

SUPREME COURT OF TENNESSEE

Linda S. Reece v. Findlay Industries, Inc.; Harold Edward Tigie, Jr.
v. Tokio Marine & Fire Insurance Company, et al.

83 S.W.3d 713 (Tenn. 2002) · No. M2001-01366-SC-R3-CV; M2001-01368-SC-R3-CV · Decided September 3, 2002

SUMMARY

The Tennessee Supreme Court consolidated two workers’ compensation appeals involving Linda S. Reece and Harold Edward Tigie. The court held that the trial judge improperly delegated adjudication of the cases to the chancery clerk and master, including reliance on proposed judgments that did not reflect the judge’s own findings. The judgments were reversed and the cases remanded for new trials.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Janice M. Holder; Frank F. Drowota, III; E. Riley Anderson; Adolpho A. Birch, Jr.; William M. Barker
JURISDICTION	Tennessee
DECIDED	September 3, 2002
DOCKET	M2001-01366-SC-R3-CV; M2001-01368-SC-R3-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Employers and insurers appealed workers' compensation judgments entered by the Warren County Chancery Court. The appeals were initially taken to the Special Workers' Compensation Appeals Panel and were then consolidated and transferred to the Tennessee Supreme Court.
STANDARD OF REVIEW	Findings of fact in workers' compensation cases are reviewed de novo on the record with a presumption that the trial court's findings are correct unless the preponderance of the evidence is otherwise. Questions of law are reviewed de novo without a presumption of correctness.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion; binding precedent in Tennessee.

PARTIES

Findlay Industries, Inc., Calsonic Yorozu Corporation, Tokio Marine & Fire Insurance Company, Yasuda Fire & Marine Insurance Co. of America v. Linda S. Reece, Harold Edward Tigue, Jr.

TOPICS

workers compensation

civil procedure

appellate procedure

standard of review

PRACTICE AREAS

workers compensation

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial judge improperly delegated the adjudication of the consolidated workers' compensation cases to the clerk and master.
2. Whether the trial court judgments should be reversed and the cases remanded for new trials because the trial judge did not personally perform the duties required of the judicial office.

HOLDINGS

1. A trial judge may not delegate the adjudication of the main issues in workers' compensation cases to a clerk and master who did not preside over the trial or hear the witnesses. The trial judge must personally perform the judicial duties required by law, subject only to the limited circumstances permitting appointment of a special judge.
2. Because the trial court improperly delegated adjudication of the cases, the judgments must be reversed and the cases remanded to the trial court for new trials.

KEY QUOTATIONS

“The trial court’s actions thereby effectively delegated the adjudication of these cases to a person who had not presided over the trial and who had not seen or heard the witnesses.” (at 716)

“The trial court’s blatant attempt to avoid adjudicating workers’ compensation cases despite our holding in Ferrell requires an application of the remedy indicated in Frazier.” (at 717)

“We hold that the trial judge in these consolidated cases failed to perform all the duties of the judge’s office prescribed by law by improperly delegating his authority to the clerk and master to adjudicate the cases.” (at 718)

FACTUAL BACKGROUND

Harold Edward Tigue and Linda S. Reece separately alleged that they suffered work-related injuries while employed by Calsonic Yorozu Corporation and Findlay Industries, Inc., respectively. The chancery court appointed its clerk and master, Richard M. McGregor, as a special master to adjudicate both cases, although he did not hear the proof and was absent from the trials conducted by Chancellor Charles D. Haston. After the trials, the record was given to McGregor, who drafted the judgments that the chancellor signed. The Tigue judgment

included a credibility finding contrary to the chancellor's handwritten notes, and the chancellor later acknowledged that the judgment did not reflect his views or decision.

PROCEDURAL HISTORY

Tigue and Reece filed separate workers' compensation actions alleging workplace injuries. The trial court appointed its clerk and master as a special master, but the chancellor presided over the trials and thereafter provided the record to the clerk and master, who drafted proposed judgments. The chancellor signed judgments awarding Tigue 20% permanent partial disability to the body as a whole and Reece 45% permanent partial disability to the left hand, overruled the employers' motions to alter or amend or for a new trial, and the employers appealed. The Supreme Court consolidated the cases, reversed, and remanded for new trials.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cases are remanded to the Warren County Chancery Court for new trials and proceedings consistent with the opinion.

CASES CITED

- Ferrell v. Cigna Property & Casualty Insurance Co., 33 S.W.3d 731 (Tenn. 2000)
- Frazier v. Bridgestone/Firestone, Inc., 67 S.W.3d 782 (Tenn. Workers' Comp. Panel 2001)
- Nelson v. Wal-Mart Stores, Inc., 8 S.W.3d 625 (Tenn. 1999)

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