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Summary and Recommendations: A Weighted Caseload Study Would Help Determine District Attorney Staffing Needs for Municipal Courts of Concurrent Jurisdiction; Per Diem Could Be an Interim Solution

There are 23 cities in Tennessee with authority to operate municipal courts of a special type within the state's judicial system. These are courts of "concurrent jurisdiction." Unlike traditional municipal courts, which are usually limited to cases involving municipal ordinances and low-level misdemeanors, these courts of concurrent jurisdiction can hear the same types of criminal cases involving state law as their county's general sessions court—general sessions jurisdiction varies by county, but for criminal cases, it typically includes misdemeanors and the preliminary hearings for felony cases.

Representatives for district attorneys (DAs) and cities disagree about whether cities have a responsibility to provide funding for DAs to staff courts of concurrent jurisdiction, and if so, how much they should provide. State law requires DAs to prosecute cases involving violations of state criminal statutes in these courts where the city supplies "sufficient personnel," but it doesn't explicitly define what is sufficient or state whether this includes funding for DA staff. Cities with these courts typically fund various aspects of their operations, including providing for courtrooms, judges, clerks, and security, among others. But only around half of these cities provide any funding for DA staff.

In 2022, the DA serving Gibson County notified Milan and Trenton—two cities with concurrent jurisdiction—that his office would no longer prosecute cases in their courts, citing the cities' lack of funding for DA staff. The incident led to a lawsuit in which the trial court ruled in favor of Milan and Trenton, though the case is under appeal. In the 113th General Assembly, Senate Bill 2054 by Senator Jackson and House Bill 2205 by Representative Barrett proposed a solution that would have required cities to provide funding (see appendix A). It passed in the House but was referred to the Tennessee Advisory Commission on Intergovernmental Relations for study by the Senate Finance, Ways and Means Committee. Although the commission does not recommend the bill, a weighted caseload study would help assess DA staffing needs, and per diem arrangements could provide an interim solution.

Tennessee's judicial system is geographically organized into 32 judicial districts of varying size—some districts are comprised of a single county, while the largest districts include five or more counties. Among the various types of courts that serve these districts, each county has its own general sessions court—although a few have two. In

contrast, the 23 cities with authority to operate courts of concurrent jurisdiction are not spread evenly across the state; instead, they are concentrated in just 12 judicial districts and 13 counties. See map 1.

Each judicial district is served by a locally elected DA, whose office is responsible for prosecuting violations of state criminal statutes in the district's courts. This includes but is not limited to cases in general sessions courts and, where the city has supplied sufficient personnel, municipal courts of concurrent jurisdiction but not cases in traditional municipal courts. Funding for DA staff in Tennessee is largely derived from appropriations made by the General Assembly each year. In fact, while some assistant district attorneys (ADAs) are supported by county or other local government funding or grants (see appendix C), 71% are state funded.

The extent to which municipal courts of concurrent jurisdiction affect DA staffing needs is nuanced. These courts do not add to the overall caseload of individual DA offices, because if the courts did not exist, the cases stemming from crimes in these cities would be taken up in their county's general sessions court, and the same DA's office would still be responsible for them. But representatives for DAs say that serving these courts does place additional demands on their staff. For example, ADAs and other support staff, such as victim-witness coordinators, cannot be in two places at once, so if a court of concurrent jurisdiction meets at the same time as the county general sessions court, it represents another court for their offices to staff. And they say most DA's offices are located near county general sessions courts, so the travel time from their offices to concurrent jurisdiction courts can be burdensome.

Senate Bill 2054 and House Bill 2205 would have addressed the DAs' concerns by requiring cities with courts of concurrent jurisdiction to provide funding to their DA for additional staff. Specifically, it would have (1) required cities with these courts to fund at least one ADA position for their DA and (2) granted the DA sole discretion to determine whether the city needed to fund additional prosecutorial personnel.

Representatives for cities opposed the bill and raised several concerns. Among these, the bill would have allowed DAs to make funding decisions for the city and might have superseded existing funding agreements that some cities have with their DA. Several cities questioned why they should fund a full-time ADA position when their courts meet infrequently, and there was concern that the ADA might then work in other courts in the judicial district outside the city, meaning that city residents would be solely responsible for funding a position that benefited the entire district. Some cities pointed out that their courts already operate on tight budgets, or even at a loss, and that if required to fund a full-time ADA, they might give up their concurrent jurisdiction. While the impact of that could be minimal in some districts, in others, stakeholders said the transfer of a large case

volume could create costs for the county general sessions court. In Dyer County, the loss of Dyersburg's court of concurrent jurisdiction might necessitate adding a new general sessions division. Hamilton County would perhaps need a new courtroom to accommodate roughly 20,000 additional cases per year if cities in that county gave up their courts of concurrent jurisdiction. And when the City of Dickson gave up concurrent jurisdiction several years ago, the county general sessions court had to hire two new staff to handle the increased caseload. In short, according to cities, the bill adopts a one-size-fits-all solution despite the wide variation among municipal courts of concurrent jurisdiction. For these reasons, **the commission does not recommend the bill.**

Given the variation among municipal courts of concurrent jurisdiction, it would be beneficial to assess each court's individual effect on the staffing needs of their district's DA office, when determining what, if any, funding cities with these courts might be required to provide their DAs. What level of DA staffing might be sufficient is best determined by a weighted caseload study, which accounts for the different types of cases from simple misdemeanors to the most complex felony cases and the varying amounts of time they demand. State law requires the Tennessee Comptroller of the Treasury to produce periodic weighted caseload studies, but one for DAs or public defenders has not been produced since fiscal year 2005-06 because of challenges in data collection from general sessions courts, although the Tennessee Administrative Office of the Courts has been working to gather the needed data. **The commission recommends that the state undertake a weighted caseload study as soon as feasible to establish the staffing needs of district attorneys based on all the courts they serve, including municipal courts with concurrent jurisdiction.**

In acknowledgement of the likelihood that courts of concurrent jurisdiction impose at least some additional staffing needs on their DAs, a reasonable compromise on funding can be found among the existing voluntary agreements that 13 of the cities with these courts have with their DAs. These agreements vary greatly, with some cities either individually or jointly funding a full-time ADA and others funding part-time positions. Still others, including Smyrna, pay a simple per diem to ADAs for each day they attend the municipal court—in Smyrna's case this is \$150 per ADA, with the same amount for public defenders. Considering the variation among courts of concurrent jurisdiction and the funding concerns of some cities, arrangements like Smyrna's may offer a suitable approach to balancing the needs of DAs and cities until a weighted caseload study can be completed. **Therefore, the commission recommends that to assist with district attorney staffing needs prior to the completion of a weighted caseload study, each city with a municipal court of concurrent jurisdiction that does not already have an existing funding arrangement with its DA should negotiate a per diem payment for DA staff.**

Map 1. Judicial Districts and Cities Authorized to Operate Courts of Concurrent Jurisdiction



Cities Authorized to Operate Courts of Concurrent Jurisdiction, by Judicial District

- Operates a court of concurrent jurisdiction
- Authorized to operate a court of concurrent jurisdiction but does not exercise this authority

Source: Commission staff analysis of data provided by Tennessee Municipal League and University of Tennessee's Municipal Technical Advisory Service.

Analysis: Municipal Courts of Concurrent Jurisdiction and District Attorney Staffing

Tennessee’s courts run on the concerted efforts of many different stakeholders, from prosecutors to defense attorneys, judges, clerks, and police officers, all of whom share a common duty to provide fair and timely access to justice, but who may also face significant—and sometimes conflicting—demands on their staffing, resources, time, and funding. The court system itself is a patchwork of different types of courts—each with their own jurisdiction—including municipal courts of concurrent jurisdiction. As their name implies, these are city courts that also have concurrent or overlapping jurisdiction with state-level courts, specifically general sessions courts. This means that they are able to hear a variety of cases involving violations of state law.

There is disagreement about whether cities have a responsibility to provide funding for DAs to staff municipal courts of concurrent jurisdiction, and if so, what they should provide. State law requires that district attorneys (DAs) prosecute cases involving violations of state criminal statutes in these courts when the city supplies “sufficient personnel.”¹ But the law does not explicitly state what may be sufficient or whether this includes funding for prosecutorial personnel, including but not necessarily limited to assistant district attorneys (ADAs) and other support positions like victim-witness coordinators.

Senate Bill 2054 by Senator Jackson and House Bill 2205 by Representative Barrett in the 113th General Assembly proposed a solution that would have required cities with courts of concurrent jurisdiction to provide funding for one ADA and granted district attorneys sole discretion to determine whether the city needed to fund additional prosecutorial personnel beyond that. The bill passed in the House but was referred to the Tennessee Advisory Commission on Intergovernmental Relations for study by the Senate Finance, Ways and Means committee. The bill was preceded by a lawsuit in West Tennessee in which the DA for the 28th judicial district—consisting of Gibson, Crockett, and Haywood Counties—informed Milan and Trenton that he would no longer send ADAs to prosecute cases in their courts of concurrent jurisdiction, citing the cities’ lack of funding for DA staff. The cities sued, and in the resulting lawsuit—*City of Milan and City of Trenton v. Frederick Agee*—the trial court ruled in favor of the cities. As of January 2025, the case is under appeal.

¹ Tennessee Code Annotated, Section 8-7-103.

Municipal courts of concurrent jurisdiction occupy a peculiar position in Tennessee’s judicial landscape.

Tennessee’s court system is subdivided into different types of courts, ranging from municipal courts to the state Supreme Court, with a variety of others in between, including appellate, circuit, chancery, and general sessions courts, among others. Each class of court has its own designated jurisdiction—that is, a set of types of cases that it can hear. Some have more general jurisdiction; circuit courts, for example, are trial courts that may hear civil and criminal cases, as well as some appeals from lower courts.² Others have what is called limited jurisdiction and have a narrower or specialized focus, such as juvenile, drug, and environmental courts.³ This taxonomy of courts is not fixed, though, and has evolved over time as the state has tried to address ever-changing caseload demands—criminal courts, for instance, were established to absorb some of the criminal caseload from circuit courts.⁴ The concern of the present study, however, is one type of court that occupies a unique niche in the state’s judicial system, namely municipal courts of concurrent jurisdiction, which are a hybrid of general sessions courts and municipal courts. To understand their place in the wider system, it’s necessary to first understand these other two types of courts as they exist separately.

General sessions courts are state courts and, despite their name, are counted as having limited rather than general jurisdiction. The details of general sessions courts’ exact jurisdiction can vary from county to county,⁵ but broadly speaking, they may hear both civil and criminal cases under state law, although for criminal cases they mainly hear misdemeanors, and for felony cases, they may only hold preliminary hearings—that is, hearings before the case might be sent to a grand jury. Like many state-level courts, general sessions courts are organized into one of 32 judicial districts (see map 1), each of which has its own locally elected DA who oversees a staff of ADAs and delegates them to prosecute cases in these state courts. For the most part, each county in the state has one general sessions court—although there are a few exceptions, with Anderson, Polk, and Gibson Counties each having two general sessions courts, for example.⁶

² Tennessee Administrative Office of the Courts “About the Trial Courts.”

³ Tennessee Advisory Commission on Intergovernmental Relations 2017.

⁴ Tennessee Administrative Office of the Courts “About the Trial Courts.”

⁵ Tennessee Administrative Office of the Courts “About General Sessions Courts.”

⁶ Correspondence with Amanda Brown, court clerk, City of Humboldt, September 6, 2024; and with Brooklynn Townsend, general sessions and juvenile judge, Polk County, September 7, 2024.

Municipal courts are not state courts and only hear cases related to local city ordinances—for example, zoning violations—or any municipal ordinance that mirrors a class C misdemeanor under state law—typically traffic violations—but not more serious class A or B misdemeanors.⁷ Once again, there are some exceptions to this—notably courts for metropolitan governments and cities with populations of 150,000 or more⁸—but in general, a traditional municipal court does not have jurisdiction to hear cases more serious than low-level misdemeanors. DAs typically do not prosecute cases in these municipal courts. There is no definitive information source at the state level that maintains data on municipal courts, and so even the exact number of them is not entirely certain, though the best available data suggest there are at least 249 municipal courts in Tennessee.⁹

A municipal court of concurrent jurisdiction, by contrast, is a combination: a court operated by a city government but whose jurisdiction extends to and overlaps with that of a general sessions court, meaning that it can hear many of the same types of cases involving state law as its county’s general sessions court. Compared to traditional municipal courts, there are relatively few municipal courts of concurrent jurisdiction in the state. Again, there is no authoritative source that maintains an official count of them, but data provided by the University of Tennessee’s Municipal Technical Advisory Service (MTAS) and the Tennessee Municipal League indicate 23 cities with authority to operate courts of concurrent jurisdiction (see map 1 (reposted)),¹⁰ concentrated in just 12 of the state’s 32 judicial districts—and in 13 counties. Perhaps most notably, Hamilton County has six such courts (although one is inactive), Shelby County has three, and Dyer, Gibson, and Humphreys Counties each has two. Although 23 cities have authority to operate one of these courts, two of them—Signal Mountain and Oliver Springs—are no longer using their concurrent jurisdiction even though they have not formally eliminated it, leaving a total of 21 municipal courts of concurrent jurisdiction that are active in Tennessee.

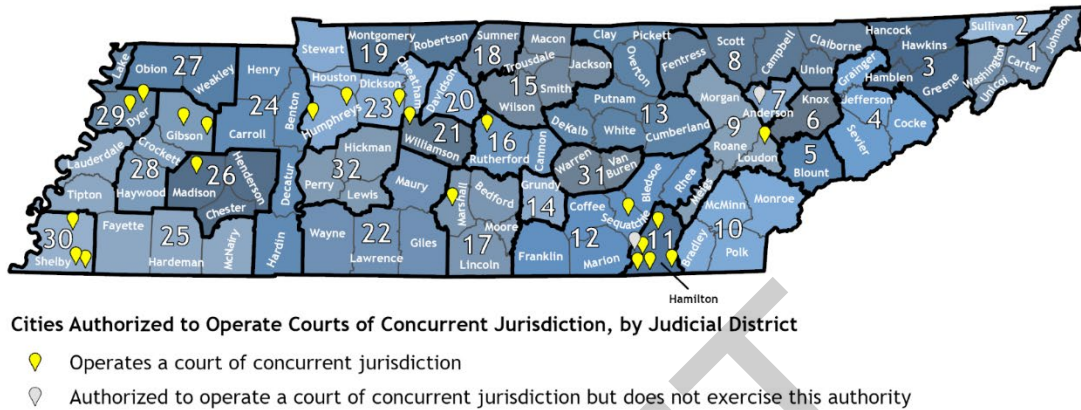
⁷ That is, provided the maximum penalty in general is no more than \$50. Tennessee Code Annotated, Section 16-18-301 et seq.

⁸ Tennessee Code Annotated, Section 16-18-302(b).

⁹ Correspondence with John Eskew, municipal court specialist, Municipal Technical Advisory Service, June 26, 2024. The Tennessee Municipal Judges Benchbook concurs, saying there are “approximately 250” municipal courts in the state (Smith 2022).

¹⁰ Commission staff analysis of data provided by John Eskew, municipal court specialist, Municipal Technical Advisory Service, June 26, 2024, and Tennessee Municipal League, August 16, 2024.

Map 1. Judicial Districts and Cities Authorized to Operate Courts of Concurrent Jurisdiction



Source: Commission staff analysis of data provided by Tennessee Municipal League and University of Tennessee’s Municipal Technical Advisory Service.

Municipal courts of concurrent jurisdiction can vary drastically in their size and caseloads.

Both judicial districts and municipal courts of concurrent jurisdiction vary considerably amongst themselves. The 32 judicial districts in the state differ in size (see map 1 (reposted)), with some covering just one county while others span a much larger area—including several that cover five or more counties. The 24th district, for instance, extends from Henry County on the northern edge of the state down to Hardin County on the border with Alabama, while the 13th district spans seven counties. DA staff in those districts may sometimes have to travel long distances to be able to attend court, depending on immediate needs.

Municipal courts of concurrent jurisdiction also vary in their caseloads. Some, like McEwen and White Bluff, convene only once or twice per month, but a few hold court several days a week because they handle so many cases.¹¹ In fact, some municipal courts

¹¹ Interview with Patrick Lafferty, municipal court clerk, City of Collierville, July 16, 2024; and correspondence with Tennessee Municipal League, August 16, 2024.

of concurrent jurisdiction handle a volume of cases that is similar to the general sessions courts in their counties.¹²

The number of municipal courts of concurrent jurisdiction has been stable for years and is unlikely to grow.

There has been little change in the number of municipal courts of concurrent jurisdiction over the years, with most having been established decades ago either through their city charters or private acts. Since the Municipal Court Reform Act of 2004,¹³ however, any city that wishes to create a new municipal court of concurrent jurisdiction must undertake a feasibility study, which, among other things, must consider “the extent, if any, to which the proposed plan would unduly burden the existing staffs of the district attorney general or district public defender.”¹⁴ The feasibility committee overseeing the study must also include a number of county government stakeholders as well, and if the study receives the committee’s approval, it must then also receive approval by the judicial committees in both chambers of the General Assembly. Only two cities have obtained such approval since the Reform Act was passed, those being Lenoir City and McEwen.¹⁵ All other municipal courts of concurrent jurisdiction currently in existence predate the statute.

Conversely, three cities have surrendered their concurrent jurisdiction in recent years, namely Ashland City, Dickson, and Millington.¹⁶ Their reasons for giving up concurrent jurisdiction focus primarily on cost. For example, the City of Dickson gave up its concurrent jurisdiction at least in part because rapid growth in the city’s population brought on a surge in caseload, and the city would have had to invest in expanding the

¹² Interviews with Ray Crouch, district attorney general, 23rd Tennessee judicial district; and Dean Dedmon, municipal court judge with general sessions jurisdiction, City of Dyersburg, speaking at the commission panel on DA staffing on September 11, 2024.

¹³ Public Chapter 914, Acts of 2004, now codified in Tennessee Code Annotated, Section 16-18-311.

¹⁴ Tennessee Code Annotated, Section 16-18-311.

¹⁵ Interview with John Eskew, municipal court specialist, Municipal Technical Advisory Service, June 25, 2024; correspondence with Tennessee Municipal League, August 16, 2024.

¹⁶ Interviews with Gina Swaner, municipal court clerk, City of Dickson, July 23, 2024; and Cynthia Hollingsworth, court clerk, and Brandy McCarver, deputy court clerk I, Ashland City, June 26, 2024; correspondence with Beverly Karnes, city court clerk, City of Millington, January 14, 2025.

court's capacity.¹⁷ Ashland City dissolved its concurrent jurisdiction partly in expectation that it might save the city money.¹⁸

Stakeholders on all sides face demands on scarce resources and limited time.

The different stakeholders who run Tennessee's courts—from prosecutors to defense attorneys, judges, clerks, and police officers—share a common duty to provide fair and timely access to justice. At the same time, they can also face significant—and sometimes conflicting—demands on their staffing, resources, time, and funding.

DAs, as well as public defenders, say that attending municipal courts of concurrent jurisdiction poses an additional burden on their existing workloads.¹⁹ The effect is nuanced. Although these courts of concurrent jurisdiction do not add to DAs' overall caseloads—if such courts did not exist, the cases stemming from crimes in these cities would simply be heard in the county general sessions court instead—representatives for DAs point out that ADAs and other support staff, such as victim-witness coordinators, cannot be in two places at once, so if a court of concurrent jurisdiction meets at the same time as the county general sessions court, it represents another court for their offices to staff. In addition, courts of concurrent jurisdiction are in separate locations from county general sessions courts, which raises a question of the distance and travel times involved (see map 2; maps for the entire state can be found in appendix D). The municipal court of concurrent jurisdiction in Collierville, for instance, is approximately 50 minutes by car from the general sessions court in downtown Memphis (see figure). Many other cities' courts are much nearer to their respective county general sessions court, in some cases even within walking distance—and one city manager said that his city's court of concurrent jurisdiction was on the route between the home of the ADA who served his city's court and the county general sessions court, making it, if anything, a more convenient commute for that ADA.²⁰ Still, regardless of the travel time, DAs say it can

¹⁷ Interview with Gina Swaner, municipal court clerk, City of Dickson, July 23, 2024.

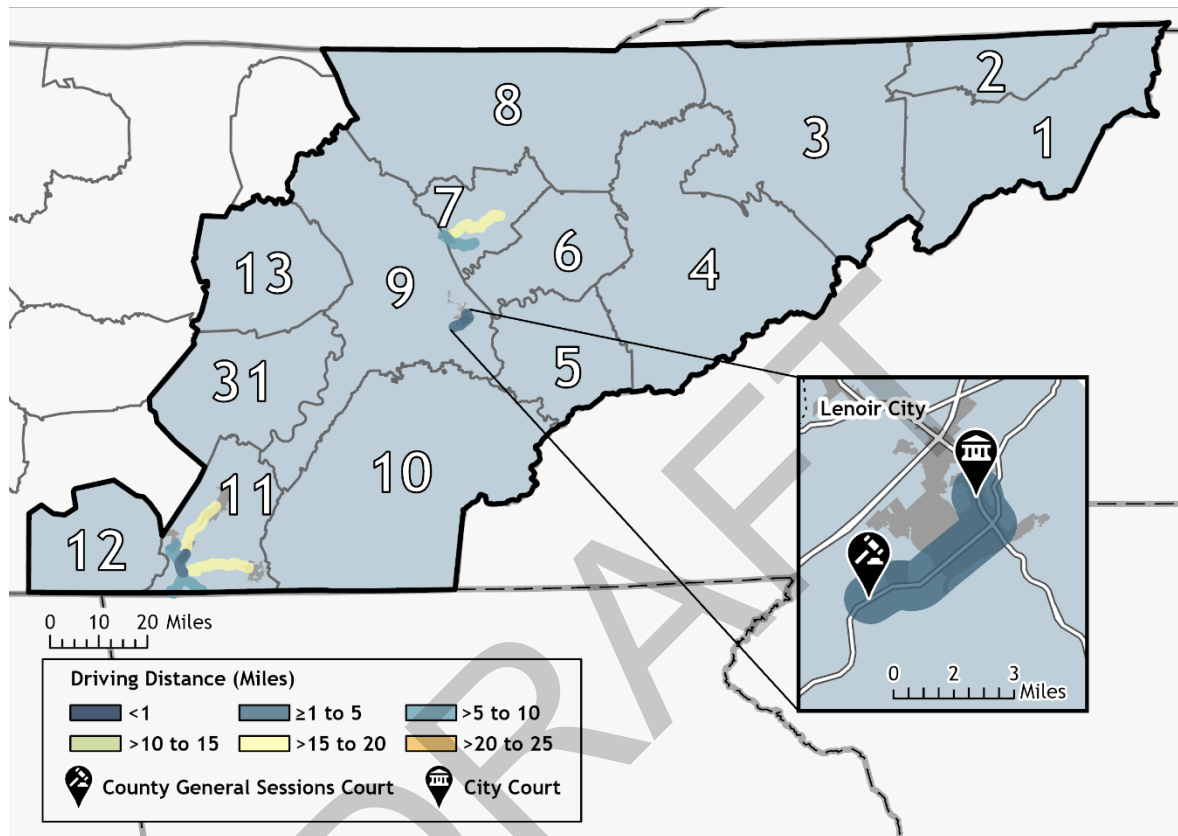
¹⁸ Interview with Cynthia Hollingsworth, court clerk, and Brandy McCarver, deputy court clerk I, Ashland City, June 26, 2024.

¹⁹ Interviews with Stephen Crump, executive director, Mike Dunavant, deputy executive director, and Kati Coats, assistant attorney general for legislative affairs, Tennessee District Attorneys General Conference, May 21, 2024; and with Patrick Frogge, executive director, Tennessee District Public Defender's Conference, July 9, 2024.

²⁰ Interview with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-

be an inconvenience for their staff to negotiate case hearings in two separate locations when they already have busy schedules.

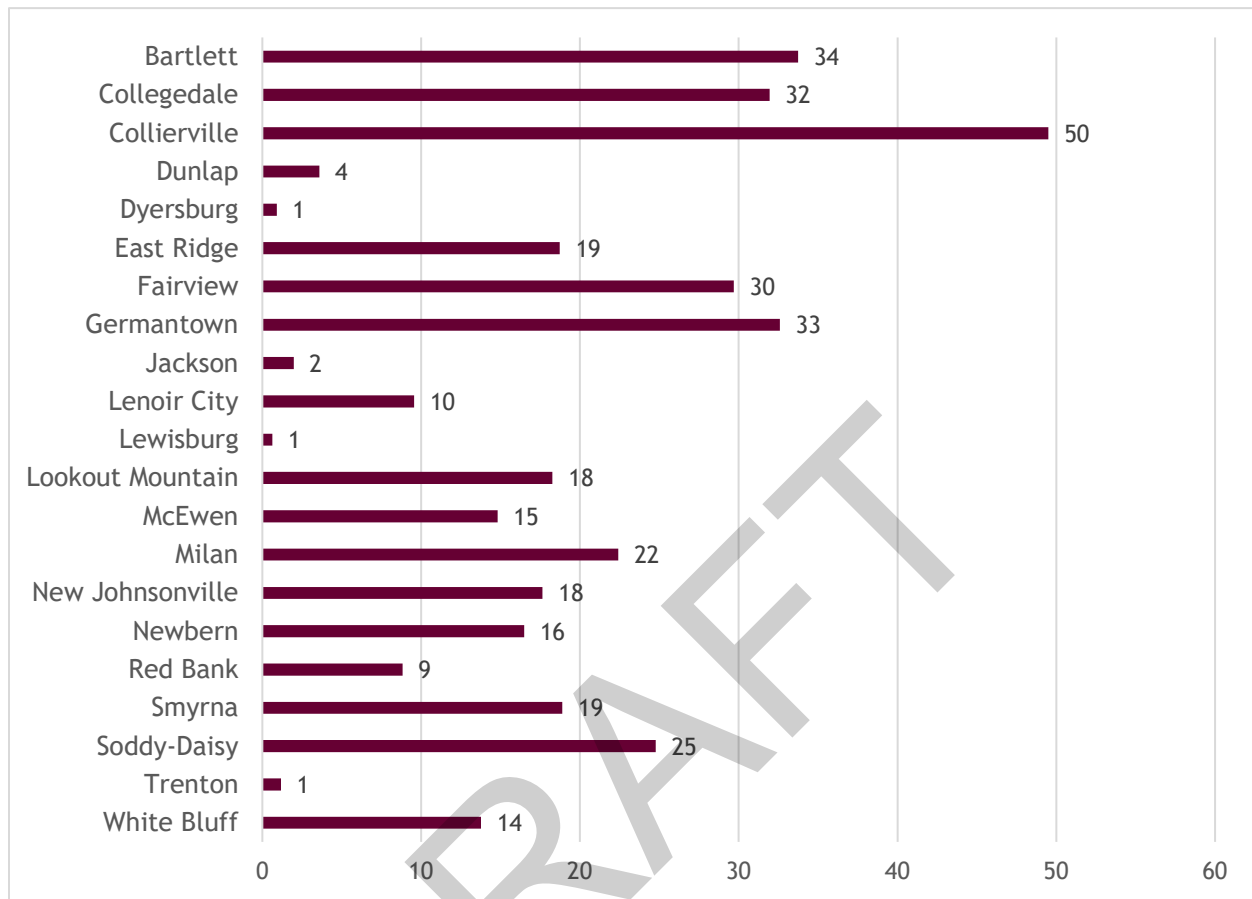
Map 2. Example Driving Distances in East Tennessee between Municipal Courts of Concurrent Jurisdiction and Their Related County General Sessions Court Location



Source: Commission staff analysis based on courthouse addresses.

Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024.

Figure. Driving Time between Municipal Court and County General Sessions Court in Minutes



Note: Times are rounded to the nearest minute. Times are estimates and will vary depending on general traffic conditions. Only the 21 cities with active courts of concurrent jurisdiction are listed here.

Source: Commission staff analysis based on courthouse addresses.

Some DAs also say that the infrequency with which municipal courts meet means that, on the days that they do meet, sessions can run into late hours.²¹ Hamilton County, which is a judicial district unto itself, has two ADAs rotating among four municipal courts of concurrent jurisdiction that meet once each week, but often later in the day and sometimes running into the evening.²² DAs say they find it difficult to coordinate better

²¹ Interview with Frederick Agee, district attorney general, and Nina Seiler, assistant district attorney general, 28th Tennessee judicial district, July 30, 2024.

²² Interview with Coty Wamp, district attorney general, and Kevin Loper, assistant district attorney general, 11th Tennessee judicial district, June 14, 2024.

schedules among multiple judges in separate courts or to convince municipal courts to hold hearings more frequently.²³

ADAs are not the only prosecutorial staff needed to handle cases; victim-witness coordinators, who confer with victims and witnesses on court processes, provide added support, but there may not be enough of them available to accompany ADAs to municipal courts of concurrent jurisdiction, leaving the ADA to add that role on top of their usual duties and increasing their workload.²⁴ Elsewhere, DAs may wish to send more than one ADA to attend court.²⁵ The workload and potentially long hours may also become an issue for retaining ADAs.²⁶

There are also judicial districts where the caseload may be heavily tilted towards a single more populated county, demanding that DA staff focus their energies there even while there are municipal courts of concurrent jurisdiction in more sparsely populated areas that must be attended to. In the 23rd judicial district, for instance, which is made up of five counties, 60% of the criminal prosecution staff are assigned to Dickson County alone, leaving fewer staff to cover courts in the other counties.²⁷ For some stakeholders, municipal courts of concurrent jurisdiction raise questions of efficiency: One DA said that because the municipal courts of concurrent jurisdiction in his district meet less frequently, it leads to delays in hearings,²⁸ while another said cases could be dealt with more expeditiously if they were consolidated in the regular general sessions courts.²⁹

But the perspective of cities largely mirrors that of DAs. For instance, just as DAs say that having to travel to a municipal court can take up valuable time, the same may apply in reverse to city police if they must instead travel to the county general sessions court. At least some cities say that it is an inconvenience for their police officers to go to the

²³ Interviews with Frederick Agee, district attorney general, and Nina Seiler, assistant district attorney general, 28th Tennessee judicial district, July 30, 2024; and Ray Crouch, district attorney general, 23rd Tennessee judicial district, July 31, 2024.

²⁴ Interview with Coty Wamp, district attorney general, and Kevin Loper, assistant district attorney general, 11th Tennessee judicial district, June 14, 2024.

²⁵ Interview with Frederick Agee, district attorney general, and Nina Seiler, assistant district attorney general, 28th Tennessee judicial district, July 30, 2024.

²⁶ *Ibid.*

²⁷ Interview with Ray Crouch, district attorney general, 23rd Tennessee judicial district, July 31, 2024.

²⁸ Interview with Frederick Agee, district attorney general, and Nina Seiler, assistant district attorney general, 28th judicial district, July 30, 2024.

²⁹ Interview with Ray Crouch, district attorney general, 23rd judicial district, July 31, 2024.

county general sessions court to testify in hearings, which, because of uncertainty and delays in when they may be called to testify, might leave them waiting for hours.³⁰ The time that police officers must spend away from their city is time they cannot be on patrol, which may raise questions for public safety, particularly in small towns with very few officers.³¹

And just as there are questions of retaining DA staff in the face of heavy workloads, the same may apply to police officers, with one city manager reporting that, with a court of concurrent jurisdiction, the officers in his city felt their time was better used and they were more satisfied with their jobs.³² Stakeholders also suggested that having a municipal court of concurrent jurisdiction may reduce the need for police overtime, which can result from police having to travel to and from the general sessions court and amount to significant expenses for smaller cities; in the case of Soddy-Daisy, for example, police overtime costs came to \$26,000 last year.³³ Again, though, there are counterpoints: One DA noted that defendants in jail awaiting hearings have to be transported back and forth to the court, and because the jail is typically nearer the county general sessions court, the police officers might be making multiple trips in that direction anyway.³⁴ One city, Signal Mountain, has also suspended (though not formally eliminated) its concurrent jurisdiction because it found that taking defendants to the county for processing took less time than doing that in the city—although this appears to be at least partly a function of

³⁰ Interview with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024.

³¹ Interview with John Eskew, municipal court specialist, Municipal Technical Advisory Service, June 25, 2024.

³² Interview with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024.

³³ Interviews with John Eskew, municipal court specialist, Municipal Technical Advisory Service, June 25, 2024; Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024; and with Michael Carter, city attorney, City of Milan, July 15, 2024.

³⁴ Interview with Ray Crouch, district attorney general, 23rd judicial district, July 31, 2024.

the fact that the county's processing for arrests is done on computer while the city was still processing arrests on paper.³⁵

Similar to DAs, cities also report issues with late court schedules. One city said that their court schedule is in fact determined by the ADAs, who often may not appear until late in the afternoon, requiring court to run into the evening; that can then add to the court's expenses by requiring overtime for court staff.³⁶ One court in Hamilton County had to ask its staff to take flex time to avoid overtime costs.³⁷ And some courts have been compelled to run late into the night simply because of the unwieldy caseloads they face.³⁸

Cities point out that they already provide significant funding to support the operation of their courts of concurrent jurisdiction, including the physical space and court staff such as clerks and bailiffs, as well as security and inmate transport,³⁹ while 13 cities also provide funding for DA staff.⁴⁰ And the expenditures for cities to operate their courts of concurrent jurisdiction are not minor, with a number of cities reporting that their courts of concurrent jurisdiction cost more than they are able to take in from collected fines and fees.⁴¹ Even so, cities and their residents may feel there is value in retaining concurrent jurisdiction. The City of Smyrna, for example, held a referendum on eliminating its concurrent jurisdiction in 2024, with 71% voting against elimination.⁴²

³⁵ Local 3 News 2015.

³⁶ Interview with Lisa Brewer, court clerk, and Laura Lowe, chief deputy court clerk, City of Smyrna, September 26, 2024.

³⁷ Interview with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024.

³⁸ Interviews with Coty Wamp, district attorney general, and Kevin Loper, assistant district attorney general, 11th Tennessee judicial district, June 14, 2024; and with Gina Swaner, municipal court clerk, City of Dickson, July 23, 2024. See also *City of Milan, Tennessee and City of Trenton, Tennessee v. Frederick H. Agee*, District Attorney General for the 28th Judicial District of the State of Tennessee, Case Number 24295, (Chancery Court of Gibson County, Tennessee, January 12, 2024).

³⁹ Interview with Chad Jenkins, deputy executive director, Tennessee Municipal League, May 15, 2024.

⁴⁰ Correspondence with Tennessee Municipal League, August 16, 2024.

⁴¹ Interview with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024.

⁴² Broden 2024.

There is ongoing debate around DAs' obligation to staff municipal courts of concurrent jurisdiction.

In 2022, a lawsuit arose in the 28th judicial district in West Tennessee, where the DA notified two cities in Gibson County, Milan and Trenton, that he would no longer send ADAs to prosecute cases in their courts of concurrent jurisdiction, arguing that it was a burden on his staff to attend these courts and that the courts themselves did not provide adequate support, in particular citing the cities lack of funding for prosecutorial staff.⁴³ The two cities then sued. At issue was the portion of Tennessee Code Annotated, Section 8-7-103, that requires DAs to prosecute in courts of concurrent jurisdiction where the city supplies “sufficient personnel”:

Each district attorney general: (1) Shall prosecute in the courts of the district all violations of the state criminal statutes and perform all prosecutorial functions attendant thereto, including prosecuting cases in a municipal court where the municipality provides sufficient personnel to the district attorney general for that purpose.⁴⁴

The statute, however, does not define what may count as “sufficient personnel” or whether that includes funding for DA staff. In the end, the court ruled in favor of the cities, holding that, while a DA has discretion as to whether to prosecute a given case or not, that discretion does not include refusing to serve a particular court altogether, and that “municipal courts in Tennessee are viewed with the same dignity as other inferior courts that have been established by the General Assembly,” having been established for the benefit of both the state and a local community. The court also found that the statute under debate only requires cities to provide “sufficient personnel” insofar as may be necessary for a court to function, but that is not tantamount to a requirement for funding prosecutorial staff. The case is now under appeal by the attorney general, who, in a brief to the appeals court, argues that the language of the statute should in fact be understood as unambiguously requiring cities supply prosecutorial staff for the DA.

The question of what may be sufficient within the statute is perhaps part of a larger question of what staffing is required for the justice system at large to function. Any given prosecutor—or public defender or judge, for that matter—can only reasonably be expected to handle so many cases at once without compromising the needs of justice.

⁴³ City of Milan, Tennessee and City of Trenton, Tennessee v. Frederick H. Agee, District Attorney General for the 28th Judicial District of the State of Tennessee, Case Number 24295, (Chancery Court of Gibson County, Tennessee, January 12, 2024).

⁴⁴ Tennessee Code Annotated, Section 8-7-103.

And of course, there can be an element of subjectivity to this—for instance, while many DAs allocate only one ADA per municipal court of concurrent jurisdiction, some feel that may not be adequate for the court to run efficiently and may wish to send more.⁴⁵

State law does provide some general guidelines for how many ADAs there should be based on population, aiming to achieve a ratio of one ADA for every 20,000 people.⁴⁶ Every judicial district today, though, has reached or surpassed that ratio (see appendix B), with some even having two, three, or four ADAs per 20,000 people. But the workload for DA staff—as well as public defenders and judges—is not directly determined by the population but by the number and types of cases, because some—particularly major felony cases like murder—naturally require far more time and attention than something like a minor traffic violation. To account for these differences, the state has in the past conducted caseload studies that weight the different types of cases by the level of work they can be expected to demand.

The Comptroller is required by law to conduct periodic weighted caseload studies of this sort for state trial judges, district attorneys, and public defenders,⁴⁷ though it has been unable to produce updated results for some years. In fact, the last weighted caseload study for DAs (along with public defenders) was in fiscal year 2005-06, meaning that the metrics for DA staffing have not been updated in nearly 20 years.⁴⁸ These studies have been stymied by a lack of data from general sessions courts, and the Comptroller has also made note that some issues need to be attended to, such as some judicial districts needing to change the software they use for reporting data to the Tennessee Administrative Office of the Courts (AOC).⁴⁹ A larger methodological issue is that the weights used for caseload studies are themselves in need of update and revision. Just over 50 years ago, a commission under the Bureau of Justice Statistics recommended that public defenders should be tasked with no more than 400 misdemeanor cases or 150 felony cases in a year.⁵⁰ Comparable figures for DAs do not appear to have ever been produced at the national

⁴⁵ Interview with Frederick Agee, district attorney general, and Nina Seiler, assistant district attorney general, 28th Tennessee judicial district, July 30, 2024; City of Milan, Tennessee and City of Trenton, Tennessee v. Frederick H. Agee, District Attorney General for the 28th Judicial District of the State of Tennessee, Case Number 24295, (Chancery Court of Gibson County, Tennessee, January 12, 2024).

⁴⁶ Tennessee Code Annotated, Section 16-2-519.

⁴⁷ Tennessee Code Annotated, Section 16-2-513.

⁴⁸ Brown and Melendez 2024.

⁴⁹ Ibid.

⁵⁰ National Advisory Commission on Criminal Justice Standards and Goals 1973.

level—indeed, one study by the American Prosecutors Research Institute declined to even attempt any such figures, suggesting instead that states develop their own caseload figures for DAs.⁵¹ But even if case weights for DAs were available in the past, the increased use of such things as forensic evidence and body camera footage may have shifted the average time that DAs must spend on any given case.⁵² More recently, the RAND Corporation released a major study of public defender caseload weights, proposing both more precise and much lower caseload targets than those cited previously (see table 1). While case weights tailored specifically to the work demands of Tennessee prosecutors would be ideal, data for public defenders may at least be illustrative.

Table 1: Weighted Caseloads for Public Defenders

Case Type	Expected Hours per Case (Case Weighting)	Annual Caseload Standard
Felony, High-Level: Possible life without parole sentence involved	286	7
Felony, High-Level: Murder	248	8
Felony, High-Level: Sex crimes	167	12
Felony, High-Level: Other	99	21
Felony, Mid-Level: Serious property crimes, drug dealing, et al.	57	36
Felony, Low-Level: DUIs resulting in death, minor violent crimes, et al.	35	59
DUI, High-Level: Repeat DUI or one involving nonfatal injuries	33	63
DUI, Low-Level	19	109
Misdemeanor, High-Level: Misdemeanor assault, domestic violence, et al.	22.3	93
Misdemeanor, Low-Level: Petty theft, drug possession, et al.	13.8	150
Probation/Parole Violations	13.5	154

Note: Analysis was based on an assumption of public defenders working 2,080 hours per year.

Source: Pace et al. 2023.

⁵¹ American Prosecutors Research Institute 2002.

⁵² Center for Justice Research 2024.

Short of a weighted caseload study, though, some limited data are available on DAs' current workloads. Civil case filings in Tennessee held more or less steady from 2016 to 2022, totaling 108,524 in the last year of that period, while criminal cases saw a drop at the onset of the pandemic, resulting in 156,781 criminal cases as of 2022.⁵³ The Tennessee District Attorneys General Conference (DAGC), however, says that staffing levels still fall short of what is needed to meet this (unweighted) caseload, reporting that as of fiscal year 2019-20 there were 2,172 total cases per ADA. While comprehensive and timely data for all 50 states are not available, the DAGC points out that Tennessee's average is far higher than the numbers for at least Oklahoma and Missouri, which ranged from 300 to 721 in recent years.⁵⁴

Furthermore, while the AOC does compile voluminous data reported by general sessions courts on the cases they process, its database currently does not include municipal courts of concurrent jurisdiction—although the AOC is working towards bridging that gap.⁵⁵ For the present, though, this lacuna in the data collection makes it difficult to compare ordinary county general sessions courts and municipal courts of concurrent jurisdiction on their caseloads, the types of cases they handle, or how long it takes to dispose of them.

In the absence of updated weighted caseload data, along with data specific to municipal courts of concurrent jurisdiction, commission staff could not evaluate precisely the extent to which these courts might place an additional workload on DA staff beyond what a county general sessions court might create.

The proposed bill would have put discretion over municipal funding for prosecutorial staff entirely in the hands of DAs.

In the 113th General Assembly, Senate Bill 2054 by Senator Jackson and House Bill 2205 by Representative Barrett proposed a solution that would have required cities with courts of concurrent jurisdiction to provide funding to their DAs. The core provision of the bill was that a DA would not be required to prosecute cases in a municipal court of concurrent jurisdiction unless the city provided funding for “at least one (1) assistant district attorney general position initially funded at entry level compensation.” The bill also stipulated that the “necessity and sufficiency of additional prosecutorial personnel to be provided by the municipality is determined by and in the sole and exclusive

⁵³ Brown and Melendez 2024.

⁵⁴ Tennessee District Attorneys General Conference 2022.

⁵⁵ Interview with Michelle Consiglio-Young, director and counsel of the Intergovernmental Affairs Division, Charlie Baldwin, assistant general counsel for legislation and court initiatives, and Jennifer Williams, IT manager, Tennessee Administrative Office of the Courts, September 24, 2024.

discretion of the district attorney general.” Stakeholders representing cities raised a number of concerns about the bill’s provisions.

The fiscal note for the bill estimated that for a single ADA a city would need to allocate \$63,853 for an entry-level salary, plus \$18,201 for benefits and \$1,500 for supplies, coming to a total of \$83,554 per ADA.⁵⁶ Naturally, that cost would grow if and when the ADA were promoted, but a more immediate consideration for budgeting purposes is that state law requires that “any increase in local funding for positions or office expense for the district attorney general shall be accompanied by an increase in funding of seventy-five percent (75%) of the increase in funding to the office of the public defender in such district for the purpose of indigent criminal defense.”⁵⁷ If that applies, a city would actually be obliged to put up a minimum of \$146,219.50 with each ADA that the DA’s office ordered.

The requirement of at least one full-time ADA per court has also raised concerns. Because of the variability in their caseloads, municipal courts of concurrent jurisdiction do not all create the same level of demand on DA resources, and some stakeholders noted that the bill’s solution seems inappropriate to apply to their city. Many municipal courts of concurrent jurisdiction, after all, meet no more than one day a week and so would not occupy all or even most of an ADA’s time. Apart from this question of the funding being in excess of the need, at least one stakeholder also noted that, if the full-time ADA were to then spend the rest of their time serving in other courts, it would mean that the cities—and their taxpayers—would effectively be funding courts elsewhere.⁵⁸ Some stakeholders further pointed out that city residents already fund DA staff through their county and state taxes, and that separate funding would raise a question of equity.⁵⁹

Above all, though, various stakeholders have noted that the bill would allow one governmental entity (a DA) to obligate the funding of another, independent governmental entity (a city) without limit. One municipal court clerk described it as “one-sided” and not allowing for mutual agreements that already exist between some

⁵⁶ Commission staff calculation based on fiscal note to Senate Bill 2054 by Senator Jackson and House Bill 2205 by Representative Barrett in the 113th General Assembly.

⁵⁷ Tennessee Code Annotated, Section 16-2-518.

⁵⁸ Interview with Michael Carter, city attorney, City of Milan, July 15, 2024.

⁵⁹ Interviews with Michael Carter, city attorney, City of Milan, July 15, 2024; and with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024.

municipal courts and DA offices.⁶⁰ A city manager asked whether it might not create a precedent for demanding funding from cities on other matters.⁶¹

With the possibility of funding obligations that would be outside of their control and that could run beyond what they could bear, representatives for cities have said that the bill's funding requirement would likely cause them to give up their concurrent jurisdiction.⁶² That could have a variety of effects, but the clearest and most certain would be that the caseload of the municipal court would then shift to the county's general sessions court, but the effects of *that* would be uneven.

If a smaller municipal court of concurrent jurisdiction were to shut down, the caseload that the general sessions court would have to absorb might be negligible. If a larger court were to shut down, the general sessions might be able to absorb the caseload, albeit with some effort. One DA said that eliminating municipal courts of concurrent jurisdiction would be unlikely to lead to a backlog of cases, because general sessions courts have a required hearing time of only 10 days—any existing backlog of cases, he said, is instead in circuit courts.⁶³ But to ensure that time limit is honored, courts may still have to expend more resources. When the City of Dickson gave up its concurrent jurisdiction, it took several years to complete the transition of open cases to the general sessions court, which, even though it was able to adapt, did have to add two new assistant court clerks to handle the increased workload.⁶⁴

Other courts could face a greater challenge. In Dyer County, for example, if the Dyersburg municipal court of concurrent jurisdiction were to shut down, the caseload

⁶⁰ Interview with Patrick Lafferty, municipal court clerk, City of Collierville, July 16, 2024.

⁶¹ Interview with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024.

⁶² Interviews with John Eskew, municipal court specialist, Municipal Technical Advisory Service, June 25, 2024; Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024; and with Michael Carter, city attorney, City of Milan, July 15, 2024; as well as the positioning statement on the prosecution of cases in municipal court by district attorney general from the Small Cities Coalition of Hamilton County, provided by Martin Granum, city manager, City of Red Bank, July 2, 2024.

⁶³ Interview with Ray Crouch, district attorney general, 23rd judicial district, July 31, 2024.

⁶⁴ Interview with Leslie Shelton, court clerk, Dickson County, November 15, 2024.

might necessitate an entirely new division to be added to the county's general sessions court.⁶⁵ In Hamilton County, where four cities with municipal courts of concurrent jurisdiction hear on the order of 20,000 cases a year between them, the elimination of concurrent jurisdiction could require the county courthouse to add at least one more courtroom or perhaps begin holding hearings on Saturdays.⁶⁶

Municipal court finances are generally limited.

One pragmatic question is what sort of funding municipal courts might have available to support DA staff, if that should be required. DAs and others have suggested that courts of concurrent jurisdiction generate ample revenues from court fees with which they could afford to support prosecutorial staff, but cities report otherwise.

The court system in Tennessee is to a large extent funded by the assorted fees paid by defendants (see table 2).⁶⁷ Ordinary municipal courts have some leeway in setting their own court costs, but most of the costs and fees for general sessions courts—which naturally apply to municipal courts of concurrent jurisdiction—are set in statute.⁶⁸ Each individual court cost or fee may then be subdivided and remitted to multiple government entities—including the county, the Tennessee Bureau of Investigation (TBI), and the Tennessee Department of Revenue—with the municipal court retaining anywhere from the whole fee to none of it. In some cases, there may be further liabilities imposed; the City of Smyrna reports that, because of a lawsuit brought by Rutherford County in 2004, 40% of the fees their court would otherwise retain must instead be sent to the county. As seen in the example provided in table 2, because of these remittances to other governments and agencies, a court may sometimes ultimately retain less than half of the total in fines and fees levied on any given charge (see also table 3).

⁶⁵ Dean Dedmon, municipal court judge with general sessions jurisdiction, City of Dyersburg, speaking at the commission panel on DA staffing on September 11, 2024.

⁶⁶ Interviews with Coty Wamp, district attorney general, and Kevin Loper, assistant district attorney general, 11th judicial district, June 14, 2024; and with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024.

⁶⁷ Tennessee Advisory Commission on Intergovernmental Relations 2017.

⁶⁸ Interview with Lisa Brewer, court clerk, and Laura Lowe, chief deputy court clerk, City of Smyrna, September 26, 2024.

Table 2. Court Costs and Fees Levied on a DUI Charge

Court Cost or Fee	Amount Assessed	Liability Sent to County	Liability Sent to TN Dept of Revenue	Liability Sent to Public Defender's Conference	Liability Sent to TN Dept of Safety	Liability Sent to TBI	Revenue for Court	Percentage to Be Retained by Court
Fine	\$ 250.00	\$ 100.00	\$ -	\$ -	\$ -	\$ -	\$ 150.00	60%
Litigation Tax: Criminal Cases	\$ 29.50	\$ -	\$ 28.91	\$ -	\$ -	\$ -	\$ 0.59	2%
City Litigation Tax	\$ 29.50	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29.50	100%
Court Security Litigation Tax	\$ 25.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25.00	100%
County Litigation Tax	\$ 12.50	\$ -	\$ -	\$ 11.88	\$ -	\$ -	\$ 0.62	5%
Criminal Injury Compensation Fund	\$ 25.50	\$ 25.50	\$ -	\$ -	\$ -	\$ -	\$ -	0%
CIC Commission	\$ 1.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1.00	100%
Alcohol and Drug Fee: DUI	\$ 100.00	\$ -	\$ 95.00	\$ -	\$ -	\$ -	\$ 5.00	5%
Victim Assessment Assistance	\$ 42.00	\$ 42.00	\$ -	\$ -	\$ -	\$ -	\$ -	0%
Victim Assessment Assistance: Commission	\$ 3.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3.00	100%
Victim Notification Fund	\$ 3.00	\$ -	\$ 2.94	\$ -	\$ -	\$ -	\$ 0.06	2%
Judicial Commissioner Education Fee	\$ 2.00	\$ -	\$ 1.96	\$ -	\$ -	\$ -	\$ 0.04	2%
Base	\$ 60.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60.00	100%
Computerization	\$ 4.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4.00	100%
Service Fee Warrant	\$ 40.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40.00	100%
DUI Electronic Monitoring Fund	\$ 12.00	\$ -	\$ 12.00	\$ -	\$ -	\$ -	\$ -	0%

Court Cost or Fee	Amount Assessed	Liability Sent to County	Liability Sent to TN Dept of Revenue	Liability Sent to Public Defender's Conference	Liability Sent to TN Dept of Safety	Liability Sent to TBI	Revenue for Court	Percentage to Be Retained by Court
Impaired Drivers' Trust Fund	\$ 5.00	\$ -	\$ -	\$ -	\$ 4.75	\$ -	\$ 0.25	5%
TBI Tax	\$ 17.50	\$ -	\$ -	\$ -	\$ -	\$ 16.63	\$ 0.88	5%
Traumatic Brain Injury: DUI	\$ 15.00	\$ -	\$ -	\$ -	\$ 14.25	\$ -	\$ 0.75	5%
Interlock	\$ 40.00	\$ -	\$ 40.00	\$ -	\$ -	\$ -	\$ -	0%
Blood Alcohol/Drug Testing Fee	\$ 250.00	\$ -	\$ 237.50	\$ -	\$ -	\$ -	\$ 12.50	5%
Bail Bond Fee	\$ 10.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10.00	100%
DUI Fine	\$ 100.00	\$ 40.00	\$ -	\$ -	\$ -	\$ -	\$ 60.00	60%
Reinstatement Fee	\$ 75.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75.00	100%
Certification: Criminal	\$ 5.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5.00	100%
Copy: Criminal	\$ 0.50	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.50	100%
Total	\$ 1,157.00	\$ 207.50	\$ 418.31	\$ 11.88	\$ 19.00	\$ 16.63	\$ 483.69	42%

Note: Numbers provided here are for illustration only. Under statute, some fines can vary within a certain range, and some fees may be broken down into their separate earmarks.

Source: Staff analysis of data provided by Lisa Brewer, court clerk, City of Smyrna.

Table 3. Smyrna Court Revenue Retained for Sample Convictions

Charge	Number of Line Item Costs and Fees Assessed	Total Amount Assessed	Amount Retained by the City	Percentage Retained by City
Public Intoxication	10	\$ 215.50	\$ 169.81	79%
DUI	26	\$ 1,157.00	\$ 483.69	42%
Domestic Assault	15	\$ 320.50	\$ 173.81	54%
Drug Possession	22	\$ 1,537.00	\$ 642.81	42%

Source: Staff analysis of data provided by Lisa Brewer, court clerk, City of Smyrna.

But simply because a fine is levied does not mean the court will necessarily be able to collect it. Many defendants are indigent, and municipal court stakeholders say that they often have to set up extended payment plans for them, knowing that in the end the court may only be able to collect a small portion of what is owed.⁶⁹ Two cities that reported details of their revenues to staff were only able to collect 40% and 55% of what they were owed, respectively.⁷⁰

Once collected, those costs must then go to cover a variety of expenses for operating the court. Courtrooms must be maintained, salaries for court clerks and bailiffs must be covered, and assorted other costs from postage to contract services must be paid for—for instance, specialized court management software can come at a premium, with one city reporting a cost increase of \$19,000 for one year.⁷¹

Between these unavoidable expenses and constricted revenues, cities with courts of concurrent jurisdiction reported having little to no funding left for other costs. The City of Smyrna reported a net revenue of under \$36,000 for fiscal year 2023-24—which, while

⁶⁹ Interviews with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024; and with Lisa Brewer, court clerk, and Laura Lowe, chief deputy court clerk, City of Smyrna, September 26, 2024.

⁷⁰ Correspondence with Lisa Brewer, court clerk, City of Smyrna, September 26, 2024; and with Michael Carter, city attorney, City of Milan, November 6, 2024.

⁷¹ Interview with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024.

positive, court officials say leaves them just getting by.⁷² Other cities are forced to operate their courts at a loss. In Hamilton County in the previous year, Collegedale's court lost \$47,900, Red Bank's court \$89,000, and East Ridge's court \$105,000.⁷³

Thirteen cities with courts of concurrent jurisdiction have existing, voluntary funding arrangements with their DAs.

Funding for DA staff in Tennessee is largely derived from appropriations made by the General Assembly each year. In fact, while some ADAs are variously supported by county or other local government funding or grants depending on the judicial district (see appendix C), 71% are state funded. Tennessee's proposed budget for fiscal year 2024-25 suggested \$154,006,400 for the DAGC, with the great majority of that going to fund staffing positions.⁷⁴ When there is an increase in funding for ADAs in a given year, the DAGC convenes a committee to decide how that increase might be allocated and which judicial districts will receive additional positions. DAs who request increased funding for a given year may not serve on the committee, but apart from that, there are no details available on any exact methodology for how allocations are made.⁷⁵

According to data compiled by the Tennessee Municipal League, 13 of 21 municipal courts of concurrent jurisdiction already fund ADAs in some way, but these are different from the funding arrangement proposed by the bill. In most cases these are informal agreements that may have been hammered out between multiple stakeholders, and they vary considerably in approach.

The City of Smyrna pays a \$150 per diem for ADAs (as well as public defenders). Altogether, Smyrna paid a total \$64,350 for such attorneys in fiscal year 2023-24.⁷⁶ The

⁷² Interview and correspondence with Lisa Brewer, court clerk, and Laura Lowe, chief deputy court clerk, City of Smyrna, September 26, 2024.

⁷³ Interview with Kirsten Ert Acuff, city manager, City of Lakesite, Martin Granum, city manager, City of Red Bank, Wayon Hines, city manager, City of Collegedale, Burt Johnson, city manager, City of Soddy-Daisy, Scott Miller, city manager, City of East Ridge, and Bridgett Raper, communications strategist, Small Cities Coalition of Hamilton County, July 12, 2024; Martin Granum, city manager, City of Red Bank, speaking at the commission panel on DA staffing on September 11, 2024.

⁷⁴ State of Tennessee, Budget Proposal, fiscal year 2024-25, <https://www.tn.gov/content/dam/tn/finance/budget/documents/2025BudgetDocumentVol1.pdf>.

⁷⁵ Interview with Stephen Crump, executive director, Mike Dunavant, deputy executive director, and Kati Coats, assistant attorney general for legislative affairs, Tennessee District Attorneys General Conference, May 21, 2024

⁷⁶ Correspondence with Lisa Brewer, court clerk, City of Smyrna, September 26, 2024.

cities of Dyersburg and Newbern have similarly struck a deal to share the cost of a full-time ADA position between them, proportioned according to their relative needs, with Dyersburg covering 80% of the cost and Newbern 20%. Some cities with greater needs have hired their own ADAs who are then deputized by the local DA. Collierville, for instance, has three part-time ADAs (one serving as a lead and the other two as supports). The combined total cost, inclusive of benefits, is \$135,472, with nearly half of that taken up by the cost of the lead ADA.⁷⁷ The City of Bartlett pays a comparable figure of around \$140,000 for three prosecutors of its own.⁷⁸

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⁷⁷ Correspondence with Patrick Lafferty, municipal court clerk, City of Collierville, September 19, 2024.

⁷⁸ Correspondence with J.J. Leatherwood, municipal court clerk, City of Bartlett, September 19, 2024.

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University of Tennessee, Municipal
Technical Advisory Service

Patrick Frogge, Executive Director
Tennessee District Public Defender's
Conference

Martin Granum, City Manager
City of Red Bank

Scott Miller, City Manager
City of East Ridge

Cynthia Hollingsworth, Court Clerk
Ashland City

Roger Houck, City Manager
City of Clinton

Ed Jackson, Senator
Tennessee District 25

Chad Jenkins, Deputy Executive
Director
Tennessee Municipal League

Melissa Keith Jenkins, Clerk of Courts
Circuit Court of Polk County

Burt Johnson, City Manager
City of Soddy-Daisy

Beverly Karnes, City Court Clerk
City of Millington

Dixie Kerr, Court Clerk
City of White Bluff

Patrick Lafferty, Court Clerk
City of Collierville

J.J. Leatherwood, Court Clerk
City of Bartlett

Kevin Loper, Executive Assistant
District Attorney General
Tennessee 11th Judicial District

Laura Lowe, Chief Deputy Court Clerk
City of Smyrna

Brandy McCarver, Deputy Court Clerk I
Ashland City

Scott Miller, City Manager
City of East Ridge

Jeff Peach, Town Attorney
City of Smyrna

Bridgett Raper, Communications
Strategist
Small Cities Coalition of Hamilton
County

James Ross, President
Tennessee General Sessions Judges
Conference

Nina Seiler, Assistant District Attorney
General
Tennessee 28th Judicial District

Leslie Shelton, Court Clerk
Dickson County

Daniel Spino, Director of Government
and Legislative Affairs
National District Attorneys Association

Gina Swaner, Municipal Court Clerk
City of Dickson

Carli Swanger, Court Clerk
City of Dunlap

Brooklynn Townsend, General Sessions
and Juvenile Judge
Polk County

Coty Wamp, District Attorney General
Tennessee 11th Judicial District

Debbie Ware, Court Clerk
City of Dyersburg

Jennifer Williams, IT Manager
Tennessee Administrative Office of the
Courts

Appendix A: Senate Bill 2054 by Senator Jackson and House Bill 2205 by Representative Barrett

HOUSE BILL 2205
By Barrett

SENATE BILL 2054

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 7, relative to district attorneys.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-7-103, is amended by deleting subdivision (1) and substituting:

(1) Shall prosecute in the courts of the district all violations of the state criminal statutes and perform such prosecutorial functions, including prosecuting cases in a municipal court only where the municipality provides sufficient additional prosecutorial personnel of at least one (1) assistant district attorney general position initially funded at entry level compensation and thereafter compensated in accordance with § 8-7-226, or the continuing funding equivalent to the district attorney general for that purpose. The necessity and sufficiency of additional prosecutorial personnel to be provided by the municipality is determined by and in the sole and exclusive discretion of the district attorney general;

SECTION 2. Tennessee Code Annotated, Section 8-7-103, is amended by deleting subdivision (6) and substituting:

(6) Notwithstanding another law to the contrary, shall have absolute discretion in the performance of duties and responsibilities in the allocation of all investigatory, prosecutorial, administrative, staffing, and fiscal resources available to the district attorney general; and

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

Appendix B. Ratios of ADAs per Population in Each Judicial District

Judicial District	Counties in the District	Municipal Court(s) of Concurrent Jurisdiction	Population	Number of ADAs as of 2024	Number of ADAs per 20,000 Population
1	Johnson Carter Washington Unicoi		225,424	21	1.86
2	Sullivan		158,722	20	2.52
3	Greene Hamblen Hawkins Hancock		198,763	15	1.51
4	Grainger Cocke Jefferson Sevier		213,306	17	1.59
5	Blount		135,951	7	1.03
6	Knox		481,406	40	1.66
7	Anderson	Oliver Springs (not operating)	77,337	9	2.33
8	Claiborne Union Campbell Scott Fentress		131,908	18	2.73
9	Loudon Roane Morgan Meigs	Lenoir City	143,247	10	1.40
10	Monroe McMinn Polk Bradley		207,535	17	1.64
11	Hamilton	Collegedale East Ridge Lookout Mountain Red Bank Soddy-Daisy Signal Mountain (not operating)	367,193	31	1.69
12	Rhea Bledsoe Sequatchie Grundy Marion Franklin	Dunlap	145,807	12	1.65

Judicial District	Counties in the District	Municipal Court(s) of Concurrent Jurisdiction	Population	Number of ADAs as of 2024	Number of ADAs per 20,000 Population
13	Clay Pickett Overton Putnam White DeKalb Cumberland		224,548	17	1.51
14	Coffee		58,080	6	2.07
15	Wilson Troup Smith Jackson Macon		245,988	15	1.22
16	Rutherford Cannon	Smyrna	358,208	25	1.40
17	Bedford Moore Lincoln Marshall	Lewisburg	191,100	16	1.67
18	Sumner		196,845	14	1.42
19	Montgomery Robertson		295,602	23	1.56
20	Davidson		709,786	70	1.97
21	Williamson	Fairview	248,897	14	1.12
22	Maury Giles Lawrence Wayne		119,871	14	2.34
23	Humphreys Dickson Cheatham Houston Stewart	McEwen New Johnsonville White Bluff	136,756	14	2.05
24	Henry Benton Carroll Decatur Hardin		114,926	12	2.09
25	Lauderdale Tipton Fayette Hardeman McNairy		256,036	14	1.09
26	Madison Chester Henderson	Jackson	71,132	16	4.50
27	Obion Weakley		63,616	6	1.89
28	Gibson	Milan	82,216	6	1.46

Judicial District	Counties in the District	Municipal Court(s) of Concurrent Jurisdiction	Population	Number of ADAs as of 2024	Number of ADAs per 20,000 Population
	Crockett Haywood	Trenton			
29	Dyer Lake	Dyersburg Newbern	43,716	7	3.20
30	Shelby	Bartlett Collierville Germantown	926,440	106	2.29
31	Van Buren Warren		47,345	7	2.96
32	Hickman Lewis Perry		46,065	5	2.17

Source: US Census American Community Survey 2022 5-Year Estimates; correspondence with the Tennessee District Attorneys General Conference, November 26, 2024.

Appendix C: ADAs by Judicial District and Funding Source

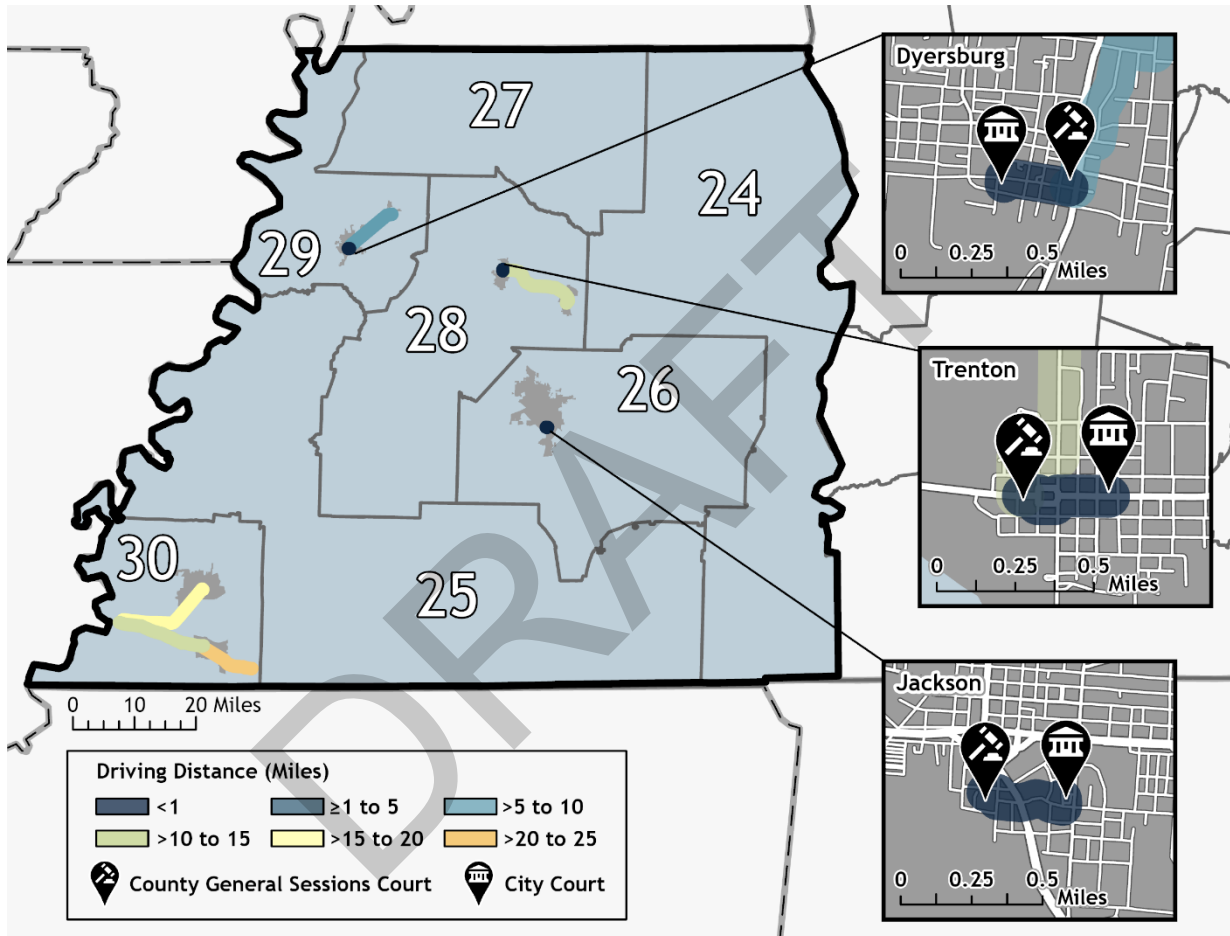
Judicial District	Local-, Grant-, and Other-Funded	State-Funded	Total	Percentage State-Funded
1	0	21	21	100%
2	7	13	20	65%
3	1	14	15	93%
4	2	15	17	88%
5	0	7	7	100%
6	20	20	40	50%
7	2	7	9	78%
8	5	13	18	72%
9	1	9	10	90%
10	2	15	17	88%
11	11	20	31	65%
12	2	10	12	83%
13	2	15	17	88%
14	1	5	6	83%
15	0	15	15	100%
16	6	19	25	76%
17	2	14	16	88%
18	2	12	14	86%
19	1	22	23	96%
20	29	41	70	59%
21	4	10	14	71%
22	1	13	14	93%
23	3	11	14	79%
24	1	11	12	92%
25	1	13	14	93%
26	5	11	16	69%
27	1	5	6	83%
28	0	6	6	100%
29	2	5	7	71%
30	66	40	106	38%
31	1	6	7	86%
32	1	4	5	80%
Totals	182	442	624	71%

Source: Correspondence with the Tennessee District Attorneys General Conference, November 26, 2024.

Appendix D. Driving Distances between Municipal Courts of Concurrent Jurisdiction and Their Related County General Sessions Court Location

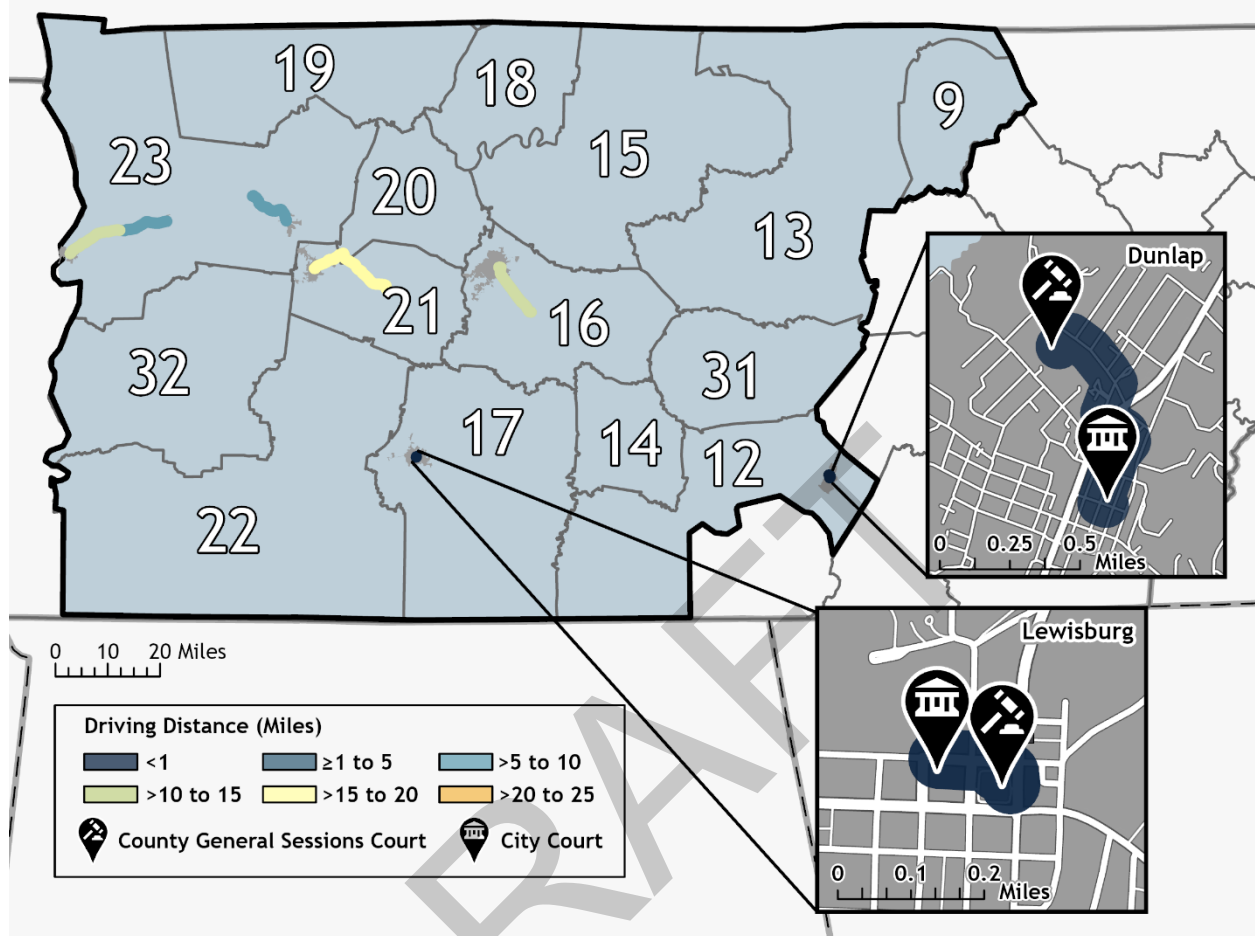
Maps have been prepared for West, Middle, and East Tennessee.

West Tennessee



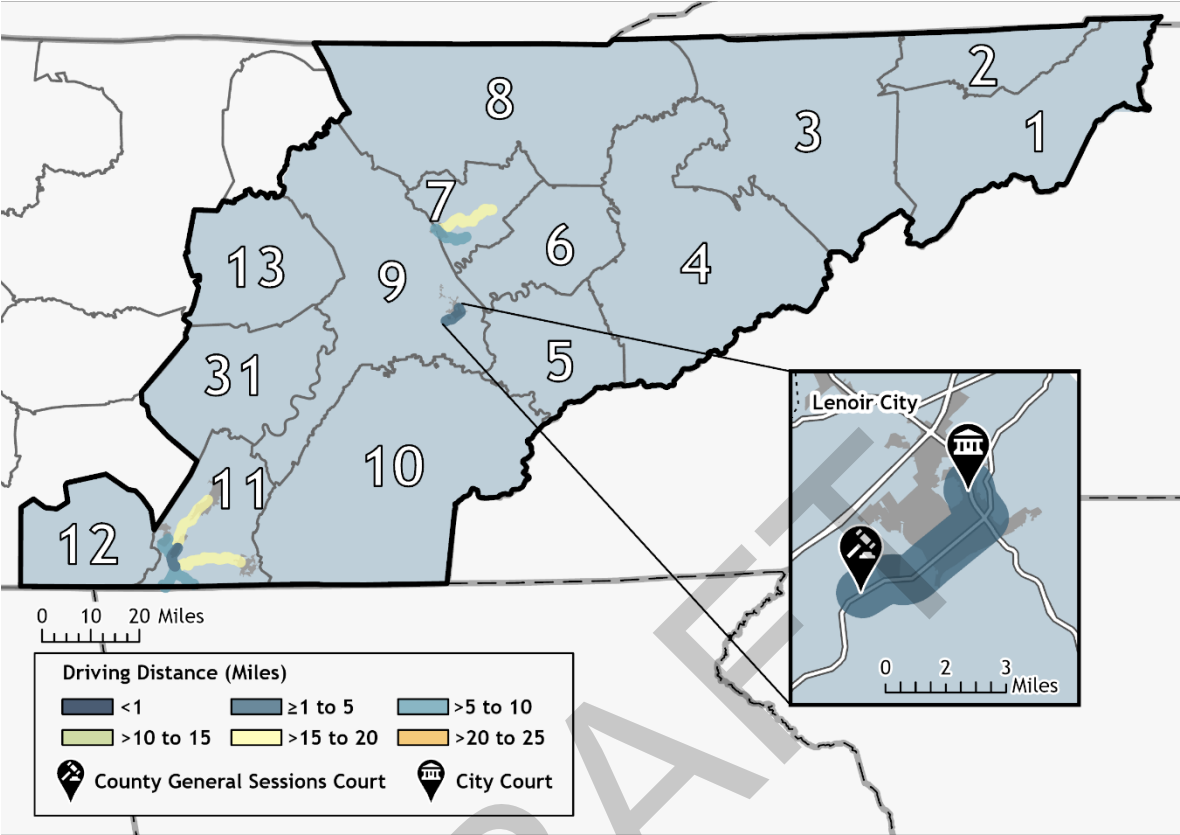
Source: Commission staff analysis based on courthouse addresses.

Middle Tennessee



Source: Commission staff analysis based on courthouse addresses.

East Tennessee



Source: Commission staff analysis based on courthouse addresses.