

Minutes of the Advisory Task Force on Composition of Judicial Districts

August 19, 2019

The meeting was called to order on August 19, 2019 at 10 am CST by Chairman Telford Forgety.

Russell Johnson moved to allow electronic participation by Task Force Members under Tenn. Code Ann. §8-44-108. The motion was seconded by Bo Burk and carried upon a full roll call vote.

Chairman Forgety joined Russell Johnson and John Fine via video conference from Knoxville, TN. J.B. Cox, Bo Burk, Craig Fickling and Kim Nelson participated at the AOC in Nashville. Jim Kyle, John Ryder, Mark Davidson and Kim Helper joined the group via teleconference.

Chairman Forgety proposed additions to the minutes of the meeting of July 29, 2019. A motion to accept the minutes with the additions was made by Craig Fickling, seconded by Russell Johnson, and carried with nine ayes, one no and one abstention upon a full roll call vote.

Chairman Forgety welcomed guests to the meeting, including Senators Jon Lundberg, Mike Bell, and Ed Jackson, Chancellor Tony Childress, Deputy Comptroller Jason Mumpower, Ceesha Lofton, Rachel Harmon, Deborah Tate, and Charlie Baldwin of the AOC, Rep. Bruce Griffey, Andy Clark of the Henry County Bar Association, TN Senate Judiciary analysts Matt Cook and Chase Johnson, John Gleason of the House Judiciary Committee, Ben Marcy, Morgan Fitzgerald, Rachel Gibson, Patrick Frogge, Taz Garner and Chelsea Curtis of the Public Defenders' Conference, Guy Jones from the District Attorneys' Conference, and Judge Paula Skahan, Presiding Judge of the 30th Judicial District.

General Counsel Rachel Harmon of the AOC asked members to assist the AOC by providing by the close of business (5 pm CST) on the Wednesday before each Task Force meeting whether and by what method members will attend the meetings, whether lunch is needed along with any dietary restrictions, and to provide any copies/information that needs to be shared with others. Ceesha Lofton is the point person.

Chairman Forgety did not have any formal remarks but offered an opportunity to the legislators in attendance to share thoughts/comments. Senator Jackson voiced opposition to any changes in West Tennessee. His comments were echoed by Rep. Griffey, as well as Henry County Bar President Andy Clark. Deputy Comptroller Mumpower discussed his office's obligations under the weighted caseload study and indicated a willingness to assist the Task Force, if needed.

Comments continue to be received by the Task Force via its on-line site.

Public Defender Craig Fickling discussed the PD's efforts to gather data related to the allocation of positions. The PD's case count is based on charges, not cases. Spreadsheets were provided with the gathered data. PD Fickling noted that Shelby County and Davidson County are separate entities.

DA Russell Johnson presented the District Attorney's numbers in a 25-page packet. He shared with members that the DAs Conference passed a resolution making Williamson County a single judicial district with support for a 32nd district comprised of Hickman, Lewis and Perry Counties. The resolution also stated that the 21st District would retain its current staffing with new staffing provided for the new district. The DAs also supported a change whereby the Chancellor overseeing the 4th and 5th Districts would solely serve the 4th District.

Following the request of Chairman Forgety, Task Force Member John Ryder discussed the Voting Rights Act and its application under the U.S. and Tennessee Constitutions. He discussed constitutional principles and precedents dealing with minority redistricting considerations.

The Task Force broke for lunch at 11:30 am CST.

Upon reconvening at 1 pm CST, the group discussed redistricting concerns raised for the West Tennessee. J.B. Cox moved that based on the factors considered in the Task Force's prior discussions, no change is necessary in West Tennessee. The motion was seconded by Bo Burk. Further discussion followed. The motion passed following a full roll call vote – 8 ayes, 3 noes. Supporting the motion were Burk, Cox, Davidson, Fickling, Fine, Helper, Johnson and Kyle. Opposed were Forgety, Nelson and Ryder.

Finding there was not sufficient notice that the Task Force would discuss East Tennessee and continue its discussion on Middle Tennessee, the Task Force decided to consider those at the next meeting on Monday, August 26, 2019 at 10 am CST. A face-to-face meeting of members is scheduled for October 11, 2019.

With no further business, the Task Force meeting adjourned.

Respectfully Submitted:

Kim Helper