

**LET'S LEARN A LITTLE
ABOUT WHY YOU HAVE
THIS NEW JOB:
THE TENNESSEE JUDICIAL
WEIGHTED CASELOAD**

Article VI

Section 1

Tennessee Constitution

- The judicial power of the State shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior Courts as the legislature shall from time to time ordain and establish;

Didn't the State's Constitution create the State's judiciary?

- Yes. See Art. VI. Sec. 1.
- But, the Tennessee Constitution only creates 1 court, that is the Supreme Court of this state, and 5 judicial positions, which are the 5 positions of the Supreme Court. So, your new job wasn't created in the State constitution.

Where did your state trial court job come from?

- “The judicial power of the State shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior Courts as the legislature shall from time to time **ordain** and **establish**;”
- Your new job was created by the legislature, and the job you’re about to assume was created in TCA 16-2-506.
- Every state trial court position was created in 16-2-506.
- So, you, I and every state trial judge has this job because at some point in time the Tennessee General Assembly created the job.

TWO QUESTIONS TO ASK:

- How does the Tennessee General Assembly determine a new trial judge position needs to be created? (I call this allocation of resources, or the General Assembly giveth .)
- How does the Tennessee General Assembly determine a reduction in trial judge positions is in order? (I call this reallocation of resources, or the General Assembly taketh away.)

TCA 16-2-513

- “The comptroller of the treasury shall devise and maintain a weighted caseload formula for the purpose of determining need for **creation** or **reallocation** of judicial positions using case weights from the most recent weighted caseload study....” TCA 16-3-513 (a).
- The General Assembly created the weighted caseload study to gauge judge need. So, the General Assembly’s determination to giveth or taketh away judge positions is based largely on the comptroller’s weighted caseload study.

WEIGHTED CASELOAD STUDY

- It has its originals in TCA 16-2-513, and this statute first appeared in the code in 1984. (What also happened to the Tennessee trial level judiciary in 1984?)
- Attempts to develop a data driven based determination for judicial need were first made in 1984 and continued without success through the mid-1990s. See, TENNESSEE JUDICIAL WEIGHTED CASELOAD MODEL Final Report May 1999.
- The frame work of the study used today began in earnest with the report released in May of 1999.

WEIGHTED CASELOAD STUDY

cont.

- The first successful study was conducted in 1998-1999.
- A second study was conducted in 2007.
- The third study was conducted in 2013, and it is that study we are currently operating under.
- In each study judges like you and I provided the data used in the study. So, state trial judges played an important role in each study.

WEIGHTED CASELOAD STUDY

cont.

- The weighted caseload study is nothing more than a tool used to determine how long it should take a judge to do their job.
- The weighted caseload study is based on principals industries have been using for decades. (i.e. How long on average should it take from start to finish for each employee to do a task. The task in the weighted caseload study is you eciding cases.)
- The weighted caseload study is the only objective data driven tool the General Assembly has at its disposal to determine judge need.

WEIGHTED CASELOAD STUDY

cont.

- Judge Need (JN) is based on 2 things:

1. **Workload (WL)**

WL is determine by 2 factors:

- a. Case weights (Case weights are the same statewide)

X

- b. Case filings (Filings vary from district to district)

(Case weights x Case filings) = WL

Dispositions have **NOTHING AT ALL** to do with JN.

WEIGHTED CASELOAD STUDY

cont.

2. Availability for Case-Specific Work (ACSW)

ACSW is determined by 3 factors

- a. Judge year (JY)
- b. District travel time (DTT)
- c. Non-case related Time (NCRT)

$$JY - (NCRT + DDT) = ACSW$$

WEIGHTED CASELOAD STUDY

cont.

Judge year (JY)

100,800 minutes per judge per year. Does not vary.

Non-case related time (NCRT)

16,360 per year. 78 minutes per day Does not vary.

District travel time (DTT)

Varies from district to district

The average travel time statewide is 5,376 minutes.

At 18,564 minutes the 12th judicial district has the highest travel time per judge per year of any judicial district. (The 12th is a judicial district that is in two time zones.)

With 0 minutes the 7th judicial district has the lowest travel time on any judicial district. The 7th is a single county judicial district.

WEIGHTED CASELOAD STUDY

cont.

- RECAP
- (Case weights x filings) = WL
- $(JY - (NCRT + DDT)) = ACWS$
 - (Average ACSW is 79,044; Lowest is 65,856; Highest is 84,420)
- JN is determined by dividing WL by ACSW.
 - $(WL/ASCW) = JN$

WEIGHTED CASELOAD STUDY

cont.

Comptroller releases an “UPDATE” each FY.

In the materials I provided I did a breakdown of the judicial need of each judicial district that is represented here today.

That need is based on each UPDATE that has been released since the 2013 study. (Due to the impact COVID restrictions had on filings, the Comptroller did not release an UPDATE in 2021 or 2022.)

WEIGHTED CASELOAD STUDY

cont.

- Let me show you how to read an UPDATE. It's the 2019 UPDATE
- TURN TO APPENDIX C.
- GOING HORIZONTAL:
- **First row is a case type.**
- **Second row is a case weight.**

This is how many minutes a judicial district gets for each case of that type filed in a district during a FY.

- **Third row is how many cases of that type are filed in a judicial district.**

WEIGHTED CASELOAD STUDY

cont.

- GOING VERTICAL:

First row are all the case types.

There are 30 case types broken down into 3 main categories: criminal, general civil & domestic relations.

Second row is all the case weights.

Third row are all the cases of each type filed in a judicial district.

When a case is filed the court clerks have a duty to report the case type to the AOC. See, TCA 16-1-117. So, this data comes from the clerks of the court in each county in the judicial district you serve.

WEIGHTED CASELOAD STUDY

cont.

- The last 1/3 of the page of Appendix C is where the calculations I mentioned above are performed.
- The last vertical column on the last page of Appendix C is styled Totals. This column tells you the totals of everything statewide.

WEIGHTED CASELOAD STUDY

cont.

- The current study was done in 2013. So, it is nearly a decade old.
- I suspect sometime in the near future the Comptroller will commission a new study. If that occurs and it is done like past studies, you will be participants in the data collect.
- Data is collected by each judge keeping up with their time over a specific period.
- It's very similar to what most of you have had to do in your law career. i.e., keeping up with time sheets to bill clients

AS MARK TWAIN IS CREDITED
WITH SAYING

“DATA IS LIKE GARBAGE. YOU BETTER
KNOW WHAT YOU’RE GOING TO DO
WITH IT BEFORE YOU START COLLECTING
IT.”

THANK YOU!!

Tony A. Childress
Chancellor
29th Judicial District
731-676-5852