

# ADVISORY TASK FORCE ON THE COMPOSITION OF JUDICIAL DISTRICTS

*Created by Public Chapter 974 (2018)*



# FINAL REPORT

*December 2019*

# ACKNOWLEDGEMENTS

The members of the Advisory Task Force on Composition of Judicial Districts express their gratitude to the General Assembly for giving us this opportunity to serve our State. Each of us is honored and humbled by the confidence and trust the Speaker of the House and Lieutenant Governor placed in us.

The Task Force has received generous help in the preparation of this report from a number of people. We must mention and thank General Counsel Rachel Harmon and Legal Project Assistant Ceesha Lofton with the Administrative Office of the Courts. Both were tireless in responding to our demands. They have worked their professional magic to get our mass of opinions into the written word and to ensure this report's completion under the tightest of deadlines.

We are indebted to everyone who submitted a public comment or who spoke at one of our five public hearings. We wish we could list them. They are too numerous to list individually but each of their insights were valuable to us. Without them it would have been impossible to prepare this report.

We also thank Deborah Tate, Administrative Director of the Administrative Office of the Courts; Jerry Estes, Executive Director of the Tennessee District Attorneys General Conference; Patrick Frogge, Executive Director of the Tennessee District Public Defenders Conference; Katelin Brown, Tennessee General Assembly, Office of the Senate Clerk; Kathy Blount, Madison County Circuit Court Clerk; President Chris Whaley, Roane State Community College; the Honorable Royce Taylor, 16th Judicial District; Melissa Harrell, Rutherford County Circuit Court Clerk; and Dean Katharine T. Schaffzin, Cecil C. Humphrey's School of Law at the University of Memphis.

Our meetings and hearings would not have been possible without the technical assistance of Shaun Vandiver, David Metler, Brady Troutt and Nathan Howell with the Technology Division of the Administrative Office of the Courts. And we are grateful to Communications Director Barbara Peck and Webmaster Sue Ann Olson with the Administration of the Courts for the design and layout of this report and the creation and maintenance of the Task Force's informational web page.

This report could not have been written without the assistance of Benjamin D. Marsee, Assistant District Public Defender, 13th Judicial District. Mr. Marsee provided invaluable research and editing.

This report would not exist without the leadership of Chancellor Telford Forgety. As Chairman he has kept the Task Force on focus and presided over our meetings with patience, openness and forbearance. Each of us has been overwhelmed by his efforts.

Any mistakes contained in this report are ours and ours alone.

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Current judicial districts in Tennessee range from single county urban districts like the 20th judicial district, which encompasses Davidson County, shown above, to large geographic districts that span multiple counties from Alabama to Kentucky. Some areas, like Hickman County, pictured left, sit on the cusp of suburban and rural development and have been impacted by growth in their neighboring counties.

# EXECUTIVE SUMMARY

Tennessee's 31 judicial districts were established in 1984 and have remained unchanged since that time. In 2018, the General Assembly created this Advisory Task Force on Composition of Judicial Districts to study the current make-up of the State's judicial districts and determine if a realignment of district lines would promote greater access to justice for the people of Tennessee.

The Task Force conducted five public hearings, heard from more than eighty speakers, and received over one hundred public comments. The speakers ranged from concerned citizens to legislators, judges, county mayors, attorneys, District Attorneys General and retired District Attorneys General, District Public Defenders, court clerks and other public officials. Their almost unanimous opinion was that judicial district realignment is neither necessary nor desired. This same opinion was also expressed in the written public comments the Task Force received.

There was a notable exception involving the 21st Judicial District. Nearly all of the comments received from individuals from Hickman, Lewis, and Perry counties were that the people of those counties wished to be separated

from Williamson County and become a separate judicial district. The Task Force concludes that the 21st Judicial District should be modified. Williamson County should be a stand-alone, single-county judicial district. The balance of the 21st Judicial District—Hickman, Lewis, and Perry counties—should form a separate judicial district. The Task Force recommends no other changes to judicial district lines.

The Task Force requests that the General Assembly consider increasing resources to the judicial system. The Task Force recommends that three new judgeships be created, one each in the 19th, 22nd, and 23rd Judicial Districts. Additionally, the Task Force recommends that new Assistant District Attorneys General and Assistant District Public Defenders positions be created as proposed by their respective conferences. The Task Force found that several counties provide financial support to the state's judicial system, Shelby County being the largest contributor. As a result of local support, the State has been able to devote resources into other localities.

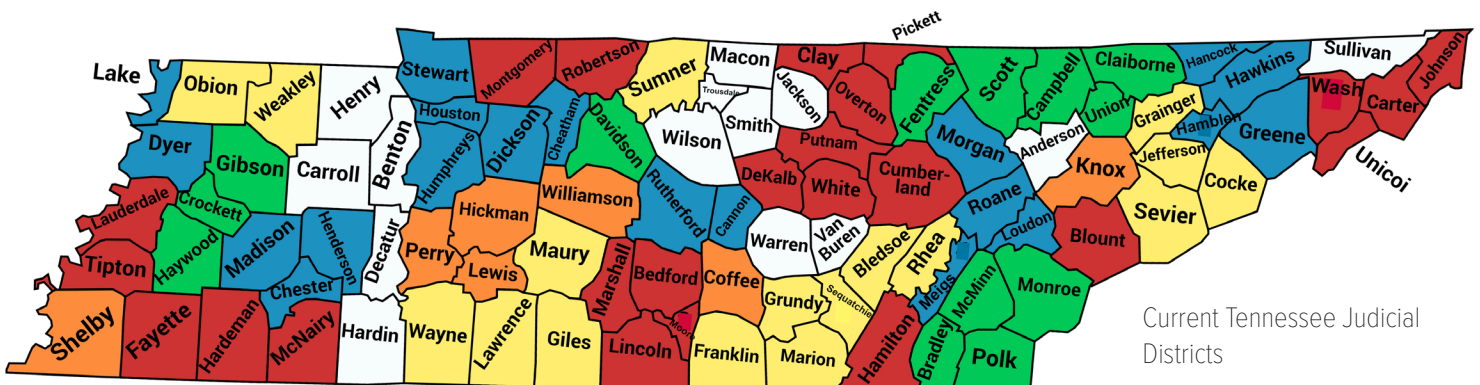
# INTRODUCTION

The fair and efficient administration of the law is the cornerstone of justice. Tennessee’s trial courts are the most important and complex element of the State’s judicial system. Almost all legal matters, including divorce actions, contract disputes, boundary line disputes, and criminal cases, are initiated in the State’s trial courts. These courts have the greatest public exposure and are the courts that affect the greatest number of people. The jurisdiction of the State’s trial courts covers virtually all matters from the most complex litigation to small claims. The cases heard by the State trial courts touch the lives of so many people in so many ways that it is essential every effort be made to resolve them fairly and efficiently. The efficient administration of justice in the trial courts is rarely highly visible or dramatic, but its absence is.

In its continuing duty to ensure that all of Tennessee’s citizens have

access to the State’s trial courts, the General Assembly has, over the past 25 years, examined how the State’s judicial resources are allocated. One focus of these efforts has been whether a reconfiguration of the State’s judicial districts would improve the State’s judicial system. In 2018, the General Assembly established an advisory task force to review the composition of Tennessee’s current judicial districts.<sup>1</sup> The Task Force was specifically mandated to recommend and publish a proposed state-wide judicial redistricting plan. This plan was to provide reasonable and timely access to Tennessee’s Circuit, Chancery, and Criminal Courts, and to promote the overall efficiency and utilization of judicial resources. In contrast to previous redistricting attempts, the Task Force recognized that the judicial system includes not only courts, but the offices of the District Attorneys General, District Public Defenders, and court clerks as well

<sup>1</sup> Public Act 2018, Ch. 974





The Task Force kicked off its work in the fall of 2018 after Public Chapter 972 was signed into law on May 21, 2018 by then-Governor Bill Haslam.

as other services, such as child advocacy groups and drug courts.

In preparation of this report, the Task Force conducted sixteen meetings. Each of these meetings were publicized and open to the public. Over one hundred public comments were received and posted to the Administrative Office of the Court's website in a special section on that site dedicated to the Task Force. All of these comments were fully considered by the Task Force.

In addition to its public meetings, the Task Force conducted five public hearings throughout the State. These hearings took place on March 4, 2019, in Nashville, on April 15, 2019, in Jackson, on May 20, 2019, in Harriman, on June 12, 2019, in Murfreesboro, and finally in Memphis on July 15, 2019. The Task Force

heard from more than eighty speakers.

Participation in the public hearings was widespread with input being supplied by numerous groups including members of the General Assembly, city and county mayors, county sheriffs, drug task force directors, police departments, representatives from local Child Advocacy Centers and Court Appointed Special Advocate organizations, drug court providers, other contract organizations, presidents of local bar associations, practicing attorneys, representatives of the NAACP, members of the general public, judges, District Attorneys General, and District Public Defenders. Again, the comments of these speakers were duly considered by the Task Force.

This report is the product of the Task Force's work.

# OVERVIEW OF TENNESSEE’S JUDICIAL SYSTEM

**A**rticle VI of Tennessee’s Constitution establishes the State’s judicial branch. The State’s courts constitute one of the co-equal branches of government. The State Constitution vests judicial power in one Supreme Court and such “Circuit, Chancery and other inferior courts as the Legislature” elects to create.<sup>2</sup> Unlike federal judges, State judges serve eight-year terms. Judges are subject to impeachment or removal as provided in the Tennessee Constitution in Articles V and VI.

## TENNESSEE’S COURTS AND THEIR ADMINISTRATION

**Types of State Courts.** Tennessee has a four-tier court system. The Tennessee Supreme Court is the highest court in the State. The next tier consists of the State’s two co-equal appellate courts: the Tennessee Court of Appeals and the Tennessee Court of Criminal Appeals. The third tier consists of Tennessee’s trial courts of record: Circuit, Chancery, and Criminal. The fourth tier consists of the

State’s General Sessions Courts, Juvenile Courts, and Municipal Courts.

**Tennessee Supreme Court.** The Tennessee Supreme Court is established by the State Constitution.<sup>3</sup> It is the highest court in the State. The Supreme Court consists of a Chief Justice and four associate justices.<sup>4</sup> Cases from either the Court of Appeals or the Court of Criminal Appeals may be appealed to the Tennessee Supreme Court.<sup>5</sup> Unlike the Court of Appeals and Court of Criminal Appeals, the Tennessee Supreme Court is not required to hear every case brought before it. In addition to being the highest court in the State, the Tennessee Supreme Court also has the authority to administer Tennessee’s judicial system.<sup>6</sup> The General Assembly has recognized that the Supreme Court has “general supervisory control over all the inferior courts of the State.”<sup>7</sup>

**Intermediate Appellate Courts.** Tennessee’s Courts of Appeal and Criminal Appeals form the State’s inferior appellate courts.<sup>8</sup> The General Assembly

2 Tennessee Constitution Article VI, § 1

3 Tennessee Constitution Article VI, § 1

4 Tenn. Code Ann. §16-3-101

5 Tenn. Code Ann. §16-3-201

6 Tenn. Code Ann. §16-3-501

7 Tenn. Code Ann. §16-3-501

8 Tenn. Code Ann. §16-4-101



has enacted laws that group each of the State's counties into one of Tennessee's three grand divisions. These divisions are Eastern, Middle and Western.<sup>9</sup> The General Assembly has also created two Appellate Courts, the Court of Appeals and the Court of Criminal Appeals.<sup>10</sup> Generally, litigants who lose their case before a court of record may appeal their case to either of these two Appellate Courts.<sup>11</sup> These appellate courts have jurisdiction over cases appealed from the counties within their grand division.<sup>12</sup> These appellate courts review cases to determine if the trial court applied the law correctly.

**Trial Courts.** Tennessee has three types of trial courts: Circuit, Chancery, and Criminal. Both Circuit and Chancery Courts are constitutionally mandated.<sup>13</sup> It is in the State's trial courts where cases are tried, witnesses testify, and juries serve. Tennessee trial judges have the broadest judicial responsibility. The State's trial judges conduct a wide range of judicial proceedings, including hearings, bench trials, and jury trials. Only the State's trial

judges are authorized to conduct felony criminal trials.<sup>14</sup>

The General Assembly has divided the State into thirty-one Judicial Districts.<sup>15</sup> Each county in Tennessee has been placed in one of these districts. It is the responsibility of each county comprising a Judicial District to provide to its trial judges sufficient space to conduct court.<sup>16</sup>

There are currently 156 State trial judges. State trial judges are State employees. Most State trial judges serve in multiple counties. In the vernacular of the 19<sup>th</sup> century, they ride the circuit of their respective districts.

Circuit Courts are courts of general jurisdiction.<sup>17</sup> They are empowered to resolve all civil disputes except in those instances where the General Assembly has vested other courts with exclusive jurisdiction.<sup>18</sup> Circuit Courts also have jurisdiction to hear criminal cases.<sup>19</sup>

Chancery Courts are courts of equity.<sup>20</sup> Their judges are referred to as Chancellors. The Chancery Court's

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9 Tenn. Code Ann. §16-4-102

10 Tenn. Code Ann. §§16-4-101 and 16-5-101

11 In criminal cases the ability of the State to appeal is limited. The State may not appeal an acquittal.

12 Tenn. Code Ann. §16-4-108

13 Tennessee Constitution Article VI, § 1

14 Tenn. Code Ann. §16-10-102

15 Tenn. Code Ann. §16-2-506

16 Tenn. Code Ann. §5-7-104

17 Tenn. Code Ann. §16-10-101

18 Tenn. Code Ann. §16-10-101

19 Tenn. Code Ann. §16-10-102

20 Tenn. Code Ann. §16-11-101

origins can be traced to Medieval England. Chancery Court has concurrent jurisdiction with Circuit Court over all civil actions except for actions concerning unliquidated damages for personal injury.<sup>21</sup> For example, Chancery Court has exclusive jurisdiction to hear and determine any case in which there is a dispute about the location of a boundary line between adjacent tracts of land.<sup>22</sup> Additionally, Chancery Court has jurisdiction over persons who have been deemed incompetent.<sup>23</sup>

Both Chancery and Circuit Courts have, by statute, jurisdiction to hear any case involving actions for divorce or child custody.<sup>24</sup>

Criminal Courts have jurisdiction over misdemeanor and felony criminal cases.<sup>25</sup> Not all judicial districts have designated Criminal Courts. In those jurisdictions where the General Assembly has created Criminal Courts, those courts typically only hear criminal cases. It is common in some judicial districts for

Circuit Judges or Chancellors to preside over criminal cases by interchange.

**General Sessions Courts.** General Sessions Courts exercise jurisdiction in a narrower range of cases than State trial courts.<sup>26</sup> Unlike State trial judges, General Sessions judges serve, in most cases, only one county.<sup>27</sup> Additionally, they are county rather than State employees.<sup>28</sup> The number of General Sessions judges in any particular county is approved and funded by that county's County Commission and enacted by the General Assembly. General Sessions judges hear preliminary matters in criminal cases and have jurisdiction to try misdemeanor criminal cases. Under certain circumstances, General Sessions judges may conduct trials in civil cases where the amount in controversy is less than \$25,000.00.<sup>29</sup> In some counties, General Sessions judges have been granted, by private act, jurisdiction to hear divorce and probate cases which would otherwise would be heard by State trial courts.<sup>30</sup> Many General Sessions judges also serve as juvenile court judges.<sup>31</sup>

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21 Tenn. Code Ann. §16-11-102

22 Tenn. Code Ann. §16-11-106

23 Tenn. Code Ann. §16-11-108

24 Tenn. Code Ann. §§ 16-10-108 and 16-11-110

25 Tenn. Code Ann. §16-10-102

26 Tenn. Code Ann. §16-15-101

27 Van Buren and White County share a General Sessions Judge. (Pr. A. 1972 Ch. 505)

28 Tenn. Code Ann. §16-15-5003

29 Tenn. Code Ann. §16-15-501

30 Tenn. Code Ann. §16-15-5004

31 In Bradley (Pr. A., 2006, Ch.86), Davidson (Public Act 1993, Ch.212) and Shelby counties (Public Act 1982, Ch. 772) general sessions courts are also vested with environmental court jurisdiction.

General Sessions judges will not be affected by judicial redistricting because they only serve one county.

**Juvenile Courts.** A juvenile court is a court with special and restricted jurisdiction. This court has exclusive jurisdiction over proceedings “in which a child is alleged to be delinquent, unruly or dependent or to have committed a juvenile traffic offense.”<sup>32</sup> The court also has jurisdiction over actions to determine custody and paternity issues. Circuit and Chancery courts have concurrent jurisdiction with juvenile courts in actions to terminate parental rights.<sup>33</sup> Except in counties where juvenile courts have been created by statute, General Sessions Courts conduct juvenile court proceedings. These courts are funded by the counties that they serve.

**Probate Courts.** Probate courts deal with proceedings involving the property and debts of people who have died.<sup>34</sup> Except in those counties where jurisdiction has been granted to a county’s General Sessions Court, Chancery Court

exercises probate jurisdiction.<sup>35</sup> Both Shelby and Davidson county have their own stand-alone probate courts.

**Municipal Courts.** Generally, municipal courts hear proceedings involving traffic offenses and violations of city ordinances. There are 29 municipal courts that exercise concurrent jurisdiction with General Sessions Court over criminal cases.<sup>36</sup> In these cities, both District Attorneys General and District Public Defenders handle cases in municipal court.

**Child Support Magistrates.** The enforcement of child support court orders is one of the most important duties assigned to the State judiciary. The General Assembly determined that in order to ensure that child support cases were heard within the time frame established by federal child support regulations, trial judges needed assistance. The legislature created child support magistrates to fill this role.<sup>37</sup> These specialized judicial officers conduct hearings in cases that seek to establish

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32 Tenn. Code Ann. §37-1-103

33 Tenn. Code Ann. §37-1-104

34 Tenn. Code Ann. §30-2-401

35 Tenn. Code Ann. §32-4-109

36 Tenn. Code Ann. §16-17-101. The cities are Ashland City, Bartlett, Collegedale, Collierville, Dickson, Dyersburg, East Ridge, Fairview, Germantown, Harriman, Jackson, Kingsport, Lakeland, Lenoir City, Lewisburg, Milan, Millington, New Johnsonville, Newbern, Oliver Springs, Red Bank, Signal Mountain, Smithville, Smyrna, Soddy Daisy, Trenton, Tullahoma, White Bluff, and White House.

37 Tenn. Code Ann. §36-5-402

or enforce child support orders.<sup>38</sup> Not all judicial districts have child support magistrates. In those districts where they exist, these magistrates are selected by the judicial district's presiding judge.<sup>39</sup>

### **Administration of Tennessee**

**Courts.** To assist the Tennessee Supreme Court in its responsibility to ensure efficient operation of the judicial system, the Tennessee General Assembly created the Administrative Office of the Courts.<sup>40</sup> The Administrative Office of the Courts is led by a director.<sup>41</sup> This Administrative Director acts as the chief administrative officer of the courts of the State and is appointed by the members of the Tennessee Supreme Court. The Administrative Director works under the supervision and the direction of the Chief Justice. The Administrative Director has a number of duties. Among these is the duty to make a careful and continuing survey of the caseloads of the Circuit, Criminal, and Chancery Courts and to report this information to the General Assembly annually.<sup>42</sup>

### **Clerks of the Courts.**

The duties of the court clerk are generally clerical.<sup>43</sup> Clerks or their deputies sign all summonses, executions, and processes. They are responsible for the preservation and filing of court records.<sup>44</sup> Court clerks are county officials and county employees.<sup>45</sup> Circuit and Criminal Court clerks are elected by the citizens of their counties for four-year terms. A Chancery Court Clerk, called a Clerk and Master, is appointed to a six-year term by the judicial district's Chancellor.<sup>46</sup> These clerks are judicial officers cloaked with many of the same powers as the Chancellor themselves. For example, a Clerk and Master may determine if it is necessary to sell a decedent's land in order to pay taxes, decide if land should be sold or partitioned, and even open and adjourn court in absence of the Chancellor.<sup>47</sup>

### **District Attorneys General.**

Tennessee's District Attorneys General are constitutional officers.<sup>48</sup> Their primary duty is to prosecute criminal cases in their respective judicial districts.<sup>49</sup> They are the

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38 Tenn. Code Ann. §36-5-402(a)(2)  
39 Tenn. Code Ann. §36-5-402(b)(1)(A)  
40 Tenn. Code Ann. §16-3-801  
41 Tenn. Code Ann. §16-3-803  
42 Tenn. Code Ann. §16-3-803  
43 Tenn. Code Ann. §18-1-105  
44 Tenn. Code Ann. §18-1-105  
45 The Appellate Court Clerk is an exception.  
46 Tenn. Code Ann. §18-5-101  
47 Tenn. Code Ann. §18-5-102 and 21-7-701  
48 Tennessee Constitution Article VI, § 5  
49 Tenn. Code Ann. §8-7-103

chief law enforcement officials in their judicial districts and are vested with broad powers. They do not represent a party to a controversy, but rather represent the State of Tennessee. Unlike other attorneys, their obligation is not to a client, but rather that justice be done. Many District Attorneys General are also responsible for the collection of child support.<sup>50</sup>

District Attorneys General are state employees. Their offices are funded by the State. Several offices receive local support from the counties they serve. There are currently 539 Assistant District Attorneys General in Tennessee. Of these, 121 ADAs are locally funded. In Shelby County, for example, 63 of the office's 109 ADAs are county employees. Federal grants support another 42 ADAs across the State and there are 6 ADAs that are funded through other sources.

In 1961, the General Assembly created the Tennessee District Attorneys General Conference (TNDAGC).<sup>51</sup> The TNDAGC serves as the central administrative office for the District Attorneys General.<sup>52</sup> The office is responsible for budgeting, accounting, payroll, personnel, property management, and the administration of all fiscal matters

pertaining to the District Attorneys General and their staffs. Other duties include the provision of law libraries to each District Attorney General's office, the coordination of prosecution efforts, the development and implementation of training programs, and automation support. This office is also responsible for maintaining liaison between the District Attorneys General and other governmental agencies, including the courts, the General Assembly, the executive branch, and the Office of the Attorney General and Reporter.

The TNDAGC is managed by an executive director.<sup>53</sup> The executive director is elected by the District Attorneys General for a term of four years and serves as a member of the Tennessee Judicial Council.

**District Public Defenders.** Each judicial district is served by a District Public Defender's office.<sup>54</sup> Like District Attorneys General, each District Public Defender is popularly elected, except in Shelby County where the Public Defender is appointed by the county mayor. Except in Davidson and Shelby Counties, District Public Defenders are State employees. In both Davidson and Shelby Counties the District Public

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50 Tenn. Code Ann. §8-7-301

51 Tenn. Code Ann. §8-7-301

52 Tenn. Code Ann. §8-7-303

53 Tenn. Code Ann. §8-7-307

54 Tenn. Code Ann. §8-14-102

Defenders are county employees. District Public Defenders were created by statute in 1989. Their duty is to represent people who have been charged with a crime who cannot afford an attorney.

Except for the offices in Davidson and Shelby counties, District Public Defenders offices are administered by the Tennessee District Public Defenders Conference (TDPDC).<sup>55</sup> Much like the TNDAGC, the TDPDC acts as the District Public Defenders' liaison to the other State agencies. It submits budget requests to the General Assembly and administers the financial accounts relating to all District Public Defender's offices except for the offices in Davidson and Shelby counties.

While State funded, District Public Defenders' offices are authorized to receive support from local jurisdictions and funding from court costs. Blount, Campbell, Dyer, Hamilton, Knox, Madison, Rutherford, Sullivan counties and the City of Jackson each fund Assistant District Public Defenders.<sup>56</sup> Unlike State funded APDs, these APDs are county or city employees.

TENN. CODE ANN. § 40-14-210 permits counties to impose a \$12.50 cost on any misdemeanor or felony case. These funds are to be used to defray the

costs of indigent defense. They can only be imposed if approved by two-thirds vote of the county legislative body. The funds are for the use of the county's District Public Defender's office. As with county funding, some District Public Defender's offices, but not all, receive \$12.50 funds.

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<sup>55</sup> Tenn. Code Ann. §8-14-201

<sup>56</sup> Campbell and Union Counties split evenly the salary of of one Assistant Public Defender.

# GUIDING PRINCIPLES AND CONSIDERATIONS

Early in its work, the Task Force concluded that any judicial district realignment should be based on a foundation of clear guiding principles. In preparing this report the Task Force was guided by the following:

- **Do weighted caseload studies indicate a need for a change in district lines?**
- **Are there any geographic or contiguity concerns that exist with current judicial districts?**
- **Do population changes or trends indicate a need to change district lines?**
- **What communities of common interest will be affected by a change in a district lines?**
- **What effects would changing the current judicial districts have on collateral resources (e.g. Drug Task Forces, recovery courts, and local funding grants)?**
- **Are there compelling reasons to change the existing judicial districts?**

At its April 29, 2019, meeting, the Task Force voted to add the following

two considerations based on feedback received from members of the General Assembly and the public during the public hearings in Nashville and Jackson:

- **How should judges be allocated or reallocated within the State's judicial districts?**
- **How should the staff of District Attorneys General and District Public Defender (including attorneys, support staff and any ancillary staff) be allocated or reallocated within the State's judicial districts?**

# WEIGHTED CASELOAD STUDIES

Until 1997, Tennessee lacked an objective method for determining the need for court resources.

Before then, decisions regarding judicial needs were often based on a combination of anecdotal accounts, population growth, and personal relationships. The byproducts of this strategy were an under-resourced judiciary and an inequitable distribution of judges among the judicial districts. In some instances, these conditions compromised both access to justice and the quality of case resolution for some segments of the State's population.

In an effort to remedy this, the General Assembly adopted an evidence-based process for determining judicial needs.<sup>57</sup> The General Assembly mandated the use of a workload assessment, also known as a weighted caseload study or needs assessment, to determine the future need for judicial resources.

The weighted caseload study calculates judicial need for the State's trial courts<sup>58</sup> based on total judicial workload. The weighted caseload formula consists of four elements:

1. Case filings, or the number of new

cases of each type opened each year;

2. Case reopenings, or the number of cases that are reopened each year;
3. Case weights, which represent the average amount of judicial time required to handle cases of each type over the life of the case; and
4. The judge year value, or the amount of time each judge has available for case-related work in one year.

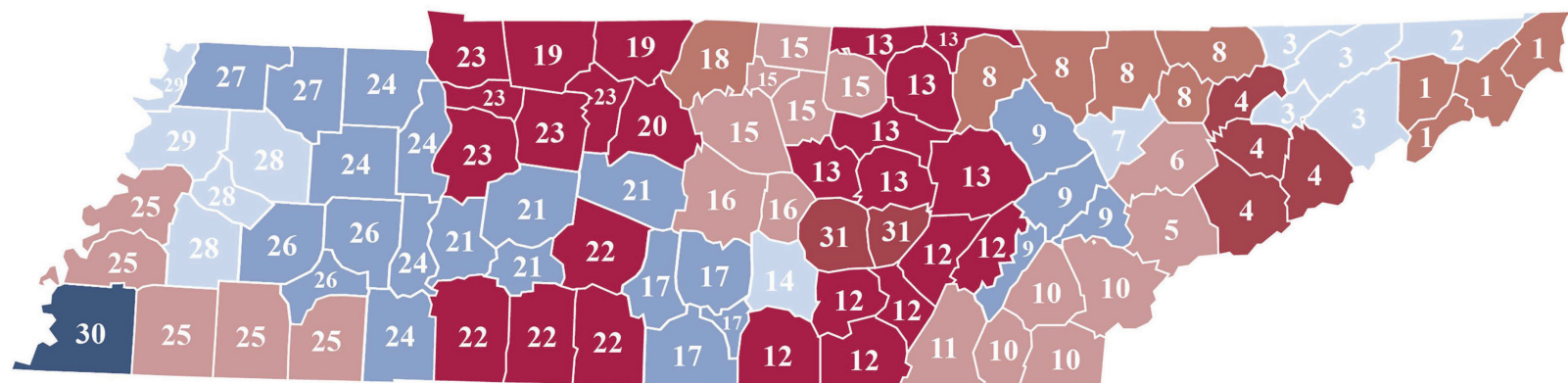
The total judicial workload is calculated by multiplying the annual filings of each case type by the corresponding weight, then adding the product for all types of cases. The resulting total workload is then divided by the year value to determine the total number of full-time equivalent judges needed to handle a judicial district's caseload. Finally, the result is compared with the actual number of judges on the bench in order to determine whether changes in the size of the judiciary are necessary.

By weighting cases to account for the differences in judicial workload associated with each type of case, the weighted caseload model provides

<sup>57</sup> Tenn. Code Ann. §16-2-513

<sup>58</sup> It is critical to note that the weighted caseload study captures workload for Circuit, Chancery, and Criminal Courts only; it does not include data for General Sessions, juvenile, or municipal courts.





Difference between the Actual Number of Full-time Equivalent Judges and Estimated Need for FTE Judges by District, FY 18. Published by the Office of the Comptroller April 2019. For complete detail, please visit <https://comptroller.tn.gov/office-functions/research-and-education-accountability/publications/other-topics/content/judicial-weighted-caseload-studies.html>

an objective and empirically-based assessment of judicial need. For example, if total caseloads remain constant over time but the number of felony cases increases, a weighted caseload model will show a need for additional judges to handle the increased workload. On the other hand, raw unweighted case filings will not show the increase in judicial activity associated with the increase in the complexity of a district's caseload.

The weighted caseload approach is also capable of accommodating other factors that affect judicial workload, such as travel time, which can reduce the amount of time available for a judge to hear cases. For example, judges in rural districts that span several counties routinely spend an hour or more per day traveling. This travel reduces the amount of time available for case-related work. On the other hand, judges in large urban courts, or in single-county districts, spend less time traveling, and thus have additional time available for case-related

work. Weighted caseload studies also consider the amount of time judges are required to spend on administrative responsibilities. These responsibilities also result in less time for case-related work.

The Task Force recognizes that the concept and methodology of a weighted caseload study is the best available method for measuring trial judges' needs and workloads. The Task Force is also aware that the weighted caseload method suffers from limitations. First, weighted caseload studies only measure past and present workloads. Second, the methodology, and in particular the weights assigned to judicial activities, need to be periodically re-examined and adjusted. Third, it is important to recognize that a weighted caseload study does not, and cannot, consider future demographic changes in judicial districts that will impact judicial need. Finally, and most importantly, a weighted caseload study is only as accurate as its underlying data. Infrequent lapses in data input may have resulted

## GEOGRAPHY AND CONTIGUITY

in weighted caseload studies that have erroneously calculated judicial need in a few judicial districts.

Tennessee does not exist on a two-dimensional map. Rather it exists in a three-dimensional world. Tennessee's diverse geography has strongly influenced the State's development, history, and economic growth. Tennessee is a narrow State over 500 miles long. The 8th and 12th Judicial Districts are each located in two different time zones.<sup>59</sup>

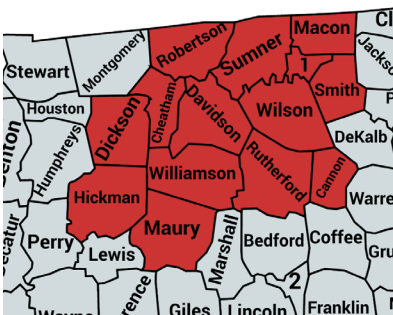
The Task Force concludes that judicial districts should be made up of contiguous counties. That is, the district should be physically connected without over burdening the public, witnesses, attorneys, or a judge's ability to travel within the judicial district. District lines should be drawn so that people can travel easily and without being impeded by geographic or topographic barriers like mountains or major waterways.

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<sup>59</sup> In a third, the 13<sup>th</sup>, a small section of Cumberland County (not including the court house) follows Eastern Time while the rest of the county is on Central Time.

# POPULATION

In 1980, Tennessee's population was 4,591,120.<sup>60</sup> In 2018, the State's estimated population was 6,770,010.<sup>61</sup> Much of this growth has taken place in Middle Tennessee. The United States Bureau of the Census has determined that there are, for census purposes, fourteen counties that make up the Nashville-



Davidson–  
Murfreesboro–  
Franklin, TN,  
Metropolitan  
Statistical Area.  
In 1980, these  
counties had  
a combined

population of 850,505. It is estimated that the current population equals 1,903,027. The University of Tennessee's Boyd Center for Business and Economics predicts that by 2040 the State's population is expected to increase to 7.84 million.<sup>62</sup> The Boyd Center also predicts that:

the strongest growth will  
be in the main counties in

the Nashville area, where natural increases are strong, births are still high, and the population is relatively young. We predict slower, but steady growth in the metropolitan counties in the Knoxville, Chattanooga, Clarksville, and to some extent, Memphis MSAs. Finally, in most rural counties, our projections indicate that because of a history of low and decreasing net migration, increased deaths and decreased births, many of these counties can expect to see decreases in population over the coming decades, even where they have not before.<sup>63</sup>

The United States Constitution requires that every ten years every resident of the nation be counted.<sup>64</sup> The next census is scheduled to take place in

<sup>60</sup> 1980 Census of Population, U.S. Dept. of Commerce, Bureau of the Census.

<sup>61</sup> United States Census Bureau 2018 estimated population: [https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml)

<sup>62</sup> Boyd Center's 2017 Population projection: <http://tndata.utk.edu/Data/Projection%20narrative%202017.pdf>

<sup>63</sup> Boyd Center's 2017 Population projection: <http://tndata.utk.edu/Data/Projection%20narrative%202017.pdf>

<sup>64</sup> United States Constitution Article I, § 2

## EFFECT ON COLLATERAL RESOURCES

2020. Once it is completed, the General Assembly will have the benefit of an accurate count of Tennessee's population.

Prior attempts at redistricting largely ignored the effect that such efforts would have on agencies other than the courts themselves. This Task Force recognized that the judicial system includes not only courts, but also District Attorneys General, District Public Defenders, and Court Clerks. Other resources and agencies that play important roles in the State's judicial system include, but are not limited to, the following:

- Drug Task Forces;
- Court Appointed Special Advocates;
- Domestic violence advocacy groups attached to the courts via contract;
- Recovery and drug courts;
- Mental health courts; and
- Veterans' courts.

Each of these service providers' funding is tied to the specific judicial districts they serve. District realignment may lead to sizable budget consequences for these groups. In addition, many District Attorneys General receive federal grants that are

tied to current district boundaries. These grants allow District Attorneys General to employ dedicated domestic abuse and DUI prosecutors. Other State agencies may also be required to modify their funding grants and agreements.

Specific to District Attorneys General and District Public Defenders, new district boundaries may require the opening of new offices, the closing of others, and the reallocation of staff. New boundaries may mean that other local funding agreements within existing districts will be eliminated or require substantial renegotiation. Each State actor will face challenges that are unique. In fashioning its recommendations, the Task Force considered those challenges and attempted to minimize any unintended negative consequences.

## RESPECT FOR COMMUNITIES OF COMMON INTEREST

All of the State's counties have, over time, developed common interests with the counties that surround them. Many of these connections can be traced back to the time before Tennessee became a State. Judicial district lines should not divide communities that have common interests and needs. Citizens and members of the legal community have developed close cultural and social ties as well as well-understood and accepted modes of interaction. The realignment of judicial district lines should avoid relocating judges, District Attorneys General, and District Public Defenders so as to serve communities with which they are unfamiliar. These close economic and cultural ties should, as much as possible, be respected and preserved.

The Task Force takes a conservative position in assessing judicial boundary realignment. Its preference is to retain traditional judicial boundaries unless consideration of multiple factors makes a compelling case for change. Unless there is strong evidence supporting a need for boundary realignment, the Task Force suggests preserving existing boundaries, thereby emphasizing the principles of stability and consistency in judicial

services. Moreover, the existing local character and focus is seen as a distinct benefit by those public officials and private citizens who spoke during Task Force's public hearings.

# FINDINGS & RECOMMENDATIONS

**A**fter a comprehensive review of the current judicial districts, public input in the form of appearances before the Task Force’s five public hearings, as well as written public comments, and all available caseload data, the Task Force submits the following conclusions and recommendations.

## **1. The public is overwhelmingly opposed to judicial district realignment.**

With the exception of Hickman, Lewis, and Perry counties, the input from the public received by the Task Force was almost universal in expressing a strong desire that all judicial districts remain as currently configured. The vast majority of the public comments expressed that each individual judicial district, no matter how oddly shaped, worked efficiently. District Attorneys General and District Public Defenders from individual districts expressed concern about their ability to adequately provide services in the event of realignment. This concern centered around existing collateral resources and the availability of local funds, as well as communities’ long-standing ties.

Local public officials expressed similar reservations. Local law enforcement’s reservations were most pronounced.

## **2. Because of demographic changes, the 21<sup>st</sup> Judicial District should be realigned.**

The 21<sup>st</sup> Judicial District consists of Hickman, Lewis, Perry, and Williamson counties. Over the past several decades, Williamson County has experienced massive population growth. In 1980 the county’s population was 58,108.<sup>65</sup> It is estimated that the current population equals 231,729.<sup>66</sup> Growth is expected to continue. The Boyd Center projects that by 2039, Williamson County’s population could grow to as high as 340,816.<sup>67</sup>

The population boom in Williamson County has caused populations in neighboring counties to perceive a disconnect. Public officials and private citizens from Hickman, Lewis, and Perry counties stridently expressed their view that they are ignored by officials in Williamson County. Both the elected District Attorney General and District Public Defender for the 21<sup>st</sup> Judicial

65 1980 County Population Tables Tenn. Code Ann.

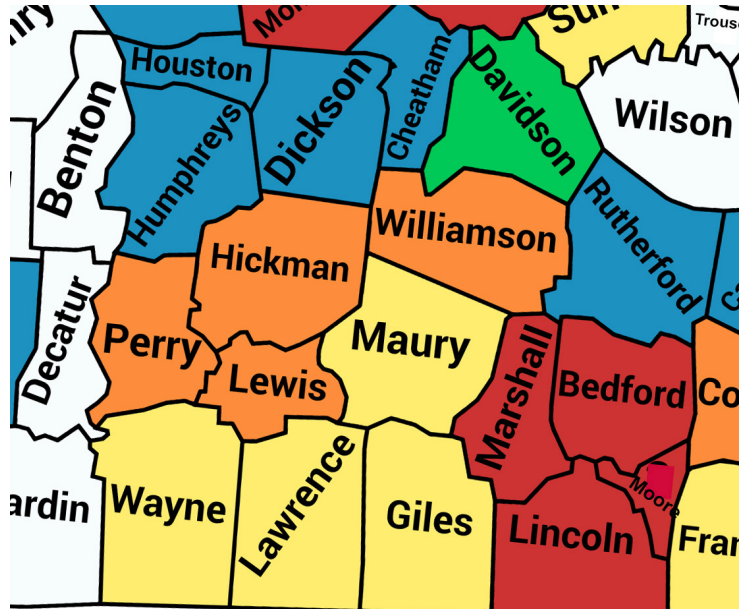
66 <https://www.census.gov/quickfacts/fact/table/williamsoncountytennessee,US/PST045218>

67 Boyd Center’s 2017 Population projection: <http://tndata.utk.edu/Data/Projection%20narrative%202017>

District report that they devote additional State resources to these counties which would otherwise be unavailable to them because of the county resources provided to both offices by Williamson County. The Task Force takes no position with respect to these conflicting viewpoints. Nevertheless, the differences between Williamson County and Hickman, Lewis, and Perry counties cannot be reconciled. The district no longer constitutes a “community of interest.”

It is the recommendation of the Task Force that Hickman, Lewis, and Perry counties be separated from Williamson County, and that they form their own separate judicial district, referred to in the public hearings as the 32<sup>nd</sup> Judicial District. This recommendation carries with it two caveats. The first is that the new judicial district should be staffed with a District Attorney General and necessary assistants and staff members as well as a District Public Defender and necessary assistants and staff members. The second caveat is that the District Attorney General and the District Public Defender of the 21<sup>st</sup> Judicial District should retain all of their present assistants and staff to continue to serve the growing 21<sup>st</sup> Judicial District.

This recommendation is supported by the factors relied upon by the Task



The current 21st Judicial District encompasses Williamson, Hickman, Lewis, and Perry counties.

Force. First, the public opinion expressed for this change is strong. This factor reveals that a bottom-up approach to realigning judicial districts may in fact be the best approach. Said another way, where there is a problem with a judicial district, those most affected will send a clear signal to either the Task Force or the legislature expressing the need for change.

Second, recommending this new judicial district is consistent with the present judicial weighted caseload study. The most current weighted caseload study indicates that Hickman, Lewis, and Perry counties should be served by a single judge. There is an opportunity for cost savings to the State related to the judiciary as a seated judge from one of these three counties has already been elected

and can continue to serve. Hence the expenditure of additional State funds for that seat would not be required.

Third, realignment in this instance is consistent with the strong desire of aligning together communities with common interests. Public comments taken by the Task Force indicate that the three smaller counties have greater cultural ties together than they do to Williamson County. Public comment indicates that, as a result of population growth, Williamson County has become more urban. In contrast Hickman, Lewis, and Perry counties retain a more rural flavor and outlook.

Finally, this recommendation fits the Task Force's guiding principles concerning continuity and contiguity. These three counties are contiguous to each other. They share strong historic, economic, and social interests. The distance that the public, judges, law enforcement, and attorneys will be required to travel will be greatly minimized.

This recommendation is not without concerns, nor is it a unanimous recommendation of the Task Force's members. Specifically, the Task Force anticipates that there will be a reduction in collateral resources for the people of these counties. The concerned citizens

and public officials who spoke in favor of separation all assured the Task Force that they are aware of the potential loss of resources. They represented that they are prepared to take the steps necessary to ensure that no loss of services will occur and that access to justice will be preserved.

### **3. Future weighted caseload studies need to include both District Attorneys General and District Public Defenders.**

District Attorneys General and District Public Defenders serve not only trial courts, but also General Sessions Courts and municipal courts with criminal jurisdiction. There presently is no repository of statistical data that can reasonably be counted upon to predict the future needs for assistants and staff for these offices. This project is ongoing but has not been completed. Without General Sessions caseload data, it is impossible to conduct an accurate caseload study. Law currently in effect requires that the Comptroller of the Treasury maintain and update a weighted caseload study for District Attorneys General and District Public Defenders.<sup>68</sup> The Comptroller's office has been unable to perform this task because of insufficient data from the General Sessions Courts and juvenile

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68 Tenn. Code Ann. §16-2-513



courts as well as outdated case weights. The Task Force strongly recommends to the General Assembly that future funding decisions regarding resources for both the District Attorneys General and District Public Defenders be based upon a weighted case load study, along with other relevant factors such as expected population growth.

#### **4. Except in the 21<sup>st</sup> Judicial District, there is no need to realign judicial districts anywhere in Tennessee.**

Based on all of the factors considered by the Task Force, there is no current need for change in district lines in Tennessee, except in the 21<sup>st</sup> Judicial District as indicated above. The public's response indicates that there is no desire for change in any of the judicial districts in Tennessee. Furthermore, the clear indication was that the public believes that all of the judicial districts in Tennessee were functioning well. There were no complaints of a lack of access to justice based on any of the factors considered by the Task Force. Population, weighted caseload, communities of interest, contiguity, and geography have not posed a problem in any part of the State and consequently the Task Force recommends no change to district lines in Tennessee other than that already outlined. All of the concerns previously alluded to regarding

relationships and cooperation and culture and collateral resources were reiterated to the Task Force simply and articulately.

#### **5. There should be no reduction in judges in Tennessee, including the 30<sup>th</sup> Judicial District.**

Considering all the guiding principles that apply to the allocation of judicial resources the Task Force concludes that there should be no reductions in judges in any judicial district.

West Tennessee has attracted attention regarding the number judges serving that part of the State, Shelby County in particular. The most recent weighted caseload study indicates that there is no need for a reduction in judges in any of the western judicial districts.

Another consideration is that Shelby County invests substantial funds to the judicial system. The county funds two probate judges and one juvenile court judge. A majority of the local Assistant District Attorneys General, as well as all Assistant Public Defenders, are county employees. As a result of this county-level funding by Shelby County, the State is able to devote resources to other areas of the State. Because of this, along with all the other factors, the Task Force does not recommend a reduction in judicial resources in any judicial district.

## **6. Because of population growth, the General Assembly should consider devoting more resources to Tennessee’s judicial system.**

The Task Force received a request from legislators that the Task Force study the allocation of the State’s judicial resources. The Task Force concluded that in order to submit an accurate, actionable report to the General Assembly it was necessary to study this issue. The Task Force amended the principles that it was considering and added the consideration of allocation of judicial resources to its work. This task has proven to be difficult. As best it could, the Task Force studied the allocation of resources for judges as well as for District Attorneys General and District Public Defenders.

Tennessee’s judicial system exists to serve the people of the State by providing a fair, independent, accessible, and efficient means of resolving disputes, protecting constitutional rights, and ensuring that justice is done. Population growth is the biggest challenge facing the State. Growth impacts all governmental services, including the justice system. The Comptroller’s most recent weighted case load study indicates that there is a current, cumulative need for six additional

trial judges in the State. As Tennessee continues to grow, so will the need for additional judges. As the Task Force evaluated the judicial districts, the greatest present judicial need is in the 19<sup>th</sup>, 22<sup>nd</sup>, and 23<sup>rd</sup> Judicial Districts. In the event that the General Assembly creates additional judicial positions they should be assigned to these districts.

In making this recommendation, the Task Force recognizes that it carries serious budget considerations. This is especially true in light of the recommendation to create a new judicial district. Each of these judicial districts have a demonstrated, sustained trend indicating a need in excess of one additional judge each. For the 19<sup>th</sup> Judicial District the judicial need is 1.23 trial judges. For the 22<sup>nd</sup> the judicial need is 1.23 trial judges. For the 23<sup>rd</sup> the judicial need is 1.52 trial judges.<sup>69</sup> Adding these judges cannot be accomplished overnight. Therefore, the Task Force recommends that they be added, as budget constraints allow, before 2021.

Additional judges alone will not make the judicial system more efficient or responsive. There is a current and pressing need for additional resources for District Attorneys General and District Public Defenders. This need will only

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<sup>69</sup> Tennessee Judicial Weighted Caseload Study: FY 2017-18

increase as the State continues its rapid growth. After much discussion about the differences in how additional resources for District Attorneys General and District Public Defenders are presently obtained, it is the recommendation of the Task Force that present methodology of adding ADAs and APDs and staff continue.

In reaching this conclusion, the Task Force is cognizant of the fact that District Attorneys General and District Public Defenders serve not only State trial courts, but also General Sessions Courts and Municipal Courts. While data exists for trial court caseloads in the form of weighted caseload studies, no similar data is yet available for General Sessions Courts and municipal courts. Compounding this is a lack of any weighted caseload model for ADAs or APDs. With no standardized, reliable data accounting for all the work that ADAs and APDs do, or a statistically-valid method for interpreting that data, any staffing allocation recommendation made by the Task Force would amount to little more than guess work.

The lack of good information to guide appropriate staffing recommendations for ADAs and APDs mirrors the lack of complaints from District Attorneys General and District Public Defenders about their historical, ad hoc methodology for assigning positions in the

past. This system, imperfect as it seems, actually works. Without complete data to inform an overhaul, the Task Force cannot justify changing the system, nor can it make any better staffing recommendations than the offices' respective conferences.

# TASK FORCE MEMBERS

Telford E. Forgety, Chair  
Chancellor  
4th and 5th Judicial Districts

Bo Burk  
District Public Defender  
25th Judicial District

James B. "J.B." Cox  
Chancellor  
17th Judicial District

Mark Davidson  
District Attorney General  
25th Judicial District

Craig P. Fickling  
Public Defender  
13th Judicial District

John Fine  
Clerk and Master  
Rhea County

Kim R. Helper  
District Attorney General  
21st Judicial District  
Russell Johnson  
District Attorney General  
9th Judicial District

Jim Kyle  
Chancellor  
30th Judicial District

Kim R. Nelson  
Public Defender  
9th Judicial District

John L. Ryder  
Member  
Harris | Shelton  
Memphis



the same time, the fact that the two countries have similar political systems and similar political culture may have contributed to the similar results.

It is interesting to note that the results of the present study are similar to those of the study by Wong and Chan (2001) on the political participation of Hong Kong citizens.

There are several limitations of the present study. First, the sample size is small and the response rate is low.

Second, the data are self-reported and may be subject to common method variance.

Third, the study is cross-sectional and does not allow for the examination of causal relationships.

Finally, the study is limited to the political participation of Hong Kong citizens.

Despite these limitations, the present study provides some interesting findings on the political participation of Hong Kong citizens.

It is hoped that these findings will be useful to researchers and practitioners in the field of political participation.

Further research is needed to explore the underlying mechanisms of the relationships between the variables in the model.

It is also worth noting that the present study is based on a convenience sample and may not be representative of the general population.

Future research should use a more representative sample to test the model.

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