

TENNESSEE TRIAL COURTS  
JUDICIAL WEIGHTED CASELOAD STUDY  
2007







TENNESSEE TRIAL COURTS JUDICIAL WEIGHTED  
CASELOAD STUDY

*Final Report*

October 2007

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## Acknowledgment

The NCSC project team wishes to acknowledge the invaluable contributions of the Workload Assessment Advisory Committee in this weighted caseload project. An undertaking of this nature is not possible without the assistance of the dedicated members of the judiciary who gave their valuable time to this project.

Over the course of this study, NCSC staff were fortunate to work with a distinguished Advisory Committee that was instrumental in clarifying the approach and content of this weighted caseload assessment project. This committee of judges from across the state of Tennessee provided primary project oversight. The members are to be commended for the direction, support and leadership they provided throughout the project.

Additionally, four separate focus groups of judges were held in various locations across the state. The judges who participated in these focus groups provided essential insight and comments on the work performed by judges across Tennessee.

We extend a special note of thanks to the Administrative Office of the Courts and the Comptroller's Office for their hard work and dedication in steering this project to a successful completion. Throughout this project, Tammy Hawkins, Susan Matson, and David Wilstermann were invaluable resources to the project team. □

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## Executive Summary

Having adequate resources is essential if Tennessee's judiciary is to effectively resolve court cases and manage important court business without unnecessary delay. Having the ability to manage these cases requires the state to objectively assess the number of judicial officers required to handle the caseload and whether judicial resources are being allocated appropriately across the state.

In 1997, the National Center for State Courts (NCSC) was hired to conduct a weighted caseload assessment, the results of which were completed in 1999.<sup>1</sup> In February 2007, the Tennessee Office of the Comptroller contracted with the NCSC to provide an updated

weighted caseload study for the general jurisdiction judges in Tennessee. The updated study employed state-of-the-art practices, and is an improvement over the previous weighted caseload strategy undertaken in Tennessee. Specifically, the updated study does the following:

- Increases the participation rate to more accurately estimate the time required to process cases
- Develops weights for an expanded set of case types
- Assesses whether current practice is consistent with achieving reasonable levels of quality in case resolution
- Builds in a review of draft case weights by knowledgeable judges across the state prior to their adoption by the Advisory Committee

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<sup>1</sup> This study was conducted in conjunction with weighted workload assessment studies of the state's public defenders and district attorneys, so attempts were made to develop similar case type categories to ensure some level of comparability.

The project work was organized around the following primary tasks:

1. A Workload Assessment Advisory Committee (WAAC) was formed by the Tennessee Administrative Office of the Courts (AOC). The Advisory Committee consisted of judges and representatives of the AOC and the State Comptroller's Office. The judicial members were selected for their representation of geographical and jurisdictional (circuit civil, criminal, chancery, and probate) areas across the state to bring both balance and credibility to the Committee. The role of the Advisory Committee was to provide guidance and oversight during the life of the weighted caseload project. Specifically, the Committee provided advice and comment on the overall study design, the identification of the case types, the location and content of the training sessions, the duration of the time study, the approach, location and content of focus groups, and the final workload model and report.
2. A four-week time study of current practice was completed between April 30 and May 25, 2007.<sup>2</sup>

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<sup>2</sup> Some judges recorded data between May 14 and June 8, 2007. These judges recorded

During the study, judges kept records of all time spent on case-related and non-case-related activities. Both written instructions and an on-line help desk were available to judges who had questions about recording time or categorizing information. The time study results were used to determine needs on both a district and state basis to meet the needs of the state.

3. An Adequacy of Time Survey was made available to all Tennessee judges. This electronic questionnaire asked judges to respond to questions regarding the sufficiency of time available during the course of normal working hours to do their work. This survey allows NCSC project staff to assess issues of time requirements and whether judges feel the need to sacrifice quality due to lack of time.
4. Focus groups were held with judges in four locations across the state in September, 2007. The goal of the focus group sessions was to review the draft case weights and Adequacy of Time Survey and to elicit qualitative information from

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time during this alternate period due to scheduling of jury and non-jury trials during the time study period.

participants about judicial workload, with particular attention to the current realities in rural and urban circuits. Each on-site focus group was staffed by an NCSC consultant, a Comptroller's office representative, and an AOC representative. Additionally, at least one member of the Advisory Committee attended each Focus Group session. Information obtained from the focus groups was used by WAAC to determine whether qualitative changes needed to be made to the case weights derived from the time study.

5. The Advisory Committee was convened to review the draft case weights in detail, discuss the focus group findings and discuss whether qualitative adjustments needed to be made to the case weights. The case weight for juvenile court appeals was adjusted based on feedback from the focus groups.
6. The NCSC staff developed a draft report of findings for review by the Comptroller's Office and the Advisory Committee. Based upon feedback from the Committee, the report was revised and a final report was produced.

In summary, the updated weighted caseload standards provided in this report are based on an integrated understanding of current practice throughout the judicial system. They also identify specific case types and aspects of case processing with the greatest need of additional judicial resources and provide a set of final workload standards designed to provide a "reasonable" level of quality to the citizens of the state of Tennessee.

### *Research Design and Results*

The NCSC staff utilized a time study to measure the time trial court judges in Tennessee spend processing all phases of the 24 case types identified for use in this assessment. By developing separate case weights for different case types, the model accounts for the fact that case types vary in complexity and require different amounts of judicial time and attention to be resolved. Relying solely on case counts to determine the demands placed on judicial officers ignores the varying levels of resources needed to handle cases effectively. The time study represents an accurate and valid picture of current practice – the way judicial officers in Tennessee process cases at this time.

A time study measures case complexity in terms of the average amount of judge time actually spent

managing different types of cases from the initial filing to final resolution; including any post-judgment activity. The essential element in a time study is collecting time data on *all* judge activities. For this study, judges recorded all time spent on various case types on a daily time log and then entered their time on a web-based data collection instrument. Judges' activities include time spent on case-specific work, non-case-specific work, and travel time. The NCSC project team provided training on how study participants should record their time using the web-based data collection tool. Specific training on how to track and record time is essential to ensure that judges across the state uniformly and consistently record time, which produces the most reliable data.

To determine whether the case weights adequately and accurately represent the average amount of time judges need to bring court cases to resolution, two complementary sets of meetings were held. First, focus groups were held in four locations across the state to discuss the preliminary case weights derived from the time study. Second, after the focus group meetings were held and the information was summarized, the NCSC staff met with the Advisory Committee to present focus group results and case weight details.

The Committee spent a significant amount of time reviewing all of the information presented to them and, in the end, agreed to leave all case weights as measured by the time study with one exception. The WAAC assigned a case weight of 35 minutes to the Juvenile Court Appeal case type, reasoning that the work associated with these appeals falls between Guardianship and Conservatorship cases (41 minutes) and Divorce without Children (32 minutes).

### ***Judicial Resource Demand***

Judicial case related demand is calculated by dividing the judicial workload value (the annual number of minutes of work required given the number of cases *filed*<sup>3</sup> and the specific case weights) by the Judge Year value (between 60,531 and 74,489 minutes, depending on the travel requirements in each district). The resulting number represents the judicial case-related full time equivalents (FTE) needed to manage the work of the court.

Based on FY 2005-06 filing figures, the updated weighted caseload study indicates the need for an **additional 3.33 judges** to effectively handle the current

workload in Tennessee. These case weights are grounded in current practice (as measured by the time study). Although the case weights developed during the course of this study should be accurate for many years, they should be updated every five to seven years to ensure that the standards continue to accurately represent judicial workload and changing case management processes. □

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<sup>3</sup> While we used case *dispositions* to determine the case weight (the average amount of time it takes a judge to process a case from filing to resolution), we use case *filings* to determine the expected workload in a coming year. That is, we multiply the case weight by the expected number of cases to be filed in a year to determine the workload value for judges.

## Introduction

A clear measure of judicial workload is the cornerstone to determining the number of judges needed to efficiently resolve all cases coming before the state courts in Tennessee. Having adequate resources is essential if Tennessee's judiciary is to effectively resolve cases and manage important court business without unnecessary delay. The ability to manage these cases requires the state to objectively assess the number of judicial officers required to handle the caseload and whether judicial resources are being allocated appropriately across the state. In response to these issues, judicial leaders across the country are increasingly turning to empirically-based weighted caseload studies to provide a strong

foundation of judicial resource need in the state trial courts.<sup>4</sup>

Workload assessment through weighted caseload studies is a resource assessment methodology that weights cases to account for the varying complexity and need for judicial attention among court cases. While case counts alone have a role in determining the demands placed on state judicial systems, they are silent about the resources needed to process the vast array of cases differently. That is, raw, unadjusted case filing numbers offer only minimal guidance regarding the amount of judicial *work* generated by those case filings.

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<sup>4</sup> During the past ten years, the National Center for State Courts has conducted weighted workload assessment studies for judges in the following states: California, Georgia, Guam, Florida, Hawaii, Iowa, Louisiana, Maryland, Maine, Missouri, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Puerto Rico, South Dakota, Tennessee, West Virginia and Wyoming. The NCSC has conducted weighted workload studies for use with court clerks, probation, and local courts as well, and several such projects are currently under way.

More importantly, the inability to differentiate the work time associated by case type creates the potential misconception that equal numbers of cases filed for two different case types result in equivalent caseloads. By weighting court cases, a more accurate assessment can be made of the amount of judicial time required to resolve the courts' caseload and judge workload. Moreover, weighted caseload models have the advantage of providing objective and standardized assessments of need among courts that vary in geography, population and caseload composition.

In February, 2007 the Tennessee Office of the Comptroller contracted with the NCSC to provide a weighted caseload assessment for the general jurisdiction judges in Tennessee. The general jurisdiction courts in Tennessee include the judges in the circuit court, criminal court, and the chancery court.

The desire to use a weighted workload formula to determine judicial resource needs is not new to the Tennessee Judiciary or the Tennessee Legislature. In the early 1980s, the Tennessee Legislature passed the Judicial Restructure Act that called for the Judicial Council to submit a weighted caseload formula. Early attempts to develop such formulas included the use of surveys to determine average case weights and a small-scale time study; however, neither attempt produced consistent or credible results. In 1997, NCSC was hired to conduct a weighted caseload assessment, the results

of which were completed in 1999.<sup>5</sup> The updated study employs the state-of-the-art practices, and is an improvement over previous weighted caseload assessment strategies undertaken in Tennessee. Specifically, the current study does the following:

- Increases the participation rate to more accurately estimate the time required to process cases.
- Develops weights for an expanded set of case types.
- Assesses whether current practice is consistent with achieving reasonable levels of quality in case resolution.
- Builds in a review of draft case weights by knowledgeable judges across the state prior to their adoption by the Advisory Committee. □

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<sup>5</sup> This study was conducted in conjunction with weighted workload assessment studies of the state's public defenders and district attorneys, so attempts were made to develop similar case type categories to ensure some level of comparability.

## Research Design and Results

The NCSC staff utilized a time study to measure the time trial court judges in Tennessee spend processing all phases of the 24 case types identified for use in this assessment. By developing separate case weights for different case types, the model accounts for the fact that case types vary in complexity and require different amounts of judicial time and attention to be resolved. Whereas, relying solely on case counts to determine the demands placed on judicial officers ignores the varying levels of resources needed to handle cases effectively. This time study represents an accurate and valid picture of Tennessee trial court judges' current case processing practices.

The 1997 weighted caseload study only selected 12 of the 31 districts to participate in the time study. However, for the updated study, the WAAC believed strongly that all trial court judges in Tennessee needed to participate in the time study to obtain the most reliable and representative data available. To this end, the committee worked with the NCSC staff to develop a set of informational documents to educate all judges across the state about the study, goals, timelines, and other important components.

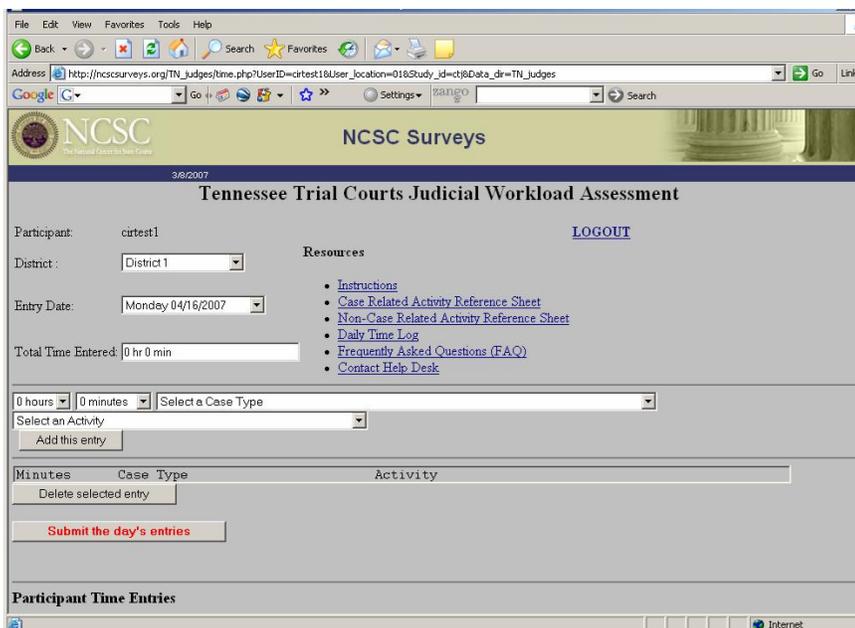
Additionally, the committee drafted a letter which was sent to all Trial Court Judges stating the importance of full judicial participation in the time study (a copy of this letter can be found in Appendix A).

During the four-week period between April 30 and May 25, 2007,<sup>6</sup> 149 of the 152<sup>7</sup> Trial Court Judges fully participated in the time study (98% participation rate).

Judicial officers recorded their time on a paper-based time tracking form and transferred this information to a web-based data entry program (see Figure 1). Once submitted, the data were automatically entered into NCSC's secure database. Collecting data from judicial officers across the state ensures that sufficient data was collected to provide an accurate average of case

processing practices and times for all case types measured.

**Figure 1: Data Entry Screen for Tennessee Trial Court Weighted Caseload Study**



<sup>6</sup> Civil court judges in the 30<sup>th</sup> district (Memphis) collected data from May 14 through June 8. This allowed them to include their jury and non-jury trial schedule in the data collection effort.

<sup>7</sup> The nine child support referees were also asked to participate in the time study, however, the Advisory Committee decided to exclude their data from the case weight development because they reasoned that their work was supplementary to judicial work, and did not accurately represent judicial work.

### *Event-Based Methodology for Weighted Caseload Studies*

The event-based methodology is designed to take a snapshot of court activity and compare the judge-time spent on primary case events to the number of cases entering the court. The study thus measures the total amount of judicial time in an average month devoted to processing each particular type of case for which standards are being developed (i.e., major felony, medical malpractice, and damages/tort). Because it is a snapshot, few cases actually complete the journey from filing to final resolution during the study period. However, courts in each district are processing a number of each type of case in varying *stages* of the case life cycle. For example, during the one-month time study period, a given court will handle the initiation of a number of new civil cases, while the same court will also

have other civil cases (perhaps filed months or years earlier) on the trial docket, and still other civil cases in the post-judgment phase. Moreover, if the sample period is representative, the mix of new, non-trial and trial dispositions, and post-judgment activities conducted for each type of case, as well as the time devoted to each type of activity, will be representative of the type of work entering the court throughout the year. Therefore, data collected during the study period provides a direct measure of the amount of judicial time devoted to the full range of key case processing events.

Time data is then combined with disposition numbers. For example, if judges spent 150,000 minutes processing medical malpractice cases and there were 250 such cases disposed this would produce an average of 600 minutes (or ten hours per medical malpractice case [150,000 hours/250 cases]). This ten-hour case weight is interpreted as the average time to process a medical malpractice case from filing to final

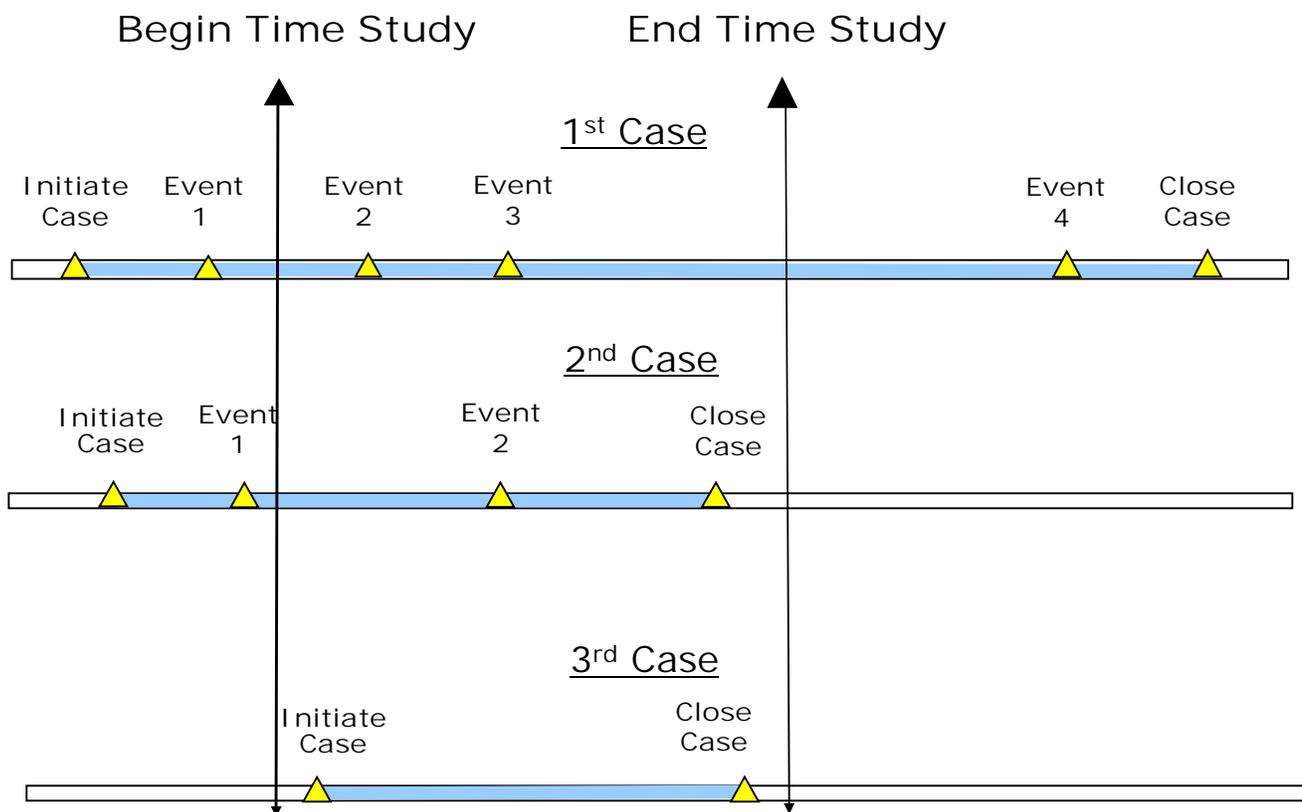
resolution – even though no individual case is tracked from start to finish. Rather, the workload standard is a composite of separate (though likely similar) cases observed at various points in the case life cycle. Figure 2 illustrates the event based methodology concept.

**Example of Event-Based Methodology**

Assume the figure below shows the progress of three separate medical malpractice cases during the period of the time study (April 30 through May 25, 2007). It is not necessary that cases be tracked from start to finish. Instead, for each type

of case examined, the study tracks the time spent on key processing events during each case’s lifecycle (pre-trial activities, trial activities, and post-trial activities). For example, Case 1 illustrates the time required to process the middle segment of case life; Case 2 the time required to process the end segment of case life; and Case 3

**Figure 2: Event Based Methodology**



illustrates the time required to complete an entire case of minimal complexity. When the time spent on each event for these four cases is summed, the result is an estimate of the total amount of time needed to process a case – even though no particular case is tracked from start to finish. In the current study, the time estimates will be based on observations from thousands of individual case events for each case type.

To demonstrate this issue with numbers, Figure 3 illustrates three judges' time recorded for medical malpractice cases for a month. The computations illustrate how the time is accounted. In this example, Judge 1 attended to various issues related to medical malpractice cases during weeks one through three of the study period, and had a trial during the fourth week; Judge 2 had a trial that lasted the entire study period and Judge 3 just heard various matters pertaining to medical malpractice cases throughout the study period. Recall that this single month of data entry is representative of an entire year of work. This assumes that, on any given day, at least one trial is being held for a medical malpractice case, and in one of four weeks, two trials are being heard – in addition to the non-trial work associated with medical malpractice cases. Assuming that

30 medical malpractice cases were disposed during the study period, the average case weight for medical malpractice cases in this example is 443 minutes.

While Figure 3 represents three cases and three judges respectively, the time study included 149 judicial officers and all of the work in which they engaged during the 4-week study period. <sup>q</sup>

**Figure 3: Sample Time Recorded for Medical Malpractice Cases**

Date	Judge 1	Judge 2	Judge 3	Total
<b>30-Apr</b>	45	480	0	525
<b>1-May</b>	120	480	0	600
<b>2-May</b>	0	480	25	505
<b>3-May</b>	0	480	30	510
<b>4-May</b>	90	480	0	570
				0
<b>7-May</b>	30	480	0	510
<b>8-May</b>	75	480	0	555
<b>9-May</b>	0	480	60	540
<b>10-May</b>	0	480	90	570
<b>11-May</b>	50	480	0	530
				0
<b>14-May</b>	0	480	25	505
<b>15-May</b>	0	480	30	510
<b>16-May</b>	120	480	0	600
<b>17-May</b>	180	480	0	660
<b>18-May</b>	240	480	0	720
				0
<b>21-May</b>	480	480	50	1010
<b>22-May</b>	480	480	0	960
<b>23-May</b>	480	480	0	960
<b>24-May</b>	480	480	30	990
<b>25-May</b>	480	480	10	970
<b>Total</b>	<b>3,350</b>	<b>9,600</b>	<b>350</b>	<b>13,300</b>
<b>Cases disposed during study period</b>				<b>30</b>
<b>Average minutes during study period (case weight)</b>				<b>443</b>

## Data Elements

**N** CSC project staff met with the Advisory Committee in February, 2007 to determine the case type categories and case-related and non-case-related activities to be included in the study. A more detailed description of all of the time study elements is provided in Appendices B through D.

### *Case Types*

Selecting the number of case types and case events to be used in a weighted caseload study involves a trade-off between having enough information to ensure the accuracy of the workload standards and minimizing the data collection burden on the participating judicial officers. The more case types and events that are included in a weighted workload study, the larger the data samples and the longer the data collection period need to be to guarantee statistical accuracy. More importantly, determining the appropriate types of cases to be weighted is particularly important because the workload standards must eventually be attached to readily available case data to determine workload. Figure 4 presents the case types for which data were collected in this study.

**Figure 4: Tennessee Trial Courts Judicial Workload Study Case Type Categories**

<b>CRIMINAL</b>
Felony A, B & Capital Cases
Felony C, D, E Cases
DUI
Drug Court
Misdemeanor
Probation Violation
Criminal/Juvenile Delinquency Appeals
<b>GENERAL CIVIL</b>
Administrative Hearings (appeals in Davidson County only)
Contract/Debt/Specific Performance
Damages/Tort
Medical Malpractice
Real Estate Matter
Workers' Compensation
Probate/Trust
Juvenile Court Appeal (civil)
Guardianship/Conservatorship
Other General Civil
Judicial Hospitalization
<b>DOMESTIC RELATIONS</b>
Protection of Children (paternity, adoption, legitimation, surrender)
Divorce with Minor Children
Divorce without Minor Children
Child Support (outside divorce)
Orders of Protection
Other Domestic Relations

### *Case-Related Activities*

Case-related activities are the essential functions that judges perform in resolving a case from initial filing to final resolution. As with the case types, the essential functions were categorized into manageable groups for the time study. Figure 5 outlines the case-related activities measured in the time study (a full explanation of these activities appears in Appendix C).

**Figure 5: Case-Related Activities**

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

### *Non-Case Related Activities*

Activities that do not relate to the resolution of a specific case but must be done by judges are defined as non-case-related activities or General Administrative/Other Activities. The key distinction between case-related and non-case-related activities is whether the activity can be tied to a specific case. Figure 6 lists the non-case-related activities measured in this study. q

**Figure 6: General Administrative/Other Activities**

Education and training
Community activities/speaking engagements
Committee meetings
Non-case Work Related Reimbursable Travel
Vacation/illness or other Leave
General Administration
Time study project (filling out form and entry)

## Determining Judicial Officer Need

Once we know how much work needs to be done (workload), the next step is to determine how much time is available to do the work. The judge-year value is the average amount of work time a judge has available to manage *cases*, including both in-court activities and in-chambers case-specific administrative activities that are accounted for in the case weights. Calculating the judge-year value is a two-step process. The first step is to determine how many days per year are available to judges to work (the judge year); the second step is to determine how the business hours of each day are divided between case specific and non-case specific work (the judge day). Multiplying these two measures gives the judge year value, which is an estimate of the amount of time the “average” judge has to handle cases during the year.

### *Judge Day and Year Value*

In every weighted caseload study there are three factors that contribute to the calculation of judicial need: filings, case weights, and the judge year value.

So that:

$$\text{Workload} = \text{Filings} * \text{Workload Standard (case weight)}$$

$$\text{Judicial Officer Need} = \text{Workload} / \text{Judge-year value}$$

### **A. The Judge Year**

Calculating the “average” judge year requires determining the number of days judges have to manage case-related matters. Many model assumptions underlie the judge year value. Weekends, state holidays, and time related to vacations, illness, attending statewide judicial conferences, and other professional development are subtracted from the calendar year to determine the number of days available to handle cases.

While determining the number of weekend days and state holidays in a year is easy, determining the average time taken (or that is reasonable for judges to take) for vacation, illness, judicial conferences, and other professional development is more difficult. Because a state’s study period may not be representative for all factors, the project team relied on the Advisory Committee to estimate the average time taken for vacation, illness, judicial conferences, and professional development.

Development of the judge year value begins with a baseline of 365 days in the year and subtracts the 104 weekend days and 12 state holidays. The Advisory Committee estimated that on average 27 days are a reasonable amount for vacation, sick, and personal leave and 12 days a year are a reasonable amount for education and training (judicial conferences and related travel). The number of days available, after subtracting an average amount of time away from the bench, is 210 days per year. The derived Judge Year in Tennessee is slightly lower than the average Judge Year of 212 days used in judicial workload studies conducted by the NCSC over the past ten years.<sup>8</sup> Figure 7 presents these calculations.

**Figure 7: Calculating the Judge Year**

Judge Year	Days
Total Days per Year	<b>365</b>
<b>Subtract Non-Working Days:</b>	
Weekends	- 104
Holidays	- 12
Vacation, sick & other leave	- 27
Education/Training	- 12
<b>Total Working Days per Year</b>	<b>210</b>

<sup>8</sup> The average judge year value derived in 37 studies conducted by the NCSC between 1996 and 2006 is 212 days. This figure can be found in the study *Examination of NCSC Workload Assessment Projects and Methodology: 1996-2006*, by John Douglas. The judge year value in these 37 studies ranges between 193 and 223 days.

## B. The Judge Day

The judge day is separated into three parts: the amount of judge time devoted to (1) case related matters, (2) non-case-related matters, and (3) court-related travel.

### Case-Related Time

- q Hearing cases on the bench
- q Taking pleas, processing uncontested dissolutions, nolle prosequi and dismissals
- q Reviewing case files and documents in preparation for hearings and making decisions on cases
- q Researching specific points of law related to cases
- q Writing orders and decisions (findings of fact, conclusions of law and orders)

### Court-Related Travel

- q Reimbursable travel between courts within a circuit
- q Reimbursable travel to work-related meetings
- q Other reimbursable travel

### Non-Case-Related Time

- q Activities required of judges to contribute to the efficient and effective operation of the court (e.g. supervising personnel, meeting with clerks and others about administrative matters; participating in state and local committees)
- q Cooperation and coordination with other justice system agencies on matters of policy and practice
- q Community outreach and public education.

Making a distinction between case-related and non-case-related time provides clear recognition that judges have many varied responsibilities during the day. To determine the number of average available hours per year, the model must first estimate a reasonable average of available work hours per day. Again, the NCSC project team consulted the Advisory Committee to develop these estimates. The Committee concluded that a reasonable average of available working time begins with 9 hours per day. Excluding one hour for lunch and 30 minutes for breaks, or personal time, the expected standard work-day is 7.5 hours.

Hours per Day U	District Ø	A	B	C
Total Hours Per Day		9.00	9.00	9.00
Lunch & Breaks	-	1.50	1.50	1.50
Total Travel	-	.02	.57	1.12
Total General Administrative	-	1.57	1.57	1.57
Total Daily Case-Specific Hours	=	5.91	5.36	4.81
Total Annual Case-Specific Minutes	=	74,489	67,530	60,531

**Figure 8: Calculating the Judge Day**

Data recorded by judicial officers during the time study period indicated that, on average 1.57 hours (94.27 minutes) per day were spent on non-case specific activities.<sup>9</sup> Time associated with judicial travel was deducted from the case-related availability and based upon the actual

<sup>9</sup> The non-case specific time includes the time recorded outside of Davidson County for administrative appeals. This time was assumed, by the Advisory Committee, to have been entered incorrectly in districts outside of Davidson County.

average amount of travel recorded by judges within each district. The annual travel time ranges from approximately 35 minutes per month (1.02 minutes per day or .02 hours per day) to just over 22 hours per month (67.49 minutes per day or 1.12 hours per day). The remainder of the 7.5 hour work-day is then dedicated to case-related matters. Figure 8 presents calculations of the judge day using a low travel district, medium travel district and a high travel district. This figure shows how the case-related availability varies depending upon the travel requirements in the district.

### C. The Judge Year Value

The judge year value estimates a reasonable amount of time a judge should work in a year. By multiplying the judge year value (210 days) by the number of hours in a day available for case-specific work (which ranges from 4.81 to 5.91 hours per day), then multiplying by 60 minutes per hour gives you the amount of time available per year for judicial officers in Tennessee to work on cases. Thus, the judge year value for Tennessee ranges from 60,531 to 74,489 minutes of case-specific time per judge per year (210 days x [4.81 to 5.91] hours per day x 60 minutes per hour).

This value is used to compute case weights and workload even though some judges in Tennessee may currently work more than an 8:00am to 5:00pm day and may work on evenings, weekends, and holidays.

## Judicial Officer Time Study in Tennessee

A time study measures case complexity in terms of the average amount of judge time spent managing different types of cases; from the initial filing to final resolution, including any post-judgment activity. The essential element in a time study is collecting time data on *all* judge activities. For this study, judges recorded all time spent on various case types on a daily time log and then entered their time on a web-based data collection instrument. Judges' activities include time spent on case-specific work, non-case-specific work, and travel time. The NCSC staff provided training<sup>10</sup> on how study participants

should record their time using the web-based data collection tool. Specific training devoted to how to track and record time is essential to ensure that judges across the state uniformly and consistently record time, which produces the most reliable data. All training materials were also provided in written format and were available to all members of the judiciary on a dedicated web site designed specifically for the weighted caseload study.

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<sup>10</sup> Training was provided in two formats. First, a team of NCSC consultants provided on-site training in seven locations two weeks prior to data collection (the week of April 16 through April 20, 2007). Second, written training materials were administered at the time of training and were also available on-line for those members of the judiciary who were not able to participate in the training sessions in person. Additionally, the NCSC provided assistance through a help desk, which was available both on line and via telephone connection.

## *Case Weights*

As discussed earlier, time study data was collected from all judicial officers statewide during a four-week period between April 30 and May 25, 2007.<sup>11</sup> To calculate preliminary case weights, the average amount of judicial time required to handle a particular case from filing to resolution (the one-month of recorded work-time data); time study data was extrapolated to the 210-day judge year value and divided by the number of dispositions for each case type in fiscal year 2006.

The utility of a case weight is that it summarizes the variation in judicial time by providing an average amount of time per case. On average, the case weight accurately reflects the typical amount of time needed to reach resolution of specific case

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<sup>11</sup> Some judges recorded data between May 14 and June 8, 2007. These judges recorded time during this alternate period due to scheduling of jury and non-jury trials during the time study period.

types. Once developed, case weights can be used to calculate the total judicial workload for the court. Applying the case weights to current or projected annual case filing numbers results in a measure of annual judicial workload.

The case weights by case type provide a picture of current judicial practice in Tennessee. For example, judicial officers in Tennessee recorded approximately 142,359 case-related minutes for major felony cases during the time study. To develop the case weight, we annualized the case-related time,<sup>12</sup>

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<sup>12</sup>This time was annualized based on the 210-day judge year described earlier in this report. Thus, the formula for annualizing the time study data is this: Divide the 142,359 minutes recorded during the 20-day study period by 20 to get the average for 1 day, then multiply this figure by 210 to annualize based on Tennessee's judge year or: A)  $142,359 \div 20 = 7,117.95$ , B)  $7,117.95 \times 210 = 1,494,769.5$ , C)  $1,494,769.5 \div 8,213 \text{ cases disposed} = 182$ .

then divided the time in minutes by the number of major felony cases disposed<sup>13</sup> during fiscal year 2006 (1,494,769 minutes / 8,213 major felony dispositions). The resultant case weight of 182 minutes means that, on average, handling a major felony requires 182 minutes (just over three hours) of judicial time.

The utility of a weighted caseload system is now easy to illustrate. For example, other felony cases (C, D and E felonies) are the most prevalent in the Tennessee courts with 32,127 filed in FY2006; they require approximately 1,445,715 minutes to process annually (with an average of 45 minutes per case). In contrast approximately one third fewer major felony cases are filed, compared to other felonies, (9,483 cases filed in FY 2006), but the case weight of 182

minutes per case equates to an annual workload of 1,725,906 minutes,<sup>14</sup> which is slightly higher than that required for all other felonies. Clearly, caseload is not the same thing as workload. The case weights for Tennessee judges are shown in Figure 9. □

<sup>13</sup> Since drug court cases are processed differently than traditional case types, we divided the time associated with drug courts by the drug court program capacity instead of dispositions.

<sup>14</sup> To arrive at this figure, we multiply the number of major felony cases filed (9,483) times the case weight of 182, or:  $9,483 \times 182 = 1,725,906$  minutes of workload annually for major felony cases.

**Figure 9: Final Trial Court Judicial Case Weights**

Case Type	Case Weight (in minutes)
<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

## Adequacy of Time Survey

In addition to the time study, all judges were invited to complete a web-based Adequacy of Time Survey. This qualitative element of the weighted caseload study provided the Advisory Committee additional information to help evaluate case weights and ensure that the needs assessment model provides adequate time for quality performance. The case weights derived from the time study represent “what is,” or the average amount of time judges currently spend on each case type. The survey data provides information to help determine “what should be.”

The Adequacy of Time Survey indicated the areas in which judges feel they *do* and *do not* have sufficient time to effectively attend to essential job-related activities. Thus, where survey results demonstrate that judges believe more time is necessary to meet constitutional mandates, case weights could be adjusted to indicate

the greater need. Survey respondents were asked to rank specific activities within five main categories pertaining to their work by responding to the following statement: “With respect to [Pre-trial Matters...]: When I work a traditional work-week, I generally have enough time to do the following tasks without feeling rushed or working overtime.” The five categories of activities were as follow:

- Pre-trial matters for [specific activity]
- Trial related matters for [specific activity]
- Post-judgment related matters for [specific activity]
- Probation revocation matters for [specific activity]
- Noncase-related administration activities for [specific activity]

The respondent could rate each question with a score of one through five. Scores one, three, and five had anchor statements, scores two and four were left as open options

between the anchors. The corresponding response options were “I almost never have enough time (1)” “I usually have enough time (3)” and “I almost always have enough time (5).” An average rating of 3.0 or greater indicates that, as a group, judges reported having adequate time to perform the specified task most of the time. The results are expressed as the average response for questions in each specific functional activity area. Thus, an average rating for activities of less than 3.0 indicated to the Committee that weights could be adjusted to provide for more time. Sixty-five of the 152 judges (42.8%) in Tennessee participated in the survey. While this participation rate is not as strong as the time study participation rate, it is strong enough for the results to adequately represent the opinions of the judges in Tennessee.

NCSC staff compiled responses and analyzed the results. For each judicial activity, an average response

score was generated. A summary of the results is provided in Figure 10. The scores are outlined in a bolded box for those judicial duties where the average score was less than 3.0. For example, the average score for the pre-trial task of conducting settlement conferences was 2.97, indicating that, for those judges who hold such conferences sufficient time is not available to ensure the quality handling of cases.

Figure 10 indicates that there are eleven *individual* tasks for which judges feel sufficient time is not available to adequately complete their judicial duties. The only *category* for which the overall score was less than 3.0 were the non case-related administration matters. The Adequacy of Time Survey results were shared with the focus groups and the Advisory Committee in September, 2007. The results of these discussions are presented below.

**Figure 10: Adequacy of Time Survey Results**

<b>Adequacy of Time Survey Average Score: All Respondents (n=65)</b>		<b>Avg. Score</b>
<b>Pre-trial Matters</b>		<b>3.21</b>
2	Conduct initial appearance/arraignment	3.72
3	Conduct pretrial hearings & motions	3.40
4	Conduct pretrial conferences	3.40
5	Conduct settlement conferences	<b>2.97</b>
6	Manage calendar and/or carry out docket call	3.47
7	Hold pretrial management conferences	<b>2.86</b>
8	Manage non-trial disposition activities	3.43
9	Attend to administrative duties pretrial	3.08
10	Monitor timeliness of required events	<b>2.53</b>
<b>Trial Related Matters</b>		<b>3.10</b>
12	Conduct jury selection	3.53
13	Provide jury instructions	3.15
14	Prepare for jury trial	3.08
15	Conduct jury trials	3.36
16	Prepare for bench trials	<b>2.81</b>
17	Conduct bench trials	3.38
18	Prepare and issue orders	<b>2.94</b>
19	Conduct trial-related research	<b>2.58</b>
20	Attend to trial-related administration issues	3.12
<b>Post Judgment Matters</b>		<b>2.98</b>
22	Review post-judgment motions & other information	3.07
23	Hold post-judgment hearings	3.23
24	Prepare and issue orders	<b>2.96</b>
25	Prepare post-judgment writs and opinions	<b>2.40</b>
26	Attend to administrative activities post-trial	3.23
<b>Probation Revocation Matters</b>		<b>3.29</b>
28	Review petitions for revocation	3.32
29	Review and process bench warrants	3.30
30	Hold probation revocation hearings	3.26
31	Attend to administrative issues associated with probation viols	3.26
<b>Non-case Related Administration Matters</b>		<b>2.92</b>
33	Participate in court administration activities	3.09
34	Supervise and evaluate staff	3.34
35	Conduct general legal research	<b>2.64</b>
36	Participate in judicial education and training	<b>2.87</b>
37	Participate in public outreach and education	<b>2.67</b>

## Quality Adjustment Discussions

To determine whether the case weights adequately and accurately represent the average amount of time judges need to bring court cases to resolution, two complementary sets of meetings were held. First, focus groups of judges were held in four locations across the state to discuss the Adequacy of Time Survey finding and the preliminary case weights derived from the time study. Second, after the focus group meetings were held and the information was summarized, the NCSC staff met with the Advisory Committee to present focus group results and case weight details.

The focus group discussions provided an opportunity for the judge participants to present additional information to NCSC facilitators that might be helpful in finalizing the case weights. The focus group sessions were held

between September 10th and 12th, 2007.<sup>15</sup>

Four separate focus groups of experienced judges from various districts across the state were convened to consider the results from the time study. The preliminary case weights derived from the time study represent “what is,” not “what ought to be.” Accordingly, the preliminary weights may not capture the time that may be necessary for judges to perform essential tasks and functions effectively.

The focus groups examined current practice as measured by the time study, areas of concern raised by focus group participants, and personal experiences to make recommendations on the final workload standards.

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<sup>15</sup> Focus groups were held in Memphis (September 10), Chattanooga (September 10), Nashville (September 11) and Knoxville (September 12).

Judges were asked to discuss four main topics related to the time study. The topics and a summary of the discussion highlights are presented below.

***1. Did the data collection occur within a typical month? If not, why was it atypical?***

In all of the focus groups, the judges reported that the data collection period reflected a typical month of work. Knowing that the time study period was reflective of a typical month of judicial work reinforces a high level of confidence in the time study data.

***2. Based on your review of the Adequacy of Time Survey findings, do you believe there is justification for making adjustments to the case weights?***

Judge participants in the focus groups all resonated with the low scores recorded for non-case related administrative matters. All

judges agreed they have little time for these required activities, but none of the judges made a strong plea to formally make a change to provide more time for this work.

***3. Given a comparison graph of all of the draft case weights (the graph did not include the actual case weight figures), did the “relative” case weights have face validity (for example, does it make sense that a general circuit civil case would require approximately half the time of a time intensive civil case)?***

Focus group participants were presented with a bar graph *without numbers* that compared case weights for all case types, from highest to lowest. The graph did not include the case weight numbers, because NCSC staff wanted participants to respond to the relative comparisons rather than actual numbers. There were two case types for which judges in

*all four* focus groups had some concerns: Juvenile Court Appeals, which was shown to be two and a half times greater than the case weight for Medical Malpractice; and Administrative Hearings, which was shown to be approximately 25 percent longer than Medical Malpractice. Focus group participants speculated that judges entering time in these two case type categories must have entered their time incorrectly or misunderstood the case type category. NCSC staff did indicate that the case weights might be impacted by the relatively small number of cases in each of these categories that reach disposition each year (less than 200 each, statewide). Judges in a couple of the focus groups indicated where they felt the Juvenile Court Appeals should fall in the relative set of weights. All judges agreed that they did not have a clear sense of the time it took for

Administrative Appeals, especially those occurring in Davidson County.

***4. Are there differences or any unique aspects of your district or area of the state that should be considered and used to adjust any particular case weight up or down?***

There was no strong sentiment in any of the focus groups to ask the Advisory Committee to increase the non case-related time in the model. NCSC staff reported to the focus group participants that the Advisory Committee would be discussing work-related travel at their meeting, and that there were two options: using the statewide average travel across all districts, or using the actual average travel times recorded during the time study for each district. Focus group participants all agreed the latter option was the best.

## *Final Advisory Committee Meeting*

The Advisory Committee met on September 14, 2007 to discuss the project, review the draft case weights in light of the focus group information, and make any necessary quality adjustments to case weights.

Since it is often difficult for judges, who are not used to thinking about their work in terms of “total minutes,” to interpret and evaluate the time per case depicted by the time study case weights, the preliminary case weights were disaggregated into their individual event components. This allowed the committee members to look “inside” each of the preliminary case weights to understand where and how judges currently spend their time handling cases (see Appendix E for detailed information on “inside the numbers”). The Committee spent a significant amount of time reviewing the Adequacy of Time Survey

results, results from the focus groups, and draft case weights.

## *Adequacy of Time Survey Results*

The Advisory Committee agreed with the areas on the survey in which judges generally indicated insufficient time exists to complete the tasks identified. However, the Committee did not want to adjust any of the case weights based upon this information. The Committee considered increasing time available for non case-related administration (the area which scored the lowest on the survey), but rejected this idea. Committee members argued that the time study was done correctly and that nearly all judges participated, so the study’s findings should stand on their own merit.

## *Focus Groups*

The Committee reflected on the findings from the focus groups, and agreed that the case weights for Juvenile Court Appeals and Administrative Hearings should be reviewed and possibly adjusted. These are discussed below. There was additional discussion about making adjustments to other case weights, but in the end, the committee agreed to adopt the rest of the draft case weights from the study. There were no additional issues from the focus groups that the Committee felt warranted case weight changes or any other kind of adjustment to the study's findings.

## *Draft Case Weights*

Because the draft case weight for juvenile appeals was so high and the focus group participants felt strongly that the data could not be accurate, NCSC staff requested that

the Advisory Committee identify where the case weight *should* fall, when looking at all case types from highest to lowest. The Committee agreed to assign a case weight of 35 minutes to the Juvenile Court Appeal case type. The committee reasoned that the work associated with these appeals falls between Guardianship/Conservatorship cases (41 minutes) and Divorce without Children (32 minutes) – and assigned the case weight of 35. The committee also had a concern about the Administrative Hearings case type, but decided to leave the actual case weight of 304 minutes per case. It only reflects such cases in Davidson County. The case weights presented in Figure 9 reflect this adjustment to the Juvenile Court Appeal (civil) case weights; all other case weights were not adjusted and reflect the original weights derived from the time study analysis, which reflect current practice. □

## Determination of Judge Demand

Once the judge year value and case weights have been established, the calculation of the judge demand to manage the workload of the Tennessee Trial Courts is completed. Judicial case related demand is calculated by dividing the judicial workload value (the annual number of minutes of work required given the number of cases filed<sup>16</sup> and the relative case weights) by the judge year value (between 60,531 and 74,489 minutes, depending on the travel requirements in each district). The resulting number represents the judicial case-related full time equivalents (FTE) needed to manage the work of the court.

Figure 11 displays the steps taken to compute judge demand. Figure 12 displays the model in statewide terms. Appendix F provides an expanded model, indicating judicial officer need by district. □

### Figure 11: Calculation of Total Needs

- Step 1 For Each Case Type:*  
 $Case\ Weight \times Case\ Filings = Workload$
- Step 2 Sum the Workloads for Each Case Type to obtain Total Workload for each Court*
- Step 3 Divide the Total Workload by the Judge Year Value (case related minutes) to obtain Judicial Resource Needs*

<sup>16</sup> While we used case dispositions to determine the case weights (this tells us the number of cases that were disposed of during a year), we look at case filings to determine the expected workload in a coming year.

**Figure 12: Tennessee Trial Courts Judicial Officer Demand Based Upon FY 2006 Case Filings**

	Case Type	Case Weight (Minutes)	Statewide Filings
Criminal	1 Criminal: Major Felony (A, B, capital cases)	182	9,483
	2 Criminal Other Felony (C, D, E)	45	32,127
	3 DUI	74	4,321
	4 Drug Court	140	831
	5 Criminal Appeals (incl. juvenile delinquency)	50	642
	6 Other Misdemeanor	24	11,700
	7 Probation Violation	17	22,866
General Civil/Other	8 Administrative Hearings Davidson County (Appeals)	304	201
	9 Contract/Debt/Specific Performance	115	7,790
	10 Damages/Tort	82	12,147
	11 Guardianship/Conservatorship	41	2,098
	12 Judicial Hospitalization	17	837
	13 Juvenile Court Appeal (Civil)	35	194
	14 Medical Malpractice	679	638
	15 Probate/Trust	20	11,106
	16 Other General Civil	42	14,258
	17 Real Estate	180	2,356
	18 Workers Compensation	41	9,060
Domestic	19 Child Support (outside of divorce)	20	11,391
	20 Divorce with Children	94	14,922
	21 Divorce without Children	32	17,285
	22 Protection of Children (paternity, adoption, legitimation, surrender, TPR)	47	4,505
	23 Orders of Protection	18	7,015
	24 Other Domestic Relations	6	5,362
25	Total Filings		203,135
26	Case-Specific Workload (Weights x Filings)		11,008,059
27	<b>Judge Average Annual Availability (365 – 104 weekend days):</b>		<b>117,450</b>
28	State holidays (- 12 days)		5,400
29	Leave (-27 days)		12,150
31	Administrative leave/education (- 12 days)		5,400
32	Average State Level Travel per year		3,836
33	Non-case related Time (1.57 hrs/day)		19,796
34	<b>Availability for Case-Specific Work (avg, across all districts)</b>		<b>70,868</b>
35	<b>FTE Judge Demand</b>		<b>155.33</b>
36	<b>Judicial Off. Time: Criminal</b>		4,328,138
37	<b>Jud. Off. Time: Civil</b>		4,117,147
38	<b>Jud. Off. Time: Domestic Relation</b>		2,562,774
39	<b>Jud. Off. Demand: Criminal</b>		<b>61.07</b>
40	<b>Jud. Off. Demand: Civil</b>		<b>58.10</b>
41	<b>Jud. Off. Demand: Domestic Relations</b>		<b>36.16</b>
42	<b>Total Jud. Off. Demand</b>		<b>155.33</b>
	actual district count		152.00
	over(+)/ Under or need(-)		<b>-3.33</b>

## Qualitative Factors Affecting the Determination of Judicial Resources

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 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, 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.

## Conclusion: Keeping the Case Weights Current

The 2006 weighted caseload study indicates the need for an additional 3.33 judges to effectively handle the current workload in Tennessee. These case weights are grounded in current practice (as measured by the time study). Although the case weights developed during the course of this study should be accurate for the coming years, the NCSC staff recommends updating the model every five to seven years to ensure that the standards continue to accurately represent the changing nature of judicial workload.

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, critical importance to the effective use of case weights is the 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 staff recommends the following initiatives:

**Recommendation 1:**

*Annual review of factors affecting the case weights for specific types of cases. NCSC staff 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.*

An annual review of this kind will require that AOC staff commit to gathering and analyzing relevant data to estimate the likely impact of change within the state’s justice system. There should be no reason to redo the study or to undertake a complete, statewide sampling of

time-study data on an annual basis. Instead, efforts should be made to identify only those case types of which time data may have changed significantly from the initial study results. Relatively small-scale samples can then be taken to assess whether any adjustments to selected workload standards are warranted. However, over time, there will be sufficient changes in legislation, case processing, court structure and/or jurisdiction to justify a complete study.

**Recommendation 2:**

*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. q

## Appendices

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**Appendix A: Letter to Tennessee Judges**



***Tennessee Supreme Court***

Supreme Court Building  
401 7<sup>th</sup> Avenue North  
Nashville, Tennessee 37219  
FAX 615 / 741-5809

**WILLIAM M. BARKER**  
Chief Justice

**MEMORANDUM**

TO: Tennessee Judicial Conference

FROM: William M. Barker  
Chief Justice

DATE: March 8, 2007

RE: Weighted Caseload Update



We are thanking you in advance for your active and vital participation in the weighted workload study. The key word here is "workload" which includes more than specific case activity. The study will be conducted by the National Center for State Courts (the "National Center"). As soon as the contract with the National Center and the Comptroller's office was executed, a special steering committee known as the Workload Advisory Committee (the "Advisory Committee") was immediately formed on recommendation of the National Center. We had to act quickly so that we could stay with a time period considered most desirable for the study.

We are currently in the planning and developmental stages of the process. The makeup of the Advisory Committee, listed below, is designed to assure proper attention to criminal/civil and urban/rural concerns. Jeff Stewart, the President of the conference, is an ex officio member of the committee and Bill Acree, President of the Trial Judges Association, is a member of the committee. The AOC and Comptroller's office have developed a good working relationship to carry out their statutory responsibilities.

The Advisory Committee met with the National Center for State Courts consultants on February 27<sup>th</sup>, and we'd like to share with you what decisions have been made at this time.

## The Time Study

The primary goal of the Tennessee Judicial Weighted Workload Assessment Study is to provide an accurate picture of the amount of time judges or other judicial officers need to resolve different types of cases in an *efficient* and *effective manner*. This means that we will be measuring the amount of time it currently takes us to complete a case from start to finish, but we are also interested in building into the study a component of "what should be" the amount of time it takes to complete a case from start to finish. Thus, if judges feel they do not have enough time, currently, to adequately do their work, we will address this issue.

There are three phases to the study and each phase builds upon the product of the previous phase. First, all Conference Trial Judges and possibly child support referees will record the time they spend on judicial functions, by case type and activity, using a format developed by the Advisory Committee. This data will be analyzed to produce a case weight, or an average amount of time it takes to resolve each case type. The workload value is a combination of the case weights (average time for each case type under investigation) and the annual case filings. Judicial work that is not case related is also built into this model. Phase two applies the judge/judicial officer annual availability value to the workload value to determine the judicial officer *demand* for the state.

## Full Participation Required – April 16thru May 11<sup>17</sup>

The actual time reporting period will begin on April 16<sup>th</sup> and is scheduled to conclude on May 11<sup>th</sup>. This is our chance, as the Judiciary, to have a voice in our destiny; it is a chance to quantify what we do in the service of justice for the state of Tennessee. The active participation of each judge only strengthens our collective voice.

Those of us overseeing the study believe it is an important component for addressing the resource needs of the Tennessee Trial Courts. We realize that the data collection process for the study will be time-consuming over a 20 work-day period but we have attempted to structure this procedure to be as streamlined as possible. The study will develop only trial level and state-wide workload information and as such, we have structured the entire process to eliminate individual workload analysis. The integrity of the study really relies on your participation and support. Without full participation, we could end up with a flawed time study.

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<sup>17</sup> After this letter was distributed, the dates for the time study were move to April 29 through May 25. All judges were notified of this change.

## Judicial Conference Training

The data collection effort will be preceded by training at the upcoming Judicial Conference in March, which will provide all of us with the same instructions on how to classify and record our work. It is essential that all judges are trained on this process, to ensure consistency in our records. Three methods of training will be available:

- A web-based audio-linked powerpoint presentation is on the NCSC's web page devoted to this time study. You will be able to access this program at any time of the day or night and from your home or office location, for your convenience. This presentation will be available throughout the study, and is runs approximately 35. You can access this and other material at <http://www.icmeducation.org/tennesseejo/>
- The NCSC consultants will deliver in-person training at the Judicial Conference on March 14.
- Written instructions for data entry will also be provided. This document will be useful even if you have attended one or both of the other training options, and it is recommended that all judges print these instructions as a reference guide.

## Post Time Study Opportunities

In addition to the time study, two other opportunities will be presented to judges for input into this study. First, the NCSC will administer, after the completion of the time study, a *Sufficiency of Time Survey* to all judges. This is our opportunity to respond to questions regarding our perspective on whether we have enough time to adequately complete all of the essential functions of our jobs ("what should be"). Finally, the NCSC will be conducting focus groups with judges at five locations across the state to obtain additional information that may not be adequately captured in the time study. These focus groups will be your chance to have additional input into this study. Exact dates and locations for these focus groups will be forwarded to you as soon as they are scheduled.

## Website Page

Finally, the NCSC has developed a page on their website about our study that will be updated as the study proceeds. You can access this web page at <http://www.icmeducation.org/tennesseejo/>. This site contains all relevant information related to this study, including an overview of the study's process, a listing of other states who have recently undertaken weighted workload studies, and FAQs (frequently asked questions). The audio training and materials related to the data collection phase of the project reside on this site as well. We encourage you to visit the site regularly to track the progress of this study. We will also have the training materials available by CDROM.

## Judicial Weighted Workload Assessment Advisory Committee

These are the members of the Weighted Workload Assessment Advisory Committee members. The Weighted Advisory members were chosen to achieve a representative balance between civil and criminal and rural and urban workloads. Please feel free to contact any of the members of the Advisory Committee with questions or concerns

John B. Hagler, Chairman  
Circuit Court Judge, 10<sup>th</sup> Judicial  
District

Susan Mattson  
Research Analyst, Tennessee  
Comptroller of the Treasury

William B. Acree, Jr.  
Circuit Court Judge, 27<sup>th</sup> Judicial  
District

Carol McCoy  
Chancellor, 20<sup>th</sup> Judicial District

Robert L. Childers  
Circuit Court Judge, 30<sup>th</sup> Judicial  
District

E. Shayne Sexton  
Criminal Court Judge, 8<sup>th</sup>  
Judicial District

Chris Craft  
Criminal Court Judge, 30<sup>th</sup>  
Judicial District

(Ex-Officio) Jeffrey F. Stewart  
Chancellor, 12<sup>th</sup> Judicial District

Thomas R. Frierson, II  
Chancellor/Probate, 3<sup>rd</sup> Judicial  
District

Libby Sykes  
Administrative Director,  
Administrative Office of the  
Courts

Jim Travis Hamilton  
Circuit Court Judge, 22<sup>nd</sup> Judicial  
District

Monte Watkins<sup>18</sup>  
Criminal Court Judge, 20<sup>th</sup>  
Judicial District

Tammy Hawkins  
Manager, Data Collection,  
Administrative Office of the  
Courts

Dale Workman  
Circuit Court Judge, 6<sup>th</sup> Judicial  
District

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<sup>18</sup> Judge Watkins did not participate on the Advisory Committee, however, this letter was sent with his name on it, as he was invited to participate.

## Appendix B: Tennessee Trial Court Judicial Workload Study Case Type Categories

A “weighted caseload study” responds to the fact that different types of cases are not equal in terms of the amount of time required to dispose of a case. For example, misdemeanor cases generally require less time to process than major felonies. A weighted caseload study develops the actual weights for caseloads for a particular system, which are the average minutes needed to process the case by case type.

Below are the case types the Advisory Committee selected for this study. The numbers beside each category represent the case type codes used by court clerks when recording data in the Tennessee Court Information System (TCIS). Originally filed cases and reopened cases were all counted within these categories. The numbers beside each case type category represent the codes used by court clerks to enter these cases into the data entry system.

### Civil Case Types

*(Note: All General Sessions Appeals should be recorded under the case type of the original appeal, e.g. Damages/Torts, Contract/Debt or Real Estate Matters; Contempt cases should be recorded in the original case type (e.g. Child Support, DUI)).*

#### **Contract/Debt/Specific Performance (461, 462)**

Includes any action involving agreements or contracts (expressed or implied). This includes recovery of money for services performed, sales of goods, money loaned, damages for performance of simple contracts (expressed or implied), and liens by a builder or furnisher. Where damages would be an inadequate compensation for the breach of an agreement, the contractor or vendor will be compelled to perform specifically what he has agreed to do. Examples include:

- Agreements in writing to buy or sell land;
- Contracts to execute or renew leases;
- Contracts to execute a mortgage;
- Contracts to insure
- Contracts for chattels of special value. If a payment for personal injury or death is involved, it should be coded under 471 - Damages/Torts.

#### **Damages/Torts (471)**

Includes all cases involving action to recover money as compensation or indemnity for personal injury death. For this study, a tort is an injury or wrong committed against a person by a party who either did something he or she was obligated not to do, or failed to do something that he or she was obligated to do.

#### **Medical Malpractice (451)**

Includes all tort actions involving medical malpractice concerns and claims.

**Real Estate Matters (481)**

Includes all matters pertaining to land, including contracts for the sale of land, suits dealing with ownership, foreclosure proceedings, easements, water rights, rights of way, boundary disputes, condemnation proceedings, and partitions.

**Workers' Compensation (491)**

Includes all cases involving action to determine the right to compensation under the Worker's Compensation Act.

**Probate/Trust (501, 573)**

Includes all cases involving the administration of decedents' estates and all cases involving the legal possession of real or personal property held by one person for the benefit of another.

**Guardianship/Conservatorship (571, 572)**

Cases in which a person (conservator/guardian) is lawfully invested with the power and charged with the duty of taking care of the property or rights of another person who is considered by the court as incapable of managing his or her own affairs or caring for him/herself.

**Other general civil (581)**

Includes actions that are not included in any of the other categories. Common examples are: property damage suits, employment discrimination suits, un-liquidated damages, salary suit initiated by a county official; non-domestic relations contempt; tax matters; special remedy injunctions; writs of mandamus; quo warrant; name change; foreign judgments; minor settlements.

**Judicial Hospitalization (541)**

Includes all cases in which a person is considered mentally incompetent or retarded and is hospitalized by judicial decree. Hospitalization is considered to be in the defendant's best interest due to the substantial likelihood of serious harm to themselves or others. This action may also be referred to as *involuntary civil commitment*.

**Administrative Hearings (Appeals) (513)**

Includes judicial review of a state or local administrative agency proceedings *that are heard in Davidson County only*.

**Juvenile Court Appeal (civil) (511)**

All **civil** appeals from juvenile court.

## **Domestic Case Types**

**(Note:** *Residential parenting was recorded under divorce or protection of children, whichever was most applicable; Wage assignment hearings were recorded under child support or divorce case types.*)

### **Divorce with Minor Children (371)**

Includes all cases involving the termination of a marriage, permanent separation between husband and wife, where there are minor children involved. Cases reopened as Residential Parenting cases might also fall within this category if the case originally emanated from a divorce case.

### **Divorce without Minor Children (372)**

Includes all cases involving the termination of a marriage, permanent separation between husband and wife, and annulment where there are no minor children involved.

### **Child Support (391, 392, 385, 387)**

All cases involving child support, including:

- Petitions to change terms of previously ordered child support agreements;
- Reopened cases either prior to the parenting plan law or after the parenting plan law was enacted;
- Petitions for the transfer or assignment in advance of the defendant's wages or to remove a previously ordered wage assignment;
- Cases received from another state (interstate incoming);
- Cases in which child support is sent to another state (interstate outgoing).

### **Protection of Children (*paternity, adoption, legitimation, surrender, TPR*) (361, 362, 363, 364)**

Also includes court actions to prove that a person is the father of an illegitimate child and to enforce support obligations; legalizing the status of an illegitimate child; and parental or guardian termination of parental rights.

### **Other Domestic Relations (401)**

Includes cases that do not logically fit into any of the above categories.

### **Orders of Protection (381)**

Includes petitions for orders of temporary protection filed by a person seeking relief from an allegedly violent person, who is currently or formerly a household family member.

## **Criminal Case Types**

### **Major Felony (A & B Felonies) and Capital Cases**

Includes all class A or B felonies and capital cases here.

### **Other Felonies (C through E Felonies)**

Includes all class C through E felonies here.

### **DUI**

Include DUI's in this category.

### **Drug Court**

Include any case that has been placed in the drug court program. Drug Court cases filed were not available, given that drug court is a diversion program. To derive a case weight, the NCSC used the drug court capacity (the number of cases a drug court is expected to serve at any given time) as the divisor (instead of dispositions). This figure was also used to determine expected judicial workload (instead of filings).

### **Criminal Appeals (includes juvenile delinquency appeals)**

Includes both adult criminal appeals and juvenile delinquency appeals.

### **Other Misdemeanors**

Includes all non-DUI misdemeanor cases.

## Appendix C: Case Related Activities

Case related activities are the essential functions that Tennessee judges perform throughout the life of a court case. The study will produce weights or average times in minutes that judges need to accomplish these critical tasks. Case related activities are those activities that can be attributed to a specific case. The case related activities were categorized by the Advisory Committee into manageable groups for the collection of time study data.

### Pre-trial Activities

*Examples:*

- Initial appearance/arraignment;
- Pretrial hearings and motions;
- Pretrial conferences;
- Settlement conferences;
- Calendar or docket call;
- Pretrial management conferences;
- Non-trial disposition activities (plea, uncontested dissolution, nolle prosequi, dismissal);
- Administrative activities occurring pre-trial.

### Trial Activities

*Examples:*

- Jury selection;
- Bench and jury trials;
- Research conducted during trial specific to that trial's activities and decisions;
- Administrative activities occurring during trial that are specific to that trial.

### Post-trial Activities

*Examples:*

- Sentencing;
- Post judgment hearings and orders;
- Post judgment writs and petitions;
- Administrative activities occurring post-trial specific to that trial.

### Probation Violations Activities

*Examples:*

- Review of violation of probation petitions;
- Violation of probation hearings;
- Any other activity related to violations of probation

## **Appendix D: General Administrative/Other Activities**

### **Education and training**

- Conferences (out of state and local);
- Continuing education;
- Training other judges or judicial employees;
- Professional development;
- State-wide judicial meetings;
- On-line courses related to judicial work;
- Local bar-sponsored training events.

### **Community activities, speaking engagements**

- Speaking at local bar luncheon, high school class or Rotary Club, etc.;
- Participating in community activities in your official capacity as a judge.

### **Committee meetings**

- State committee work;
- Local committee work;
- Committee related work;
- Local meetings with agency representatives.

### **Non-case Work Related Reimbursable Travel Time (non-commuting work related travel)**

- Any work related travel that is eligible for reimbursement.

### **Vacation/illness or other leave**

- Vacation;
- Sick leave;
- Personal leave;
- Family medical leave

### **General Administration**

- Personnel issues;
- Case assignment;
- Internal staff meetings
- Non-case specific legal reading/research;
- Reading law journals, professional literature;
- Research/reading to keep you abreast of legislative changes, legal opinions, etc.

### **Time Study Project Time**

- Time spent recording activities for the NCSC time study.

### **Other**

- Any non-case specific activities that are not included in this list but are required of you in your judicial officer position.

**Appendix E: “Inside the Numbers”**

**Case Weight Distribution by Activity**

Case Type	Time Study Result (minutes)	Case Type	Time Study Result (minutes)
<b>Criminal: Major Felony (A, B, capital cases)</b>		<b>Other Misdemeanor</b>	
Pre-Trial	69.39	Pre-Trial	17.09
Trial	65.04	Trial	3.71
Post-Trial	47.57	Post-Trial	3.2
	<b>182</b>		<b>24</b>
<b>Criminal Other Felony (C, D, E)</b>		<b>Probation Violation</b>	
Pre-Trial	28.63	Probation Violation	17
Trial	8.65		<b>17</b>
Post-Trial	7.72		
	<b>45</b>		
<b>DUI</b>		<b>Administrative Hearings Davidson County (Appeals)</b>	
Pre-Trial	34.63	Pre-Trial	119.21
Trial	35.75	Trial	29.53
Post-Trial	3.62	Post-Trial	155.25
	<b>74</b>		<b>304</b>
<b>Drug Court</b>		<b>Contract/Debt/Specific Performance</b>	
Pre-Trial	37.66	Pre-Trial	55.58
Trial	2.46	Trial	47.44
Post-Trial	99.88	Post-Trial	11.98
	<b>140</b>		<b>115</b>
<b>Criminal Appeals (incl. juvenile delinquency)</b>		<b>Damages/Tort</b>	
Pre-Trial	33.29	Pre-Trial	47.28
Trial	8.79	Trial	31.54
Post-Trial	7.92	Post-Trial	3.18
	<b>50</b>		<b>82</b>
<b>Guardianship/Conservatorship</b>		<b>Workers Compensation</b>	
Pre-Trial	17.08	Pre-Trial	18.5
Trial	15.34	Trial	15.26
Post-Trial	8.58	Post-Trial	7.24
	<b>41</b>		<b>41</b>

**Appendix E Continued: “Inside the Numbers”**

**Case Weight Distribution by Activity**

Case Type	Time Study Result (minutes)	Case Type	Time Study Result (minutes)
<b>Judicial Hospitalization</b>		<b>Child Support (outside divorce)</b>	
Pre-Trial	9.35	Pre-Trial	6.15
Trial	6.55	Trial	8
Post-Trial	1.1	Post-Trial	5.84
	<b>17</b>		<b>20</b>
<b>Juvenile Court Appeal</b>		<b>Divorce with Children</b>	
Pre-Trial	14.32	Pre-Trial	31.33
Trial	16.32	Trial	32.13
Post-Trial	4.36	Post-Trial	30.54
	<b>35</b>		<b>94</b>
<b>Medical Malpractice</b>		<b>Divorce without Children</b>	
Pre-Trial	438.2	Pre-Trial	14.74
Trial	211.28	Trial	11.26
Post-Trial	29.52	Post-Trial	6
	<b>679</b>		<b>32</b>
<b>Probate and Trust</b>		<b>Protection of Children</b>	
Pre-Trial	11.91	Pre-Trial	23.54
Trial	6.39	Trial	19.22
Post-Trial	1.7	Post-Trial	4.24
	<b>20</b>		<b>47</b>
<b>Other General Civil</b>		<b>Orders of Protection</b>	
Pre-Trial	28.64	Pre-Trial	6.4
Trial	7.63	Trial	8.81
Post-Trial	5.73	Post-Trial	2.79
	<b>42</b>		<b>18</b>
<b>Real Estate</b>		<b>Other Domestic Relations</b>	
Pre-Trial	73.42	Pre-Trial	3.49
Trial	78.18	Trial	2
Post-Trial	28.4	Post-Trial	0.51
	<b>180</b>		<b>6</b>

**Appendix F: Judicial Officer Need Model by District (Districts 1 - 8)**  
 The data used to produce the workload on the following pages was from FY 2005-2006.

	Case Type	Case Weight (Minutes)	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8
Criminal	1 Criminal: Major Felony (A, B, capital cases)	182	274	161	134	155	19	241	39	102
	2 Criminal Other Felony (C, D, E)	45	1,345	841	931	919	232	1,229	100	798
	3 DUI	74	129	19	47	82	6	409	21	107
	4 Drug Court	140					30	80		30
	5 Criminal Appeals (incl. juvenile delinquency)	50	9	14	6	23	91	0	61	1
	6 Other Misdemeanor	24	228	96	140	286	63	500	39	197
	7 Probation Violation	17	1,187	505	505	566	442	1,206	84	563
	8 Administrative Hearings Davidson County (Appeals)	304	0	0	0	0	0	0	0	0
	9 Contract/Debt/Specific Performance	115	231	201	180	369	127	733	72	212
	10 Damages/Tort	82	354	269	390	407	218	1,251	260	286
General Civil/Other	11 Guardianship/Conservatorship	41	53	33	80	33	28	403	29	38
	12 Judicial Hospitalization	17	0	36	4	0	10	150	14	1
	13 Juvenile Court Appeal (Civil)	35	3	2	8	4	0	18	15	3
	14 Medical Malpractice	679	13	18	4	6	0	68	2	1
	15 Probate/Trust	20	567	598	1,112	165	0	1,262	264	330
	16 Other General Civil	42	751	361	374	353	269	1,332	205	265
	17 Real Estate	180	79	44	55	106	39	101	22	84
	18 Workers Compensation	41	121	102	197	153	173	407	352	171
	19 Child Support (outside of divorce)	20	328	493	1,010	566	184	707	343	492
	20 Divorce with Children	94	531	394	582	649	215	1,078	170	293
Domestic	21 Divorce without Children	32	723	510	812	433	226	1,396	198	305
	22 Protection of Children (paternity, adoption, legitimation, surrender, TPR)	47	148	94	207	107	100	247	56	57
	23 Orders of Protection	18	50	111	338	520	0	2,315	100	6
	24 Other Domestic Relations	6	216	30	430	509	29	72	112	314
	25		7,341	4,933	7,359	6,412	2,502	15,206	2,559	4,657
	26 Case-Specific Workload (Weights x Filings)	Total Filings	365,489	249,933	314,680	322,814	127,894	757,614	118,417	223,896
	27 Judge Average Annual Availability (365 - 104 w weekend days)		117,450	117,450	117,450	117,450	117,450	117,450	117,450	117,450
	28 State holidays (- 12 days); Leave (27 days); Education (12 days)		22,950	22,950	22,950	22,950	22,950	22,950	22,950	22,950
	29 Average (by district) Travel per year		8,094.26	2,149.00	3,906.50	4,863.64	16,800.00	2,184.46	2,184.46	6,705.85
	30 Non-case related Time (157 hrs/day)		19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796
31 Availability for Case-Specific Work		66,610	72,555	70,797	69,840	73,024	74,485	74,485	67,998	
32 Judicial Officer Demand: Criminal		2,21	1,11	1,12	1,34	0,44	2,34	0,25	1,20	
33 Judicial Officer Demand: Civil		1,94	1,37	1,63	1,79	0,81	4,97	0,88	1,33	
34 Judicial Officer Demand: Domestic Relations		1,34	0,97	1,69	1,49	0,50	2,87	0,46	0,77	
35 Total Judicial Officer Demand		5,49	3,44	4,44	4,62	1,75	10,17	1,59	3,29	
36 Current Judges/Chancellors per District		5,00	4,00	5,00	5,00	2,00	10,00	2,00	3,00	
37 # of Judges Over (+) Under (-) need		-0,49	0,56	0,56	0,38	0,25	-0,17	0,41	-0,29	

**Appendix F: Judicial Officer Need Model by District Continued (Districts 9 - 16)**

The data used to produce the workload on the following pages was from FY 2005- 2006

	Case Type	Case Weight (Minutes)	District 9	District 10	District 11	District 12	District 13	District 14	District 15	District 16
Criminal	1 Criminal Major Felony (A, B, capital cases)	182	73	247	742	176	160	77	244	258
	2 Criminal Other Felony (C, D, E)	45	350	1,165	2,157	984	1,120	290	871	934
	3 DUI	74	73	141	357	227	342	15	106	127
	4 Drug Court	140		30		25			25	50
	5 Criminal Appeals (incl. juvenile delinquency)	50	1	0	152	29	16	0	1	19
	6 Other Misdemeanor	24	69	297	1,307	418	1,001	83	595	457
	7 Probation Violation	17	150	1,061	1,474	721	1,087	263	691	1,042
General Civil/Other	8 Administrative Hearings Davidson County (Appeals)	304	0	0	0	0	0	0	0	0
	9 Contract/Debt/Specific Performance	115	154	228	471	122	214	82	166	219
	10 Damages/Tort	82	257	416	715	299	396	177	253	449
	11 Guardianship/Conservatorship	41	20	59	270	47	60	17	40	17
	12 Judicial Hospitalization	17	1	0	114	0	6	0	8	11
	13 Juvenile Court Appeal (Civil)	35	1	5	4	14	20	3	4	11
	14 Medical Malpractice	679	5	8	46	7	12	1	3	18
	15 Probate/Trust	20	62	368	713	208	151	134	177	19
	16 Other General Civil	42	166	306	1,009	220	246	145	219	678
	17 Real Estate	180	104	63	90	66	162	16	123	118
	18 Workers Compensation	41	185	213	735	192	267	110	218	362
	19 Child Support (outside of divorce)	20	53	923	406	550	224	377	157	411
	20 Divorce with Children	94	91	666	704	399	251	163	473	972
	21 Divorce without Children	32	70	750	1,023	469	305	140	519	549
	22 Protection of Children (paternity, adoption, legitimation, surrender, TPR)	47	144	156	263	288	137	22	148	153
	23 Orders of Protection	18	1	511	389	246	3	0	174	656
	24 Other Domestic Relations	6	239	211	198	721	33	24	52	80
	25	Total Filings		2,270	7,825	13,340	6,429	6,214	2,140	5,268
26	Case-Specific Workload (Weights x Filings)		136,642	370,289	712,372	286,092	315,532	105,322	284,024	413,121
27	Judge Average Annual Availability (365 - 104 w weekend days)		117,450	117,450	117,450	117,450	117,450	117,450	117,450	117,450
28	State holidays (- 12 days); Leave (27 days); Education (12 days)		22,950	22,950	22,950	22,950	22,950	22,950	22,950	22,950
29	Average (by district) Travel per year		7,804.27	7,173.87	2,184.46	14,172.68	6,309.21	2,184.46	9,104.51	72,171
30	Non-case related Time (157 hrs/day)		19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796
31	Availability for Case-Specific Work		66,900	67,530	74,485	60,531	68,395	74,485	65,599	73,982
32	Judicial Officer Demand: Criminal		0.58	2.04	4.35	2.00	2.17	0.47	1.85	1.83
33	Judicial Officer Demand: Civil		1.16	1.61	3.50	1.31	1.78	0.56	1.34	1.90
34	Judicial Officer Demand: Domestic Relations		0.30	1.83	1.72	1.42	0.65	0.39	1.14	1.85
35	Total Judicial Officer Demand		2.04	5.48	9.56	4.73	4.61	1.41	4.33	5.58
36	Current Judges/Chancellors per District		3.00	5.00	9.00	4.00	5.00	2.00	4.00	5.00
37	# of Judges Over (+) / Under (-) need		0.96	-0.48	-0.56	-0.73	0.39	0.59	-0.33	-0.58

**Appendix F: Judicial Officer Need Model by District Continued (Districts 17 - 24)**

The data used to produce the workload on the following pages was from FY 2005-2006.

	Case Type	Case Weight (Minutes)	District 17	District 18	District 19	District 20	District 21	District 22	District 23	District 24
Criminal	1 Criminal: Major Felony (A, B, capital cases)	182	99	177	356	1,663	114	314	203	143
	2 Criminal: Other Felony (C, D, E)	45	437	695	1,015	3,281	590	1,083	769	336
	3 DJJ	74	10	69	137	392	125	180	102	12
	4 Drug Court	140		100		150	75	50	35	
	5 Criminal Appeals (incl. juvenile delinquency)	50	3	18	57	24	17	20	14	8
	6 Other Misdemeanor	24	55	135	398	492	251	524	327	32
	7 Probation Violation	17	144	836	751	3,328	448	872	728	278
General Civil/Other	8 Administrative Hearings Davidson County (Appeals)	304	0	0	0	201	0	0	0	0
	9 Contract/Debt/Specific Performance	115	113	229	171	1,123	386	181	151	157
	10 Damages/Tort	82	165	268	433	1,263	276	246	196	197
	11 Guardianship/Conservatorship	41	37	67	59	258	133	56	22	27
	12 Judicial Hospitalization	17	1	0	0	186	0	0	0	1
	13 Juvenile Court Appeal (Civil)	35	1	5	5	13	6	11	0	4
	14 Medical Malpractice	679	4	9	5	167	4	16	6	8
	15 Probate/Trust	20	319	344	394	1,511	448	536	141	231
	16 Other General Civil	42	264	666	395	1,735	369	374	182	195
	17 Real Estate	180	65	98	40	140	119	85	74	62
	18 Workers Compensation	41	169	143	160	2,605	101	321	110	144
	19 Child Support (outside of divorce)	20	895	285	200	848	354	414	227	140
	20 Divorce w/ Children	94	346	411	795	1,054	501	429	387	239
21 Divorce w/out Children	32	382	505	871	1,421	479	496	419	235	
Domestic	22 Protection of Children (paternity, adoption, legitimation, surrender, TPR)	47	104	111	153	619	182	94	204	78
	23 Orders of Protection	18	72	426	6	458	33	218	45	1
	24 Other Domestic Relations	6	217	72	33	967	271	113	53	13
	25					Total Filings				
	26 Case-Specific Workload (Weights x Filings)		3,903	5,670	6,435	23,900	5,283	6,634	4,396	2,542
	27 Judge Average Annual Availability (365 - 104 w/ weekend days)		180,361	291,609	360,573	1,434,983	288,274	338,739	237,571	155,832
	28 State holidays (- 12 days); Leave (27 days); Education (12 days)		117,450	117,450	117,450	117,450	117,450	117,450	117,450	117,450
	29 Average (by district) Travel per year		22,950	22,950	22,950	22,950	22,950	22,950	22,950	22,950
Availability for Case-Specific Work	30 Non-case related Time (1,57 hrs/day)		11,465.78	218.46	8,695.76	83,135	8,629.71	7,288.07	5,362.22	9,760.73
	31 Availability for Case-Specific Work		19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796
	32 Judicial Officer Demand: Criminal		63,238	74,485	66,008	73,873	66,074	67,436	69,342	64,943
	33 Judicial Officer Demand: Civil		0.67	1.36	2.22	7.75	1.24	2.30	1.52	0.74
	34 Judicial Officer Demand: Domestic Relations		1.06	1.56	1.51	8.90	1.90	1.63	0.96	1.09
	35 Total Judicial Officer Demand		1.12	0.99	1.73	2.78	1.22	1.09	0.94	0.56
	36 Current Judges/Chancellors per District		2.85	3.91	5.46	19.43	4.36	5.02	3.43	2.40
	37 # of Judges Over (+) Under (-) need		3.00	3.00	4.00	18.00	4.00	4.00	3.00	3.00
			0.15	-0.91	-1.46	-1.43	-0.36	-1.02	-0.43	0.60

**Appendix F: Judicial Officer Need Model by District Continued (Districts 25 – 31 and State Total)**

The data used to produce the workload on the following pages was from FY 2005-2006.

	Case Type	Case Weight (Minutes)	District 25	District 26	District 27	District 28	District 29	District 30	District 31	State
Criminal	1 Criminal: Major Felony (A, B, capital cases)	182	168	180	128	98	155	2,512	71	9,483
	2 Criminal Other Felony (C, D, E)	45	665	625	305	420	485	6,912	243	32,127
	3 DUI	74	65	38	6	56	17	865	39	4,321
	4 Drug Court	140		60	40		26		25	831
	5 Criminal Appeals (incl. juvenile delinquency)	50	5	3	1	10	1	38	0	642
	6 Other Misdemeanor	24	53	137	24	24	58	3,049	149	11,700
	7 Probation Violation	17	413	660	174	223	152	2,315	185	22,866
General Civil/Other	8 Administrative Hearings Davidson County (Appeals)	304	0	0	0	0	0	0	0	201
	9 Contract/Debt/Specific Performance	115	205	242	40	89	66	795	60	7,790
	10 Damages/Tort	82	218	352	114	146	125	1,656	101	12,147
	11 Guardianship/Conservatorship	41	77	15	40	58	6	4	12	2,098
	12 Judicial Hospitalization	17	293	0	1	0	0	0	0	837
	13 Juvenile Court Appeal (Civil)	35	7	3	4	2	2	15	1	194
	14 Medical Malpractice	679	8	11	0	2	1	183	2	638
	15 Probate/Trust	20	289	99	205	269	20	1	169	11,106
	16 Other General Civil	42	393	514	146	208	265	1,511	142	14,258
	17 Real Estate	180	94	57	23	34	18	142	22	2,356
	18 Workers Compensation	41	128	236	226	108	77	491	69	9,060
	19 Child Support (outside of divorce)	20	96	126	126	181	12	202	61	11,391
	20 Divorce with Children	94	386	492	186	215	153	1,627	70	14,922
	21 Divorce without Children	32	960	875	237	176	185	1,532	84	17,285
Domestic	22 (paternity, adoption, legitimation, surrender, TPR) Protection of Children	47	98	108	36	46	17	288	40	4,505
	23 Orders of Protection	18	97	2	0	6	1	2	228	7,015
	24 Other Domestic Relations	6	15	25	133	36	10	111	23	5,362
	25	Total Filings	4,734	4,861	2,196	2,624	1,853	24,252	1,797	203,135
	26 Case-Specific Workload (Weights x Filings)		250,151	278,300	116,539	134,094	117,602	1,632,263	87,035	11,008,059
	27 Judge Average Annual Availability (365 - 104 weekend days)		117,450	117,450	117,450	117,450	117,450	117,450	117,450	117,450
	28 State holidays (- 12 days); Leave (27 days); Education (12 days)		22,950	22,950	22,950	22,950	22,950	22,950	22,950	22,950
	29 Average (by district) Travel per year		9,213.92	16,552.1	5,620.91	4,508.05	6,254.94	2,451.9	3,622.25	3,836.00
	30 Non-case related Time (157 hrs/day)		19,796	19,796	19,796	19,796	19,796	19,796	19,796	19,796
	31 Availability for Case-Specific Work		65,490	73,049	69,083	70,196	74,078	74,489	74,342	70,868
32 Judicial Officer Demand: Criminal		1.13	1.19	0.68	0.73	0.80	12.75	0.50	61.07	
33 Judicial Officer Demand: Civil		1.53	1.49	0.57	0.72	0.50	6.20	0.45	56.10	
34 Judicial Officer Demand: Domestic Relations		1.16	1.31	0.44	0.46	0.29	2.96	0.22	36.16	
35 Total Judicial Officer Demand		3.82	3.81	1.69	1.91	1.59	21.91	1.17	155.33	
36 Current Judges/Chancellors per District		4.00	4.00	2.00	2.00	2.00	2.00	2.00	1.00	152.00
37 # of Judges Over (+) Under (-) need		0.18	0.19	0.31	0.09	0.41	0.09	0.09	-0.17	-3.33





**NATIONAL CENTER FOR STATE COURTS  
COURT SERVICES DIVISION  
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