

Perspectives on Reporting Cases

Presented to the Associate Clerk's Conference

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Types of Reporting Required of Clerks

There are two types of reporting that I hope to discuss with you in some detail today. They are:

1. Case Filing Reporting , and
2. Dispositional Reporting

We will begin our discussion with case filing reporting and hopefully talk about reporting disposition of cases as well

Why the Weighted Caseload Study

Tenn. Code Ann. § 16-2-513

- As part of a 1997 appropriations bill from General Assembly, Comptroller of Treasury tasked with devising and maintaining a weighted caseload formula for the purpose of determining need for judicial resources
- Information must be provided by each district attorney, public defender, juvenile and family courts and the administrative office of the courts
 - Must include caseload totals and appropriate case type and must be reported by October 15 of each year
 - All reporting subject to audit by the comptroller
- Using a formula, information and adjustments, the comptroller shall publish an annual weighted case load, including current needs for any creation or reallocation of judicial resources

WHERE DO THE “NUMBERS COME FROM”

- For purposes of the Weighted Caseload Report from the Comptroller-----the only thing that matters from information provided to and by the AOC is **CASE FILINGS and CASE TYPE!!!** Case filing information and case type are provided by the clerks of the various courts to AOC.
- 2013 Weighted Case Study was conducted by the National Conference of State Courts.
 - Time records kept by every judge for an 11-week period in summer of 2013-required at least 6 weeks of data from each judge
 - Time was assigned by each judge to “designated” case types handled by the judge during the course of the day including time for administrative duties and travel. Time was collected and reported to the NCSS
 - 95% participation by judges across the state

How was relevant information determined

- WAAC—Workload Assessment Advisory Committee. Committee was chaired by the Honorable E. Shayne Sexton, Criminal Court Judge from the 8th Judicial District and other members were trial judges across the state.
- They defined:
 - Types of cases to be reported—needed to be meaningful but limited categories that would remain stable for foreseeable future
 - Task activities
 - Time frame for collection of data
 - Length of time for data collection

451 Health Care Liability Cases

Medical Malpractice

- Includes all cases involving action to recover money as compensation or indemnity for personal injury or death due to medical malpractice. Medical Malpractice is defined as negligence in performing medical professional duty or failure to exercise an accepted degree of medical professional skill or learning rendering medical services which result in injury, loss or damage. Defendants in such cases may include but are not limited to: doctors, hospitals, nurses, EMTs, psychiatrists, therapists and medical technicians.

461 Contract/Debt/Specific Performance

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

471 Other damages/Tort

- Includes all cases other than medical malpractice involving action to recover money as compensation or indemnity for personal injury or death. For statistical purposes only, 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 he or she was obligated to do. (NOTE: Cases claiming money for property damages or for loss of right should be filed under action code number 581-Miscellaneous General Civil).

481 Real Estate

- 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.

581 Miscellaneous General Civil

- Includes actions that are not included in any of the other categories. Common examples are: property damage suits; employment discrimination suits; unliquidated damages; salary suits 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.

General/Civil/Other

Case Type	Weight	Total Filings FY 2012-13
Administrative Hearings	204	404
Contract/Debt/Specific Performance	104	5917
Damages/Tort	135	9876
Guardianship/Conservatorship	70	2225
Judicial Hospitalization	19	641
Juvenile Court Appeal (civil)	287	193
Medical Malpractice	1320	385
Probate/Trust	24	13,168
Other General Civil	58	12,396
Real Estate	259	1662

Criminal

Case Type	Case Weight	Total Filings FY 2012-13
First Degree Murder	776	540
Post Conviction Relief	381	561
Felony A&B	157	6931
Felony C,D,E	45	33,680
DUI	89	3661
Recovery Drug Court	167	1012
Criminal Appeals (incl juvenile delinquency)	11	376
Misdemeanor	29	9252
Other Petitions, Motions, Writs	28	1998
Other Petitions, Motions, Writs –Prison Districts	57	3065
Probation violation	18	20,601

Domestic Relations

Case Type	Case Weight	Total Filings FY 2012-13
Child Support	20	12,704
Divorce with children	106	12,871
Divorce without children	40	16,905
Residential parenting	108	2226
Protection of children(paternity, legitimation, surrender, TPR)	65	3900
Orders of Protection	32	8042
Contempt	14	8483
Other Domestic Relations	73	2377

How Does it Work

Comptroller Data Collection Process

October 2021

- Given pandemic conditions, at request of AOC, Comptroller suspended FY2020 Weighted Case Load Study
- Instead, produced a Legislative Brief on the data collection process
 - Majority of clerks offices use TnCIS for reporting (175 out of 196); trial court clerks in the four most populous counties use different electronic case management that is exported to TJIS (Tenn. Judicial Information System)
 - Once a clerk specifies a civil case, they select a subtype which then is automatically categorized for TJIS
 - “Clerks working on a civil case with multiple petitions should use the petition with the highest case weight to open a case”

Data Collection Process *Cont'd*

- For criminal cases, each charge is reported to TJIS using TCA code, offense type (felony, misdemeanor, etc.) and offense class (A-E). AOC then uses most serious charge for judicial weighted caseload purposes.
- Filings are due to the AOC for the preceding month by the 15th of the next month. Failure to file may result in non-compliance letter to chairs of House and Senate Judiciary committees.
- Yearly data compiled by AOC in August, then sent to clerks for validation and corrections

General Civil/Other Case Types

Is this a better way to think about civil case weights?

Example 1

- A civil complaint is filed.
- Your clerk has to decide how to report the filing.
- The complaint contains the following cause(s) of action:
 - 1. Complaint to contest the will of the decedent.
 - 2. Complaint to set aside transactions between the decedent and other relatives based on use of a power of attorney prior to the death of the decedent.
- How should this case be reported?
- How much weight should it receive?

Example 2

- A civil complaint is filed. It contains the following causes of action:
 - 1. Delinquent tax lawsuit against 6750 parcels of property.
- How is this case reported?
- How many cases should this be?
- How much weight should it be given?

Example 3

- A civil complaint is filed. It alleges:
- Breach of Contract in the construction of a custom home by a national builder where the land was sold by the builder to the purchaser.
- Fraud in the inducement of the contract by the builder.
- Tortious interference with the contract.
- Damages under the Consumer Protection Act for representations made by the builder concerning the home that was to be built.
- What category should this case be filed under ?
- How many minutes should this case receive?

Example 4

- A civil complaint surrounding the construction of a custom home on a cost plus basis under a contract with a builder. The complaint alleges breach of contract including
 - Improper and negligent construction work allowing for significant damages
 - Damages to personal property
 - Damages for cost of repair and reconstruction
 - A count for negligence

What category should this case be filed under?

What is the appropriate number of minutes?

Example 5

A complaint is filed against personal defendants and a banking institution, (3) defendants, which includes the following allegations:

- Embezzlement of Funds by a defendant
- Receiving embezzled Funds by another defendant
- Negligence by another defendant
- Negligence Per Se
- Fraud against one of the defendants
- Aiding and abetting the fraud
- Unjust Enrichment
- Consumer Protection Act violation
- Prayer for an abstract against real estate

How much weight should this case be given?

Example 6

- The following causes are stated in a complaint
- Complaint for Sale of real estate by auction
- Fencing in a portion of the real estate by a party in advance of the auction
- Tortious interference with the auction sale
- How should this case be characterized?
- How many minutes?

Example 7

- A complaint of 108 paragraphs contains causes of action for
- Declaratory Judgment
- Breach of Contract x2
- Tortious interference with contract
- Procurement of Breach of Contract- Damages
- Breach of Fiduciary Duty
- Civil Conspiracy
- Promissory Fraud
- Violation of Tennessee Securities Act
- Breach of Duty of Good Faith and Fair Dealing
- Consumer Protection Act
- This case concerned itself with an operating agreement and ownership interests created thereby
- What is the correct characterization of this case?
- What is the correct number of minutes?

Criminal Case Types

- 1 1ST DEGREE MURDER Includes all cases involving a 1st degree murder.
- 2 MAJOR FELONY (A & B FELONIES) Includes all class A or B felonies.
- 3 OTHER FELONY (C, D & E FELONIES) Includes all C through E felonies.
- 4 DUI Includes all DUI's (regardless of type or class).
- 5 TREATMENT COURTS Includes any case that has been placed in problem solving court (DUI, Family, Drug and Mental Health Courts).
- 6 MISDEMEANOR Includes all non-DUI misdemeanor cases.
- 7 PROBATION VIOLATION Includes any cases involving a probationer who has violated the terms of his/her probation sentence (regardless of the original offense type).
- 8 CRIMINAL/JUVENILE DELINQUENCY APPEALS Includes both adult criminal appeals and juvenile delinquency appeals.
- 9 OTHER PETITION, MOTIONS & WRITS Includes any cases where the defendant has filed a post-judgment petition, motion or writ, including habeas corpus, suspended sentence and habitual motor vehicle offenders.
- 10 POST-CONVICTION RELIEF Includes any case involving the filing of a petition challenging the lawfulness of his/her conviction and/or sentence.

Domestic Relations Case Types

- 11 PROTECTION OF CHILDREN- PATERNITY, ADOPTION, LEGITIMATION, SURRENDER, TPR (361, 362, 363, 364) Cases involving 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; adoption of a minor child; and parental or guardian termination of parental rights.
- 12 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.
- 13 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.
- 14 CHILD SUPPORT, WAGE ASSIGNMENT, INTERSTATE SUPPORT (385, 387, 391, 392) Includes all case type activity to set the terms of child support or wage assignments; and cases received from another state or sent to another state.
- 15 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.
- 16 OTHER DOMESTIC RELATIONS (401) Includes domestic cases that do not logically fit into any of the above categories.
- 17 RESIDENTIAL PARENTING WITH OR WITHOUT CHILD SUPPORT (383, 384) Includes cases to set the terms of a parenting plan for unmarried parent; reopened cases for purposes of modifying visitation or custody arrangements whether or not it includes a modification of child support issues.
- 18 CONTEMPT (382) A reopened case alleging the order of the court has been violated or an original case where the order was handed down from an outside jurisdiction

REOPENED DOMESTIC RELATIONS CASE TYPES

- 14 CHILD SUPPORT, WAGE ASSIGNMENT, INTERSTATE SUPPORT (385, 387, 391, 392) Includes all case type activity to set the terms of child support or wage assignments; and cases received from another state or sent to another state.
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GENERAL 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).
- 19 ROUTINE ADMINISTRATIVE HEARINGS (APPEALS) (513) Includes judicial review of a state or local administrative agency proceedings.
- 20 COMPLEX ADMINISTRATIVE HEARINGS Cases filed under the Administrative Procedures Act.
- 21 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.
- 22 DAMAGES/TORT (471) Includes all cases involving action to recover money as compensation or indemnity for personal injury or 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.
- 23 MEDICAL MALPRACTICE (451) Includes all tort actions involving medical malpractice claims.

GENERAL CIVIL CASE TYPES

Continued

- 24 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.
- 25 WORKER'S COMPENSATION (491) Includes all cases involving action to determine the right to compensation under the Worker's Compensation Act.
- 26 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.
- 27 JUVENILE COURT APPEAL (CIVIL) Includes all CIVIL juvenile court appeals.
- 28 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.
- 29 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.
- 30 JUDICIAL HOSPITALIZATION (541) 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.

REOPENED GENERAL CIVIL CASE TYPES

- 26 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.
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Dispositional Reporting

- To overstate the obvious, Dispositional reporting is different than reporting cases for weighted caseload purposes.
- Dispositional reporting helps in other arenas outside of Judicial Need
- We Judges need to be better versed in dispositional reporting and its effects on clerks.
- Dispositional reporting looks at a case when its over.
- Filing reporting looks at a case when it begins.

CIVIL CASE COVER SHEET

*****ORIGINAL/REOPENED FILING*****

1. Location Code _____
 2. Court: Circuit Civil Chancery Probate
 3. Docket No. _____
 4. Filing Date: _____
 5.

Plaintiffs	Defendants

Attorneys (Firm name, Address, and Telephone Number)	Attorneys (if known)

6. General Sessions Appeal (check box if case is appealed or transferred from general sessions court) Yes
 7. Original Filing Type of Suit

General Civil	Domestic Relations	Other
<input type="checkbox"/> 451 Medical Malpractice	<input type="checkbox"/> 361 Paternity	<input type="checkbox"/> 541 Judicial Hospitalization
<input type="checkbox"/> 461 Contract/Debt	<input type="checkbox"/> 362 Legitimation	<input type="checkbox"/> 382 Contempt
<input type="checkbox"/> 462 Specific Performance	<input type="checkbox"/> 363 Adoption	
<input type="checkbox"/> 471 Other Damages/Torts	<input type="checkbox"/> 364 Surrender	
<input type="checkbox"/> 481 Real Estate Matter	<input type="checkbox"/> 371 Divorce with minor children	
<input type="checkbox"/> 491 Workers Compensation	<input type="checkbox"/> 372 Divorce without minor children	
<input type="checkbox"/> 501 Probate	<input type="checkbox"/> 381 Order of Protection	
<input type="checkbox"/> 511 Juvenile Court Appeal	<input type="checkbox"/> 383 Residential Parenting/no Child Support	
<input type="checkbox"/> 513 Appeal from Admin. Hearing	<input type="checkbox"/> 384 Residential Parenting/Child Support	
<input type="checkbox"/> 514 Three-Judge Panel Hearing	<input type="checkbox"/> 385 Child Support	
<input type="checkbox"/> 571 Conservatorship	<input type="checkbox"/> 387 Wage Assignment Hearing	
<input type="checkbox"/> 572 Guardianship	<input type="checkbox"/> 391 Interstate Support - Incoming	
<input type="checkbox"/> 573 Trust	<input type="checkbox"/> 392 Interstate Support - Outgoing	
<input type="checkbox"/> 581 Miscellaneous General Civil	<input type="checkbox"/> 401 Other Domestic Relations	

Reopened Filing Type of Suit

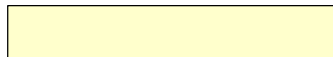
Petition for	
<input type="checkbox"/> 381 Order of Protection	<input type="checkbox"/> 501 Probate
<input type="checkbox"/> 382 Contempt	<input type="checkbox"/> 541 Judicial Hospitalization
<input type="checkbox"/> 383 Residential Parenting/no Child Support	<input type="checkbox"/> 571 Conservatorship
<input type="checkbox"/> 384 Residential Parenting/Child Support	<input type="checkbox"/> 572 Guardianship
<input type="checkbox"/> 385 Child Support	<input type="checkbox"/> 573 Trust
<input type="checkbox"/> 387 Wage Assignment Hearing	<input type="checkbox"/> 551 Other

DISPOSITION INFORMATION

8. Disposition Date _____
9. Manner of Disposition
- | | |
|---|--|
| <input type="checkbox"/> 1 Withdrawn/Voluntary Nonsuit | <input type="checkbox"/> 6 Dismissal |
| <input type="checkbox"/> 2 Compromise/settlement-no court hearing | <input type="checkbox"/> 7 Trial-Non-jury |
| <input type="checkbox"/> 3 Court approved settlement | <input type="checkbox"/> 8 Trial-Jury |
| <input type="checkbox"/> 4 Uncontested/Default | <input type="checkbox"/> 9 Other |
| <input type="checkbox"/> 5 Transferred | Disposition involved Alternative Dispute Resolution <input type="checkbox"/> Yes <input type="checkbox"/> No |
10. Judge _____
11. If the case is a 451 or 471 typesuit, were money damages awarded? Yes No If yes, amount \$ _____
12. If the case is a 451 or 471 typesuit and involves an additur or remittitur is it an: Additur, amount \$ _____
 or Remittitur, amount \$ _____

Line-by-line Instructions for Disposition Cover Sheet

Line Item	Instruction
8. Disposition Date	Date the final order is entered or the date the dismissal or withdrawal is accepted by the court, not when costs are paid.
9. Manner of Disposition	Enter the appropriate type of disposition.
If a case has multiple parties, report the highest disposition. Details Page 17	See page 16 for 'Manner of Disposition' definitions. See page 17 for additional information regarding multiple party dispositions.
Alternative Dispute Resolution <input type="radio"/> Yes <input type="radio"/> No	Check Yes, if ADR was involved. Check No, if ADR was not involved.
10. Judge Child Support Referees are also assigned generic judge codes.	Write in the <u>full name</u> of the judge who heard the case, even if he/she sat for another judge. (Do not use judge codes on paper forms.) *Reopened cases: If one judge heard the original case and a different judge heard the reopened case, please report the judge who heard the reopened matter. Do not report the judge who heard the original matter. *Three-Judge Panel: Reported as docket number + Identifier Identifier A = Chief, Identifier B or C = Panel.
11. Damages & Torts (471) or Medical Malpractice (451) <input type="radio"/> Yes <input type="radio"/> No & Amount \$ _____	If the case is a 451 or 471 case type and money damages were awarded, check Yes and enter the amount awarded, if available. This field should only include original dollar amounts. Additur and Remittitur amounts should be reported in appropriate fields. If the case is a 451 or 471 case type and no money damages were awarded, check No.
12. Additur \$ _____ Remittitur \$ _____	If the case was a 451 or 471 case types and involved an additur or remittitur to the original award, fill in the amount beside the appropriate category. Only report the additur or remittitur amount.



<p>11. Damages & Torts (471) or Medical Malpractice (451)</p> <p><input type="radio"/> Yes <input type="radio"/> No & Amount \$ _____</p>	<p>If the case is a 451 or 471 case type and money damages were awarded, check Yes and enter the amount awarded, if available. This field should only include original dollar amounts. Additur and Remittitur amounts should be reported in appropriate fields.</p> <p>If the case is a 451 or 471 case type and no money damages were awarded, check No.</p>
<p>12. Additur \$ _____ Remittitur \$ _____</p>	<p>If the case was a 451 or 471 case types and involved an additur or remittitur to the original award, fill in the amount beside the appropriate category. Only report the additur or remittitur amount.</p>

Manner of Disposition (Disposition Categories):

Item	Definition
1. Withdrawn/Voluntary Nonsuit	When the plaintiff abandons his case, and consents that judgment go against him for costs.
2. Compromise/ Settlement – no court hearing	A settlement that does not necessarily involve both parties appearing before the judge. Includes dismissals initiated by one of the parties for failure to prosecute; reconciliation orders, workers' compensation settlements; compromise and settlement orders. Agreed Orders of Dismissal or Compromise/Agreed Settlements should be reported as 'Compromise/Settlements' not as 'Dismissals'. Typically, the parties have reached an agreement and the attorneys or parties have brought the order for the judge to sign. Note that a judge may swear in a witness and hear testimony, as long as the party or parties have come before the judge to have a compromise or settlement finalized by order, this is still reported as a Compromise/Settlement – no court hearing, not as a Non-Jury Trial.
3. Court Approved Settlement	The parties have reached an agreement and appear before the judge. The judge signs the agreement order after hearing whatever evidence he/she deems necessary. The judge may swear in witnesses and hear evidence to satisfy the court that the settlement is valid. This swearing in and presentation of evidence does not constitute a Non-Jury Trial.
4. Uncontested/Default	A defendant either chose not to or failed to contest the plaintiff's allegation.
5. Transferred	The removal of a case from the jurisdiction of one court or judge to another by lawful authority. This does not include cases reassigned to another judge within the same judicial district and court, but only those transferred to another district or from circuit to chancery, etc. Always put the judge.
6. Dismissal	An order or judgment rendered by the judge finally disposing of an action, suit, motion, etc., without trial of the issues involved. Terminates the jurisdiction of a trial court before a judgment is reached. Such may be either voluntary or involuntary.
7. Trial-Non-Jury (Bench)	A trial is held before a judge. The party or parties have come before the judge seeking a decision based on the merits of their case. Witnesses and evidence are presented and the judge renders a final decision in the case. When at least one witness has been sworn under this scenario, the case is to be reported as disposed by Trial – Non-Jury even if the parties reach a compromise or settlement.
8. Trial-Jury	Trial is held before a judge with a jury impaneled. The party or parties appear in court seeking a jury verdict on the merits of their case. Please note that under this scenario once a jury is impaneled, whether they render a verdict or not, the case is to be reported as disposed by Trial-Jury even if the parties reach a compromise or settlement.
9. Other	Any case disposed in a manner not specifically described in one of the other categories.

If a civil case involves
multiple parties, only
report one disposition for
the case

Once judgments have been reached for all parties, the case should be disposed. The highest-level manner of disposition should be used in the disposition, using the order of ranking listed below. “Trial – Jury” is the highest level and “Other” is the lowest level.

For example, if there were 2 parties involved in a case and one party's manner of disposition was "Trial Non-Jury", and the second party's disposition was "Court Approved Settlement" involving ADR, the case would be reported with the manner of disposition as "Trial, Non-Jury", and the ADR checkbox would be marked as Yes.

Child support/interstate support cases should be reported closed on the date a support order is entered or on the date of transfer to another state. Do **not** leave cases open until a child reaches age eighteen.

After the final order of a child support case, a subsequent hearing should only be considered a reopening of the case if a petition is filed to change the original order.

Outgoing UIFSA cases can be closed when the "Certificate and Order" is signed and transmitted to the defendant's state of residence. Do not wait for a response from the other state before disposing of the case.

Conservatorship cases should be reported as disposed to the AOC when the inventory is filed. If the particular case has no inventory issue, it should be reported closed when the conservator is appointed. A reopening should only be filed if there is a matter in the case that will require a hearing before a judge. Annual accountings that do not require a hearing should not be reported as a reopened case.