

and shall be subject to such

Tenn. LEXIS 147, L.R.A. (n.s.) 1916D1090 (1916).

ARTICLE VI
JUDICIAL DEPARTMENT

such for the particular offense, and meanor in office. Carpenter v. State, 35, 1873 Tenn. LEXIS 403 (1873). dict of the jury must be for the mis- in office, and a verdict for a common nor will not authorize a removal from future disqualification. State v. Cas- an. 120 (1880). See § 39-16-406. of the peace are not subject to im- t for crimes and misdemeanors in are they removable from office, under ist., art. VI, § 6, for cause, by a vote of each house of the general They are, under this section, made dictment, and upon conviction, shall d from office by the court. Webb v. 9 Tenn. 701, 72 S.W. 110, 97 Am. St. 1902 Tenn. LEXIS 101, 60 L.R.A. 791

a justice of the peace, indicted for ession, is convicted of the offense, ent to the extent of removing him and forever thereafter disqualifying holding office under the laws and on of Tennessee, was as upon convic- peachment, and was properly ren- art of the same proceeding; and it fore, unnecessary, in order to obtain 's removal from office that the state, onviction, proceed against him by a e nature of a quo warranto under et seq. (now title 29, ch. 35). State ex v. Parks, 122 Tenn. 230, 122 S.W. 977, . LEXIS 19 (1909).

of Governor's Pardon.

ernor's pardon of a justice of the victed of oppression, and fined and rom office, cannot restore the office i such impeachment. State ex rel. arks, 122 Tenn. 230, 122 S.W. 977, . LEXIS 19 (1909). See analysis notes nder Tenn. Const., art. III, § 6.

utive Authority as to Civil Pro- ngs.

is section does not undertake to regu- edings for removal of officers when edings are civil in character, it is for the general assembly to formu- me of its own, as by a law providing sting, by civil suit, of municipal offi- isconduct, though the mayor and e be civil officers. State ex rel. Timo- se, 134 Tenn. 67, 183 S.W. 510, 1915

Section

- 1. Judicial power.
2. Supreme court.
3. Supreme court judges.
4. Judges of inferior courts.
5. Attorney general and reporter.
6. Removal of judges and attorneys.
7. Compensation of judges.
8. Jurisdiction of inferior courts.

- 9. Judge's charge.
10. Certiorari.
11. Incompetency of judges -- Special judges.
12. Requisites of writs and process.
13. Clerks of courts.
14. Fines exceeding fifty dollars to be assessed by jury.
15. Districts in counties -- Justices and constables. [Repealed.]

Sec. 1. Judicial power. The judicial power of this 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; in the Judges thereof, and in Justices of the Peace. The Legislature may also vest such jurisdiction in Corporation Courts as may be deemed necessary. Courts to be holden by Justices of the Peace may also be established.

Cross-References. Chancery court, title 16, ch. 11.

- Court of Appeals, title 16, ch. 4.
Establishment of county courts, § 16-16-101.
Establishment of court of appeals, § 16-4-101.
Establishment of court of criminal appeals, § 16-5-101.
Establishment of courts in certain municipalities, § 16-18-101.
Establishment of courts in home-rule municipalities, § 16-17-101.
Establishment of courts of general sessions, § 16-15-101.
Judicial power of state, § 16-1-101.
Justice of the peace positions abolished, § 16-1-112.
Supreme Court, title 16, ch. 3.
Terms of circuit court, § 16-10-203.
Vesting of judicial power, § 16-1-101.

Textbooks. Tennessee Criminal Practice and Procedure (Raybin), § 24.10.

Law Reviews. Separation of Powers and the Inherent Powers of the Judiciary Under the Tennessee Constitution (Eugene L. Shapiro), 61 Tenn. L. Rev. 691 (1994).

The Impossible Balance: A Tennessee judge makes the case for abolishing state's part-time

judgeships (Judge James L. Cotton Jr.), 37 No. 5 Tenn. B.J. 12 (2001).

The Role of International Law As a Canon of Domestic Statutory Construction (Ralph G. Steinhardt), 43 Vand. L. Rev. 1103 (1990).

Attorney General Opinions. Collection services board's regulation of attorneys prohibited, OAG 98-079, 1998 Tenn. AG LEXIS 79 (4/6/98).

Constitutionality of statutory qualifications for county offices, OAG 99-021, 1999 Tenn. AG LEXIS 30 (2/9/99).

The legislature may vest general sessions jurisdiction in municipal courts by either public or private act, including a private act adopting or amending a municipal charter, OAG 00-073, 2000 Tenn. AG LEXIS 76 (4/17/00).

The general assembly may not authorize a county to create a new division of a juvenile court, OAG 06-086, 2006 Tenn. AG LEXIS 95 (5/9/06).

Authority over the juvenile court system and its employees, OAG 07-04, 2007 Tenn. AG LEXIS 4 (1/11/07).

Legislature's authority to eliminate specific judicial positions. OAG 14-54, 2014 Tenn. AG Lexis 56 (5/12/14)

NOTES TO DECISIONS

ANALYSIS

- 1. In General.
2. System of Courts.
3. --Definition and Requisites.
4. --Judicial Department.

- 5. --Creation of Courts.
6. --Judicial Power.
7. --Judicial Discretion.
8. --Constitutional Courts.
9. --Supreme Court.
10. --Inferior Courts.

commission to change all references from "county executive" to "county mayor" and to include all such changes in supplements and replacement volumes for the Tennessee Code Annotated.

Attorney General Opinions.

Funding for local court security committee, OAG 96-085, 1996 Tenn. AG LEXIS 108 (7/2/96).

County legislative bodies' responsibility to provide court facilities, OAG 99-049, 1999 Tenn. AG LEXIS 50 (3/2/99).

Even though T.C.A. § 16-2-505(d) does not expressly mention general sessions courts, the statute applies by necessary implication to general sessions courts to the extent that security in those facilities affects security in facilities provided circuit and chancery court judges, for example, when general sessions court is conducted in the same building as the circuit and chancery courts, OAG 02-052, 2002 Tenn. AG LEXIS 72 (4/24/02).

Although T.C.A. § 16-2-505(d)(2) does not expressly authorize the court security committee to adopt any measures with regard to courthouse security, it is reasonable to infer that the committee may put into effect security measures affecting the security of space and facilities provided to state trial judges, so long as

these measures do not require county expenditures; these measures may affect general sessions courtrooms and personnel, as well as the personnel of other offices located in the courthouse, if the measures are reasonably related to ensuring security of space and facilities provided to state trial judges, OAG 02-052, 2002 Tenn. AG LEXIS 72 (4/24/02).

The court security committee has no authority to impose a monetary or other penalty for failure to comply with valid court security measures; however, subject to the direction of the county commission, the sheriff may exclude individuals from the courthouse who refuse to comply with reasonable security procedures, OAG 02-052, 2002 Tenn. AG LEXIS 72 (4/24/02).

T.C.A. § 16-2-505(d)(2) is constitutional, OAG 02-052, 2002 Tenn. AG LEXIS 72 (4/24/02).

Carrying of firearms into rooms where judicial proceedings are in progress; establishment of security committee for determining security needs of courtrooms; security training of court officers. OAG 12-32, 2012 Tenn. AG LEXIS 32 (3/9/12).

County courthouse security and dress rules. OAG 12-107, 2012 Tenn. AG LEXIS 111 (11/26/12).

16-2-506. Establishment of judicial districts — Assistant district attorneys general — Criminal investigators — Equity and law courts — Chancery courts.

The state is divided into thirty-two (32) judicial districts composed as follows:

(1)(A) The first judicial district consists of the counties of Carter, Johnson, Unicoi and Washington. The four (4) incumbent trial court judges and the district attorney general currently residing in those counties shall continue to serve the first judicial district in their respective capacities. In 1988, the qualified voters of the first judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512;

(B) The district attorney general of the first judicial district is entitled to nine (9) assistant district attorney general positions and one (1) criminal investigator position;

(2)(A) The second judicial district consists of the county of Sullivan. The three (3) incumbent trial court judges and the district attorney general currently residing in such county shall continue to serve the second judicial district in their respective capacities. Effective September 1, 1984, the law and equity court currently located in Sullivan County shall become a chancery court for the second judicial district and the current law and equity judge shall become a chancellor who on such date shall possess the same jurisdiction, powers and duties and shall receive the same compensation, benefits, emoluments and dignity of office as is required or provided by law for chancellors. In 1984, the qualified voters of

s do not require county expenditures may affect general sessions and personnel, as well as the other offices located in the court measures are reasonably related security of space and facilities for trial judges, OAG 02-052, 2002 IS 72 (4/24/02).

security committee has no authority to impose a monetary or other penalty for non-compliance with valid court security measures, subject to the direction of the court. In addition, the sheriff may exclude from the courthouse who refuse to comply with reasonable security procedures, 2002 Tenn. AG LEXIS 72

§ 16-2-505(d)(2) is constitutional, 2002 Tenn. AG LEXIS 72

firearms into rooms where judges are in progress; establishment of a committee for determining security measures in courtrooms; security training of court judges, 2012 Tenn. AG LEXIS 32

courtroom security and dress rules. 2012 Tenn. AG LEXIS 111

Assistant district attorneys — Equity and law

Judicial districts composed as

counties of Carter, Johnson, and Hamilton. Trial court judges and the district attorney general in those counties shall continue to serve in their respective capacities. In each judicial district shall elect an additional judge in accordance with § 16-2-505 to serve the remainder of the term of § 16-2-512;

The second judicial district is entitled to seven (7) assistant district attorney general positions and one (1) criminal investigator position;

The county of Sullivan. The district attorney general shall continue to serve the second judicial district and the current incumbent shall continue to serve in their respective capacities. On or before September 1, 1984, the qualified voters of

the second judicial district shall elect an additional judge in accordance with § 16-2-505 to serve part II of the circuit court of such district;

(B) The district attorney general of the second judicial district is entitled to eight (8) assistant district attorney general positions and two (2) criminal investigator positions;

(3)(A) The third judicial district consists of the counties of Greene, Hamblen, Hancock and Hawkins. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the third judicial district in their respective capacities. In 1986, the qualified voters of the third judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512. In 1990, the qualified voters of the third judicial district shall elect an additional circuit court judge in accordance with § 16-2-505 to serve part III of the circuit court of such district;

(B) The district attorney general of the third judicial district is entitled to nine (9) full-time assistant district attorney general positions and three (3) criminal investigator positions;

(4)(A) The fourth judicial district consists of the counties of Cocke, Grainger, Jefferson and Sevier. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the fourth judicial district in their respective capacities. Notwithstanding any other provision of law or this part to the contrary, the chancellor currently serving in the fourth judicial district shall also serve the fifth judicial district. As long as the chancellor for the fourth judicial district also serves the fifth judicial district, such chancellor shall be elected by the qualified voters of both such districts and may reside in either district. In 1990, the qualified voters of the fourth judicial district shall elect an additional circuit court judge in accordance with § 16-2-505 to serve part III of the circuit court of such district. Effective September 1, 1998, there is created an additional circuit court in the fourth judicial district. At the August 1998 general election, the qualified voters of the fourth judicial district shall elect a person in accordance with § 16-2-505, to serve as judge of the circuit court created by this section for an eight-year term;

(B) The district attorney general of the fourth judicial district is entitled to seven (7) assistant district attorney general positions and two (2) criminal investigator positions;

(5)(A) The fifth judicial district consists of the county of Blount. The two (2) incumbent trial court judges and the district attorney general currently residing in such county shall continue to serve the fifth judicial district in their respective capacities;

(B) The district attorney general of the fifth judicial district is entitled to five (5) assistant district attorney general positions and one (1) criminal investigator position;

(6)(A) The sixth judicial district shall consist of the county of Knox. The nine (9) incumbent trial court judges and the district attorney general currently residing in such county shall continue to serve the sixth judicial

district in their respective capacities. In 1986, the qualified voters of the sixth judicial district shall elect an additional chancellor in accordance with § 16-2-505 to serve part III of the chancery court of such district;

(B) The district attorney general of the sixth judicial district is entitled to sixteen (16) assistant district attorney general positions and two (2) criminal investigator positions;

(7)(A) The seventh judicial district consists of the county of Anderson. The two (2) incumbent trial court judges and the district attorney general currently residing in such county shall continue to serve the seventh judicial district;

(B) The district attorney general of the seventh judicial district is entitled to three (3) assistant district attorney general positions and one (1) criminal investigator position;

(8)(A) The eighth judicial district consists of the counties of Campbell, Claiborne, Fentress, Scott and Union. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the eighth judicial district in their respective capacities;

(B) The district attorney general of the eighth judicial district is entitled to six (6) assistant district attorney general positions and two (2) criminal investigator positions;

(9)(A) The ninth judicial district consists of the counties of Loudon, Meigs, Morgan and Roane. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the ninth judicial district in their respective capacities. In 1984, the qualified voters of the ninth judicial district shall elect a chancellor in accordance with § 16-2-505 to serve part I of the chancery court of such district;

(B) The district attorney general of the ninth judicial district is entitled to five (5) assistant district attorney general positions and two (2) criminal investigator positions;

(10)(A) The tenth judicial district consists of the counties of Bradley, McMinn, Monroe and Polk. The four (4) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the tenth judicial district in their respective capacities. In 1986, the qualified voters of the tenth judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512;

(B) The district attorney general of the tenth judicial district is entitled to ten (10) assistant district attorney general positions and two (2) criminal investigator positions;

(11)(A) The eleventh judicial district consists of the county of Hamilton. The nine (9) incumbent trial court judges and the district attorney general currently residing in such county shall continue to serve the eleventh judicial district in their respective capacities;

(B) The district attorney general of the eleventh judicial district is entitled to seventeen (17) assistant district attorney general positions and four (4) criminal investigator positions;

the qualified voters of the chancellor in accordance with the court of such district; the judicial district is entitled to eight general positions and two (2)

of the county of Anderson. The district attorney general is entitled to serve the seventh

seventh judicial district is entitled to eight general positions and one

of the counties of Campbell, and (3) incumbent trial court judges currently residing in such judicial district in their

eighth judicial district is entitled to eight general positions and two (2)

of the counties of Loudon, Meigs, trial court judges and the incumbent judges in such counties shall continue to serve in their respective capacities. In 1984, the qualified voters shall elect a chancellor in the chancery court of such

judicial district is entitled to eight general positions and two (2) criminal

of the counties of Bradley, incumbent trial court judges and the district attorney general in such counties shall continue to serve in their respective capacities. The judicial district shall elect an additional judge in accordance with § 16-2-512;

judicial district is entitled to eight general positions and two (2)

of the county of Hamilton. The district attorney general is entitled to serve the eleventh

seventh judicial district is entitled to eight general positions and

(12)(A)(i) The twelfth judicial district consists of the counties of Bledsoe, Franklin, Grundy, Marion, Rhea and Sequatchie. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twelfth judicial district in their respective capacities. In 1986, the qualified voters of the twelfth judicial district shall elect an additional judge in accordance with § 16-2-505, to serve part III of the circuit court of such district;

(ii) Notwithstanding any other provision of this part to the contrary, from September 1, 1984 until September 1, 1990, the chancellor currently residing in the twelfth judicial district shall also serve as chancellor for Coffee and Warren counties in the fourteenth and thirty-first judicial districts, respectively;

(B) The district attorney general of the twelfth judicial district is entitled to eight (8) assistant district attorney general positions and two (2) criminal investigator positions;

(13)(A) The thirteenth judicial district consists of the counties of Clay, Cumberland, DeKalb, Overton, Pickett, Putnam and White. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the thirteenth judicial district in their respective capacities. In 1984, the qualified voters of the thirteenth judicial district shall elect an additional judge in accordance with § 16-2-505 to serve part II of the circuit court of such district. Effective September 1, 1998, there is created a criminal court in the thirteenth judicial district. At the August 1998 general election, the qualified voters of the thirteenth judicial district shall elect a person in accordance with § 16-2-505, to serve as judge of the criminal court created by this section for an eight-year term;

(B) The district attorney general of the thirteenth judicial district is entitled to eight (8) assistant district attorney general positions and two (2) criminal investigator positions;

(14)(A) The fourteenth judicial district consists of the county of Coffee. The incumbent trial court judge and district attorney general currently residing in such county shall continue to serve the fourteenth judicial district in their respective capacities. In 1990, the qualified voters of the fourteenth judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505, to serve the court and part of court designated pursuant to § 16-2-512. The additional judge elected in 1990 shall serve the fourteenth judicial district exclusively and the judge currently residing in such district shall also have the responsibility and duty to assist the judge of the thirty-first judicial district with the judge's docket by interchange;

(B) The district attorney general of the fourteenth judicial district is entitled to three (3) assistant district attorney general positions and one (1) criminal investigator positions;

(15)(A) The fifteenth judicial district consists of the counties of Jackson, Macon, Smith, Trousdale and Wilson. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the fifteenth judicial district. The present

criminal court judge shall continue to serve as judge of the criminal court; the present chancellor shall continue to serve as judge of the chancery court; and the present circuit judge shall continue to serve as judge of the circuit court. Effective September 1, 1998, there is created an additional circuit court in the fifteenth judicial district. At the August 1998 general election, the qualified voters of the fifteenth judicial district shall elect a person in accordance with § 16-2-505, to serve as judge of the circuit court created by this section for an eight-year term;

(B) The district attorney general of the fifteenth judicial district is entitled to seven (7) assistant district attorney general positions and two (2) criminal investigator positions;

(16)(A)(i) The sixteenth judicial district consists of the counties of Cannon and Rutherford. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the sixteenth judicial district in their respective capacities. In 1984, the qualified voters of the sixteenth judicial district shall elect an additional judge in accordance with § 16-2-505 to serve part II of the circuit court of such district;

(ii) On May 31, 1993, there is created an additional court in the sixteenth judicial district with the type of such court, type of judge to preside over such court and part of court being designated as provided in § 16-2-512. The position of judge or chancellor for such court is also created on such date and such position shall be filled by appointment as provided by law. The person so appointed shall serve until September 1, 1994, or until such person's successor is elected and qualified. At the August 1994 general election, the qualified voters of the sixteenth judicial district shall elect a judge or chancellor in accordance with § 16-2-505 to serve the court and part of court created by subdivision (16)(A)(ii);

(iii) Effective September 1, 1998, there is created an additional circuit court in the sixteenth judicial district. At the August 1998 general election, the qualified voters of the sixteenth judicial district shall elect a person in accordance with § 16-2-505, to serve as judge of the circuit court created by this section for an eight-year term;

(iv) Effective September 1, 2018, there is created an additional trial court in the sixteenth judicial district. The type of court, type of judge to preside over the court, and part of court shall be designated as provided in § 16-2-512. The governor shall appoint a person to serve as an additional judge or chancellor, and the person so appointed shall serve in that capacity until September 1, 2020, or until the person's successor is elected and qualified. At the August 2020 general election, the qualified voters of the sixteenth judicial district shall elect an additional judge or chancellor to serve until September 1, 2022, or until the person's successor is elected and qualified. At the August 2022 general election, and every eight (8) years thereafter, the qualified voters of the sixteenth judicial district shall elect an additional judge or chancellor for a full eight-year term;

(B) The district attorney general of the sixteenth judicial district is entitled to ten (10) assistant district attorney general positions and one (1)

udge of the criminal court;
 as judge of the chancery
 ue to serve as judge of the
 re is created an additional
 t the August 1998 general
 dicial district shall elect a
 as judge of the circuit court

teenth judicial district is
 general positions and two

s of the counties of Cannon
 rial court judges and the
 g in such counties shall
 istrict in their respective
 e sixteenth judicial district
 e with § 16-2-505 to serve

n additional court in the
 ach court, type of judge to
 ng designated as provided
 ellor for such court is also
 oe filled by appointment as
 ll serve until September 1,
 cted and qualified. At the
 d voters of the sixteenth
 cellor in accordance with
 urt created by subdivision

reated an additional circuit
 the August 1998 general
 judicial district shall elect
 erve as judge of the circuit
 ur term;

reated an additional trial
 pe of court, type of judge to
 be designated as provided
 a person to serve as an
 n so appointed shall serve
 until the person's successor
 020 general election, the
 ict shall elect an additional
 ber 1, 2022, or until the
 t the August 2022 general
 , the qualified voters of the
 itional judge or chancellor

steenth judicial district is
 neral positions and one (1)

riminal investigator position;

(17)(A) The seventeenth judicial district consists of the counties of Bedford, Lincoln, Marshall and Moore. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the seventeenth judicial district in their respective capacities. Effective September 1, 1989, there is created the position of circuit court judge to serve part II of the circuit court of the seventeenth judicial district. Such position shall be filled by appointment of the governor as provided by law and the person so appointed shall serve until September 1, 1990, or until such person's successor is elected and qualified. In 1990, the qualified voters of the seventeenth judicial district shall elect a circuit court judge in accordance with § 16-2-505, to serve part II of the circuit court of such district. The judge of part II of such circuit court may be a resident of any county within the seventeenth judicial district and shall serve the entire district;

(B) The district attorney general of the seventeenth judicial district is entitled to five (5) assistant district attorney general positions and one (1) criminal investigator position;

(18)(A)(i) The eighteenth judicial district consists of the county of Sumner. The two (2) incumbent trial court judges and the district attorney general currently residing in such county shall continue to serve the eighteenth judicial district in their respective capacities. In 1986, the qualified voters of the eighteenth judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512;

(ii) Notwithstanding any other provision of this part to the contrary, from September 1, 1984 until September 1, 1990, the circuit court judge currently residing in the eighteenth judicial district shall also serve the nineteenth judicial district;

(B) The district attorney general of the eighteenth judicial district is entitled to seven (7) assistant district attorney general positions and two (2) criminal investigator positions;

(19)(A)(i) The nineteenth judicial district consists of the counties of Montgomery and Robertson. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the nineteenth judicial district in their respective capacities. In 1984, the qualified voters of the nineteenth judicial district shall elect an additional judge in accordance with § 16-2-505 to serve part I of the circuit court of such district;

(ii) Notwithstanding any other provision of this part to the contrary, from September 1, 1984 until September 1, 1988, the chancellor currently residing in the nineteenth judicial district shall also serve as chancellor for Stewart County in the twenty-third judicial district;

(iii) The circuit court judge elected in 1984 to serve part I of the circuit court of the nineteenth judicial district shall be a resident of Robertson County but shall serve the entire district. In any subsequent election for part I of such circuit court, the judge may be a resident of any county within the district. Notwithstanding any other provision of

eight-year term;

(ii) Effective September 1, 2018, there is created an additional trial court in the twenty-first judicial district. The type of court, type of judge to preside over the court, and part of court shall be designated as provided in § 16-2-512. The governor shall appoint a person to serve as an additional judge or chancellor, and the person so appointed shall serve in that capacity until September 1, 2020, or until the person's successor is elected and qualified. At the August 2020 general election, the qualified voters of the twenty-first judicial district shall elect an additional judge or chancellor to serve until September 1, 2022, at which time the additional trial court shall be transferred to the newly created thirty-second judicial district and presided over by a trial court judge elected by voters of the thirty-second judicial district at the August 2022 general election;

(iii) It is the intent of the general assembly by adding an additional trial court in the twenty-first judicial district that the interests of public access to the courts and economy of judicial travel are best served by the presiding judge designating the new trial court created by subdivision (21)(A)(ii) to serve Hickman, Lewis, and Perry counties prior to being transferred to the thirty-second judicial district. Unless otherwise designated by the presiding judge to effectuate the duties enumerated in § 16-2-509(b), the remaining judges shall serve Williamson County; (B)(i) Effective September 1, 2022, the twenty-first judicial district consists of the county of Williamson. Except as provided in subdivision (21)(A)(iii), the incumbent trial court judges and the district attorney general currently residing in the county shall continue to serve the twenty-first judicial district in their respective capacities until September 1, 2022. At the August 2022 general election, and every eight (8) years thereafter, the qualified voters of Williamson County shall elect four (4) trial court judges to fill the positions created by subdivision (21)(A)(i) for a full eight-year term;

(ii) Effective September 1, 2022, the additional trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district;

(C) The district attorney general of the twenty-first judicial district is entitled to seven (7) assistant district attorney general positions, one (1) criminal investigator position, and one (1) additional assistant district attorney general position; provided, that the funding for such additional assistant district attorney general position is provided exclusively by the municipal and county governments that comprise the twenty-first judicial district;

(22)(A) The twenty-second judicial district consists of the counties of Giles, Lawrence, Maury and Wayne. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-second judicial district in their respective capacities. Effective September 1, 1998, there is created an additional circuit court in the twenty-second judicial district. At the August 1998 general election, the qualified voters of the twenty-second

is created an additional trial court of the type of court, type of judge and type of court shall be designated as a person so appointed shall serve until August 2020, or until the person's term expires at the August 2020 general election, at which time the judicial district shall elect an additional judge or chancellor on or before September 1, 2022, at which time the duties shall be transferred to the newly created trial court judge or chancellor over by a trial court judge or chancellor of the judicial district at the August 2022

possibly by adding an additional judge to the interests of public safety and that the interests of public safety and travel are best served by the court created by subdivision (B) of this section in Perry counties prior to being transferred to the judicial district. Unless otherwise provided, the duties enumerated in subdivision (A) shall continue to serve Williamson County; the twenty-first judicial district shall continue to serve as provided in subdivision (A) of this section and the district attorney shall continue to serve the judicial district in their respective capacities until September 1, 2022, and every eight (8) years thereafter, Williamson County shall elect an additional judge or chancellor at the elections created by subdivision (B) of this section.

additional trial court created by this section to the thirty-second judicial district.

The twenty-first judicial district is created by this section and shall be entitled to seven (7) assistant district attorney general positions, one (1) additional assistant district attorney general position and the funding for such additional positions shall be provided exclusively by the Legislature on or before the twenty-first judicial district.

The twenty-second judicial district consists of the counties of Benton, Carroll, Decatur, Hardin and Henry. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-second judicial district in their respective capacities. Effective September 1, 1998, there is created an additional circuit court in the twenty-second judicial district. At the August 1998 general election, the qualified voters of the twenty-second judicial district shall elect a person in accordance with § 16-2-505, to serve as judge of the circuit court created by this section for an eight-year term;

judicial district shall elect a person in accordance with § 16-2-505, to serve as judge of the circuit court created by this section for an eight-year term;

(B) The district attorney general of the twenty-second judicial district is entitled to eight (8) assistant district attorney general positions and two (2) criminal investigator positions;

(23)(A) The twenty-third judicial district consists of the counties of Cheatham, Dickson, Houston, Humphreys and Stewart. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-third judicial district in their respective capacities. In 1988, the qualified voters of the twenty-third judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512;

(B) The district attorney general of the twenty-third judicial district is entitled to seven (7) assistant district attorney general positions and two (2) criminal investigator positions. The fifth assistant district attorney general position shall not be filled unless full funding for the position is secured from local, federal or other funding sources apart from state appropriations;

(24)(A) The twenty-fourth judicial district consists of the counties of Benton, Carroll, Decatur, Hardin and Henry. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-fourth judicial district in their respective capacities. In 1984, the qualified voters of the twenty-fourth judicial district shall elect an additional judge in accordance with § 16-2-505 to serve part II of the circuit court of such district;

(B) The district attorney general of the twenty-fourth judicial district is entitled to five (5) assistant district attorney general positions and one (1) criminal investigator position;

(25)(A) The twenty-fifth judicial district consists of the counties of Fayette, Hardeman, Lauderdale, McNairy and Tipton. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-fifth judicial district in their respective capacities. In 1990, the qualified voters of the twenty-fifth judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512;

(B) The district attorney general of the twenty-fifth judicial district is entitled to nine (9) assistant district attorney general positions and one (1) criminal investigator position;

(26)(A) The twenty-sixth judicial district consists of the counties of Chester, Henderson and Madison. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-sixth judicial district in their respective capacities. Effective September 1, 1998, there is created an additional circuit court in the twenty-sixth judicial district. At the August 1998 general election, the qualified voters of the twenty-sixth judicial district shall elect a person in accordance with § 16-2-505, to serve as judge of the circuit court created by this section for an eight-year term;

(B) The district attorney general of the twenty-sixth judicial district is entitled to seven (7) assistant district attorney general positions and one (1) criminal investigator position;

(27)(A) The twenty-seventh judicial district consists of the counties of Obion and Weakley. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-seventh judicial district in their respective capacities;

(B) The district attorney general of the twenty-seventh judicial district is entitled to three (3) assistant district attorney general positions and one (1) criminal investigator position;

(28)(A)(i) The twenty-eighth judicial district consists of the counties of Crockett, Gibson and Haywood. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-eighth judicial district in their respective capacities;

(ii) Effective September 1, 1984, the law and equity court currently located in Gibson County shall become a chancery court for the twenty-eighth judicial district and the current law and equity judge shall become a chancellor who on such date shall possess the same jurisdiction, powers and duties and shall receive the same compensation, benefits, emoluments and dignity of office as is required or provided by law for chancellors;

(B) The district attorney general of the twenty-eighth judicial district is entitled to five (5) assistant district attorney general positions and one (1) criminal investigator position;

(29)(A)(i) The twenty-ninth judicial district consists of the counties of Dyer and Lake. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-ninth judicial district in their respective capacities. Juvenile jurisdiction in Dyer County shall be in the court of general sessions as provided in §§ 37-1-102 and 37-1-203, unless such jurisdiction is vested in another court by law or private act;

(ii) Effective April 15, 1986, part II of the circuit court of the twenty-ninth judicial district shall become part I of the chancery court of such district and the current judge of part II of such circuit court shall become chancellor of part I of the chancery court of such district. On such date, such chancellor shall possess the same jurisdiction, powers and duties and shall receive the same compensation, benefits, emoluments and dignity of office as is required or provided by law for chancellors. This chancellor shall have concurrent jurisdiction with the circuit court of this district;

(B) The district attorney general of the twenty-ninth judicial district is entitled to three (3) assistant district attorney general positions and one (1) criminal investigator position;

(C) Effective September 1, 1984, there is created the position of secretary for the chancellor of part I of the chancery court of the twenty-ninth judicial district and such chancellor is authorized to employ a person to fill such position in accordance with § 16-2-505(c);

twenty-sixth judicial district is one general position and one

It consists of the counties of [redacted] trial court judges and the [redacted] in such counties shall continue to serve in their respective capacities; the twenty-seventh judicial district is one general position and one

It consists of the counties of [redacted] incumbent trial court judges currently residing in such counties in the thirtieth judicial district in their

law and equity court currently serving as chancery court for the twenty-ninth judicial district; the law and equity judge shall also possess the same jurisdiction and receive the same compensation, as is required or provided by

the twenty-eighth judicial district is one general position and one (1)

It consists of the counties of [redacted] trial court judges and the district attorney in such counties shall continue to serve in their respective capacities. The judge shall be in the court of general sessions, § 17-1-203, unless such jurisdiction is provided by private act;

of the circuit court of the [redacted] part I of the chancery court and part II of such circuit court shall also possess the same jurisdiction, powers and compensation, benefits, emoluments and dignity of office as is required or provided by law for the [redacted] jurisdiction with the

the twenty-ninth judicial district is one general position and one

created the position of secretary of the twenty-ninth judicial district to employ a person to fill [redacted] 5(c);

(30)(A) The thirtieth judicial district is composed of the county of Shelby. The nineteen (19) incumbent trial court judges and the district attorney general currently residing in such county shall continue to serve the thirtieth judicial district in their respective capacities. In 1984, the qualified voters of the thirtieth judicial district shall elect an additional judge in accordance with § 16-2-505 to serve part IX of the circuit court of such district. In 1990, the qualified voters of the thirtieth judicial district shall elect one (1) additional criminal court judge in accordance with § 16-2-505 to serve part IX of the criminal court of such district. The board of commissioners of Shelby County shall furnish all books other than those provided by the administrative director of the courts and other necessary supplies for the judge to be elected in 1990. On June 6, 1995, there is created an additional criminal court in the thirtieth judicial district. The court shall be Part X of the criminal court of such district. The position shall be filled by appointment as provided by law. The person so appointed shall serve until September 1, 1996, or until such person's successor is elected and qualified. At the August 1996 general election, the qualified voters of the thirtieth judicial district shall elect a criminal court judge in accordance with § 16-2-505 to serve Part X of the court;

(B) The district attorney general of the thirtieth judicial district is entitled to forty-four (44) assistant district attorney general positions and thirteen (13) criminal investigator positions;

(31)(A) The thirty-first judicial district consists of the counties of Van Buren and Warren. The incumbent trial court judge currently residing in such counties shall continue to serve the thirty-first judicial district. The judge residing in the thirty-first judicial district shall also have the responsibility and duty to assist the judge of the fourteenth judicial district by interchange with such judge's docket;

(B)(i) Effective September 1, 1990, there is created the position of district attorney general for the thirty-first judicial district. At the regular August election in 1990, the qualified voters of the thirty-first judicial district shall elect a person to the position of district attorney general for a full eight-year term. The person elected to such position shall possess the same qualifications, powers and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments and dignity of office as is required or provided by law for other district attorneys general;

(ii) Effective July 1, 1989, there are created two (2) secretarial positions for the district attorney general of the thirty-first judicial district. Such district attorney general shall select a suitable person to fill one (1) position and such person shall receive the same compensation, payable in the same manner, as is provided by law for the secretary of other district attorneys general. The secretary shall perform such duties as may be assigned by such district attorney general. Such district attorney general shall transfer all authority and funding concerning the other secretarial position to the district attorney general for the fourth judicial district who shall select a suitable person to fill the other position, and such person shall receive the same compensation,

payable in the same manner, as is provided by law for the secretary of other district attorneys general. The secretary shall perform such duties as may be assigned by the district attorney general for the fourth judicial district;

(iii) The district attorney general of the thirty-first judicial district is entitled to three (3) assistant district attorney general positions and one (1) criminal investigator position;

(iv) On September 1, 1990, the office space and all state-owned furniture, equipment, supplies, books and other such office property located in the Warren County courthouse and currently being used by the district attorney general of the fourteenth judicial district, or by one (1) of the district attorney general's assistants or investigators, shall be transferred for the use of the district attorney of the thirty-first judicial district. On and after such date, all such office space and other office property located in the Warren County courthouse shall become the space for and property of the office of district attorney general for the thirty-first judicial district. Nothing contained herein shall be construed as prohibiting such district attorney general from also establishing an office in the other county comprising the thirty-first judicial district;

(v) By September 1, 1990, all records, files, papers and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-first judicial district shall be transferred to and become the property of the office of district attorney general for the thirty-first judicial district;

(vi) Notwithstanding any other law or this subdivision (31) to the contrary, if a vacancy occurs in the office of the district attorney general currently serving the thirty-first judicial district, the governor shall appoint a suitable person to serve as district attorney general for such district. The person so appointed shall possess all of the qualifications required by law for district attorneys general and shall serve until September 1, 1990, or until the district attorney general to be elected by the voters of the thirty-first judicial district pursuant to this subdivision (31)(B) is elected and qualified; and

(32)(A) Effective September 1, 2022, the thirty-second judicial district consists of the counties of Hickman, Lewis, and Perry. The incumbent trial court judge elected pursuant to subdivision (21)(A)(ii) shall continue to serve the twenty-first judicial district until September 1, 2022, at which time the additional trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district and presided over by a trial court judge to be elected by voters of the thirty-second judicial district at the August 2022 general election. Every eight (8) years thereafter, the qualified voters of the thirty-second judicial district shall elect a judge or chancellor for a full eight-year term;

(B)(i) Effective September 1, 2022, there is created the position of district attorney general for the thirty-second judicial district. At the regular August election in 2022, the qualified voters of the thirty-second judicial district shall elect a person to the position of district attorney general for a full eight-year term. The person elected to such position

provided by law for the secretary of the secretary shall perform such duties as the attorney general for the fourth

of the thirty-first judicial district is the attorney general positions and one

office space and all state-owned desks and other such office property in the house and currently being used by the fourteenth judicial district, or by one of the assistants or investigators, shall be the property of the attorney of the thirty-first judicial district. All such office space and other office property in the county courthouse shall become the property of the district attorney general for the county. The provisions contained herein shall be construed to apply to the district attorney general from also establishing an office in the county courthouse of the thirty-first judicial district; records, files, papers and other official documents pending or completed case arising out of the thirty-first judicial district shall be the property of the office of district attorney general for the county; and the law or this subdivision (31) to the office of the district attorney general for the county of the thirty-second judicial district, the governor shall appoint the district attorney general for such county. All persons shall possess all of the qualifications for the office of district attorney general and shall serve until the next election of the district attorney general to be elected by the district pursuant to this subdivision (31).

the thirty-second judicial district shall be the property of the district attorney general for the county of the thirty-second judicial district, the governor shall appoint the district attorney general for such county. All persons shall possess all of the qualifications for the office of district attorney general and shall serve until the next election of the district attorney general to be elected by the district pursuant to this subdivision (31).

the thirty-second judicial district shall be the property of the district attorney general for the county of the thirty-second judicial district, the governor shall appoint the district attorney general for such county. All persons shall possess all of the qualifications for the office of district attorney general and shall serve until the next election of the district attorney general to be elected by the district pursuant to this subdivision (31).

there is created the position of the district attorney general for the county of the thirty-second judicial district. At the next election of the qualified voters of the thirty-second judicial district to the position of district attorney general, the person elected to such position

shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other district attorneys general;

(ii) The district attorney general of the thirty-second judicial district is entitled to three (3) assistant district attorney general positions, one (1) administrative assistant position, two (2) secretary positions, one (1) criminal investigator position, and two (2) victim-witness coordinator positions;

(iii) On September 1, 2022, the office space and all state-owned furniture, equipment, supplies, books, and other such office property located in the Centerville or Hohenwald offices of the district attorney general of the twenty-first district and currently being used by the district attorney general of the twenty-first judicial district, or by one (1) of the district attorney general's assistants or investigators, shall be transferred for the use of the district attorney of the thirty-second judicial district. On and after such date, all such office space and other office property located in the Centerville and Hohenwald offices shall become the space for and property of the office of district attorney general for the thirty-second judicial district. Nothing in this subdivision (32)(B)(iii) prohibits the district attorney general from also establishing another office in the thirty-second judicial district; and

(iv) By September 1, 2022, all records, files, papers, and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-second judicial district shall be transferred to and become the property of the office of district attorney general for the thirty-second judicial district;

(C) An employee of the twenty-first judicial district who transfers to the same position in the thirty-second judicial district as of September 1, 2022, must retain the same level of salary and benefits, subject to appropriation by the general assembly in the annual appropriations act.

History.

Acts 1984, ch. 931, § 6; 1985, ch. 474, § 1; 1986, ch. 746, §§ 1, 2; 1986, ch. 813, § 1; 1988, ch. 725, § 1; 1988, ch. 773, § 1; 1988, ch. 804, § 1; 1989, ch. 118, § 1; 1989, ch. 144, § 1; 1989, ch. 148, § 1; 1989, ch. 529, § 1; 1989, ch. 530, §§ 1, 2; 1989, ch. 586, §§ 1, 2; 1990, ch. 687, § 1; 1990, ch. 842, § 1; 1990, ch. 914, § 1; 1990, ch. 998, § 1; 1990, ch. 1013, § 1; 1990, ch. 1058, §§ 1, 2; 1990, ch. 1064, § 1; 1991, ch. 287, § 1; 1991, ch. 435, § 1; 1991, ch. 474, § 1; 1992, ch. 593, § 1; 1992, ch. 961, § 1; 1993, ch. 66, § 15; 1993, ch. 330, § 1; 1993, ch. 506, § 3; 1994, ch. 540, § 1; 1994, ch. 804, §§ 1, 2; 1994, ch. 937, §§ 2-31; 1994, ch. 949, § 1; Priv. Acts 1995, ch. 62, § 1; Acts 1995, ch. 398, § 1; 1997, ch. 120, § 1; 1997, ch. 450, § 1-8; 1998, ch. 771, §§ 1-25; 1999, ch. 179, § 1; 2001, ch. 361, § 1; 2003, ch. 216, § 1; 2005, ch. 31, §§ 1-23; 2015, ch. 437, § 1; 2018, ch. 974, §§ 1-3; 2020, ch. 530, §§ 1-3; 2021, ch. 581, § 1.

Code Commission Notes. Article II, § 24 of the Constitution of Tennessee provides, in part, that:

Any law requiring the expenditure of state funds shall be null and void unless, during the session in which the act receives final passage, an appropriation is made for the estimated first year's funding.

The Tennessee code commission has been advised by the commissioner of finance and administration that the necessary first year's funding was not appropriated during the 1991 regular session for the following public acts which would have amended this section: Acts 1991, ch. 286, § 1; ch. 375, § 1; ch. 387, § 1; ch. 404, § 1; ch. 408, § 1; ch. 409, § 1; ch. 437, § 1; and ch. 478, § 1.

The code commission was directed by Acts 1991, ch. 509, § 54 to not codify acts which did not receive first year's funding. Accordingly, Acts 1991, ch. 286, § 1; ch. 375, § 1; ch. 387, § 1; ch. 404, § 1; ch. 408, § 1; ch. 409, § 1; ch.

elected additional judges.

ion of an additional judge in a district shall notify the trial court's recommendation as to whether judge, criminal court judge, or judge or chancellor will serve. The first day of the year in which the recommendation is made only after consultation with all local bar associations in the district and in an interest in the recommenda-

within thirty (30) days from receipt of the recommendation under subsection (a) to approve or reject the recommendation unless rejected by a majority of the commission held upon ten (10) days after the recommendation and a majority of the commission may present evidence on the recommendation and it is approved or rejected within thirty (30) days.

the approval of a recommendation by the governor of its decision. Upon receiving notice that a vacancy exists, the governor shall send notice that a vacancy exists in accordance with

shall notify the presiding judge of the election and shall notify the election committee of the type of judge and part of the information, each receiving such information, each shall be used in such judicial election

and it as providing the appropriate procedure for filling the three new judgeships by S.B. 5/H.B. 10, 110th Gen. Assem. The Commission should comply with the provisions of 16-2-512 to the extent possible, even though the Judicial Council established by title 16, chapter 21, no longer exists. OAG 18-21, 11/15/18. AG LEXIS 20 (5/24/2018).

or additional judges — An-

shall devise and maintain a weighted caseload formula for the purpose of determining the need for creation or reallocation of judicial positions using case weights derived from the most recent weighted caseload study. The comptroller of the treasury shall update the formula at least annually. The comptroller of the treasury may adjust the

16-2-513. Formula for determining need for additional judges — Annual report.

(a) The comptroller of the treasury shall devise and maintain a weighted caseload formula for the purpose of determining the need for creation or reallocation of judicial positions using case weights derived from the most recent weighted caseload study. The comptroller of the treasury shall update the formula at least annually. The comptroller of the treasury may adjust the formula as necessary to reflect the impact of any legislative enactment that is material to judicial caseloads.

(b) Each district attorney general and each public defender, separately or through the appropriate conference, the council of juvenile and family court judges and the administrative office of the courts shall provide to the comptroller of the treasury information that the comptroller of the treasury determines is necessary to accomplish the purposes of this section. This information shall include caseload totals by appropriate case type for each study and total number of judicial, child support magistrates, district attorney and public defender resources for each district, noting how many are funded by the federal, state or local government. This data is to be provided to the comptroller in electronic and hard copy form on or before October 15 of each year.

(c) Using such formula, information and adjustments, the comptroller of the treasury shall annually publish a weighted caseload report analyzing the current distribution of judicial positions throughout the state as well as the current need, if any, for creation of or reallocation of such positions.

(d) The processing of case data by the administrative office of the courts for the purpose of providing the comptroller of the treasury with the information necessary to complete the weighted caseload study shall be subject to audit by the comptroller of the treasury. The audit shall ensure that the validation, verification and compilation of case data are performed in accordance with § 16-1-117(a).

History.

Acts 1984, ch. 931, § 13; 1989, ch. 240, §§ 1-4; 2001, ch. 408, § 5; 2002, ch. 791, § 5; 2009, ch. 235, § 1.

Compiler's Notes.

Acts 2009, ch. 235, § 1 directed the code commission to change all references from "child support referee" to "child support magistrate"

and to include all such changes in supplements and replacement volumes for the Tennessee Code Annotated.

Attorney General Opinions.

Legislature's authority to eliminate specific judicial positions. OAG 14-54, 2014 Tenn. AG LEXIS 56 (5/12/14)

16-2-514. Incumbent clerks and masters.

(a) Nothing in this part shall be construed to limit, terminate or otherwise affect the term or future terms of office of any circuit court clerk, criminal court clerk or clerk and master. All such incumbents shall continue in office until the expiration of their respective terms of office and shall be eligible for reelection and reappointment.

(b) Nothing in this part shall be construed to require, permit or authorize the consolidation of the offices of clerk and master, circuit court clerk or criminal court clerk or to place any clerk in a position of dominance over any other clerk.

History.

Acts 1984, ch. 931, § 14.

iatory discharge case rather than granting the public employer's motion to transfer because the employer raised a jurisdictional objection and, therefore, transfer was mandated. *Young v. Davis*, — S.W.3d —, 2009 Tenn. App. LEXIS 728 (Tenn. Ct. App. Oct. 30, 2009), overruled in part, *Sneed v. City of Red Bank*, 459 S.W.3d 17, 2014 Tenn. LEXIS 962 (Tenn. Dec. 2, 2014), overruled, *Young v. City of Lafollette*, 479 S.W.3d 785, 2015 Tenn. LEXIS 695 (Tenn. Aug. 26, 2015).

Court of appeals considered the applicability of the Transfer Statute, T.C.A. § 16-1-116, in plaintiff's appeal of an order dismissing his claim under the Government Tort Liability Act as time barred pursuant to T.C.A. § 29-20-305(b) because the questions before the court of appeals, whether the general sessions court had authority to transfer plaintiff's case to the circuit court and whether plaintiff's claim was time barred, were the central issues before the circuit court; the Transfer Statute was not discussed in the circuit court, but the questions, the issues of subject matter jurisdiction and whether the claim was time barred, were raised. *Haynes v. Rutherford County*, 359 S.W.3d 585, 2011 Tenn. App. LEXIS 350 (Tenn. Ct. App. June 27, 2011), appeal denied, — S.W.3d —, 2011 Tenn. LEXIS 915 (Tenn. Sept. 21, 2011).

Transfer Statute, T.C.A. § 16-1-116, is applicable to Government Tort Liability Act, T.C.A. § 29-20-101 et seq., claims; the Transfer Statute does not create a new substantive right or a new cause of action that could be asserted against the state or its political subdivisions, but the Transfer Statute merely authorizes the transfer of such a claim to a court empowered to hear the merits of the claim. *Haynes v. Rutherford County*, 359 S.W.3d 585, 2011 Tenn. App. LEXIS 350 (Tenn. Ct. App. June 27, 2011),

appeal denied, — S.W.3d —, 2011 Tenn. LEXIS 915 (Tenn. Sept. 21, 2011).

Trial court erred in dismissing plaintiff's claim under the Government Tort Liability Act as time barred pursuant to T.C.A. § 29-20-305(b) because the case was properly transferred under the Transfer Statute, T.C.A. § 16-1-116; at the time plaintiff filed in general sessions court, his claim could have been brought in the circuit court, and because the case was properly transferred to a court with jurisdiction, the filing of the action in the sessions court on tolled the running of the statute of limitations before the expiration of the limitations period, and the date of transfer related back to the date plaintiff's claim was originally filed. *Haynes v. Rutherford County*, 359 S.W.3d 585, 2011 Tenn. App. LEXIS 350 (Tenn. Ct. App. June 27, 2011), appeal denied, — S.W.3d —, 2011 Tenn. LEXIS 915 (Tenn. Sept. 21, 2011).

Trial court properly transferred an inmate's action against a private correctional facility in accordance with T.C.A. § 16-1-116 because T.C.A. § 41-21-803 effectively localized actions brought by prisoners and the proper venue in the matter was in the county where the facility was located. *Womack v. Corr. Corp. of Am.*, — S.W.3d —, 2012 Tenn. App. LEXIS 893 (Tenn. Ct. App. Dec. 20, 2012), rev'd, 448 S.W.3d 362, 2014 Tenn. LEXIS 659 (Tenn. Sept. 22, 2014).

2. Transfer.

Both conditions of the Transfer Statute were met; at the time that plaintiff originally filed this action, it could have been brought in the Campbell County Circuit Court, plus it was in the interest of justice for this action to be transferred to the court with subject matter jurisdiction. *Bruce v. Jackson*, — S.W.3d —, 2019 Tenn. App. LEXIS 234 (Tenn. Ct. App. May 17, 2019).

16-1-117. Reporting case statistics — Automated court information system.

(a) It is the duty of the administrative office of the courts to collect, develop, and maintain uniform statistical information relative to court caseloads in Tennessee. To assist the administrative office of the courts in this duty, the clerks of each court shall report case data as set forth below:

(1) Each criminal case shall be assigned a unique docket number. A criminal case shall be defined and reported as a single charge or set of charges arising out of a single incident concerning a single defendant in one (1) court proceeding. An incident shall be all criminal activity occurring on the same date. A court proceeding refers to a single level of court, such as general sessions or circuit. An appeal, probation revocation, or other post-judgment proceeding shall be considered a separate case. This definition shall not alter the practice in the Tennessee rules of criminal procedure dealing with joinder and severance of criminal cases. In addition, in courts of record, multiple incidents shall be counted as a single case when the

charges are of a related nature and it is the district attorney general's intention that all of the charges be handled in the same court proceeding pursuant to a single indictment. If a case has more than one (1) charge or count, then the administrative office of the courts shall count the case according to the highest class of charge or count for the weighted caseload study based on the formula set out in § 16-2-513(a). Nothing in this subdivision (a)(1) shall operate to deprive court clerks of any fees to which they were entitled prior to July 1, 2014;

(2) A civil case shall be defined as all motions, petitions, claims, counterclaims or proceedings between the parties resulting from the initial filing until the case is disposed. A unique docket number will be assigned to a civil case upon filing. Until the case is disposed, all subsequent motions, petitions, claims, counterclaims or proceedings between the parties resulting from the initial filing will be handled under the assigned docket number and will not be assigned a new docket number. Once a civil case has been disposed and further actions occur on the case, the original case will be reopened using the same docket number under which it was originally filed and is subject to additional court costs. All subsequent motions, petitions, claims, counterclaims or proceedings relating to the reopened case will be handled under the one reopened case docket number until disposed. Any subsequent reopenings will still use the original docket number, but will be counted by the administrative office of the courts as a new case for case-reporting purposes and are subject to additional court costs. Civil cases in courts of record shall be counted and reported to the administrative office of the courts according to this subdivision (a)(2);

(3) All general sessions courts and municipal courts with general sessions jurisdiction shall collect and provide court data to the administrative office of the courts based on the definitions for criminal and civil cases as provided in subdivisions (a)(1) and (2);

(4) All courts of record, except for juvenile courts, and all general sessions courts and municipal courts with general sessions jurisdiction shall report caseload data to the administrative office of the courts not less than one (1) time each month, so that all cases filed and disposed in one (1) month have been received by the administrative office of the courts by the fifteenth day of the following month in which the case is filed or disposed. The administrative office of the courts shall create forms to be used by each court in reporting the caseload data;

(5) The administrative office of the courts will provide written notification to any responsible party found not to be in compliance with the reporting requirements. Written notification will detail the type of noncompliance and recommend the corrective action to be taken. If compliance is not achieved during the subsequent reporting period following notification, the administrative office of the courts will no longer accept data from the office not in compliance until such time as the errors are corrected. Notification of this action will be sent to all judges, district attorneys general, district public defenders and court clerks within the district where the noncomplying office is located. Notification will also be sent to the district attorneys general conference, the district public defenders conference, the administrative office

of the courts and the county officials association of Tennessee. Any periods of noncompliance will also be reported in the annual report to the chairs of the civil justice committee of the house of representatives and the judiciary committee of the senate;

(6)(A) The clerks of those courts wherein commitments to a mental institution, as defined in § 16-10-213, are ordered or persons are adjudicated as a mental defective, as defined in § 16-10-213, shall report information described in § 16-10-213(c) regarding individuals who have been adjudicated as a mental defective or judicially committed to a mental institution. Included in the report pursuant to this subdivision (a)(6)(A) shall be the date in which such information was also reported to the federal bureau of investigation-NICS index;

(B) The clerks of courts, pursuant to the reporting requirements of §§ 16-10-213, 16-11-206, 16-15-303 and 16-16-120, shall provide sufficient information to the administrative office of the courts who shall make such reports on behalf of those clerks as soon as practicable, but no later than the third business day following the date of receipt of signed order;

(C) The information reported pursuant to subdivision (a)(6)(A) shall be maintained as confidential and not subject to public inspection, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354;

(D) The administrative office of the courts shall provide written notification to any responsible party found not to be in compliance with the reporting requirements of this subdivision (a)(6) or with the reporting requirements of §§ 16-10-213, 16-11-206, 16-15-303 and 16-16-120. If compliance is not achieved during the subsequent reporting period following notification, the administrative office of the courts will no longer accept data from the office not in compliance. Notification of this action will be sent to all judges, district attorneys general, district public defenders and court clerks within the district where the noncomplying office is located. Notification will also be sent to the district attorneys general conference, the district public defenders conference, the administrative office of the courts and the county officials association of Tennessee. Any periods of noncompliance will also be reported in the annual report to the chair of the judiciary committee of the senate and the chair of the civil justice committee of the house of representatives.

(b) Any automated court information system being used or developed on or after July 1, 2003, including, but not limited to, the Tennessee court information system (TnCIS) being designed pursuant to § 16-3-803(h), shall ensure comparable data will be reported to the administrative office of the courts with respect to courts of record, and criminal cases in general sessions courts and municipal courts with general sessions jurisdiction, using the definitions and standards set forth in subsection (a). Each system shall use the Tennessee code citation on each criminal charge, and have the capability of using this information to classify the type and class of each charge.

History.

Acts 2001, ch. 408, § 4; 2002, ch. 791, §§ 2-4, 6; 2013, ch. 236, § 37; 2013, ch. 300, § 1; 2014, ch. 673, § 1; 2018, ch. 799, § 6; 2019, ch. 345,



Tennessee Judicial Weighted Caseload Study: FY 2017-18 Update

Juan Napoles, Legislative Research Analyst

Juan.Napoles@cot.tn.gov

April 2019

Key Points

State law requires the Comptroller of the Treasury to update the judicial weighted caseload study annually to compare the state's existing judicial resources with an estimate of the judicial resources needed. This update provides estimates based on cases filed in fiscal year (FY) 2018.

The state has an estimated net deficit of 6.51 judges based on FY 2018 data. The weighted caseload update for FY 2017 – revised with data received after the report was published – shows a net deficit of 6.31 full-time equivalent (FTE) judges. Overall, FY 2018 filings increased from FY 2017 by 2,118 cases (1.05 percent).

Yearly Trend in Judicial Resources (Full-Time Equivalent Judges)							
	2007 Model		2013 Model				
Fiscal Years	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17 ^(b)	FY 18 ^(c)
Total Judicial Resources	152	152	152	152	153	153	156
Estimated Judicial Resources Needed	145.35	157.13	154.73	151.22	157.22	159.31	162.51
Net Excess or Deficit in Judicial Resources ^(a)	6.65	-5.13	-2.73	0.78	-4.22	-6.31	-6.51

Notes: (a) Workers' compensation cases are included in judge demand estimates for FY 2017 and FY 2018, but were excluded from demand estimates for fiscal years 2013, 2014, 2015, and 2016. (b) FY 2016-17 Tennessee Judicial Weighted Caseload Study Update, published in February 2018, used a three-year growth average to estimate Shelby County's FY 2017 criminal case filings because criminal case data for the county was unavailable at that time. FY 2016 data was used to estimate recovery court figures for Judicial District 14 in FY 2017. The FY 2017 estimates were revised to reflect the actual capacity of the recovery court in Judicial District 14. In addition, Judicial District 15 became a prison district in January 2016, but it was not reflected in the weight assigned to its Other Petitions, Motions, and Writs case type for FY 2016 and FY 2017. The figures for FY 2017 have been revised to reflect updated data for these areas. (c) Judicial Districts 16, 19, and 21 were each assigned one more judge in September 2018. They were included in the model for FY 2018 when determining the net demand in judicial resources.

Source: Calculations by Office of Research and Education Accountability based on data provided by the Administrative Office of the Courts.

The FY 2018 update also includes yearly data for examining the trends in each of the state's judicial districts. (See Exhibit 3 and Appendix C.) In addition, this update includes revised figures for FY 2017. The most significant revision was made for Shelby County, as criminal case data for the county was unavailable last year and OREA used a three-year growth average as a substitute. OREA received Shelby County's criminal case data for FY 2017 in late 2018 and then recalculated judicial need for the county. Based on actual criminal case data, Shelby County now shows a surplus of 1.54 FTE judges for FY 2017 as opposed to a deficit of 1.97. (See Appendix E.) All FY 2017 figures referenced in this report will be drawn from the revised, up-to-date weighted caseload model for that year.

The estimated number of FTE judges that courts need is calculated by multiplying the total number of case filings by case weights (average minutes per case for each type of case) and dividing that number by the judges' annual availability for case-specific work. The weighted caseload model can approximate judicial workload and the need for judicial resources, but it has limitations. Factors such as trial court clerks' reporting processes, availability of judicial support staff, and local legal practices also affect judicial resources. Furthermore, the passage of new laws, technological changes, population shifts, and other factors that occur after case weight calculations may make weighted caseload studies less reliable with time unless the model is periodically revised.

Introduction and Background

The 1997 appropriations bill passed by the General Assembly required the Comptroller's Office to conduct a judicial weighted caseload study to provide policymakers an objective means to determine the need for judicial resources.¹ The Comptroller's Office contracted with the National Center for State Courts (NCSC) in 1998 to conduct a time-series study to determine the case weights that are used to calculate judicial workload and the number of full-time equivalent judges (FTE judges) needed by each judicial district. To account for changing laws and practices, the Comptroller's Office contracted with the NCSC in 2007 and 2013 to develop a revised weighted caseload model for Tennessee's general jurisdiction trial judges based on a new time study and case filings.² Regular updates are designed to produce a more current and accurate gauge of the need for judicial resources throughout the state.³

Tennessee Code Annotated (TCA) 16-2-513 requires the Comptroller of the Treasury to update the judicial weighted caseload study annually to assess the need for judicial resources, or FTE judges. This update provides estimates of judicial resources needed based on cases filed in fiscal year (FY) 2018 using the 2013 weighted caseload model.

The estimated number of FTE judges that courts need is calculated by multiplying the total number of case filings by case weights (average minutes per case for each type of case) and dividing that number by the judges' annual availability for case-specific work.⁴

The weighted caseload model can approximate judicial workload and the need for judicial resources, but it has limitations. Factors such as trial court clerks' reporting processes, the availability of judicial support staff, and local legal practices also affect judicial resources. Furthermore, the passage of new laws, technological changes, population shifts, and other factors that occur after case weight calculations may make weighted caseload studies less reliable with time unless the model is periodically revised.

Analysis and Conclusions

Changes and Considerations for FY 2018 Update

Due to changes in state law, workers' compensation cases will no longer be filed in state courts for injuries incurred on or after July 1, 2014. Following the Tennessee Judicial Conference's June 2017 decision, however, workers' compensation cases are to be included in the filings count used to estimate judicial need beginning in FY 2017. According to the Administrative Office of the Courts (AOC), the reason the Judicial Conference decided to again include workers' compensation cases is because the number of cases have not decreased at the rate that was predicted and the judges wished to receive credit for the time spent hearing the cases. Although workers' compensation cases are no longer being filed in state courts as of July 1, 2014, judges are still hearing backlogged cases, and the Judicial Conference's decision allows them to receive credit for the time spent on such cases.

In addition, Judicial Districts 16, 19, and 21 each were assigned one more judge as of September 1, 2018.⁵ Although the judges were added to these districts in a new fiscal year, they are included when calculating the figures for the FY 2018 update. The rationale for their inclusion is that the predominant purpose of the weighted caseload model is to estimate demand for judges at the district and state level. Given that the three districts in question have been granted a judge to address their needs, their estimates reflect that alleviation of demand for judges.

FY 2016-17 Tennessee Judicial Weighted Caseload Study Update, published in February 2018, used a three-year growth average to estimate Shelby County's FY 2017 criminal case filings because actual criminal case filings for the county were unavailable at that time.⁶ OREA received Shelby County's actual criminal case filings for FY 2017 with the FY 2018 case filing data. The filings were then used

to recalculate the demand for full-time equivalent (FTE) judges in Shelby County for FY 2017 based on actual data. The result is that Shelby County now shows a 1.54 surplus of FTE judges for FY 2017 as opposed to a deficit of 1.97 FTE judges based on the three-year growth average. Shelby County continued to see a surplus of 0.51 FTE judges for FY 2018.

For the FY 2017 update, a carryover from FY 2016 was used as a proxy for the recovery court capacity in Judicial District 14. The FY 2017 estimates were revised to reflect the actual capacity of the recovery court in that district. Following the January 2016 opening of a new prison in Judicial District 15, the Other Petitions, Motions, and Writs case type for that district was reclassified to account for the greater complexity inherent in cases filed on behalf of inmates. These two changes were of minor consequence to judicial demand. (See Appendix E for the revised FY 2017 Weighted Caseload figures.)

Case Filings

In FY 2018, 202,898 cases were filed in Tennessee's state trial courts. Criminal cases accounted for approximately 46 percent of cases, followed by domestic relations cases at 30 percent, and civil cases at 25 percent.

Overall, filings increased from FY 2017 by 2,118 cases (1.05 percent). Criminal cases increased about 5.5 percent, civil cases decreased by less than 1 percent, and domestic relations cases decreased by over 3.5 percent. Looking at all case types, the largest change in the number of case filings from the prior year was seen for probation violations, which increased by 3,082 case filings. The other case types that exhibited a change greater than 1,000 case filings when compared to FY 2017 are:

- Felony A and B cases increased (+1,237)
- Felony C, D, and E cases decreased (-1,151)
- Contempt case filings decreased (-1,737)

As compared to FY 2017, other noticeable changes in filings by case type are:

- Other Petitions, Motions, and Writs filings increased (+750)
- Other Petitions, Motions, and Writs - Prison Districts filings increased (+770)
- Divorce without Children filings decreased (-557)
- Probate/Trust filings increased (+482)
- Workers' Compensation filings decreased (-452)

Exhibit I: Changes in Trial Court Case Filings by Case Type, FY 2014 to FY 2018

Case Type	FY 14	FY 15	FY 16	FY 17 ^(d)	FY 18	Change from FY17	Percent Change from FY17
Criminal	90,096	85,847	90,121	87,549	92,430	4,881	5.58%
First Degree Murder	606	675	662	660	783	123	18.64%
Post Conviction Relief	482	486	481	513	452	-61	-11.89%
Felony A and B	7,058	6,913	7,470	8,132	9,369	1,237	15.21%
Felony C, D, and E	32,432	31,063	32,509	29,737	28,586	-1,151	-3.87%
DUI	3,301	3,321	3,483	3,002	2,933	-69	-2.30%
Recovery (Drug) Court (a)	1,012	1,103	1,275	1,334	1,335	1	0.07%
Criminal Appeals (including Juvenile Delinquency)	404	297	392	300	302	2	0.67%
Misdemeanor	10,062	9,367	9,939	9,943	10,140	197	1.98%
Other Petitions, Motions, Writs	2,076	1,806	2,236	2,467	3,217	750	30.40%
Other Petitions, Motions, Writs-Prison Districts	2,963	2,804	2,771	2,253	3,023	770	34.18%
Probation Violation	29,700	28,012	28,903	29,208	32,290	3,082	10.55%
Civil	54,806	53,271	51,641	50,687	50,242	-445	-0.88%
Administrative Hearings (b)	382	420	373	470	533	63	13.40%
Contract/Debt/Specific Performance	6,084	5,413	5,527	5,190	4,814	-376	-7.24%
Damages/Tort	9,856	9,777	10,342	11,071	11,081	10	0.09%
Guardianship/Conservatorship	2,239	2,263	2,500	2,845	2,958	113	3.97%
Judicial Hospitalization	643	659	717	816	785	-31	-3.80%
Juvenile Court Appeal (Civil)	223	195	239	233	184	-49	-21.03%
Medical Malpractice	376	356	391	432	417	-15	-3.47%
Probate/Trust	13,426	13,820	14,250	14,337	14,819	482	3.36%
Other General Civil	12,228	12,307	12,556	12,214	11,999	-215	-1.76%
Real Estate	1,479	1,487	1,634	1,870	1,895	25	1.34%
Workers Compensation (c)	7,870	6,574	3,112	1,209	757	-452	-37.39%
Domestic Relations	65,508	62,940	62,745	62,544	60,226	-2,318	-3.71%
Child Support	12,758	11,409	11,070	11,002	10,737	-265	-2.41%
Divorce with Children	12,014	11,997	12,160	11,709	11,400	-309	-2.64%
Divorce without Children	16,172	16,118	16,285	16,016	15,459	-557	-3.48%
Residential Parenting	2,276	2,046	2,123	2,058	2,380	322	15.65%
Protection of Children	4,010	3,923	4,020	4,247	4,214	-33	-0.78%
Orders of Protection	8,128	8,105	8,356	9,201	9,527	326	3.54%
Contempt	8,141	7,786	7,409	7,259	5,522	-1,737	-23.93%
Other Domestic Relations	2,009	1,556	1,322	1,052	987	-65	-6.18%
Total Filings	210,410	202,058	204,507	200,780	202,898	2,118	1.05%

Notes: (a) Workload is based on the FY 2018 capacity or average daily population of the recovery (drug) courts. (b) In the 2013 time study, a separate weight for Administrative Appeals was developed for Judicial District 20 (Davidson County), the statutorily mandated venue for most complex appeals of administrative hearings through FY 2018. Administrative Appeals in other counties are based on the total time reported for those cases in the 2013 time study. (c) Workers' compensation cases are included in judge demand estimates for FY 2017 and FY2018, but were excluded from demand estimates for fiscal years 2013, 2014, 2015, and 2016. (d) The figures for FY 2017 were updated with new data on Shelby County criminal case filings, recovery court capacity figures for Judicial District 14, and the reclassification of Judicial District 15 as a prison district for Other Petition, Motions, and Writs case types. (See Appendix E for the revised FY 2017 Weighted Caseload figures.)

Source: Calculations by the Office of Research and Education Accountability based on data provided by the AOC.

Full-Time Equivalent Judges

Based on FY 2018 case filing and judicial workload data, the state has an estimated net deficit of 6.51 FTE judges. (See Exhibit 2.) The revised weighted caseload update for FY 2017 and the update for FY 2016 showed estimated net deficits of 6.31 FTE judges and 4.22 FTE judges, respectively.

The inclusion of workers' compensation cases in the FY 2018 update is responsible for an estimated increase in demand for judicial resources of 0.4 FTE judges across the state. This means that the estimated FTE net deficit of judicial resources is higher than it would have been without the inclusion of the backlogged workers' compensation cases, as was the case prior to FY 2017.

The General Assembly created three new state trial court judges – one each for Judicial Districts 16, 19, and 21 – who took office in September 2018. Without the addition of those judges, the estimated net deficit in judicial resources would have been 9.51 FTE judges.

Exhibit 2: Yearly Trend in Number of Judicial Resources (FTE Judges)

Fiscal Years	FY 13	FY 14	FY 15	FY 16	FY 17 ^(b)	FY 18 ^(c)
Total Judicial Resources	152	152	152	153	153	156
Estimated Judicial Resources Needed	157.13	154.73	151.22	157.22	159.31	162.51
Net Excess or Deficit in Judicial Resources^(a)	-5.13	-2.73	0.78	-4.22	-6.31	-6.51

Notes: (a) Workers' compensation cases are included in judge demand estimates for FY 2017 and FY 2018, but were excluded from demand estimates for fiscal years 2013, 2014, 2015, and 2016. (b) FY 2016-17 Tennessee Judicial Weighted Caseload Study Update, published in February 2018, used a three-year growth average to estimate Shelby County's FY 2017 criminal case filings because criminal case data for the county was unavailable at that time. FY 2016 data was used to estimate recovery court figures for Judicial District 14 in FY 2017. The FY 2017 estimates were revised to reflect the actual capacity of the recovery court in Judicial District 14. In addition, Judicial District 15 became a prison district in January 2016, but this was not reflected in the weight assigned to its Other Petitions, Motions, and Writs case type for FY 2016 and FY 2017. The figures for FY 2017 have been revised to reflect updated data for these areas. (See Appendix E for the revised FY 2017 Weighted Caseload figures.) (c) Judicial Districts 16, 19, and 21 were each assigned one additional judge in September 2018. They were included in the model for FY 2018 when determining the net demand in judicial resources. (See Appendix C for complete FY 2018 Weighted Caseload figures.)

Source: Calculations by the Office of Research and Education Accountability based on data provided by the AOC.

Exhibit 3 shows the estimated deficit or excess of FTE judges by district over time.^{7,8} According to the weighted caseload model for FY 2018, three districts show an estimated need of one or more FTE judges:

- District 19 (Montgomery and Robertson counties) shows a need for 1.23 FTE judges in FY 2018. In FY 2017 and FY 2016, the district showed a need for 2.32 FTE judges and 1.89 FTE judges, respectively. In FY 2015, the General Assembly created a new circuit court judgeship for Judicial District 19.⁹ In September of 2018, the General Assembly again added another judge to the circuit court. Since FY 2017, the district has shown a total increase of 258 cases. The case types that consume the most judicial resources in terms of annual case-specific hours are Divorce with Children (1,465), Felony A & B (934), and Damages/Tort (911).
- District 22 (Giles, Lawrence, Maury, and Wayne Counties) shows a net deficit of 1.23 FTE judges for FY 2018. This is an increase from its judicial deficit of 0.92 in FY 2017. The district saw a total increase in cases of 376. The case types that consumed the most annual case-specific hours of judges' time were Felony A & B (1,136), Felony C, D, & E (688), and Divorce with Children (601).
- District 23 (Cheatham, Dickson, Houston, Humphreys, and Stewart Counties) shows a net deficit of 1.52 FTE judges for FY 2018, the highest estimated need of any district. This deficit is larger by 0.79 FTE judges than the 0.73 estimate for FY 2017. The case types that consumed the most annual case-specific hours for judges were Felony A & B (733), Felony C, D, & E (593), and Divorce with Children (511). The case types that grew the most in terms of annual case-specific hours of judicial resources were Felony A & B (288), First Degree Murder (285), and Damages/Tort (221). District 23 also saw a sizeable decrease in the annual case-specific hours spent on Other General Civil cases (160), but that was more than offset by the time demands in other case types.

Other notable changes in judge demand in FY 2018 as compared to FY 2017:

- The judicial demands for District 16 (Cannon and Rutherford), District 19 (Montgomery and Robertson), and District 21 (Hickman, Lewis, Perry, and Williamson) all decreased by over one FTE judge. The General Assembly created three new state trial court judges who took office in September 2018, and this is the main reason for the decrease in judicial demand. Although the three judges were added after the end of FY 2018, they are included in the model so that the estimates reflect that some of the need for judicial resources has been diminished.
- Judicial demand increased by 1.04 FTE judges for District 30 (Shelby). However, this still leaves District 30 with an excess of 0.51 FTE judges. As a reminder, these changes are in relation to the revised figures for Shelby County. OREA used a proxy for the missing data for Shelby County's criminal case filings, but has revised its estimates for FY 2017 with the actual criminal case filings. (See Appendix E for the revised FY 2017 Weighted Caseload figures.)

Exhibit 3: Difference between Actual Number of Full-Time Equivalent (FTE) Judges and Need for FTE Judges by District, FY 2013–FY 2018

Judicial District (Counties)	FY 2013 ^(a)	FY 2014 ^(a)	FY 2015 ^(a)	FY 2016 ^(a)	FY 2017 ^(b)	FY 2018 ^(c)
District 1 (Carter, Johnson, Unicoi, and Washington)	0.27	-0.32	0.23	0.19	-0.16	-0.36
District 2 (Sullivan)	0.10	0.37	0.31	0.16	0.26	0.20
District 3 (Greene, Hamblen, Hancock, and Hawkins)	0.44	0.28	0.25	-0.06	0.43	0.09
District 4 (Cocke, Grainger, Jefferson, and Sevier)	-1.01	-0.89	-0.54	-0.83	-0.93	-0.68
District 5 (Blount)	-0.26	0.01	0.06	-0.10	0.02	-0.04
District 6 (Knox)	-0.42	0.11	0.43	-0.27	-0.36	-0.24
District 7 (Anderson)	-0.11	-0.18	0.23	0.22	0.29	0.20
District 8 (Campbell, Claiborne, Fentress, Scott, and Union)	-0.34	-0.08	-0.11	-0.44	-0.32	-0.34
District 9 (Loudon, Meigs, Morgan, and Roane)	0.64	0.80	0.85	0.80	0.41	0.31
District 10 (Bradley, McMinn, Monroe, and Polk)	-0.29	-0.42	-0.13	-0.12	-0.31	-0.17
District 11 (Hamilton)	-0.47	0.32	0.08	0.23	-0.28	-0.03
District 12 (Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie)	-0.96	-0.73	-0.47	-0.44	-0.67	-0.77
District 13 (Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White)	-0.61	-0.58	-0.55	-1.63	-0.98	-0.93
District 14 (Coffee)	0.61	0.82	0.77	0.43	0.36	0.14
District 15 (Jackson, Macon, Smith, Trousdale, and Wilson)	0.18	0.10	0.37	0.04	-0.30	-0.01
District 16 (Cannon and Rutherford)	-1.28	-1.17	-1.17	-1.42	-1.53	-0.25
District 17 (Bedford, Lincoln, Marshall, and Moore)	0.52	0.52	0.43	0.22	0.40	0.27
District 18 (Sumner)	-0.59	-0.46	-0.63	-0.45	-0.35	-0.49
District 19 (Montgomery and Robertson)	-2.75	-2.89	-2.77	-1.89	-2.32	-1.23

Judicial District (Counties)	FY 2013 ^(a)	FY 2014 ^(a)	FY 2015 ^(a)	FY 2016 ^(a)	FY 2017 ^(b)	FY 2018 ^(c)
District 20 (Davidson)	0.06	0.79	1.07	1.11	-0.15	-0.78
District 21 (Hickman, Lewis, Perry, and Williamson)	-0.54	-0.41	-0.24	-0.58	-1.00	0.26
District 22 (Giles, Lawrence, Maury, and Wayne)	-1.26	-1.05	-0.76	-0.42	-0.92	-1.23
District 23 (Cheatham, Dickson, Houston, Humphreys, and Stewart)	-1.01	-0.71	-0.64	-1.18	-0.73	-1.52
District 24 (Benton, Carroll, Decatur, Hardin, and Henry)	0.81	0.92	0.95	0.87	0.75	0.46
District 25 (Fayette, Hardeman, Lauderdale, McNairy, and Tipton)	-0.19	-0.08	0.18	0.38	0.03	-0.14
District 26 (Chester, Henderson, and Madison)	-0.08	-0.01	0.14	0.52	0.33	0.35
District 27 (Obion and Weakley)	0.26	0.45	0.59	0.42	0.32	0.28
District 28 (Crockett, Gibson, and Haywood)	0.37	0.44	0.57	0.58	0.24	0.02
District 29 (Dyer and Lake)	0.31	0.36	0.24	0.18	0.12	0.10
District 30 (Shelby)	2.76	1.25	1.37	-0.21	1.54	0.51
District 31 (Van Buren and Warren)	-0.31	-0.27	-0.32	-0.52	-0.51	-0.51
Statewide Excess or Deficit FTE Judges	-5.13	-2.73	0.78	-4.22	-6.31	-6.51

Notes: (a) Workers' Compensation cases are included in judge demand estimates for FY 2017 and FY 2018, but were excluded from demand estimates for fiscal years 2013, 2014, 2015, and 2016. (b) FY 2016-17 Tennessee Judicial Weighted Caseload Study Update, published in February 2018, used a three-year growth average to estimate Shelby County's FY 2017 criminal case filings because criminal case data for the county was unavailable at that time. FY 2016 data was used to estimate recovery court figures for Judicial District 14 in FY 2017. The FY 2017 estimates were revised to reflect the actual capacity of the recovery court in Judicial District 14. In addition, Judicial District 15 became a prison district in January 2016, but this was not reflected in the weight assigned to its Other Petitions, Motions, and Writs case type for FY 2016 and FY 2017. The figures for FY 2017 have been revised to reflect updated data for these areas. (c) Judicial Districts 16, 19, and 21 were each assigned one more judge in September 2018. They were included in the model for FY 2018 when determining the net demand in judicial resources. (See Appendix C for complete FY 2018 Weighted Caseload figures.)

Source: Calculations by Office of Research and Accountability staff based on data provided by AOC.

Change to Administrative Hearing Case Types

Pursuant to Public Chapter 1021 (2018), appeals of Uniform Administrative Procedures Act (UAPA) cases, a time-intensive subset of Administrative Hearing cases, may now be filed "in the chancery court nearest to the place of residence of the person contesting the agency action or alternatively, at the person's discretion, in the chancery court nearest to the place where the cause of action arose, or in the chancery court of Davidson County."¹⁰ Prior to the new law's effective date of July 1, 2018, Judicial District 20 (Davidson County) was the statutorily mandated jurisdiction for hearing most UAPA cases, and administrative hearings for the district were assigned a case weight of 496 minutes while the case weight for all other districts was 204 minutes.

In response to Public Chapter 1021, the Tennessee Judicial Conference recommended making 318 minutes the case weight for Administrative Hearing case type filings for all of the state's judicial districts beginning with the FY 2018 update.

The Comptroller's Office has updated the FY 2018 judicial weighted caseload study under both scenarios: (1) a uniform case weight of 318 minutes for Administrative Hearing case type filings for all districts, as recommended by the Tennessee Judicial Conference, and (2) the split case weight of 496 minutes for Administrative Hearing case type filings for Judicial District 20 and 204 minutes for such case type filings in all other judicial districts, which coincides with the law in place for FY 2018.

For scenario 1, redistributing the estimated 35 percent of Davidson County's Administrative Hearings that are UAPA appeals (derived in a 2009 Delphi meeting between Davidson County chancellors, AOC representatives, and NCSC consultants) proportional to district populations, a uniform weight of 318 minutes yields an excess of 0.11 FTE judges for Judicial District 20 in FY 2018 and a net deficit of 6.36 FTE judges for the entire state. Under scenario 2 (496 minutes for district 20 and 204 minutes for all other districts), Judicial District 20 shows a deficit of 0.78 FTE judges and a net deficit of 6.51 is present at the state level for FY 2018. (See Appendix D to see changes to FTE judge demand using a uniform weight for administrative hearing case types.)

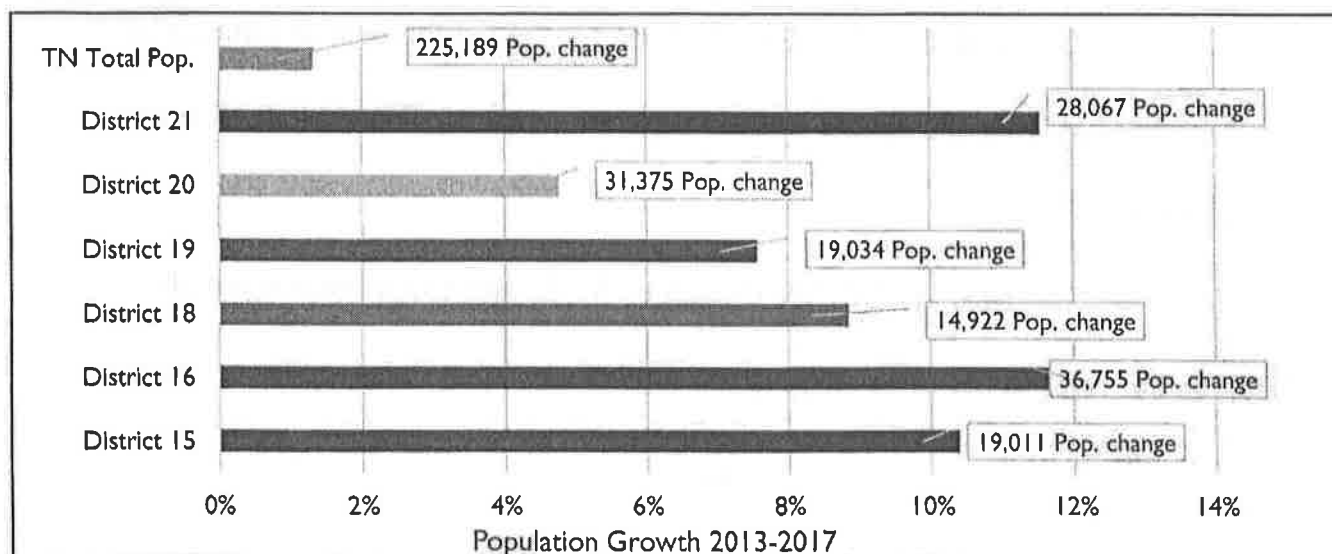
Although Judicial District 20 is no longer the statutorily mandated jurisdiction for hearing most UAPA cases following the passage of Public Chapter 1021 (2018), the district remains an option for filing UAPA appeals. The Comptroller's Office will analyze the extent to which UAPA appeals are redistributed across the state in the FY 2019 update.

Future Considerations Regarding a New Time-Series Study

Time studies are based on surveys of selected court staff – judges, district attorneys, or public defenders – and determine the average time typically spent on each type of case. For example, a felony case typically requires significantly more time to process than a traffic case. Periodically updating the case weights assigned to different types of cases is necessary so that developments that affect the time needed to process cases – such as new laws, technological changes, population shifts, and other post-calculation factors – are taken into account. Because of this, the consultants with NCSC have suggested updating case weights with new time studies every five to seven years to improve the reliability of estimates.

Of the factors that influence the reliability of case weights, changes to district populations are perhaps the most quantifiable. Courts associated with more populated counties and/or urban regions may benefit from specialization and faster processing times – “economies of scale” in economist jargon. If present, the 2013 weighted caseload model captured some of these efficiencies. However, caseload growth, driven by population growth or other factors, in certain districts over the past six years may have led to increased processing efficiencies from specialization. By the same token, other districts may have grown so much that their capacity to process cases has become less efficient – “diseconomies of scale.” Exhibit 4 shows the districts that have displayed the most population growth, in percentage and/or absolute terms, from 2013 through 2017.

Exhibit 4: Population Growth in Tennessee and Select Districts, 2013-2017



Note: The annual estimates of county populations published by the Census Bureau are an estimate of county populations on July 1 of the year in question. Source: U.S. Census Bureau; Annual Estimates of the Resident Population: July 1, 2013, to July 1, 2017.

Endnotes

¹ Public Acts, 1997, Chapter No. 552, Section 12, Item 35.

² National Center for State Courts, *Tennessee Trial Courts, Judicial Weighted Caseload Study, 2013*, https://www.comptroller.tn.gov/content/dam/cot/orea/documents/orea-reports-2013/2013_OREA_WCTNTrialCtsJudWtCase.pdf. See study for a complete explanation of methodology and qualitative issues to consider.

³ See Appendix A for a brief description of the design of the 2013 Tennessee Trial Courts Judicial Weighted Caseload Model.

⁴ National Center for State Courts, *Tennessee Trial Courts, Judicial Weighted Caseload Study, 2013*, https://www.comptroller.tn.gov/content/dam/cot/orea/documents/orea-reports-2013/2013_OREA_WCTNTrialCtsJudWtCase.pdf. See the Preliminary Case Weights section on pages 5-6 of the study for a complete explanation for creating the measure.

⁵ Public Acts, 2018, Chapter No. 974.

⁶ Office of Research and Education Accountability, *Tennessee Judicial Weighted Caseload Study: FY 2016-17, Update*, Comptroller of the Treasury, Feb. 2018, https://www.comptroller.tn.gov/content/dam/cot/orea/documents/orea-reports-2018/2018_OREA_WeightedCaseloadReport.pdf.

⁷ See Appendix B for a map of Tennessee Judicial Districts.

⁸ See Appendix C for the detailed calculations of judicial resource need statewide and by judicial district.

⁹ Public Acts, 2015, Chapter No. 437.

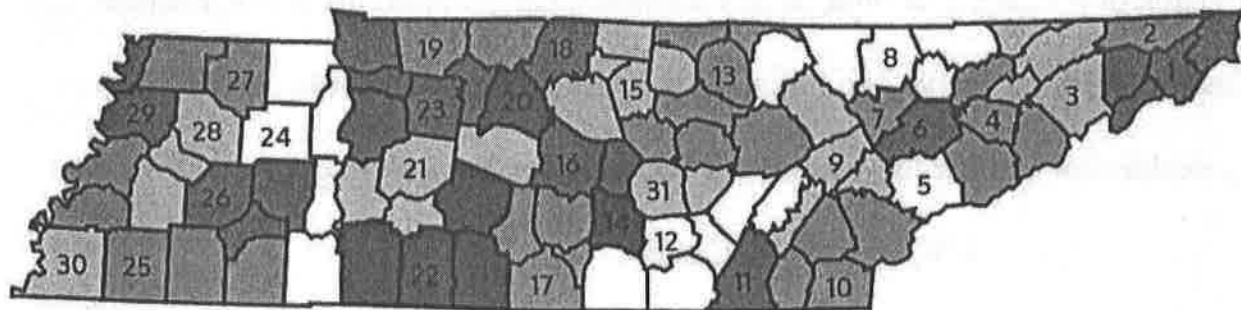
¹⁰ Public Acts, 2018, Chapter No. 1021.

Appendix A: Design Notes on the 2013 Tennessee Trial Courts Judicial Weighted Caseload Model

In 2013, the National Center for State Courts (NCSC) worked with selected Tennessee trial court judges and staff with the Administrative Office of the Courts (AOC) and the Comptroller's Office to develop a revised model to estimate the total judicial officer demand based on cases filed. Tennessee judges reported their time for six weeks out of an 11-week period in the summer of 2013, which was used to determine the average time spent on case-related and non-case-related activities statewide. Based on the 2013 time study, new case weights were assigned to each case type, including a few newly added case types, in order to more accurately estimate judicial need throughout the state.^A

^A A complete report describing the process and the 2013 revised model is available at https://www.comptroller.tn.gov/content/dam/cot/orea/documents/orea-reports-2013/2013_OREA_WCTNTrialCtsJudWtCase.pdf.

Appendix B: Tennessee Judicial Districts



- District 1 – Carter, Johnson, Unicoi, and Washington Counties
- District 2 – Sullivan County
- District 3 – Greene, Hamblen, Hancock, and Hawkins Counties
- District 4 – Cocke, Grainger, Jefferson, and Sevier Counties
- District 5 – Blount County
- District 6 – Knox County
- District 7 – Anderson County
- District 8 – Campbell, Claiborne, Fentress, Scott, and Union Counties
- District 9 – Loudon, Meigs, Morgan, and Roane Counties
- District 10 – Bradley, McMinn, Monroe, and Polk Counties
- District 11 – Hamilton County
- District 12 – Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie Counties
- District 13 – Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White Counties
- District 14 – Coffee County
- District 15 – Jackson, Macon, Smith, Trousdale, and Wilson Counties
- District 16 – Cannon and Rutherford Counties
- District 17 – Bedford, Lincoln, Marshall, and Moore Counties
- District 18 – Sumner County
- District 19 – Montgomery and Robertson Counties
- District 20 – Davidson County
- District 21 – Hickman, Lewis, Perry, and Williamson Counties
- District 22 – Giles, Lawrence, Maury, and Wayne Counties
- District 23 – Cheatham, Dickson, Houston, Humphreys, and Stewart Counties
- District 24 – Benton, Carroll, Decatur, Hardin, and Henry Counties
- District 25 – Fayette, Hardeman, Lauderdale, McNairy, and Tipton Counties
- District 26 – Chester, Henderson, and Madison Counties
- District 27 – Obion and Weakley Counties
- District 28 – Crockett, Gibson, and Haywood Counties
- District 29 – Dyer and Lake Counties
- District 30 – Shelby County
- District 31 – Van Buren and Warren Counties

Source: Administrative Office of the Courts, 2006.

Appendix C: Tennessee Judicial Weighted Caseload Update, FY 2018, Case Filings by Judicial District

Case Filings per Judicial District											
Case Type	Case Weight	1	2	3	4	5	6	7	8	9	10
First Degree Murder	776	16	9	6	6	2	33	5	5	16	9
Post Conviction Relief	381	6	9	9	10	4	0	1	4	14	9
Felony A and B	157	238	218	249	351	63	420	40	142	154	212
Felony C, D, and E	45	1,333	922	753	1,300	450	1,398	279	720	537	791
DUI	89	77	49	53	185	25	108	29	81	54	50
Recovery (Drug) Court **	167		25		50	90		30	40		66
Criminal Appeals (incl. Juvenile Delinquency)	11	13	6	2	6	2	0	0	7	4	1
Misdemeanor	29	406	240	282	640	138	202	85	122	303	106
Other Petitions, Motions, Writs	28		194	70	135	51	268	27	65		128
Other Petitions, Motions, Writs-Prison Districts	57	23								61	
Probation Violation	18	1,719	1,938	1,028	2,094	825	1,462	586	1,143	551	1,160
Administrative Hearings	204	7	4	18	6	0	9	8	20	3	19
Contract/Debt/Specific Performance	104	495	84	82	234	60	345	42	128	69	108
Damages/Tort	135	236	183	170	334	154	927	124	139	132	295
Guardianship/Conservatorship	70	81	91	112	24	16	537	27	51	72	72
Judicial Hospitalization	19	2	12	3	0	12	1	1	0	0	0
Juvenile Court Appeal (Civil)	287	6	2	7	3	3	32	8	4	4	4
Medical Malpractice	1,320	12	6	7	2	3	39	3	0	3	19
Probate/Trust	24	740	626	784	197	1	1,450	331	417	242	479
Other General Civil	58	264	301	330	419	180	630	115	133	120	430
Real Estate	259	48	34	49	63	31	131	41	62	90	64
Workers Compensation	41	3	0	0	0	1	70	34	1	5	1
Child Support	20	324	188	1,234	625	358	459	630	269	260	368
Divorce with Children	106	433	290	404	378	188	806	157	271	57	467
Divorce without Children	40	654	402	549	612	198	1,121	171	307	100	656
Residential Parenting	108	91	85	99	52	19	162	39	12	18	76
Protection of Children (Paternity, Adoption, Legitimation, Surrender, TPR)	65	189	94	193	146	168	391	62	105	76	210
Orders of Protection	32	133	211	575	670	2	2,310	87	1	64	667
Contempt	14	285	166	230	158	45	410	190	10	99	330
Other Domestic Relations	73	17	3	30	16	10	71	3	12	31	21
Total Filings		7,851	6,392	7,328	8,716	3,099	13,792	3,155	4,271	3,139	6,818
Workload (Weights x Filings)		426,879	307,809	355,898	445,138	171,911	840,231	151,975	230,247	192,987	394,024
Judge Year* (210 days per year, 8 hrs per day)		100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800
Average District Travel per Year		4,830	3,465	11,907	6,111	42	2,373	0	15,393	12,789	8,148
Non-case Related Time (78 minutes/day)		16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380
Availability for Case-specific Work		79,590	80,955	72,513	78,309	84,378	82,047	84,420	69,027	71,631	76,272
# Judges		5	4	5	5	2	10	2	3	3	5
Total Judicial Officer Demand		5.36	3.80	4.91	5.68	2.04	10.24	1.80	3.34	2.69	5.17
FTE Deficit or Excess		-0.36	0.20	0.09	-0.68	-0.04	-0.24	0.20	-0.34	0.31	-0.17
Criminal Judges Needed		2.05	1.75	1.58	2.64	0.84	2.48	0.53	1.45	1.30	1.60
Civil Judges Needed		1.93	1.12	1.45	1.55	0.61	4.50	0.68	1.08	1.01	1.83
Domestic Relations Judges Needed		1.38	0.93	1.88	1.49	0.59	3.26	0.59	0.80	0.39	1.74
Child Support Referee		No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes

*Judicial District 20 was the statutorily mandated jurisdiction in most appeals of UAPA Administrative Hearing cases for FY18. A case weight of 496 minutes is used in this district.

**Workload is based on the FY2018 capacity of the drug courts.

Source: National Center for State Courts, 2013. Data on filings provided by the Tennessee Administrative Office of the Courts.

Case Filings per Judicial District

Case Type	11	12	13	14	15	16	17	18	19	20*	21
First Degree Murder	44	15	7	6	15	34	5	10	27	131	2
Post Conviction Relief	17	8	18	2	6	8	20	4	26	65	12
Felony A and B	497	259	354	113	198	385	157	206	357	829	231
Felony C, D, and E	1,405	1,065	1,006	417	730	897	363	601	1,008	1,994	711
DUI	165	58	302	25	110	100	3	47	184	188	72
Recovery (Drug) Court**	60	80	58	121	25	101		50		197	52
Criminal Appeals (incl. Juvenile Delinquency)	37	10	7	1	6	11	3	9	32	62	17
Misdemeanor	691	272	890	166	774	385	36	149	558	694	260
Other Petitions, Motions, Writs	29		40	54		38	305	435	659		
Other Petitions, Motions, Writs-Prison Districts		22			84					523	150
Probation Violation	1,634	1,104	1,413	417	851	1,397	153	532	899	3,237	753
Administrative Hearings	21	8	6	2	2	3	11	0	8	267	28
Contract/Debt/Specific Performance	238	54	127	43	102	125	47	103	118	651	218
Damages/Tort	756	184	234	103	264	182	91	237	405	2,186	334
Guardianship/Conservatorship	546	55	84	17	73	33	37	81	91	330	117
Judicial Hospitalization	258	2	8	0	2	133	0	1	0	273	1
Juvenile Court Appeal (Civil)	9	21	2	1	3	3	2	1	4	10	10
Medical Malpractice	26	1	5	1	2	25	2	5	4	79	0
Probate/Trust	941	448	486	212	609	48	436	754	600	1,814	729
Other General Civil	658	236	235	124	247	1,065	251	302	683	1,299	457
Real Estate	110	43	140	12	59	45	38	27	65	317	70
Workers Compensation	35	1	0	0	0	0	0	0	1	250	1
Child Support	265	626	285	122	144	562	521	389	714	448	294
Divorce with Children	597	267	308	121	284	649	248	371	829	767	536
Divorce without Children	871	347	439	173	376	778	309	413	1,126	1,235	435
Residential Parenting	116	28	81	143	55	165	100	91	180	139	89
Protection of Children (Paternity, Adoption, Legitimation, Surrender, TPR)	304	98	174	18	155	222	96	117	231	128	135
Orders of Protection	1,457	141	0	1	41	914	36	106	16	1,287	18
Contempt	519	333	61	14	42	247	286	75	270	170	380
Other Domestic Relations	181	147	17	17	29	34	13	33	27	125	25
Total Filings	12,487	5,933	6,787	2,446	5,288	8,589	3,569	5,149	9,122	19,695	6,137
Workload (Weights x Filings)	761,857	313,864	400,986	155,438	302,029	523,554	197,420	293,178	539,990	1,562,417	372,239
Judge Year (210 days per year, 8 hrs per day)	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800
Average District Travel per Year	42	18,564	16,758	987	9,030	630	11,991	462	9,744	1,218	5,817
Non-case Related Time (78 minutes/day)	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380
Availability for Case-specific Work	84,378	65,856	67,662	83,433	75,390	83,790	72,429	83,958	74,676	83,202	78,603
# Judges	9	4	5	2	4	6	3	3	6	18	5
Total Judicial Officer Demand	9.03	4.77	5.93	1.86	4.01	6.25	2.73	3.49	7.23	18.78	4.74
FTE Deficit or Excess	-0.03	-0.77	-0.93	0.14	-0.01	-0.25	0.27	-0.49	-1.23	-0.78	0.26
Criminal Judges Needed	3.05	2.29	2.99	0.94	1.78	2.31	0.90	1.28	2.68	6.07	1.52
Civil Judges Needed	3.58	1.20	1.79	0.44	1.32	1.81	0.83	1.17	2.04	10.12	1.87
Domestic Relations Judges Needed	2.40	1.28	1.15	0.48	0.90	2.13	1.00	1.05	2.52	2.59	1.35
Child Support Referee	No	Yes	No	No	No	Yes	No	No	Yes	No	No

* Judicial District 20 was the statutorily mandated jurisdiction in most appeals of UAPA Administrative Hearing cases for FY18. A case weight of 496 minutes is used in this district.

** Workload is based on the FY2018 capacity of the drug courts.

Source: National Center for State Courts, 2013. Data on filings provided by the Tennessee Administrative Office of the Courts.

Case Filings per Judicial District

Case Type	22	23	24	25	26	27	28	29	30	31	Totals
First Degree Murder	18	34	20	27	21	2	35	5	215	3	783
Post Conviction Relief	17	7	5	7	25	1	3	12	120	3	452
Felony A and B	434	280	266	280	195	163	151	93	1,707	127	9,369
Felony C, D, and E	917	790	458	829	689	197	439	399	4,955	233	28,586
DUI	237	77	25	69	64	1	45	7	413	30	2,933
Recovery (Drug) Court **		54		30	35	40		16		115	1,335
Criminal Appeals (incl. Juvenile Delinquency)	21	2	8	7	4	0	10	4	4	6	302
Misdemeanor	617	354	58	184	215	23	87	72	898	233	10,140
Other Petitions, Motions, Writs		293	40		153	10	220			3	3,217
Other Petitions, Motions, Writs-Prison Districts	251			29				19	1,861		3,023
Probation Violation	1,572	1,023	787	1,112	681	424	113	307	932	443	32,290
Administrative Hearings	8	10	3	12	3	2	1	7	32	5	533
Contract/Debt/Specific Performance	81	62	38	80	68	28	37	17	912	18	4,814
Damages/Tort	244	163	117	163	243	39	71	47	2,279	45	11,081
Guardianship/Conservatorship	58	33	38	101	16	32	36	71	0	26	2,958
Judicial Hospitalization	0	0	0	68	5	0	3	0	0	0	785
Juvenile Court Appeal (Civil)	11	2	2	8	3	0	1	2	15	1	184
Medical Malpractice	8	4	2	1	8	2	1	6	141	0	417
Probate/Trust	612	220	380	385	117	219	253	117	0	172	14,819
Other General Civil	300	139	128	235	239	96	117	671	1,416	179	11,999
Real Estate	42	34	31	32	24	9	11	11	141	21	1,895
Workers Compensation	8	0	0	1	7	304	2	0	32	0	757
Child Support	342	348	49	100	143	273	192	33	92	80	10,737
Divorce with Children	340	289	142	288	418	110	93	103	1,123	66	11,400
Divorce without Children	442	390	188	631	702	126	131	117	1,392	68	15,459
Residential Parenting	67	70	72	42	117	36	79	22	34	1	2,380
Protection of Children (Paternity, Adoption, Legitimation, Surrender, TPR)	137	128	63	81	105	38	28	31	239	52	4,214
Orders of Protection	218	91	1	50	27	1	1	97	0	304	9,527
Contempt	109	452	92	174	108	91	35	2	123	16	5,522
Other Domestic Relations	50	11	5	4	9	15	2	1	27	1	987
Total Filings	7,161	5,360	3,018	5,030	4,444	2,282	2,197	2,289	19,103	2,251	202,898
Workload (Weights x Filings)	404,588	301,260	186,992	290,964	295,843	121,740	150,165	144,478	1,808,113	126,503	12,770,717
Judge Year (210 days per year; 8 hrs per day)	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800
Average District Travel per Year	6,993	17,766	10,731	14,217	3,339	13,545	8,526	8,358	294	672	5,376
Non-case Related Time (78 minutes/day)	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380	16,380
Availability for Case-specific Work	77,427	66,654	73,609	70,203	81,081	70,875	75,894	76,062	84,126	83,748	79,044
# Judges	4	3	3	4	4	2	2	2	22	1	156
Total Judicial Officer Demand	5.23	4.52	2.54	4.14	3.65	1.72	1.98	1.90	21.49	1.51	162.51
FTE Deficit or Excess	-1.23	-1.52	0.46	-0.14	0.35	-0.28	0.02	0.10	0.51	-0.51	-6.51
Criminal Judges Needed	2.73	2.42	1.34	2.04	1.50	0.73	1.14	0.70	10.57	0.84	66.04
Civil Judges Needed	1.34	0.91	0.69	1.08	0.94	0.55	0.44	0.89	8.55	0.37	57.68
Domestic Relations Judges Needed	1.15	1.19	0.50	1.02	1.21	0.44	0.39	0.31	2.37	0.30	38.79
Child Support Referee	No	Yes	No	No	No	No	No	No	No	No	

* Judicial District 20 was the statutorily mandated jurisdiction in most appeals of UAPA Administrative Hearing cases for FY18. A case weight of 496 minutes is used in this district.

** Workload is based on the FY2018 capacity of the drug courts.

Source: National Center for State Courts, 2013. Data on filings provided by the Tennessee Administrative Office of the Courts.

Appendix D: Tennessee Judicial Weighted Caseload Update, FY 2018, Administrative Hearings (Case Type with a Uniform Weight of 318)

Judicial District	1	2	3	4	5	6	7	8	9	10
Filings for Administrative Hearings	10	6	21	9	2	15	9	22	5	22
Total Filings	7,854	6,394	7,331	8,719	3,101	13,798	3,156	4,273	3,141	6,821
FTE Deficit or Excess	-0.39	0.18	0.05	-0.70	-0.04	-0.28	0.18	-0.38	0.29	-0.21
Change in FTE vs. Split Weight Model	-0.02	-0.01	-0.04	-0.02	-0.01	-0.04	-0.01	-0.04	-0.01	-0.04
Judicial District	11	12	13	14	15	16	17	18	19	20
Filings for Administrative Hearings	26	10	9	3	5	8	13	3	12	183
Total Filings	12,492	5,935	6,790	2,447	5,291	8,594	3,571	5,152	9,126	19,611
FTE Deficit or Excess	-0.08	-0.79	-0.95	0.13	-0.02	-0.27	0.25	-0.50	-1.26	0.11
Change in FTE vs. Split Weight Model	-0.05	-0.02	-0.02	-0.01	-0.01	-0.02	-0.02	-0.01	-0.03	0.89
Judicial District	21	22	23	24	25	26	27	28	29	30
Filings for Administrative Hearings	32	11	12	5	14	5	3	2	8	45
Total Filings	6,141	7,164	5,362	3,020	5,032	4,446	2,283	2,198	2,290	19,116
FTE Deficit or Excess	0.21	-1.25	-1.55	0.45	-0.18	0.34	0.28	0.02	0.09	0.41
Change in FTE vs. Split Weight Model	-0.06	-0.02	-0.03	-0.01	-0.03	-0.01	-0.01	-0.01	-0.01	-0.09
Judicial District	31	Totals								
Filings for Administrative Hearings	6	533								
Total Filings	2,252	202,898								
FTE Deficit or Excess	-0.52	-6.36								
Change in FTE vs. Split Weight Model	-0.01	0.15								

Notes:

- See Appendix C for figures on case types other than Administrative Hearings for FY 2018.
 - Judicial District 20 was the statutorily mandated jurisdiction in most appeals of UAPA Administrative Hearing cases for FY 2018. Pursuant to Public Chapter 1021 (2018) and effective as of July 1, 2018, appeals of Uniform Administrative Procedures Act (UAPA) cases may be filed "in the chancery court nearest to the place of residence of the person contesting the agency action or alternatively, at the person's discretion, in the chancery court nearest to the place where the cause of action arose, or in the chancery court of Davidson County."
 - Using the results of a 2009 Delphi meeting between Davidson County chancellors, AOC personnel, and NCSC consultants, the model assumes that 35 percent of Davidson County's Administrative Hearings are UAPA appeals. It then assumes a proportional redistribution of UAPA appeals according to estimated district populations on July 1, 2017.
 - County population estimates sourced from the U.S. Census Bureau's Annual Estimates of the Resident Population. District population estimates compiled by OREA.
- Source: National Center for State Courts, 2013. Data on filings provided by the Tennessee Administrative Office of the Courts.

Appendix E: Revised Estimates for FY 2017 Tennessee Judicial Weighted Caseload Update

*** Revised figures in orange. Originally reported figures in parentheses ***

Case Type (Criminal Cases Only)	Case Weight	Case Filings per Judicial District			
		14	15	30	Totals
First Degree Murder	776	2	14	181 (252)	660 (731)
Post Conviction Relief	381	4	0	154 (150)	513 (509)
Felony A and B	157	134	205	1,554 (1,949)	8,132 (8,527)
Felony (C, D, and E)	45	472	958	4,723 (6,915)	29,737 (31,929)
DUI	89	31	117	397 (428)	3,002 (3,033)
Recovery (Drug) Court	167	62 (46)	25		1,334 (1,318)
Criminal Appeals (incl. Juvenile Delinquency)	11	0	6	7 (13)	300 (306)
Misdemeanor	29	145	888	787 (1,216)	9,943 (10,372)
Other Petitions, Motions, Writs	28	95	0 (87)		2,467 (2,554)
Other Petitions, Motions, Writs-Prison Districts	57		87 (0)	1,206 (2,113)	2,253 (3,073)
Probation Violation	18	343	857	1,204 (2,012)	29,208 (30,016)
Total Filings (All Case Types)		2,397 (2,381)	5,647	18,316 (23,152)	200,780 (205,600)
Workload (Weights x Filings)		137,183	324,072	1,720,810	12,527,142
Judge Year (210 days per year, 8 hrs per day)		100,800	100,800	100,800	100,800
Average District Travel per year		987	9,030	294	5,376
Non-case related Time (78 minutes/day)		16,380	16,380	16,380	16,380
Availability for Case-specific Work		83,433	75,390	84,126	79,044
# Judges		2	4	22	153
Total Judicial Officer Demand		1.64	4.30	20.46	159.31
FTE Deficit or Excess		0.36 (0.39)	-0.30 (-0.27)	1.54 (-1.97)	-6.31 (-9.76)

Notes: See original Tennessee Judicial Weighted Caseload Study: FY 2016-17 Update for figures unaffected by data updates: https://www.comptroller.tn.gov/content/dam/cot/orea/documents/orea-reports-2018/2018_OREA_WeightedCaseloadReport.pdf.

-Figures in parentheses correspond to originally reported case filings for FY 2017.

-The original weighted caseload update for FY 2017 utilized a three-year growth average to estimate Shelby County's (Judicial District 30) criminal case filings because actual criminal case filings for the county were unavailable at that time. The revised figures for Shelby County in this chart were derived using the actual criminal case filings for FY 2017.

-Judicial District 14 did not respond to OREA's FY 2017 recovery court survey. Therefore, a carryover from FY 2016 was used as a proxy for its recovery court capacity in the weighted caseload update for FY 2017. That figure was retrieved as part of the FY 2018 recovery court survey and was used to revise FY 2017 judicial need for Judicial District 14 in this chart.

-A prison was opened in Judicial District 15 in January 2016, but this was not reflected in the weighted caseload update in FY 2017. The Other Petitions, Motions, and Writs case type for Judicial District 15 was reclassified to account for the greater complexity inherent in cases filed on behalf of inmates for this revision of FY 2017 weighted caseload figures.

Source: National Center for State Courts, 2013. Data on filings provided by the Tennessee Administrative Office of the Courts.



Office of Research and Education Accountability

Russell Moore, Director
425 Fifth Avenue North
Nashville, Tennessee 37243
615.401.7866
www.comptroller.tn.gov/OREA/