges in FY 2007 compared to a deficit of 3.33 in FY 2006.

In all but two districts, current judicial resources are within one FTE judge of FY 2007 projected needs.

- District 22 (Giles, Lawrence, Maury, and Wayne counties) has had a need for one additional judge for the last four years.
- District 19 (Montgomery and Robertson counties) shows a need for 1.77 FTE judges in FY 2007 and 1.46 in the revised estimates with the new model for FY 2006.
- District 20 (Davidson County) showed a deficit of 1.43 FTE judges in the revised estimates with the new model for FY 2006 and a deficit of .43 FTE judges in FY 2007.
- District 30 (Shelby County) shows an excess of .98 FTE judges in FY 2007 compared to an excess of .09 in FY 2006.

### Endnotes

<sup>1</sup> Public Chapter 552 (1997), Section 12, Item 35.

<sup>2</sup> National Center for State Courts, *Tennessee Trial Courts, Judicial Weighted Caseload Study, 2007*. Available online at [www.comptroller.state.tn.us](http://www.comptroller.state.tn.us).

<sup>3</sup> See Appendix A for explanation of the study methodology and formulas.

<sup>4</sup> See Appendix B for more complete explanation of qualitative issues discussed in the 2007 study.

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## INTRODUCTION AND BACKGROUND

The 1997 appropriations bill<sup>1</sup> 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. The Comptroller's Office contracted with the National Center for State Courts (NCSC) 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.

In 2007, the Comptroller's Office contracted with the NCSC to provide an updated weighted caseload study for Tennessee's general jurisdiction trial judges based on case filings in FY 2005-06.<sup>2,3</sup> *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). This report provides updated estimates based on cases filed in FY 2006-07 using the revised model.

The estimated number of FTE judges 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 judges' annual availability for case-specific work.

The 2007 updated model is an improvement over the 1999 Tennessee model in several ways:

- Includes a Workload Assessment Advisory Committee of judges and representatives of the Administrative Office of the Courts, and the Comptroller's Office to provide guidance and oversight for the project
- Includes time studies in all 31 judicial districts with 98 percent of judges participating
- Incorporates weights for 24 case types compared to six in the original study

- Includes the Drug Courts and Probation Violations as specific case types
- Includes an Adequacy of Time survey of judges to determine areas where additional time might be needed to improve the quality of case resolution
- Includes review of draft case weights, survey results, and qualitative input by judges across the state as well as the advisory committee.

The quantitative weighted caseload model can approximate judicial workload and the need for judicial resources, but it has limitations. To counter the quantitative nature of the model, the study provides qualitative information that affects the workload of judges, such as the number of child support referees and other support staff. State officials should always consider these and other court-specific factors when assessing the need for judicial resources.<sup>4</sup>

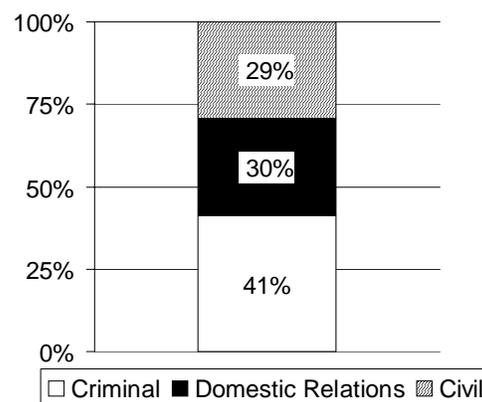
## ANALYSIS AND CONCLUSIONS

### Case Filings

**In FY 2007, 198,967 cases were filed in Tennessee's state courts. Criminal cases accounted for 41 percent of cases, followed by domestic relations cases at 30 percent, and civil cases at 29 percent. (See Exhibit 1.)**

Overall, filings decreased from the previous year by 4,168 cases (two percent). Criminal cases remained fairly constant, although some criminal case type

**Exhibit 1: Filings by Case Type, FY 2007**



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

filings increased while others decreased. Civil cases decreased four percent and domestic relations cases decreased three percent with declines in almost every case type. Exhibit 2 shows the changes in case filings by type of case.

### ***Full Time Equivalent***

**Based on FY 2007 case filing data and workload, the state has an estimated net excess of 1.59 judges. (See Exhibit 3.)** The decrease in caseload resulted in an estimated 1.59 excess FTE judges compared to the deficit of 3.33 in FY 2006.

In all but two districts, current judicial resources come within one FTE judge of FY 2007 estimated needs, according to the weighted caseload model.<sup>5</sup> (See Exhibit 4.) District 22 (Giles, Lawrence, Maury, and Wayne counties) has had a need for one additional judge for the last four years. District 19 (Montgomery and Robertson counties) shows a need for 1.77 FTE judges in FY 2007 and 1.46 in the revised estimates with the new model for FY 2006. District 20 (Davidson County) showed a deficit of 1.43 FTE judges for FY 2006 in the revised estimates using the new model and a deficit of .43 FTE judges in FY 2007. District 30 (Shelby County) shows an excess of .98 FTE judges in FY 2007 compared to an excess of .09 in FY 2006. (See Appendix C for a map of Tennessee Judicial Districts.)

### **Endnotes**

<sup>1</sup> Public Chapter 552 (1997), Section 12, Item 35.

<sup>2</sup> National Center for State Courts, *Tennessee Trial Courts, Judicial Weighted Caseload Study, 2007*. Available online at [www.comptroller1.state.tn.us/RA\\_RE/ORreports.asp](http://www.comptroller1.state.tn.us/RA_RE/ORreports.asp).

<sup>3</sup> See Appendix A for a complete explanation of the study methodology.

<sup>4</sup> See Appendix B for a more complete explanation of qualitative issues from the 2007 study.

<sup>5</sup> See Appendix D for the detailed calculations of judicial resource need statewide and by judicial district.

**Exhibit 2: Changes in Trial Court Case Filings by Case Type, FY 2006 to FY 2007**

Case Type	FY 06	FY 07	Change 06-07	Percent Change
<b>Criminal</b>	<b>81,970</b>	<b>81,865</b>	<b>-105</b>	<b>0%</b>
Major Felony (A, B, capital cases)	9,483	9,309	-174	-2%
Other Felony (C, D, E)	32,127	32,675	548	2%
DUI	4,321	4,047	-274	-6%
Drug Court	831	831	0	0%
Criminal Appeals (incl. juvenile delinquency)	642	542	-100	-16%
Other Misdemeanor	11,700	10,787	-913	-8%
Probation Violation	22,866	23,674	808	4%
<b>Civil</b>	<b>60,685</b>	<b>58,208</b>	<b>-2,477</b>	<b>-4%</b>
Administrative Hearings Davidson County	201	182	-19	-9%
Contract/Debt/Specific Performance	7,790	7,027	-763	-10%
Damages/Tort	12,147	11,399	-748	-6%
Guardianship/Conservatorship	2,098	2,188	90	4%
Judicial Hospitalization	837	753	-84	-10%
Juvenile Court Appeal (Civil)	194	204	10	5%
Medical Malpractice	638	584	-54	-8%
Probate/Trust	11,106	10,708	-398	-4%
Other General Civil	14,258	14,327	69	0%
Real Estate	2,356	2,178	-178	-8%
Workers Compensation	9,060	8,658	-402	-4%
<b>Domestic Relations</b>	<b>60,480</b>	<b>58,894</b>	<b>-1,586</b>	<b>-3%</b>
Child Support (outside of divorce)	11,391	11,127	-264	-2%
Divorce with Children	14,922	14,410	-512	-3%
Divorce without Children	17,285	17,513	228	1%
Protection of Children	4,505	4,035	-470	-10%
Orders of Protection	7,015	7,113	98	1%
Other Domestic Relations	5,362	4,696	-666	-12%
<b>Total Filings</b>	<b>203,135</b>	<b>198,967</b>	<b>-4,168</b>	<b>-2%</b>

Source: Calculations by Office of Research staff based on data provided by the AOC, 2007.

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

State Net FTEs	FY 02	FY 03	FY 04	FY 05	Revised FY 06	FY 07
Total Judicial Resources (FTEs)	151.00	151.00	153.25	154.00	152.00	152.00
Total Judicial Resources Needed (FTEs)	149.78	154.32	157.21	157.28	155.33	150.41
<b>Net excess or deficit in Judicial Resources</b>	<b>1.22</b>	<b>-3.32</b>	<b>-3.96</b>	<b>-3.28</b>	<b>-3.33</b>	<b>1.59</b>

Note: The estimates for FY06 and FY07 are based on the 2007 weighted caseload model. Total judicial resources no longer include two locally-funded probate judges or their cases in District 30.

Source: Calculations by Office of Research staff based on data provided by the AOC, 2007.

**Exhibit 4: Difference between Actual Number of Full Time Equivalents (FTEs) and Need for FTEs by District, FY 2003 through FY 2007**

Judicial District (Counties)	FY 2003	FY 2004	FY 2005	New Model FY 2006 (a)	New Model FY 2007
District 1 (Carter, Johnson, Unicoi, and Washington)	0.21	0.07	0.33	-0.49	-0.04
District 2 (Sullivan)	-0.15	-0.32	-0.41	0.56	0.26
District 3 (Greene, Hamblen, Hancock, and Hawkins)	0.02	-0.12	-0.57	0.56	0.62
District 4 (Cocke, Grainger, Jefferson, and Sevier)	-0.27	-0.74	-0.72	0.38	0.04
District 5 (Blount)	0.33	0.47	0.27	0.25	0.26
District 6 (Knox)	-0.77	-0.59	0.06	-0.17	0.13
District 7 (Anderson)	-0.25	-0.46	-0.28	0.41	0.37
District 8 (Campbell, Claiborne, Fentress, Scott, and Union)	-0.24	-0.39	-0.54	-0.29	-0.26
District 9 (Loudon, Meigs, Morgan, and Roane)	1.01	0.79	0.76	0.96	1.22
District 10 (Bradley, McMinn, Monroe, and Polk)	-0.76	-0.45	-0.64	-0.48	-0.17
District 11 (Hamilton)	-0.07	-0.52	-0.05	-0.56	0.23
District 12 (Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie)	-0.91	-1.07	-1.06	-0.73	-0.47
District 13 (Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White)	0.53	0.02	0.03	0.39	0.56
District 14 (Coffee)	0.30	0.21	0.32	0.59	0.62
District 15 (Jackson, Macon, Smith, Trousdale, and Wilson)	-0.15	-0.38	-0.22	-0.33	0.08
District 16 (Cannon and Rutherford)	-0.03	-0.02	-0.04	-0.58	-0.32
District 17 (Bedford, Lincoln, Marshall, and Moore)	-0.30	-0.48	-0.88	0.15	0.07
District 18 (Sumner)	-0.71	-0.62	-0.77	-0.91	-0.59
District 19 (Montgomery and Robertson)	-0.03	-0.14	-0.29	-1.46	-1.77
District 20 (Davidson)	-4.52	0.11	0.57	-1.43	-0.74
District 21 (Hickman, Lewis, Perry, and Williamson)	0.20	0.13	0.05	-0.36	-0.45
District 22 (Giles, Lawrence, Maury, and Wayne)	-0.92	-1.36	-1.62	-1.02	-0.97
District 23 (Cheatham, Dickson, Houston, Humphreys, and Stewart)	-0.44	-0.83	-0.83	-0.43	-0.26
District 24 (Benton, Carroll, Decatur, Hardin, and Henry)	0.29	0.35	0.60	0.60	0.47
District 25 (Fayette, Hardeman, Lauderdale, McNairy, and Tipton)	-0.06	-0.16	0.03	0.18	0.38
District 26 (Chester, Henderson, and Madison)	0.38	-0.07	0.07	0.19	0.39
District 27 (Obion and Weakley)	-0.30	-0.30	-0.35	0.31	0.43
District 28 (Crockett, Gibson, and Haywood)	-0.32	-0.43	-0.51	0.09	0.15
District 29 (Dyer and Lake)	0.35	0.16	0.19	0.41	0.45
District 30 (Shelby) (b)	4.56	3.54	3.65	0.09	0.98
District 31 (Van Buren and Warren)	-0.31	-0.33	-0.43	-0.17	-0.07
<b>Statewide Excess or Deficit FTEs</b>	<b>-3.32</b>	<b>-3.96</b>	<b>-3.28</b>	<b>-3.33</b>	<b>1.59</b>

Notes: (a) FY06 and FY07 based on 2007 weighted caseload model; prior years based on 1999 model.  
 (b) The estimates for FY06 and FY07 exclude two locally-funded probate judges and their cases.  
 Source: Calculations by Office of Research staff based on data provided by the AOC.

## APPENDIX A: TENNESSEE JUDICIAL WEIGHTED CASELOAD STUDY METHODOLOGY<sup>1</sup>

### Introduction

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, which was completed in 1999. This Comptroller's Office used the 1999 model to provide updates on judicial resource needs to the General Assembly through FY 2005-06, as required by *Tennessee Code Annotated* 16-2-513. NCSC recommends a new time study every five to seven years to ensure the model continues to accurately represent the changing nature of judicial workload. In 2007, the Comptroller again contracted with the National Center for State Courts to conduct a new weighted caseload study for the trial courts in Tennessee.

The weighted caseload model requires a time study whereby judges track their 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.

The Tennessee Administrative Office of the Courts (AOC) formed a Workload Assessment Advisory Committee to provide guidance and oversight for the 2007 weighted caseload project to the NCSC consultants. The advisory committee consisted of judges, and representatives of the AOC and the State Comptroller's Office. The judicial members were selected to represent geographical areas and types of courts across the state. Specifically, the committee provided advice and comment on the overall study design, the identification of the case types, the duration of the time study, the approach, location, and content of focus groups, and the final workload model and report.

### Methodology

The NCSC staff used a time study to measure the time that trial court judges in Tennessee spend processing all phases of the 24 case types identified for use in this assessment. During the four-week period between April 30 and May 25, 2007,<sup>2</sup> 149 of the 152 Trial Court Judges fully participated in the time study (98 percent participation rate). The study uses an events-based methodology that measures

court activity on particular types of cases across the state in the discrete four-week study period to estimate the activity for different case types from start to finish for a full year.

The study includes calculations of case weights, workload, and judge year to estimate the full time equivalent judges needed to handle cases in Tennessee.

### Case Types

The advisory committee, in conjunction with the NCSC consultants, established 24 case types to use in the 2007 weighted caseload study. The increase from six case types used in the 1999 study allows more accurate estimates of the time and resources required to handle more complex and time intensive cases. Table 1 lists the case types used in the study.

### Categories of Case Events

The judges also recorded their time by case events, as established by the advisory committee for both case-related and noncase-related activities. Case-related activities are tied to a specific case and included:

- Pre-trial Activities
- Trial Activities (bench trial, jury trial)
- Post-trial activities
- Probation violations – criminal case types only

Noncase-related Activities included:

- Education and Training
- Community activities/speaking engagements
- Committee meeting
- Non case-related reimbursable travel
- General administration
- Time study project

### Construction of Case Weights

A case weight represents the average number of minutes required to process each case type. To calculate preliminary case weights, the consultants calculated the average amount of judicial time required to handle a particular case type from filing to resolution from the month of recorded work-time data. The consultants extrapolated the four-week data to the 210-day judge year value and divided by the number of dispositions for each case type in fiscal year 2006. The Administrative Office of the

Courts provided disposition data by case type from the Tennessee Justice Information System.

The case weight summarizes the variation in judicial time by providing an average amount of time spent per case. Although cases vary, on average the case weight accurately reflects the typical amount of time needed to reach resolution of specific case types. For example, the average major felony (Class A, B, and capital) take 182 minutes of judicial time compared to 45 minutes for a less serious felony (Class C, D, and E). The case weights for Tennessee judges are shown in Table 1.

**Review of Case Weights**

The 2007 study asked judges to evaluate the preliminary case weights to determine if adjustments were needed. NCSC asked judges to complete an Adequacy of Time Survey to indicate areas where judges thought they needed additional time to effectively attend to essential job-related activities. Four focus groups of judges across the state reviewed and commented on the survey results, preliminary case weights, and other issues to the Weighted Caseload Advisory Committee. The advisory committee discussed the comments and adjusted the case weights for two case types that were clearly out of line (Administrative Hearings and Juvenile Court Appeals). After much discussion, the committee decided not to make any other adjustments, but to let the model reflect the actual time spent on cases as recorded by almost all judges during the 2007 time study.

**Calculating Workload**

Workload is defined as the number of minutes required for a judicial district to process its

**Table 1: 2007 Tennessee Trial Courts Judicial Case Weights**

	<b>Case Weight (in minutes)</b>
<b>Criminal</b>	
Felony A, B & Capital Cases	182
Felony C, D, E Cases	45
DUI	74
Drug Court	140
Misdemeanor	24
Probation Violation	17
Criminal/Juvenile Delinquency Appeals	50
<b>General Civil</b>	
Administrative Hearings (appeals) –Davidson County	304
Contract/Debt/Specific Performance	115
Damages/Tort	82
Medical Malpractice	679
Real Estate Matter	180
Workers' Compensation	41
Probate/Trust	20
Juvenile Court Appeal (civil)	35
Guardianship/Conservatorship	41
Other General Civil	42
Judicial Hospitalization	17
<b>Domestic Relations</b>	
Protection of Children (paternity, adoption, legitimation, surrender)	47
Divorce with Minor Children	94
Divorce without Minor Children	32
Child Support (outside divorce)	20
Orders of Protection	18
Other Domestic Relations	6

Source: National Center for State Courts, *Tennessee Trial Courts, Judicial Weighted Caseload Study*, 2007.

caseload annually. To calculate the workload, multiply the number of filings per case type by the corresponding case weight for that case type. Applying the case weights to current or projected annual case filing numbers results in a measure of annual judicial workload. For example, in District 1 in FY 2007, 1,308 other felony cases (Class C, D, and E felonies) were filed; they required an estimated 59,343 minutes to process (with an average of 45 minutes per case). In contrast, 236 major felony cases (Class A, B, and capital) were filed with an annual workload of 42,952 minutes. Major felonies (236 cases) comprised only 18 percent of the 1,308 other felonies cases filed, but 72 percent of the time required for other felonies (42,952 minutes compared to 59.343 minutes). (See Table 2.)

**Table 2: Calculating Workload in Minutes, District 1 FY 2007**

Case Type	Case Weight (average minutes per case)	District 1 FY 2007 Filings	Workload (case weight x filings)
Major Felony (A, B, capital cases)	182	236	42,952
Other Felony (C, D, E)	45	1,308	59,343
DUI	74	103	7,603
Drug Court	140		0
Criminal Appeals (incl. juvenile delinquency)	50	9	451
Other Misdemeanor	24	202	4,798
Probation Violation	17	842	14,713
Administrative Hearings Davidson County (Appeals)	304		0
Contract/Debt/Specific Performance	115	226	26,085
Damages/Tort	82	332	27,198
Guardianship/Conservatorship	41	63	2,572
Judicial Hospitalization	17	3	52
Juvenile Court Appeal (Civil)	35	4	140
Medical Malpractice	679	18	12,223
Probate/Trust	20	598	12,151
Other General Civil	42	441	18,705
Real Estate	180	72	12,929
Workers Compensation	41	84	3,412
Child Support (outside of divorce)	20	338	6,923
Divorce with Children	94	531	49,890
Divorce without Children	32	769	24,913
Protection of Children (paternity, adoption, legitimation, surrender, TPR)	47	141	6,608
Orders of Protection	18	42	741
Other Domestic Relations	6	225	1,370
<b>Total for District 1</b>		<b>6,587</b>	<b>335,773</b>

Note: Workload calculations are based on an unrounded case weight so workload calculation by case type vary slightly.  
Source: Calculations by Office of Research staff from data provided by NCSC and the AOC, 2007.

### Calculating Judge Year Value

The judge year value is an estimate of the number of days a judge has available to process his or her workload in a year. The advisory committee, with input from NCSC, estimated that a judge is expected to work 210 days a year. The days exclude 104 weekend days, 12 holidays, 27 days of vacation, sick, and other leave, and 12 days for judicial education and conferences. (See Table 3.)

### Calculating Judge Availability for Case-Specific Work

A judge's availability for case-specific work must account for the hours judges are expected to work, travel time, and noncase-related administration. The advisory committee, with input from NCSC, estimated that a judge is expected to work 7.5 hours per day (which excludes lunch and breaks).

To account for the variation in travel required among the judicial districts in Tennessee, travel time is based on the average travel time per day reported in the four-week study for each district. Noncase-related work is time not available for processing cases and must also be subtracted from the judge year value. The study uses the statewide average of

**Table 3: Calculating Judges Year Value**

Total days per year	365
Weekends	-104
Holidays	-12
Vacation, Sick, and other leave	-27
Education/Training	-12
<b>Total working days per year</b>	<b>210</b>

Source: National Center for State Courts, *Tennessee Trial Courts, Judicial Weighted Caseload Study*, 2007.

1.57 hours per day for noncase-related activities as reported in the time study in 2007. (See Table 4.)

**Judicial Resource Count**

The AOC provided information regarding the number of judges and judicial officers per district. Judicial resources include judges in the Circuit and Criminal courts and chancellors in Chancery Courts. The study excludes the two locally-funded probate judges and their cases in Shelby County because they do not have jurisdiction for other trial court cases. Child Support Referees are included in the study as a *qualitative* measure to analyze judicial resource need by district.

**Calculating Resource Needs/Full Time Equivalents**

To determine the number of judicial resources or full time equivalent judges (FTEs) needed statewide and for a particular judicial district, divide the workload by the judge availability for case-specific work. (See Table 5.)

**Comparing 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 6.)

The updated weighted caseload study model calculates each of these figures based on the current year's total and district filings. See Appendix D for the calculations of judicial resource need statewide and by district.

**Endnotes**

<sup>1</sup> See National Center for State Courts, *Tennessee Trial Courts, Judicial Weighted Caseload Study, 2007* for a more detailed explanation of the methodology. The complete report is available on-line at [www.comptroller.state.tn.us](http://www.comptroller.state.tn.us).

<sup>2</sup> Civil court judges in the 30th district (Shelby County) collected data from May 14 through June 8 to accommodate their trial schedule in the data collection effort.

**Table 4: Calculating Judge Availability for Case-Specific Work in Minutes, District 1 FY 2007**

Judges Year (210 days per year X 7.5 hours per day)	94,500
Average District 1 Travel Time per year	-8,094
Noncase-related Time (1.57 hrs/day)	-19,796
<b>Judge availability for case-specific work</b>	<b>66,610</b>

Source: National Center for State Courts, *Tennessee Trial Courts, Judicial Weighted Caseload Study, 2007*.

**Table 5: Calculating Judicial Resources/FTEs, District 1 FY 2007**

Workload (in minutes)	Availability for Case-Specific Work (in minutes)	Judicial Resources Needed (Workload ÷ Judge Availability for Case-Specific Work)
335,773	66,610	5.04

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC, 2007.

**Table 6: Calculating Need for FTE Judges, District 1 FY 2007**

Calculating FTE's Over or Under for District 1 (total resources – resources needed)	
Total Judicial Resources of District 1	5
Judicial Resources Needed	5.04
<b>FTEs Over or Under</b>	<b>-0.04</b>

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC, 2007.

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**APPENDIX B: QUALITATIVE FACTORS AFFECTING THE DETERMINATION OF JUDICIAL RESOURCES (excerpt from the National Center for State Courts, *Tennessee Trial Courts Judicial Weighted Caseload Study Final Report, 2007*)<sup>1</sup>**

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The judicial resource need presented in this report is based upon a set of case weights that represent the average amount of time it takes a judge in Tennessee to handle a case from filing to case resolution within one year. While this objective model of judicial resource need is an excellent objective tool, it should be considered the starting point from which resource needs are assessed. There are additional qualitative factors that must be considered when assessing resource needs in any state or local jurisdiction.

There may 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 no other court business that can be dealt with while the judge is waiting. Another qualitative factor to consider when interpreting the model is that rural areas may require more judges than the model estimates to provide reasonable access to judicial services.

The possibility that economies of scale enjoyed in larger, more urban locations might also be considered when assessing the resource needs in a state. Frequently, in the more populated counties and larger urban courts built in efficiencies result in faster processing times and the ability to process more cases in a judge year. For example, a larger court can have a judicial division of labor that leads to specialization; they might also have additional support staff to assist in case processing.

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 assessment estimates indicate a particular court is over- or under staffed in terms of judicial resources.

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 could 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 child support referees, (b) utilizing retired judges on a part-time or contractual basis, (c) expanding the use of law clerks, (d) using alternative dispute resolution, and (e) 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 or law clerks, 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).
6. Annual judge time available to process cases is affected by increases in administrative activity, committee work, education, and training, etc. These changes should continue to be evaluated and factored into the assessment.

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 weighted caseload assessment.

***Keeping the Case Weights Current***<sup>2</sup>

The case weights generated in this study are valid and credible due to the techniques employed. The time study provided a quantitative basis for assessing judicial need, and forms the final case weights. Over time, the integrity of case weights are affected by multiple influences, including changes in legislation, court rules, legal practice, technology and administrative factors. Examples of such factors include legislative mandates that increase the number of required hearings (e.g., additional review hearings in dependency cases), the development of specialized courts (e.g., mental health courts or family drug courts), and the introduction of more efficient case management practices (e.g. expanded e-filing). In addition, of critical importance to the effective use of case weights is complete and accurate case filing and disposition data collected in comparable fashion from all 31 judicial districts.

For the workload standards to remain reliable and accurate over time, the NCSC recommends the following initiatives:

- **Annual review of factors affecting the case weights for specific types of cases.**  
We recommend that the Advisory Committee meet on an annual basis to review the impact of new legislation or other contextual factors on judicial case weights. This review process will serve to identify areas in which specific research may be needed to quantify the impact of new laws, policy, or court procedures on the weights for specific types of cases. Because this process will target for review only those standards where there is evidence of recent change, it will be more cost effective than updating the entire set of workload standards. However, over time, there will be sufficient changes in legislation, case processing, court structure and/or jurisdiction to justify a complete study.

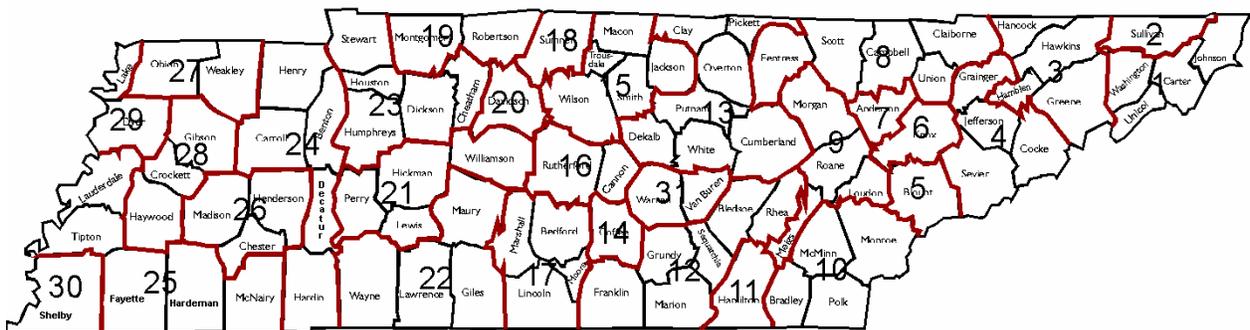
- **Update of workload standards every five to seven years.** *The AOC should plan to conduct a systematic update of the workload standards approximately every five to seven years, depending on the judgment of the Advisory Committee. Funding for this should be part of the regular budget request within this timeframe.*
- **Integrity of the workload standards also depends on maintaining the quality of record keeping and statistical reporting.**

**Endnotes**

<sup>1</sup> Excerpt from National Center for State Courts, *Tennessee Trial Courts Judicial Weighted Caseload Study Final Report*, 2007, pages 34-36. The complete report is available on-line at [www.comptroller.state.tn.us](http://www.comptroller.state.tn.us).

<sup>2</sup> *Ibid.*, p.37.

## 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 - 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

Source: Administrative Office of the Courts, 2006.

**APPENDIX D: TENNESSEE JUDICIAL WEIGHTED CASELOAD UPDATE, FY 2006-07, CASE FILINGS PER JUDICIAL DISTRICT**

Case Type	Weight	1	2	3	4	5	6	7	8	9	10
Major Felony (A, B, capital cases)	182	236	247	221	243	52	296	53	102	66	239
Other Felony (C, D, E)	45	1,308	919	1,044	1,254	435	1,258	188	933	390	1,107
DUI	74	103	32	72	116	19	364	32	83	91	111
Drug Court	140					30	80	30	30	30	30
Criminal Appeals (incl. juvenile delinquency)	50	9	10	9	38	34	5	52	2	0	6
Other Misdemeanor	24	202	166	194	395	74	369	65	171	50	204
Probation Violation	17	842	590	240	757	434	1,308	83	547	125	1,150
Administrative Hearings Davidson County	304										
Contract/Debt/Specific Performance	115	226	177	161	309	89	573	36	200	121	184
Damages/Tort	82	332	202	270	392	187	1,213	193	260	206	369
Guardianship/Conservatorship	41	63	32	115	40	15	469	21	55	12	47
Judicial Hospitalization	17	3	33	1	0	9	108	0	1	0	1
Juvenile Court Appeal (Civil)	35	4	6	6	6	1	38	30	6	3	2
Medical Malpractice	679	18	27	6	3	1	60	4	3	0	4
Probate/Trust	20	598	561	706	156	1	1,275	262	333	63	372
Other General Civil	42	441	363	367	333	211	1,373	347	401	139	310
Real Estate	180	72	43	40	119	39	92	18	88	78	82
Workers Compensation	41	84	61	146	143	124	421	323	118	150	186
Child Support (outside of divorce)	20	338	486	1,029	633	202	578	403	245	64	788
Divorce with Children	94	531	424	554	477	183	1,043	153	257	89	626
Divorce without Children	32	769	501	704	603	193	1,494	183	254	88	753
Protection of Children (paternity, adoption, legitimization, surrender, TPR)	47	141	90	233	138	117	259	57	57	138	173
Orders of Protection	18	42	147	344	582	8	2,122	118	4	1	544
Other Domestic Relations	6	225	22	385	384	33	70	108	496	247	209
<b>Total Filings</b>		<b>6,587</b>	<b>5,139</b>	<b>6,847</b>	<b>7,121</b>	<b>2,491</b>	<b>14,868</b>	<b>2,729</b>	<b>4,646</b>	<b>2,121</b>	<b>7,497</b>
<b>Workload (Weights x Filings)</b>		<b>335,773</b>	<b>271,132</b>	<b>310,143</b>	<b>346,713</b>	<b>127,330</b>	<b>735,463</b>	<b>121,089</b>	<b>221,348</b>	<b>119,020</b>	<b>348,847</b>
Judge Year (210 days per year, 7.5 hrs per day)		94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500
Average District Travel per year		8,094.26	2,149.00	3,906.50	4,863.64	1,680.00	218.46	218.46	6,705.85	7,804.27	7,173.87
Non-case related Time (1.57 hrs/day)		19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796
<b>Availability for Case-Specific Work</b>		<b>66,610</b>	<b>72,555</b>	<b>70,797</b>	<b>69,840</b>	<b>73,024</b>	<b>74,485</b>	<b>74,485</b>	<b>67,998</b>	<b>66,900</b>	<b>67,530</b>
# Judges		5	4	5	5	2	10	2	3	3	5
Total Jud. Off. Demand		5.04	3.74	4.38	4.96	1.74	9.87	1.63	3.26	1.78	5.17
<b>FTE Deficit or Excess</b>		<b>-0.04</b>	<b>0.26</b>	<b>0.62</b>	<b>0.04</b>	<b>0.26</b>	<b>0.13</b>	<b>0.37</b>	<b>-0.26</b>	<b>1.22</b>	<b>-0.17</b>
Criminal Judges Needed		1.95	1.43	1.44	1.92	0.63	2.43	0.35	1.25	0.59	1.94
Civil Judges Needed		1.73	1.30	1.31	1.66	0.66	4.65	0.82	1.37	0.88	1.47
Domestic Relations Judges Needed		1.36	1.01	1.63	1.38	0.46	2.80	0.46	0.63	0.31	1.75
Child Support Referee		No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes

Case Type	11	12	13	14	15	16	17	18	19	20	21
Major Felony (A, B, capital cases)	626	218	235	92	175	321	161	170	340	1,581	138
Other Felony (C, D, E)	2,200	808	970	337	768	979	424	649	1,157	3,452	639
DUI	382	171	284	29	123	122	1	64	139	399	126
Drug Court		25			25	50		100		150	75
Criminal Appeals (incl. juvenile delinquency)	101	25	6	0	1	6	8	32	67	21	12
Other Misdemeanor	1,482	350	851	98	508	447	32	185	485	405	254
Probation Violation	1,371	683	1,163	208	771	975	133	714	815	3,496	514
Administrative Hearings Davidson County										182	
Contract/Debt/Specific Performance	364	116	186	52	146	181	83	189	162	1,049	343
Damages/Tort	623	232	358	147	206	428	118	236	346	1,245	255
Guardianship/Conservatorship	292	55	69	15	44	32	39	68	46	288	111
Judicial Hospitalization	94	0	12	0	5	2	0	1	1	236	0
Juvenile Court Appeal (Civil)	3	14	11	2	7	11	1	2	5	11	8
Medical Malpractice	20	7	10	0	2	14	1	7	10	166	3
Probate/Trust	728	230	158	146	202	24	315	356	368	1,550	437
Other General Civil	941	248	220	147	232	661	314	564	484	1,489	378
Real Estate	98	79	164	6	87	116	53	55	47	112	138
Workers Compensation	682	174	210	88	199	307	137	142	162	2,839	98
Child Support (outside of divorce)	304	483	209	403	161	349	927	318	207	761	409
Divorce with Children	732	412	268	155	498	719	412	423	885	1,007	532
Divorce without Children	984	470	246	175	564	791	409	444	1,004	1,417	456
Protection of Children (paternity, adoption, legitimation, surrender, TPR)	275	145	125	32	120	134	66	147	168	173	199
Orders of Protection	372	223	1	0	166	628	76	358	1	806	15
Other Domestic Relations	126	894	42	15	80	87	236	72	15	285	177
<b>Total Filings</b>	<b>12,800</b>	<b>6,062</b>	<b>5,798</b>	<b>2,147</b>	<b>5,090</b>	<b>7,378</b>	<b>3,946</b>	<b>5,296</b>	<b>6,914</b>	<b>23,120</b>	<b>5,317</b>
<b>Workload (Weights x Filings)</b>	<b>653,566</b>	<b>270,278</b>	<b>303,662</b>	<b>102,795</b>	<b>257,116</b>	<b>393,797</b>	<b>185,268</b>	<b>267,394</b>	<b>380,582</b>	<b>1,384,135</b>	<b>294,301</b>
Judge Year (210 days per year, 7.5 hrs per day)	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500
Average District Travel per year	218.46	14,172.68	6,309.21	218.46	9,104.51	721.71	11,465.78	218.46	8,695.76	831.35	8,629.71
Non-case related Time (1.57 hrs/day)	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796
<b>Availability for Case-Specific Work</b>	<b>74,485</b>	<b>60,531</b>	<b>68,395</b>	<b>74,485</b>	<b>65,599</b>	<b>73,982</b>	<b>63,238</b>	<b>74,485</b>	<b>66,008</b>	<b>73,873</b>	<b>66,074</b>
# Judges	9	4	5	2	4	5	3	3	4	18	4
Total Jud. Off. Demand	8.77	4.47	4.44	1.38	3.92	5.32	2.93	3.59	5.77	18.74	4.45
<b>FTE Deficit or Excess</b>	<b>0.23</b>	<b>-0.47</b>	<b>0.56</b>	<b>0.62</b>	<b>0.08</b>	<b>-0.32</b>	<b>0.07</b>	<b>-0.59</b>	<b>-1.77</b>	<b>-0.74</b>	<b>-0.45</b>
Criminal Judges Needed	4.11	1.88	2.17	0.54	1.60	1.98	0.82	1.31	2.33	7.67	1.35
Civil Judges Needed	2.96	1.26	1.63	0.44	1.14	1.74	0.89	1.28	1.50	8.63	1.83
Domestic Relations Judges Needed	1.71	1.32	0.64	0.40	1.18	1.60	1.21	1.00	1.94	2.44	1.27
Child Support Referee	No	Yes	No	No							

Case Type	22	23	24	25	26	27	28	29	30	31	Totals
Major Felony (A, B, capital cases)	335	153	182	257	165	62	121	104	2,040	78	9,309
Other Felony (C, D, E)	1,166	775	381	609	551	281	473	469	6,544	207	32,675
DUI	167	152	17	54	29	10	75	16	614	50	4,047
Drug Court	50	35			60	40		26		25	831
Criminal Appeals (incl. juvenile delinquency)	12	17	6	4	0	5	32	0	12	10	542
Other Misdemeanor	545	280	33	51	156	20	292	58	2,228	137	10,787
Probation Violation	1,039	670	350	465	636	163	214	162	2,858	198	23,674
Administrative Hearings Davidson County											182
Contract/Debt/Specific Performance	157	115	113	161	229	42	70	23	1,135	35	7,027
Damages/ tort	206	152	176	232	314	86	115	81	2,174	45	11,399
Guardianship/Conservatorship	44	27	33	63	15	22	32	6	1	17	2,188
Judicial Hospitalization	0	0	1	245	0	0	0	0	0	0	753
Juvenile Court Appeal (Civil)	9	4	3	6	2	1	2	1	5	0	204
Medical Malpractice	11	3	17	0	10	5	2	6	163	1	584
Probate/Trust	495	141	230	287	114	190	258	11	2	139	10,708
Other General Civil	415	220	202	323	535	217	198	516	1,604	134	14,327
Real Estate	79	90	58	66	46	17	23	21	131	21	2,178
Workers Compensation	310	88	136	109	198	250	75	68	588	42	8,658
Child Support (outside of divorce)	452	229	145	61	141	218	218	64	246	56	11,127
Divorce with Children	385	395	240	346	501	186	177	155	1,544	91	14,410
Divorce without Children	484	428	228	900	889	200	138	156	1,509	79	17,513
Protection of Children (paternity, adoption, legitimation, surrender, TPR)	92	217	62	99	77	60	30	54	304	53	4,035
Orders of Protection	253	41	0	61	1	0	0	1	0	198	7,113
Other Domestic Relations	119	69	13	23	26	112	36	9	52	29	4,896
<b>Total Filings</b>	<b>6,835</b>	<b>4,301</b>	<b>2,626</b>	<b>4,422</b>	<b>4,695</b>	<b>2,187</b>	<b>2,581</b>	<b>2,007</b>	<b>23,754</b>	<b>1,645</b>	<b>198,967</b>
<b>Workload (Weights x Filings)</b>	<b>335,448</b>	<b>226,244</b>	<b>164,411</b>	<b>237,160</b>	<b>263,851</b>	<b>108,338</b>	<b>129,540</b>	<b>115,045</b>	<b>1,566,015</b>	<b>79,477</b>	<b>10,655,279</b>
Judge Year (210 days per year, 7.5 hrs per day)	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500
Average District Travel per year	7,268.07	5,362.22	9,760.73	9,213.92	1,655.21	5,620.91	4,508.05	625.94	215.19	362.25	3,836
Non-case related Time (1.57 hrs/day)	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796
<b>Availability for Case-Specific Work</b>	<b>67,436</b>	<b>69,342</b>	<b>64,943</b>	<b>65,490</b>	<b>73,049</b>	<b>69,083</b>	<b>70,196</b>	<b>74,078</b>	<b>74,489</b>	<b>74,342</b>	<b>70,868</b>
# Judges	4	3	3	4	4	2	2	2	22	1	152
Total Jud. Off. Demand	4.97	3.26	2.53	3.62	3.61	1.57	1.85	1.55	21.02	1.07	150.41
<b>FTE Deficit or Excess</b>	<b>-0.97</b>	<b>-0.26</b>	<b>0.47</b>	<b>0.38</b>	<b>0.39</b>	<b>0.43</b>	<b>0.15</b>	<b>0.45</b>	<b>0.98</b>	<b>-0.07</b>	<b>1.59</b>
Criminal Judges Needed	2.45	1.42	0.91	1.34	1.10	0.49	0.87	0.66	10.97	0.51	60.43
Civil Judges Needed	1.47	0.88	1.07	1.23	1.38	0.62	0.58	0.57	7.19	0.31	54.45
Domestic Relations Judges Needed	1.06	0.97	0.55	1.05	1.13	0.46	0.39	0.32	2.87	0.25	35.52
Child Support Referee	No	Yes	No	No	No						

**APPENDIX E: AGENCY RESPONSE**



***Administrative Office of the Courts***

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ELIZABETH A. SYKES  
Director

TIM D. TOWNSEND  
Deputy Director

**MEMORANDUM**

TO: Ethel Detch

FROM: Elizabeth Sykes *ES*  
Director

DATE: January 17, 2008

RE: FY 2006-2007 Judicial Weighted Caseload Update Comments



We received the FY 2006-2007 Judicial Weighted Caseload Update and it appears to be an accurate reflection of the data collected and compiled by this office. We concur with the findings and recommendations as stated in the report.

We sincerely appreciate the continued support of the Comptroller's office in this important effort and look forward to working together on projects of similar nature.

Thank you for the opportunity to comment.

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The Offices of Research and Education Accountability provide non-partisan, objective analysis of policy issues for the Comptroller of the Treasury, the General Assembly, other state agencies, and the public.

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