



# Weighted Caseload: *A Presentation to the Tennessee Clerks of Courts Conference 2017*

May/June 2017

Parts of this presentation derived from a presentation by

Suzanne Tallarico, National Center for State Courts

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February 13, 2017

# Why Do A Weighted Caseload Study?

- Different case types do not require similar amounts of time to process;
- Judicial needs models can be developed that apply average case processing times (case weights) to the number of new cases filed in each district to determine the incoming workload;
- Required by law

# History of Tennessee's Weighted Caseload Study

- Initial Study done in 1999
- Studies done for Judges, DAs and PDs
- Judicial Study updated in 2007 and in 2013
- DAs and PDs have not been updated since 1999 because of a lack of general sessions data

# Tennessee Code Annotated § 16-1-117: Reporting case statistics - Automated court information system

(a) It is the duty of the administrative office of the courts to collect, develop and maintain uniform statistical information relative to court caseloads in Tennessee. To assist the administrative office of the courts in this duty, the clerks of each court shall report case data as set forth below:

(1) Each criminal case shall be assigned a unique docket number. A criminal case shall be defined and reported as single charge of set of charges arising out of a single incident concerning a single defendant in one (1) court proceeding. An incident shall be all criminal activity occurring on the same date. A court proceeding refers to a single level of court, such as general sessions or circuit. An appeal, probation revocation, or other post-judgment proceeding shall be considered a separate case. This definition shall not alter the practice in the Tennessee rules of criminal procedure dealing with joinder and severance of criminal cases. In addition, in courts of record, multiple incidents shall be counted as a single case when the charges are of a related nature and it is the district attorney general's intention that all of the charges be handled in the same court proceeding pursuant to a single indictment. If a case has more than one (1) charge or count, then the administrative office of the courts shall count the case according to the highest class of charge or count for the weighted caseload study based on the formula set out in 16-2-513(a). Nothing in this subdivision (a)(1) shall operate to deprive court clerks of any fees to which they were entitled prior to July 1, 2014;

(2) A civil case shall be defined as all motions, petitions, claims, counter-claims or proceedings between the parties resulting from the initial filing until the case is disposed. A unique docket number will be assigned to a civil case upon filing. Until the case is disposed, all subsequent motions, petitions, claims, counterclaims or proceeding between the parties resulting from the initial filing will be handled under the assigned docket number and will not be assigned a new docket number. Once a civil case has been disposed and further actions occur on the case, the original case will be reopened using the same docket number under which it was originally filed and is subject to additional court costs. All subsequent motions, petitions, claims, counter-claims or proceedings relating to the reopened case will be handled under the one reopened case docket number until disposed. Any subsequent re-openings will still use the original docket number, but will be counted by the administrative office of the courts as a new case for case-reporting purposes and are subject to additional court costs. Civil cases in courts of record shall be counted and reported to the administrative office of the courts according to this subdivision (a)(2);

(3) All general sessions courts and municipal courts with general sessions jurisdiction shall collect and provide court data to the administrative office of the courts based on the definitions for criminal and civil cases as provided in subdivisions (a)(1) and (2);

# Tennessee Code Annotated § 16-1-117: Reporting case statistics - Automated court information system

(4) All courts of record, except for juvenile courts, and all general sessions courts and municipal courts with general sessions jurisdiction shall report caseload data to the administrative office of the courts not less than one (1) time each month, so that all cases filed and disposed in one (1) month have been received by the administrative office of the courts by the fifteenth day of the following month in which the case is filed or disposed. The administrative office of the courts shall create forms to be used by each court in reporting the caseload data;

(5) The administrative office of the courts will provide written notification to any responsible party found not to be in compliance with the reporting requirements. Written notification will detail the type of noncompliance and recommend the corrective action to be taken. If compliance is not achieved during the subsequent reporting period following notification, the administrative office of the courts will no longer accept data from the office not in compliance until such time as the errors are corrected. Notification of this action will be sent to all judges, district attorneys general, district public defenders and court clerks within the district where the noncomplying office is located. Notification will also be sent to the district attorneys general conference, the district public defender conference, the administrative office of the courts and the county officials association of Tennessee. Any periods of noncompliance will also be reported in the annual report to the judicial council and to the chairs of the civil justice committee of the house of representatives and the judiciary committee of the senate;

(6)(A) The clerks of those courts wherein commitments to a mental institution, as defined in 16-10-213, are ordered or persons are adjudicated as a mental defective, as defined in 16-10-213, shall report information described in 16-10-213(c) regarding individuals who have been adjudicated as a mental defective or judicially committed to a mental institution. Included in the report pursuant to this subdivision (a)(6)(A) shall be the date in which such information was also reported to the federal bureau of investigation -NICS index;

(B) The clerks of those courts unable to make direct reports to the federal bureau of investigation-NICS index, pursuant to the reporting requirements of 16-10-213, 16-11-206, 16-15-303 and 16-16-120, shall provide sufficient information to the administrative office of the courts who shall make such reports on behalf of those clerks as soon as practicable, but no later than the third business day following the date of receipt of signed order;

# Tennessee Code Annotated § 16-1-117: Reporting case statistics - Automated court information system

(C) The information reported pursuant to subdivision (a)(6)(A) shall be maintained as confidential and not subject to public inspection, except for such as may be necessary in the conduct of any proceedings pursuant to 39-17-1316, 39-17-1353 and 39-17-1354;

(D) The administrative office of the courts shall provide written notification to any responsible party found not to be in compliance with the reporting requirements of this subdivision (a)(6) or with the reporting requirements of 16-10-213, 16-11-206, 16-15-303 and 16-16-120. If compliance is not achieved during the subsequent reporting period following notification, the administrative office of the courts will no longer accept data from the office not in compliance. Notification of this action will be sent to all judges, district attorneys general, district public defenders and court clerks with the district where the noncomplying office is located. Notification will also be sent to the district attorneys general conference, the district public defenders conference, the administrative office of the courts and the county officials association of Tennessee. Any periods of noncompliance will also be reported in the annual report to the chair of the judiciary committee of the senate and the chair of the civil justice committee of the house of representatives.

(b) Any automated court information system being used or developed on or after July 1, 2003, including, but not limited to, the Tennessee court information system (TnCIS) being designed pursuant to 16-3-803(h), shall ensure comparable data will be reported to the administrative office of the courts with respect to courts of record, and criminal cases in general sessions courts and municipal courts with general sessions jurisdiction, using the definitions and standards set forth in subsection (a). Each system shall use the Tennessee code citation on each criminal charge, and have the capability of using this information to classify the type and class of each charge.

# Tennessee Code Annotated § 16-2-513: Formula for determining need for additional judges

Annual report. - (a) The comptroller of the treasury shall devise and maintain a weighted caseload formula for the purpose of determining the need for creation or reallocation of judicial positions using case weights derived from the most recent weighted caseload study. The comptroller of the treasury may adjust the formula as necessary to reflect the impact of any legislative enactment that is material to judicial caseloads.

(B) Each district attorney general and each public defender, separately or through the appropriate conference, the council of juvenile and family court judges and the administrative office of the courts shall provide to the comptroller of the treasury information that the comptroller of the treasury determines is necessary to accomplish the purposes of this section. This information shall include caseload totals by appropriate case type for each study and total number of judicial, child support magistrates, district attorney and public defender resources for each district, noting how many are funded by the federal, state or local government. This data is to be provided to the comptroller in electronic and hard copy form on or before October 15 of each year.

(c) Using such formula, information and adjustments, the comptroller of the treasury shall annually publish a weighted caseload report analyzing the current distribution of judicial positions throughout the state as well as the current need, if any, for creation of or reallocation of such positions.

(D) The processing of case data by the administrative office of the courts for the purpose of providing the comptroller of the treasury with the information necessary to complete the weighted caseload study shall be subject to audit by the comptroller of the treasury. The audit shall ensure that the validation, verification and compilation of case data are performed in accordance with 16-1-117(a).

# General Civil/Other Case Types and Weights

Administrative Hearings	204
Contract/Debt/Specific Performance	104
Damages/Tort	135
Guardianship/Conservatorship	70
Judicial Hospitalization	19
Juvenile Court Appeal (Civil)	287
Medical Malpractice*	1,320
Probate/Trust	24
Other General Civil	58
Real Estate	259

\*The type, "Medical Malpractice," is outdated and should probably be revised to "Health Care Liability"

Workers Compensation has been dropped from the list because it now carries a case weight of 0, obviously due to changes in the law



# WEIGHTED CASELOAD – CIVIL Case Examples

10/12/15

IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE

EQUITY DIVISION

LINDA C. ATCHLEY, WIDOW )  
Plaintiff )

vs. )

STEWART TITLE GUARANTY COMPANY, a foreign )  
insurance company doing business in the state of Tennessee )  
Defendant )

FILED  
BLOUNT COUNTY  
OCT 26 2015  
10:52 AM DB  
STEPHEN S. OGLE  
CLERK & MASTER

NO. E-24439

COMPLAINT

Now comes your Plaintiff, and respectfully shows the Court:

1. That she is a citizen and resident of Blount County, Tennessee, and is the surviving spouse of James J. Atchley who died on July 19, 2010. That by operation of law as tenants by the entirety your Plaintiff is **the current owner of a tract of land** more particularly described as Lot 8, Peninsula Estates Subdivision, as shown by the map of the same of record in Map File 530A, Blount County Register of Deeds Office. Your Plaintiff's title to this property is evidenced by a deed of record in Warranty Deed Book 583, Page 426, Blount County Register of Deeds Office, a copy of which is attached herein as Ex. A, but need not be copied or served with

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# WEIGHTED CASELOAD – CIVIL Case Examples

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE FILED

6478 KINGSTON PIKE UNIT OWNERS' ASSOCIATION, INC.,  
Plaintiff,

v.  
KIMBERLY B. OVERBEY,  
DANIEL D. OVERBEY, KIMBALL'S, INC.,  
SPRING CREEK GENERAL PARTNERSHIP and  
GLASS BAZAAR, INC.,  
Defendants.

2016 DEC 12 P 2:14  
CATHERINE F. CUST  
CIRCUIT COURT CLERK

Case No. 3-457-16

74  
224

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT,  
INJUNCTIVE RELIEF, MANDAMUS AND DAMAGES**

COMES now the Plaintiff, by and through their undersigned counsel, and for its cause of action against the Defendants, Kimberly B. Overbey, Daniel D. Overbey, Kimball's, Inc., Spring Creek General Partnership, and Glass Bazaar, Inc. (collectively hereinafter the "Defendants"), states the following:

**PARTIES**

1. Plaintiff 6478 Kingston Pike Unit Owners' Association, Inc. (hereinafter "Plaintiff" or the "Association") is an active Tennessee corporation in good standing with a principal office located at 6478 Kingston Pike, Knoxville, TN 37919-4863.
2. Defendants Kimberly B. and Daniel D. Overbey (collectively hereinafter the "Overbeys") are, upon information and belief, residents of Knox County, Tennessee, and they can be served with process at 117 S. Seven Oaks Dr., Knoxville, TN 37922.

\*When the term "Defendants" is used herein, the Plaintiff pleads in the alternative: Kimberly B. Overbey, Daniel D. Overbey, Kimball's, Inc., Spring Creek General Partnership, and/or Glass Bazaar, Inc.

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# WEIGHTED CASELOAD – Domestic Cases

## **Domestic Relations**

### **Classification**

### **Weight**

Residential Parenting

108

Divorce with Children

106

Protection of Children

65

(Paternity, Adoption, Legitimation, Surrender, TPR)

Divorce without Children

40

Orders of Protection

32

Child Support

20

Contempt

14

Other Domestic Relations

73



# WEIGHTED CASELOAD – Criminal Cases

## **I. Legislation & Mandate**

# T. C. A. § 16-1-117

Caseload statistics reporting; noncompliance; automated court information systems

Currentness

(a) It is the duty of the administrative office of the courts to collect, develop, and maintain uniform statistical information relative to court caseloads in Tennessee. To assist the administrative office of the courts in this duty, **the clerks of each court shall report case data as set forth below:**

(1) Each criminal case shall be assigned a unique docket number. A criminal case shall be defined and reported as a single charge or set of charges arising out of a single incident concerning a single defendant in one (1) court proceeding. An incident shall be all criminal activity occurring on the same date. A court proceeding refers to a single level of court, such as general sessions or circuit. **An appeal, probation revocation, or other post-judgment proceeding shall be considered a separate case.** This definition shall not alter the practice in the Tennessee rules of criminal procedure dealing with joinder and severance of criminal cases. In addition, in courts of record, multiple incidents shall be counted as a single case when the charges are of a related nature and it is the district attorney general's intention that all of the charges be handled in the same court proceeding pursuant to a single indictment. If a case has more than one (1) charge or count, then the administrative office of the courts shall count the case according to the highest class of charge or count for the **weighted caseload study based on the formula set out in § 16-2- 513(a).** Nothing in this subdivision (a)(1) shall operate to deprive court clerks of any fees to which they were entitled prior to July 1, 2014;

The background of the slide is a faded, grayscale image of the Statue of Liberty. She is shown from the chest up, holding a scale of justice in her right hand and a tablet in her left. The image is semi-transparent, allowing the text to be clearly visible over it.

## **II. AOC Categories for Opening Criminal Files**

# Criminal

## Case Type/Sub Type

CR ALC

CR OPM

CR PCR

CR PII

CR PV

CR RHC

## Case Sub Type Description

Appeal from Lower Court

Other (Petition, Motion, Writ)

Post Conviction Relief

Presentment, Indictment, or Information

Probation Violation

Remanded from Higher Court



<b>Court Type</b>	<b>Description</b>	<b>Active</b>
<b>Criminal</b>	<b>Abate by death</b>	<b>Yes</b>
<b>Criminal</b>	<b>Acquittal</b>	<b>Yes</b>
<b>Criminal</b>	<b>Comm/Corr revoked</b>	<b>Yes</b>
<b>Criminal</b>	<b>Conviction After Trial</b>	<b>Yes</b>
<b>Criminal</b>	<b>Declared HMVO</b>	<b>Yes</b>
<b>Criminal</b>	<b>Dismiss GS Appeal</b>	<b>Yes</b>
<b>Criminal</b>	<b>Dismissal</b>	<b>Yes</b>
<b>Criminal</b>	<b>Dismissal/Nolle Prosequi</b>	<b>Yes</b>
<b>Criminal</b>	<b>Dismissed on Payment of Cost</b>	<b>Yes</b>
<b>Criminal</b>	<b>Dismissed with Conditions</b>	<b>Yes</b>
<b>Criminal</b>	<b>Dismissed– Cost to Share</b>	<b>Yes</b>
<b>Criminal</b>	<b>General Sessions Appeal</b>	<b>Yes</b>
<b>Criminal</b>	<b>Guilty</b>	<b>Yes</b>
<b>Criminal</b>	<b>Guilty Plea—As Charged</b>	<b>Yes</b>





<b>Criminal</b>	<b>Guilty Plea—Lesser Charged</b>	<b>Yes</b>
<b>Criminal</b>	<b>Judicial Diversion</b>	<b>Yes</b>
<b>Criminal</b>	<b>Merged Count</b>	<b>Yes</b>
<b>Criminal</b>	<b>Motion Denied</b>	<b>Yes</b>
<b>Criminal</b>	<b>Motion Granted</b>	<b>Yes</b>
<b>Criminal</b>	<b>Not Guilty—Reason of Insanity</b>	<b>Yes</b>
<b>Criminal</b>	<b>Other</b>	<b>Yes</b>
<b>Criminal</b>	<b>Partial Revocation</b>	<b>Yes</b>
<b>Criminal</b>	<b>Petition for Post-Conviction Relief</b>	<b>Yes</b>
<b>Criminal</b>	<b>Place on Comm/Corr</b>	<b>Yes</b>
<b>Criminal</b>	<b>PLEA BY INFORMATION</b>	<b>Yes</b>

A faded, grayscale background image of a classical statue, likely representing Justice or a similar figure, holding a scale of justice. The statue is positioned on the left side of the frame, with its right arm raised holding the top of the scale. The text is overlaid on the right side of the image.

# **A. AOC captures data and reports**

<b>Case Type</b>	<b>FY 13</b>	<b>FY 14</b>	<b>FY 15</b>	<b>FY16</b>	<b>Change from FY 15</b>	<b>Percent Change from TY 15</b>
<b>CRIMINAL</b>	<b>89,677</b>	<b>90,098</b>	<b>85,847</b>	<b>90,121</b>	<b>4,274</b>	<b>4.98%</b>
<b>First Degree Murder</b>	<b>540</b>	<b>606</b>	<b>675</b>	<b>662</b>	<b>-13</b>	<b>-1.93%</b>
<b>Post Conviction Relief</b>	<b>561</b>	<b>481</b>	<b>486</b>	<b>481</b>	<b>-5</b>	<b>-1.03%</b>
<b>Felony A &amp; B</b>	<b>6,931</b>	<b>7,058</b>	<b>6,913</b>	<b>7,470</b>	<b>557</b>	<b>8.06%</b>
<b>Felony (C, D, E)</b>	<b>33,680</b>	<b>32,432</b>	<b>31,063</b>	<b>32,509</b>	<b>1,446</b>	<b>4.66%</b>
<b>DUI</b>	<b>3,661</b>	<b>3,301</b>	<b>3,321</b>	<b>3,483</b>	<b>162</b>	<b>4.88%</b>
<b>Recovery (Drug) Court (a)</b>	<b>1,012</b>	<b>1,012</b>	<b>1,103</b>	<b>1,275</b>	<b>172</b>	<b>15.59%</b>
<b>Criminal Appeals (including juvenile delinquency)</b>	<b>376</b>	<b>404</b>	<b>297</b>	<b>392</b>	<b>95</b>	<b>31.99%</b>
<b>Misdemeanor</b>	<b>9,252</b>	<b>10,062</b>	<b>9,367</b>	<b>9,939</b>	<b>572</b>	<b>6.11%</b>
<b>Other Petitions, Motions, Writs</b>	<b>1,998</b>	<b>2,076</b>	<b>1,806</b>	<b>2,236</b>	<b>430</b>	<b>23.81%</b>
<b>Other Petitions, Motions, Writs-Prison Districts</b>	<b>3,065</b>	<b>2,963</b>	<b>2,804</b>	<b>2,771</b>	<b>-33</b>	<b>-1.18%</b>
<b>Probation Violation</b>	<b>28,601</b>	<b>29,700</b>	<b>28,012</b>	<b>28,903</b>	<b>891</b>	<b>3.18%</b>

A faded, grayscale background image of a person, likely a woman, holding a large scale of justice. The person is looking upwards and to the left. The scale is a classic balance scale with two pans. The image is semi-transparent, allowing the text to be overlaid clearly.

# **III. Time allocation for specific filings**

Case Type	Case Weight Minutes
First Degree Murder	776
Post Conviction Relief	381
Felony A & B	157
Felony (C,D,E)	45
DUI	89
Recovery (Drug) Court	167
Criminal Appeals (incl. juvenile delinquency)	11
Misdemeanor	29
Other Petitions, Motions, Writs	28
Other Petitions, Motions, Writs-Prison Districts	57
Probation Violation	18



**IV. Specific pleadings for specific filings  
AOC purposes**

## **PCR Cases**

**Many lawyers file in original case number**

### **Actual Recorded Findings**

**2015 PCR Findings  
22<sup>nd</sup> Judicial District**

**21 x 381 minutes =  
8,001 judicial minutes or**

**133.35 hours**

**If 2015 PCR's filed  
under Other Petitions, Motions,  
Writs**

**21 x 28 minutes =  
588 judicial minutes or**

**9.8 hours**



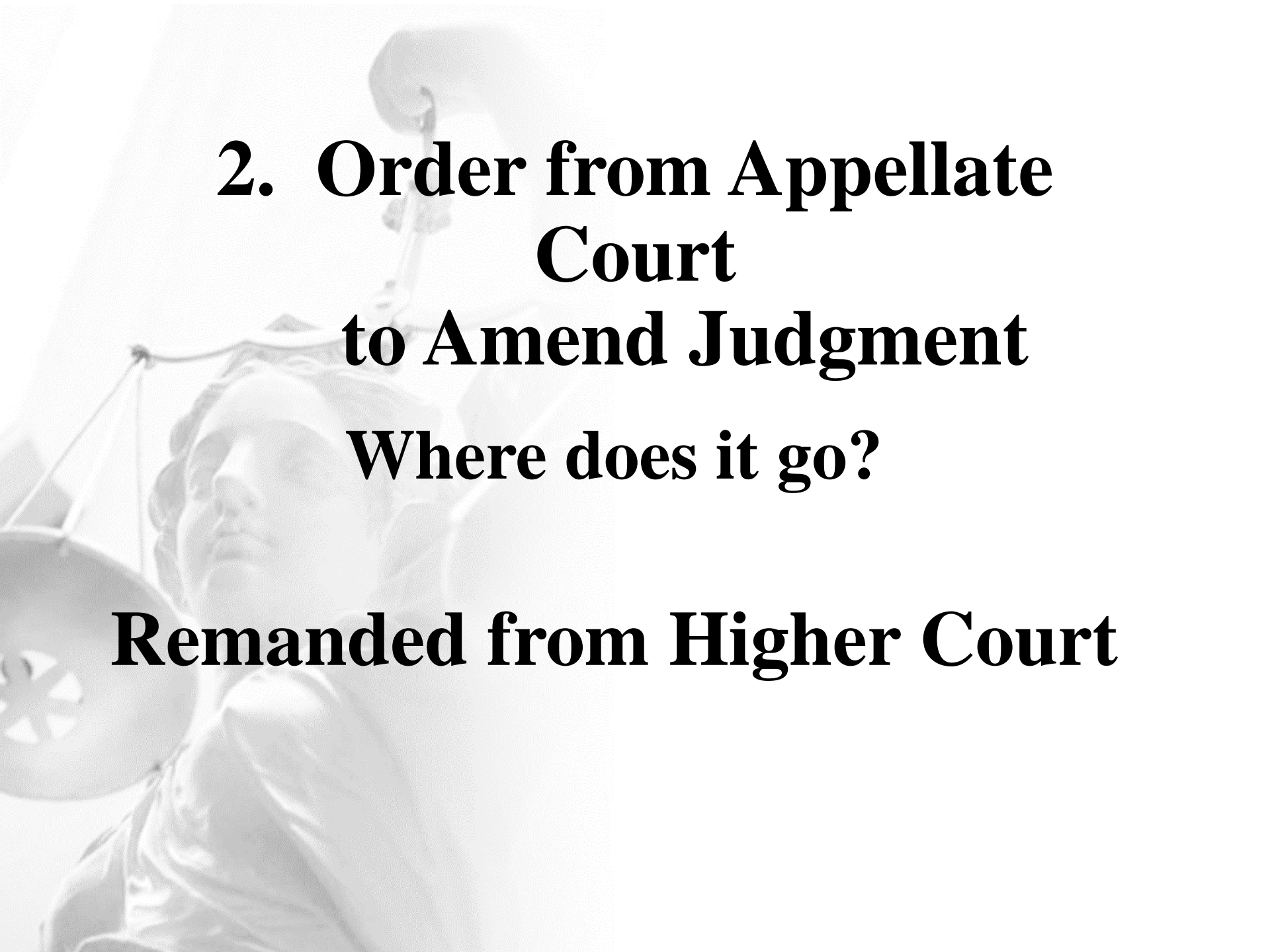
# **Pleadings without Specific Categories**

## **1. Rule 36 Motion to Correct an Illegal Sentence**

**Where does it go?**

**Other (Petition, Motion, Writ)**





**2. Order from Appellate  
Court  
to Amend Judgment  
Where does it go?**

**Remanded from Higher Court**



**3. Motion for Expungement**  
**A. New Motion regarding**  
**Convictions TCA §40-32-101(g)**

**Where does it go?**

**Other Petition, Motion or Writ**

## **B. Pretrial or Judicial Diversions**

### **Where does it go?**

- 1. IF they do not go before a judge for a hearing, they are not being captured or sent to TJIS because there is no or no significant judge time used.**
- 2. IF – your judge holds hearing for these at any point, they would be Other (Petition, Motion, Writ)**

- 
- 4. Motion to Remit Fines**
  - 5. Furlough Request**
  - 6. Letters/Request to Reinststate Probation**

**Where does it go?**

**Other (Petition, Motion or Writ)**

Questions?

