

STATE OF TENNESSEE

WORKERS' COMPENSATION ADVISORY COUNCIL



STUDY OF WORKERS' COMPENSATION TRIAL JUDGMENTS 1996-1998

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INTRODUCTION

WORKERS' COMPENSATION ADVISORY COUNCIL

The Tennessee Workers' Compensation Advisory Council (hereinafter, Advisory Council) exists pursuant to *Tennessee Code Annotated* §50-6-121. The chair of the Advisory Council is the State Treasurer, Mr. Steve Adams. The members include six voting members [three representing employers and three representing employees], five nonvoting members [one from local government, one from an insurance company, one health care provider and two attorneys] and four ex officio members [chair and vice chair of the special joint committee on workers' compensation and the commissioners of labor & workforce development and commerce & insurance].

Pursuant to statute, the Advisory Council's role may include making recommendations relating to rules and legislation, making recommendations regarding the method and form of statistical data collections and monitoring the performance of the workers' compensation system in the implementation of legislative directives. Also, the statute specifically directs the Advisory Council to develop evaluations, statistical reports and other information from which the general assembly may evaluate the impact of the acts affecting the workers' compensation system and to report to the general assembly on the issues relating to permanent partial disability, among other issues.

RESEARCH PROJECT

In an effort to fulfill certain of its statutory obligations, the Advisory Council, in the Summer of 1997, approved a research project to be conducted by its staff. The research project was initially intended be a collection of data concerning both settled and tried workers' compensation cases from every judicial district in the state. It was anticipated this type of research project would develop data concerning permanent partial disability, venue and independent medical examinations and would allow comparison of claims arising in various judicial districts.

After the Advisory Council staff began the project, it became clear the scope of the research project would have to be narrowed in order to present any results in a reasonable amount of time. This was due to the fact that the contents of court orders, which are required for both settled and tried cases, varied significantly from judicial district to judicial district. Often the court order did not contain all the data which was necessary to the project. Thus, staff had to review not only each individual order, but also the entire court record/file to see if depositions, discovery responses or other pleadings might contain the needed data. Because this was a labor intensive undertaking, the scope of the study was limited to a review of only those workers' compensation cases which were actually tried by the trial court judge. It was determined that the review of settled cases would be conducted at a later time. Therefore, this report is limited to workers' compensation cases that proceeded to trial and court verdict.

It was determined that only cases involving injury dates after August 1, 1992 would be included in the study to correspond with the effective date of the 1992 Reform Act. This was critical to the study because it was the 1992 Reform Act which established statutory provisions setting maximum permanent partial disability awards which an employee may receive and one of the goals of the study was to determine how the maximum limits were being applied in the various judicial districts in the State. The methodology of the research project is discussed in greater detail in the methods section of this report.

SYNOPSIS OF TENNESSEE WORKERS' COMPENSATION

In order to understand the results of the study and the significance of the results, a working knowledge of the Tennessee workers' compensation system is necessary. Therefore, for those who are unfamiliar with the Tennessee system the following summary is provided. This summary is not intended to be a complete description of the Tennessee workers' compensation system, but is designed to give an explanation of those portions of the workers' compensation law which are necessary to an understanding of the results of the trials study and this report. This summary applies only to those cases in which there is no dispute as to whether the employee was

injured in the course and scope of employment. For a more detailed explanation of the Tennessee workers' compensation law, the reader is urged to review *Tennessee Code Annotated* §50-6-101 *et seq.*

DISABILITY AND MEDICAL BENEFITS-COMPENSABLE CLAIM

In Tennessee, when an employee sustains an injury in the course and scope of his/her employment, the employee is entitled to receive temporary total disability benefits (TTD) if the employee is unable to work for a period of at least seven (7) days. TTD benefits are paid beginning the eighth day unless the employee is unable to work for fourteen (14) days and in that event the employee will receive TTD benefits retroactive to the first day after the injury. *See, TCA* §50-6-205, 207. If the employee returns to work on either a part-time basis or on light duty and does not earn wages equal to the pre-injury wage, then the employee is entitled to temporary partial disability benefits (TPD). *See, TCA* §50-6-207. The amount of weekly compensation benefits to which the employee is entitled is equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage for the fifty-two (52) week period preceding the date of injury, subject to a statutory minimum and maximum weekly compensation rate. For example, for injuries occurring between July 1, 1997 and June 30, 1998, the minimum weekly compensation rate is \$73.80 and the maximum weekly compensation rate is \$492.00.¹ *See, TCA* §50-6-102(a)(7) and *TCA* §50-6-207.

The employer is required to furnish any medical treatment necessary as a result of a work related injury. The employer must furnish the injured employee with a list of three physicians (panel choice) from which the employee chooses the "attending physician" for the medical treatment. *See, TCA* §50-6-204. The employer is also responsible for medical treatment provided by any medical care provider to whom the "attending physician" refers the employee. After the employee achieves as much healing as possible, i.e. maximum medical improvement, the

¹ Minimum and maximum compensation rates for injury dates pertaining to this study

	MIN	MAX
8/1/92 to 6/30/93	\$35.00	\$318.24
7/1/93 to 6/30/94	\$64.80	\$355.97
7/1/94 to 6/30/95	\$66.15	\$382.79
7/1/95 to 6/30/96	\$68.40	\$415.87
7/1/96 to 6/30/97	\$71.10	\$453.14
7/1/97 to 6/30/98	\$73.80	\$492.00

attending physician determines whether the employee's condition is permanent in nature and if so, states an opinion as to the employee's "permanent impairment" (PPI rating).

If the employee retains a permanent impairment and has received a PPI rating, the employee is almost always entitled to permanent partial disability benefits (PPD), which is a monetary sum paid by the employer to compensate the employee for the loss of the ability to compete for jobs in the open job market.² The amount of PPD benefits which may be awarded by the court to the employee is dependent upon several factors, including type of injury, extent of impairment, age, education, prior work history, job skills, ability to work in the disabled condition and local job opportunities. The award of PPD benefits is also governed by other statutory provisions depending on the type of injury, whether the employer returned the employee to work and other factors. *See, TCA §50-6-207(3); TCA §50-6-241, 242.*

Thus, the first consideration in determining the permanent disability to which the employee may be entitled is to ascertain whether the injury is to the body as a whole (BAW) or to a scheduled member (SM). A scheduled member is a part of the body enumerated in the statute such as finger, arm, hand, toe, foot, leg, eye and hearing. *See, TCA §50-6-207(3)(A)(ii).* All other injuries not specifically provided for in the "schedule" are considered injuries to the body as a whole. Examples of body as a whole injuries include injuries to the back, shoulder, head or a combination of three scheduled member injuries.

If the injury is to a scheduled member, the trial court has full discretion to determine the amount of PPD to which the employee is entitled based on the nature of the injury, the anatomical impairment, the employee's age, education, prior job experience and job skills. The only limitation on the trial court's PPD award for a scheduled member is the maximum number of weeks of disability which is set by statute for the specific member. For example, if the injury is to the arm, the maximum PPD award is 200 weeks of benefits calculated by using the employee's weekly compensation rate. For an employee who has a weekly compensation rate of \$200 and a PPD of 20% to the arm, the amount of compensation for the injury would be \$8000.

²Tennessee law also allows recovery of PPD benefits if there is medical proof the injury is permanent in nature but the provider is unable or refuses to give a PPI rating.

If the same employee had lost the arm, the maximum amount of compensation which could be awarded would be \$40,000.

If the injury is to the body, then the amount of PPD to which the employee is entitled will depend first upon whether the employer returned the employee to work earning the same (or greater) pay than the wage being earned at the time of injury. If the employee did return to work, then the maximum amount which can be awarded for PPD is two and one-half (2.5) times the impairment rating, as determined by the trial court. The amount of the award is calculated by multiplying the PPD percentage awarded by the Court by 400 weeks, the maximum number of weeks the employee may receive permanent partial disability benefits, and then multiplying that figure by the employee's weekly compensation rate. For example, if an employee whose weekly compensation rate is \$200 sustained a back strain and the only impairment rating given by a doctor was 5%, then the court's award could not exceed 12.5% PPD which equals \$10,000 ($0.125 \times 400 \text{ weeks} \times \200), if the employer brought the employee back to work. *See, TCA §50-6-241.*

If the employer does not return the employee to work (earning the same or greater pay), then the maximum amount of PPD which can be awarded by the trial court cannot exceed six (6) times the PPI rating, as determined by the trial court. If the trial court awards a multiplier of five (5) or greater, then the trial court must make specific findings of fact detailing the reasons for the award. The amount of the award is calculated in the same manner as above. For example, if you assume the same type of injury as above, except the employer did not return the employee to work, the maximum PPD which could be awarded would be 30% which equals \$24,000.00 ($0.30 \times 400 \text{ weeks} \times \200). *See, TCA §50-6-241.*

If the employer does not return the employee to work at the same or greater pay and the employee meets three of the four following criteria: (1) age 55 or older; (2) no high school diploma or GED or cannot read and write at an eighth grade level; (3) no reasonably transferable job skills; or (4) no reasonable employment opportunities available locally, the trial court is not

limited to a multiplier maximum. However, the PPD award in this situation cannot exceed 400 weeks of benefits. *See, TCA §50-6-242.*

If the employee is totally incapacitated from working at an occupation which brings an income, the employee is considered “permanently totally disabled” and is entitled to permanent total disability benefits (PTD). These PTD benefits are payable until the employee reaches full retirement age, or if the injury occurs after the employee is 60 years old, the employee is entitled to 260 weeks of benefits. As one of the Advisory Council’s statutory duties is to study permanent partial disability, the primary focus of this report is injuries resulting in permanent partial disability. *See, TCA §50-6-207(4).* Therefore, only limited information is provided for PTD cases.

PERMANENT DISABILITY RESOLUTION PROCESS

The Tennessee workers’ compensation system is a court based system rather than a commission system. Generally, when an employee is injured in the course and scope of employment, if the parties (employee, employer and/or workers’ compensation insurance carrier) cannot agree upon the compensation to which the employee is entitled for the injury, either of the parties may submit the dispute to the court for determination of the benefits to which the employee is entitled. Although *TCA §50-6-225*³, prior to 1998, provided two methods by which the dispute could be determined, as a practical matter, the disputed cases were submitted to either the circuit or chancery courts in the county where the petitioner (the one filing the action) resides or the county in which the accident occurred. In some counties, the criminal court also hears workers’ compensation cases.⁴

If the workers’ compensation claim proceeds to trial, the trial court has discretion to accept the opinion of one physician regarding the permanent impairment rating over the opinion

³*TCA §50-6-225* was amended in 1998 to delete the jurisdiction of the county court.

⁴ Tennessee law does provide a mediation process [benefit review conference] by which disputed workers’ compensation claims can be resolved without the necessity of a trial. For injuries which occur after January 1, 1997, the benefit review conference is mandatory, unless both the employer and employee (or their representatives) agree to waive the mandatory benefit review conference. *See, TCA §50-6-239.*

of another physician. The trial court is not required to give more weight to the opinion concerning permanent impairment given by the “attending physician”. Both the employer and employee are allowed to present expert testimony of an independent medical doctor, i.e. a doctor who is retained to conduct an independent medical examination for the sole purpose of evaluating the extent of permanent impairment.

Thus, in Tennessee, it is possible for there to be expert testimony concerning the permanent impairment by more than one physician. For those cases in which there are multiple opinions of permanent impairment, it is more probable than not that the opinions will not be the same, even though each physician is required to base the PPI opinion on either the most recent edition of the American Medical Association Guides to the Evaluation of Permanent Impairment or the Manual for Orthopedic Surgeons in Evaluating Permanent Physical Impairment.

As the trial court determines the amount of permanent partial disability to which an employee is entitled, the court not only is required to consider many factors (age, education, job skills, etc.) in addition to the permanent impairment rating but the court is also allowed to select among the various medical impairment ratings which may have been given. This creates the potential for variations in PPD awards to exist--not only among the 31 judicial districts, but also within the same judicial district. Therefore, the reader is encouraged to keep these variables in mind as this report is read and the results interpreted.

METHODS

In order to conduct a study of workers' compensation cases for a specific time period, it first was necessary to obtain a list of the cases which had been tried by the courts in the specific year.⁵ The Administrative Office of the Courts (AOC) of Tennessee provides support services to the entire court system in Tennessee and among its services is the annual compilation of data including the types and numbers of cases which are filed and concluded by each court. Reports on all case filings and dispositions are completed by the clerks of circuit courts and clerk and masters of chancery courts on a monthly basis and submitted to the AOC. Therefore, the AOC had in its database the ability to extract the docket numbers for every workers' compensation case which had been reported as concluded during a specific calendar year. The AOC provided the Advisory Council staff a printout of every workers' compensation case concluded for the calendar years 1994-1998.⁶

This study is limited to workers' compensation cases which were tried by a court in calendar years 1996, 1997 and 1998 with injury dates after August 1, 1992. The 95 counties within the state of Tennessee judicial system are divided into 31 judicial districts. Nine of the judicial districts include only one county; however, the other 22 judicial districts vary in size from two counties to seven counties. Since the same judges decide cases in all the counties within a judicial district, it was decided to select the county with the highest number of trials (as indicated on the AOC list) as representative of the overall performance within the judicial district.

Advisory Council staff then visited each selected county in the judicial district. Individual workers' compensation court files were pulled and reviewed to gather data from each. If the number of cases in the selected county proved fewer than anticipated, then an additional

⁵ The Tennessee Department of Labor and Workforce Development maintains a database of all workers' compensation cases reported to it. However, the file number assigned to each case is assigned at the time the claim is reported which is usually long before any actual litigation occurs. Therefore, the TDOLWD file number is different from the court file number and cannot be used to access court records.

⁶ Without the assistance of the AOC, this research project would not have been possible. In addition, without the cooperation and assistance of the various clerks of the circuit courts and the clerk and masters in the various judicial districts, the project could not have been completed. Therefore, the Advisory Council wishes to express its appreciation to the AOC, the clerks and the clerk and masters for all their assistance.

county or counties in the judicial district were also visited and the cases pulled in each. This was necessary to obtain a representative sample from all of the judicial districts in Tennessee.

The data were collected from September of 1997 to December of 1999. A total of 4,846 cases were reviewed. 3,155 cases were discarded because they were misclassified as trials when they were settlements, had injury dates before the 1992 Reform Act, had been misclassified as workers' compensation trials when they were actually another type of case, or were workers' compensation death cases. Death cases were excluded because the scope of this study was primarily permanent partial disability awards. The remaining sample consisted of 1,691 trials which were conducted between January 1, 1996 and December 31, 1998 and involved injuries which occurred after August 1, 1992, the effective date of the 1992 Reform Act.

Data collection involved physically reading court files. Due to the inconsistency and lack of completeness of the court files, many of the necessary data elements were absent. For example, of the 1,691 trials reviewed, 13.0% (220) of the cases had no employee age listed. In 38.5% (615) of the trials, no employee educational level was stated. No physician's permanent partial impairment (PPI) rating was available in the court file for 20.6% (349) of the trials and in 36.8% (623) of the trials, it could not be determined whether the employee had returned to work.

DATA & RESULTS

DATA

As mentioned in the methods section, various counties in each judicial district in Tennessee were visited. Figure A is a map of Tennessee displaying the 31 judicial districts and the counties that comprise each district. The number of workers' compensation cases for each county and judicial district as well as the number of files reviewed in each county are displayed on Table A. This table gives the total number of Tennessee workers' compensation cases as reported by the AOC (settlements, trials and dismissals), the number of trials as reported by the AOC and the number of trials reviewed by Advisory Council staff.

Figure A
The 31 Judicial Districts of Tennessee

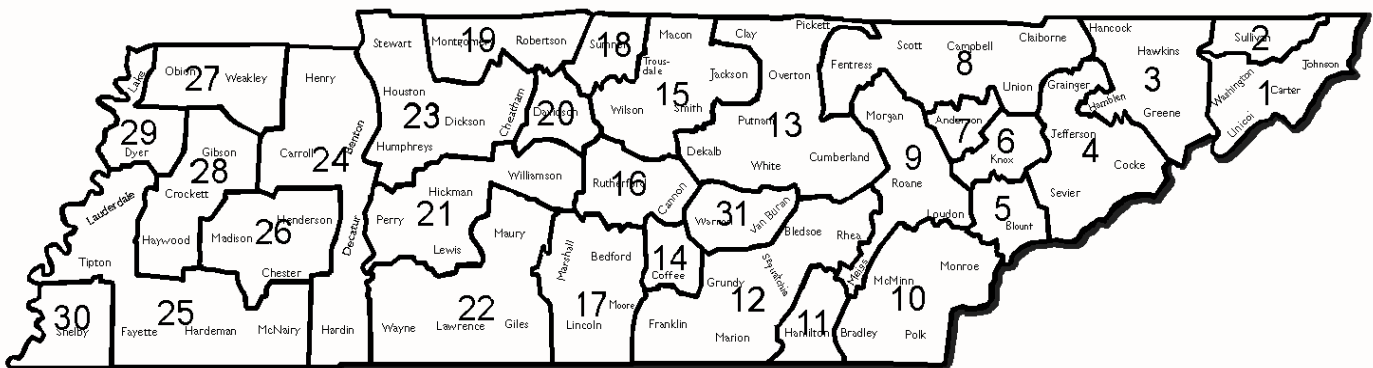


Table 1
Number of 1996-1998 Tennessee Workers' Compensation Cases by County and Judicial District

Judicial District	County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed *
1	Carter	257	15	
	Johnson	63	13	
	Unicoi	76	8	
	Washington	501	175	31
2	Sullivan	770	89	9
3	Greene	533	74	16
	Hamblen	340	8	6
	Hancock	180	4	
4	Hawkins	163	40	2
	Cocke	232	110	8
	Grainger	53	2	
5	Jefferson	269	13	
	Sevier	368	66	19
	Blount	420	38	20
6	Knox	4958	241	130
7	Anderson	725	165	76
8	Campbell	307	43	19
	Claiborne	157	24	11
	Fentress	116	33	21
	Scott	195	0	
9	Union	72	8	
	Loudon	156	15	
	Meigs	26	5	
10	Morgan	73	18	4
	Roane	319	167	37
	Bradley	637	60	8
11	McMinn	297	124	13
	Monroe	138	59	4
	Polk	49	23	
	Hamilton	3759	411	113
12	Bledsoe	33	2	
	Franklin	419	113	30
	Grundy	102	35	
	Marion	180	45	
	Rhea	192	22	7
	Sequatchie	56	24	2
13	Clay	62	8	
	Cumberland	260	23	8
	DeKalb	127	23	5
	Overton	95	23	
	Pickett	6	4	
	Putnam	626	70	20
	White	114	11	3
14	Coffee	404	108	19
15	Jackson	48	7	
	Macon	115	29	3
	Smith	148	22	10
	Trousdale	46	18	1
	Wilson	419	81	31

Judicial District	County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed *
16	Cannon	37	6	
	Rutherford	1418	225	109
17	Bedford	384	162	13
	Lincoln	162	14	5
	Marshall	211	20	13
	Moore	24	2	2
18	Sumner	664	212	85
19	Montgomery	632	82	25
	Robertson	300	35	25
20	Davidson	9225	217	157
21	Hickman	34	5	4
	Lewis	51	5	1
	Perry	32	5	1
	Williamson	248	15	10
22	Giles	142	11	7
	Lawrence	305	29	5
	Maury	496	111	21
	Wayne	74	5	2
23	Cheatham	104	6	2
	Dickson	138	10	7
	Houston	33	5	3
	Humphreys	74	25	9
24	Stewart	73	9	2
	Benton	151	27	20
	Carroll	340	6	2
	Decatur	85	2	
	Hardin	160	25	1
25	Henry	317	66	45
	Fayette	62	4	7
26	Hardeman	122	77	4
	Lauderdale	199	17	13
	McNairy	110	0	
	Tipton	171	23	10
27	Chester	89	41	
	Henderson	272	1	
	Madison	1484	183	115
28	Obion	549	327	101
	Weakley	258	63	6
29	Crockett	60	23	8
	Gibson	451	55	25
	Haywood	106	12	3
30	Dyer	593	59	9
	Lake	22	0	
31	Shelby	3240	269	111
Statewide	Van Buren	10	0	
	Warren	201	118	17
Statewide		43574	5333	1691

* The number of trials listed on printouts from the AOC did not always correspond to actual cases tried due to AOC reporting forms which require the case to be reported as a trial if one witness is sworn in. In workers' compensation cases which are settled, the employee is usually sworn in. Thus, many settlements were reported as trials. In counties that were visited, all AOC cases reported as trials were reviewed to determine if the case was tried or settled.

TRIAL INFORMATION

This section provides a synopsis of which party filed the workers' compensation cases for the trials reviewed, the number of body as a whole versus scheduled member trials, and the average length of time between date of injury and date of trial. Injured workers filed 94.4% (1,597) of the cases that proceeded to trial. Insurers and/or employers filed the remaining 5.6% (94) of the cases that were tried by the court.

Table 2 lists the number of trials reviewed in each judicial district broken down by the general type of injury. Body as a whole injuries include injuries to the back, neck, shoulder, hips, groin, head and heart attacks. Scheduled member injuries include arms, hands, fingers, legs, feet, eyes and ears. Of the 1,691 trials reviewed, cases involving body as a whole injuries occurred 58.8% of the time (995 cases) and scheduled member injury cases occurred 40.4% of the time (683 cases). In 13 of the cases there was no information in the court file which specified the body part injured or even the general type of injury sustained by the employee.

Table 2

General Type of Injury
1996-1998 Tennessee Workers' Compensation Trials

Judicial District	# of Cases Reviewed	Body as a Whole (BAW)		Scheduled Member (SM)	
		Frequency	Percent	Frequency	Percent
1	31	23	74.2	8	25.8
2	9	7	77.8	2	22.2
3	24	16	66.7	8	33.3
4	27 *	20	74.1	6	22.2
5	20 *	13	65.0	6	30.0
6	130 *	98	75.4	30	23.1
7	76	44	57.9	32	42.1
8	51	37	72.5	14	27.5
9	41	25	61.0	16	39.0
10	25	14	56.0	11	44.0
11	113 *	72	63.7	39	34.5
12	39	21	53.8	18	46.2
13	36 *	20	55.6	15	41.7
14	19	12	63.2	7	36.8
15	45	23	51.1	22	48.9
16	109	53	48.6	56	51.4
17	33	16	48.5	17	51.5
18	85 *	40	47.1	43	50.6
19	50 *	19	38.0	30	60.0
20	157 *	92	58.6	64	40.8
21	16	8	50.0	8	50.0
22	35	21	60.0	14	40.0
23	23 *	16	69.6	6	26.1
24	68 *	31	45.6	36	52.9
25	34	16	47.1	18	52.9
26	115	70	60.9	45	39.1
27	107	59	55.1	48	44.9
28	36	16	44.4	20	55.6
29	9	8	88.9	1	11.1
30	111	81	73.0	30	27.0
31	17	4	23.5	13	76.5
Statewide	1691	995	58.8	683	40.4

* unable to determine type of injury for all cases

The average length of time between the date of injury and the date of trial is shown in Table 3. The mean length of time between injury and trial was 2.3 years for all Tennessee workers' compensation trials in 1996-1998. The shortest average time from injury to trial was 1.8 years in Judicial Districts 2 (Sullivan), 28 (Crockett, Gibson, Haywood) and 31 and the longest average was 2.8 years in Judicial District 5 (Blount). On an individual trial basis the shortest time from date of injury to date of trial was 0.1 years (just over 1 month) and the longest was 5.6 years (about 5 years 5 months). Differences between districts for the length of time from injury to trial were statistically significant.⁷

Table 3
Average Length of Time Between Date of Injury and Date of Trial
(in years)

1996-1998 Tennessee Workers' Compensation Trials

Judicial District	N	Mean	Median	Standard Deviation	Minimum	Maximum
1	31	2.3	2.3	0.84	1.1	5.0
2	9	1.8	2.0	1.04	0.2	3.8
3	24	2.2	2.0	0.96	0.9	4.3
4	27	2.5	2.6	0.98	0.9	5.1
5	20	2.8	2.9	0.99	1.1	4.5
6	129	2.3	2.1	0.82	0.8	4.7
7	76	2.0	1.9	0.71	0.6	4.6
8	51	2.6	2.5	1.18	0.7	5.1
9	41	1.9	2.0	0.76	0.7	3.9
10	25	2.4	2.2	1.07	1.1	4.7
11	113	2.3	2.2	1.07	0.3	4.9
12	39	2.2	2.2	0.74	0.4	3.5
13	36	2.4	2.4	0.84	0.7	5.3
14	19	2.6	2.4	0.80	1.5	4.1
15	45	2.3	2.0	1.00	1.0	5.1
16	107	2.4	2.4	0.86	0.9	4.5
17	33	2.4	2.1	1.04	0.9	5.4
18	84	1.9	1.8	0.88	0.1	4.6
19	50	2.2	2.0	1.01	0.8	5.3
20	156	2.3	2.3	0.86	0.6	5.3
21	16	2.5	2.4	0.89	0.9	3.9
22	35	2.7	2.7	1.11	0.4	5.1
23	23	2.4	2.4	1.13	0.6	4.5
24	68	2.0	1.8	0.70	0.6	4.0
25	34	2.2	2.2	0.76	0.9	3.6
26	114	2.1	1.9	0.84	0.6	4.8
27	105	2.2	2.1	0.88	0.8	4.6
28	36	1.8	1.7	0.87	0.2	4.1
29	9	1.7	1.7	0.75	1.0	3.2
30	111	2.4	2.3	0.93	0.3	5.0
31	17	1.8	1.7	0.53	1.0	3.1
Statewide	1683	2.3	2.3	0.92	0.1	5.4

⁷ $p < .01$ one way ANOVA

DEMOGRAPHIC INFORMATION

The average ages of the injured workers involved in the cases studied are shown in Table 4. Average ages of injured workers ranged from 37.3 years in Judicial District 2 (Sullivan) to 47.6 years in Judicial District 4 (Cocke, Grainger, Jefferson, Sevier) with a statewide mean of 42.0 years of age. Figure B is a graph of the distribution of the ages of the injured workers for the trials reviewed. The percent given in the figure represents the percent of cases that fall within each age range for all trials reviewed which had age information. Differences between judicial districts were statistically significant.⁸

Table 4
Average Age of the Injured Worker
1996-1998 Tennessee Workers' Compensation Trials

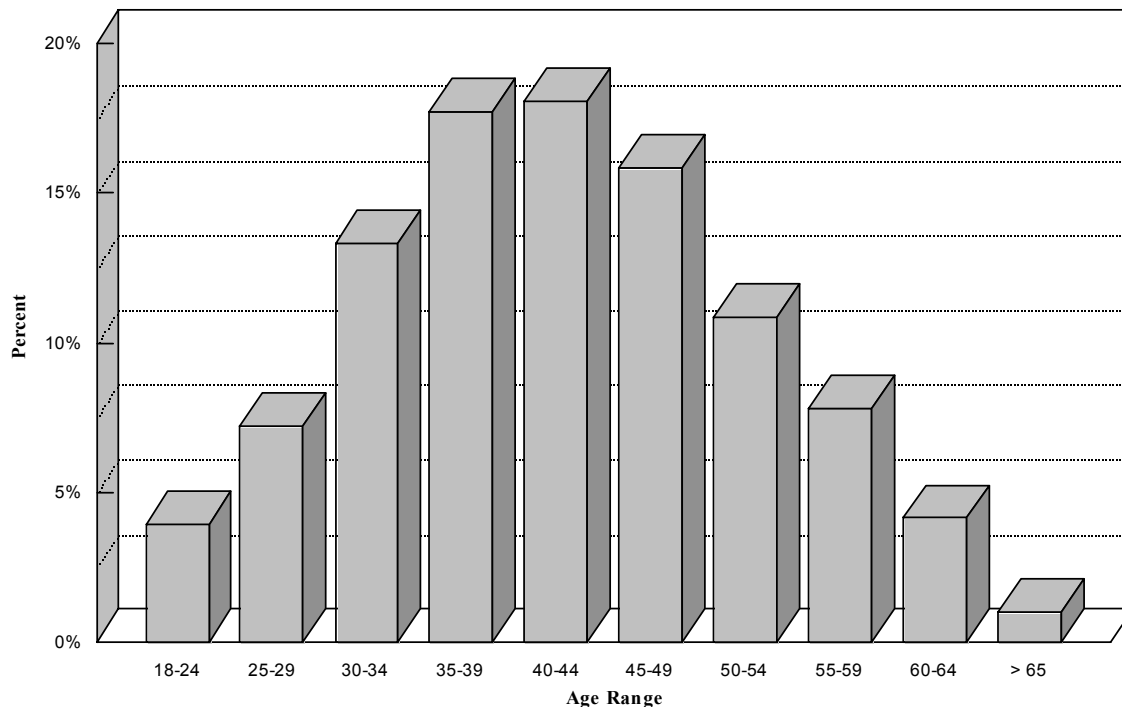
Judicial District	Mean	Median	Standard Deviation	N
1	38.1	36.5	10.1	28
2	37.3	33.0	11.7	8
3	45.2	46.0	11.9	19
4	47.6	46.0	8.4	23
5	43.3	44.0	10.8	19
6	41.3	40.0	10.5	116
7	41.4	42.0	11.9	65
8	43.8	44.0	9.4	48
9	38.6	37.0	10.7	35
10	44.9	48.0	11.2	18
11	42.7	42.0	10.8	90
12	44.0	42.0	12.0	37
13	41.3	42.0	9.2	34
14	44.4	44.0	11.5	17
15	42.9	44.0	10.9	40
16	40.7	39.0	8.9	105
17	40.2	39.0	9.6	30
18	40.2	40.0	10.1	76
19	43.4	45.0	7.9	45
20	42.1	40.0	9.6	141
21	43.4	42.5	14.4	14
22	41.5	42.0	8.9	27
23	39.6	41.0	11.3	19
24	40.2	42.0	12.2	59
25	40.6	40.5	10.0	32
26	41.4	41.0	9.3	91
27	44.6	47.0	8.6	90
28	39.6	39.0	11.1	30
29	46.1	47.0	12.6	9
30	42.9	41.0	10.1	90
31	45.9	46.5	13.1	16
Statewide	42.0	41.0	10.29	1471

⁸ $p < .03$ one way ANOVA

Figure B

Average Age of Injured Workers

1996-1998 Tennessee Workers' Compensation Trials



Tables 5 and 6 refer to the level of education of injured workers in the reviewed Tennessee workers' compensation trials. These tables also include 1990 United States Census data for Tennessee so levels of education for the injured workers studied can be compared to the Tennessee public over the age of 18. This comparison is also presented graphically in Figure C. The data revealed a noticeable difference between the two populations: 79.5% of the injured employees had a high school education or less whereas 65.1% of the Tennessee total population over 18 years old had a high school education or less.⁹

⁹This is a comparison between people whose trials were between 1996 and 1998 and the total population in Tennessee in 1990 over 18, thus its implications should not be taken too far because current census data is not available.

Table 5

Level of Education

1996-1998 Tennessee Workers' Compensation Trials

Judicial District	No High School		Some High School		Graduated From High School or GED	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
1	4	17.4	2	8.7	13	56.5
2	2	28.6			2	28.6
3			5	31.3	5	31.3
4	4	25.0	4	25.0	8	50.0
5			1	25.0	3	75.0
6	6	7.1	18	21.2	36	42.4
7	7	12.3	13	22.8	32	56.1
8	7	20.6	9	26.5	12	35.5
9	2	11.1	4	22.2	10	55.6
10	1	9.1	3	27.3	5	45.5
11	5	7.7	14	21.5	34	52.3
12	1	4.0	5	20.0	13	52.0
13	1	4.2	4	16.7	17	70.8
14	2	22.2	1	11.1	4	44.4
15	5	14.7	5	14.7	18	52.9
16	6	6.3	20	20.8	54	56.3
17	2	9.1	4	18.2	14	63.6
18	9	14.8	18	29.5	24	39.3
19	1	2.6	10	25.6	23	59.0
20	11	8.9	22	17.7	51	41.1
21	3	37.5	3	37.5	2	25.0
22	1	5.3	5	26.3	8	42.1
23			3	23.1	10	76.9
24	2	5.6	13	36.1	11	30.6
25	4	18.2	3	13.6	10	45.5
26	5	9.8	5	9.8	29	56.9
27	4	15.4	1	3.8	16	61.5
28	2	7.7	6	23.1	15	57.7
29	3	37.5	1	12.5	2	25.0
30	5	8.9	8	14.3	22	39.3
31	1	7.7	4	30.8	7	53.8
Statewide	107	10.2	214	20.4	512	48.9
1990 U.S. Census Data for Tennessee		14.7		18.5		31.9

Table 6

Level of Education

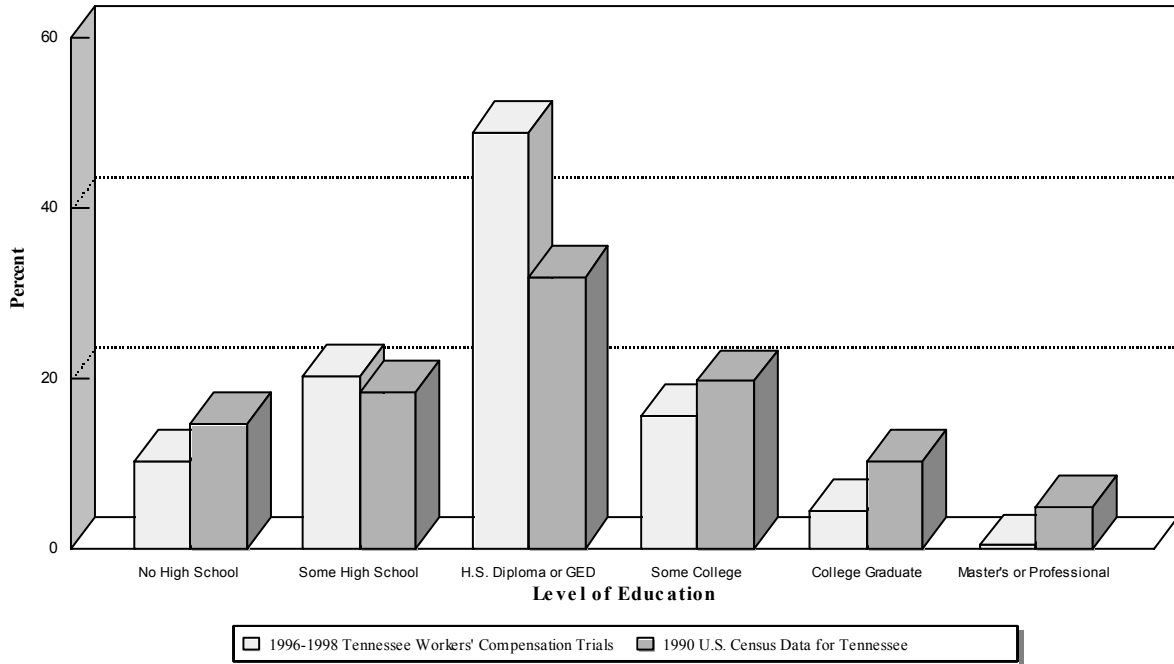
1996-1998 Tennessee Workers' Compensation Trials

Judicial District	Some College or Associate's Degree		Graduated From College		Some Graduate School		Master's Degree, Ph. D. or Equivalent	
	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent
1	3	13.0	1	4.3				
2	3	42.9						
3	6	37.5						
4								
5								
6	20	23.5	3	3.5	1	1.2		
7	5	8.8						
8	4	11.8	2	5.9				
9			1	5.6			1	5.6
10	1	9.1	1	9.1				
11	11	16.9	1	1.5				
12	6	24.0						
13	2	8.3						
14	2	22.2						
15	5	14.7	1	2.9				
16	12	12.5	3	3.1			1	1.0
17	1	4.5	1	4.5				
18	9	14.8	1	1.6				
19	4	10.3	1	2.6				
20	22	17.7	16	12.9	2	1.6		
21								
22	5	26.3						
23								
24	10	27.8						
25	5	22.7						
26	7	13.7	3	5.9	1	2.0	1	2.0
27	4	15.4	1	3.8				
28	2	7.7	1	3.8				
29	1	12.5	1	12.5				
30	13	23.2	5	8.9			1	1.8
31	1	7.7						
Statewide	164	15.6	43	4.1	4	0.4	4	0.4
1990 U.S. Census Data for Tennessee		19.7		10.2				4.9

Figure C

Level of Education

A Comparison of 1996-1998 Tennessee Workers' Compensation Trials and 1990 U.S. Census Data for Tennessee (ages 18+)



Average weekly compensation rates are described in Tables 7 and 8. Both tables contain the same data; however, Table 8 ranks the judicial districts from the highest compensation rate to the lowest. Judicial District 27 (Obion, Weakley) had the highest average compensation rate of \$343.09 and Judicial District 1 (Carter, Johnson, Unicoi, Washington) had the lowest at \$215.29. There was a statistically significant difference between districts when comparing weekly compensation rates.¹⁰ The mean compensation rate for employees from the reviewed trials was \$275.59. It is interesting to note that while more scores fell below the mean on a statewide level, 22.0% (379) were at the maximum weekly compensation rate. Figure D graphically represents the distribution of weekly compensation rates for this study.

¹⁰One way ANOVA $p < .01$

Table 7
Average Weekly Compensation Rate
 1996-1998 Tennessee Workers' Compensation Trials

Judicial District	N	Mean	Median	Standard Deviation	Minimum	Maximum
1	29	\$215.29	\$193.60	\$77.93	\$113.33	\$415.87
2	9	\$270.24	\$251.97	\$114.80	\$70.83	\$415.87
3	20	\$224.32	\$217.47	\$81.84	\$108.80	\$412.80
4	21	\$236.64	\$256.13	\$81.22	\$89.33	\$355.97
5	17	\$284.52	\$290.87	\$75.68	\$133.33	\$415.87
6	103	\$261.06	\$240.00	\$101.38	\$68.40	\$453.14
7	72	\$297.03	\$304.02	\$86.64	\$75.05	\$453.14
8	48	\$268.09	\$290.58	\$109.80	\$65.35	\$453.14
9	37	\$290.01	\$298.00	\$92.06	\$68.40	\$433.87
10	22	\$253.02	\$246.06	\$99.76	\$85.69	\$453.16
11	92	\$279.51	\$278.19	\$91.65	\$68.40	\$453.14
12	39	\$255.26	\$247.90	\$90.79	\$78.31	\$415.87
13	32	\$239.36	\$224.41	\$72.30	\$125.00	\$415.87
14	13	\$229.69	\$200.86	\$72.41	\$144.00	\$382.79
15	41	\$278.42	\$259.54	\$105.85	\$88.90	\$477.97
16	107	\$312.11	\$355.97	\$95.78	\$78.23	\$453.14
17	29	\$264.66	\$270.15	\$102.08	\$81.59	\$438.00
18	74	\$255.79	\$241.71	\$91.79	\$110.20	\$453.14
19	47	\$253.26	\$245.04	\$96.39	\$91.11	\$453.14
20	140	\$282.75	\$289.36	\$90.68	\$64.80	\$453.14
21	16	\$224.93	\$231.48	\$58.79	\$129.62	\$333.35
22	30	\$290.82	\$307.44	\$97.92	\$99.89	\$453.14
23	22	\$252.97	\$260.91	\$102.44	\$86.93	\$415.97
24	66	\$232.11	\$227.19	\$79.44	\$68.86	\$415.87
25	31	\$250.16	\$228.21	\$67.17	\$107.00	\$382.79
26	105	\$280.40	\$267.67	\$90.19	\$120.54	\$453.15
27	101	\$343.09	\$382.79	\$98.11	\$97.53	\$492.00
28	35	\$268.12	\$263.49	\$78.85	\$120.00	\$415.87
29	8	\$249.57	\$267.61	\$89.18	\$110.06	\$361.67
30	97	\$287.50	\$302.19	\$90.03	\$66.15	\$492.00
31	16	\$286.76	\$296.67	\$106.88	\$93.34	\$492.00
Statewide	1519	\$275.54	\$271.74	\$95.56	\$64.80	\$492.00

Minimum and Maximum weekly compensation rate for years:

	MIN	MAX
8/1/92 to 6/30/93	\$35.00	\$318.24
7/1/93 to 6/30/94	\$64.80	\$355.97
7/1/94 to 6/30/95	\$66.15	\$382.79
7/1/95 to 6/30/96	\$68.40	\$415.87
7/1/96 to 6/30/97	\$71.10	\$453.14
7/1/97 to 6/30/98	\$73.80	\$492.00

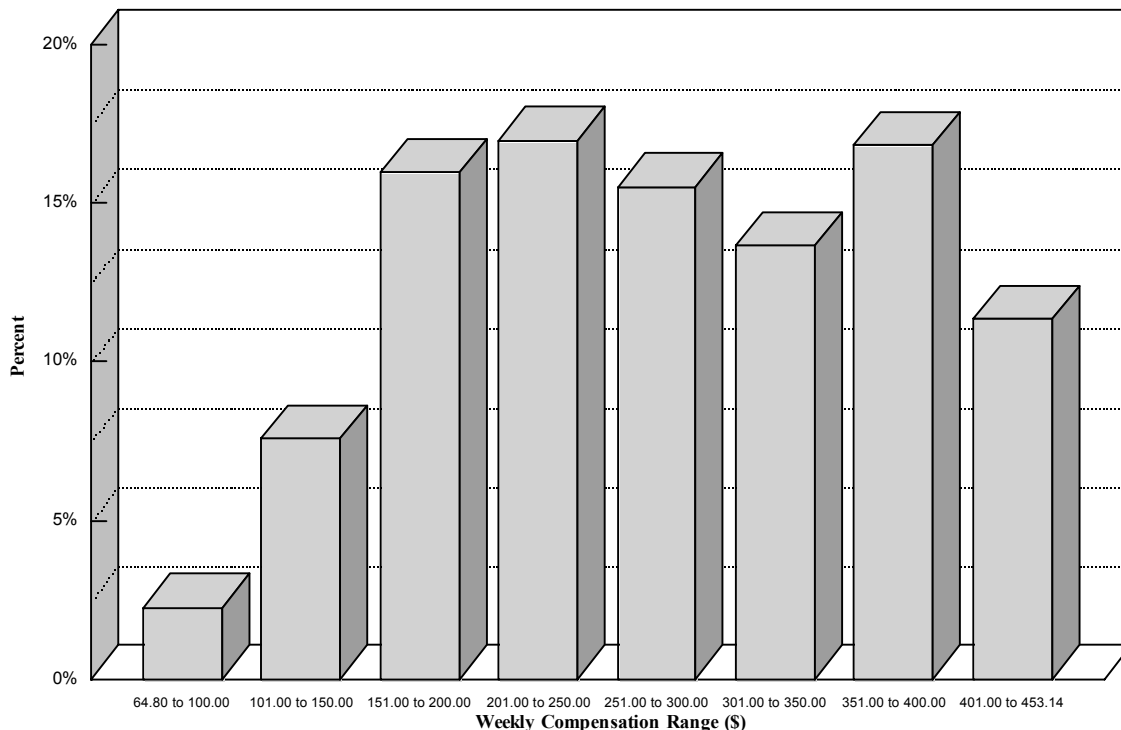
Table 8
Average Weekly Compensation Rate
Ranked Highest to Lowest
1996-1998 Tennessee Workers' Compensation Trials

Judicial District	N	Mean	Median	Standard Deviation	Minimum	Maximum
27	101	\$343.09	\$382.79	\$98.11	\$97.53	\$492.00
16	107	\$312.11	\$355.97	\$95.78	\$78.23	\$453.14
7	72	\$297.03	\$304.02	\$86.64	\$75.05	\$453.14
22	30	\$290.82	\$307.44	\$97.92	\$99.89	\$453.14
9	37	\$290.01	\$298.00	\$92.06	\$68.40	\$433.87
30	97	\$287.50	\$302.19	\$90.03	\$66.15	\$492.00
31	16	\$286.76	\$296.67	\$106.88	\$93.34	\$492.00
5	17	\$284.52	\$290.87	\$75.68	\$133.33	\$415.87
20	140	\$282.75	\$289.36	\$90.68	\$64.80	\$453.14
26	105	\$280.40	\$267.67	\$90.19	\$120.54	\$453.15
11	92	\$279.51	\$278.19	\$91.65	\$68.40	\$453.14
15	41	\$278.42	\$259.54	\$105.85	\$88.90	\$477.97
2	9	\$270.24	\$251.97	\$114.80	\$70.83	\$415.87
28	35	\$268.12	\$263.49	\$78.85	\$120.00	\$415.87
8	48	\$268.09	\$290.58	\$109.80	\$65.35	\$453.14
17	29	\$264.66	\$270.15	\$102.08	\$81.59	\$438.00
6	103	\$261.06	\$240.00	\$101.38	\$68.40	\$453.14
18	74	\$255.79	\$241.71	\$91.79	\$110.20	\$453.14
12	39	\$255.26	\$247.90	\$90.79	\$78.31	\$415.87
19	47	\$253.26	\$245.04	\$96.39	\$91.11	\$453.14
10	22	\$253.02	\$246.06	\$99.76	\$85.69	\$453.16
23	22	\$252.97	\$260.91	\$102.44	\$86.93	\$415.97
25	31	\$250.16	\$228.21	\$67.17	\$107.00	\$382.79
29	8	\$249.57	\$267.61	\$89.18	\$110.06	\$361.67
13	32	\$239.36	\$224.41	\$72.30	\$125.00	\$415.87
4	21	\$236.64	\$256.13	\$81.22	\$89.33	\$355.97
24	66	\$232.11	\$227.19	\$79.44	\$68.86	\$415.87
14	13	\$229.69	\$200.86	\$72.41	\$144.00	\$382.79
21	16	\$224.93	\$231.48	\$58.79	\$129.62	\$333.35
3	20	\$224.32	\$217.47	\$81.84	\$108.80	\$412.80
1	29	\$215.29	\$193.60	\$77.93	\$113.33	\$415.87
Statewide	1519	\$275.54	\$271.74	\$95.56	\$64.80	\$492.00

Minimum and Maximum weekly compensation rate for years:

	MIN	MAX
8/1/92 to 6/30/93	\$35.00	\$318.24
7/1/93 to 6/30/94	\$64.80	\$355.97
7/1/94 to 6/30/95	\$66.15	\$382.79
7/1/95 to 6/30/96	\$68.40	\$415.87
7/1/96 to 6/30/97	\$71.10	\$453.14
7/1/97 to 6/30/98	\$73.80	\$492.00

Figure D
Average Weekly Compensation Rate
 1996-1998 Tennessee Workers' Compensation Trials



CASE INFORMATION

Table 9 highlights the ten most frequently occurring injuries for cases that proceeded to trial in the years reviewed. Trials involving back injuries¹¹ accounted for 34.4% (582) of the cases. Trials involving leg injuries were the next most frequently occurring, in 11.9% (202) of the cases, followed by bilateral carpal tunnel cases, 11.4% (192). Accidental injuries which happened in limited frequencies were injuries to the groin (hernia), eyes, ears, lungs, pelvis and heart attacks. Psychological injuries occurred as the main injury in 21 (1.2%) trials and as secondary injuries in 44 (2.6%) additional trials. Figure E gives specific injury frequencies as a percentage of the body as a whole trials that were reviewed. Figure F is the same as Figure E but for scheduled member injuries.

¹¹Back injuries include back sprains, back strains, herniated discs, ruptured discs, and spinal injuries not to the neck. Due to the nature of the court files, it would not be accurate to try to delineate back injuries further, nor would it be accurate to state whether surgery took place.

Table 9
Ten Most Frequently Occurring Injuries
 1996-1998 Tennessee Workers' Compensation Trials

Body Part Injured	Frequency	Percent
Back *	582	34.4
Leg	202	11.9
Bilateral Carpal Tunnel	192	11.4
Shoulder	149	8.8
Arm	124	7.3
Neck	103	6.1
Carpal Tunnel (one arm)	64	3.8
Hand	35	2.1
Head/Face	28	1.7
Foot	27	1.6

* back injuries include back sprains, back strains, herniated discs, ruptured discs, and spinal injuries not to the neck

Figure E

Percentages of Body as a Whole Injuries
 1996-1998 Tennessee Workers' Compensation Trials

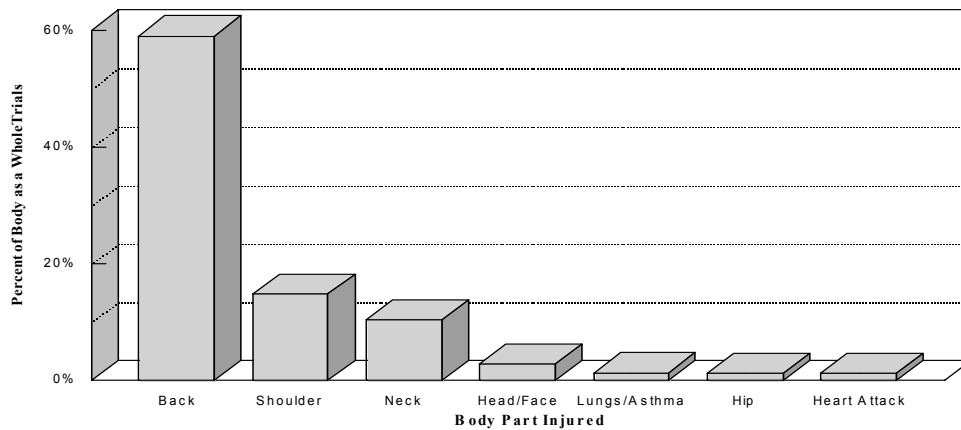
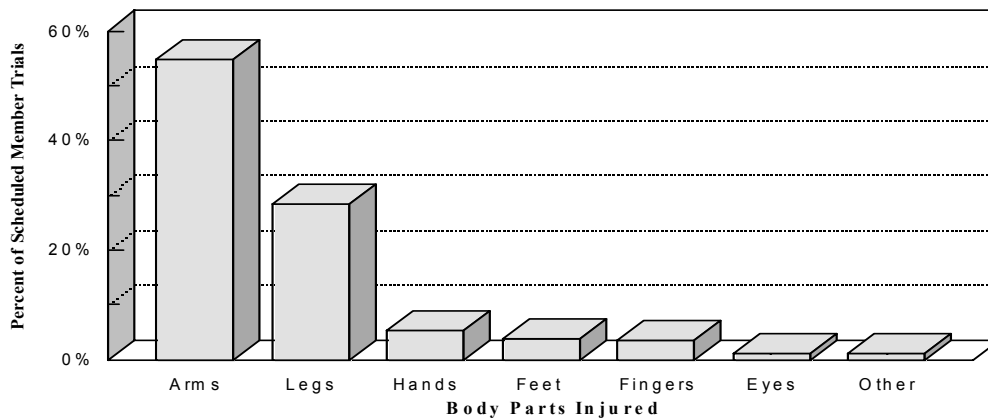


Figure F

Percentages of Scheduled Member Injuries
 1996-1998 Tennessee Workers' Compensation Trials



PERMANENT PARTIAL IMPAIRMENT RATINGS

To investigate the variance of permanent partial disability awards among the Tennessee judicial districts, there must be data concerning the impairment ratings given by the various physicians involved in the case. As previously discussed in the introduction, there is no maximum limit to the number of doctors who can give opinions, but there must be at least one doctor who testifies the injury is permanent in nature and who ascribes a permanent impairment rating.¹² Table 10 shows the average number of physicians per trial in each judicial district. Figure G gives statewide percentages of the number of physicians per trial for the trials reviewed. Often the data concerning physicians, if available at all, had to be obtained from depositions, provided a deposition was present in the file. Frequently, it was also not apparent whether the impairment ratings were given by the treating physicians or by hired independent medical examiners (IMEs). For these reasons, no conclusions can be drawn on the effects of impairment ratings by IMEs. The average number of physicians per case for the trials reviewed was 1.9. It should be noted that there may have been additional physicians involved in a case or trial than was apparent from the court records. Therefore Table 10 is based on only the data available which may not be an accurate reflection of the maximum number of physicians whose testimony was considered by the judge in each trial.

¹²An award of permanent partial disability can be based on a physician's testimony that the employee has permanent restrictions but no impairment rating. However, for purposes of this study, we assume every case must have a permanent impairment rating.

Table 10
Average Number of Physicians Per Trial
 1996-1998 Tennessee Workers' Compensation Trials

Judicial District	Body as a Whole		Scheduled Member		Total	
	N	Mean	N	Mean	N	Mean
1	23	2.3	8	2.0	31	2.3
2	7	1.6	2	1.5	9	1.6
3	15	1.7	8	1.8	23	1.7
4	18	1.8	6	2.2	24	1.9
5	11	1.8	6	1.7	18	1.8
6	89	1.9	23	1.7	112	1.8
7	36	1.6	29	1.6	65	1.6
8	35	2.1	13	1.8	48	2.0
9	23	1.9	15	1.6	38	1.8
10	13	1.8	10	1.4	23	1.7
11	65	1.8	34	1.5	99	1.7
12	21	2.0	18	2.1	39	2.0
13	20	2.5	15	1.7	35	2.1
14	12	1.9	7	2.1	19	2.0
15	20	1.7	20	1.6	40	1.6
16	53	1.7	56	1.8	109	1.7
17	15	1.8	15	1.4	30	1.6
18	36	1.8	40	1.7	76	1.7
19	19	1.8	30	1.7	50	1.8
20	88	1.8	63	1.7	151	1.8
21	8	1.8	8	1.9	16	1.8
22	19	2.1	13	2.2	32	2.1
23	16	2.4	5	1.8	21	2.2
24	28	2.1	30	1.9	58	2.0
25	16	2.1	17	2.1	33	2.1
26	57	2.2	37	1.9	94	2.1
27	57	2.1	46	1.8	103	2.0
28	13	2.2	20	2.2	33	2.2
29	8	1.8	1	2.0	9	1.8
30	73	1.9	29	1.6	102	1.8
31	4	2.0	13	1.7	17	1.8
Statewide	918	1.9	637	1.8	1557	1.9

Figure G

Number of Physicians Involved Per Case
 1996-1998 Tennessee Workers' Compensation Trials

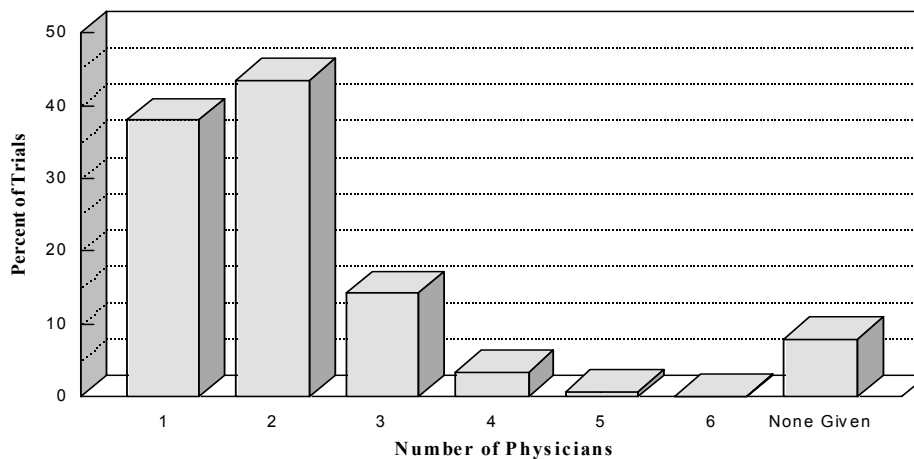


Table 11 lists the average highest permanent impairment rating for each judicial district. The “average highest PPI rating” is the average of each of the highest impairment ratings given by a physicians to the injured workers in each of the cases reviewed. For example, assume six body as a whole trials were conducted with the following information: (* indicates highest PPI)

Case	PPI 1	PPI 2
1	10*	5
2	3	5*
3	5*	
4	20*	16
5	45*	10
6	0	5*

The average highest PPI is 15.

The average highest PPI was utilized as a comparison because: (1) the judge has discretion to accept any of the PPI ratings given; (2) the determination as to whether the judge properly applied the multiplier caps in body as a whole cases is directly related to the highest PPI rating given; and (3) it was impossible to determine consistently from the court records whether the physicians listed were the treating doctor or whether they were experts hired by the employer or employee for purposes of an independent medical examination.

For body as a whole trials, the average highest PPI ratings ranged from 9.2% in Judicial District 2 (Sullivan) to 26.3% in Judicial District 29 (Dyer, Lake). The statewide mean was 13.5%. Scheduled member¹³ trials produced mean PPI ratings ranging from 6.3% in Judicial District 5 (Blount) to 30.2% in Judicial District 3 (Greene, Hamblen, Hancock, Hawkins) with a statewide mean of 13.7%.¹⁴ Grouping body as a whole and scheduled member cases together is questionable, however in looking for trends for what physicians are doing and for those who would be interested in such a statistic, the statewide average highest PPI rating was 13.6%, with a range of 9.3% in Judicial District 31 (Van Buren, Warren) to 25.2% in Judicial District 29 (Dyer, Lake).

¹³This includes all types and severities of scheduled member injuries.

¹⁴The difference between judicial districts for average highest PPI ratings for scheduled member trials is statistically significant $p < .01$ (Kruskal Wallis Test).

Table 11
Average Highest Permanent Partial Impairment Ratings
 (excluding permanent total cases)
 1996 Tennessee Workers' Compensation Trials

Judicial District	Body as a Whole			Scheduled Member			Total		
	N	Mean	Median	N	Mean	Median	N	Mean	Median
1	7	21.1	11.0	1	5.0	n/a	8	19.1	10.5
2	2	14.0	14.0	1	6.0	n/a	3	11.3	10.0
3	2	6.0	6.0	3	35.7	10.0	5	23.8	7.0
4	3	6.7	5.0	2	10.5	10.5	5	8.2	5.0
5	2	10.0	10.0	0	n/a	n/a	2	10.0	10.0
6	23	13.2	10.0	4	1.8	1.0	27	11.5	10.0
7	9	12.9	10.0	13	8.6	7.5	22	10.3	9.0
8	5	16.0	16.0	2	12.5	12.5	7	15.0	16.0
9	8	15.0	10.0	2	5.0	n/a *	10	13.0	9.5
10	0	n/a	n/a	2	15.0	n/a *	2	15.0	n/a *
11	19	13.1	10.0	11	15.7	12.0	30	14.0	10.0
12	6	15.7	12.5	2	14.0	14.0	8	15.3	14.0
13	4	8.8	7.0	6	7.7	8.5	10	8.1	7.0
14	3	12.0	13.0	1	7.0	n/a	4	10.8	11.5
15	6	7.7	8.5	4	10.0	7.5	10	8.6	8.5
16	11	11.0	11.0	16	10.8	10.0	27	10.9	10.0
17	1	10.0	n/a	2	15.0	15.0	3	13.3	10.0
18	13	11.8	9.0	15	15.0	10.0	28	13.5	10.0
19	3	7.3	7.0	6	7.5	8.0	9	7.4	7.0
20	26	8.5	8.0	19	11.9	10.0	45	10.0	10.0
21	1	21.0	n/a	2	10.0	n/a *	3	13.7	10.0
22	5	15.2	15.0	5	12.8	10.0	10	14.0	15.0
23	2	10.0	n/a	0	n/a	n/a	2	10.0	n/a
24	3	10.7	8.0	4	23.5	20.5	7	18.0	17.0
25	6	14.7	8.5	7	16.3	17.0	13	15.5	11.0
26	4	10.0	9.0	10	14.0	10.0	14	12.9	9.6
27	10	8.6	7.9	13	17.2	10.0	23	13.4	10.0
28	2	17.5	17.5	4	21.3	17.5	6	20.0	17.5
29	2	17.0	17.0	0	n/a	n/a	2	17.0	17.0
30	14	20.4	12.0	8	17.6	12.0	22	19.4	12.0
31	1	15.0	n/a	6	10.0	10.5	7	10.7	12.0
Statewide	203	12.6	10.0	171	13.2	10.0	374	12.9	10.0

* median does not apply, both scores are equal

PERMANENT PARTIAL DISABILITY JUDGMENTS

Average permanent partial disability (PPD) judgments awarded are presented in Table 12. This table highlights the percent of disability awarded by the court at trial. Body as a whole and scheduled member trials are separated; however a combined mean of the two general types of injuries has been included for those who would be interested in such a statistic. Care should be taken when drawing conclusions from the combined data because of the differences in ratings which are possible for body as a whole injuries and the specific scheduled members.

The statewide mean PPD judgment for body as a whole injuries is 31.5% or 126 weeks. The highest mean PPD judgment for body as a whole cases was 50.0% (200 weeks) in Judicial District 22 (Giles, Lawrence, Maury, Wayne) and the lowest was 24.0% (96 weeks) in Judicial District 30 (Shelby). Differences between districts were significant¹⁵, however caution should be used in drawing too many conclusions from this, because this data does not take into consideration whether the employee returned to work. For scheduled member injuries, the statewide mean is 36.6% with the highest mean PPD award (63.3%) in Judicial District 4 (Cocke, Grainger, Jefferson, Sevier) and the lowest (15.0% in Judicial District 29 (Dyer, Lake).¹⁶ Differences between districts for scheduled member injuries were also statistically significant.¹⁷

PPD awards broken down by injury type and return to work status are shown in Table 13, and also shown ranked highest to lowest in Table 14. When PPD awards are analyzed in this manner, no significant differences between judicial districts exist. This is because variations within individual districts are larger than the variation between districts.

Median PPD judgments awarded have also been given due to the distribution of the PPD data. If the median is less than the mean, more scores are occurring below the mean. In fact, for body as a whole cases 63.0% had judgments that are below the mean.¹⁸

¹⁵ $p < .03$ one way ANOVA using the log of the BAW PPD judgments.

¹⁶ An average number of weeks cannot be given for scheduled member judgments due to the varying nature of scheduled injuries and corresponding lengths of disability established by statute.

¹⁷ $p < .01$ one way ANOVA using the log of the SM PPD judgments.

¹⁸ $sk = +1.03$ (This refers to how much a distribution is skewed. +/- .5 is considered acceptable.)

Table 12
Average Permanent Partial Disability Judgments (%) Awarded
(excluding permanent total cases)
1996-1998 Tennessee Workers' Compensation Trials

Judicial District	Body as a Whole			Scheduled Member			Total		
	N	Mean	Median	N	Mean	Median	N	Mean	Median
1	18	32.5	26.3	8	40.3	31.3	26	34.9	30.0
2	5	24.1	28.0	1	25.0	n/a	6	24.3	26.5
3	13	30.1	26.0	7	48.3	35.0	20	36.5	28.5
4	11	28.1	30.0	5	63.3	64.0	16	39.1	35.0
5	8	30.0	25.0	5	27.6	30.0	13	29.1	30.0
6	67	33.2	25.0	17	31.1	27.5	84	32.8	25.0
7	38	36.4	30.0	30	47.2	45.0	68	41.2	40.0
8	18	41.4	43.0	13	43.8	45.0	31	42.4	45.0
9	20	30.1	25.0	14	31.6	27.5	34	30.7	25.0
10	10	24.0	22.5	11	48.4	45.0	21	36.8	35.0
11	54	32.9	22.5	34	34.9	25.0	88	33.7	25.0
12	19	29.3	20.0	17	34.2	35.0	36	31.6	25.0
13	13	37.1	30.0	13	37.0	40.0	26	37.0	38.8
14	7	40.6	32.5	5	44.2	30.0	12	42.1	31.3
15	18	37.3	30.0	22	51.1	50.0	40	44.9	47.5
16	49	24.7	20.0	54	32.6	30.0	103	28.8	22.0
17	12	31.0	25.0	16	36.3	35.0	28	34.0	32.5
18	31	32.0	30.0	37	33.4	30.0	68	32.7	30.0
19	15	29.2	22.5	28	40.9	35.0	43	36.8	30.0
20	67	25.2	20.0	61	29.6	25.0	128	27.3	20.0
21	7	39.0	40.0	7	22.4	17.5	14	30.7	31.5
22	18	50.0	55.0	10	43.0	35.0	28	47.5	46.0
23	15	32.4	25.0	5	40.0	25.0	20	34.3	25.0
24	24	34.9	25.0	33	35.0	32.5	58	34.8	30.0
25	12	33.0	26.5	17	49.4	35.0	29	42.6	30.0
26	55	28.7	22.5	42	37.6	35.0	97	32.5	30.0
27	46	26.4	20.0	46	26.2	20.0	92	26.3	20.0
28	12	29.8	29.0	19	38.7	37.5	31	35.2	35.0
29	6	35.8	37.5	1	15.0	n/a	7	32.9	30.0
30	54	33.6	25.0	24	44.8	35.0	78	37.1	28.0
31	3	27.5	30.0	13	28.4	25.0	16	28.2	27.5
Statewide	745	31.5	25.0	615	36.6	32.0	1361	33.8	30.0

Table 13
Average Permanent Partial Disability (%) Awarded
 1996-1998 Tennessee Workers' Compensation Trials

Body as a Whole - Return to Work					Body as a Whole - No Return to Work					Scheduled Member - Return to Work					Scheduled Member - No Return to Work				
Judicial District	N	Mean	Minimum	Maximum	Judicial District	N	Mean	Minimum	Maximum	Judicial District	N	Mean	Minimum	Maximum	Judicial District	N	Mean	Minimum	Maximum
1	8	21.6	12.5	40.0	1	5	39.7	21.0	70.0	1	2	33.8	32.5	35.0	1	1	22.5	22.5	22.5
2	3	19.2	5.0	40.0	2	2	31.5	28.0	35.0	2	0	n/a	n/a	n/a	2	0	n/a	n/a	n/a
3	5	21.6	10.0	50.0	3	7	38.7	18.0	67.5	3	3	44.7	9.0	100.0	3	2	62.5	35.0	90.0
4	4	21.4	6.0	32.5	4	6	34.0	12.0	50.0	4	1	55.0	55.0	55.0	4	3	65.8	37.5	90.0
5	4	25.6	10.0	37.5	5	30	38.1	5.0	90.0	5	3	29.3	25.0	33.0	5	0	n/a	n/a	n/a
6	21	19.1	5.0	57.0	6	15	49.1	10.0	93.0	6	8	24.4	15.0	35.0	6	3	46.7	40.0	50.0
7	15	24.2	6.0	55.0	7	10	47.7	12.0	65.0	7	8	46.9	25.0	85.0	7	9	52.5	35.0	80.0
8	7	35.4	25.0	65.0	8	7	42.9	20.0	60.0	8	5	32.0	15.0	55.0	8	2	75.0	70.0	80.0
9	6	22.9	10.0	55.0	9	4	36.3	20.0	45.0	9	5	34.0	10.0	75.0	9	2	27.5	5.0	50.0
10	3	16.7	5.0	25.0	10	23	41.2	10.0	90.0	10	2	30.0	20.0	40.0	10	4	43.8	35.0	50.0
11	21	25.8	5.0	90.0	11	6	45.3	7.0	90.0	11	12	28.3	10.0	100.0	11	10	38.8	10.0	90.0
12	12	16.7	5.0	32.5	12	5	52.4	15.0	100.0	12	7	44.3	10.0	70.0	12	5	30.0	10.0	75.0
13	5	26.5	10.0	40.0	13	4	48.5	12.0	85.0	13	8	39.4	20.0	52.0	13	2	40.0	40.0	40.0
14	2	22.8	13.0	32.5	14	10	47.3	10.0	90.0	14	0	n/a	n/a	n/a	14	1	100.0	100.0	100.0
15	5	15.6	8.0	25.0	15	13	32.6	6.0	75.0	15	7	48.1	25.0	70.0	15	6	57.1	37.5	85.0
16	30	19.3	5.0	58.0	16	5	48.4	30.0	80.0	16	19	25.4	10.0	50.0	16	11	48.9	9.0	100.0
17	6	15.9	8.0	20.0	17	13	47.7	10.0	80.0	17	5	25.0	16.0	35.0	17	5	41.4	25.0	65.0
18	14	20.1	10.0	40.0	18	4	58.3	35.0	90.0	18	21	30.3	10.0	66.7	18	4	24.8	13.0	35.0
19	9	20.3	5.0	35.0	19	24	41.4	8.0	90.0	19	15	44.0	20.0	85.0	19	5	48.5	17.5	75.0
20	35	15.3	5.0	60.0	20	3	49.3	33.0	75.0	20	29	28.5	5.0	75.0	20	18	34.4	10.0	70.0
21	2	27.5	15.0	40.0	21	8	63.3	5.0	90.0	21	2	33.8	17.5	50.0	21	1	20.0	20.0	20.0
22	6	27.1	12.5	50.0	22	8	38.9	10.0	70.0	22	4	27.5	5.0	65.0	22	4	56.3	20.0	85.0
23	6	26.3	5.0	65.0	23	6	50.0	15.0	80.0	23	1	7.5	7.5	7.5	23	2	75.0	50.0	100.0
24	7	26.1	7.5	40.0	24	2	44.0	28.0	60.0	24	20	31.7	15.0	70.0	24	1	37.5	37.5	37.5
25	7	31.9	12.5	66.0	25	14	37.1	11.0	82.0	25	7	42.7	9.0	90.0	25	1	80.0	80.0	80.0
26	21	26.2	6.0	95.0	26	8	33.9	8.0	75.0	26	11	32.8	13.0	85.0	26	6	35.4	8.0	50.0
27	16	21.5	7.0	60.0	27	1	15.0	15.0	15.0	27	15	25.5	10.0	60.0	27	2	16.3	7.5	25.0
28	4	27.5	25.0	35.0	28	1	50.0	50.0	50.0	28	9	32.6	8.0	50.0	28	0	n/a	n/a	n/a
29	5	33.0	20.0	45.0	29	30	43.7	10.0	90.0	29	0	n/a	n/a	n/a	29	0	n/a	n/a	n/a
30	19	21.3	5.0	80.0	30	1	40.0	40.0	40.0	30	10	36.5	10.0	82.5	30	4	50.0	10.0	100.0
31	2	21.3	12.5	30.0	31	2	21.3	12.5	30.0	31	7	26.4	10.0	40.0	31	5	31.8	9.0	50.0
Statewide	310	21.9	5.0	95.0	Statewide	275	42.8	5.0	100.0	Statewide	246	32.7	5.0	100.0	Statewide	119	43.9	5.0	100.0

Table 14
Average Permanent Partial Disability (%) Awarded Ranked Highest to Lowest
 1996-1998 Tennessee Workers' Compensation Trials

Body as a Whole - Return to Work					Body as a Whole - No Return to Work					Scheduled Member - Return to Work					Scheduled Member - No Return to Work				
Judicial District	N	Mean	Minimum	Maximum	Judicial District	N	Mean	Minimum	Maximum	Judicial District	N	Mean	Minimum	Maximum	Judicial District	N	Mean	Minimum	Maximum
8	7	35.4	25.0	65.0	21	8	63.3	5.0	90.0	4	1	55.0	55.0	55.0	14	1	100.0	100.0	100.0
29	5	33.0	20.0	45.0	18	4	58.3	35.0	90.0	15	7	48.1	25.0	70.0	25	1	80.0	80.0	80.0
25	7	31.9	12.5	66.0	12	5	52.4	15.0	100.0	7	8	46.9	25.0	85.0	23	2	75.0	50.0	100.0
28	4	27.5	25.0	35.0	23	6	50.0	15.0	80.0	3	3	44.7	9.0	100.0	8	2	75.0	70.0	80.0
21	2	27.5	15.0	40.0	28	1	50.0	50.0	50.0	12	7	44.3	10.0	70.0	4	3	65.8	37.5	90.0
22	6	27.1	12.5	50.0	20	3	49.3	33.0	75.0	19	15	44.0	20.0	85.0	3	2	62.5	35.0	90.0
13	5	26.5	10.0	40.0	6	15	49.1	10.0	93.0	25	7	42.7	9.0	90.0	15	6	57.1	37.5	85.0
23	6	26.3	5.0	65.0	13	4	48.5	12.0	85.0	13	8	39.4	20.0	52.0	22	4	56.3	20.0	85.0
26	21	26.2	6.0	95.0	16	5	48.4	30.0	80.0	30	10	36.5	10.0	82.5	7	9	52.5	35.0	80.0
24	7	26.1	7.5	40.0	7	10	47.7	12.0	65.0	9	5	34.0	10.0	75.0	30	4	50.0	10.0	100.0
11	21	25.8	5.0	90.0	17	13	47.7	10.0	80.0	21	2	33.8	17.5	50.0	16	11	48.9	9.0	100.0
5	4	25.6	10.0	37.5	14	10	47.3	10.0	90.0	1	2	33.8	32.5	35.0	19	5	48.5	17.5	75.0
7	15	24.2	6.0	55.0	11	6	45.3	7.0	90.0	26	11	32.8	13.0	85.0	6	3	46.7	40.0	50.0
9	6	22.9	10.0	55.0	24	2	44.0	28.0	60.0	28	9	32.6	8.0	50.0	10	4	43.8	35.0	50.0
14	2	22.8	13.0	32.5	29	30	43.7	10.0	90.0	8	5	32.0	15.0	55.0	17	5	41.4	25.0	65.0
1	8	21.6	12.5	40.0	8	7	42.9	20.0	60.0	24	20	31.7	15.0	70.0	13	2	40.0	40.0	40.0
3	5	21.6	10.0	50.0	19	24	41.4	8.0	90.0	18	21	30.3	10.0	66.7	11	10	38.8	10.0	90.0
27	16	21.5	7.0	60.0	10	23	41.2	10.0	90.0	10	2	30.0	20.0	40.0	24	1	37.5	37.5	37.5
4	4	21.4	6.0	32.5	30	1	40.0	40.0	40.0	5	3	29.3	25.0	33.0	26	6	35.4	8.0	50.0
30	19	21.3	5.0	80.0	1	5	39.7	21.0	70.0	20	29	28.5	5.0	75.0	20	18	34.4	10.0	70.0
31	2	21.3	12.5	30.0	22	8	38.9	10.0	70.0	11	12	28.3	10.0	100.0	31	5	31.8	9.0	50.0
19	9	20.3	5.0	35.0	3	7	38.7	18.0	67.5	22	4	27.5	5.0	65.0	12	5	30.0	10.0	75.0
18	14	20.1	10.0	40.0	5	30	38.1	5.0	90.0	31	7	26.4	10.0	40.0	9	2	27.5	5.0	50.0
16	30	19.3	5.0	58.0	25	14	37.1	11.0	82.0	27	15	25.5	10.0	60.0	18	4	24.8	13.0	35.0
2	3	19.2	5.0	40.0	9	4	36.3	20.0	45.0	16	19	25.4	10.0	50.0	1	1	22.5	22.5	22.5
6	21	19.1	5.0	57.0	4	6	34.0	12.0	50.0	17	5	25.0	16.0	35.0	21	1	20.0	20.0	20.0
12	12	16.7	5.0	32.5	26	8	33.9	8.0	75.0	6	8	24.4	15.0	35.0	27	2	16.3	7.5	25.0
10	3	16.7	5.0	25.0	15	13	32.6	6.0	75.0	23	1	7.5	7.5	7.5	2	0	n/a	n/a	n/a
17	6	15.9	8.0	20.0	2	2	31.5	28.0	35.0	2	0	n/a	n/a	n/a	28	0	n/a	n/a	n/a
15	5	15.6	8.0	25.0	31	2	21.3	12.5	30.0	14	0	n/a	n/a	n/a	29	0	n/a	n/a	n/a
20	35	15.3	5.0	60.0	27	1	15.0	15.0	15.0	29	0	n/a	n/a	n/a	5	0	n/a	n/a	n/a
Statewide	310	21.9	5.0	95.0	Statewide	275	42.8	5.0	100.0	Statewide	246	32.7	5.0	100.0	Statewide	119	43.9	5.0	100.0

PERMANENT PARTIAL DISABILITY JUDGMENTS-DOLLARS

Average disability judgment amounts in dollars are given in Table 15. Average judgments awarded for body as a whole cases ranged from \$19,228.92 in Judicial District 10 (Bradley, McMinn, Monroe, Polk) to \$54,854.33 in Judicial District 23 (Cheatham, Dickson, Houston, Humphreys, Stewart). The statewide average was \$34,920.12. Scheduled member judgments ranged from \$3,541.50 in Judicial District 2 (Sullivan) to \$46,077.63 in Judicial District 7 (Anderson) with a statewide average of \$24,392.92. It is important to remember that these figures are directly affected by the worker's average weekly compensation rate and therefore generalizations should be avoided.¹⁹ To understand how dependent this statistic is on compensation rates, assume two injured workers, all variables being equal (age, education, work experience, PPD of 25% BAW) except one worker is in Judicial District 27 (Obion, Weakley) and the other from Judicial District 1 (Carter, Johnson, Unicoi, Washington). Using the average compensation rate from Table 7, the first would be awarded \$34,309.00 and the second \$21,529.00. For both scheduled member and body as a whole trials, differences in the amount of money awarded were significant between districts.²⁰

¹⁹A positive significant correlation ($r=.38$ at the .01 level) exists between compensation rates and disability judgment amounts. This is not surprising, however. If this correlation did not exist it would mean that the lower income workers were receiving the high awards and thus compensation rates would not be influencing judgment amounts.

²⁰ $p < .01$ for both scheduled member and body as a whole trials (one way ANOVA using the log of the judgment amounts).

Table 15**Average Disability Judgment (\$) Amount****(excluding permanent total cases)**

1996-1998 Tennessee Workers' Compensation Trials

Judicial District	Body as a Whole		Scheduled Member		Total	
	N	Mean	N	Mean	N	Mean
1	18	\$28,303.44	8	\$30,290.30	26	\$28,914.78
2	5	\$26,776.36	1	\$3,541.50	6	\$22,903.89
3	13	\$24,595.61	7	\$20,833.87	20	\$23,279.00
4	11	\$26,632.21	5	\$38,597.07	16	\$30,371.23
5	8	\$29,326.68	5	\$21,018.28	13	\$26,131.14
6	66	\$36,083.23	17	\$18,395.62	83	\$32,460.46
7	38	\$43,496.84	30	\$46,077.63	68	\$44,635.42
8	19	\$49,327.03	13	\$30,623.42	32	\$41,728.69
9	20	\$31,573.95	14	\$21,134.51	34	\$27,275.36
10	10	\$19,228.92	11	\$29,827.68	21	\$24,780.65
11	53	\$38,335.94	33	\$19,290.12	86	\$31,027.66
12	19	\$29,433.77	17	\$18,853.04	36	\$24,437.31
13	13	\$36,534.02	13	\$25,573.27	26	\$31,053.64
14	7	\$36,819.02	5	\$21,485.77	12	\$30,430.17
15	18	\$32,920.52	22	\$43,057.45	40	\$38,495.83
16	49	\$30,902.35	54	\$21,630.26	103	\$26,041.26
17	11	\$33,871.29	16	\$20,888.11	27	\$26,177.55
18	31	\$34,573.54	37	\$17,451.39	68	\$25,257.08
19	15	\$36,541.73	28	\$25,503.06	43	\$29,353.76
20	67	\$28,573.19	60	\$23,711.23	127	\$26,276.20
21	8	\$40,178.33	7	\$16,663.62	15	\$29,204.79
22	18	\$54,423.83	10	\$34,055.50	28	\$47,149.43
23	15	\$54,854.33	5	\$18,158.31	20	\$45,680.32
24	24	\$33,755.83	33	\$22,442.45	58	\$26,969.32
25	12	\$32,879.62	17	\$26,506.21	29	\$29,143.49
26	54	\$34,294.30	42	\$22,718.74	96	\$29,229.99
27	46	\$34,336.97	46	\$19,331.95	92	\$26,834.46
28	12	\$25,481.93	18	\$20,323.91	30	\$22,387.12
29	6	\$31,393.17	1	\$17,400.00	7	\$29,394.14
30	54	\$36,355.42	25	\$27,412.41	79	\$33,525.35
31	3	\$34,981.57	12	\$20,120.69	15	\$23,092.87
Statewide	743	\$34,920.12	612	\$24,392.96	1356	\$30,153.11

PERMANENT PARTIAL DISABILITY MULTIPLIERS

Permanent partial disability (PPD) multiplier is the ratio of the PPD judgment to the highest PPI rating given to an injured employee. To establish the multiplier, the PPD percent was divided by the highest PPI rating. The highest PPI rating was used for reasons listed in this report on page 23 before Table 11. Assume for example, a worker who injured his back but returned to work after being assigned a 5% PPI rating and a 10% PPI rating and who was awarded at trial 20% permanent partial disability. Using the first impairment rating to calculate the PPD multiplier would result in a multiplier of 4.0. Using the second impairment rating, the multiplier would be 2.0. It should be noted that a judgment could be based on a PPI not available in the court file. This is especially true if oral testimony was heard.

Table 16 displays the average PPD multipliers for each Judicial District by the general type of injury and return to work status. The statewide average multiplier for body as a whole trials where the employee returned to work was 1.92 with a range from 1.56 in Judicial District 16 (Cannon, Rutherford) to 2.59 in Judicial District 24 (Benton, Carroll, Decatur, Hardin, Henry). For body as a whole trials where the employee did not return to work, the statewide average multiplier was 3.70 with a range from 1.72 in Judicial District 29 (Dyer, Lake) to 5.08 in Judicial District 19 (Montgomery, Robertson).²¹

Scheduled member trials showed a much wider variance in average PPD multipliers. For employees who returned to work, the average statewide multiplier was 3.73 with a range of 0.75 in Judicial District 23 (Cheatham, Dickson, Houston, Humphreys, Stewart) to 7.57 in Judicial District 7 (Anderson). The difference between Judicial Districts for scheduled member trials where the employee returned to work was statistically significant.²² For scheduled member trials where the employee did not return to work, the statewide multiplier was 4.04, ranging from 1.00 in Judicial Districts 21 (Hickman, Lewis, Perry, Williamson) and 27 to 14.29 in Judicial District 9 (Loudon, Meigs, Morgan, Roane).

²¹This excludes permanent total cases.

²² $p < .05$ (Kruskal Wallis Test).

No information on whether or not the employee returned to work was available for 308 body as a whole trials and 303 scheduled member trials. The average PPD multipliers for these groups were 2.60 for body as a whole trials and 3.21 for scheduled member trials on a statewide analysis.

Table 17 has the same information as Table 16, however it presents the judicial districts ranked from the highest average PPD multiplier to the lowest. Figure H-1 displays the frequencies of several ranges of multipliers for body as a whole trials for where the employee returned to work. 96.3% of the PPD multipliers where the employee returned to work had multipliers that were 2.5 or less.²³ Figure H-2 presents PPD multipliers for body as a whole trials where the employee did not return to work. Figure I-1 and I-2 give the same information for scheduled member trials as Figures H-1 and H-2.

²³Most of the cases which had PPD multipliers that were greater than 2.5 were appealed and reduced.

Table 16
Average PPD Multiplier *

1996-1998 Tennessee Workers' Compensation Trials

Judicial District	Return to Work				No Return to Work				Return to Work Not Given			
	BAW		SM **		BAW		SM		BAW		SM	
	N	Ratio	N	Ratio	N	Ratio	N	Ratio	N	Ratio	N	Ratio
1	8	2.00	2	4.36	4	2.79	1	2.25	5	2.37	4	2.00
2	3	2.41	0	n/a	2	3.02	0	n/a	0	n/a	1	4.17
3	5	2.05	3	1.86	7	4.16	2	4.25	1	1.71	2	2.00
4	3	1.72	1	1.67	6	4.48	3	2.93	1	2.00	1	4.00
5	3	1.86	2	7.50	0	n/a	0	n/a	2	2.15	1	6.00
6	19	2.01	7	3.33	28	3.29	2	2.34	16	2.93	5	2.73
7	14	2.20	6	7.57	12	4.77	7	7.94	3	4.92	13	5.92
8	7	2.26	5	2.84	10	3.59	1	4.00	1	2.50	6	5.00
9	6	2.17	5	5.06	7	3.60	1	14.29	6	1.56	6	6.11
10	3	1.83	2	1.67	2	2.25	4	2.83	3	1.57	4	2.20
11	20	1.96	11	3.41	23	3.72	9	2.98	7	1.60	9	3.26
12	12	1.70	7	3.33	6	4.84	5	3.82	1	2.13	5	2.45
13	5	2.35	8	3.10	5	3.95	2	5.60	3	3.10	3	3.04
14	2	1.75	0	n/a	4	3.76	1	3.85	1	2.25	4	3.67
15	5	2.13	7	6.69	10	4.65	5	3.80	2	4.13	8	3.58
16	30	1.56	19	2.68	13	3.27	11	3.02	6	1.89	24	2.88
17	6	2.20	5	3.45	4	2.88	5	5.65	1	2.33	5	3.80
18	14	1.85	21	3.46	12	3.55	4	6.03	3	4.17	11	2.79
19	9	1.85	15	4.62	4	5.08	5	6.31	2	1.75	8	3.87
20	35	1.76	29	2.96	24	3.53	18	3.13	7	2.69	14	2.71
21	2	1.71	2	3.38	2	2.94	1	1.00	2	2.71	4	1.88
22	5	2.12	4	2.67	8	3.74	3	3.38	3	4.03	1	1.00
23	6	1.75	1	0.75	8	3.42	2	8.75	1	1.80	1	1.75
24	5	2.59	13	3.20	4	2.30	1	2.21	6	3.46	8	3.40
25	7	1.93	7	3.88	1	4.00	1	6.15	3	3.90	7	4.18
26	20	2.04	11	2.42	12	4.32	6	2.47	9	2.30	15	2.81
27	16	1.69	15	2.01	7	3.19	2	1.00	22	2.34	29	1.83
28	3	1.67	8	2.14	0	n/a	0	n/a	1	2.53	9	2.97
29	5	2.36	0	n/a	1	1.72	0	n/a	0	n/a	1	0.88
30	19	1.95	10	2.88	29	3.67	2	2.43	2	2.68	10	3.56
31	2	2.25	7	3.61	1	2.67	5	3.70	0	n/a	1	6.25
Statewide	299	1.92	233	3.37	256	3.70	109	4.04	120	2.60	220	3.21

* PPD Multiplier refers to the ratio of the highest PPI given to the PPD (%) awarded.

** The difference between judicial districts for scheduled member cases where the employee returned to work was statistically significant ($p < .05$ Kruskal Wallis Test).

Table 17
Average PPD Multiplier Ranked Highest to Lowest
 1996-1998 Workers' Compensation Trials

Body as a Whole-Return to Work			Scheduled Member-Return to Work *			Body as a Whole-No Return to Work			Scheduled Member-No Return to Work		
Judicial District	N	Ratio	Judicial District	N	Ratio	Judicial District	N	Ratio	Judicial District	N	Ratio
24	5	2.59	7	6	7.57	19	4	5.08	9	1	14.29
2	3	2.41	5	2	7.50	12	6	4.84	23	2	8.75
29	5	2.36	15	7	6.69	7	12	4.77	7	7	7.94
13	5	2.35	9	5	5.06	15	10	4.65	19	5	6.31
8	7	2.26	19	15	4.62	4	6	4.48	25	1	6.15
31	2	2.25	1	2	4.36	26	12	4.32	18	4	6.03
17	6	2.20	25	7	3.88	3	7	4.16	17	5	5.65
7	14	2.20	31	7	3.61	25	1	4.00	13	2	5.60
9	6	2.17	18	21	3.46	13	5	3.95	3	2	4.25
15	5	2.13	17	5	3.45	14	4	3.76	8	1	4.00
22	5	2.12	11	11	3.41	22	8	3.74	14	1	3.85
3	5	2.05	21	2	3.38	11	23	3.72	12	5	3.82
26	20	2.04	6	7	3.33	30	29	3.67	15	5	3.80
6	19	2.01	12	7	3.33	9	7	3.60	31	5	3.70
1	8	2.00	24	13	3.20	8	10	3.59	22	3	3.38
11	20	1.96	13	8	3.10	18	12	3.55	20	18	3.13
30	19	1.95	20	29	2.96	20	24	3.53	16	11	3.02
25	7	1.93	30	10	2.88	23	8	3.42	11	9	2.98
5	3	1.86	8	5	2.84	6	28	3.29	4	3	2.93
19	9	1.85	16	19	2.68	16	13	3.27	10	4	2.83
18	14	1.85	22	4	2.67	27	7	3.19	26	6	2.47
10	3	1.83	26	11	2.42	2	2	3.02	30	2	2.43
20	35	1.76	28	8	2.14	21	2	2.94	6	2	2.34
14	2	1.75	27	15	2.01	17	4	2.88	1	1	2.25
23	6	1.75	3	3	1.86	1	4	2.79	24	1	2.21
4	3	1.72	4	1	1.67	31	1	2.67	27	2	1.00
21	2	1.71	10	2	1.67	24	4	2.30	21	1	1.00
12	12	1.70	23	1	0.75	10	2	2.25	5	0	n/a
27	16	1.69	2	0	n/a	29	1	1.72	28	0	n/a
28	3	1.67	29	0	n/a	28	0	n/a	29	0	n/a
16	30	1.56	14	0	n/a	5	0	n/a	2	0	n/a
Statewide	299	1.92	Statewide	233	3.37	Statewide	256	3.70	Statewide	109	4.04

*The difference between judicial districts for scheduled member cases where the employee returned to work was statistically significant (p<.05 Kruskal Wallis Test).

Figure H-1

PPD Multipliers for Body as a Whole Return to Work Cases
1996-1998 Tennessee Workers' Compensation Trials

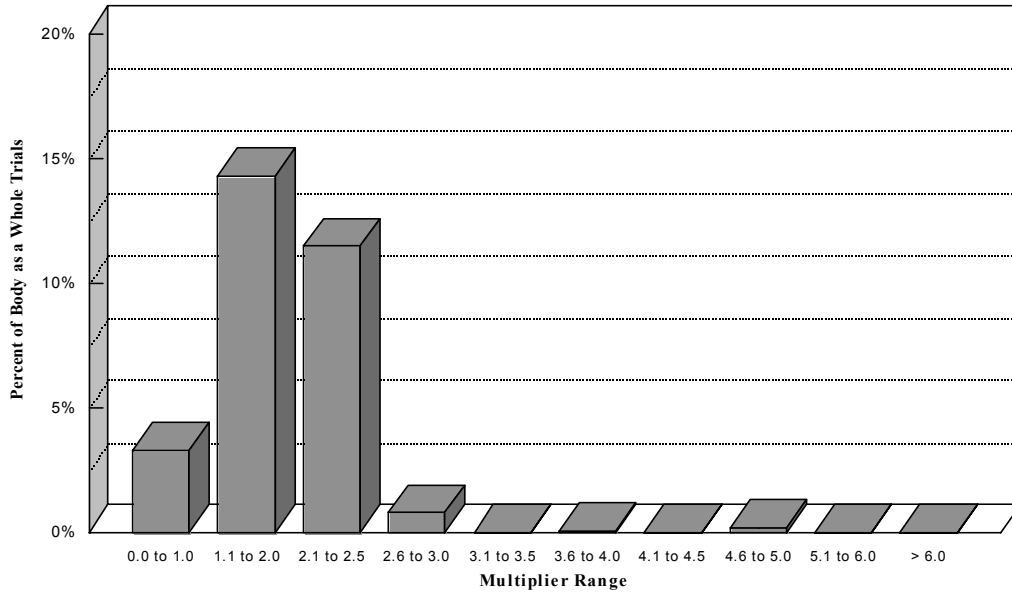


Figure H-2

PPD Multipliers for Body as a Whole No Return to Work Cases
1996-1998 Tennessee Workers' Compensation Trials

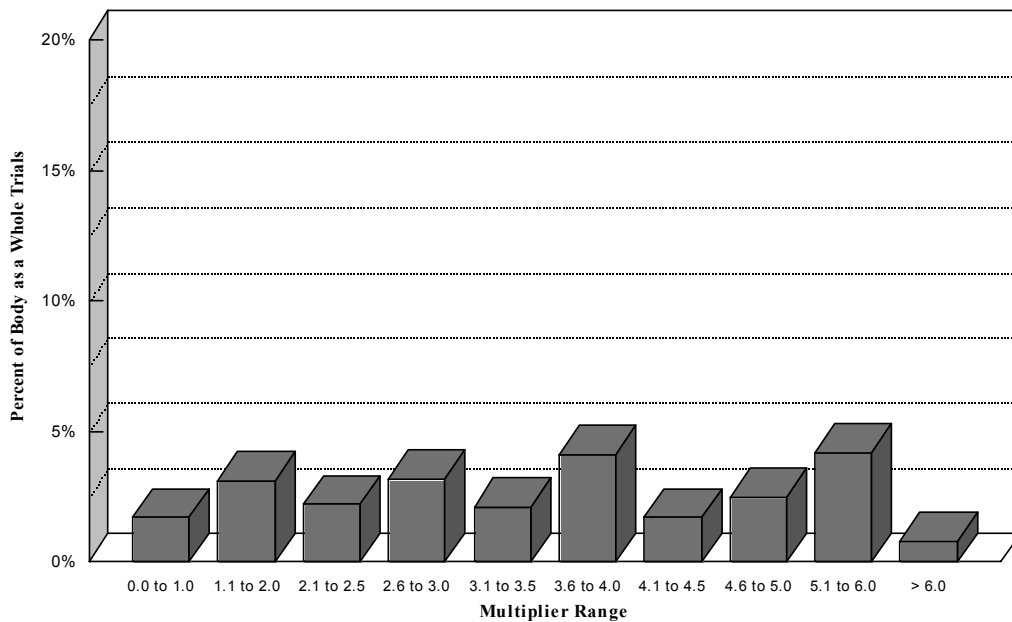


Figure I-1

PPD Multipliers for Scheduled Member Return to Work Cases

1996-1998 Tennessee Workers' Compensation Trials

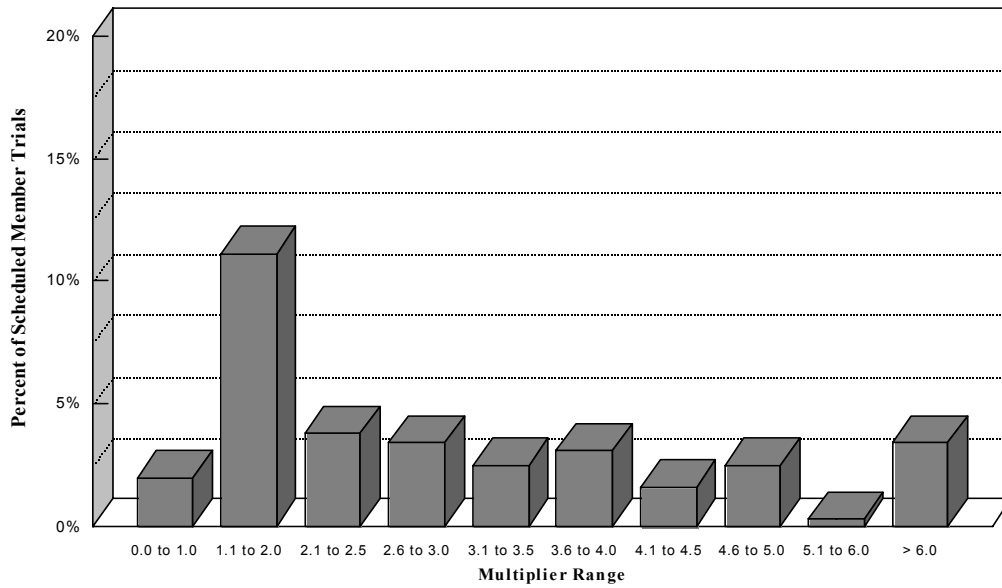
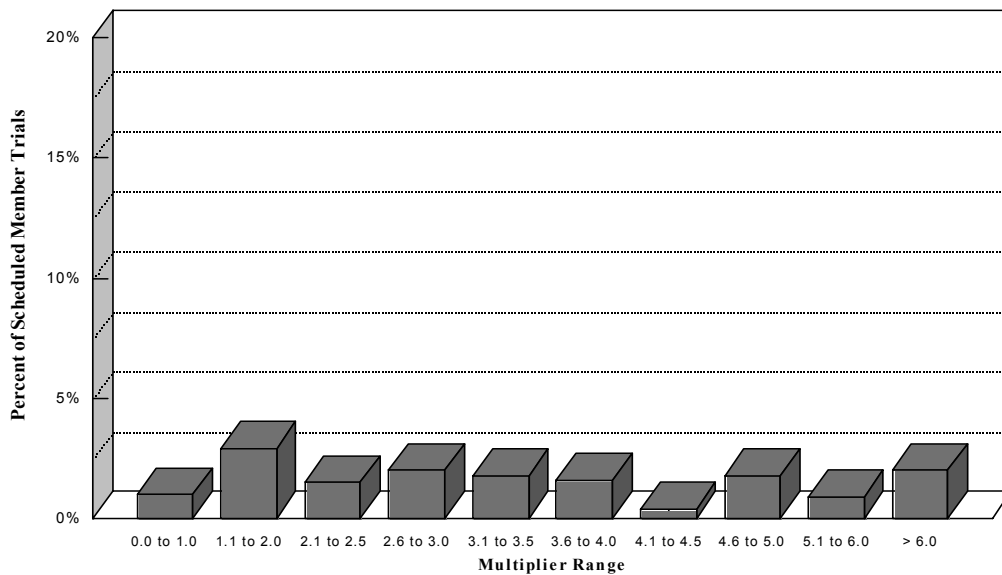


Figure I-2

PPD Multipliers for Scheduled Member No Return to Work Cases

1996-1998 Tennessee Workers' Compensation Trials



BACK INJURY CASES

Table 18 gives the average PPD multipliers for back cases for each district as well as for all of the Tennessee workers' compensation trials reviewed.²⁴ The statewide average (mean) PPD multiplier was 2.78, the median was 2.50. The high was 3.76 in Judicial District 15 (Jackson, Macon, Smith, Trousdale, Wilson) and the low was 1.67 in Judicial District 28 (Crockett, Gibson, Haywood). Trials involving back injuries were examined at by geographical area and return to work status as well. For this analysis, Tennessee is divided into three regions, East Tennessee (Judicial Districts 1-11), Middle Tennessee (Judicial Districts 12-23 & 31), and West Tennessee (Judicial Districts 24-30). The results are summarized in the Table 19. Differences between East and Middle Tennessee for PPD judgments were statistically significant.²⁵

²⁴This does not take into consideration the employee's return to work status.

²⁵ $p < .04$ (ANOVA - log of PPD Judgments)

Table 18
Average Multiplier for Back Injury Cases
 (excluding permanent total cases)
 1996-1998 Tennessee Workers' Compensation Trials

Judicial District	N	Mean	Median	Standard Deviation
1	9	2.30	2.31	0.99
2	4	2.69	2.52	0.56
3	7	3.72	3.25	1.22
4	5	3.51	2.40	1.85
5	3	1.86	1.82	0.13
6	42	2.83	2.50	1.34
7	20	3.38	3.34	1.48
8	11	2.90	2.50	1.83
9	13	3.23	2.50	2.64
10	5	1.94	2.00	1.29
11	34	2.55	2.50	1.41
12	13	3.04	2.50	2.44
13	8	2.99	2.50	1.39
14	3	4.00	2.50	3.97
15	8	3.76	3.00	1.93
16	34	2.23	2.13	1.01
17	5	2.37	2.33	0.42
18	16	2.82	2.04	1.49
19	12	2.82	2.13	1.98
20	49	2.55	2.00	1.20
21	4	2.83	2.94	1.37
22	6	2.66	2.72	1.58
23	6	2.10	2.11	1.18
24	5	2.50	2.50	0.35
25	6	2.50	2.25	0.77
26	25	3.07	2.50	1.60
27	17	2.52	1.67	1.84
28	3	1.67	1.25	0.72
29	4	2.59	2.50	0.28
30	40	3.05	2.50	1.58
31	1	2.00	n/a	n/a
Statewide	418	2.78	2.50	1.53

Table 19
Back Injury Trial Data by Geographical Area
 1996-1998 Tennessee Workers' Compensation Trials

Area	Mean Highest PPI		Mean PPD Judgment		Mean PPD Multiplier		Mean Disability Judgment Amount	
	RTW	No RTW	RTW	No RTW	RTW	No RTW	RTW	No RTW
West	11.4	12.1	23.0	42.8	2.1	4.0	\$24,804.46	\$46,250.56
Middle	9.8	12.3	17.7	40.6	1.9	3.8	\$20,249.57	\$45,576.04
East	13.5	15.3	25.5	42.4	2.0	3.7	\$26,231.92	\$46,711.71
Statewide	11.7	13.5	21.4	41.6	2.0	3.8	\$23,198.34	\$46,199.06

BILATERAL CARPAL TUNNEL CASES

Average PPD multipliers for cases involving bilateral carpal tunnel syndrome are displayed in Table 20. On a statewide level, there were only 164 cases out of 192 bilateral carpal tunnel cases in which the court records included both PPI ratings and PPD percent awarded. The average (mean) PPD multiplier for these cases was 3.41, the median was 2.97. Trials involving bilateral carpal tunnel were examined by geographical area and return to work status. The results are summarized in the Table 21. There were no statistically significant differences between geographical areas for any of the variables looked at for bilateral carpal tunnel trials.

Table 20

Average Multiplier for Bilateral Carpal Tunnel Syndrome Cases

1996-1998 Tennessee Workers' Compensation Cases

Judicial District	N	Mean	Median	Standard Deviation
1	4	3.49	2.63	2.40
2	0	n/a	n/a	n/a
3	3	3.30	2.00	3.25
4	1	4.67	n/a	n/a
5	1	6.00	n/a	n/a
6	5	1.90	1.60	1.05
7	10	6.21	5.60	2.30
8	5	4.95	1.83	4.89
9	3	8.93	8.00	4.96
10	2	2.17	2.17	1.18
11	4	2.51	1.87	1.69
12	3	2.74	3.00	1.30
13	6	3.58	3.10	2.33
14	1	3.00	n/a	n/a
15	8	4.05	4.02	1.91
16	16	2.47	2.12	0.99
17	5	4.11	4.12	1.58
18	11	3.08	2.94	1.26
19	8	4.60	3.17	2.81
20	23	2.61	2.50	1.40
21	2	3.00	3.00	2.83
22	2	0.86	0.86	0.20
23	3	5.83	1.75	7.95
24	11	3.58	3.00	2.47
25	4	4.77	3.35	4.01
26	9	2.25	2.00	0.88
27	3	1.14	1.00	0.47
28	4	1.86	2.00	0.66
29	1	0.88	n/a	n/a
30	4	2.69	1.67	2.58
31	2	2.75	2.75	1.06
Statewide	164	3.41	2.97	2.54

Table 21

Bilateral Carpal Tunnel Trial Data by Geographical Area²⁶

1996-1998 Tennessee Workers' Compensation Trials

Area	Mean Highest PPI		Mean PPD Judgment		Mean PPD Multiplier		Mean Disability Judgment Amount	
	RTW	No RTW	RTW	No RTW	RTW	No RTW	RTW	No RTW
West	15.5	12.0	32.4	27.6	2.9	2.2	\$29,389.20	\$30,886.97
Middle	9.7	9.1	26.8	41.5	3.1	5.3	\$28,546.64	\$36,875.65
East	11.6	16.7	27.2	38.2	3.6	4.4	\$29,241.39	\$34,149.60
Statewide	11.6	12.9	28.5	37.9	3.1	4.4	\$28,899.21	\$34,712.11

²⁶Mean values were influenced by extreme numbers, due to a limited number of cases once the trials were separated by geographical area and return to work status. This is especially true for West Tennessee.

APPEALED CASES

The number of trials that were appealed are listed in Table 22 by judicial district and general type of injury. On a statewide level, 18.4% (183) of body as a whole trials were appealed and 10.3% (92) of scheduled member trials were appealed. For all of the workers' compensation trials that were in this study, 16.4% (276) were appealed. The appellate decisions of 50 cases were reviewed. The results were as follows: 62% (31) of the cases were affirmed; 24% (12) the PPD was lowered; 4% (2) the PPD was increased; 4% (2) the judgment for the employer was reversed and in 6% (3) of the cases the judgment for the employee was reversed.

Table 22
Number of Cases Appealed
 1996-1998 Tennessee Workers' Compensation Trials

Judicial District	# of Cases Reviewed	Body as a Whole		Scheduled Member		Total	
		Frequency	Percent of BAW Cases	Frequency	Percent of SM Cases	Frequency	Percent
1	31	3	13.0	0	0.0	3	9.7
2	9	2	28.6	0	0.0	2	22.2
3	24	2	12.5	0	0.0	2	8.3
4	27	4	20.0	0	0.0	4	14.8
5	20	4	30.8	1	16.7	5	25.0
6	130	13	13.3	0	0.0	13	10.0
7	76	8	18.2	8	25.0	16	21.1
8	51	10	27.0	3	21.4	13	25.5
9	41	3	12.0	2	12.5	5	12.2
10	25	7	50.0	3	27.3	10	40.0
11	113	13	18.1	0	0.0	13	11.5
12	39	3	14.3	6	33.3	9	23.1
13	36*	5	25.0	1	6.7	7	19.4
14	19	3	25.0	1	14.3	4	21.1
15	45	4	17.4	7	31.8	11	24.4
16	109	3	5.7	5	8.9	8	7.3
17	33	4	25.0	4	23.5	8	24.2
18	85	5	12.5	2	4.7	7	8.2
19	50	0	0.0	6	20.0	6	12.0
20	157	13	14.1	4	6.3	17	10.8
21	16	1	12.5	0	0.0	1	6.3
22	35	13	61.9	7	50.0	20	57.1
23	23	6	37.5	1	16.7	7	30.4
24	68	2	6.5	8	22.2	10	14.7
25	34	3	18.8	5	27.8	8	23.5
26	115	17	24.3	7	15.6	24	20.9
27	107	8	13.6	0	0.0	8	7.5
28	36	5	31.3	5	25.0	10	27.8
29	9	2	25.0	0	0.0	2	22.2
30	111	15	18.5	6	20.0	21	18.9
31	17	2	50.0	0	0.0	2	11.8
Statewide	1691	183	18.4	92	10.3	276	16.4

* could not determine the injury type for one case

PERMANENT TOTAL AND SECOND INJURY FUND CASES

The frequencies of permanent total and second injury fund judgments from the trials studied are given in Table 23. In a total of 74 cases, the employee was judged to be permanently totally disabled. In East Tennessee 7.3% (40) of the trials reviewed were permanent total cases. In Middle Tennessee only 1.7% (11) of the trials were permanent total cases. In West Tennessee, the percent of trials reviewed that were permanent total cases was 4.8% (23).²⁷ Similar numbers occurred for the frequencies of second injury fund cases. Judgments were entered against the second injury fund in a total of 91 cases. In East Tennessee, 8.1% (44), in Middle Tennessee, 2.3% (15), and in West Tennessee 6.6% (32) of the trials reviewed involved judgments against the second injury fund. The permanent total and second injury fund case frequency data are presented graphically in Figures J and K respectively.

Table 23
Frequencies of Permanent Total and Second Injury Fund Cases
 1996-1998 Tennessee Workers' Compensation Trials

West <small>Judicial Districts 24-30</small>				Middle <small>Judicial Districts 12-23+31</small>				East <small>Judicial Districts 1-11</small>			
Permanent Total Cases		Second Injury Fund Cases		Permanent Total Cases		Second Injury Fund Cases		Permanent Total Cases		Second Injury Fund Cases	
Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent
23	4.8	32	6.6	11	1.7	15	2.3	40	7.3	44	8.1

²⁷The percentages given are of the total number of trials reviewed for each region.

Figure J
Permanent Total Cases
1996-1998 Tennessee Workers' Compensation Trials

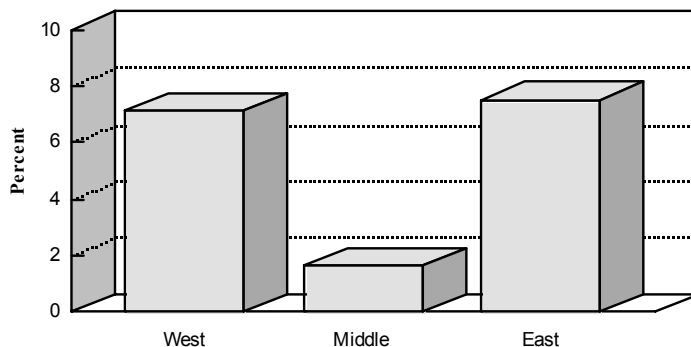
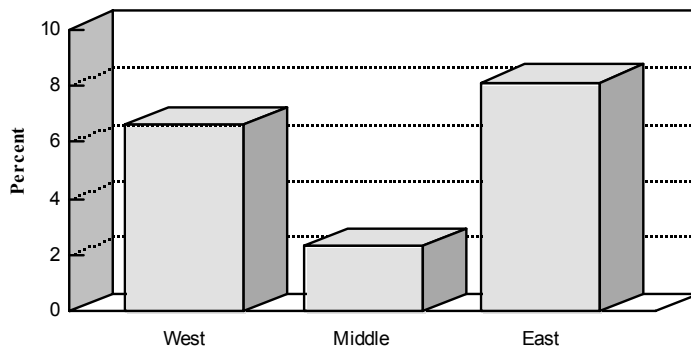


Figure K
Second Injury Fund Cases
1996-1998 Tennessee Workers' Compensation Trials



CONCLUSION

When this research project was first proposed, it was expected that several areas of concern for policy makers could be addressed by an analysis of the data gathered. After looking at three years of Tennessee workers' compensation trials, some of these areas can be addressed, while others still should not be, due to unavailable data from the court files reviewed. The purpose of this section is to summarize the main points that the data from the trials reviewed did and did not reveal. As for this report as a whole, its purpose is to give a summary of what has been happening in Tennessee and its judicial districts regarding workers' compensation trials.

From 1996 to 1998, injured workers' average compensation rate and age gradually increased. Statistically significant differences emerged for age and compensation rate when comparing judicial districts. Judgment amounts are directly related to these variables; therefore most differences in judgment amounts can be traced back to differences in these variables.

The most telling gauge of differences between judicial districts is the permanent partial disability (PPD) multiplier. The PPD multiplier is the ratio of the permanent partial impairment (PPI) rating to the PPD judgment amount. This too will be affected by age and education, but it takes out the money element and adds the injury impairment rating variable. While it is not known exactly what part PPI ratings play in a judge's determination of PPD judgments, it is known that it has to be a part of it.²⁸

The only scenario in which PPD multipliers were significantly different, statistically, when comparing judicial districts was for scheduled member trials where the employee returned to work. There were no differences between districts for body as a whole trials and for scheduled member trials where the injured worker did not return to work. A possible explanation for this is that body as a whole PPD judgments where the employee returns to work are capped at 2.5 times the highest impairment rating given.²⁹ Scheduled member judgments are not. It appears that some judges are 'capping' the scheduled member judgments when the employee returns to work

²⁸TCA §50-6-241

²⁹TCA §50-6-241(a)(1)

while others are not doing so. For body as a whole trials where the injured worker returns to work, the 2.5 times cap has fully worked its way through the system and is being applied uniformly throughout the state.

Another variable where differences between judicial districts are statistically significant is the average length from date of injury to date of trial. In addition, in looking at all of Tennessee from year to year, cases are taking longer to conclude.

Unfortunately there is not a complete enough data set to draw conclusions about the presence of 'dueling doctors' and their effect on judgment amounts.³⁰ This is also the case for the effects of vocational experts.

While this report provides useful, but limited, data, the Advisory Council looks forward to the information that will be available with a full data set from the Department of Labor and Workforce Development's Statistical Data Form (SD-1). In the meantime, this study provides a snapshot of 1,691 trials and gives a valid glimpse into the real world of workers' compensation in the courts of Tennessee for calendar years 1996, 1997 and 1998.

³⁰TCA §50-6-204 allows for multiple testimony of independent medical evaluators for determining impairment ratings.

APPENDIX A
DATA SUMMARY

Appendix A summarizes the results for each of the three years of workers' compensation trials studied and provides a combined total of the three years. The data is presented in three sections: trial information, demographic information and case information. There were no variables that had dramatic increases or decreases from 1996 to 1998. The variables that revealed consistent increases were as follows:

Number and percent of cases filed in a county other than the county and place of accident or injury

Average time between accident or injury and trial date (in years)

Average age of injured workers

Number and percent of claimants with a high school education

Number and percent of cases where the employee received the maximum weekly compensation rate

Average weekly compensation rate

Number and percent of cases where the PPD award was less than or equal to 2.5 times the highest PPI rating given in court record

Variables that revealed consistent decreases were:

Number and percent of back injury claimants with less than a high school education

Number and percent of trials where the judgment was for the employer

Number and percent of trial judgments appealed

Trial Information

	1996		1997		1998		All 3 years	
Number of cases reviewed	558		609		524		1691	
Number and percent of suits filed by insurers or employers	34	6.1%	30	5.0%	30	5.8%	94	5.6%
Number and percent of body as a whole trials	335	60.0%	344	56.5%	316	60.3%	995	58.8%
Number and percent scheduled member trials	220	39.4%	259	42.5%	204	38.9%	683	40.4%
Number and percent of cases filed in a county other than the county and place of accident or injury	49	8.8%	71	11.7%	63	12.0%	183	10.8%
Number and percent of cases filed in the county of the employee's residence	419	75.1%	447	73.4%	396	75.6%	1262	74.6%
Average time between accident or injury and trial date (in years)	2.07		2.28		2.40		2.30	

Demographic Information

	1996		1997		1998		All 3 years	
Average age of injured workers	41.2		42.3		42.6		42.0	
Number and percent of claimants with less than a high school education	118	32.7%	124	33.9%	79	24.6%	321	30.6%
Number and percent of claimants with a high school education	160	44.3%	180	49.2%	172	53.6%	512	48.9%
Number and percent of claimants with a college degree	17	4.8%	11	3.0%	23	7.1%	51	4.9%
Number and percent of back injury claimants with less than a high school education	53	40.2%	43	35.2%	34	31.5%	130	35.9%
Number and percent of cases where the employee received the maximum weekly compensation rate	109	21.4%	134	24.7%	129	27.7%	372	24.5%
Average weekly compensation rate	\$256.69		\$271.15		\$301.28		\$275.59	

Case Information

	1996		1997		1998		All 3 years	
Most frequently claimed body as a whole injuries	injury	# of cases	injury	# of cases	injury	# of cases	injury	# of cases
	Back	205	Back	200	Back	187	Back	582
	Shoulder	44	Shoulder	56	Shoulder	49	Shoulder	149
	Neck	36	Neck	41	Neck	26	Neck	103
	Head/Face	10	Head/Face	14	Groin/Hernia	5	Head/Face	28
Most frequently claimed scheduled member injuries	Leg	71	Leg	67	Leg	64	Leg	202
	Bilat CTS	67	Bilat CTS	66	Bilat CTS	59	Bilat CTS	192
	Arm	34	Arm	47	Arm	43	Arm	124
	Hand	16	CTS-One Arm	36	CTS-One Arm	15	CTS-One Arm	64
Number and percent of back injury cases where the employee did not return to work	73	52.9%	78	59.1%	60	44.8%	211	51.8%
Number and percent of bilateral carpal tunnel cases where the employee did not return to work	9	22.5%	18	46.2%	7	18.4%	34	29.1%
Average number of physicians giving impairment ratings in a case in which a suit is filed	1.9		1.9		1.8		1.9	
Number and percent of cases in which only one doctor gave a PPI rating	180	35.4%	207	34.0%	204	38.9%	591	34.9%
Number and percent of cases where a vocational expert was hired	47	8.4%	59	9.7%	30	5.7%	136	8.0%
Number and percent of cases where the PPD award was less than or equal to 2.5 times the highest PPI rating given in court record	218	39.1%	250	41.1%	233	44.5%	701	41.5%
Number and percent of cases where the PPD award was between 2.5 and 6.0 times the highest PPI rating	154	27.6%	165	27.1%	146	27.9%	465	27.5%
Number and percent of cases where the PPD award was greater than 6.0 times the highest PPI rating	24	4.3%	29	4.8%	23	4.4%	76	4.5%
Number and Percent of permanent total disability (PTD) judgments	28	5.0%	32	5.3%	16	3.1%	74	4.4%
Number and percent of trials where the judgment was for the employer	85	15.2%	90	14.8%	75	14.3%	250	14.8%
Number and percent of trial judgments appealed	96	17.2%	97	15.9%	83	15.8%	276	16.4%

APPENDIX B
JUDICIAL DISTRICT SUMMARIES

Appendix B provides a statewide summary for the Tennessee workers' compensation trials reviewed as well as summaries of each judicial district. Information is given in three main categories: trial information, demographic information and case information. The trial information section gives the number and percent of trials which occurred in each court and the average time between date of injury and the time of trial. Demographic information refers to average employee age, compensation rate and level of education. The range of ages are given for each corresponding educational level. The case information section gives information regarding the trials by general injury type, body as a whole and scheduled member, as well as a combination of the two. The percentages listed under body as a whole and scheduled member are of the total number of body as a whole and scheduled member trials for each judicial district. The total percentages are of the total number of trials for each area. No permanent total cases were included in the statistics for average highest PPI rating, average disability judgment, average final PPD rating, median final PPD rating and average multiplier for back cases.

The values for the section concerning disability judgment, PPD rating and average multipliers for back injury cases and bilateral carpal tunnel syndrome cases do not distinguish whether the employee returned to work following the injury. Additionally, in the "Total" section, body as a whole injuries and scheduled member injuries are combined. The reader is reminded that caution should be exercised when interpreting or drawing conclusions from the combined data due to differences in the workers' compensation law's application to body as a whole and scheduled member injuries and the return to work status of the claimants.

Statewide

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
All Counties in Tennessee	43574	5333	1691

Trial Information	Value		
Number in Chancery Court	1134	67.1%	(3 cases were in criminal court)
Number in Circuit Court	554	32.8%	
Average Time from Date of Injury to Time of Trial (in years)	2.3	0.1 to 5.4	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	42.0	41.0	10.3	1471
Compensation Rate	\$275.54	\$271.74	\$95.56	1519
Education	Percent	Number	Age Range	
No High School	10.2%	107	22 to 77	
Some High School	20.4%	214	18 to 70	
High School Diploma or GED	48.9%	512	19 to 72	
Some College or Associate's Degree	15.6%	164	20 to 69	
Bachelor's Degree	4.1%	43	29 to 68	
Some Graduate School	0.4%	4	25 to 49	ed. level missing
Master's Degree, Ph.D. or Equivalent	0.4%	4	30 to 41	643

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
^Δ Total Number of Cases	58.8%	995	40.4%	683	100.0%	1691
Number of Cases where the Judgment is for the Employee	82.5%	821	90.6%	619	85.2%	1440
Number of Cases where the Judgment is for the Employer	17.5%	174	9.4%	64	14.8%	250
Average Disability Judgment	\$34,920.12	743	\$24,392.96	612	\$30,153.11	1355
Average Final PPD Rating	31.5	745	36.6	615	33.8	1360
Median Final PPD Rating	25.0	745	32.0	615	30.0	1360
Average Highest PPI Rating	13.5	756	13.7	586	13.6	1342
Average Number of Physicians (per trial)	1.9	918	1.8	637	1.9	1557
[○] Number of Cases Appealed	18.4%	183	13.5%	92	16.3%	276
* Average Multiplier for Back Cases	2.78	418	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	3.40	164	n/a	n/a

^Δ unable to determine the type of injury for 13 cases, the judgments for these were all for the employer

[○] could not determine the type of injury for one case

* includes cases where the employee did and did not return to work

Judicial District: 1

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Carter	257	15	
Johnson	63	13	
Unicoi	76	8	
Washington	501	175	31

Trial Information	Value		
Number in Chancery Court	28	90.3%	
Number in Circuit Court	3	9.7%	
Average Time from Date of Injury to Time of Trial (in years)	2.3	1.1 to 5.0	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	38.1	36.5	10.1	28
Compensation Rate	\$215.29	\$193.60	\$77.93	29
Education	Percent	Number	Age Range	
No High School	17.4%	4	34 to 63	
Some High School	8.7%	2	20 to 47	
High School Diploma or GED	56.5%	13	25 to 47	
Some College or Associate's Degree	13.0%	3	24 to 33	
Bachelor's Degree	4.3%	1	36	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		8

Judges
Johnson
Lewis
May
Seeley

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	74.2%	23	25.8%	8	100.0%	31
Number of Cases where the Judgment is for the Employee	82.6%	19	100.0%	8	87.1%	27
Number of Cases where the Judgment is for the Employer	17.4%	4	0.0%	0	12.9%	4
Average Disability Judgment	\$28,303.44	18	\$30,290.30	8	\$28,914.78	26
Average Final PPD Rating	32.5	18	40.3	8	34.9	26
Median Final PPD Rating	26.3	18	31.3	8	30.0	9
Average Highest PPI Rating	16.8	20	22.4	7	18.2	27
Average Number of Physicians (per trial)	2.3	23	2.0	8	2.3	31
Number of Cases Appealed	13.0%	3	0.0%	0	9.7%	3
* Average Multiplier for Back Cases	2.30	9	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	3.49	4	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 2

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Sullivan	770	89	9

Trial Information	Value		
Number in Chancery Court	7	77.8%	
Number in Circuit Court	2	22.2%	
Average Time from Date of Injury to Time of Trial (in years)	1.8	0.2 to 3.8	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	37.3	33.0	11.7	8
Compensation Rate	\$270.24	\$251.97	\$114.80	9
Education	Percent	Number	Age Range	
No High School	28.6%	2	28	
Some High School	0.0%	0		
High School Diploma or GED	28.6%	2	33	
Some College or Associate's Degree	42.9%	3	33 to 62	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		2

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	77.8%	7	22.2%	2	100.0%	9
Number of Cases where the Judgment is for the Employee	85.7%	6	50.0%	1	77.8%	7
Number of Cases where the Judgment is for the Employer	14.3%	1	50.0%	1	22.2%	2
Average Disability Judgment	\$26,776.36	5	\$3,541.50	1	\$22,903.89	6
Average Final PPD Rating	24.1	5	25.0	1	24.3	6
Median Final PPD Rating	28.0	5	n/a	1	26.5	6
Average Highest PPI Rating	9.2	5	13.5	2	10.5	7
Average Number of Physicians (per trial)	1.6	7	1.5	2	1.6	9
Number of Cases Appealed	28.6%	2	0.0%	0	22.2%	2
* Average Multiplier for Back Cases	2.69	4	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	n/a	0	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 3

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Greene	533	74	16
Hamblen	340	8	6
Hancock	180	4	
Hawkins	163	40	2

Trial Information	Value		
Number in Chancery Court	6	25.0%	
Number in Circuit Court	18	75.0%	
Average Time from Date of Injury to Time of Trial (in years)	2.2	0.9 to 4.3	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	45.2	46.0	11.9	19
Compensation Rate	\$224.32	\$217.47	\$81.84	20
Education	Percent	Number	Age Range	
No High School	0.0%	0		
Some High School	31.3%	5	20 to 47	
High School Diploma or GED	31.3%	5	34 to 57	
Some College or Associate's Degree	37.5%	6	35 to 63	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		8

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	66.7%	16	33.3%	8	100.0%	24
Number of Cases where the Judgment is for the Employee	81.3%	13	87.5%	7	83.3%	20
Number of Cases where the Judgment is for the Employer	18.8%	3	12.5%	1	16.7%	4
Average Disability Judgment	\$24,595.61	13	\$20,833.87	7	\$23,280.00	20
Average Final PPD Rating	30.1	13	48.3	7	31.7	20
Median Final PPD Rating	36.0	13	35.0	7	36.5	20
Average Highest PPI Rating	16.0	14	30.2	7	20.7	21
Average Number of Physicians (per trial)	1.7	15	1.8	8	1.7	23
Number of Cases Appealed	12.5%	2	0.0%	0	8.3%	2
* Average Multiplier for Back Cases	3.72	7	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	3.30	3	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 4

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Cocke	232	110	8
Grainger	53	2	
Jefferson	269	13	
Sevier	368	66	19

Trial Information	Value		
Number in Chancery Court	3	11.1%	
Number in Circuit Court	24	88.9%	
Average Time from Date of Injury to Time of Trial (in years)	2.5	0.9 to 5.1	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	47.6	46.0	8.4	23
Compensation Rate	\$236.64	\$256.13	\$81.22	21
Education	Percent	Number	Age Range	
No High School	25.0%	4	46 to 59	
Some High School	25.0%	4	42 to 63	
High School Diploma or GED	50.0%	8	37 to 57	
Some College or Associate's Degree	0.0%	0		
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		11

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
△ Total Number of Cases	74.1%	20	22.2%	6	100.0%	27
Number of Cases where the Judgment is for the Employee	75.0%	15	83.3%	5	70.4%	19
Number of Cases where the Judgment is for the Employer	25.0%	5	16.7%	1	25.9%	7
Average Disability Judgment	\$26,632.21	11	\$38,597.07	5	\$30,371.23	16
Average Final PPD Rating	28.1	11	63.3	5	39.1	16
Median Final PPD Rating	30.0	11	64.0	5	35.0	16
Average Highest PPI Rating	10.5	11	20.8	6	14.2	17
Average Number of Physicians (per trial)	1.8	18	2.2	6	1.9	24
Number of Cases Appealed	20.0%	4	0.0%	0	14.8%	4
* Average Multiplier for Back Cases	3.51	5	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	4.67	1	n/a	n/a

△ unable to determine the type of injury for 1 case

* includes cases where the employee did and did not return to work

Judicial District: 5

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Blount	420	38	20

Trial Information	Value		
Number in Chancery Court	1	5.0%	
Number in Circuit Court	19	95.0%	
Average Time from Date of Injury to Time of Trial (in years)	2.8	1.1 to 4.5	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	43.3	44.0	10.8	19
Compensation Rate	\$284.52	\$290.87	\$75.68	17
Education	Percent	Number	Age Range	
No High School	0.0%	0		
Some High School	25.0%	1	23	
High School Diploma or GED	75.0%	3	26 to 49	
Some College or Associate's Degree	0.0%	0		
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		16

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
△ Total Number of Cases	65.0%	13	30.0%	6	100.0%	20
Number of Cases where the Judgment is for the Employee	69.2%	9	83.3%	5	70.0%	14
Number of Cases where the Judgment is for the Employer	30.8%	4	16.7%	1	30.0%	6
Average Disability Judgment	\$29,326.68	8	\$21,018.28	5	\$26,131.14	13
Average Final PPD Rating	30.0	8	27.6	5	29.1	13
Median Final PPD Rating	25.0	8	30.0	5	30.0	13
Average Highest PPI Rating	17.3	6	6.3	3	13.7	9
Average Number of Physicians (per trial)	1.8	11	1.7	6	1.8	18
Number of Cases Appealed	30.8%	4	16.7%	1	25.0%	5
* Average Multiplier for Back Cases	1.86	3	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	6.00	1	n/a	n/a

△ unable to determine the type of injury for 1 case

* includes cases where the employee did and did not return to work

Judicial District: 6

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Knox	4958	241	130

Trial Information	Value		
Number in Chancery Court	84	64.6%	
Number in Circuit Court	46	35.4%	
Average Time from Date of Injury to Time of Trial (in years)	2.3	0.8 to 4.7	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	41.3	40.0	10.5	116
Compensation Rate	\$261.06	\$240.00	\$101.38	103
Education	Percent	Number	Age Range	
No High School	7.1%	6	39 to 68	
Some High School	21.2%	18	21 to 59	
High School Diploma or GED	42.4%	36	30 to 69	
Some College or Associate's Degree	23.5%	20	31 to 59	
Bachelor's Degree	3.5%	3	37 to 38	
Some Graduate School	1.2%	1	25	ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		45

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	75.4%	98	23.1%	30	100.0%	130
Number of Cases where the Judgment is for the Employee	76.5%	75	56.7%	17	70.8%	92
Number of Cases where the Judgment is for the Employer	23.5%	23	43.3%	13	29.2%	38
Average Disability Judgment	\$36,083.23	66	\$18,395.62	17	\$32,460.46	83
Average Final PPD Rating	33.2	67	31.1	17	32.8	84
Median Final PPD Rating	25.0	67	27.5	17	25.0	84
Average Highest PPI Rating	14.8	71	14.1	17	14.7	88
Average Number of Physicians (per trial)	1.9	89	1.7	23	1.8	112
Number of Cases Appealed	13.3%	13	0.0%	0	10.0%	13
Average Multiplier for Back Cases	2.83	42	n/a	n/a	n/a	n/a
Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	1.90	5	n/a	n/a

♦ could not determine the type of injury for 2 cases

* includes cases where the employee did and did not return to work

Judicial District: 7

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Anderson	725	165	76

Trial Information	Value		
Number in Chancery Court	1	1.3%	
Number in Circuit Court	75	98.7%	
Average Time from Date of Injury to Time of Trial (in years)	2.0	0.6 to 4.6 (range)	

Demographic Information	Mean	Median	Standard Deviation	N
Age	41.4	42.0	11.9	65
Compensation Rate	\$297.03	\$304.02	\$86.64	72
Education	Percent	Number	Age Range	
No High School	12.3%	7	24 to 77	
Some High School	22.8%	13	22 to 56	
High School Diploma or GED	56.1%	32	24 to 58	
Some College or Associate's Degree	8.8%	5	30 to 61	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		19

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	57.9%	44	42.1%	32	100.0%	76
Number of Cases where the Judgment is for the Employee	90.9%	40	81.3%	26	86.8%	66
Number of Cases where the Judgment is for the Employer	9.1%	4	18.8%	6	13.2%	10
Average Disability Judgment	\$43,496.84	38	\$46,077.63	30	\$44,635.42	68
Average Final PPD Rating	36.4	38	47.2	30	41.2	68
Median Final PPD Rating	30.0	38	45.0	30	45.0	68
Average Highest PPI Rating	12.2	29	8.5	27	10.4	56
Average Number of Physicians (per trial)	1.6	36	1.6	29	1.6	65
Number of Cases Appealed	18.2%	8	25.0%	8	21.1%	16
* Average Multiplier for Back Cases	3.38	20	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	6.20	10	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 8

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Campbell	307	43	19
Claiborne	157	24	11
Fentress	116	33	21
Scott	195	0	
Union	72	8	

Trial Information	Value		
Number in Chancery Court	51	100.0%	
Number in Circuit Court	0	0.0%	
Average Time from Date of Injury to Time of Trial (in years)	2.6	0.7 to 5.1	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	43.8	44.0	9.4	48
Compensation Rate	\$269.09	\$290.58	\$109.80	48
Education	Percent	Number	Age Range	
No High School	20.6%	7	36 to 59	
Some High School	26.5%	9	33 to 66	
High School Diploma or GED	35.3%	12	34 to 52	
Some College or Associate's Degree	11.8%	4	30 to 48	
Bachelor's Degree	5.9%	2	42 to 46	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		17

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	72.5%	37	27.5%	14	100.0%	51
Number of Cases where the Judgment is for the Employee	86.5%	32	100.0%	14	90.2%	46
Number of Cases where the Judgment is for the Employer	13.5%	5	0.0%	0	9.8%	5
Average Disability Judgment	\$49,327.03	19	\$30,623.42	13	\$41,728.69	32
Average Final PPD Rating	41.4	18	43.8	13	42.4	31
Median Final PPD Rating	43.0	18	45.0	13	45.0	31
Average Highest PPI Rating	21.5	21	12.9	12	18.4	33
Average Number of Physicians (per trial)	2.1	35	1.8	13	2.0	48
Number of Cases Appealed	27.0%	10	21.4%	3	25.5%	13
* Average Multiplier for Back Cases	2.90	11	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	4.95	5	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 9

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Loudon	156	15	
Meigs	26	5	
Morgan	73	18	4
Raone	319	167	37

Trial Information	Value		
Number in Chancery Court	37	90.2%	
Number in Circuit Court	4	9.8%	
Average Time from Date of Injury to Time of Trial (in years)	1.9	0.7 to 3.9	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	38.6	37.0	10.7	35
Compensation Rate	\$290.01	\$298.00	\$92.06	37
Education	Percent	Number	Age Range	
No High School	11.1%	2	38 to 58	
Some High School	22.2%	4	31 to 59	
High School Diploma or GED	55.6%	10	22 to 58	
Some College or Associate's Degree	0.0%	0		
Bachelor's Degree	5.6%	1	52	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	5.6%	1	30	23

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	61.0%	25	39.0%	16	100.0%	41
Number of Cases where the Judgment is for the Employee	92.0%	23	87.5%	14	90.2%	37
Number of Cases where the Judgment is for the Employer	8.0%	2	12.5%	2	9.8%	4
Average Disability Judgment	\$31,573.95	20	\$21,134.51	14	\$27,275.36	34
Average Final PPD Rating	30.1	20	31.6	14	30.7	34
Median Final PPD Rating	25.0	20	27.5	14	25.0	34
Average Highest PPI Rating	16.9	19	7.7	12	13.3	31
Average Number of Physicians (per trial)	1.9	23	1.6	15	1.8	38
Number of Cases Appealed	12.0%	3	12.5%	2	12.2%	5
* Average Multiplier for Back Cases	3.23	13	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	8.92	3	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 10

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Bradley	637	60	8
McMinn	297	124	13
Monroe	138	59	4
Polk	49	23	

Trial Information	Value		
Number in Chancery Court	20	80.0%	
Number in Circuit Court	5	20.0%	
Average Time from Date of Injury to Time of Trial (in years)	2.4	1.0 to 4.7	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	44.9	48.0	11.2	18
Compensation Rate	\$253.02	\$246.06	\$99.76	22
Education	Percent	Number	Age Range	
No High School	9.1%	1	58	
Some High School	27.3%	3	40 to 64	
High School Diploma or GED	45.5%	5	37 to 55	
Some College or Associate's Degree	9.1%	1	48	
Bachelor's Degree	9.1%	1	45	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		14

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	56.0%	14	44.0%	11	100.0%	25
Number of Cases where the Judgment is for the Employee	78.6%	11	100.0%	11	88.0%	22
Number of Cases where the Judgment is for the Employer	21.4%	3	0.0%	0	12.0%	3
Average Disability Judgment	\$19,228.92	10	\$29,827.68	11	\$24,780.65	21
Average Final PPD Rating	24.0	10	48.4	11	36.8	21
Median Final PPD Rating	22.5	10	45.0	11	32.5	21
Average Highest PPI Rating	16.5	8	25.7	10	21.6	18
Average Number of Physicians (per trial)	1.8	13	1.4	10	1.7	23
Number of Cases Appealed	50%	7	27.3%	3	40.0%	10
* Average Multiplier for Back Cases	1.94	5	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	2.17	2	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 11

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Hamilton	3759	411	113

Trial Information	Value		
Number in Chancery Court	87	77.0%	
Number in Circuit Court	26	23.0%	
Average Time from Date of Injury to Time of Trial (in years)	2.3	0.3 to 4.9	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	42.7	42.0	10.8	90
Compensation Rate	\$279.51	\$278.19	\$91.70	92
Education	Percent	Number	Age Range	
No High School	7.7%	5	34 to 60	
Some High School	21.5%	14	23 to 59	
High School Diploma or GED	52.3%	34	29 to 63	
Some College or Associate's Degree	16.9%	11	30 to 62	
Bachelor's Degree	1.5%	1	53	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		48

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
△ Total Number of Cases	63.7%	72	34.5%	39	100.0%	113
Number of Cases where the Judgment is for the Employee	83.3%	60	87.2%	34	83.2%	94
Number of Cases where the Judgment is for the Employer	16.7%	12	12.8%	5	16.8%	19
Average Disability Judgment	\$38,335.95	53	\$19,290.12	33	\$31,027.66	86
Average Final PPD Rating	32.9	54	34.9	34	33.7	88
Median Final PPD Rating	22.5	54	25.0	34	22.5	88
Average Highest PPI Rating	13.5	55	14.0	30	13.7	85
Average Number of Physicians (per trial)	1.8	65	1.5	34	1.7	99
Number of Cases Appealed	18.1%	13	0.0%	0	11.5%	13
* Average Multiplier for Back Cases	2.55	34	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	2.51	4	n/a	n/a

△ unable to determine the type of injury for 2 cases, the judgments for these were for the employer

* includes cases where the employee did and did not return to work

Judicial District: 12

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Bledsoe	33	2	
Franklin	419	113	30
Grundy	102	35	
Marion	180	45	
Rhea	192	22	7
Sequatchie	56	24	2

Trial Information	Value		
Number in Chancery Court	36	92.3%	
Number in Circuit Court	3	7.7%	
Average Time from Date of Injury to Time of Trial (in years)	2.2	0.4 to 3.5	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	44.0	42.0	12.0	37
Compensation Rate	\$255.26	\$247.90	\$90.79	39
Education	Percent	Number	Age Range	
No High School	4.0%	1	62	
Some High School	20.0%	5	27 to 70	
High School Diploma or GED	52.0%	13	26 to 51	
Some College or Associate's Degree	24.0%	6	21 to 58	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		14

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	53.8%	21	46.2%	18	100.0%	39
Number of Cases where the Judgment is for the Employee	95.2%	20	100.0%	18	97.4%	38
Number of Cases where the Judgment is for the Employer	4.8%	1	0.0%	0	2.6%	1
Average Disability Judgment	\$29,433.77	19	\$18,853.04	17	\$24,437.31	36
Average Final PPD Rating	29.3	19	34.2	17	31.6	36
Median Final PPD Rating	20.0	19	35.0	17	25.0	36
Average Highest PPI Rating	11.9	20	11.9	17	11.9	37
Average Number of Physicians (per trial)	2.0	21	2.1	18	2.0	39
Number of Cases Appealed	14.3%	3	33.3%	6	23.1%	9
* Average Multiplier for Back Cases	3.04	13	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	2.74	3	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 13

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Clay	62	8	
Cumberland	260	23	8
DeKalb	127	23	
Overton	95	23	
Pickett	6	4	
Putnam	626	70	20
White	114	11	3

Trial Information	Value		
Number in Chancery Court	22	61.1%	
Number in Circuit Court	14	38.9%	
Average Time from Date of Injury to Time of Trial (in years)	2.4	0.7 to 5.3	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	41.3	42.0	9.2	34
Compensation Rate	\$239.36	\$224.41	\$73.20	32
Education	Percent	Number	Age Range	
No High School	4.2%	1	48	
Some High School	16.7%	4	32 to 48	
High School Diploma or GED	70.8%	17	23 to 61	
Some College or Associate's Degree	8.3%	2	29 to 42	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		12

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
^ Total Number of Cases	55.6%	20	41.7%	15	100.0%	36
Number of Cases where the Judgment is for the Employee	85.0%	17	86.7%	13	83.3%	30
Number of Cases where the Judgment is for the Employer	15.0%	3	13.3%	2	16.7%	6
Average Disability Judgment	\$36,534.02	13	\$25,573.27	13	\$31,053.64	26
Average Final PPD Rating	37.1	13	37.0	13	37.0	26
Median Final PPD Rating	30.0	13	40.0	13	38.8	26
Average Highest PPI Rating	12.1	15	12.3	13	12.2	28
Average Number of Physicians (per trial)	2.5	20	1.7	15	2.1	35
Number of Cases Appealed	25.0%	5	6.7%	1	19.4%	7
* Average Multiplier for Back Cases	2.99	8	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	3.58	6	n/a	n/a

^ could not determine the type of injury for one case, however the judgment was for the employer

*includes cases where the employee did and did not return to work

Judicial District: 14

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Coffee	404	108	19

Trial Information	Value		
Number in Chancery Court	18	94.7%	
Number in Circuit Court	1	5.3%	
Average Time from Date of Injury to Time of Trial (in years)	2.6	1.5 to 4.1	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	44.4	44.0	11.5	17
Compensation Rate	\$229.69	\$200.86	\$72.41	13
Education	Percent	Number	Age Range	
No High School	22.2%	2	55 to 59	
Some High School	11.1%	1	35	
High School Diploma or GED	44.4%	4	33 to 52	
Some College or Associate's Degree	22.2%	2	44 to 51	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		10

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	63.2%	12	36.8%	7	100.0%	19
Number of Cases where the Judgment is for the Employee	58.3%	7	71.4%	5	63.2%	12
Number of Cases where the Judgment is for the Employer	41.7%	5	28.6%	2	36.8%	7
Average Disability Judgment	\$36,819.02	7	\$21,485.77	5	\$30,430.17	12
Average Final PPD Rating	40.6	7	44.2	5	42.1	12
Median Final PPD Rating	32.5	7	30.0	5	31.3	12
Average Highest PPI Rating	14.6	11	14.2	6	14.4	17
Average Number of Physicians (per trial)	1.9	12	2.1	7	2.0	19
Number of Cases Appealed	25.0%	3	14.3%	1	21.1%	4
* Average Multiplier for Back Cases	4.00	3	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	3.00	1	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 15

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Jackson	48	7	
Macon	115	29	3
Smith	148	22	10
Trousdale	46	18	1
Wilson	419	81	31

Trial Information	Value		
Number in Chancery Court	37	82.2%	(3 were in criminal court)
Number in Circuit Court	5	11.1%	
Average Time from Date of Injury to Time of Trial (in years)	2.3	1.0 to 5.1	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	42.9	44.0	10.9	40
Compensation Rate	\$278.42	\$259.54	\$88.90	41
Education	Percent	Number	Age Range	
No High School	14.7%	5	38 to 54	
Some High School	14.7%	5	19 to 52	
High School Diploma or GED	52.9%	18	20 to 61	
Some College or Associate's Degree	14.7%	5	27 to 57	
Bachelor's Degree	2.9%	1	54	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		11

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	51.1%	23	48.9%	22	100.0%	45
Number of Cases where the Judgment is for the Employee	82.6%	19	100.0%	22	91.1%	41
Number of Cases where the Judgment is for the Employer	17.4%	4	0.0%	0	8.9%	4
Average Disability Judgment	\$32,920.52	18	\$43,057.45	22	\$38,495.83	40
Average Final PPD Rating	37.3	18	51.1	22	44.9	40
Median Final PPD Rating	30.0	18	50.0	22	47.5	40
Average Highest PPI Rating	10.8	18	12.7	20	11.8	38
Average Number of Physicians (per trial)	1.7	20	1.6	20	1.6	40
Number of Cases Appealed	17.4%	4	31.8%	7	24.4%	11
* Average Multiplier for Back Cases	3.76	8	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	4.05	8	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 16

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Cannon	37	6	
Rutherford	1418	225	109

Trial Information	Value	Percent	
Number in Chancery Court	87	79.8%	
Number in Circuit Court	22	20.2%	
Average Time from Date of Injury to Time of Trial (in years)	2.4	0.9 to 4.5 (range)	

Demographic Information	Mean	Median	Standard Deviation	N
Age	40.7	39.0	8.9	105
Compensation Rate	\$312.11	\$355.97	\$78.23	107
Education	Percent	Number	Age Range	
No High School	6.3%	6	37 to 54	
Some High School	20.8%	20	25 to 65	
High School Diploma or GED	56.3%	54	26 to 64	
Some College or Associate's Degree	12.5%	12	20 to 46	
Bachelor's Degree	3.1%	3	30 to 48	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	1.0%	1	37	13

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	48.6%	53	51.4%	56	100.0%	109
Number of Cases where the Judgment is for the Employee	94.3%	50	96.4%	54	95.4%	104
Number of Cases where the Judgment is for the Employer	5.7%	3	3.6%	2	4.6%	5
Average Disability Judgment	\$30,902.35	49	\$21,630.26	54	\$26,041.25	103
Average Final PPD Rating	24.7	49	32.6	54	28.8	103
Median Final PPD Rating	20.0	49	30.0	54	22.0	103
Average Highest PPI Rating	13.4	51	14.1	55	13.8	106
Average Number of Physicians (per trial)	1.7	53	1.8	56	1.7	109
Number of Cases Appealed	5.7%	3	8.9%	5	7.3%	8
* Average Multiplier for Back Cases	2.23	34	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	2.47	16	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 17

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Bedford	384	162	13
Lincoln	162	14	5
Marshall	211	20	13
Moore	24	2	2

Trial Information	Value		
Number in Chancery Court	28	84.8%	
Number in Circuit Court	5	15.2%	
Average Time from Date of Injury to Time of Trial (in years)	2.4	0.9 to 5.4	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	40.2	39.0	9.6	30
Compensation Rate	\$264.66	\$270.15	\$102.08	29
Education	Percent	Number	Age Range	
No High School	9.1%	2	46 to 49	
Some High School	18.2%	4	34 to 42	
High School Diploma or GED	63.6%	14	22 to 58	
Some College or Associate's Degree	4.5%	1	48	
Bachelor's Degree	4.5%	1	39	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		11

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	48.5%	16	51.5%	17	100.0%	33
Number of Cases where the Judgment is for the Employee	75.0%	12	94.1%	16	84.8%	28
Number of Cases where the Judgment is for the Employer	25.0%	4	5.9%	1	15.2%	5
Average Disability Judgment	\$33,871.29	11	\$20,888.11	16	\$26,177.55	27
Average Final PPD Rating	31.0	12	36.3	16	34.0	28
Median Final PPD Rating	25.0	12	35.0	16	32.5	28
Average Highest PPI Rating	10.6	13	10.0	15	10.3	28
Average Number of Physicians (per trial)	1.8	15	1.4	15	1.6	30
Number of Cases Appealed	25.0%	4	23.5%	4	24.2%	8
* Average Multiplier for Back Cases	2.37	5	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	4.11	5	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 18

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Sumner	664	212	85

Trial Information	Value		
Number in Chancery Court	72	84.7%	
Number in Circuit Court	13	15.3%	
Average Time from Date of Injury to Time of Trial (in years)	1.9	0.1 to 4.6	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	40.2	40.0	10.1	76
Compensation Rate	\$255.79	\$244.71	\$91.79	74
Education	Percent	Number	Age Range	
No High School	14.8%	9	29 to 65	
Some High School	29.5%	18	28 to 59	
High School Diploma or GED	39.3%	24	21 to 63	
Some College or Associate's Degree	14.8%	9	26 to 53	
Bachelor's Degree	1.6%	1	36	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		24

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	47.1%	40	50.6%	43	100.0%	85
Number of Cases where the Judgment is for the Employee	80.0%	32	88.4%	38	82.4%	70
Number of Cases where the Judgment is for the Employer	20.0%	8	11.6%	5	17.6%	15
Average Disability Judgment	\$34,573.54	31	\$17,451.39	37	\$25,257.08	68
Average Final PPD Rating	32.0	31	33.4	37	32.7	68
Median Final PPD Rating	30.0	31	30.0	37	30.0	68
Average Highest PPI Rating	11.6	31	12.6	38	12.2	69
Average Number of Physicians (per trial)	1.8	36	1.7	40	1.8	1.7
Number of Cases Appealed	12.5%	5	4.7%	2	8.2%	7
Average Multiplier for Back Cases	2.82	16	n/a	n/a	n/a	n/a
Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	3.08	11	n/a	n/a

Δ unable to determine the type of injury for 2 cases, the judgments for these were all for the employer

*includes cases where the employee did and did not return to work

Judicial District: 19

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Montgomery	632	82	25
Robertson	300	35	25

Trial Information	Value		
Number in Chancery Court	17	34.0%	
Number in Circuit Court	33	66.0%	
Average Time from Date of Injury to Time of Trial (in years)	2.2	0.8 to 5.3	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	43.4	45.0	7.9	45
Compensation Rate	\$253.26	\$245.04	\$96.39	47
Education	Percent	Number	Age Range	
No High School	2.6%	1	53	
Some High School	25.6%	10	33 to 56	
High School Diploma or GED	59.0%	23	29 to 61	
Some College or Associate's Degree	10.3%	4	38 to 49	
Bachelor's Degree	2.6%	1	53	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		11

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	38.0%	19	60.0%	30	100.0%	50
Number of Cases where the Judgment is for the Employee	84.2%	16	93.3%	28	88.0%	44
Number of Cases where the Judgment is for the Employer	15.8%	3	6.7%	2	12.0%	6
Average Disability Judgment	\$36,541.73	15	\$25,503.06	28	\$29,353.76	43
Average Final PPD Rating	29.2	15	40.9	28	36.8	43
Median Final PPD Rating	22.5	15	35.0	28	30.0	43
Average Highest PPI Rating	10.7	18	11.2	30	11.0	48
Average Number of Physicians (per trial)	1.8	19	1.7	30	1.7	50
Number of Cases Appealed	0.0%	0	20.0%	6	12.0%	6
Average Multiplier for Back Cases	2.82	12	n/a	n/a	n/a	n/a
Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	4.60	8	n/a	n/a

△ unable to determine the type of injury for 1 case

* includes cases where the employee did and did not return to work

Judicial District: 20

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Davidson	9225	217	157

Trial Information	Value		
Number in Chancery Court	129	82.2%	
Number in Circuit Court	28	17.8%	
Average Time from Date of Injury to Time of Trial (in years)	2.3	0.6 to 5.3	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	42.1	40.0	9.6	141
Compensation Rate	\$282.75	\$289.36	\$90.68	140
Education	Percent	Number	Age Range	
No High School	8.9%	11	22 to 60	
Some High School	17.7%	22	29 to 57	
High School Diploma or GED	41.1%	51	25 to 72	
Some College or Associate's Degree	17.7%	22	30 to 61	
Bachelor's Degree	12.9%	16	31 to 68	
Some Graduate School	1.6%	2	30 to 41	ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		33

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
^ Total Number of Cases	58.6%	92	40.8%	64	100.0%	157
Number of Cases where the Judgment is for the Employee	72.8%	67	95.3%	61	81.5%	128
Number of Cases where the Judgment is for the Employer	27.2%	25	4.7%	3	18.5%	29
Average Disability Judgment	\$28,573.20	67	\$23,711.23	60	\$26,276.20	127
Average Final PPD Rating	25.2	67	29.6	61	27.3	128
Median Final PPD Rating	20.0	67	25.0	61	20.0	128
Average Highest PPI Rating	11.6	82	11.5	62	11.5	144
Average Number of Physicians (per trial)	1.8	88	1.7	63	1.8	151
Number of Cases Appealed	14.1%	13	6.3%	4	10.8%	17
* Average Multiplier for Back Cases	2.55	49	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	2.61	23	n/a	n/a

^ could not determine the type of injury for 1 case, however the judgment was for the employer

* includes cases where the employee did and did not return to work

Judicial District: 21

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Hickman	34	5	4
Lewis	51	5	1
Perry	32	5	1
Williamson	248	15	10

Trial Information	Value		
Number in Chancery Court	7	43.8%	
Number in Circuit Court	9	56.3%	
Average Time from Date of Injury to Time of Trial (in years)	2.5	0.9 to 3.9	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	43.4	42.5	14.4	14
Compensation Rate	\$224.93	\$231.47	\$58.78	16
Education	Percent	Number	Age Range	
No High School	37.5%	3	58 to 66	
Some High School	37.5%	3	28 to 46	
High School Diploma or GED	25.0%	2	29 to 49	
Some College or Associate's Degree	0.0%	0		
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		8

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	50.0%	8	50.0%	8	100.0%	16
Number of Cases where the Judgment is for the Employee	100.0%	8	87.5%	7	93.8%	15
Number of Cases where the Judgment is for the Employer	0.0%	0	12.5%	1	6.3%	1
Average Disability Judgment	\$40,178.33	8	\$16,663.62	7	\$29,204.79	15
Average Final PPD Rating	39.0	7	22.5	7	30.7	14
Median Final PPD Rating	40.0	7	17.5	7	31.5	14
Average Highest PPI Rating	21.6	7	10.3	8	15.5	15
Average Number of Physicians (per trial)	1.8	8	1.9	8	1.8	16
Number of Cases Appealed	12.5%	1	0.0%	0	6.3%	1
* Average Multiplier for Back Cases	2.82	6	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	3.00	2	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 22

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Giles	142	11	7
Lawrence	305	29	5
Maury	496	111	21
Wayne	74	5	2

Trial Information	Value		
Number in Chancery Court	16	45.7%	
Number in Circuit Court	19	54.3%	
Average Time from Date of Injury to Time of Trial (in years)	2.7	0.4 to 5.1	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	41.5	42.0	8.9	27
Compensation Rate	\$290.81	\$307.44	\$97.92	30
Education	Percent	Number	Age Range	
No High School	5.3%	1	n/a	
Some High School	26.3%	5	28 to 50	
High School Diploma or GED	42.1%	8	32 to 60	
Some College or Associate's Degree	26.3%	5	27 to 50	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		16

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	60.0%	21	40.0%	14	100.0%	35
Number of Cases where the Judgment is for the Employee	85.7%	18	71.4%	10	80.0%	28
Number of Cases where the Judgment is for the Employer	14.3%	3	28.6%	4	20.0%	7
Average Disability Judgment	\$54,423.83	18	\$34,055.50	10	\$47,149.43	28
Average Final PPD Rating	50.0	18	43.0	10	47.5	28
Median Final PPD Rating	55.0	18	35.0	10	46.0	28
Average Highest PPI Rating	15.7	18	15.4	11	15.6	29
Average Number of Physicians (per trial)	2.1	19	2.2	13	2.1	32
Number of Cases Appealed	61.9%	13	50.0%	7	57.1%	20
* Average Multiplier for Back Cases	2.66	6	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	0.86	2	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 23

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Cheatham	104	6	2
Dickson	138	10	7
Houston	33	5	3
Humphreys	74	25	9
Stewart	73	9	2

Trial Information	Value		
Number in Chancery Court	12	52.2%	
Number in Circuit Court	11	47.8%	
Average Time from Date of Injury to Time of Trial (in years)	2.4	0.6 to 4.5	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	39.6	41.0	11.3	19
Compensation Rate	\$252.97	\$260.91	\$102.40	22
Education	Percent	Number	Age Range	
No High School	0.0%	0		
Some High School	23.1%	3	32 to 63	
High School Diploma or GED	76.9%	10	19 to 49	
Some College or Associate's Degree	0.0%	0		
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		10

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	69.6%	16	26.1%	6	100.0%	23
Number of Cases where the Judgment is for the Employee	93.8%	15	0.0%	5	87.0%	20
Number of Cases where the Judgment is for the Employer	6.3%	1	0.0%	1	13.0%	3
Average Disability Judgment	\$54,854.33	15	\$18,158.31	5	\$45,680.32	20
Average Final PPD Rating	32.4	15	40.0	5	34.3	20
Median Final PPD Rating	25.0	15	25.0	5	25.0	20
Average Highest PPI Rating	15.1	16	11.7	4	14.4	20
Average Number of Physicians (per trial)	2.4	16	1.8	5	2.2	21
Number of Cases Appealed	37.5%	6	16.7%	1	30.4%	7
Average Multiplier for Back Cases	2.10	6	n/a	n/a	n/a	n/a
Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	5.83	3	n/a	n/a

△ unable to determine the type of injury for 1 case

* includes cases where the employee did and did not return to work

Judicial District: 24

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Benton	151	27	20
Carroll	340	6	2
Decatur	85	2	
Hardin	160	25	1
Henry	317	66	45

Trial Information	Value		
Number in Chancery Court	0	0.0%	
Number in Circuit Court	68	100.0%	
Average Time from Date of Injury to Time of Trial (in years)	2.0	0.6 to 4.0	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	40.2	42.0	12.2	59
Compensation Rate	\$232.11	\$227.19	\$79.44	66
Education	Percent	Number	Age Range	
No High School	5.6%	2	45 to 48	
Some High School	36.1%	13	18 to 58	
High School Diploma or GED	30.6%	11	21 to 52	
Some College or Associate's Degree	27.8%	10	20 to 57	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		32

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	45.6%	31	52.9%	36	100.0%	68
Number of Cases where the Judgment is for the Employee	83.9%	26	91.7%	33	86.8%	59
Number of Cases where the Judgment is for the Employer	16.1%	5	8.3%	3	11.8%	8
Average Disability Judgment	\$33,755.83	24	\$22,442.45	33	\$26,969.33	58
Average Final PPD Rating	34.9	24	35.0	33	34.8	58
Median Final PPD Rating	25.0	24	32.5	33	30.0	58
Average Highest PPI Rating	12.8	18	17.5	22	15.4	40
Average Number of Physicians (per trial)	2.1	28	1.9	30	2.0	58
Number of Cases Appealed	6.5%	2	22.2%	8	14.7%	10
Average Multiplier for Back Cases	2.50	5	n/a	n/a	n/a	n/a
Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	3.58	11	n/a	n/a

△ unable to determine the type of injury for 1 case

* includes cases where the employee did and did not return to work

Judicial District: 25

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Fayette	62	4	7
Hardeman	122	77	4
Lauderdale	199	17	13
McNairy	110	0	
Tipton	171	23	10

Trial Information	Value		
Number in Chancery Court	24	70.6%	
Number in Circuit Court	10	29.4%	
Average Time from Date of Injury to Time of Trial (in years)	2.2	0.9 to 3.6	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	40.6	40.5	10.0	32
Compensation Rate	\$250.16	\$228.21	\$67.17	31
Education	Percent	Number	Age Range	
No High School	18.2%	4	40 to 60	
Some High School	13.6%	3	28 to 41	
High School Diploma or GED	45.5%	10	28 to 50	
Some College or Associate's Degree	22.7%	5	26 to 43	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		12

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	47.1%	16	52.9%	18	100.0%	34
Number of Cases where the Judgment is for the Employee	75.0%	12	94.4%	17	85.3%	29
Number of Cases where the Judgment is for the Employer	25.0%	4	5.6%	1	14.7%	5
Average Disability Judgment	\$32,879.62	12	\$26,506.21	17	\$29,143.48	29
Average Final PPD Rating	33.0	12	49.4	17	42.6	29
Median Final PPD Rating	26.5	12	35.0	17	30.0	29
Average Highest PPI Rating	13.5	13	12.8	16	13.1	29
Average Number of Physicians (per trial)	2.1	16	2.1	17	2.1	33
Number of Cases Appealed	18.8%	3	27.8%	5	23.5%	8
* Average Multiplier for Back Cases	2.50	6	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	4.77	4	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 26

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Chester	89	41	
Henderson	272	1	
Madison	1484	183	115

Trial Information	Value		
Number in Chancery Court	110	95.7%	
Number in Circuit Court	5	4.3%	
Average Time from Date of Injury to Time of Trial (in years)	2.1	0.6 to 4.8	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	41.4	41.0	9.3	91
Compensation Rate	\$280.40	\$2,657.67	\$90.19	105
Education	Percent	Number	Age Range	
No High School	9.8%	5	34 to 58	
Some High School	9.8%	5	39 to 54	
High School Diploma or GED	56.9%	29	24 to 64	
Some College or Associate's Degree	13.7%	7	36 to 61	
Bachelor's Degree	5.9%	3	29 to 50	
Some Graduate School	2.0%	1	34	ed. level missing
Master's Degree, Ph.D. or Equivalent	2.0%	1	n/a	64

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	60.9%	70	39.1%	45	100.0%	115
Number of Cases where the Judgment is for the Employee	85.7%	60	93.3%	42	88.7%	102
Number of Cases where the Judgment is for the Employer	14.3%	10	6.7%	3	11.3%	13
Average Disability Judgment	\$34,294.30	54	\$22,718.74	42	\$29,229.99	96
Average Final PPD Rating	28.7	55	37.6	42	32.5	97
Median Final PPD Rating	22.5	55	35.0	42	30.0	97
Average Highest PPI Rating	11.0	43	16.0	32	13.1	75
Average Number of Physicians (per trial)	2.2	57	1.9	37	2.1	94
Number of Cases Appealed	24.3%	17	15.6%	7	20.9%	24
* Average Multiplier for Back Cases	3.07	25	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	2.25	9	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 27

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Obion	549	327	101
Weakley	258	63	6

Trial Information	Value		
Number in Chancery Court	105	98.1%	
Number in Circuit Court	2	1.9%	
Average Time from Date of Injury to Time of Trial (in years)	2.2	0.8 to 4.6	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	44.6	47.0	8.6	90
Compensation Rate	\$343.09	\$382.79	\$97.53	101
Education	Percent	Number	Age Range	
No High School	15.4%	4	46 to 60	
Some High School	3.8%	1	n/a	
High School Diploma or GED	61.5%	16	22 to 57	
Some College or Associate's Degree	15.4%	4	34 to 52	
Bachelor's Degree	3.8%	1	46	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		81

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	55.1%	59	44.9%	48	100.0%	107
Number of Cases where the Judgment is for the Employee	89.8%	53	95.8%	46	92.5%	99
Number of Cases where the Judgment is for the Employer	10.2%	6	4.2%	2	7.5%	8
Average Disability Judgment	\$34,336.97	46	\$19,331.95	46	\$26,834.46	92
Average Final PPD Rating	26.4	46	26.2	46	26.3	92
Median Final PPD Rating	20.0	46	20.0	46	20.0	92
Average Highest PPI Rating	11.5	49	15.7	46	13.5	95
Average Number of Physicians (per trial)	2.1	57	1.8	46	2.0	103
Number of Cases Appealed	13.6%	8	0.0%	0	7.5%	8
* Average Multiplier for Back Cases	2.52	17	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	1.14	3	n/a	n/a

*includes cases where the employee did and did not return to work

Judicial District: 28

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Crockett	60	23	8
Gibson	451	55	25
Haywood	106	12	3

Trial Information	Value		
Number in Chancery Court	36	100.0%	
Number in Circuit Court	0	0.0%	
Average Time from Date of Injury to Time of Trial (in years)	1.8	0.2 to 4.1	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	39.6	39.0	11.1	30
Compensation Rate	\$268.12	\$263.49	\$78.85	35
Education	Percent	Number	Age Range	
No High School	7.7%	2	29 to 43	
Some High School	23.1%	6	26 to 60	
High School Diploma or GED	57.7%	15	24 to 56	
Some College or Associate's Degree	7.7%	2	34 to 37	
Bachelor's Degree	3.8%	1	41	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		10

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	44.4%	16	55.6%	20	100.0%	36
Number of Cases where the Judgment is for the Employee	81.3%	13	0.0%	19	88.9%	32
Number of Cases where the Judgment is for the Employer	18.8%	3	0.0%	1	11.1%	4
Average Disability Judgment	\$25,481.93	12	\$20,323.91	18	\$22,387.12	30
Average Final PPD Rating	22.2	12	38.7	19	32.3	31
Median Final PPD Rating	29.8	12	37.5	19	35.0	31
Average Highest PPI Rating	17.5	6	15.9	19	16.3	25
Average Number of Physicians (per trial)	2.2	13	2.2	20	2.2	33
Number of Cases Appealed	31.3%	5	25.0%	5	27.8%	10
* Average Multiplier for Back Cases	1.67	3	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	1.86	4	n/a	n/a

* includes cases where the employee did and did not return to work

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Dyer	593	59	9
Lake	22	0	

Trial Information	Value		
Number in Chancery Court	8	88.9%	
Number in Circuit Court	1	11.1%	
Average Time from Date of Injury to Time of Trial (in years)	1.7	1.0 to 3.2	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	46.1	47.0	12.6	9
Compensation Rate	\$249.57	\$267.61	\$89.18	8
Education	Percent	Number	Age Range	
No High School	37.5%	3	32 to 59	
Some High School	12.5%	1	55	
High School Diploma or GED	25.0%	2	25 to 41	
Some College or Associate's Degree	12.5%	1	44	
Bachelor's Degree	12.5%	1	47	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		1

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	88.9%	8	11.1%	1	100.0%	9
Number of Cases where the Judgment is for the Employee	75.0%	6	0.0%	1	77.8%	7
Number of Cases where the Judgment is for the Employer	25.0%	2	0.0%	0	22.2%	2
Average Disability Judgment	\$31,393.17	6	\$17,400.00	1	\$29,394.14	7
Average Final PPD Rating	35.8	6	15.0	1	32.9	7
Median Final PPD Rating	37.5	6	n/a	1	30.0	7
Average Highest PPI Rating	26.3	8	17.0	1	25.2	9
Average Number of Physicians (per trial)	1.8	8	2.0	1	1.8	9
Number of Cases Appealed	25.0%	2	n/a	0	22.2%	2
* Average Multiplier for Back Cases	2.59	4	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	0.88	1	n/a	n/a

* includes cases where the employee did and did not return to work

Judicial District: 30

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Shelby	3240	269	111

Trial Information	Value		
Number in Chancery Court	28	25.2%	
Number in Circuit Court	83	74.8%	
Average Time from Date of Injury to Time of Trial (in years)	2.4	0.3 to 5.0	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	42.9	41.0	10.1	90
Compensation Rate	\$287.50	\$302.19	\$66.15	97
Education	Percent	Number	Age Range	
No High School	8.9%	5	44 to 58	
Some High School	14.3%	8	32 to 61	
High School Diploma or GED	39.3%	22	23 to 55	
Some College or Associate's Degree	23.2%	13	22 to 69	
Bachelor's Degree	8.9%	5	37 to 65	
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	1.8%	1	41	55

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	73.0%	81	27.0%	30	100.0%	111
Number of Cases where the Judgment is for the Employee	77.8%	63	83.3%	25	79.3%	88
Number of Cases where the Judgment is for the Employer	22.2%	18	16.7%	5	20.7%	23
* Average Disability Judgment	\$36,355.42	54	\$27,412.41	25	\$33,525.35	79
Average Final PPD Rating	33.6	54	44.8	24	37.1	78
Median Final PPD Rating	25.0	54	35.0	24	28.0	78
Average Highest PPI Rating	13.5	57	16.3	25	14.3	82
Average Number of Physicians (per trial)	1.9	73	1.6	29	1.8	102
Number of Cases Appealed	18.5%	15	20.0%	6	18.9%	21
* Average Multiplier for Back Cases	3.05	40	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	2.69	4	n/a	n/a

♦ in 1 SM case, motion for default judgment for the employee was granted

* includes cases where the employee did and did not return to work

Judicial District: 31

County	Number of AOC Listed Cases	Number of AOC Listed Trials	Number of Trials Reviewed
Van Buren	10	0	
Warren	201	118	17

Trial Information	Value		
Number in Chancery Court	17	100.0%	
Number in Circuit Court	0	0.0%	
Average Time from Date of Injury to Time of Trial (in years)	1.8	1.0 to 3.1	(range)

Demographic Information	Mean	Median	Standard Deviation	N
Age	45.9	46.5	13.1	16
Compensation Rate	\$286.76	\$296.67	\$106.88	16
Education	Percent	Number	Age Range	
No High School	7.7%	1	24	
Some High School	30.8%	4	45 to 62	
High School Diploma or GED	53.8%	7	19 to 61	
Some College or Associate's Degree	7.7%	1	35	
Bachelor's Degree	0.0%	0		
Some Graduate School	0.0%	0		ed. level missing
Master's Degree, Ph.D. or Equivalent	0.0%	0		4

Case Information	Body as a Whole		Scheduled Member		Total	
	Value	Number	Value	Number	Value	N
Total Number of Cases	23.5%	4	76.5%	13	100.0%	17
Number of Cases where the Judgment is for the Employee	100.0%	4	0.0%	13	100.0%	17
Number of Cases where the Judgment is for the Employer	0.0%	0	0.0%	0	0.0%	0
Average Disability Judgment	\$34,981.57	3	\$20,120.69	12	\$23,092.87	15
Average Final PPD Rating	27.5	3	28.4	13	28.2	16
Median Final PPD Rating	30.0	3	25.0	13	27.5	16
Average Highest PPI Rating	11.7	3	8.7	13	9.3	16
Average Number of Physicians (per trial)	2.0	4	1.7	13	1.8	17
Number of Cases Appealed	50.0%	2	0.0%	0	11.8%	2
* Average Multiplier for Back Cases	2.00	1	n/a	n/a	n/a	n/a
* Average Multiplier for Bilateral Carpal Tunnel Cases	n/a	n/a	2.75	2	n/a	n/a

* includes cases where the employee did and did not return to work

APPENDIX C
TABLE OF LOWS AND HIGHS

The table in Appendix C is a summary of the low and high values and their corresponding districts for the variables related to this report. It is not meant to be an exhaustive review of the data. More detailed information for each variable listed is available elsewhere in this report. Abbreviations used on the table are as follows:

BAW - Body as a Whole

SM - Scheduled Member (includes all types and severities)

PPI - Permanent Partial Impairment

PPD - Permanent Partial Disability

Table of Lows and Highs

1996-1996 Tennessee Workers' Compensation Trial Judgments

Variable	Low Value	Low District	High Value	High District	Statewide Value
Average length of trial in years*	1.8	2, 28, 31	2.8	5	2.3
Average age of injured worker*	37.3	2	47.6	4	42.0
Average weekly compensation rate*	\$215.29	1	\$343.09	27	\$275.59
Average number of physicians per trial	1.6	2, 7, 15, 17	2.3	1	1.9
Average highest PPI for BAW trials	9.2%	2	26.3%	29	13.5%
Average highest PPI for SM trials*	6.3%	5	30.2%	3	13.7%
Average PPD judgment for BAW trials-employee returned to work	15.3%	20	35.4%	8	21.9%
Average PPD judgment for BAW trials-employee did not return to work	15.0%	27	63.3%	21	42.8%
Average PPD judgment for SM trials-employee returned to work	7.5%	23	55.0%	4	32.7%
Average PPD judgment for SM trials-employee did not return to work	16.3%	27	100.0%	14	43.9%
Average disability judgment amounts for BAW trials*	\$19,228.92	10	\$54,854.33	23	\$34,920.12
Average disability judgment amounts for SM trials*	\$3,541.50	2	\$46,077.63	7	\$24,392.92
Average PPD multiplier for BAW trials-employee returned to work	1.56	16	2.59	24	1.92
Average PPD multiplier for BAW trials-employee did not return to work	1.72	29	5.08	19	3.70
Average PPD multiplier for SM trials-employee returned to work*	0.75	23	7.75	7	3.73
Average PPD multiplier for SM trials-employee did not return to work	1.00	21, 27	14.29	9	4.04
Average PPD multiplier for back injury trials	1.67	28	3.76	15	2.78
Average PPD multiplier for bilateral carpal tunnel trials	0.86	22	8.93	9	3.41
Percent of cases appealed	6.3%	21	57.7%	22	16.4%

* differences between judicial districts were statistically significant (See Appendix C)

SM trials include injuries to a wide range of body parts and severities

APPENDIX D

STATISTICAL TESTS

Variations did occur in the data between judicial districts. This section summarizes those variables where districts were significantly different from each other statistically. It can be assumed that if a variable is not listed below, statistical differences between judicial districts were not significant. To state there is a statistically significant difference between judicial districts for a given variable means the differences between districts are not the result of chance. Another way of stating this is that if differences between districts are significant, the variance within individual judicial districts is less than the variance between the judicial districts.

When possible, the one way analysis of variance (ANOVA) test was used to determine differences between judicial districts. It was sometimes necessary to normalize the data to be able to use the one way ANOVA. This was done by taking the log of each value for the variables in question. The advantage of using the one way ANOVA is that the Bonferroni Post Hoc test can be utilized. The Bonferroni Post Hoc test was used to help identify which judicial districts were significantly different. It is possible to have a statistically significant difference for a variable between districts and still not know where the significance lies, thus post hoc results are only given when significant differences can be identified between specific judicial districts or geographical area. For this study, a significance level of at least 0.05 was needed to identify differences between judicial districts. The significance level given is for the entire distribution of a variable. They do not indicate the level of significance for judicial districts or geographic areas identified.

DEMOGRAPHIC INFORMATION

Variable: **Employee Age**

Significance Test: One Way ANOVA

Level of Significance: 0.024

Data on page 14, Table 4

Specific judicial districts are not identifiable as being significantly different from each other for employee age, however there are differences. In other words, employee age varies less within individual districts than it does between them. This also means, ages are clustered in certain judicial districts but not so much as to be able to identify accurately where.

Variable: **Compensation Rate**

Significance Test: One Way ANOVA

Level of Significance: 0.000

Data on page 19, Table 7

There are significant differences between judicial districts for compensation rates. Most notably, Judicial Districts 7, 16 and 27 are higher than others. This is likely due to the presence of Lockheed Martin, Nissan and Goodyear Tire and Rubber in the respective districts. The following is a list of judicial districts that are significantly different from each other.

7-1	27-1	27-14	27-26
7-24	27-3	27-17	27-28
	27-4	27-18	27-30
16-1	27-6	27-19	
16-3	27-8	27-20	
16-6	27-10	27-21	
16-13	27-11	27-23	
16-18	27-12	27-24	
16-24	27-13	27-25	

TRIAL INFORMATION

Variable: **Trial Length**

Significance Test: One Way ANOVA

Level of Significance: 0.000

Data on page 13, Table 3

There are statistically significant differences between judicial districts for the length of time between the date of injury and the date of trial. The following is a list of judicial districts that are significantly different from each other.

22-28

5-28

8-28

8-24

5-18

8-18

30-18

24-18

Variable: **Average Highest PPI Ratings for SM trials**

Significance Test: Kruskal-Wallis

Level of Significance: 0.000

Data on page 26, Table 11

Differences in the average highest PPI ratings given by physicians in scheduled member trials are statistically significant. This could possibly be the result of differences in the specific body parts injured and the subsequent severities associated with them.

Variable: **PPD percent for BAW trials (log)**

Significance Test: One Way ANOVA

Level of Significance: 0.024

Data on page 28, Table 12

The One Way ANOVA test assumes data with equal variances. If the data is skewed, the variances are not equal. Thus the data must be transformed to achieve equality of variance to be able to use the test. The results for PPD judgments are highly positively skewed. A logarithmic transformation

was performed to 'normalize' the data. This was done by taking the base 10 log of the PPD judgment amounts. The One Way ANOVA was then used to identify PPD percent judgments for body as a whole trials as being significantly different between judicial districts. Specific districts were not identified. This does not take into consideration return to work status. Trials where the employee returned to work were included with those that did not. When those groups were separated, the results were not significant.

Variable: **PPD percent for SM trials where the employees returned to work (log)**

Significance Test: One Way ANOVA

Level of Significance: 0.038

Data on page 29, Table 13

The base 10 log of PPD percent for SM trials where the employees returned to work were compared using the One Way ANOVA test. While no specific districts are highlighted, as a whole there are significant differences statistically between districts. This implies that the data is 'clustering' in certain judicial districts.

Variable: **Disability Judgment Amounts (\$) for SM trials where the employees returned to work (log)**

Significance Test: One Way ANOVA

Level of Significance: 0.029

Data on page 32, Table 15

The base 10 log of disability judgment amounts (\$) for SM trials where the employees returned to work were compared using the One Way ANOVA test. Like PPD percent, no specific districts are highlighted, however, as a whole there are significant differences statistically between districts.

Variable: **Disability Judgment Amounts (\$) for BAW trials where the employees returned to work**

Significance Test: Kruskal-Wallis

Level of Significance: 0.039

Data on page 32, Table 15

The Kruskal-Wallis test is the non parametric version of the One Way ANOVA. Because of the skew of the distribution for BAW judgment amounts, it was used to compare differences between judicial districts. The differences between districts in judgment amounts for BAW return to work trials are statistically significant.

Variable: **PPD multiplier for SM trials where the employees returned to work (log)**

Significance Test: One Way ANOVA

Level of Significance: 0.000

Data on page 35, Table 16

The PPD multiplier is the ratio of the highest PPI rating given to the PPD percent awarded. For scheduled member trials where the employees returned to work, the differences were statistically significant.

APPENDIX E
GLOSSARY OF TERMS

analysis of variance (ANOVA)

a study of the effect of a set of qualitative variables on a quantitative response variable, based on a decomposition of the variance of the latter. A significance test used to determine the difference in the data between judicial districts.

Kruskal-Wallis test

a significance test used to determine the difference in the data between judicial districts. A nonparametric version of the ANOVA.

mean

1. the sum of all data values divided by their number.
2. the arithmetic average

median

the value of the middle item when data are arranged in order of size.

nonparametric test

a statistical test that does not assume normally distributed data with the same variance.

parametric test

a statistical test that assumes normally distributed data with the same variance.

skewness

a lack of symmetry of a distribution about a central measure; e.g., right skewness corresponds to a right tail declining more slowly than the left tail. If the mean is greater than the median, the distribution is positively skewed meaning more scores are occurring below the mean.

standard deviation

a measure of variability representing an average distance of the data from the mean; its square is the variance.

statistically significant

1. describing evidence in which the discrepancies between data sets are too large or improbable to be attributed to chance.
2. variance within individual data sets (judicial districts) is less than the variance between the sets (judicial districts).



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