

Tennessee Claims Commission

January 1998

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January 26, 1998

The Honorable Don Sundquist, Governor
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the special report on the Tennessee Claims Commission. This report is submitted pursuant to the requirements of Chapter 165, Public Acts of 1997.

Very truly yours,

W. R. Snodgrass
Comptroller of the Treasury

WRS/jr

State of Tennessee

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Special Report

Tennessee Claims Commission

January 1998

OBJECTIVES

The objectives of the report were to determine the Claims Commission's workload and the processes used in adjudicating claims against the state; to evaluate the efficiency and effectiveness of the commission's management of its caseload; and to recommend possible alternatives for legislative or administrative action that may result in more efficient and effective management of this caseload.

FINDINGS

Claims Processing Is Not Timely

The commission does not process most claim cases within a year of filing. During fiscal years 1996 and 1997, only 47 percent of the cases the commission closed had been in process for less than one year. Twenty-four percent had been in process for one to two years, and 28 percent had been in process over two years. Overall, the commission took 602 days on average to process the claims closed during fiscal years 1996 and 1997. Small docket cases took 591 days on average to process; regular docket cases took 633 days on average. Untimely case processing can reduce the public's confidence in the commission and, therefore, state government. In addition, persons with valid claims against the state may suffer financially if cases are not resolved promptly (page 5).

Oversight of Commission Operations Has Been Very Limited

Prior to July 1, 1997, oversight of commission operations was very limited. As a result, the commissioners had little external motivation to dispose of claims cases efficiently and effectively. The Department of the Treasury has recently taken tentative steps to help the commissioners increase their productivity, beginning with an evaluation of data on the commissioners' claims processing. Chapter 165 of the 1997 Public Acts gives the department management responsibilities over the commission's administrative activities, including, but not limited to, the reporting of

the status of claims. However, Treasury staff may not interfere in the commission's adjudication of claims cases (page 11).

Management Information System Needs Improvement

The commission's computer system, Automated Claims Tracking System (ACTS), is inadequate for tracking cases and assisting in the oversight of commission operations. Specifically, ACTS does not provide information on the activities occurring after a claim is filed but before it is closed (e.g., motions filed by the claimant's attorney). As a result, it is difficult to determine whether delays in claims processing are the result of commissioner or claimant inaction, or both.

The commission does not consistently use ACTS to its current capabilities—for example, to track case histories and the next actions needed. In addition, the commission does not use the system's ability to track the time to process claims by the commission as a whole, by its three divisions, or by claim type. Furthermore, commission staff do not always update ACTS promptly and do not enter some information at all (page 13).

Formal Procedures Are Lacking

The commission lacks written procedures in the following areas: (1) case handling, (2) complaint handling, (3) use of mediators, and (4) evaluation of staff performance. Formal procedures are necessary to ensure the commission conducts its operations efficiently and effectively (page 15).

Commissioner Training Needs Improvement

Although commissioners receive annual legal education in their capacity as attorneys, they do not receive training directly related to their Claims Commission responsibilities. Both past and present commissioners have expressed a need for such training. Some caseload management training has been provided in semiannual judicial conferences organized by the Administrative Office of the Courts. However, commissioner attendance at such conferences has been infrequent. In addition, the National Judicial College in Reno, Nevada, offers courses in case management as well as in high-volume proceedings (page 18).

ISSUES FOR LEGISLATIVE CONSIDERATION

The General Assembly may wish to consider (1) requiring the commission to issue an annual report on the progress of claims processing and (2) clarifying in statute how the Code of Judicial Conduct will be enforced in relation to the claims commissioners (page 20).

"Audit Highlights" is a summary of the audit report. To obtain the complete audit report which contains all findings, recommendations, and management comments, please contact

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**SPECIAL REPORT
TENNESSEE CLAIMS COMMISSION**

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**SPECIAL REPORT
TENNESSEE CLAIMS COMMISSION**

INTRODUCTION

PURPOSE AND AUTHORITY

This special report on the Tennessee Claims Commission was prepared pursuant to Chapter 165 of the 1997 Public Acts. Chapter 165 directs the Comptroller of the Treasury to “make a study of the workload and productivity of the claims commission, as well as the processes used by the commission in fulfilling its role in adjudicating claims filed against the state.”

OBJECTIVES

The objectives of the report were

1. to determine the Claims Commission’s workload and the processes used in adjudicating claims against the state;
2. to evaluate the efficiency and effectiveness of the commission’s management of its caseload; and
3. to recommend possible alternatives for legislative or administrative action that may result in more efficient and effective management of this caseload.

SCOPE AND METHODOLOGY

The activities and procedures of the Claims Commission were reviewed, with the focus on fiscal years 1996 and 1997. The information presented in this report was obtained through

1. review of applicable legislation, rules, and regulations;
2. examination of the commission’s documents, the Administrative Office of the Courts’ March 1996 caseload review of the commission, and performance data acquired from the Department of the Treasury;
3. a review of relevant performance audit reports from other states; and
4. interviews with the claims commissioners, the commission’s and Department of the Treasury’s staff, officials with the Offices of the Attorney General and the Secretary of State, staff of the Administrative Office of the Courts, personnel with similar

responsibilities in other states, and faculty of the National Judicial College in Reno, Nevada.

Auditors used data from the commission's Automated Claims Tracking System, which the Department of the Treasury has administered since July 1, 1997. (The system was previously administered by the Department of Commerce and Insurance.) Department of the Treasury officials expressed concerns that although the general conclusions to be drawn from the data were valid, individual numbers may not be completely accurate because of past problems with data entry and the system's shortcomings. (See Finding 3.) Department of the Treasury staff are currently confirming the data and making improvements to the system.

ORGANIZATION AND STATUTORY DUTIES

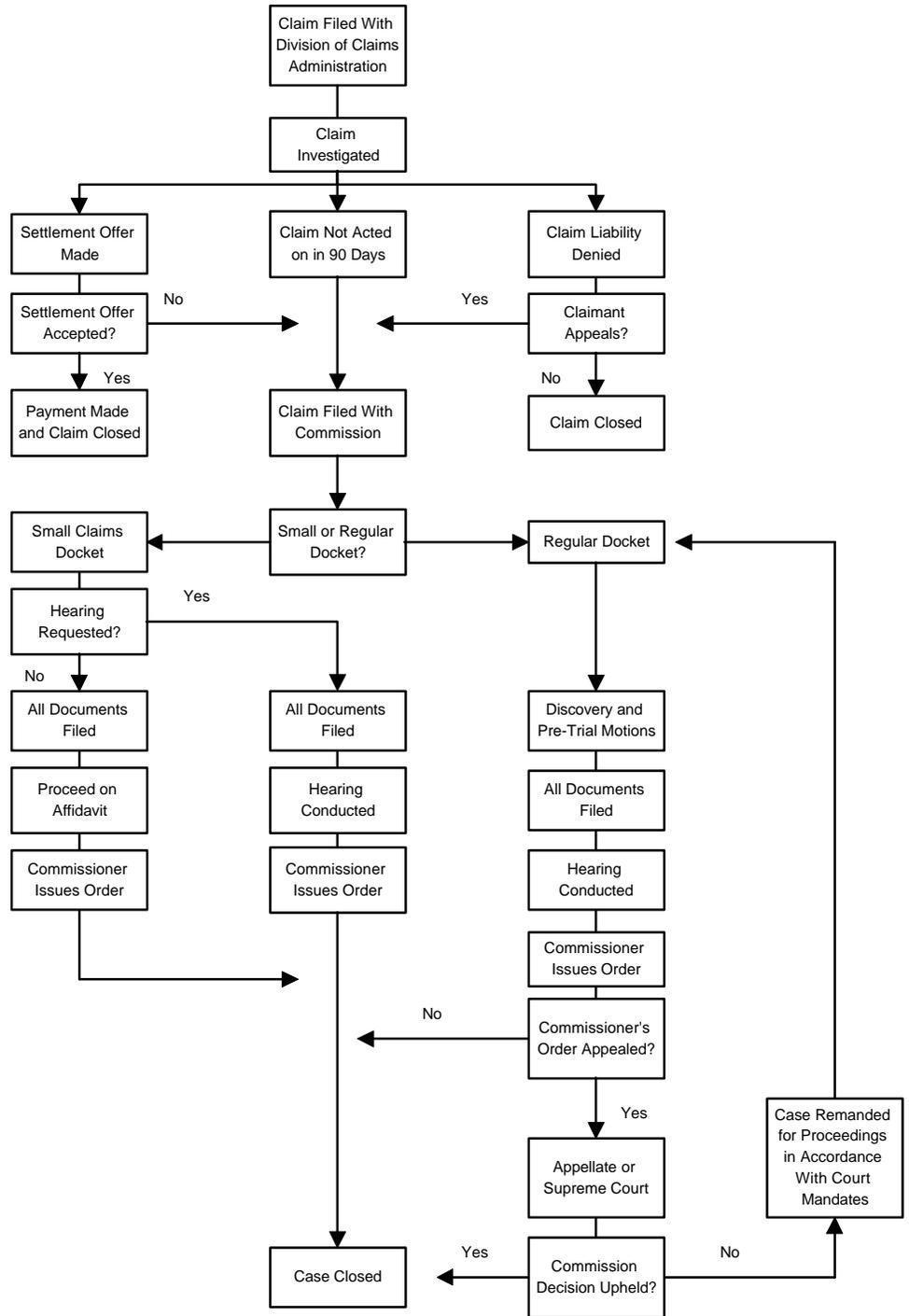
Chapter 972 of the 1984 Public Acts (codified as *Tennessee Code Annotated*, Section 9-8-301 et seq.) created the Tennessee Claims Commission as the administrative tribunal to determine monetary claims against the state. The commission has three commissioners, one from each grand division of the state. The three commissioners, who are appointed by the Governor and confirmed by the General Assembly, serve staggered six-year terms. Each commissioner has a legal assistant and an executive secretary. The commission has a central office in Nashville with an administrative clerk, a staff attorney, an administrative services assistant, and an administrative secretary. For administrative purposes, the commission is attached to the Department of the Treasury. (Prior to July 1, 1997, the commission was attached to the Department of Commerce and Insurance.)

The commission adjudicates claims involving tax recovery, state workers' compensation, and alleged negligence by state officials or agencies (e.g., negligent care, custody, or control of persons, personal property, or animals; professional malpractice; negligent operation or maintenance of a motor vehicle; and dangerous conditions on state-maintained highways or state-controlled real property). These claims are payable from the Claims Award Fund. Damages are limited to \$300,000 per claimant and \$1,000,000 per occurrence. In addition, the commission awards compensation to victims of crime through the Criminal Injuries Compensation Fund. The Department of the Treasury's Division of Claims Administration is responsible for paying all claims.

CLAIMS PROCESSING

The vast majority of claims are first filed with the Department of the Treasury's Division of Claims Administration. (See Exhibit 1 for a flowchart describing how claims are processed.) Claims involving taxes are filed directly with the commission, and claims involving workers' compensation are filed directly with a third-party administrator in Knoxville, Sedgwick James, Inc.

Exhibit 1
Tennessee Claims Commission
Claims Processing



Source: Department of the Treasury

Both the Division of Claims Administration and Sedgwick James, Inc., have 90 days to accept or deny a claim before the claim is automatically transferred to the commission. Claimants can appeal both entities' decisions to the Claims Commission. Once the commission receives a claim, central office staff make a copy of the claim, enter the claim into the computer system (and onto the appropriate docket), and send a copy of the claim to the appropriate commissioner. The commission has two separate dockets: a regular docket for claims greater than \$15,000 and a small claims docket for claims under that amount. (Effective June 1997, the amount for the small claims docket increased from \$10,000 or less to \$15,000 or less, pursuant to a change in Section 16-15-501, *Tennessee Code Annotated*, which subsequently affected Section 9-8-403.) Commission decisions on regular docket claims can be appealed to the Tennessee Court of Appeals or, in the case of tax and workers' compensation claims, to the Tennessee Supreme Court. Small docket claims cannot be appealed, but such claims can be moved to the regular docket (at the discretion of either party) before they go before the commission.

As of July 1, 1997, upon request of the Governor, an individual claims commissioner, or the majority of the claims commissioners, the Secretary of State may assign administrative law judges to "assist in the removal of unacceptable congestion or delay on the claims commission docket." In adjudicating claims, the administrative law judges have the same powers as commissioners.

REVENUES AND EXPENDITURES

In fiscal year 1997, the commission had revenues of \$793,033 and expenditures of \$796,674. The expenses of the commission and the Division of Claims Administration (and other expenses attributable to defending the state and its employees) are paid from the Claims Award Fund. This fund receives an annual appropriation that is funded by assessments from each state department, agency, and institution. (Amounts remaining in the fund at the end of the fiscal year do not revert to the general fund.)

During fiscal year 1997, the Division of Claims Administration paid \$3,465,708 from the Claims Award Fund for claims awarded by the commission and for settlements entered into by the state. (This total does not include workers' compensation claims, which are handled by a third-party administrator.) The division also paid \$2,002,005 from the Criminal Injuries Compensation Fund.

FINDINGS AND RECOMMENDATIONS

1. Claims processing is not timely

Finding

The commission does not process most claim cases within a year of filing. During fiscal years 1996 and 1997, only 47 percent of the cases the commission closed had been in process for less than one year. Twenty-four percent had been in process for one to two years, and 28 percent had been in process over two years. (See Exhibit 2.) Overall, the commission took 602 days on average to process the claims closed during fiscal years 1996 and 1997. (See Appendix 1.) Small docket cases took 591 days on average to process; regular docket cases took 633 days on average. Untimely case processing can reduce the public's confidence in the commission and, therefore, the state government. In addition, persons with valid claims against the state may suffer financially if cases are not resolved promptly.

Processing time for cases closed during fiscal years 1996 and 1997 varied by division (see Appendix 2). The Eastern Division had the lowest percentage of cases closed within a year of the filing date, 40 percent, while the Middle Division had the highest percentage, 62 percent. In contrast, the Western Division had the lowest percentage of cases closed after more than two years in process, 18 percent, while the Eastern Division had the highest percentage, 43 percent. Average processing times were 799 days for the Eastern Division, 440 days for the Middle Division, and 516 days for the Western Division.

The commission has no time guidelines or productivity standards for claims processing. (See page 15.) Two time guidelines could apply to commission claims processing. The Uniform Administrative Procedures Act requires a written order within 90 days after conclusion of the hearing or after submission of proposed findings (Section 4-5-314, *Tennessee Code Annotated*). Section 20-9-506, *Tennessee Code Annotated*, and Rule 11 of the Supreme Court give a 60-day limit for a judge to render a decision.

Officials from the Department of the Treasury, the Office of the Attorney General, and the Administrative Office of the Courts cited the lack of oversight of commissioners' activities as one reason for the delays in claims processing. However, the commissioners disagreed, stating that case complexity (e.g., the difficulty of writing opinions) is a major reason for such delays. In contrast, a former claims commissioner stated that claims received by the commission are, in general, not complex in nature and that the types of claims are limited. He said that it is the role of the Court of Appeals to resolve any disputed, complex issues.

Exhibit 2

Tennessee Claims Commission
 Processing Time From Filing Date to Final Order
 Claims Closed in Fiscal Years 1996 and 1997

<u>Claim Type</u>	<u>Docket</u>	<u>Total Claims Closed</u>	<u>Less Than One Year</u>	<u>Percent*</u>	<u>One to Two Years</u>	<u>Percent*</u>	<u>Over Two Years</u>	<u>Percent*</u>
Criminal Injury	Regular	47	13	28%	7	15%	27	57%
Criminal Injury	Small	1,454	683	47%	440	30%	331	23%
Employee Property Damage	Regular	1	1	100%	0	0%	0	0%
Employee Property Damage	Small	28	18	64%	9	32%	1	4%
Inmate Property Damage	Regular	11	3	27%	3	27%	5	46%
Inmate Property Damage	Small	334	146	44%	59	18%	129	39%
Tax	Regular	3	1	33%	1	33%	1	33%
Tax	Small	2	1	50%	0	0%	1	50%
Tort	Regular	376	130	35%	96	26%	150	40%
Tort	Small	296	129	44%	61	21%	106	36%
Workers' Compensation	Regular	377	247	66%	47	12%	83	22%
Workers' Compensation	Small	55	35	64%	4	7%	16	29%
All Claims	Regular	815	395	48%	154	19%	266	33%
All Claims	Small	2,169	1,012	47%	573	26%	584	27%
All Claims	All	2,984	1,407	47%	727	24%	850	28%

* Percentages may not add to 100 because of rounding.

Source: Automated Claims Tracking System.

Commission's Workload

During fiscal years 1996 and 1997, the commission opened 2,521 cases—775 cases in the Eastern Division, 810 cases in the Middle Division, and 936 cases in the Western Division. The majority of claims filed with the commission are Criminal Injury Compensation Act claims, torts (in general, claims against the state or state officials for negligence), workers' compensation, and inmate property damage (claims by inmates in state prisons of damaged or lost personal property).

During fiscal years 1996 and 1997, the commission closed (i.e., had written final orders for) more cases (2,984) than it opened (2,521). However, the large number of pending cases from previous fiscal years must also be taken into account. (See Exhibit 3.) At the end of fiscal year 1997, the commission had 2,124 cases pending. The commission has decreased the number of cases pending at the end of the fiscal year every year since 1993—by .3 percent between 1995 and 1996, and 17 percent between 1996 and 1997. Continuing to have large numbers of pending cases will reduce the commission's ability to timely process new cases filed.

Some cases have been pending since the current commissioners were appointed (see Exhibit 4). These cases totaled 283, as of September 1997—40 cases in the Eastern Division (current commissioner appointed March 1990), 240 in the Middle Division (current commissioner appointed July 1995), and three in the Western Division (current commissioner appointed July 1987). (See Appendix 4 for cases pending since commissioner appointment, by division.) These cases had been open on average 3,293 days in the Eastern Division, 1,769 days in the Middle Division, and 4,122 days in the Western Division.

Recommendation

The commission should develop and implement methods for decreasing claims-processing time after identifying the reasons for the large backlog of pending cases.

Exhibit 3

Tennessee Claims Commission
 Changes in Number of Pending Cases at End of Fiscal Year
 Fiscal Years 1990 to 1997

<u>Claim Type</u>	<u>Docket</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997*</u>	<u>Percent Change 1990 to 1997</u>
Criminal Injury	Regular	407	641	848	1,104	266	45	6	7	-98%
Criminal Injury	Small	97	116	181	345	1,009	963	918	583	501%
Employee Property Damage	Regular	0	0	0	3	1	1	1	1	**
Employee Property Damage	Small	19	11	10	7	10	12	13	6	-68%
Inmate Property Damage	Regular	25	27	23	19	11	11	7	8	-68%
Inmate Property Damage	Small	196	211	206	243	239	234	140	129	-34%
Other	Regular	0	2	7	7	2	1	1	3	**
Other	Small	3	2	1	1	1	0	0	0	-100%
Tax	Regular	0	1	2	2	4	7	17	18	**
Tax	Small	0	0	0	1	1	1	3	2	**
Tort	Regular	518	594	688	668	643	675	800	792	53%
Tort	Small	260	232	210	239	282	293	285	217	-16%
Workers' Compensation	Regular	245	273	303	295	284	294	338	309	26%
Workers' Compensation	Small	25	39	42	41	43	46	45	49	96%
All Claims	Regular	1,195	1,538	1,871	2,098	1,211	1,034	1,170	1,138	-5%
All Claims	Small	600	611	650	877	1,585	1,549	1,404	986	64%
All Claims	All	1,795	2,149	2,521	2,975	2,796	2,583	2,574	2,124	18%

Notes:

* Not counted are 180 cases listed as "Unknown Region" by the Automated Claims Tracking System.

** There were no pending cases of this claim type during fiscal year 1990.

Source: Automated Claims Tracking System.

Exhibit 4

Tennessee Claims Commission
 Cases Pending at Time of Commissioner Appointment
 And Still Pending as of September 1997

<u>Claim Type</u>	<u>Docket</u>	<u>Number of Claims</u>	<u>Average Days Open As of 9/25/97</u>
Criminal Injury	Regular	0	
Criminal Injury	Small	58	2,065
Employee Property Damage	Small	1	2,711
Inmate Property Damage	Regular	2	2,004
Inmate Property Damage	Small	13	1,072
Other	Regular	2	1,733
Other	Small	0	
Tax	Regular	5	1,219
Tort	Regular	124	2,046
Tort	Small	23	1,918
Workers' Compensation	Regular	55	2,198
Workers' Compensation	Small	0	
All Claims	Regular	188	2,065
All Claims	Small	95	1,900
All Claims	All	283	2,010

Note: Eastern Division Commissioner Michael Lacy appointed March 1990.
 Middle Division Commissioner W.R. Baker appointed July 1995.
 Western Division Commissioner Martha Brasfield appointed July 1987.

Source: Automated Claims Tracking System.

Management's Comments

Joint Response by the Department of the Treasury and the Tennessee Claims Commission

We concur. While the commission and the department do not believe the data underlying the statistics are totally accurate, we concur that the length of time required to process claims should be shortened. The commission recognized this problem and responded by bringing it to the attention of the General Assembly; this eventually resulted in enactment of Chapter 165 of the 1997 Public Acts. As noted in the report, the number of open claims has been decreasing over the last three years, with the number of open claims before commissioners as of January 8, 1998 totaling 1,687. This represents a decrease of 20 percent from the June 30, 1997 open claim total of 2,124.

To address the delay in processing of claims, the commission has taken two specific actions. First, as authorized by Chapter 165, the commission identified 156 claims for potential transfer to the Secretary of State's administrative law judges. After communication with claimants and the State Attorney General, nine claims were removed from this list as being inappropriate for transfer and 34 claimants elected to remain with the commission. This resulted in 113 claims being transferred to administrative law judges. We would note that this represented over 5% of the Claims Commission's open claims. Second, the commission is currently engaged in a detailed review of its rules, regulations, and procedures to determine, in part, whether changes are required to facilitate more expeditious handling of claims.

With regard to claims processing delay, it should be recognized that delay may result from many causes. For a claim to progress takes the combined efforts of the claimant (or their attorney), the State Attorney General as the State's representative, and the claims commissioner. Delay may result from failure of any of these parties to timely respond to various requests or, in the case of claimants, failure to vigorously pursue their claims. Also, in a number of claims, the commission is requested to hold the matter in abeyance pending resolution of a related court matter or at the request of the parties. Lastly, it should also be recognized that certain claims, by their nature, take longer to resolve. Examples include claims involving prolonged or complex discovery and workers' compensation claims where the employee does not reach maximum medical improvement for some period of time.

In summary, while we may differ with the report over the degree of delay in processing claims and the causes for those delays, we agree that claims should move through the system more quickly. The commission is committed to continuing its efforts to shorten the time required to process claims.

Commissioner's Additional Comment

It is the commission's belief that the existing claims backlog primarily results from the volume of claims filed with the commission and not with the lack of productivity by the commissioners. In moving forward, the commissioners, with the assistance of the department, will

attempt to identify appropriate productivity standards against which the General Assembly may measure the commission's performance and the potential need for additional commissioners.

2. Oversight of commission operations has been very limited

Finding

Prior to July 1, 1997, oversight of commission operations was very limited. As a result, the commissioners had little external motivation to dispose of claims cases efficiently and effectively. The Department of the Treasury has recently taken tentative steps to help the commissioners increase their productivity, beginning with an evaluation of data on the commissioners' claims processing. Chapter 165 of the 1997 Public Acts gives the department management responsibilities over the commission's administrative activities, including, but not limited to, the reporting of the status of claims. However, Treasury staff may not interfere in the commission's adjudication of claims cases.

The lack of clarity concerning the commissioners' status impedes oversight of commission operations. Although the commissioners perform an adjudicatory role, they are not designated by statute as judges. Section 9-8-302(c), *Tennessee Code Annotated*, states, however, that the commissioners "shall comply with the standards of conduct contained in the Code of Judicial Conduct of the Rules of the Tennessee supreme court." One of the standards in the code requires that cases be disposed of "promptly, efficiently, and fairly." According to Department of the Treasury staff, the law does not assign any body enforcement power over the commissioners. The Court of the Judiciary, a group of judges created by the Supreme Court to hear complaints about judges' performance, enforces the Code of Judicial Conduct. However, since the commission is not part of the judicial branch, an attempt by the Court of the Judiciary to enforce the Code of Judicial Conduct against the commission could violate the precept of the separation of powers among the different branches of government.

Administrative law judges (who perform a function similar to that of the claims commissioners and have the same authority in deciding claims cases) are required by the Secretary of State's *Uniform Rules of Procedure* to follow the Code of Judicial Conduct. However, the rules specify that supervisors are to investigate any complaints about administrative law judges.

Recommendation

The Department of the Treasury should continue to provide support and guidance to the commission. Department staff should collect and analyze performance data on claims-processing times. These data should pertain to the commission as a whole, its divisions, and types of claims. Treasury staff should continue to interact with commissioners and their staff to determine and

implement methods to expedite the processing of claims. This interaction should include performing site visits at division offices, as necessary.

The General Assembly may wish to require the commission to issue an annual report on the progress of claims processing. The General Assembly may also wish to clarify in statute how the Code of Judicial Conduct will be enforced in relation to the claims commissioners.

Management's Comments

Joint Response by the Department of the Treasury and the Tennessee Claims Commission

We concur. The commission was created in 1984 and was attached to the Department of Commerce and Insurance for administrative purposes only. This legislation made it clear that the commission was to function as an independent entity, with limited oversight from other state agencies, to ensure that the commission acted independently of the influence of other state officials in making determinations regarding state liability for claims. As an independent agency, this had the unintended consequence of requiring commissioners to be involved in administrative matters, diverting their attention from their main task of resolving claims. It is the belief of both the commission and the department that the department's statutory role is one of providing assistance to the commission and not one of oversight of commissioners' activities. As to the study's specific recommendations, the following responses are offered.

The Claims Commission and the Treasury Department will continue to work together in gathering and analyzing workload data, as well as reviewing past practices to determine more efficient ways to meet the commission's goal of shortening claim processing times. For example, the commission has requested the department to develop a monthly report for commissioners which summarizes the status of claims pending within each division and the commission in total. In addition, the commissioners have requested the department to review the rules of the commission to determine any procedural areas which may be streamlined.

The State Treasurer annually submits a report to the members of the General Assembly which summarizes the activities of each function of the Treasury Department for the prior fiscal year. This report is also provided to the Governor, the Comptroller of the Treasury, the Secretary of State, and the Commissioner of Finance and Administration. At the commission's request, the department will include information summarizing the activities and performance of the Tennessee Claims Commission within this report in the future.

The members of the Claims Commission believe that their conduct has, at all times, been in compliance with the provisions of the Code of Judicial Conduct. If the General Assembly feels that the existing mechanism for filing, investigating, and resolving complaints regarding the members of the Claims Commission is unclear to members of the public, the commission would offer to work with the legislature to clarify these processes.

Commissioner's Additional Comment

While the commission understands that the lack of clear oversight into their activities may lead to a conclusion that, in concept, “commissioners had little external motivation to dispose of claims efficiently and effectively,” the commissioners do not believe this to be the case as to their performance. In reality, the commissioners believe that their productivity compared favorably with that of past Claims Commissioners, administrative law judges, and appropriate trial-level courts.

3. Management information system needs improvement

Finding

The commission's computer system, Automated Claims Tracking System (ACTS), is inadequate for tracking cases and assisting in the oversight of commission operations. Specifically, ACTS does not provide information on the activities occurring after a claim is filed but before it is closed (e.g., motions filed by the claimant's attorney). As a result, it is difficult to determine whether delays in claims processing are the result of commissioner or claimant inaction, or both. (Commissioners have complained that substantial delays are caused by inactivity of claimants or their attorneys.)

In managing its caseload, the commission does not consistently use ACTS to its current capabilities—for example, to track case histories and the next actions needed. In addition, the commission does not use the system's ability to track the time to process claims by the commission as a whole, by its three divisions, or by claim type. Furthermore, commission staff do not always update ACTS promptly and do not enter some information at all. For example, central office staff do not always enter case closing dates timely (because of unclear information from the field offices), and field staff do not always enter information on hearing dates or award amounts. Department of the Treasury staff found 225 discrepancies between information in ACTS and paper files as the result of poor data entry. The staff said that they are in the process of emphasizing to commission staff the need for adequate data entry. However, the commission has no formal procedures in this area.

The Secretary of State's Office uses two types of computerized reports on the status of cases handled by its administrative law judges. One report tracks whether opinions are written within the 90-day deadline required by the Uniform Administrative Procedures Act. The other report, issued annually, provides information on the status of active cases open for more than a certain period (e.g., cases open for more than two years). Administrative law judges responsible for these cases must explain in the report why the cases have been open for so long. Without adequate and timely performance data on its claims processing, the commission will find it difficult to determine where problems are and develop methods to expedite case closure.

Recommendation

The commission, with the assistance of the Department of the Treasury, should use its computer system to obtain performance data on claims processing (e.g., processing time by claim type at the division level). This information should be comprehensive enough to determine the causes of processing delays (e.g., commissioner or claimant inactivity).

The commission should develop and implement formal procedures to ensure that its staff enter all relevant data into the system. The commission, with the assistance of the Department of the Treasury, should periodically check data accuracy and take appropriate action to remedy any problems identified. The commission should develop a training program for staff to improve the accuracy and completeness of data.

Management's Comments

Joint Response by the Department of the Treasury and the Tennessee Claims Commission

We concur. The commission, its staff, and the Treasury Department have expended considerable effort in verifying the accuracy of the ACTS database. These efforts have focused on verifying that all open claims are appropriately designated on the system and that sufficient controls are in place to ensure that claim status is correctly recorded on ACTS. This process was recently completed. Staff is currently engaged in a project to reconcile data contained in ACTS to the commission's closed claim files. As part of this process, certain key claims information is being verified. Upon completion of this project, the commission should be able to produce reliable information on past workload. Lastly, efforts are also underway to develop and refine procedures used by commission staff to consistently and uniformly update the system to ensure that the ACTS database continues to accurately reflect basic information on all claims.

The commission and the department note that ACTS was designed primarily as a claims inventory system and was developed without the assistance of persons familiar with the operations of court systems. This resulted in ACTS being deficient in many ways. The commission has recognized that an inventory system does not fully meet the commission's needs in management of claims and have preliminarily identified a need for either enhancement or replacement of ACTS. Staff is reviewing what ACTS modifications would be needed to fully meet the commission's needs and whether these needs might better be met with replacement of ACTS. Specifically, staff is reviewing the court automation system being developed by the Administrative Office of the Courts for use in Tennessee's trial-level courts. This system appears to offer a better tool to assist commissioners in managing claims.

Commissioner's Additional Comment

The implementation of the ACTS system of necessity required extensive time of the commissioners, their staffs, the clerk, and her staff. This project took valuable time away from the processing of claims.

4. Formal procedures are lacking

Finding

The commission lacks written procedures in the following areas: (1) case handling, (2) complaint handling, (3) use of mediators, and (4) evaluation of staff performance. Formal procedures are necessary to ensure that the commission conducts its operations efficiently and effectively.

Case Handling

The commission does not have formal case management procedures and time guidelines for processing cases. Productivity goals or standards are also lacking. According to an instructor at the National Judicial College in Reno, Nevada, the adjudicating official, not the attorneys of the interested parties, should control the docket. Proper case management involves “the supervision of time and events necessary to move a case from its initiation to disposition.” The purpose of this supervision is to give each case an appropriate amount of time for proper decision making within certain time frames. Procedures should provide reasonable dispositional (i.e., case closure) goals.

The instructor stated that three components are necessary for an effective case management system:

- Issuing scheduling orders (orders that require a certain hearing date for a case) for every case. If one of the parties wants an exemption from the order, he or she should have to ask for such an exemption. (The Middle Division claims commissioner issues such orders only if one of the parties asks for one.)
- Performing an inventory of cases to ensure that each case will have a next action. Dispositive goals should be developed so that a certain percentage of cases are closed after a certain period of time. Scheduling orders are crucial in successfully pursuing these goals.
- Getting the interested parties to discuss, as soon as possible, the case. The earlier the parties meet to discuss the disputed issues, the greater the chance there will be an early settlement. In addition, early intervention identifies those cases that might require additional attention, and thus time.

According to staff of the Secretary of State’s Administrative Procedures Division, the division’s administrative law judges are to dismiss cases for lack of prosecution if interested parties fail to cooperate in the adjudication process. These staff are willing to assist the commission in developing case management procedures.

Two time guidelines could apply to commission claims processing. The Uniform Administrative Procedures Act requires a written order within 90 days after conclusion of the

hearing or after submission of proposed findings (Section 4-5-314, *Tennessee Code Annotated*). Section 20-9-506, *Tennessee Code Annotated*, and Rule 11 of the Supreme Court give a 60-day limit for a judge to render a decision. Time guidelines could help reduce the delays in closing cases (see Finding 1).

Complaint Handling

The commission does not have a complaint-handling system and is not planning to develop and implement one in the near future. Current recourses for claimants to air concerns about claims processing, especially delays, are cumbersome. These recourses include obtaining writs of mandamus (court orders forcing the commission to act on cases), contacting their legislative representatives or the Governor's Office, and filing complaints with the Board of Professional Responsibility, the disciplinary board for lawyers. Without an adequate complaint-handling system, the commission cannot identify problems in claims processing, and public confidence in the commission's integrity may be reduced.

Mediation

The commission has not yet taken steps to implement a mediation program, as allowed by Chapter 165 of the 1997 Public Acts. Under such a program, mediation would be used, in lieu of hearings by the commission, to settle disputed claims. After agreement by the interested parties (i.e., the claimant and the Attorney General's Office), a neutral third party—a mediator—would act as a facilitator in finding solutions to the dispute. Unlike court judges and arbitrators, a mediator does not make a decision to solve the dispute but instead relies on the interested parties to reach a mutually agreeable solution. The Administrative Office of the Courts maintains a list of approved mediators (those who have met certain education and training criteria).

Mediation could reduce the commission's caseload. According to Department of Labor staff, their department's mediation program for workers' compensation claims achieves a 68 percent success rate for resolving all issues in a dispute. An additional 12 percent of claims have some issues resolved.

Performance Evaluations

The commission does not formally evaluate staff's performance. The staff are responsible for various claims-processing functions, including determining if all needed documentation has been submitted by claimants and typing draft orders for commissioner review. Performance evaluations help ensure that weaknesses affecting the efficient and effective operation of the commission are addressed and corrected.

Recommendation

The commission, in consultation with the Department of the Treasury, should develop and implement formal procedures for handling cases and complaints, using mediation, and evaluating staff.

Management's Comments

Joint Response by the Department of the Treasury and the Tennessee Claims Commission

We concur. As noted in our response to Finding 1, the commission is engaged in a review of its rules, regulations, and procedures for claims handling. This review will specifically include whether, and to what extent, the techniques presented within the report are applicable to the commission. It should be recognized that the commission manages a variety of claims, ranging from pro se claims by state prison inmates and citizens to complex malpractice claims, and that each claim type potentially requires use of different claim management techniques. What is productive for one type of claim may be a time consuming, unproductive exercise for another type of claim. Given these circumstances, the commission will consider appropriate claim-handling procedures and goals as part of this review.

The commission will establish formal procedures for the filing of complaints. These procedures will provide for a timely response by the commission to persons filing complaints.

As noted in the report, mediation was authorized by the legislature in 1997. The commission is currently engaged in a comprehensive review of rules and regulations which govern procedure before the commission. As part of this review, the commission will consider inclusion of appropriate rules to facilitate mediation of claims. The commission notes that, under current law, parties must agree to mediation and that a commissioner cannot order parties to mediate.

Staff in the Clerk's Office are now subject to performance evaluation in the same manner as other employees of the State Treasurer. In addition, each commissioner will perform annual performance evaluations of the staff assigned to their division offices. The commissioners note that the lack of performance evaluations for commission staff resulted from advice received from the Department of Commerce and Insurance. The commission was advised that, since commission staff are non-civil service, conducting performance evaluations was not appropriate.

5. Commissioner training needs improvement

Finding

Although commissioners receive annual legal education in their capacity as attorneys, they do not receive training directly related to their Claims Commission responsibilities. Both past and present commissioners have expressed a need for such training. Some caseload management training has been provided in semiannual judicial conferences organized by the Administrative Office of the Courts. However, commissioner attendance at such conferences has been infrequent. In addition, the National Judicial College in Reno, Nevada, offers courses in case management as well as in high-volume proceedings. This training is available to judges as well as hearing officers, court officials, and administrative law judges. A college official suggested the following classes to help the commissioners manage their caseloads more efficiently and effectively:

- Effective Caseload Management: The course covers ways to process cases expeditiously while preserving fundamental fairness and remaining responsive to legal requirements. It is intended to provide procedures for solving problems that cause delays in caseload management. The concepts of the course apply to any docket, and the entire week focuses on producing a plan tailored specifically to the conditions and needs of each participant's court.
- High Volume Proceedings: This course is designed to enable administrative law adjudicators and others to efficiently manage high-volume caseloads. The course is recommended for high-volume hearing officers, administrative law judges, and others facing problems related to their hearing workload. The subject matter includes ways to apply appropriate technologies to case processing systems, including the use of telephone hearings when appropriate.
- Fair Hearing: This course provides instruction for new administrative hearing officers and others in the methods of conducting a full, fair, and expeditious hearing. The course is open to all administrative law adjudicators with three years or less of experience in conducting hearings, whether at the federal or state level, whether legally trained or not.

Extension classes are also available from the National Judicial College. Extension classes can be tailored to meet specific needs and can be offered in any state. These courses can be designed to meet the needs of trial court judges, administrative law judges, or court personnel. Such training may help commissioners more efficiently and effectively manage their caseloads.

Recommendation

The commission should consider developing a training program on caseload management for commissioners. This program could include courses taught by the National Judicial College or

similar institutions. In addition, commissioners should attend judicial conferences offering relevant courses.

Management's Comments

Joint Response by the Department of the Treasury and the Tennessee Claims Commission

We concur. In the past, commissioners have identified a need for appropriate training but have experienced difficulty in finding appropriate training courses. In exploring training opportunities, commissioners have contacted National Judicial College officials. In discussion with those people, commissioners were told that training which is specific to the commission's needs was not available. In 1990, the commissioners initiated contact with the Administrative Office of the Courts regarding enrollment in the Judicial Academy of the Supreme Court and attendance at Judicial Conferences. The Judicial Academy is a week-long training program for new judges in courts of record. All three commissioners are graduates of the Judicial Academy. Additionally, commissioners have been invited to attend the Judicial Conferences. Even in cases where appropriate training activities have been identified, the commissioners note that training was not always available because of a lack of budgeted training funds.

The commission continues to see a need for appropriate training. The commission, with the assistance of the Treasury Department, will renew its efforts to identify and participate in appropriate training opportunities.

RECOMMENDATIONS

LEGISLATIVE

The auditor's review identified the following areas in which the General Assembly may wish to consider statutory changes to improve the efficiency and effectiveness of the Tennessee Claims Commission.

1. The General Assembly may wish to require the commission to issue an annual report on the progress of claims processing.
2. The General Assembly may wish to clarify in statute how the Code of Judicial Conduct will be enforced in relation to the claims commissioners.

ADMINISTRATIVE

The Tennessee Claims Commission and the Department of the Treasury should address the following areas to improve the efficiency and effectiveness of the commission's operations.

1. The commission should develop and implement methods for decreasing claims-processing time after identifying the reasons for the large backlog of pending cases.
2. The Department of the Treasury should continue to provide support and guidance to the commission. Department staff should collect and analyze performance data on claims-processing times. These data should pertain to the commission as a whole, its divisions, and types of claims. Treasury staff should continue to interact with commissioners and their staff to determine and implement methods to expedite the processing of claims. This interaction should include performing site visits at division offices, as necessary.
3. The commission, with the assistance of the Department of the Treasury, should use its computer system to obtain performance data on claims processing (e.g., processing time by claim type at the division level). This information should be comprehensive enough to determine the causes of processing delays (e.g., commissioner or claimant inactivity).
4. The commission should develop and implement formal procedures to ensure that its staff enter all relevant data into the system. The commission, with the assistance of the Department of the Treasury, should periodically check data accuracy and take appropriate action to remedy any problems identified. The commission should develop a training program for staff to improve the accuracy and completeness of data.

5. The commission, in consultation with the Department of the Treasury, should develop and implement formal procedures for handling cases and complaints, using mediation, and evaluating staff.
6. The commission should consider developing a training program on caseload management for commissioners. This program could include courses taught by the National Judicial College or similar institutions. In addition, commissioners should attend judicial conferences offering relevant courses.

Appendix 1

Tennessee Claims Commission
 Average Processing Time From Filing Date to Final Order
 Claims Closed in Fiscal Years 1996 and 1997
 All Divisions

<u>Claim Type</u>	<u>Docket</u>	<u>Number of Claims</u>	<u>Average Days To Process</u>
Criminal Injury	Regular	47	790
Criminal Injury	Small	1,454	526
Employee Property Damage	Regular	1	106
Employee Property Damage	Small	28	324
Inmate Property Damage	Regular	11	1,054
Inmate Property Damage	Small	334	771
Tax	Regular	3	856
Tax	Small	2	882
Tort	Regular	376	828
Tort	Small	296	747
Workers' Compensation	Regular	377	406
Workers' Compensation	Small	55	511
All Claims	Regular	815	633
All Claims	Small	2,169	591
All Claims	All	2,984	602

Source: Automated Claims Tracking System.

Appendix 1A

Tennessee Claims Commission
 Average Processing Time From Filing Date to Final Order
 Claims Closed in Fiscal Years 1996 and 1997
 Eastern Division

<u>Claim Type</u>	<u>Docket</u>	<u>Number of Claims</u>	<u>Average Days To Process</u>
Criminal Injury	Regular	13	838
Criminal Injury	Small	483	748
Employee Property Damage	Regular	0	-
Employee Property Damage	Small	12	423
Inmate Property Damage	Regular	3	1,212
Inmate Property Damage	Small	200	1,059
Tax	Regular	1	1,723
Tax	Small	0	-
Tort	Regular	149	849
Tort	Small	102	1,041
Workers' Compensation	Regular	144	407
Workers' Compensation	Small	23	734
All Claims	Regular	310	650
All Claims	Small	820	855
All Claims	All	1,130	799

Source: Automated Claims Tracking System.

Appendix 1B

Tennessee Claims Commission
 Average Processing Time From Filing Date to Final Order
 Claims Closed in Fiscal Years 1996 and 1997
 Middle Division

<u>Claim Type</u>	<u>Docket</u>	<u>Number of Claims</u>	<u>Average Days To Process</u>
Criminal Injury	Regular	8	490
Criminal Injury	Small	346	348
Employee Property Damage	Regular	1	106
Employee Property Damage	Small	7	225
Inmate Property Damage	Regular	2	570
Inmate Property Damage	Small	39	295
Tax	Regular	1	544
Tax	Small	2	882
Tort	Regular	79	722
Tort	Small	138	632
Workers' Compensation	Regular	167	363
Workers' Compensation	Small	11	601
All Claims	Regular	258	478
All Claims	Small	543	422
All Claims	All	801	440

Source: Automated Claims Tracking System.

Appendix 1C

Tennessee Claims Commission
 Average Processing Time From Filing Date to Final Order
 Claims Closed in Fiscal Years 1996 and 1997
 Western Division

<u>Claim Type</u>	<u>Docket</u>	<u>Number of Claims</u>	<u>Average Days To Process</u>
Criminal Injury	Regular	26	858
Criminal Injury	Small	625	452
Employee Property Damage	Regular	0	-
Employee Property Damage	Small	9	270
Inmate Property Damage	Regular	6	1,136
Inmate Property Damage	Small	95	359
Tax	Regular	1	302
Tax	Small	0	-
Tort	Regular	148	864
Tort	Small	56	497
Workers' Compensation	Regular	66	512
Workers' Compensation	Small	21	220
All Claims	Regular	247	774
All Claims	Small	806	436
All Claims	All	1,053	516

Source: Automated Claims Tracking System.

Appendix 2A

Tennessee Claims Commission
 Processing Time From Filing Date to Final Order
 Claims Closed in Fiscal Years 1996 and 1997
 Eastern Division

<u>Claim Type</u>	<u>Docket</u>	<u>Less Than One Year</u>	<u>Percent*</u>	<u>One to Two Years</u>	<u>Percent*</u>	<u>Over Two Years</u>	<u>Percent*</u>
Criminal Injury	Regular	5	38%	0	0%	8	62%
Criminal Injury	Small	211	44%	67	14%	205	42%
Employee Property Damage	Regular	0	-	0	-	0	-
Employee Property Damage	Small	5	42%	6	50%	1	8%
Inmate Property Damage	Regular	0	0%	1	33%	2	67%
Inmate Property Damage	Small	43	22%	38	19%	119	60%
Tax	Regular	0	0%	0	0%	1	100%
Tax	Small	0	-	0	-	0	-
Tort	Regular	47	32%	44	30%	58	39%
Tort	Small	35	34%	17	17%	50	49%
Workers' Compensation	Regular	97	67%	14	10%	33	23%
Workers' Compensation	Small	11	48%	3	13%	9	39%
All Claims	Regular	149	48%	59	19%	102	33%
All Claims	Small	305	37%	131	16%	384	47%
All Claims	All	454	40%	190	17%	486	43%

* Percentages may not add to 100 because of rounding.

Source: Automated Claims Tracking System.

Appendix 2B

Tennessee Claims Commission
 Processing Time From Filing Date to Final Order
 Claims Closed in Fiscal Years 1996 and 1997
 Middle Division

<u>Claim Type</u>	<u>Docket</u>	<u>Less Than One Year</u>	<u>Percent*</u>	<u>One to Two Years</u>	<u>Percent*</u>	<u>Over Two Years</u>	<u>Percent*</u>
Criminal Injury	Regular	5	62%	2	25%	1	12%
Criminal Injury	Small	226	65%	68	20%	52	15%
Employee Property Damage	Regular	1	100%	0	0%	0	0%
Employee Property Damage	Small	5	71%	2	29%	0	0%
Inmate Property Damage	Regular	1	50%	0	0%	1	50%
Inmate Property Damage	Small	29	74%	9	23%	1	3%
Tax	Regular	0	0%	1	100%	0	0%
Tax	Small	1	50%	0	0%	1	50%
Tort	Regular	40	51%	8	10%	31	39%
Tort	Small	63	46%	29	21%	46	33%
Workers' Compensation	Regular	116	70%	19	11%	32	19%
Workers' Compensation	Small	6	54%	1	9%	4	36%
All Claims	Regular	163	63%	30	12%	65	25%
All Claims	Small	330	61%	109	20%	104	19%
All Claims	All	493	62%	139	17%	169	21%

* Percentages may not add to 100 because of rounding.

Source: Automated Claims Tracking System.

Appendix 2C

Tennessee Claims Commission
 Processing Time From Filing Date to Final Order
 Claims Closed in Fiscal Years 1996 and 1997
 Western Division

<u>Claim Type</u>	<u>Docket</u>	<u>Less Than One Year</u>	<u>Percent*</u>	<u>One to Two Years</u>	<u>Percent*</u>	<u>Over Two Years</u>	<u>Percent*</u>
Criminal Injury	Regular	3	12%	5	19%	18	69%
Criminal Injury	Small	246	39%	305	49%	74	12%
Employee Property Damage	Regular	0	-	0	-	0	-
Employee Property Damage	Small	8	89%	1	11%		0%
Inmate Property Damage	Regular	2	33%	2	33%	2	33%
Inmate Property Damage	Small	74	78%	12	13%	9	10%
Tax	Regular	1	100%	0	0%	0	0%
Tax	Small	0	-	0	-	0	-
Tort	Regular	43	29%	44	30%	61	41%
Tort	Small	31	55%	15	27%	10	18%
Workers' Compensation	Regular	34	52%	14	21%	18	27%
Workers' Compensation	Small	18	86%	0	0%	3	14%
All Claims	Regular	83	34%	65	26%	99	40%
All Claims	Small	377	47%	333	41%	96	12%
All Claims	All	460	44%	398	38%	195	18%

* Percentages may not add to 100 because of rounding.

Source: Automated Claims Tracking System.

Appendix 3A

Tennessee Claims Commission
 Number of Pending Cases at End of Fiscal Year
 Fiscal Years 1990 to 1997
 Eastern Division

<u>Claim Type</u>	<u>Docket</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>Percent 1990 to 1997</u>
Criminal Injury	Regular	171	221	219	237	101	11	3	6	-96%
Criminal Injury	Small	17	34	84	200	391	389	388	176	935%
Employee Property	Regular	0	0	0	2	1	1	1	1	*
Employee Property	Small	12	7	5	5	5	6	7	1	-92%
Inmate Property Damage	Regular	4	4	6	5	4	4	2	2	-50%
Inmate Property Damage	Small	75	82	89	119	138	156	42	7	-91%
Other	Regular	0	1	2	3	1	0	0	0	*
Other	Small	1	0	0	0	0	0	0	0	-100%
Tax	Regular	0	1	2	2	2	2	7	7	*
Tax	Small	0	0	0	0	0	0	0	0	*
Tort	Regular	207	252	317	278	299	294	328	329	59%
Tort	Small	133	108	98	104	124	121	121	104	-22%
Workers' Compensation	Regular	125	141	135	127	127	137	146	141	13%
Workers' Compensation	Small	18	27	29	26	31	30	27	26	44%
All Claims	Regular	507	620	681	654	535	449	487	486	-4%
All Claims	Small	256	258	305	454	689	702	585	314	23%
All Claims	All	763	878	986	1,108	1,224	1,151	1,072	800	5%

* There were no pending cases of this claim type during fiscal year 1990.

Source: Automated Claims Tracking System.

Appendix 3B

Tennessee Claims Commission
 Number of Pending Cases at End of Fiscal Year
 Fiscal Years 1990 to 1997
 Middle Division

<u>Claim Type</u>	<u>Docket</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>Percent 1990 to 1997</u>
Criminal Injury	Regular	85	77	194	210	46	8	1	0	-100%
Criminal Injury	Small	60	60	69	84	230	222	227	180	200%
Employee Property	Regular	0	0	0	1	0	0	0	0	*
Employee Property	Small	6	3	4	2	1	3	5	5	-17%
Inmate Property Damage	Regular	10	13	10	7	4	3	3	4	-60%
Inmate Property Damage	Small	75	54	26	36	38	37	66	93	24%
Other	Regular	0	1	5	4	1	1	1	1	*
Other	Small	2	2	1	1	1	0	0	0	-100%
Tax	Regular	0	0	0	0	2	5	9	11	*
Tax	Small	0	0	0	1	1	1	2	1	*
Tort	Regular	182	187	201	197	132	135	174	171	-6%
Tort	Small	73	76	78	91	108	119	122	71	-3%
Workers' Compensation	Regular	70	84	118	116	101	90	115	85	21%
Workers' Compensation	Small	1	3	6	6	5	10	14	18	1,700%
All Claims	Regular	347	362	528	535	286	242	303	272	-22%
All Claims	Small	217	198	184	221	384	392	436	368	70%
All Claims	All	564	560	712	756	670	634	739	640	14%

* There were no pending cases of this claim type during fiscal year 1990.

Source: Automated Claims Tracking System.

Appendix 3C

Tennessee Claims Commission Number of Pending Cases at End of Fiscal Year Fiscal Years 1990 to 1997 Western Division

<u>Claim Type</u>	<u>Docket</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>Percent 1990 to 1997</u>
Criminal Injury	Regular	151	343	435	657	119	26	2	1	-99%
Criminal Injury	Small	20	22	28	61	388	352	303	227	1035%
Employee Property	Regular	0	0	0	0	0	0	0	0	*
Employee Property	Small	1	1	1	0	4	3	1	0	-100%
Inmate Property Damage	Regular	11	10	7	7	3	4	2	2	-82%
Inmate Property Damage	Small	46	75	91	88	63	41	32	29	-37%
Other	Regular	0	0	0	0	0	0	0	2	*
Other	Small	0	0	0	0	0	0	0	0	*
Tax	Regular	0	0	0	0	0	0	1	0	*
Tax	Small	0	0	0	0	0	0	1	1	*
Tort	Regular	129	155	170	193	212	246	298	292	126%
Tort	Small	54	48	34	44	50	53	42	42	-22%
Workers' Compensation	Regular	50	48	50	52	56	67	77	83	66%
Workers' Compensation	Small	6	9	7	9	7	6	4	5	-17%
All Claims	Regular	341	556	662	909	390	343	380	380	11%
All Claims	Small	127	155	161	202	512	455	383	304	139%
All Claims	All	468	711	823	1,111	902	798	763	684	46%

* There were no pending cases of this claim type during fiscal year 1990.

Source: Automated Claims Tracking System.

Appendix 4A

Tennessee Claims Commission
 Cases Pending at Time of Commissioner Appointment
 And Still Pending as of September 1997
 Eastern Division

(Commissioner Michael Lacy appointed March 1990.)

<u>Claim Type</u>	<u>Docket</u>	<u>Number of Claims</u>	<u>Average Days Open Per Case As of 9/25/97</u>
Criminal Injury	Regular	0	-
Criminal Injury	Small	6	3,358
Employee Property Damage	Small	0	-
Inmate Property Damage	Regular	0	-
Inmate Property Damage	Small	0	-
Other	Regular	0	-
Other	Small	0	-
Tax	Small	0	-
Tort	Regular	22	3,312
Tort	Small	3	3,291
Workers' Compensation	Regular	9	3,207
Workers' Compensation	Small	0	-
All Claims	Regular	31	3,281
All Claims	Small	9	3,335
All Claims	All	40	3,293

Source: Automated Claims Tracking System.

Appendix 4B

Tennessee Claims Commission
 Cases Pending at Time of Commissioner Appointment
 And Still Pending as of September 1997
 Middle Division

(Commissioner W.R. Baker appointed July 1995.)

<u>Claim Type</u>	<u>Docket</u>	<u>Number of Claims</u>	<u>Average Days Open Per Case As of 9/25/97</u>
Criminal Injury	Regular	0	-
Criminal Injury	Small	52	1,916
Employee Property Damage	Small	1	2,711
Inmate Property Damage	Regular	2	2,004
Inmate Property Damage	Small	13	1,072
Other	Regular	2	1,733
Other	Small	0	-
Tax	Regular	5	1,219
Tort	Regular	101	1,753
Tort	Small	20	1,712
Workers' Compensation	Regular	44	1,898
Workers' Compensation	Small	0	-
All Claims	Regular	154	1,780
All Claims	Small	86	1,750
All Claims	All	240	1,769

Source: Automated Claims Tracking System.

Appendix 4C

Tennessee Claims Commission
 Cases Pending at Time of Commissioner Appointment
 And Still Pending as of September 1997
 Western Division

(Commissioner Martha Brasfield appointed July 1987.)

<u>Claim Type</u>	<u>Docket</u>	<u>Number of Claims</u>	<u>Average Days Open Per Case As of 9/25/97</u>
Criminal Injury	Regular	0	-
Criminal Injury	Small	0	-
Employee Property Damage	Small	0	-
Inmate Property Damage	Regular	0	-
Inmate Property Damage	Small	0	-
Other	Regular	0	-
Other	Small	0	-
Tax	Small	0	-
Tort	Regular	1	3,858
Tort	Small	0	-
Workers' Compensation	Regular	2	4,254
Workers' Compensation	Small	0	-
All Claims	Regular	3	4,122
All Claims	Small	0	-
All Claims	All	3	4,122

Source: Automated Claims Tracking System.