

Minutes of the Advisory Task Force on Composition of Judicial Districts

January 14, 2019

The meeting was called to order by Chairman Chancellor Telford Forgety at shortly after 1:00 pm CDT. Chairman Forgety, John Fine, and Russell Johnson appeared via video conference from Knoxville. Jim Kyle and Mark Davidson appeared via teleconference. Bo Burk, J. B. Cox, Craig Fickling, Kim Nelson, and John Ryder appeared in person at the AOC in Nashville. Kim Helper was unable to attend due to illness.

Chairman Forgety recognized Senator Mike Bell, who was in attendance. Chairman Forgety congratulated Senator Bell being named chair of the Senate Judiciary Committee and offered him the opportunity to speak to the group. Senator Bell thanked Chairman Forgety for the opportunity and related to the group that he was present to observe and learn.

Other guests and active participants introduced themselves and were welcomed by Chairman Forgety.

Chairman Forgety recognized Dan Hall, Vice President of the Court Consulting Division of the National Center for State Courts, who appeared by video conference. Mr. Hall shared his insights and expertise in the area of Judicial Redistricting. He addressed his own experiences, having been in the AOC in Colorado for a number of years and the experience of the NCSC having been involved in recent redistricting efforts in Kentucky and Virginia and currently in Missouri. He spoke to the group and fielded questions of the group until around 1:40 pm. Chairman Forgety thanked Mr. Hall for his input and insights.

Chairman Forgety returned to item (2) of the agenda and the group reviewed the minutes of the October 29, 2018 meeting. Following the review, Craig Fickling moved to approve the minutes of October 29, 2018. Said motion was seconded by Kim Nelson and upon a full roll call vote the motion carried and the minutes were approved.

Next Chairman Forgety addressed the issue of a quorum being present at the AOC in Nashville. It was determined that a quorum of the group was not present and that TCA§8-44-108(a)(3) required a finding of necessity to conduct the meeting by electronic means. Craig Fickling moved that the “task force” find that it was necessary to conduct the meeting by electronic means as a quorum was not present at the AOC in Nashville. This motion was seconded by Kim Nelson and upon a proper roll call vote, the motion carried.

As Mr. Hall’s address was initially slated to be item (3) on the meeting agenda and Chairman Forgety had recognized Mr. Hall out of order, Chairman Forgety next moved to item (4) on the agenda, which anticipated a report and/or remarks from the Administrative Office of the Courts. Director Tate volunteered to facilitate other speakers from either Kentucky or Virginia or Missouri should the group need further information. She also congratulated Senator Bell on his new leadership position. There was no further report from the Administrative Office of the Courts.

Next Chairman Forgety moved to item (5) on the agenda which was stated as Consideration of whether Task Force Members would like to submit questions for public comment in preparation for public hearings/ establishment of basic procedure for those hearings. No action was taken on this agenda item (5); however, Chairman Forgety encouraged continued consideration of this matter between the present and the next task force meeting.

Chairman Forgety next moved to agenda item (6) in which the task force members would consider and begin drafting an outline for the Task Force Report and for consideration of beginning to draft preliminary sections of the report such as introduction and history. J. B. Cox and Craig Fickling volunteered; however Chairman Forgety asked for the Task Force Members to authorize the chair to nominate members to serve on this group.

Upon appropriate motion, second and roll call vote, the Task Force Members authorized Chairman Forgety to nominate members of the group. Motion carried.

Chairman Forgety then nominated John Ryder, Russell Johnson, Mark Davidson, J.B. Cox, and Craig Fickling to the drafting group.

Thereafter, J.B. Cox moved that those nominated by Chairman Forgety be named to the drafting group. This motion was seconded by John Ryder and a roll call vote was taken. Motion carried.

Next the group considered item (7) of the agenda which dealt with establishing criteria to be studied and employed by the Task Force in rendition of its final report. Russell Johnson made a motion that the Task Force study and employ the following criteria:

Weighted Caseload Study, Geography including Contiguity, Population, Communities of Interest, Effect on Collateral Resources, Preserving the Basic Shapes of Judicial Districts unless there is a compelling reason to change, and Any Other Factor Identified in Public Hearings

The motion was seconded by John Fine and a roll call vote was taken. Motion carried.

Chairman Forgety then took up Old Business which included a discussion of progress and potential changes in location for the public hearings. Pursuant to that discussion the following motions were made:

1. Craig Fickling moved that the Middle Tennessee Public Hearing set for June 12, 2019 at 1:00 pm CDT be held in the Jury Assembly Room of the new Rutherford County Judicial Complex, which was reserved at no cost and had ample parking. J.B. Cox seconded the motion and a roll call vote was taken. Motion carried.
2. Jim Kyle moved that the West Tennessee Public Hearing set for April 15, 2019 at 1:00 pm CDT be held in Judge Roy Morgan's courtroom in the Criminal Justice Complex in Jackson, Tennessee. Craig Fickling seconded the motion and a roll call vote was taken. Motion carried.

Further Old Business was discussed including the possibility of having another West Tennessee public hearing as Senator Stevens had previously expressed interest in having a meeting in and around UT Martin.

Upon the conclusion of that discussion, Jim Kyle made the following motion: The Task Force authorizes Chairman Forgety to inquire of Senator Stevens concerning the need for an additional public hearing and if he is of the opinion that another meeting should occur in West Tennessee at UT Martin, then the Task Force authorizes Chairman Forgety to call and schedule said meeting in his discretion.

This motion was seconded by J.B. Cox and a roll call vote was taken. Motion carried.

Chairman Forgety next moved on to item (9) New Business and no New Business came to the attention of the Task Force.

Finally, upon appropriate motion and consent of the Task Force the meeting was adjourned.

These minutes were taken by J.B. Cox in the absence of the Executive Secretary Kim Helper due to illness.

Respectfully submitted,

Kim Helper