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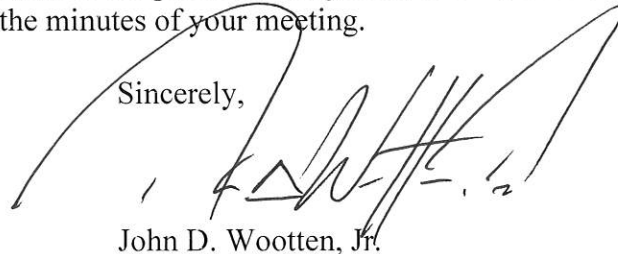
June 7, 2019

Administrative Office of the Courts
Attn: Ceesha Lofton, Legal Project Assistant
Judicial Re-Districting Task Force
511 Union Street, Suite 600
Nashville, TN 37219

Dear Mr. Chairman and task force members,

Attached is a copy of my remarks at the public hearing on June 12th. I would appreciate that the written copy be attached to the minutes of your meeting.

Sincerely,



John D. Wootten, Jr.

JDWjr:lt



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Mr. Chairman and members of the Judicial Re-Districting Task Force,

I want to thank you for the opportunity to address you on this important matter of judicial re-districting. I want to speak more broadly rather than address the concerns as it relates to my own district, the 15th. My good friend and colleague, Judge Kane, will address those particular concerns. I know that your task is difficult in accumulating information, conducting public hearings and in effect, making a recommendation with regard to the re-drawing of judicial district boundaries or the allocation of resources.

The primary question is: Is there a need or a requirement for judicial re-districting? The short answer is no. There is no constitutional requirement. The reasoning behind the lack of a requirement is that judges collectively, attorneys general collectively, and public defenders collectively are not representative bodies. The boundaries of judicial districts are not required to have similar populations. Judges are not policy makers. We do not legislate; at best we interpret. Attorneys general execute or enforce the law. Public defenders represent individual defendants upon appointment by the courts of this State. Judges, attorneys general and public defenders **serve** the public or individual defendants in accordance with our respective oaths. But we are not representatives of the public like legislators.

Although I recognize that the actual boundaries of judicial districts have not been redrawn for many years, the question remains: is it necessary? Quite frankly, I want to commend the legislature over the last many years for addressing the need for additional judges in judicial districts across this State. Since the late 1980's the General Assembly has done a remarkable job in adding or creating additional judgeships to serve the public based upon statistical information that we often refer to as weighted caseload studies. Prior to the requirement of objective data to add judges to a district judicial seat creation was haphazard at best. Since the early 1990's the only impediment to the creation of needed judgeships occurred when the State was facing budgetary shortfalls or monetary problems.

Based upon a legislative mandate this task force is the second formal attempt to study or address re-districting or the allocation of judicial resources. Some 10 to 12 years ago the legislature, through the office of the Comptroller, awarded a contract to an outside agency, the Justice Management Institute, to address the need, if any, to redraw judicial lines. That comprehensive study examined criminal and civil case data, judicial staffing levels, case processing times, socioeconomic data, and population. I am certain that this committee will look at similar information. That study found slight differences in a handful of judicial districts, but none – I repeat none- were of a significant magnitude to warrant re-districting. When this report was published some ten plus years ago that same outside agency, the Justice Management Institute, concluded that the General Assembly had addressed the need for judicial resources, based upon the weighted caseload statistics and found it to be the most appropriate objective method for allocating judges. It further concluded there was no need to redraw judicial districts.

As you are aware, the Tennessee Trial Judges' Association performed its own internal study two to three years ago. It divided the state in accordance with the three grand divisions.

Again, the conclusion was: there are variances among the districts, but none so striking as to require re-districting.

Therefore, I want to congratulate and thank the General Assembly, regardless of which party was in the majority, for addressing the need for judicial resources over the last many years. The General Assembly has required objective, empirical data to support and justify the need for additional judgeships prior to creating them. I think in so doing the General Assembly has done a remarkable job in appropriately apportioning judicial resources. I think it is fair to say that within the 31 judicial districts of Tennessee we have a general consensus that a wholesale change would create more problems than it would correct. I need not repeat them all in detail, but it would create havoc for: Drug Task Forces; Child Advocacy Centers; child support enforcement and like services that are directly tied to the 31 offices of the District Attorneys General. The law of unintended consequences would manifest itself.

To draw or redraw judicial districts has been a recurring question with the General Assembly for roughly 20 years. As a trial judge for over 20 years and a former president of the Tennessee Trial Judges Association, I have become acutely aware of the concerns of the legislature. I frankly urge the General Assembly to address judicial resource allocation and apportionment as it has in the past. A complete or piecemeal redistricting will be costly; will inevitably disrupt invaluable services to the public; cause unintended consequences; destroy historical ties among counties within a multi-county district; and I fear confuse the public.

Thank you for your time and attention.