

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
10/29/2019
Clerk of the
Appellate Courts

**IN RE: RULE 11, SECTION II(c),
RULES OF THE TENNESSEE SUPREME COURT**

No. ADM2019-01830

ORDER

To assist the Administrative Office of the Courts with more accurately collecting, developing, and maintaining uniform statistical information relative to court caseloads in Tennessee, as it is required to do by Tennessee statutes, the Court hereby amends Rule 11, section II of the Rules of the Tennessee Supreme Court by deleting subsection (c) in its entirety and replacing it with revised subsection (c), as set out in Appendix A to this Order. Also attached to this Order as Appendix B is a redlined version showing the amendments to subsection (c).

The Clerk shall provide a copy of this order and the attached appendices to LexisNexis and to Thomson Reuters. In addition, this order and the attached appendices shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM

APPENDIX A

[Amended Rule 11, § II(c)]

Rule 11, § II. Functional improvement of judicial system - Uniform procedures for data collection in civil and criminal matters in circuit, criminal, chancery, probate, and general sessions courts.

* * * *

c. The Court finds that the data collection procedure designed by the Administrative Office of the Courts, in conjunction with the above-named committee, will aid in the accomplishment of the AOC's statutory duties, (Tenn. Code. Ann. § 16-3-803(g)), that the collection of statistical data by the AOC is specifically authorized by statute (Tenn. Code. Ann. § 16-3-803(i)); and that all judges, clerks of court, district attorneys general, district public defenders, other officers or employees of the courts, and all staff of offices or employees related to and serving the courts, are charged with complying with all requests for information from the Administrative Director of the Courts. Further, to ensure that comparable data is collected from all of the courts, data collection shall follow the standard definition of a case as set forth in Tenn. Code. Ann. § 16-1-117.

(1) **Responsibility for Submission of Data.** Each clerk of a circuit, criminal, chancery, probate, general sessions, or municipal court with general sessions jurisdiction is responsible for submitting the data required by this rule to the Technology Services Division of the Administrative Office of the Courts. Submission of data specified by this rule shall be filed with the AOC not later than fifteen (15) days after the close of the month in which the case was filed and also the month in which it was disposed. Clerks for courts of record other than juvenile court shall require that any complaint and summons filed to commence, reopen, or reinstate a civil action shall be accompanied by a Civil Case Cover Sheet for reopened cases, which has been completed by the initiating party or his/her representative. The clerks shall also require a new Civil Case Cover Sheet (Reopened Cases) to be completed upon the grant of a new trial. Upon issuance of a final order disposing of the case, the clerk of court shall complete the disposition portion of the Civil Case Cover Sheet in full. For clerks who report electronically, all initial filings, reopens and the subsequent dispositions shall be reported in the monthly data file to the AOC according to the specifications provided by the AOC. For clerks who cannot report electronically, a copy of the cover sheet containing this disposition information shall then be forwarded to the AOC on a monthly basis.

In addition, the clerks of courts of record other than juvenile shall require that any indictment, presentment or criminal information that initiates a criminal action in circuit or criminal court shall be reported to the AOC according to the specifications provided by the AOC (accompanied by a Criminal Case Cover Sheet which has been completed by the district attorney general or his/her office. The clerks shall complete a new Criminal Case Cover Sheet upon the grant of a new trial, upon a case appealed from a lower court, or upon any petition to re-open or reinstate a criminal action). Upon issuance of a final order

or judgment disposing of the case, the clerk of the court shall report electronically the disposition for each docket number and all related charges according to the specifications provided by the AOC.

Clerks' offices that are automated shall report statistical information monthly to the AOC by submitting an electronic file according to the specifications provided by the AOC. In the event that a clerk is unable to do so due to technical difficulties, the clerk may report by sending the completed Criminal Case Cover Sheets and/or Civil Case Cover Sheets to the AOC.

(2) Administrative Director; Reports Public Record When Filed. All reports specified by these rules shall be public records. The Administrative Director of the Courts shall publish an annual compilation of the reports. All judges, court clerks, district attorneys general, district public defenders, and officers of the court shall cooperate with the Administrative Director to ensure the accuracy of the reports. As required by statute, the Administrative Director of the Courts shall annually report to the Chair of the Judiciary Committee of the Senate, the Chair of the Judiciary Committee of the House of Representatives, and the Office of the Comptroller Division of Research and Accountability as to the failure of any judge, district attorney general, district public defender, or court clerk to comply with any of the reporting requirements.

Compliance with the reporting requirements includes, but is not limited to, submitting data files or, if for those who cannot report electronically, cover sheets within the fifteen (15) day time frame, submitting data every month, submitting data according to specifications provided by the AOC, and using correct case numbering and definitions.

The Administrative Office of the Courts will provide written notification to any responsible reporting party found not to be in compliance with the statute or reporting guidelines. Written notification will detail the type of non-compliance and recommend the corrective action to be taken. If compliance is not achieved during the subsequent reporting period following notification, the Administrative Office of the Courts will no longer accept data from the office not in compliance, until such time as the error(s) are corrected. Notification of this action will be sent to all judges, district attorneys general, district public defenders, and court clerks within the district that the non-complying office is located in. Notification will also be sent to the District Attorneys General Conference, the District Public Defenders Conference, the Administrative Office of the Courts, and the County Officials Association of Tennessee. Any periods of non-compliance will also be reported in the annual report to the chairs of the House and Senate Judiciary Committees.

The Technology Services Division of the AOC shall provide an Implementation Manual that contains commentary and explanatory material pertaining to these rules and the report forms required by these rules. The Implementation Manual shall also contain a data dictionary outlining data to be submitted and the format for that data.

(3) Case Counting. For purposes of this rule, the term "docket number" is defined as the separate and distinct identification number used for a case once it is filed in criminal,

circuit, chancery, or probate court.

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

A civil case shall be defined as all motions, petitions, claims, counter claims, or proceedings between the parties resulting from the initial filing until the case is disposed. A docket number will be assigned to a civil case upon filing. Until said cases are disposed all subsequent motions, petitions, claims, counter claims, or proceedings between the parties resulting from the initial filing will be handled under the assigned docket number and will not be assigned a new docket number. Once a civil case has been disposed and further actions occur on the case, the original case will be reopened using the same docket number under which it was originally filed. All subsequent motions, petitions, claims, counter claims, and proceedings relating to the reopened case will be handled under the one reopened case docket number until disposed. Any subsequent reopenings will still use the original docket number.

(4) General Sessions Reporting - Effective July 1, 2003, or sooner if practical, all general sessions courts and municipal courts with general sessions jurisdiction shall collect and report to the AOC all civil and criminal case data in accordance with the definitions provided under Part (3) above and guidelines published by the AOC.

Clerks of general sessions and municipal courts with general sessions jurisdiction shall submit data monthly according to specifications provided by the AOC.

General sessions courts and municipal courts with general sessions jurisdiction having an automated case management system shall report the collected data in accordance with the guidelines by electronic data file submission.

APPENDIX B

[Redlined Version of Amended Rule 11, § II(c)]

Rule 11, § II. Functional improvement of judicial system – Uniform procedures for data collection in civil and criminal matters in circuit, criminal, chancery, probate, and general sessions courts.

* * * *

c. The Court finds that the data collection procedure designed by the Administrative Office of the Courts, in conjunction with the above-named committee, will aid in the accomplishment of the AOC's statutory duties, (Tenn. Code. Ann. § 16-3-803(g)), that the collection of statistical data by the AOC is specifically authorized by statute (Tenn. Code. Ann. § 16-3-803(i)); and that all judges, clerks of court, district attorneys general, district public defenders, other officers or employees of the courts, and all staff of offices or employees related to and serving the courts, are charged with complying with all requests for information from the Administrative Director of the Courts. Further, to ensure that comparable data is collected from all of the courts, data collection shall follow the standard definition of a case as set forth in Tenn. Code. Ann. § 16-1-117.

(1) ~~Reporting Forms; Responsibility for Submission of Data.~~ Each clerk of a circuit, criminal, chancery, probate, general sessions, or municipal court with general sessions jurisdiction is responsible for submitting the formsdata required by this rule to the Technology Services Division of the Administrative Office of the Courts. Submission of formsdata specified by this rule shall be filed with the AOC not later than fifteen (15) days after the close of the month in which the case was filed and also the month in which it was disposed. ~~Pursuant to the procedure, the AOC will provide a supply of the Civil Case Cover Sheets and the Criminal Case Cover Sheets, FORM NOS. TJIS/CH and TJIS/CR1, to the clerks of the Circuit, Criminal, Chancery, and Probate Courts. General Sessions Courts and Municipal Courts with general sessions jurisdiction will be provided with copies of FORM NOS. TJISGSCR1 and TJISGCCV1.~~

Clerks for courts of record other than juvenile court shall require that any complaint and summons filed to commence, reopen, or reinstate a civil action shall be accompanied by a Civil Case Cover Sheet for reopened cases, ~~FORM NO. TJIS/CI3,~~ which has been completed by the initiating party or his/her representative. The clerks shall also require a new Civil Case Cover Sheet (Reopened Cases) to be completed upon the grant of a new trial. Upon issuance of a final order disposing of the case, the clerk of court shall complete the disposition portion of the Civil Case Cover Sheet in full. A portion For clerks who report electronically, all initial filings, reopens and the subsequent dispositions shall be reported in the monthly data file to the AOC according to the specifications provided by the AOC. For clerks who cannot report electronically, a copy of the cover sheet containing this disposition information shall then be forwarded to the AOC on a monthly basis.

In addition, the clerks of courts of record other than juvenile shall require that any indictment, presentment or criminal information that initiates a criminal action in circuit or criminal court shall be reported to the AOC according to the specifications provided by the AOC (accompanied by a Criminal Case Cover Sheet which has been completed by the district attorney general or his/her office. The clerks shall complete a new Criminal Case Cover Sheet upon the grant of a new trial, upon a case appealed from a lower court, or upon any petition to re-open or reinstate a criminal action:). Upon issuance of a final order or judgment disposing of the case, the clerk of the court shall completereport electronically the disposition portion of the Criminal Case Cover Sheet for each docket number and all related charges. ~~When all charges on the form have been disposed of, these forms shall be forwarded according to the specifications provided~~ by the ~~clerk of court, on a monthly basis, to the~~ AOC.

~~Effective July 1, 2002, clerks'~~

Clerks' offices that are automated shall report statistical information monthly to the AOC by ~~computer diskette or submitting an~~ electronic mail attachment file according to the specifications provided by the AOC. In the event that a clerk is unable to do so due to technical difficulties, the clerk may report by sending the completed Criminal Case Cover Sheets and/or Civil Case Cover Sheets to the AOC.

(2) Administrative Director; Reports Public Record When Filed. All reports specified by these rules shall be public records. The Administrative Director of the Courts shall publish an annual compilation of the reports. All judges, court clerks, district attorneys general, district public defenders, and officers of the court shall cooperate with the Administrative Director to ensure the accuracy of the reports. As required by statute, the Administrative Director of the Courts shall annually report to the Chair of the ~~Judicial Council, the Chair of the~~ Judiciary Committee of the Senate, the Chair of the Judiciary Committee of the House of Representatives, and the Office of the Comptroller Division of Research and Accountability as to the failure of any judge, district attorney general, district public defender, or court clerk to comply with any of the reporting requirements.

Compliance with the reporting requirements includes, but is not limited to, submitting data files or, if for those who cannot report electronically, cover sheets within the fifteen (15) day time frame, submitting data every month, submitting data according to ~~Implementation Manual guidelines~~ specifications provided by the AOC, and using correct case numbering and definitions.

The Administrative Office of the Courts will provide written notification to any responsible reporting party found not to be in compliance with the statute or reporting guidelines. Written notification will detail the type of non-compliance and recommend the

corrective action to be taken. If compliance is not achieved during the subsequent reporting period following notification, the Administrative Office of the Courts will no longer accept data from the office not in compliance, until such time as the error(s) are corrected. Notification of this action will be sent to all judges, district attorneys general, district public defenders, and court clerks within the district that the non-complying office is located in. Notification will also be sent to the District Attorneys' General Conference, the District Public Defenders' Conference, the Administrative Office of the Courts, and the County Officials Association of Tennessee. Any periods of non-compliance will also be reported in the annual report to the ~~Judicial Council and the~~ chairs of the House and Senate Judiciary Committees.

The Technology Services Division of the AOC shall provide an Implementation Manual that contains commentary and explanatory material pertaining to these rules and the report forms required by these rules. The Implementation Manual shall also contain a data dictionary of terms outlining data to be used for case reporting, submitted and ~~how the terms will be defined for reporting purposes~~format for that data.

(3) **Case Counting.** For purposes of this rule, the term "docket number" is defined as the separate and distinct identification number used for a case once it is filed in criminal, circuit, chancery, or probate court.

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

A civil case shall be defined as all motions, petitions, claims, counter claims, or proceedings between the parties resulting from the initial filing until the case is disposed. A docket number will be assigned to a civil case upon filing. Until said cases are disposed all subsequent motions, petitions, claims, counter claims, or proceedings between the parties resulting from the initial filing will be handled under the assigned docket number and will not be assigned a new docket number. Once a civil case has been disposed and further actions occur on the case, the original case will be reopened using the same docket number under which it was originally filed. All subsequent motions, petitions, claims, counter claims, and proceedings relating to the reopened case will be handled under the one reopened case docket number until disposed. Any subsequent reopenings will still use the original docket number.

(4) General Sessions Reporting - Effective July 1, 2003, or sooner if practical, all general

sessions courts and municipal courts with general sessions jurisdiction shall collect and report to the AOC all civil and criminal case data in accordance with the definitions provided under Part (3) above and guidelines published by the AOC.

Clerks of general sessions and municipal courts with general sessions jurisdiction shall ~~file monthly reports with the AOC using FORM NOS. TJISGSCR1 and TJISGSCV1. Forms shall be submitted no later than the fifteenth (15) day of month following the month for which data is being reported.~~

~~General sessions courts and municipal courts with general sessions jurisdiction having an automated case management system shall report the collected data in accordance with the guidelines by diskette or e-mail submission.~~ submit data monthly according to specifications provided by the AOC.

General sessions courts and municipal courts with general sessions jurisdiction having an automated case management system shall report the collected data in accordance with the guidelines by electronic data file submission.