

Effective July 1, 1989, Tennessee Code Annotated section 16-21-111 (16-21-111) requires the clerk of each Circuit and Chancery Court to report to the Tennessee Judicial Council the following information on a monthly basis: the number of cases filed claiming monetary damages for personal injury or death, and the number of such cases actually proceeding to trial. For the cases proceeding to trial, clerks must also report:

- the number of cases in which the plaintiff was awarded monetary damages for personal injury or death;
- the amount of judgment in a jury case;
- the amount of judgment in a case without a jury; and
- any additur or remittitur awarded in the case by the trial judge.

The staff of the Administrative Office of the Courts (AOC), acting as staff for the Judicial Council, compiles this information and reports the findings of the previous fiscal year to the chairpersons of the Senate and House Judiciary Committees, as well as to the Attorney General. The information is now incorporated into the *Annual Report of the Judiciary* so that statistical information on the court system can be located easily. The data is also contained in the Tennessee Judicial Information System (TJIS) database.

The case filings reported monthly by the clerks are classified by case type categories, one of which is damages and torts. The damages and torts category consists of personal injury and wrongful death cases only. Property damage cases are reported under the Miscellaneous General Civil category.

Dispositions are classified according to the manner in which the case is disposed.

Beginning with fiscal year 2004-05, the AOC assigned a reporting category for medical malpractice cases, thereby allowing these cases to be separated from the damages and torts category. However, for the purposes of this section of this report, medical malpractice statistics are included in the damages and torts category.

For fiscal year 2006-07, there were 584 medical malpractice cases filed and 416 cases disposed of under the medical malpractice reporting category. Fifteen of the 416 cases disposed of proceeded to trial. Monetary damages reported for these cases was \$55,167.

Overall, for fiscal year 2006-07, data reported as to damages and torts cases showed a decrease in the number of filings and dispositions reported over last fiscal year. There were 10,838 filings and 11,588 dispositions for fiscal year 2006-07. Damages and torts cases represented 8.65 percent of civil filings and dispositions for the fiscal year. Of the 11,588 damages and torts cases disposed of during the year, 590 (slightly over 5 percent) proceeded to trial. Jury trials accounted for 289 (49 percent) and non-jury trials for 301 (51 percent) of the cases that proceeded to trial. Cases reported going to trial this fiscal year decreased slightly from cases reported last year. The four metropolitan areas (Davidson, Hamilton, Knox and Shelby Counties) had 240 damages and torts cases going to trial, representing 41 percent of damages and torts cases going to trial. The four metropolitan areas accounted for 35.4 percent of all civil filings and dispositions for the year. The chart on page 124 has a comparison breakdown of damages and torts cases