

**FY2005-2006 Tennessee Weighted
Caseload Study Update:
District Public Defenders**



John G. Morgan
Comptroller of the Treasury
Office of Research

January 2007



STATE OF TENNESSEE

COMPTROLLER OF THE TREASURY

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January 29, 2007

The Honorable Ron Ramsey
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the 2005-06 Weighted Caseload Study Update for the district public defenders, a special study prepared by the Office of Research as required by *Tennessee Code Annotated* §16-2-513. The study compiles and analyzes the dispositions, workload, and Full Time Equivalents (FTEs) for each judicial district and the state as a whole. It also examines compliance with indigence determination procedures, representation in juvenile courts, and other issues specific to the role of the public defender. I hope you find this information helpful.

Sincerely,

John G. Morgan
Comptroller of the Treasury

**FY2005-2006 Tennessee Weighted Caseload
Study Update:
District Public Defenders**

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EXECUTIVE SUMMARY

Tennessee Code Annotated (T.C.A.) 16-2-513 requires the Comptroller of the Treasury to maintain and update a weighted caseload study for the state judges, district attorneys, and public defenders. In 1999, three independent consultants conducted separate time or case-weighting studies for each group. However, because of the lack of uniform case disposition data, the Comptroller's office could not update the original public defenders' study until 2004. The public defenders' study and methodology differ from that of the judges and district attorneys. Each study calculates Full Time Equivalents (FTEs) based on unique case types and methodology established by consultants in the original studies.

Prior to the original study, Tennessee had no uniform case standards, posing many problems in the judicial system, and making it difficult for all the consultants to conduct the respective studies.¹ In response to this problem, in 2001 the General Assembly instituted uniform case standards under *T.C.A. 16-1-117* for all courts. *T.C.A. 16-2-513* requires all courts, the Administrative Office of the Courts, the Council for Juvenile and Family Court Judges, and the Tennessee District Public Defenders Conference (TDPDC) to provide the Comptroller's Office case disposition data according to the uniform case standards.

Public Chapter 588 of 1989 created the TDPDC. Since then, policymakers have sought to establish an equitable means to determine the need for resources. In the past, the Tennessee General Assembly calculated the number of public defenders needed by applying a percentage to the number of district attorneys in each judicial district; initially it was 50 percent of district attorneys, then 75 percent. In 1994, the General Assembly amended the statute to employ a population-based formula that called for one public defender for every 26,675 people in a district. However, the formula was never instituted because of budget constraints.

The 1998 appropriations bill required the Comptroller's Office to conduct a weighted caseload study for public defenders. The Comptroller's Office contracted with the Spangenberg Group in April 1999 to conduct the

study and determine the need for public defender resources, or full time equivalents (FTEs.) The ability to *weight* cases allows thorough consideration of not just the raw number of cases assigned to a public defender program annually, but also the overall severity of cases, and time required to handle each type of case.

The weighted caseload study calculates the resources, or FTEs, judicial districts need by dividing the total number of case dispositions for the most recent fiscal year by the workload standard established by the consultants. (See Appendix A for a detailed description of the methodology.) However, the consultants' report emphasizes that these calculations provide only a base from which to estimate the need for resources. Analysts and policymakers must consider other factors that influence the workload of attorneys, such as the amount of additional local and federal funding, support staff, technology, and local rules in conjunction with quantitative methodology. (See Appendix B for a list of additional factors.)

ANALYSIS AND CONCLUSIONS

The FY 2005-06 public defender weighted caseload data showed 158,650 total dispositions. Overall, case dispositions increased 3.8 percent (5,784) during FY 2005-06. The largest number of dispositions for FY 2005-06 was for misdemeanors with 93,802 dispositions statewide (59 percent of all dispositions). The Felony C, D, and E case type had the largest increase in dispositions from FY 2004-05, 2,450 dispositions (8.3 percent). (See page 2.)

There is a statewide shortage of 123 public defenders. Lack of resources and high workloads compromise the state's ability to use limited indigent defense resources efficiently. It is not clear how much of the \$22,785,457 received by private attorneys in FY 2005-06 Indigent Defense Fund reimbursements resulted from insufficient public defender resources. Reimbursement procedures in *T.C.A. 40-14-208* do not require application for reimbursement for the Indigent Defense funds to include a reason for the appointment of a private attorney. Therefore, AOC officials cannot verify

compliance with the law regarding use of these funds. Judges in both adult criminal and juvenile courts report that public defenders often are unavailable to accept cases resulting in the appointment of private counsel to represent indigent defendants. (See pages 2-4.)

FINDINGS

The following findings were included in the FY2003-04 and FY 2004-05 Tennessee Weighted Caseload Study Update: District Public Defenders. The TDPDC confirmed that these issues still exist for FY 2005-06.

Many juvenile courts do not have adequate public defender representation. According to the Public Defenders Conference in 2005, the 2nd, 15th, 20th, and 30th judicial districts have permanently assigned public defenders in their juvenile courts. When surveyed by the Council of Juvenile and Family Court Judges (CJFCJ) in 2004, at the request of the Comptroller's office, judges in 17 other districts reported having PDs permanently in their courts on a part-time basis. In these courts, juveniles facing delinquency charges have PD representation unless they waive the right to counsel.

In the remaining districts without permanent PDs, private attorneys most often represent juveniles who exercise their right to counsel. In responses to the 2004 survey, judges in juvenile courts reported that they appoint private attorneys for one of two reasons: 1) PDs are not available at all or within a reasonable amount of time, or 2) PDs do not have adequate juvenile court skills or knowledge to represent juvenile defendants. (See pages 4-5.)

Not all courts comply with the Tennessee requirements for determination of indigence procedures. Consultants during the original study found that "screening for indigency is cursory at best." Unfortunately, while defendants who provide false information on affidavits of indigency face severe penalties, Tennessee does not have a system of accountability or any penalty for noncompliance with the laws governing the use of screening procedures. As a result, public defenders, or private counsel through the Indigent Defense fund, represented 68 percent of all criminal defendants convicted of felonies in 2004

without knowing if all the defendants were truly indigent.² (See page 5.)

Some public defenders' offices lack adequate support staff. T.C.A. 8-14-204 (c) (4) allows district public defenders to hire attorneys into vacant investigator positions to act as assistant public defenders and to be compensated as such. According to the Public Defenders' Conference, in FY 2005-06, 12 districts had attorneys in investigator positions who were carrying caseloads. Of those 12, three had no investigator positions other than those occupied by attorneys acting as defenders.³ The original report noted "not hiring investigators" compromises the function of representation.⁴ (See pages 5-6.)

The court system lacks a uniform information system to collect disposition data. As of FY 2005-06, the public defenders' conference information system, Prolaw, is not integrated with the Tennessee Court Information System (TnCIS),⁵ nor are the information systems for the big four urban counties and the Council of Juvenile and Family Court Judges. Thus, several different information systems handle disposition data on the same individuals charged with one or more criminal offenses, leading to a duplication of effort and increasing chances for data entry errors. (See page 6.)

RECOMMENDATIONS

The following recommendations were included in the FY2003-04 and FY 2004-05 Tennessee Weighted Caseload Study Update: District Public Defenders.

The General Assembly may wish to:

- Ensure that there are enough public defenders to handle the workload based on the need identified in the FY 2005-06 weighted caseload study update.
- Amend T.C.A. 40-14-202 regarding determination of indigence and appointment of public defenders to ensure accountability of courts' compliance and authorize penalties for non-compliance.
- Fund more support staff for public defenders to increase efficiency and reduce cost.
- Authorize a study to determine the number of private attorneys reimbursed from the indigent

defense fund because of a lack of public defenders.

The Administrative Office of the Courts should integrate public defenders' case information with the Tennessee Court Information System (TnCIS).

(See page 6.)

¹ The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, pp. 48-49.

² Administrative Office of the Courts, 2003-04 Felony Convictions Methods of Representation, 2005.

³ TNDPD Conference, District Public Defender Office Staffing 2005-06, received in email to author October 30, 2006.

⁴ The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, p. 17, 69.

⁵ TnCIS is the statewide court information system available to all courts in the state that choose it.

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Comptroller of the Treasury, Office of Research. Authorization Number 307344,
275 copies, January 2007. This public document was promulgated at a cost of
\$1.48 per copy.

INTRODUCTION

Tennessee Code Annotated (T.C.A.) 16-2-513 requires the Comptroller of the Treasury to maintain and update a weighted caseload study for the state judges, district attorneys, and public defenders. In April 1999, consultants from the Spangenberg Group conducted the original case-weighting study, designed to assess objectively the need for public defender resources. However, because of the lack of uniform case disposition data among judicial agencies, the Comptroller's office could not update the original study until 2004.

Tennessee law requires weighted caseload study updates for the state judges, district attorneys, and public defenders. In 1999, three independent consultants conducted separate time or case-weighting studies for each group. The public defenders' study and methodology differ from that of the judges and district attorneys. Each study calculates Full Time Equivalents (FTEs) based on unique case types and methodology established by consultants in the original time studies.

BACKGROUND

Public Act 588 of 1989 created the Tennessee District Public Defenders Conference (TDPDC). Since then, policymakers sought to establish an equitable means to determine the need for resources. In the past, the Tennessee General Assembly calculated the number of public defenders needed by applying a percentage to the number of district attorneys in each judicial district; initially it was 50 percent of district attorneys, then 75 percent. In 1994, the General Assembly amended the statute to employ a population-based formula that called for one public defender for every 26,675 people in a district. (See Appendix C for a list of Tennessee Judicial Districts.) However, the state never instituted the formula because of budget constraints.

The 1998 appropriations bill required the Comptroller's Office to conduct a public defenders' weighted caseload study to provide policymakers an objective means to determine the need for judicial resources. The Comptroller's Office contracted with the Spangenberg Group in 1999 to conduct a weighted caseload study for the TDPDC and determine the need for public defender resources, or full time equivalents (FTEs.) The

ability to weight cases allows thorough consideration of not just the raw number of cases assigned to a public defender program annually, but also the overall severity of cases, and time required to handle each type of case.

Prior to the original study, Tennessee had no uniform case standards, posing many problems in the judicial system, and making it difficult for all the consultants to conduct the respective studies.¹ In response to this problem, the General Assembly in 2001 instituted uniform case standards under T.C.A. 16-1-117 for all courts. T.C.A. 16-2-513 requires all courts, the Administrative Office of the Courts, the Council for Juvenile and Family Court Judges, and the TDPDC to provide the Comptroller's Office case disposition data according to the uniform case standards.

The weighted caseload study calculates the attorney resources, or FTEs, districts need by dividing the total number of case dispositions for the most recent fiscal year by the workload standard established by the consultants.² However, the consultants' report emphasizes these calculations provide only a base from which to estimate the need for resources. Analysts and policymakers must consider other factors that influence the workload of attorneys, such as the amount of additional local and federal funding, support staff, technology, and local rules in conjunction with quantitative methodology.³

Exhibit 1: Dispositions by Case Type, FY 2006

| Case Type | Percent of Total Dispositions |
|----------------------|-------------------------------|
| Misdemeanor | 59.1 |
| Felony C, D, and E | 20.1 |
| Probation Violation | 12.9 |
| Juvenile | 4.4 |
| Felony B | 2.4 |
| Felony A | 0.7 |
| Post-Judgment Action | 0.3 |
| Capital / Murder | 0.1 |

Source: Tennessee District Public Defenders Conference FY 2005-06 Caseload Dispositions

ANALYSIS AND CONCLUSIONS

Dispositions

The FY 2005-06 public defender weighted caseload data showed 158,650 total dispositions. Exhibit 1 shows FY 2005-06 statewide dispositions by case type.

Overall, case dispositions increased 3.8 percent (5,784) during FY 2005-06. (See Exhibit 2.) The largest number of dispositions for FY2005-06 was for misdemeanors with 93,802 dispositions (or 59.1 percent of all dispositions). Felonies C, D, and E case type had the largest increase in dispositions from FY 2004-05 with an increase of 2,450 dispositions (8.3 percent). All felonies increased 10.7 percent (from 33,266 to 36,826). In FY 2005-06, post-judgment actions were down 23.9 percent (595 to 453) after a 35.2 percent increase in the prior year.

Full Time Equivalents

Based on FY 2005-06 case disposition data and workload, there is a statewide need for an additional 123 public defenders (FTEs). This update expands the number of existing public defenders used to determine the net deficit for FY 2004-05 and FY 2005-06 to include all attorneys from all funding sources as well as attorneys in investigator positions. Prior updates excluded some locally and federally funded attorneys and attorneys in investigator positions (19 attorneys in FY 2004-05). The total number of attorney positions in public defender offices decreased by one for FY 2005-06; however, the increase in caseload and change in the types of cases

increased the state's deficit of public defenders by 21 from the prior year. (See Exhibit 3.)

There is a statewide shortage of 123 public defenders, which is most prevalent in Judicial District 6 (Knox County) with a deficit of 31.56 FTEs. (See Exhibit 4 and Appendix D.) In addition, seven other districts (2, 3, 5, 17, 20, 22 and 25) have deficits of over six FTEs. T.C.A. 8-14-201 and the United States Constitution require the state to provide an attorney to represent any person charged with the commission of a crime involving a possible deprivation of liberty who cannot afford a private attorney. According to the workload measures developed for Tennessee, in District 6 (Knox County) the misdemeanor caseload (72 percent of total dispositions) requires 31 PD positions to handle cases properly; the office had only 22 attorneys on staff for all cases in FY 2005-06. Analysis shows that district needs almost 32 additional PDs to meet workload standards for the total number of dispositions in FY 2005-06.

Lack of resources and high workloads compromise the state's ability to use limited indigent defense resources efficiently. In FY 2005-06, the AOC paid private attorneys \$22,785,457 from the Indigent Defense Fund for handling 94,862 cases traditionally covered by public defenders, up 14 percent from FY 2004-05.⁴ These numbers are equal to over 70 percent of the District Public Defenders Conference state budget for FY 2004-05 and 59 percent of total public defender dispositions for the FY 2005-06.⁵ According to

Exhibit 2: Dispositions by Case Type and Changes from FY 05 to FY 06

| Case Type | Dispositions | | | Change FY 05 to FY06 | |
|---------------------------|----------------|----------------|----------------|----------------------|-------------|
| | FY 04 | FY 05 | FY 06 | Number | Percent |
| Capital/1st Degree Murder | 51 | 54 | 83 | 29 | 53.7% |
| Felony A | 909 | 736 | 1,055 | 319 | 43.3% |
| Felony B | 3,367 | 3,065 | 3,856 | 791 | 25.8% |
| Felony C, D, & E | 32,510 | 29,465 | 31,915 | 2,450 | 8.3% |
| Probation Violation | 20,525 | 20,637 | 20,463 | -174 | -0.8% |
| Post-Judgment Action | 440 | 595 | 453 | -142 | -23.9% |
| Misdemeanor | 90,976 | 91,364 | 93,802 | 2,438 | 2.7% |
| Juvenile | 7,807 | 6,950 | 7,023 | 73 | 1.1% |
| Total | 156,585 | 152,866 | 158,650 | 5,784 | 3.8% |

Source: Chart produced by Office of Research Staff with data from the TDPDC.

Exhibit 3: Yearly Trend in the Need for Public Defender Resources (FTEs)

| State Net FTEs | FY 05 | FY 06 | Change |
|-------------------------------|--------------|--------------|---------------|
| Total Public Defenders (FTEs) | 310 | 309 | -1 |
| Total Public Defenders Needed | 412 | 432 | 20 |
| Net Excess or Deficit | -102 | -123 | -21 |

Note: This update expands the number of public defender FTEs to include all attorneys from all funding sources as well as attorneys in investigator positions.

Source: Calculations by Comptroller's Office of Research staff based on data from TDPDC, 2006.

Exhibit 4: Comparison of Estimated FTEs Needed in FY 05 and FY 06

| Judicial District | FY 2004-05 | | FY 2005-06 | | Change in Deficit |
|--------------------------|-------------------|----------------------------|-------------------|--------------------------------------|--------------------------|
| | Attorneys | FTEs Excess/Deficit | Attorneys | Estimated FTEs Excess/Deficit | |
| 1 | 8 | 0.38 | 8 | -3.45 | -3.83 |
| 2 | 10 | -1.99 | 10 | -6.19 | -4.20 |
| 3 | 7 | -5.14 | 7 | -6.70 | -1.56 |
| 4 | 7 | -2.76 | 7 | -2.42 | 0.34 |
| 5 | 5 | -5.81 | 6 | -6.12 | -0.31 |
| 6 | 24 | -19.76 | 22 | -31.56 | -11.80 |
| 7 | 4 | -4.76 | 4 | -5.36 | -0.60 |
| 8 | 5 | -2.86 | 5 | -2.23 | 0.63 |
| 9 | 5 | 1.75 | 5 | 0.86 | -0.89 |
| 10 | 6 | -4.23 | 6 | -4.44 | -0.21 |
| 11 | 13 | -3.90 | 13 | -2.97 | 0.93 |
| 12 | 7 | -2.55 | 7 | -3.20 | -0.65 |
| 13 | 7 | -5.49 | 8 | -3.41 | 2.08 |
| 14 | 4 | -1.46 | 4 | -2.04 | -0.58 |
| 15 | 8 | -4.03 | 8 | -4.91 | -0.88 |
| 16 | 8 | -0.59 | 8 | -1.64 | -1.05 |
| 17 | 5 | -6.83 | 5 | -6.72 | 0.11 |
| 18 | 5 | -4.04 | 5 | -4.94 | -0.90 |
| 19 | 9 | -4.26 | 9 | -5.67 | -1.41 |
| 20 | 44 | -16.94 | 44 | -7.46 | 9.48 |
| 21 | 7 | 2.01 | 7 | 2.47 | 0.46 |
| 22 | 7 | -6.99 | 7 | -4.48 | 2.51 |
| 23 | 8 | -2.05 | 7 | -2.57 | -0.52 |
| 24 | 5 | -0.07 | 5 | -0.28 | -0.21 |
| 25 | 6 | -5.02 | 6 | -6.54 | -1.52 |
| 26 | 8 | -0.76 | 8 | -0.52 | 0.24 |
| 27 | 4 | 0.55 | 4 | -0.86 | -1.41 |
| 28 | 4 | -1.46 | 4 | -0.59 | 0.87 |
| 29 | 4 | -0.98 | 4 | -1.59 | -0.61 |
| 30 | 63 | 6.63 | 63 | 0.66 | -5.97 |
| 31 | 3 | 1.89 | 3 | 2.02 | 0.13 |
| Total | 310 | -101.52 | 309 | -122.85 | -21.33 |

Note: This update expands the number of public defender FTEs to include all attorneys from all funding sources as well as attorneys in investigator positions.

Indigent Defense Fund reimbursement data, the average claim for indigent defense in case types PDs would handle was \$240.20 per case in FY 2005-06. The TDPDC reported an average cost of \$191 per case actually handled by a public defender for that same period. ⁶

It is not clear how much of the \$22,785,457 received by private attorneys in FY 2005-06 Indigent Defense Fund reimbursements resulted from insufficient public defender resources. Supreme Court Rule 13 authorizes the Supreme Court to reimburse private attorneys who represent indigent defendants when there is a conflict of interest or some other legal reason the public defender is not able to represent the individual. Reimbursement procedures set forth in T.C.A. 40-14-208 do not require application for reimbursement for the Indigent Defense funds to include a reason for the appointment of a private attorney. Therefore, AOC officials cannot verify compliance with the law regarding use of these funds.

The District Public Defenders' Conference has no data on the number of private attorneys representing indigent defendants appointed because of insufficient public defender resources. However, the TNDPD conference indicates that judges in some districts often appoint private attorneys because the shortage of public defenders is widely acknowledged.⁷ In addition, juvenile cases account for \$1,971,724, or nine percent, of the FY 2005-06 reimbursements from the Indigent Defense Fund.⁸ Thirty percent of juvenile court judges responding to a 2004 Office of Research survey indicated that PD staffing in their district was not adequate to cover juvenile courts, resulting in appointment of private attorneys in most cases.

Judges in both adult criminal and juvenile courts report that public defenders often are unavailable to accept cases resulting in the appointment of private counsel to represent indigent defendants.

FINDINGS

The following findings were included in the FY2003-04 and FY 2004-05 Tennessee Weighted Caseload Study Update: District Public

Defenders. The TDPDC confirmed that these issues still exist for FY 2005-06.

Many juvenile courts do not have adequate public defender representation. Juvenile defendants have the right to counsel by law under T.C.A. 37-1-126. Although the original 1999 public defender weighted caseload study, a report by the Comptroller's Office in January 2004, and interviews with judges from the Council of Juvenile and Family Court Judges (CJFCJ) indicated that some juvenile defendants lacked any attorney representation, recent data shows that most juveniles have access to counsel if they want it. However, in most cases, juvenile court judges appoint private attorneys to represent juveniles facing delinquency, unruly behavior, or status offense charges. Public defenders handled 7,023 juvenile delinquent cases in FY 2005-06. In 2004, PDs handled 12 percent of the 58,683 delinquency, status offense, and unruly behavior cases reported in the Council of Juvenile and Family Court Judges' annual report for that year. ⁹ Indigent Defense Fund data showed that private attorneys filed 7,072 claims for juvenile felony and misdemeanor cases costing a total of \$1,259,704 in FY 2005-06.¹⁰

According to the TDPDC in 2005, the 2nd, 15th, 20th, and 30th judicial districts have permanently assigned public defenders in their juvenile courts. When surveyed by the CJFCJ in 2004, at the request of the Comptroller's office, judges in 17 other districts reported having PDs permanently in their courts on a part-time basis. In these courts, juveniles facing delinquency charges have PD representation unless they waive the right to counsel.

In the remaining districts without permanent PDs, private attorneys most often represent juveniles who exercise their right to counsel. In responses to the 2004 survey, judges in juvenile courts reported that they appoint private attorneys for one of two reasons: 1) PDs are not available at all or within a reasonable amount of time, or 2) the available PDs do not have adequate juvenile court skills or knowledge to represent juvenile defendants. When asked how best to resolve the issue of public defender representation in their courts, all responding judges without permanently assigned PDs, indicated that they needed PDs dedicated to

their courts and specifically trained to handle juvenile cases.¹¹

Not all courts comply with the Tennessee requirements for determination of indigence procedures. T.C.A. 40-14-202 requires, after September 1, 1992, any person “financially unable to obtain the assistance of counsel ...to complete the uniform affidavit of indigency.” The uniform affidavit of indigency is also required under Supreme Court Rule 13. In addition, this section of the code requires a hearing to determine indigence in all felony cases. Consultants during the original study found that “screening for indigency is cursory at best.” Unfortunately, while defendants who provide false information on affidavits of indigency face severe penalties, Tennessee does not have a system of accountability or any penalty for noncompliance with the laws governing the use of screening procedures. As a result, public defenders, or private counsel through the Indigent Defense fund, represented 68 percent of all criminal defendants convicted of felonies in 2004 without knowing if all the defendants were truly indigent.¹²

Public defenders, in response to a 2004 survey, reported that if defendants request an appointed attorney, they usually receive one, regardless of their true financial status. Only one responding district reported that criminal court judges conducted the required hearings in felony cases. However, that same district reported no

compliance with indigence determination procedures in general sessions regardless of the type of charges. One criteria used in every court attended by responding PDs is whether the accused is incarcerated. Judges assume a defendant who has not posted bond is indigent, and often do not even require a sworn affidavit. Even if the defendant fills out and signs an affidavit, no one investigates or confirms the validity of the affidavit. When public defenders investigate because they suspect false statements, they often find the defendant has misstated financial status and successfully request removal from those cases. However, PD offices lack adequate resources to do this regularly.

For FY 2005-06, Public Defenders continue to report a perception that judges appoint them and private attorneys to cases as a matter of convenience to the court. Without monitoring of indigence determination and attorney appointing practices, verification of this allegation or actual procedural compliance remain impossible.

Some public defenders’ offices lack adequate support staff. In the original case-weighting study report, Spangenburg staff recommended “support staff guidelines be adopted in Tennessee in conjunction with the caseload standards.”¹³ T.C.A. 8-14-202 (e) authorizes at least one criminal investigator per district and another investigator for every five assistant public defender positions. The TDPDC indicates that it allocates one secretarial

Exhibit 5: Investigator Positions Filled by Attorneys Carrying Caseloads

| District | Attorneys in Investigator Positions | Total Investigator Positions |
|----------|-------------------------------------|------------------------------|
| 1 | 1 | 2 |
| 4 | 1 | 2 |
| 5 | 1 | 2 |
| 9 | 1 | 2 |
| 12* | 2 | 2 |
| 13 | 1 | 2 |
| 16 | 1 | 2 |
| 19 | 1 | 2 |
| 21* | 2 | 2 |
| 22 | 1 | 2 |
| 23 | 1 | 2 |
| 31* | 1 | 1 |

Source: Chart produced by Office of Research Staff with data from the TDPDC for FY 2005-06.
*Districts using all investigator positions as assistant public defenders.

position for every three attorneys and one office manager per district. For 2005, six districts received funding for new investigator and secretarial positions based on the allocation of new PD positions, the formula set forth in T.C.A. 8-14-202 (e), and the TDPDC policies.

During the original study, the consultants found that some districts used investigator positions as assistant public defenders because of high caseloads. T.C.A. 8-14-207 (c)(4) allows district public defenders to hire attorneys into vacant investigator positions to act as assistant public defenders and to be compensated as such. According to the Public Defenders' Conference, in FY 2005-06, 12 districts had attorneys in investigator positions that were carrying caseloads. (See Exhibit 5.) Of those 12, three had no investigator positions other than those occupied by attorneys acting as defenders.¹⁴ The original report noted "not hiring investigators" compromises the function of representation.¹⁵

The court system lacks a uniform information system to collect disposition data. As of June 30, 2006, the public defenders conference information system, Prolaw, is not integrated with the Tennessee Court Information System (TnCIS),¹⁶ nor are the information systems for the big four urban counties and the Council of Juvenile and Family Court Judges. Thus, several different information systems handle disposition data on the same individuals charged with a criminal offense, leading to a duplication of effort and increasing chances for data entry errors.

RECOMMENDATIONS

The following recommendations were included in the FY2003-04 and FY 2004-05 Tennessee Weighted Caseload Study Update: District Public Defenders.

The General Assembly may wish to ensure that there are enough public defenders to handle the workload based on the need identified in the FY 2005-06 weighted caseload study update. Proper funding of the public defender system would reduce reliance on private attorneys and make more efficient use of Indigent Defense Fund dollars. The General Assembly may wish to consider allocating excess funds from the Indigent Defense Fund to the Public Defenders Conference

to the extent that resources are lacking under the weighted caseload study.

The General Assembly may wish to amend T.C.A. 40-14-202 regarding determination of indigence and appointment of public defenders to ensure accountability of courts' compliance and authorize penalties for non-compliance.

This may reduce the workload for public defenders and cost to the indigent defense fund.

The General Assembly may wish to fund more support staff for public defenders to increase efficiency and reduce cost. Investigators, paralegals, and legal secretaries can provide essential evidence and research, among other things, to a case at a lower cost than attorneys provide, and increase the efficiency of public defenders' case duties.

The General Assembly may wish to authorize a study to determine the number of private attorneys reimbursed from the indigent defense fund because of a lack of public defenders. The AOC may wish to add a section to the form for private attorneys applying for reimbursement from the Indigent Defense Fund citing the reason for the appointment, i.e., conflict of interest or lack of public defender resources.

The Administrative Office of the Courts should integrate public defenders' case information with the Tennessee Court Information System (TnCIS). This could reduce duplication of data entry and ensure more accurate, uniform, and timely case and disposition information.

Endnotes

¹ The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, pp. 48-49.

² See Appendix A for a complete explanation of the study methodology and formulas and Appendix B for other related documents.

³ See Appendix B, Factors Affecting Workload, for a complete list of additional issues affecting workload.

⁴ State of Tennessee, Executive Secretary of the Supreme Court, FY 2005-06 Indigent Defense Funds Claims Statistics, as of Nov. 13, 2006.

⁵ Tennessee District Public Defenders Conference Disposition Data FY 2005-06 and Tennessee District Public Defenders

Conference budget estimates in *State of Tennessee Budget 2005-06*.

⁶ State of Tennessee, Executive Secretary of the Supreme Court, FY 2005-06 Indigent Defense Funds Claims Statistics, as of Nov. 13, 2006 and Tennessee District Public Defenders Conference Cost per Case 2006.

⁷ Tennessee District Public Defenders Conference, Agency response, 1.25.06.

⁸ State of Tennessee, Executive Secretary of the Supreme Court, FY 2005-06 Indigent Defense Funds Claims Statistics, as of Nov. 13, 2006.

⁹ Tennessee District Public Defenders Conference FY 2005-06 disposition data and Council of Juvenile and Family Court Judges 2004 Annual report.

¹⁰ State of Tennessee, Executive Secretary of the Supreme Court, FY 2005-06 Indigent Defense Funds Claims Statistics, as of Nov. 13, 2006.

¹¹ Council of Juvenile and Family Court Judges, Juvenile Court Survey: Adequacy of Public Defender Representation In Juvenile Courts, October 2004.

¹² Administrative Office of the Courts, 2003-04 Felony Convictions Methods of Representation, 2005.

¹³ The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, p. 62.

¹⁴ Tennessee District Public Defenders Conference, District Public Defender Office Staffing 2004-05, received in email to Comptroller's Office of Research October 21, 2005.

¹⁵ The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, pp. 17, 69.

¹⁶ TnCIS is the statewide court information system available to all courts in the state who choose it.

APPENDIX A: DISTRICT PUBLIC DEFENDER WEIGHTED CASELOAD METHODOLOGY

The Spangenberg Group employed a “time-based” methodology to conduct the public defenders’ weighted caseload “time study.” Over the years, the Spangenberg Group concluded “the time-recorded case weighting method” is the most thorough and complete method to determine valid, empirical workload measures that can be translated into caseload standards for public defender programs.¹

Originally, a steering committee worked with consultants from the Spangenberg Group to coordinate the study. The consultants conducted a time study for a period of seven weeks (from January 11 to February 26, 1999). The sample included nine judicial districts – the 2nd, 8th, 5th, 13th, 16th, 20th, 24th, 26th, and 30th districts.² During the study, attorneys kept track of all their time by type of activity, type of case, and disposition. For example, a type of activity would include arraignment, legal research, and sentencing. Sample dispositions include bound over, acquitted, convicted.

The steering committee narrowed all cases into the following major categories for the time study. They are:

1. Capital/First Degree Murder
2. Felony A
3. Felony B
4. Felony C/D/E
5. Misdemeanors
6. Juvenile
7. Probation Violations
8. Post Judgment Actions, and
9. Other

Counting Dispositions versus Filed Cases

The methodology employed by the Spangenberg Group in the time study counted cases by dispositions. The time study measured the average amount of time spent to dispose of a case. While no study can calculate workload exactly, dispositions more accurately reflect the workload of attorneys than filings. Counting filings reflects only

the number of cases opened during a given time period, not the time and work to complete the case. Cases can linger without action for months after filing. Dispositions reflect the total time spent working on a case, even if the case is filed in a previous year. In addition, if a case is filed and disposed in the same year it will be counted in the number of disposed cases in the weighted caseload study.

Disposition Methodology

Table 1 provides the basic definitions of calculations used in the methodology, followed by an overview of the methodology used to estimate the public defender resources needed.

Case Weights

The formula to determine the projected workload and resulting standard for each type of case uses “attorney-time-per-disposition,” calculated by adding the total hours attributed to a case type during the time study and dividing that number by the total number of dispositions for the same case-type during the time study period.³ To determine case weights for the various case types attorneys kept up with all the time they spent on cases and the number of cases disposed during the time study by the different case types listed below.

The following is an example of how a Felony A case is calculated:

The total time spent on felony A cases during the time study = 2,990:46 (hours: minutes.) The total dispositions reported during the same time = 86. Therefore,

Case weight = 2990:46 ÷ 86, or 29:57 per case.

While some cases may take more or less than 30 hours, this is an average amount of time as calculated by the time study.

Table 1

| Data Element | Description & Source | Formula |
|------------------------------------|--|--|
| Case Weight | Average time required to dispose of different case types based on attorney time divided by number of dispositions by case type reported on the Daily Activity Log sheet during the time study. | Total case hours ÷ total dispositions in time study |
| Case Dispositions | Closed cases. | Dispositions counted by highest class charge at the time the case is closed. |
| Annual Number of Case Dispositions | Total annual number of case dispositions by case types collected from the Public Defenders Conference. | Add total dispositions from each judicial district by case types. |
| Public Defender Year Value | The total amount of time available for processing cases per full-time attorney based on the State standard 7.5 hour workday. | See Table 2. |
| Workload Standard | The total number of cases an attorney should be able to handle in a year for a single case type if that were the only type of case handled. | Workload Standard = Attorney Year ÷ case weight |
| FTEs (Full Time Equivalents) | The total number of resources/attorneys needed to handle workload. | 1635 hours ÷ Workload Standard (PD Year Value) |

Case Dispositions

Case dispositions are counted by the highest charge in the case *at the time of disposition* (when the case is closed). For example, a person may be initially charged with one felony A count, one felony B count, and two misdemeanor counts. If at trial the felony A count is dismissed and the defendant is found guilty on all other counts, the case is counted as a felony B case at disposition.

Attorney Year

The attorney year, or amount of time an attorney has to devote to cases, must be determined to calculate the workload standards for the different cases. Tennessee public defenders work a 7.5-hour workday, and receive ten annual leave days and five annual sick days. In addition, Tennessee observes 12 state holidays. Public defenders also are paid for five days of official conferences and for ten days of continuing legal education training each year.

Based on these figures, the Public Defender Weighted Caseload Steering Subcommittee determined that the average Tennessee public defender works 1,635 hours per year. Table 2 displays the formula and calculations used to determine the total attorney hours per year:

Workload Standard Formula

The original consultant's report defined workload standards as "the average number of cases that a single attorney can be expected to handle during the course of one year if that attorney handles only that type of case." Once the case weights and attorney year are calculated, the workload standards can be calculated. The workload measure for each case type is calculated by dividing the attorney year by the case weight for each case type.⁴

Table 2

| Attorney Hours Per Year | | | |
|--|---|----------------------|--------------|
| | | Calculation | Hours |
| A. | Work Day | | 7.5 |
| B. | Work Week | (Row A x 5) | 37.5 |
| C. | Work Year (Prior to Leave Time Allowance) | (Row B x 52) | 1,950 |
| Leave Time | | | |
| | | Days Per Year | Hours |
| D. | State Holidays | 12 | 90 |
| E. | Annual Leave | 10 | 75 |
| F. | Sick Leave | 5 | 37.5 |
| G. | Official Conferences | 5 | 37.5 |
| H. | Continuing Legal Education Training | 10 | 75 |
| I. | Total All Leave | 42 | 315 |
| Total Available Attorney Hours Per Year | | | |
| | | (Row C - Row I) | 1,635 |

260 days (total workdays in a year) – 42 (total training and leave days per year) = 218 days.

Source: The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, p. 55.

Workload Standard = 1635 ÷ attorney hours per disposition (case weight)⁵

Example: case type Felony A workload standard is calculated as follows:

$$1635 \div 29:57 = 55$$

The consultants attempted to perform this calculation for each case type.⁶ Because of the small sample size and shortness of the time study, it was not possible to calculate the workload for some case types. For example, there was not enough data from the time study to develop a work measure for Capital/First Degree Murder (death penalty) and appeal cases. Thus, the consultants established a workload measure by using averages of standards from other states, which equaled five cases per year.⁷

Determining accurate workload measures for the three categories of felonies also proved problematic. To calculate a more accurate workload The Spangenberg Group added all types of felonies to calculate one workload standard. This resulted in a workload standard of 233 cases per year for felony cases.⁸

In addition, analysis of time study data showed the workload for misdemeanor cases to be 850 per year. Based on 176 workdays available per year, attorneys would need to dispose of about five cases per day, if those were the only types of cases an attorney handled. The Spangenberg Group found this to be excessive, at approximately twice the number found in studies conducted in 12 other states where the standards were usually about 400.⁹ Therefore, they adjusted the workload standard to 500 cases per year.

Based on these adjustments Table 3 lists the workload standard for each case type used in the formula to calculate FTEs.

Formula to Calculate Full Time Equivalent (FTEs)

The formula used to calculate the number of attorney resources (FTEs needed) is the total dispositions for the fiscal year (as reported by the Public Defenders Conference by Case Type) ÷ Workload Standard established in original consultants' study.¹⁰ More simply put:

$$(FTEs) = \text{Total Dispositions} \div \text{Workload Standard}$$

Table 3: Case Types and Workload Measures to Estimate Public Defender Staffing Needs

| Case Type | Workload Standard |
|---------------------------------------|-------------------|
| Capital/1 st Degree Murder | 5 |
| Felony | 233 |
| Misdemeanor | 500 |
| Juvenile | 273 |
| Appeals | 25 |
| Other | 795 |

Note: Workload Standard means the total number an attorney should be able to handle if they handled that case type only.

Source: The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, p. 65.

Using the disposition data from FY 1998, the workload standards established in the time study, and number of attorneys at that time, the consultants determined that the state needed 56 additional assistant public defenders.¹¹

The Spangenberg Group “strongly” recommended against using the formula to calculate the FTEs for each district because of the many other factors that affect workload.¹² Instead, the report suggested calculating total state resources needed, and let “policy-makers in conjunction with representatives from TDPDC and the Weighted Caseload Study Steering Committee” decide how to allocate resources among the different districts. (See Appendix D: District-by-District Public Defender Staffing Estimates and Appendix C for a map of Tennessee Judicial Districts.)

The main factors the report cited affecting workload include the source and amount of additional local funding available to a judicial district and number of support staff, especially investigators.¹³ However, at the request of the General Assembly the Spangenberg Group provided a list of FTEs needed by district in Appendix C of the original report. Those numbers, along with a comparison of 2004 estimated staffing needs, appear in the Analysis and Conclusions section of this report.

Qualitative Issues

As noted, “the ability to *weight* cases allows thorough consideration of not just the raw number of cases assigned to a public defender program annually, but also the overall severity of cases handled by the program. However, this ability is particularly valuable in light of numerous factors

affecting indigent defense caseloads nationally and locally.”¹⁴ The original report listed several elements that affect workload other than cases such as work environment, travel time, and available support staff. (See Appendix B: Factors Affecting Workload.)

Endnotes

¹ The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, p. 11.

² Originally there were 10 districts, which included the 19th district, but because of a tornado that caused serious damage to the courts and offices in that district, it was excluded.

³ Spangenberg study, p. 53.

⁴ *Ibid.*, pp. 55-56.

⁵ *Ibid.*

⁶ *Ibid.*, Table 6-3, p. 56.

⁷ *Ibid.*, pp. 60-61 and 64.

⁸ *Ibid.*, p. 64.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*, pp. 55-56, 60-61, 64-66.

¹³ *Ibid.*, p. 66.

¹⁴ *Ibid.*, pp. 24-25.

APPENDIX B: FACTORS AFFECTING PUBLIC DEFENDERS' WORKLOAD ¹

As the preceding discussion indicates, factors such as geography and population density can contribute to regional variations in public defender practice. Moreover, national and local trends in criminal justice jurisprudence and legislative and law enforcement policies necessarily influence the way the public defender must approach his or her work. The public defender's duties are defined by not just the number of cases they must handle, but also their increasing complexity. This is the premise behind a case weighting study.

The ability to weight cases allows thorough consideration of not just the raw number of cases assigned to a public defender program annually, but also the overall severity of cases handled by the program. However, this ability is particularly valuable in light of numerous factors affecting indigent defense caseloads nationally and locally. For instance, "tough on crime" legislation has been enormously popular around the country in recent years, resulting in new mandatory minimum sentences and habitual offender sentence enhancements. Each of these phenomena produces greater numbers of initial filings by prosecutors, as well as fewer cases which can be diverted out of the system at an earlier stage of litigation.

While violence-related drug crimes have been a main target of prosecution for several years, we have begun to see a considerable increase in arrests of non-violent drug offenders as well.

Other important factors nationwide include:

- Changes in statutes, case law, or court rules in individual states that increase the types of cases or proceedings for which counsel is required;
- Changes in the economy, resulting in increased claims of indigence;
- Increased levels of appropriation to public safety and prosecutorial functions, without a commensurate increase to public defenders, resulting in greater numbers of prosecutions and case filings;
- Increased levels of appropriation to corrections and prison facilities, enabling greater numbers of offenders to be incarcerated;

- Changes in public policy or office policy within public defender offices requiring the performance of additional tasks, e.g., preparation of sentencing reports and diversion recommendations, indigency screening, and appellate review;
- Changes in prosecutorial practices such as the institution of career criminal prosecution programs or policies limiting plea bargaining in certain types of cases;
- Changes in the method of case disposition or the stage at which cases are disposed, e.g., increase in trials, more frequent use of juries, fewer dismissals, less plea bargaining at early stages of the case;
- Changes in the nature of offenses for public defenders with an increased percentage of cases exposing clients to substantial, mandatory imprisonment;
- Reductions in court processing time through added judgeships or other increases in court efficiency; and
- Changes in procedural handling (e.g., speedier trials or preliminary hearings) for certain classes of offenses.

¹The Spangenberg Group, *Tennessee Public Defender Case-Weighting Study*, April 1999, pp. 23-25.

APPENDIX C: 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 - Coker, 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

APPENDIX D: PUBLIC DEFENDER WEIGHTED CASELOAD MODEL UPDATE

| Casetype | Workload Standard | Case Dispositions per Judicial District ^(e) | | | | | | | | | | | | |
|-------------------------------------|-------------------|--|--------------|--------------|--------------|--------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | | | |
| Capital/1st Degree Murder | 5 | 1 | 6 | 2 | 5 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Felony ^(b) | 233 | 1,282 | 793 | 1,072 | 820 | 607 | 3,158 | 700 | 691 | 493 | 1,230 | 1,230 | 1,230 | 1,230 |
| Misdemeanor | 500 | 2,327 | 3,809 | 3,493 | 1,866 | 2,642 | 15,426 | 2,363 | 1,764 | 750 | 1,566 | 1,566 | 1,566 | 1,566 |
| Juvenile | 273 | 88 | 198 | 81 | 55 | 192 | 1,580 | 155 | 158 | 104 | 253 | 253 | 253 | 253 |
| Appeals | 25 | 5 | 60 | 12 | 5 | 80 | 14 | 0 | 0 | 0 | 10 | 10 | 10 | 10 |
| Probation Violations/Other | 795 | 453 | 668 | 743 | 607 | 264 | 1,119 | 845 | 126 | 111 | 561 | 561 | 561 | 561 |
| Total Dispositions | | 4,156 | 5,534 | 5,403 | 3,358 | 3,785 | 21,304 | 4,063 | 2,739 | 1,458 | 3,620 | 3,620 | 3,620 | 3,620 |
| Total # of PDs ^(d) | | 8 | 10 | 7 | 7 | 6 | 22 | 4 | 5 | 5 | 6 | 6 | 6 | 6 |
| FTEs Needed for Year ^(c) | | 11.45 | 16.19 | 13.70 | 9.42 | 12.12 | 53.56 | 9.36 | 7.23 | 4.14 | 10.44 | 10.44 | 10.44 | 10.44 |
| FTE Deficit or Excess | | -3.45 | -6.19 | -6.70 | -2.42 | -6.12 | -31.56 | -5.36 | -2.23 | 0.86 | -4.44 | -4.44 | -4.44 | -4.44 |

| Casetype | Case Dispositions per Judicial District ^(a) | | | | | | | | | | | |
|-------------------------------------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|--------------|--------------|
| | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | |
| Capital/1st Degree Murder | 0 | 7 | 1 | 0 | 0 | 0 | 2 | 0 | 3 | 0 | 0 | 0 |
| Felony ^(b) | 1,568 | 735 | 1,046 | 403 | 1,241 | 1,150 | 1,066 | 1,373 | 1,428 | 4,290 | 474 | 474 |
| Misdemeanor | 3,264 | 2,277 | 2,260 | 1,451 | 2,542 | 2,192 | 1,801 | 1,400 | 2,865 | 11,990 | 868 | 868 |
| Juvenile | 430 | 86 | 82 | 326 | 322 | 8 | 350 | 0 | 0 | 1,462 | 64 | 64 |
| Appeals | 2 | 1 | 19 | 0 | 7 | 6 | 30 | 3 | 22 | 13 | 1 | 1 |
| Probation Violations/Other | 838 | 582 | 906 | 174 | 828 | 41 | 523 | 893 | 1,060 | 2,537 | 384 | 384 |
| Total Dispositions | 6,102 | 3,688 | 4,314 | 2,354 | 4,940 | 3,397 | 3,772 | 3,669 | 5,378 | 20,292 | 1,791 | 1,791 |
| Total # of PDs ^(d) | 13 | 7 | 8 | 4 | 8 | 8 | 5 | 5 | 9 | 44 | 7 | 7 |
| FTEs Needed for Year ^(c) | 15.97 | 10.20 | 11.41 | 6.04 | 12.91 | 9.64 | 11.72 | 9.94 | 14.67 | 51.46 | 4.53 | 4.53 |
| FTE Deficit or Excess | -2.97 | -3.20 | -3.41 | -2.04 | -4.91 | -1.64 | -6.72 | -4.94 | -5.67 | -7.46 | 2.47 | 2.47 |

| Casetype | Case Dispositions per Judicial District ^(a) | | | | | | | | | | | Totals |
|-------------------------------------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|-------------|-------------|----------------|
| | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | | |
| Capital/1st Degree Murder | 1 | 0 | 0 | 3 | 3 | 2 | 0 | 0 | 40 | 0 | 0 | 83 |
| Felony | 918 | 648 | 644 | 1,221 | 804 | 657 | 502 | 542 | 5,182 | 88 | 88 | 36,826 |
| Misdemeanor | 2,879 | 1,991 | 772 | 2,068 | 1,411 | 564 | 717 | 710 | 13,629 | 145 | 145 | 93,802 |
| Juvenile | 0 | 362 | 13 | 190 | 48 | 35 | 64 | 261 | 12 | 44 | 44 | 7,023 |
| Appeals | 8 | 9 | 21 | 21 | 16 | 5 | 11 | 17 | 54 | 1 | 1 | 453 |
| Probation Violations/Other | 1,004 | 893 | 70 | 817 | 658 | 149 | 263 | 163 | 2,093 | 90 | 90 | 20,463 |
| Total Dispositions | 4,810 | 3,903 | 1,520 | 4,320 | 2,940 | 1,412 | 1,557 | 1,693 | 21,010 | 368 | 368 | 158,650 |
| Total # of PDs | 7 | 7 | 5 | 6 | 8 | 4 | 4 | 4 | 63 | 3 | 3 | 309 |
| FTEs Needed for Year ^(c) | 11.48 | 9.57 | 5.28 | 12.54 | 8.52 | 4.86 | 4.59 | 5.59 | 62.34 | 0.98 | 0.98 | 431.84 |
| FTE Deficit or Excess | -4.48 | -2.57 | -0.28 | -6.54 | -0.52 | -0.86 | -0.59 | -1.59 | 0.66 | 2.02 | 2.02 | -122.84 |

Source: Calculation by Comptroller's Office of Research based on data from the Tennessee Public Defenders General Conference.

(a) Dispositions based on highest charge if case involves more than one charge.

(b) Includes all classes of felonies.

(c) FTEs needed are calculated by dividing number of dispositions by workload measure per case type.

(d) Includes all attorneys from all funding sources as well as attorneys in investigator positions.

APPENDIX E: RESPONSE LETTER FROM DISTRICT PUBLIC DEFENDERS CONFERENCE

Jeffrey S. Henry
Executive Director

C. Kevin Batts
Deputy Executive Director

Kathy Hartman
Fiscal Director

Maria Anderson
Personnel Director

STATE OF TENNESSEE
District Public Defenders Conference
OFFICE OF EXECUTIVE DIRECTOR



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January 8, 2007

Ethel Detch, Director
Comptroller of the Treasury, Office of Research
505 Deaderick Street, Suite 1700
Nashville, TN 37243-0268

Dear Director Detch:

Thank you for submitting the FY 2005-2006 Public Defender Weighted Caseload Study Update for our review. The Conference Office staff and I have thoroughly reviewed the report, and we are satisfied with its accuracy.

Your staff is to be commended for producing this well-researched, quality report. We enjoyed working with you, and we know the citizens of Tennessee will benefit from your findings.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey S. Henry".

Jeffrey S. Henry
Executive Director

cc: Hon. John Morgan
Susan Mattson

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