

I V . Settlement Awards

Lump-sum settlement awards, or washouts, are reported here as a distinct benefit category apart from indemnity and medical payments. Prior to the 1993 reforms, settlements were typically paid in lieu of indemnity benefits, closing the indemnity portion of the workers' compensation claim. The reforms allowed for the settlement of ongoing or anticipated medical benefits for injuries incurred both prior to and subsequent to January 1, 1994, making it possible to completely close out a claim for any injury year. Highlights of recent data on settlements include the following:

■ *Impact of Settlements:* Almost one of every four lost-time cases during the decade of the 1990s included a settlement order as of March 20, 2000, and the awards for these 197,822 cases totaled over \$5.3 billion.

■ *Impact of Legislation on Settlement Awards:* The decline in the dollar amount of settlement awards between mature injury years 1990 (\$884 million) and 1996 (\$494 million) was punctuated by two sharp declines for 1991 (-15.8%) and 1994 (-26.1%) injuries, with corresponding declines in the number of cases for 1991 (-7%) and 1994 (-13.2%). Settlement awards and case counts increased for two years after the 1991 decline; since the 1994 decline, however, both awards and cases have continued to decline with each successive year. The decline in awards for 1991 is associated with statutory reductions in wage-loss benefits, while the drop for 1994 injuries reflects a marked decrease in average cost per settled case since the 1993 reforms.

■ *Costs Per Case:* For all indemnity groups

combined, average settlement awards declined since 1990 for every injury year except 1995, when the average award rose marginally. Median awards also declined or stabilized for each successive year of the decade except 1995, when the median slightly increased. Among years with mature data, the most significant over-the-year decline was for post-reform injury year 1994, when the median cost per case fell \$3,500, from \$15,000 to \$11,500 (-23.3%), while the average cost per case fell \$4,323, from \$29,587 to \$25,264 (-14.6%). While injury year 1991 registered a slightly steeper decline of \$4,875 (-24.4%) in median cost per case compared to 1994, the average cost per case dropped by \$3,267 (-9.5%), less dramatically than in the first post-reform year. Between injury years 1990 and 1994, the median award dropped 42.5%, while the average award dropped over 27.4%. The steeper decline in the median measure underscores a trend toward less costly settlements (even for pre-reform years), with more cases represented on the lower portion of the cost spectrum.

■ *Disability Types:* Although the Wage Loss Only disability category pertains to injuries incurred only during the first four years of the 1990-1999 decade, it was the most expensive category, accounting for 27.1% of all awards, or over \$1.4 billion, and had the third highest number of settled cases (41,020) over the *entire ten-year period*. Almost nine of every ten wage-loss cases included a settlement order, compared to well over half of cases classified as Permanent Impairment Only (pre-reform) or Permanent Total. The consistently high percentage of settled cases with no indemnity money on record at the time of the settlement order, ranging from a low in 1990 (18.6%) to a high in 1999 (35.9%), gave this

category the highest number (43,778) of settled cases over the decade. This ranking indicates a persistent pattern of settlement early in the life of the case—before any benefits were paid out in a specific indemnity category. For mature injury years, the two years leading up to the reforms registered the highest percent of such cases, at 23% and 24.4% for 1992 and 1993, respectively. The most severe disability category—Permanent Total—predictably had the most expensive washouts on average, at between roughly *four and five and one-half times* the all-case average award per case across all mature injury years. Although costly on a per-case basis, Permanent Total cases with settlement awards comprised less than 3% of all washouts, which translates to a little over 13.6% of total settlement dollars over the ten years. Average awards also notably exceeded the all-case average in five other categories: pre-reform wage loss (both categories), post-reform Impairment Income and Supplemental Income, and Death cases. Average and median settlement awards for Temporary Total and Temporary Partial injuries are generally lower for post-reform mature years than for pre-reform years. This reflects, in part, a movement of many cases into the post-reform Impairment Income category once indemnity benefits for temporary injuries have been paid for 104 weeks—the cap that is a key feature of the 1993 reforms. These two categories of less severe injuries, plus those cases settled before indemnity benefits were received, had average awards well below the all-case average for most injury years.

■ *Time Lag Between Injury and Settlement Order:* The majority of mature cases—between 54.3% for 1990 injuries and 75% for 1996 injuries—were settled within two years of the injury year. There was a steady increase in this percentage for each successive injury year between 1990 and 1998, which, despite differences in vintage, may indicate a tendency to earlier settlements.

■ *Impact of Medical Washouts:* About

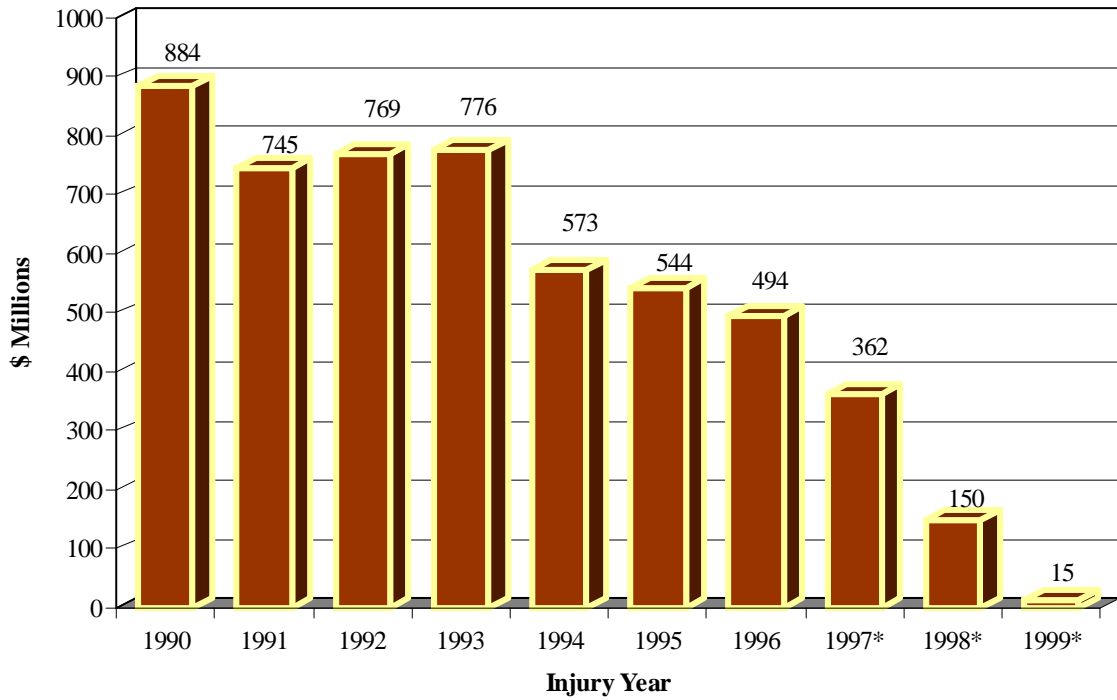
nine of every ten cases with substantive judges' orders for injury years 1990-1999 included a settlement, with 1994-1996 showing the highest percentages of over 93%. The 1993 reforms, retroactive in allowing settlement of medical benefits, ushered in a wave of medical settlements for pre-reform injuries; 28.5% of settlements for 1990 injuries included a medical washout, growing steadily to over 92% for 1993 injuries. For injury years since 1994, medical and indemnity benefits were washed out concurrently in 99% of all settlement orders. Just 9%-12% of substantive judges' orders issued between 1990 and 1993 included a medical settlement. In order year 1994, this percentage surged to nearly 78%, jumped to almost 95% in 1995, and has remained at about 99% ever since.

■ *Injured Body Part:* Close to six of every ten settlement dollars awarded between 1990 and 1999 involved cases with injuries to multiple body parts (30%) or the back (28.6%). Over half (53.3%) of all cases with settlement awards pertained to injuries in these two categories, as well. Injuries to the lower and upper extremities accounted for another three of every ten (30.9%) settlement dollars and 35.4% of washouts. While the number of settled cases with injuries to the back, multiple body parts, and lower extremities has declined for all post-reform injury years compared to pre-reform years, case counts involving injury to the upper extremities were higher for post-reform mature injury years than in any pre-reform year except 1993.

■ *Claimant Attorney Fees:* For claimant attorney fees as a share of settlement awards, the highest percentages were found in Temporary Partial and Settled, No Indemnity Recorded cases, where attorneys received over \$17 for every \$100 awarded. These two disability categories reported the least expensive average case costs at \$11,755 and \$17,034, respectively, over the 1990-1999 decade of workplace injuries. Claimant attorney fees were proportionately lowest (9.4%) for Death cases.

Figure 4.1

Cumulative Settlement Awards by Injury Year (1990-1999)



*Preliminary reporting

Source: Division of Workers' Compensation Claims and Judges' Orders Files as of March 20, 2000

Table 4.1

Settlement Cases by Disability Type and Injury Year (1990-1999)

Disability Type	1990	1991	1992	1993	1994	1995
Temporary Partial						
Cases with Settlements	227	279	409	608	632	777
Total Settlement Awards	\$4,098,866	\$3,838,814	\$5,254,480	\$8,733,758	\$7,090,412	\$9,805,661
% Lost-Time Cases with Settlements	17%	15%	15%	16%	12%	12%
Temporary Total						
Cases with Settlements	6,745	6,416	7,475	8,616	6,088	5,943
Total Settlement Awards	\$161,253,019	\$146,803,208	\$176,731,757	\$201,841,770	\$117,595,993	\$125,312,993
% Lost-Time Cases with Settlements	10%	11%	14%	16%	14%	15%
Permanent Impairment Only						
Cases with Settlements	710	530	586	413	N/A	N/A
Total Settlement Awards	\$23,647,280	\$13,379,953	\$14,533,804	\$11,462,560		
% Lost-Time Cases with Settlements	55%	53%	57%	54%		
Wage Loss Only						
Cases with Settlements	11,751	10,233	9,795	9,241	N/A	N/A
Total Settlement Awards	\$431,344,919	\$341,049,235	\$343,188,865	\$325,139,811		
% Lost-Time Cases with Settlements	88%	86%	86%	85%		
Wage Loss & Permanent Impairment						
Cases with Settlements	269	223	229	204	N/A	N/A
Total Settlement Awards	\$11,511,382	\$9,272,152	\$9,800,054	\$7,843,389		
% Lost-Time Cases with Settlements	83%	84%	86%	81%		
Impairment Income						
Cases with Settlements	N/A	N/A	N/A	N/A	10,611	9,585
Total Settlement Awards					\$281,590,673	\$260,888,549
% Lost-Time Cases with Settlements					51%	46%
Supplemental Income						
Cases with Settlements	N/A	N/A	N/A	N/A	22	20
Total Settlement Awards					\$1,455,474	\$1,329,851
% Lost-Time Cases with Settlements					56%	57%
Permanent Total						
Cases with Settlements	1,077	1,052	900	806	742	573
Total Settlement Awards	\$147,011,973	\$128,654,560	\$105,808,649	\$103,296,328	\$84,793,278	\$66,524,624
% Lost-Time Cases with Settlements	60%	61%	59%	59%	57%	54%
Death						
Cases with Settlements	139	114	92	123	132	131
Total Settlement Awards	\$4,756,096	\$4,849,122	\$3,222,929	\$5,327,751	\$5,369,810	\$5,702,197
% Lost-Time Cases with Settlements	34%	36%	31%	31%	34%	30%
Settled, No Indemnity Recorded						
Cases with Settlements	4,773	5,051	5,822	6,468	4,745	4,595
Total Settlement Awards	\$100,782,821	\$96,759,047	\$110,833,858	\$111,966,681	\$75,010,524	\$74,079,496
% Lost-Time Cases with Settlements	100%	100%	100%	100%	100%	100%
Lost Time, No Indemnity Recorded						
Cases with Settlements	0	0	0	0	0	0
Total Settlement Awards	\$0	\$0	\$0	\$0	\$0	\$0
% Lost-Time Cases with Settlements	0%	0%	0%	0%	0%	0%
Total						
Cases with Settlements	25,691	23,898	25,308	26,479	22,972	21,624
Total Settlement Awards	\$884,406,357	\$744,606,090	\$769,374,396	\$775,612,049	\$572,906,165	\$543,643,370
% Lost-Time Cases with Settlements	27%	27%	30%	31%	28%	27%

Table 4.1

Settlement Cases by Disability Type and Injury Year (1990-1999)

Disability Type	1996	1997*	1998*	1999*	1990-1999
Temporary Partial					
Cases with Settlements	1,120	1,302	801	120	6,275
Total Settlement Awards	\$12,508,067	\$13,045,470	\$7,232,612	\$732,665	\$72,340,805
% Lost-Time Cases with Settlements	13%	13%	8%	2%	11%
Temporary Total					
Cases with Settlements	6,224	5,873	3,339	484	57,203
Total Settlement Awards	\$126,252,162	\$107,678,600	\$53,038,034	\$5,201,654	\$1,221,709,190
% Lost-Time Cases with Settlements	17%	17%	10%	2%	13%
Permanent Impairment Only					
Cases with Settlements	N/A	N/A	N/A	N/A	2,239
Total Settlement Awards					\$63,023,597
% Lost-Time Cases with Settlements					55%
Wage Loss Only					
Cases with Settlements	N/A	N/A	N/A	N/A	41,020
Total Settlement Awards					\$1,440,722,830
% Lost-Time Cases with Settlements					86%
Wage Loss & Permanent Impairment					
Cases with Settlements	N/A	N/A	N/A	N/A	925
Total Settlement Awards					\$38,426,977
% Lost-Time Cases with Settlements					83%
Impairment Income					
Cases with Settlements	8,786	7,041	3,110	329	39,462
Total Settlement Awards	\$223,790,040	\$153,501,505	\$52,046,407	\$3,728,613	\$975,545,788
% Lost-Time Cases with Settlements	42%	35%	22%	7%	39%
Supplemental Income					
Cases with Settlements	5	3	0	0	50
Total Settlement Awards	\$256,446	\$104,650	\$0	\$0	\$3,146,421
% Lost-Time Cases with Settlements	31%	43%	0%	0%	51%
Permanent Total					
Cases with Settlements	446	260	45	2	5,903
Total Settlement Awards	\$58,313,006	\$26,120,838	\$3,366,264	\$94,125	\$723,983,646
% Lost-Time Cases with Settlements	47%	43%	28%	7%	56%
Death					
Cases with Settlements	93	85	52	6	967
Total Settlement Awards	\$3,329,603	\$2,827,959	\$1,710,236	\$323,250	\$37,418,952
% Lost-Time Cases with Settlements	26%	25%	21%	4%	29%
Settled, No Indemnity Recorded					
Cases with Settlements	4,464	4,402	2,932	526	43,778
Total Settlement Awards	\$69,324,578	\$58,337,880	\$32,385,749	\$4,594,584	\$734,075,218
% Lost-Time Cases with Settlements	100%	100%	100%	100%	100%
Lost Time, No Indemnity Recorded					
Cases with Settlements	0	0	0	0	0
Total Settlement Awards	\$0	\$0	\$0	\$0	\$0
% Lost-Time Cases with Settlements	0%	0%	0%	0%	0%
Total					
Cases with Settlements	21,138	18,966	10,279	1,467	197,822
Total Settlement Awards	\$493,773,902	\$361,616,902	\$149,779,303	\$14,674,891	\$5,310,393,426
% Lost-Time Cases with Settlements	27%	24%	14%	2%	24%

*Preliminary reporting

Source: Division of Workers' Compensation Claims and Judges' Orders Files as of March 20, 2000

Table 4.2

**Median and Average Settlement Awards
by Disability Type and Injury Year (1990-1999)**

Disability Types	1990	1991	1992	1993	1994	1995
Temporary Partial						
Median Settlement Awards	\$12,389	\$8,475	\$7,500	\$8,875	\$6,438	\$6,172
Average Settlement Awards	\$18,463	\$14,010	\$12,974	\$14,581	\$11,473	\$12,902
% of All Cases Average	53.0%	44.5%	42.2%	49.3%	45.4%	50.6%
Temporary Total						
Median Settlement Awards	\$12,500	\$11,000	\$11,050	\$12,000	\$9,000	\$10,000
Average Settlement Awards	\$24,366	\$23,425	\$24,101	\$23,853	\$19,616	\$21,443
% of All Cases Average	70.0%	74.4%	78.4%	80.6%	77.6%	84.1%
Permanent Impairment Only						
Median Settlement Awards	\$19,250	\$15,000	\$14,980	\$14,000	N/A	N/A
Average Settlement Awards	\$33,590	\$25,486	\$24,972	\$27,889		
% of All Cases Average	96.5%	80.9%	81.3%	94.3%		
Wage Loss Only						
Median Settlement Awards	\$25,790	\$20,300	\$22,500	\$23,750	N/A	N/A
Average Settlement Awards	\$36,836	\$33,400	\$35,145	\$35,280		
% of All Cases Average	105.8%	106.0%	114.4%	119.2%		
Wage Loss & Permanent Impairment						
Median Settlement Awards	\$29,623	\$25,000	\$29,000	\$24,900	N/A	N/A
Average Settlement Awards	\$42,953	\$41,579	\$42,795	\$38,637		
% of All Cases Average	123.4%	132.0%	139.3%	130.6%		
Impairment Income						
Median Settlement Awards	N/A	N/A	N/A	N/A	\$15,000	\$15,000
Average Settlement Awards					\$26,859	\$27,532
% of All Cases Average					106.3%	108.0%
Supplemental Income						
Median Settlement Awards	N/A	N/A	N/A	N/A	\$58,880	\$57,300
Average Settlement Awards					\$66,158	\$66,493
% of All Cases Average					261.9%	260.8%
Permanent Total						
Median Settlement Awards	\$110,000	\$100,000	\$100,000	\$104,802	\$85,000	\$89,327
Average Settlement Awards	\$137,266	\$122,295	\$118,090	\$128,318	\$114,431	\$116,710
% of All Cases Average	394.4%	388.3%	384.4%	433.7%	452.9%	457.8%
Death						
Median Settlement Awards	\$22,000	\$33,000	\$25,000	\$30,000	\$30,000	\$35,000
Average Settlement Awards	\$36,585	\$42,913	\$35,032	\$43,315	\$42,282	\$44,203
% of All Cases Average	105.1%	136.3%	114.0%	146.4%	167.4%	173.4%
Settled, No Indemnity Recorded						
Median Settlement Awards	\$10,689	\$9,625	\$9,850	\$9,250	\$7,500	\$7,711
Average Settlement Awards	\$21,498	\$19,441	\$19,306	\$17,506	\$15,994	\$16,375
% of All Cases Average	61.8%	61.7%	62.8%	59.2%	63.3%	64.2%
Lost Time, No Indemnity Recorded						
Median Settlement Awards	\$0	\$0	\$0	\$0	\$0	\$0
Average Settlement Awards	\$0	\$0	\$0	\$0	\$0	\$0
% of All Cases Average	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total						
Median Settlement Awards	\$20,000	\$15,125	\$15,000	\$15,000	\$11,500	\$11,750
Average Settlement Awards	\$34,804	\$31,495	\$30,722	\$29,587	\$25,264	\$25,496

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**Median and Average Settlement Awards
by Disability Type and Injury Year (1990-1999)**

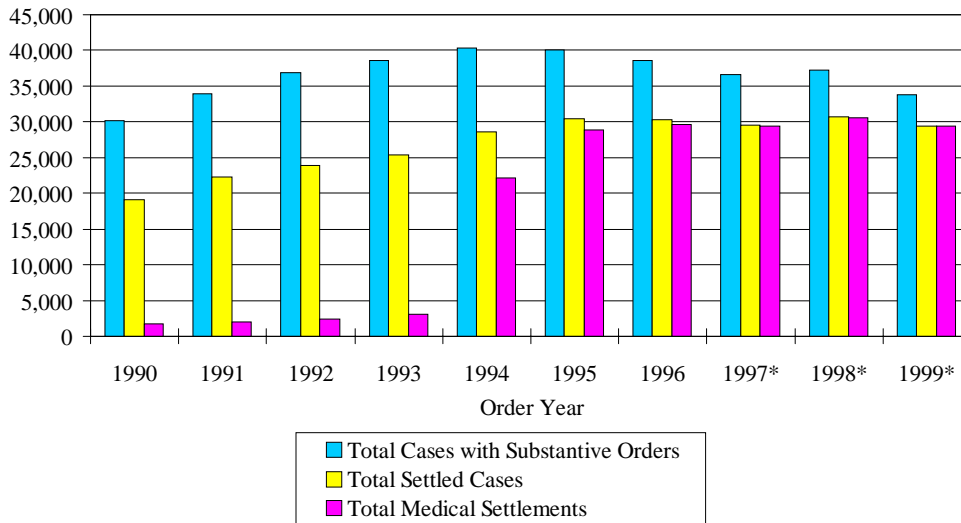
Disability Types	1996	1997*	1998*	1999*	1990-1999
Temporary Partial					
Median Settlement Awards	\$6,890	\$6,000	\$6,000	\$4,990	\$6,500
Average Settlement Awards	\$11,475	\$10,208	\$9,178	\$6,106	\$11,755
% of All Cases Average	48.3%	52.8%	62.2%	60.5%	43.3%
Temporary Total					
Median Settlement Awards	\$10,000	\$9,500	\$8,500	\$5,875	\$10,000
Average Settlement Awards	\$20,734	\$18,617	\$16,082	\$10,769	\$21,749
% of All Cases Average	87.2%	96.4%	109.0%	106.7%	80.0%
Permanent Impairment Only					
Median Settlement Awards	N/A	N/A	N/A	N/A	\$15,000
Average Settlement Awards					\$28,363
% of All Cases Average					104.4%
Wage Loss Only					
Median Settlement Awards	N/A	N/A	N/A	N/A	\$23,750
Average Settlement Awards					\$35,224
% of All Cases Average					129.6%
Wage Loss & Permanent Impairment					
Median Settlement Awards	N/A	N/A	N/A	N/A	\$26,350
Average Settlement Awards					\$41,633
% of All Cases Average					153.2%
Impairment Income					
Median Settlement Awards	\$15,000	\$13,000	\$11,000	\$7,500	\$14,900
Average Settlement Awards	\$25,761	\$21,976	\$16,816	\$11,333	\$24,978
% of All Cases Average	108.4%	113.7%	113.9%	112.3%	91.9%
Supplemental Income					
Median Settlement Awards	\$24,241	\$32,500	\$0	\$0	\$50,500
Average Settlement Awards	\$51,289	\$34,883	\$0	\$0	\$62,928
% of All Cases Average	215.8%	180.6%	0.0%	0.0%	231.6%
Permanent Total					
Median Settlement Awards	\$95,000	\$80,000	\$62,000	\$47,063	\$100,000
Average Settlement Awards	\$131,040	\$100,853	\$74,806	\$47,063	\$123,001
% of All Cases Average	551.4%	522.0%	506.9%	466.3%	452.6%
Death					
Median Settlement Awards	\$35,000	\$28,250	\$35,000	\$56,625	\$30,000
Average Settlement Awards	\$36,996	\$33,270	\$33,534	\$53,875	\$39,555
% of All Cases Average	155.7%	172.2%	227.2%	533.8%	145.6%
Settled, No Indemnity Recorded					
Median Settlement Awards	\$7,500	\$6,860	\$6,000	\$5,000	\$8,000
Average Settlement Awards	\$15,864	\$13,495	\$11,276	\$8,939	\$17,034
% of All Cases Average	66.7%	69.8%	76.4%	88.6%	62.7%
Lost Time, No Indemnity Recorded					
Median Settlement Awards	\$0	\$0	\$0	\$0	\$0
Average Settlement Awards	\$0	\$0	\$0	\$0	\$0
% of All Cases Average	0.0%	0.0%	0.0%	0.0%	0.0%
Total					
Median Settlement Awards	\$11,750	\$10,000	\$8,300	\$6,000	\$12,850
Average Settlement Awards	\$23,767	\$19,320	\$14,758	\$10,093	\$27,176

*Preliminary reporting

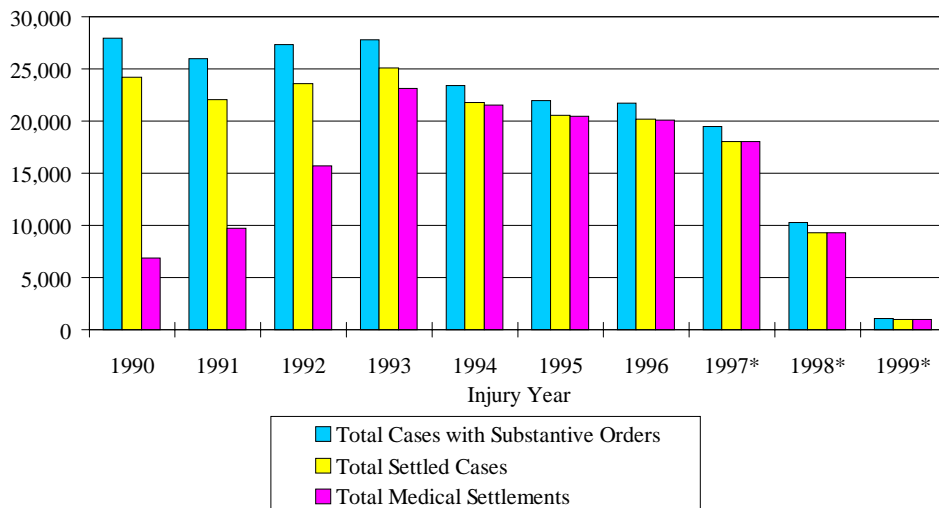
Source: Division of Workers' Compensation Claims and Judges' Orders Files as of March 20, 2000

Figure 4.2

Total Cases with Substantive Orders, Total Settled Cases, ** & Total Medical Settlements by Order Year (1990-1999)



Total Cases with Substantive Orders, Total Settled Cases, ** & Total Medical Settlements by Injury Year (1990-1999)



*Preliminary reporting

** Includes only settlements from the Judges' Orders File

NOTE: The same case could have an order in more than one order year, even a settlement in more than one year (when an indemnity washout is followed by a medical washout, for example). The number of cases shown in the top figure, therefore, exceeds the number of cases considered as singular episodes of individual injury. The term "medical settlements" specifically means washouts that include medical settlements. The overwhelming majority of cases with settlement orders have either previously or concurrently settled indemnity issues.

Source: Workers' Compensation Judges' Orders File as of March 20, 2000

Table 4.3

Year of Injury (1990-1999) by Year of Settlement Order (1990-1999)

Injury Year	Order Year										Total
	1990	1991	1992	1993	1994	1995	1996	1997*	1998*	1999*	
1990											
Cases Settled	542	5,759	7,268	4,325	2,441	1,541	887	517	414	303	23,997
% Injury Year	2.3%	24.0%	30.3%	18.0%	10.2%	6.4%	3.7%	2.2%	1.7%	1.3%	100.0%
% Order Year	100.0%	91.2%	53.7%	23.9%	10.7%	6.7%	3.7%	2.1%	1.6%	1.2%	13.0%
1991											
Cases Settled	N/A	554	5,608	6,312	4,026	2,329	1,367	739	575	399	21,909
% Injury Year		2.5%	25.6%	28.8%	18.4%	10.6%	6.2%	3.4%	2.6%	1.8%	100.0%
% Order Year		8.8%	41.5%	34.8%	17.7%	10.1%	5.8%	3.0%	2.2%	1.6%	11.9%
1992											
Cases Settled	N/A	N/A	653	6,537	7,095	4,185	2,266	1,235	879	546	23,396
% Injury Year			2.8%	27.9%	30.3%	17.9%	9.7%	5.3%	3.8%	2.3%	100.0%
% Order Year			4.8%	36.1%	31.2%	18.1%	9.5%	5.1%	3.3%	2.1%	12.7%
1993											
Cases Settled	N/A	N/A	N/A	957	8,180	7,264	4,283	2,152	1,339	814	24,989
% Injury Year				3.8%	32.7%	29.1%	17.1%	8.6%	5.4%	3.3%	100.0%
% Order Year				5.3%	35.9%	31.5%	18.0%	8.9%	5.1%	3.2%	13.6%
1994											
Cases Settled	N/A	N/A	N/A	N/A	1,019	6,732	6,914	3,877	2,035	1,169	21,746
% Injury Year					4.7%	31.0%	31.8%	17.8%	9.4%	5.4%	100.0%
% Order Year					4.5%	29.2%	29.1%	16.0%	7.7%	4.6%	11.8%
1995											
Cases Settled	N/A	N/A	N/A	N/A	N/A	1,014	6,942	6,804	3,781	1,964	20,505
% Injury Year						5.0%	33.9%	33.2%	18.4%	9.6%	100.0%
% Order Year						4.4%	29.2%	28.0%	14.4%	7.6%	11.1%
1996											
Cases Settled	N/A	N/A	N/A	N/A	N/A	N/A	1,099	7,691	7,368	3,900	20,058
% Injury Year							5.5%	38.3%	36.7%	19.4%	100.0%
% Order Year							4.6%	31.7%	28.0%	15.2%	10.9%
1997*											
Cases Settled	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,270	8,824	7,773	17,867
% Injury Year								7.1%	49.4%	43.5%	100.0%
% Order Year								5.2%	33.5%	30.3%	9.7%
1998*											
Cases Settled	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,127	7,948	9,075
% Injury Year									12.4%	87.6%	100.0%
% Order Year									4.3%	30.9%	4.9%
1999*											
Cases Settled	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	877	877
% Injury Year										100.0%	100.0%
% Order Year										3.4%	0.5%
Total Cases	542	6,313	13,529	18,131	22,761	23,065	23,758	24,285	26,342	25,693	184,419

*Preliminary reporting

NOTE: Settlement case totals for each injury year in the rightmost column are slightly lower than case totals in Table 4.1 due to the exclusion from Table 4.3 of records with an invalid order date or no order yet recorded.

Source: Division of Workers' Compensation Claims and Judges' Orders Files as of March 20, 2000

Table 4.4

Settlement Awards by Injured Body Part and Injury Year (1990-1999)

Injured Body Part	1990	1991	1992	1993	1994	1995	1996	1997*	1998*	1999*	1990-1999
Multiple Body Parts											
Number of Awards	6,769	6,676	7,356	7,938	6,267	5,487	4,926	4,232	2,298	282	52,231
Average Settlement	\$38,658	\$34,024	\$32,871	\$31,564	\$27,878	\$29,746	\$28,127	\$22,420	\$16,700	\$13,125	\$30,530
Median Settlement	\$21,350	\$16,844	\$16,500	\$15,000	\$11,750	\$12,000	\$12,000	\$10,150	\$9,500	\$6,275	\$14,550
Total Settlement Amount	\$261,675,840	\$227,145,978	\$241,798,801	\$250,551,114	\$174,713,046	\$163,216,968	\$138,555,496	\$94,880,598	\$38,375,735	\$3,701,374	\$1,594,614,949
Back Injury											
Number of Awards	6,723	7,092	7,156	7,058	5,963	5,384	5,206	4,629	2,331	331	51,873
Average Settlement	\$38,839	\$33,628	\$33,298	\$30,567	\$25,536	\$26,350	\$25,406	\$21,166	\$16,313	\$10,613	\$29,294
Median Settlement	\$23,893	\$18,000	\$18,000	\$16,850	\$12,250	\$13,950	\$13,950	\$11,000	\$10,000	\$7,000	\$15,000
Total Settlement Amount	\$261,117,720	\$238,488,741	\$238,279,969	\$215,739,054	\$152,273,889	\$141,868,861	\$132,263,700	\$97,977,025	\$38,025,311	\$3,512,917	\$1,519,547,186
Upper Extremities											
Number of Awards	3,542	3,536	3,845	4,674	4,395	4,499	4,627	4,179	2,258	349	35,904
Average Settlement	\$27,140	\$24,801	\$23,504	\$25,227	\$20,368	\$20,164	\$18,277	\$15,948	\$12,672	\$7,970	\$21,027
Median Settlement	\$15,508	\$12,250	\$12,250	\$12,500	\$10,000	\$10,000	\$10,000	\$8,875	\$7,400	\$5,000	\$10,000
Total Settlement Amount	\$96,129,376	\$87,696,522	\$90,371,860	\$117,911,400	\$89,517,543	\$90,717,969	\$84,566,429	\$66,647,915	\$28,613,640	\$2,781,564	\$754,954,217
Lower Extremities											
Number of Awards	4,006	3,909	3,980	4,261	3,815	3,713	3,756	3,535	1,982	285	33,242
Average Settlement	\$34,635	\$31,956	\$29,882	\$29,832	\$26,239	\$24,730	\$23,436	\$18,763	\$14,109	\$9,504	\$26,673
Median Settlement	\$20,411	\$15,000	\$15,000	\$15,700	\$12,000	\$12,000	\$11,462	\$10,000	\$8,050	\$6,000	\$13,000
Total Settlement Amount	\$138,748,605	\$124,917,724	\$118,932,218	\$127,112,004	\$100,101,693	\$91,824,120	\$88,025,006	\$66,325,812	\$27,964,678	\$2,708,648	\$886,660,509
Trunk											
Number of Awards	550	622	750	1,044	962	954	1,022	993	642	102	7,641
Average Settlement	\$36,373	\$28,935	\$26,516	\$26,335	\$24,604	\$21,210	\$21,797	\$16,574	\$13,310	\$9,111	\$23,229
Median Settlement	\$18,500	\$12,250	\$12,250	\$12,250	\$10,000	\$9,500	\$9,450	\$7,500	\$6,400	\$5,000	\$10,000
Total Settlement Amount	\$20,005,049	\$17,997,714	\$19,886,847	\$27,494,221	\$23,669,149	\$20,234,159	\$22,276,456	\$16,457,830	\$8,544,859	\$929,337	\$177,495,621
Head											
Number of Awards	696	761	801	784	829	903	847	837	444	78	6,980
Average Settlement	\$40,866	\$35,572	\$42,673	\$29,514	\$25,053	\$28,916	\$23,016	\$16,272	\$12,832	\$9,954	\$28,553
Median Settlement	\$22,550	\$14,000	\$14,000	\$12,425	\$9,475	\$10,000	\$9,950	\$7,500	\$6,538	\$5,000	\$10,303
Total Settlement Amount	\$28,442,531	\$27,070,374	\$34,180,937	\$23,138,671	\$20,768,600	\$26,110,947	\$19,494,760	\$13,619,592	\$5,697,433	\$776,417	\$199,300,262
Neck											
Number of Awards	240	138	215	456	446	383	392	312	194	27	2,803
Average Settlement	\$41,260	\$37,003	\$39,006	\$29,968	\$26,597	\$25,249	\$21,919	\$18,295	\$13,184	\$9,801	\$27,012
Median Settlement	\$25,000	\$20,150	\$20,000	\$15,600	\$11,750	\$11,750	\$11,700	\$10,000	\$8,000	\$6,500	\$12,500
Total Settlement Amount	\$9,902,427	\$5,106,345	\$8,386,202	\$13,665,585	\$11,862,245	\$9,670,346	\$8,592,056	\$5,708,131	\$2,557,646	\$264,634	\$75,715,616
Missing Data											
Number of Awards	2,885	908	940	0	0	0	0	0	0	0	4,733
Average Settlement	\$23,704	\$17,822	\$18,657	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$21,573
Median Settlement	\$12,250	\$10,000	\$9,250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$10,821
Total Settlement Amount	\$68,384,810	\$16,182,693	\$17,537,562	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$102,105,066
Total											
Number of Awards	25,411	23,642	25,043	26,215	22,677	21,323	20,776	18,717	10,149	1,454	195,407
Average Settlement	\$34,804	\$31,495	\$30,722	\$29,587	\$25,264	\$25,496	\$23,767	\$19,320	\$14,758	\$10,093	\$27,176
Median Settlement	\$20,000	\$15,125	\$15,000	\$15,000	\$11,500	\$11,750	\$11,750	\$10,000	\$8,300	\$6,000	\$12,850
Total Settlement Amount	\$884,406,357	\$744,606,090	\$769,374,396	\$775,612,049	\$572,906,165	\$543,643,370	\$493,773,902	\$361,616,902	\$149,779,303	\$14,674,891	\$5,310,393,426

*Preliminary reporting

NOTE: Case counts are not comparable to Table 4.1 because records with missing awards or awards = 0 are excluded from the calculation of averages and medians.

Source: Division of Workers' Compensation Claims and Judges' Orders Files as of March 20, 2000

Table 4.5

***Payments to Claimant Attorneys as a Percent of Total Settlement Amounts**
by Disability Type and Injury Year (1990-1999)***

Disability Type	1990	1991	1992	1993	1994	1995	1996	1997*	1998*	1999*	1990-1999
Temporary Partial	17.0%	19.6%	18.2%	18.7%	17.2%	16.4%	16.9%	16.5%	17.6%	14.6%	17.3%
Temporary Total	15.7%	16.1%	15.9%	16.2%	14.6%	14.7%	14.3%	14.1%	14.4%	15.2%	15.3%
Permanent Impairment Only	15.2%	15.7%	15.6%	16.0%	N/A	N/A	N/A	N/A	N/A	N/A	15.5%
Wage Loss Only	14.7%	15.1%	15.5%	15.3%	N/A	N/A	N/A	N/A	N/A	N/A	15.1%
Wage Loss & Perm. Impairment	14.2%	15.6%	16.1%	16.0%	N/A	N/A	N/A	N/A	N/A	N/A	15.4%
Impairment Income	N/A	N/A	N/A	N/A	13.3%	13.1%	13.3%	13.1%	13.1%	11.5%	13.2%
Supplemental Income	N/A	N/A	N/A	N/A	10.2%	10.3%	11.6%	12.2%	0.0%	0.0%	10.4%
Permanent Total	13.4%	13.9%	14.0%	13.9%	11.0%	11.0%	10.5%	11.5%	11.1%	10.8%	12.8%
Death	10.8%	10.6%	10.7%	9.4%	8.2%	8.3%	10.2%	8.6%	8.3%	4.2%	9.4%
Settled, No Indemnity Recorded	17.4%	17.3%	17.7%	18.5%	16.8%	16.2%	16.7%	16.4%	16.5%	14.4%	17.2%
TOTAL	15.0%	15.4%	15.7%	15.8%	13.7%	13.7%	13.8%	13.9%	14.4%	13.8%	14.8%

*Preliminary reporting

**This table includes settlement awards data from the judges' orders file only. Settlement dollars paid are reported on the claims file, supplementing judges' orders data in calculating counts of total settled cases, total settlement dollars, and median/average settlement dollars throughout this section; however, there is no breakout of settlement amounts between claimant and attorney on the claims file.

Note: Payments to claimant attorneys represent the sum of fees and costs.

Source: Division of Workers' Compensation Judges' Orders File as of March 20, 2000