



Weighted Caseload Study

What you really need to know---

Judge Deborah Stevens, Knox County Circuit Court

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

Case Disposition Reporting to AOC

- Put those reports out of your head for the rest of this presentation because they have NO IMPACT on weighted caseload report prepared by Comptroller

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 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; un-liquidated 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

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

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

How Does it Work 2013-2014

Comptroller Data Collection Process

October 2021

- Given pandemic conditions, at request of AOC, Comptroller suspended FY2020 Weighted Case Load Study.
- Overall case filings ↓8%
- 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 to get to Comptroller by October 15
- FY Report issued by Comptroller annually, generally around April and available on AOC website or Comptroller's website—INCLUDES ESTIMATE OF DEFICIT OR EXCESS OF JUDGES ACROSS STATE, AND BY COUNTY

Examples

- Civil case

- Smith v. Doe---¶ 5 This case arises out of a motor vehicle accident that occurred on May 15, 2021 and Plaintiff was injured. ¶ 15 The accident resulted in the total loss of Plaintiffs vehicle

- MVA for personal injury would be 471. Other damages/torts. Case weight =135
- MVA for property damage would be 581. Miscellaneous general civil. Case weight =58

- Brock v Davis lawsuit for breach of contract for failure to honor real estate contract.

- 461. Breach of Contract. Case weight = 104
- 481. Real estate matter. Case weight = 259

Dyer County Chancery Checklist

CASE TYPE	DESCRIPTION	Minutes
Real Estate		259
Administrative Hearings		204
Damages/Tort		135
Residential Parenting		108
Divorce with children		106
Contract/Debt/Specific Performance		104
Other Domestic Relations		73
Guardian/Conservatorship		70
Adoption, Paternity, Surrender, Term of Parental Rights		65
Other General Civil		58
Divorce with Children		40
Orders of Protection		32
Probate/Trust		24

Criminal Weighted Caseload note

- Situation where criminal case type with higher weight might be dropped
 - Felony (C,D,E) is considered more serious and ranked above DUI in code used to condense cases with multiple counts
 - Felony (C,D,E) has case weight = 45
 - DUI has case weight = 89
 - The lower weighted case is used for judicial weighted case load

Why Does it Matter

- 40 health care liability cases filed in a year. Health care liability has a weighted case = 1320.
 - $40 \times 1320 = 52,800$ or about $\frac{2}{3}$ of a judge
 - $[20 \times 1320] + [20 \times 135(\text{general tort})] = 39,100$ or about $\frac{1}{2}$ of a judge
 - Increased workload for judges because caseloads not properly captured may result in increased work for clerks; and also reduction in a judge because of reduced caseload based on weighted caseload study, may result in reduction in clerk staffing
 - Important to get it right, if in doubt talk to judge

QUESTIONS?