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**June 4, 2019**

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**Re: 15<sup>th</sup> Judicial District of Tennessee**

**Honorable Chairman Fogerty and Advisory Task Force Members:**

Please accept this letter on behalf of the members of the 15<sup>th</sup> Judicial District Bar Association with respect to the issue of judicial redistricting. The undersigned judges and attorneys thank you for your time and efforts in serving on the task force, and for the opportunity to be heard as to how judicial redistricting would affect the 15<sup>th</sup> Judicial District.

The current 15<sup>th</sup> Judicial District is composed of Jackson, Macon, Smith, Trousdale and Wilson counties. It has been in its current form since 1976. The 15<sup>th</sup> Judicial District has one criminal court judge, one chancellor, and two circuit court judges. Of the two circuit court judges, one of them manages both a civil docket as well as a criminal docket in each of the counties of the district. In the most recently conducted weighted caseload study, the 15<sup>th</sup> Judicial District was determined to be the most accurately weighted district in the State of Tennessee in comparison of cases per judge. This study found that the 15<sup>th</sup> Judicial District was under-judged by a mere .01% in its current composition.

Based both upon the recent weighted caseload study as well as upon the remaining considerations of this letter, it is our hope that the 15<sup>th</sup> Judicial District will remain unaltered by the next General Assembly. A change to the current composition of the 15<sup>th</sup> Judicial District would have a negative impact on the citizens of the district in a number of areas.

#### Court Services:

The first area of consideration is the functionality of the court system itself. Any modification in either the counties served or the number of judges serving the district would most certainly result in an under-judged or over-judged judicial district. If the district becomes under-judged, the result would be more scarce judicial resources available for the people of the 15<sup>th</sup> district. If the district becomes over-judged, the result is a waste of resources which could be better utilized across the State. In essence, based on the current weighted caseload study, the 15<sup>th</sup> Judicial District has the proper amount of resources devoted to it in its current composition and any alteration of this district would only create problems rather than solve them. To alter the judicial resources of this district in any fashion would, in our estimation, be an attempt to provide a solution where no problem exists.

As of April 2019, our jurisdiction ranked 4<sup>th</sup> in the state in the collection of past due child support. From July 2018 through April 2019, the District Attorney's Office, child support division, collected a total of \$1,673,834.00 towards past due support. During that same period of time, it collected \$4,543,498.00 as current support on behalf of our district's children, placing 8<sup>th</sup> in the state for the collection of current support. Each of our county and circuit judges work together to hold 13 child support dockets per month with no limits on the number of cases set.

Speaking for the Criminal Court of our district, each county has a regularly scheduled criminal court docket. In addition to these regularly scheduled court dockets, if necessary or requested by the parties, cases can easily be heard in a different county of the district upon a waiver of venue. This practice occurs several times a year to address issues such as bail, emergency orders or petitions, etc.

In short, cooperation between the judges, attorneys, clerk staff, and law enforcement avoids unnecessary delay in the timely progression of criminal dockets, particularly for defendants who are in custody.

If, for example, Wilson County was made a stand-alone judicial district, the remaining more rural counties of our district would by necessity be grouped into another neighboring district, unless an entirely new additional judicial district was formed to service them. Under the former scenario, the rural counties would receive less judicial services, as simply moving cases to a different district would only increase the number of cases per judge in the new district. Under the latter scenario, the creation of an entirely new judicial district to service the four rural counties of the district, such creation would require the addition of a number of positions to the State payrolls to service the new district--at least one criminal court judge, one circuit court judge, one chancellor, one district attorney, one public defender. Each of those offices would have to be staffed with sufficient personnel to complete the work required of the new office, and so rapidly the personnel costs of new, additional judicial districts become readily apparent. And this does not even consider the costs of office space, computers, phones, desks, and other ancillary expenses.

Prospectively, if the 15<sup>th</sup> Judicial District is left in its current format, should managing the dockets become an issue in the future due to an increase in population, simply creating an additional judgeship is a far more cost-effective solution to the problem. Even adding additional staff to the District Attorney's office or Public Defender's office would be far cheaper, comparing the annual salary of the elected position to that of assistants. In short, although the district is neither under-judged nor over-judged currently, were that to ever become the case, the most effective and cost-effective solution would be to add additional staff, not to regroup the counties.

#### Multi-County Non-Court Services:

Other areas in which judicial redistricting would have a serious negative impact on the counties of the 15<sup>th</sup> Judicial District is with respect to multi-county services. Services provided by the 15<sup>th</sup> District Recovery Court, Child Advocacy Center, and Drug Task Force would be harmed in a number of ways.

The 15<sup>th</sup> Judicial District Recovery Court has been in existence for 17 years. It provides services to individuals seeking to recover from the devastation of a drug addiction. To regroup the counties through a new judicial redistricting plan would cause the Recovery Court to, in essence, start from scratch again in each of the new districts. Programs currently in place would have to be reestablished, and in so doing, the services available will, at a minimum, experience severe interruption. For example, in each new district, a director would have to be employed, and all grants providing funding would have to be rewritten and approved by the State of Tennessee in order to provide services. Often these grants are competitive in nature, and statistical information would have to be gathered from the counties of the new districts and be re-evaluated and re-weighed against competing programs. This process could be particularly cumbersome in the more rural counties.

Once the grants are ultimately approved, the director must then employ sufficient staff, contract with sufficient resources, and make new relationships across the new district in order to effectuate a successful program. All of these tasks will take time, to the detriment of the citizens which would have been better served to leave the current systems in place.

The 15<sup>th</sup> Judicial District Child Advocacy Center (CAC) serves an important role in the prosecution of child abuse and child sexual abuse cases. The victim-first approach prevents further trauma to the victim during the investigation and prosecution of the case and provides necessary recovery services to the victim and their non-offending family members. The 15<sup>th</sup> CAC began with a grass roots effort in 2005. Before a CAC grant could even be obtained, the necessary funds had to be raised to complete the initial steps to qualify the CAC for a grant. These initial steps included hiring an executive director, opening a facility, providing services, providing forensic interviews to victims, and utilization of the CAC by the Child Protective Investigation Team. The CAC has made great strides and through difficult work of its board of directors and staff, has become a solvent resource to the families of the 15<sup>th</sup> District. However, if judicial redistricting occurs, all of this work will be lost. In each district, new boards of directors must be formed, and the entire process must begin anew, complete with new grant contracts to provide services to the new grouping of counties of each new district. In addition to the consideration of the efforts required in creation of a CAC, there are also concerns relating to the employment status of current CAC employees, as well as how to calculate the division of resources between old and new districts if a district is now divided. This includes both monetary gains as well as real and personal property acquisitions.

Most importantly, as with the Recovery Court, the services provided to the victims will most assuredly see significant disruptions during the reorganization processes across the State. During the month of May 2019, the 15<sup>th</sup> CAC conducted 41 forensic interviews of children. If there are no CAC's during a likely lengthy reorganization transitional period between old and new districts, thousands of victims across the state will be without these much-needed services. Such problems can be easily avoided by simply maintaining the current districts and adding a judge occasionally to whichever district shows the need.

Lastly, the 15<sup>th</sup> Judicial District Drug Task Force is a vital part of drug enforcement in the rural counties of the 15<sup>th</sup> Judicial District. In the 15<sup>th</sup> District, Wilson County is large enough that it has the resources for the Lebanon Police Department, Mt. Juliet Police Department, and the Wilson County Sheriff's Department to each have their own drug task forces to fight drug trafficking in Wilson County. However, the true benefit of the 15<sup>th</sup> Judicial District Drug Task Force is to the more rural counties, which do not have such resources available to them. The Drug Task Force permits the rural counties to combine personnel and financial resources to combat drugs in these counties—the same counties which are overrun with methamphetamine and opioid abuse problems. Oftentimes, combating drug problems involve the usage of undercover officers or confidential informants in operations which may involve dangerous situations. It is essential that officers engaged in this type of work have sufficient training and manpower to ensure the safety of the persons involved. Rural counties often have neither the resources nor the manpower for this type of operation. However, the 15<sup>th</sup> Drug Task Force permits these counties to pool their resources and

manpower into one task force which can work cases in all of the participating rural counties—to the benefit of each community involved.

Were judicial redistricting to occur, programs like the Recovery Courts and Child Advocacy Centers, Drug Task Forces would have to begin anew. Depending on the way the new districts are drawn, communities needing drug task force help may find themselves without a partner. Certainly, current operations would be disrupted as each Drug Task Force had to begin anew with grant writing, division of assets, organization of boards of directors, hiring of personnel, and all of the steps necessary to create an organization. In the 15<sup>th</sup> Judicial District, 30 years of work would be lost all at a time when the opioid and methamphetamine epidemic plaguing these rural communities is at its highest rate ever. One needs but to review a criminal court docket in the rural counties to see the impact of Drug Task Forces in these areas—a vast majority of the drug cases in these areas are Drug Task Force cases. Each has taken drugs off the street and those drugs now sit in an evidence locker awaiting admission into evidence at trial. Without the work of the Drug Task Forces, those drugs would be on the streets in our communities.

Summation:


The judges, attorneys, clerks, and partners of the 15<sup>th</sup> Judicial District appreciate the work of the Advisory Task Force on Judicial Redistricting in consideration of the judicial resource allocation across our state. Of further appreciation is your time in reviewing our opinions on this very important matter. It is our opinion that in areas that are over-judged, population growth in our state will soon remedy this concern. In areas that are under-judged, the best solution is to simply approve additional judges for these areas. We humbly and respectfully submit that the short-term approach of simply moving cases from one judge to another by regrouping the counties is not a long-term solution. As population grows, Tennessee will ultimately have to increase the number of judges in the future regardless. If there are areas which need additional judges, it is best to provide them now. Regrouping the counties through judicial redistricting only delays the inevitable and causes all of the unintended problems discussed in this letter. It is the people of the districts who lose the services discussed above which ultimately bear the costs of these unintended problems. For these reasons, we respectfully request that the recommendations of the Advisory Task Force be to add judges where needed but to not choose the less effective and burdensome remedy of judicial redistricting.


Thank you sincerely for your time and consideration of these matters.

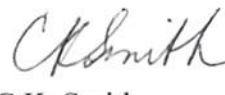
Respectfully submitted,

  
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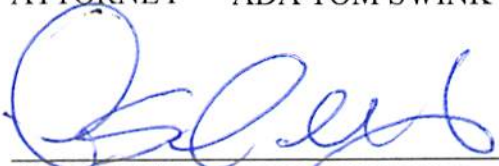
  
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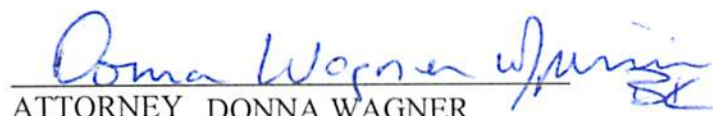
  
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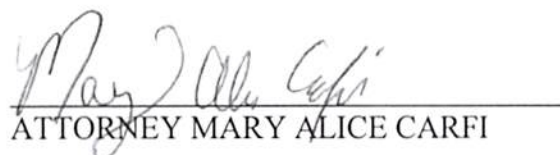
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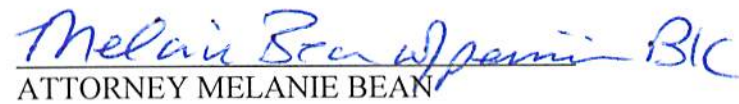
  
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