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## Tort Trials and Verdicts in Large Counties, 2001

By

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Torts accounted for nearly two-thirds of the estimated 12,000 tort, contract, and real property cases disposed of by bench or jury trial in State courts of general jurisdiction in the Nation's 75 largest counties in 2001.<sup>1</sup> A tort involves one party alleging injury, damage, or financial loss stemming from the negligent or intentional acts of another party.

During 2001 over 90% of tort trials were decided by a jury, while judges adjudicated less than 10% of these cases.

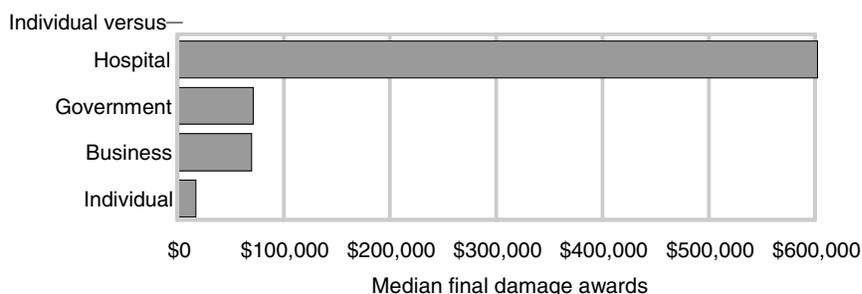
Plaintiffs won in about half of all tort trials and were awarded a total of about \$2.3 billion in compensatory and punitive damages. Half of all plaintiff winners in tort jury and bench trials received damage awards of \$27,000 or more. Appeals to a State intermediate appellate court or court of last resort were filed in 13% of tort trials disposed of in 2001.

These are some of the findings from a survey of tort trials in State courts of general jurisdiction. This report is the

<sup>1</sup>Courts of general jurisdiction typically handle civil disputes that are over certain monetary amounts. The exceptions are in States like California that have merged their limited and general jurisdiction courts.

### Highlights

#### Median final damage awards in tort trials with individual plaintiff winners versus different defendant types in the Nation's 75 largest counties, 2001



- During 2001 an estimated 7,948 tort cases were disposed of by trial in State courts of general jurisdiction in the Nation's 75 largest counties.
- Juries decided over 90% of these tort cases, while judges adjudicated less than 10%.
- The 7,218 tort jury trials disposed of in 2001 represents a 23% decline from the 9,431 tort jury trials disposed of in these counties in 1992, consistent with data from 30 States showing decreases in the number of tort claims filed.
- In tort jury trials the overall median damage awards have declined 56% from \$64,000 in 1992 to \$28,000 in 2001.
- Fifty-two percent of tort trials involved a private individual suing another individual, while 31% involved an individual suing a business.
- Plaintiffs won in 52% of tort trials in 2001. This win rate has remained relatively unchanged since 1992.
- About 5% of plaintiff winners in tort trials were awarded punitive damages. The median punitive damage award was \$25,000.
- Litigants sought post verdict relief — amended judgment, judgment notwithstanding the verdict, new trial, or award modification — in 29% of all tort trials; 23% of these litigants seeking relief were granted relief, most frequently an award modification.
- Litigants filed a notice of appeal to a State appellate court in 13% of tort trials disposed of in 2001.

third in a series based on data collected from the Civil Justice Survey of State Courts, 2001.<sup>2</sup>

The first report of this series provided a general overview of tort, contract, and real property cases decided by a bench or jury trial in the Nation's 75 most populous counties in 2001. The second report focused on medical malpractice cases disposed of by trial. This third report describes the contours of tort trial litigation in the Nation's 75 largest counties.

The sample of civil trials excluded civil matters that did not involve tort, contract, or real property cases. Federal trials, trials in counties outside the 75 most populous counties, and trials in State courts of limited jurisdiction were also excluded from the sample.

### Types of tort trials

During 2001 State courts of general jurisdiction in the Nation's 75 largest counties disposed of an estimated 7,948 tort trials. A prior BJS study on tort cases found that a minority (about 3%) were adjudicated by trial and that most (73%) were disposed of by settlement.<sup>3</sup>

Although tort trials account for a small percentage of tort dispositions, they are crucial to examine because they provide key information on plaintiff award compensation, punitive damages, and case processing times. Tort cases that settle rarely include this type of information as part of the public record.

Of the estimated 7,948 tort trials disposed of in the Nation's 75 largest counties in 2001, about half were automobile accident cases (table 1).

<sup>2</sup>The two reports produced from the Civil Justice Survey of State Courts 2001 are *Civil Trial Cases and Verdicts in Large Counties, 2001*, NCJ 202803, and *Medical Malpractice Trials and Verdicts in Large Counties, 2001*, NCJ 203098, <<http://www.ojp.usdoj.gov/bjs/civil.htm>>.

<sup>3</sup>See BJS, *Tort Cases in Large Counties, 1992*, NCJ 153177, <<http://www.ojp.usdoj.gov/bjs/abstract/tclic.htm>>.

**Table 1. Tort cases disposed of by trial in State courts in the Nation's 75 largest counties, 2001**

Case type	All tort trials		Type of trial		
	Number	Percent	Jury	Bench	Other*
All tort trials	7,948	100.0%	90.8%	7.3%	1.9%
Automobile	4,235	53.3%	92.6%	5.9%	1.5%
Premises liability	1,268	16.0	91.4	6.2	2.4
Product liability	158	2.0	91.8	3.2	5.1
Asbestos	31	0.4	96.8	--	3.2
Other	126	1.6	90.5	6.3	3.2
Intentional tort	375	4.7	76.3	20.3	3.5
Medical malpractice	1,156	14.5	96.2	2.9	0.9
Professional malpractice	102	1.3	66.3	32.7	1.0
Slander/libel	95	1.2	78.9	18.9	2.1
Animal attack	99	1.2	86.9	13.1	--
Conversion	27	0.3	46.4	46.4	7.1
False arrest, imprisonment	45	0.6	75.6	20.0	4.4
Other or unknown tort	390	4.9	82.6	12.1	5.4

Note: Data for case and disposition type were available for 100.0% of the 7,948 tort trials. Detail may not sum to total because of rounding.

--No cases recorded.

\*Other trial cases include trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants. Although these cases are typically placed in a separate category they are a form of jury trial.

Premises liability and medical malpractice each accounted for nearly 15% of tort cases disposed of by trial. An estimated 2% of tort trials were product liability cases, in which the primary claim involved asbestos, toxic substances, breast implants, tobacco, or other defective product matters.

### Type of trial verdict

The majority of tort trials (93%) were decided by a jury, while judges adjudicated about 7% of tort trials (table 1).

#### Sixty-three percent of the tort jury trials with data on the nature of the jury's decision resulted in a unanimous verdict for the plaintiff or the defendant

Selected case types	Percent of jury verdicts that were unanimous
<b>All tort trials</b>	<b>63.0%</b>
Automobile	66.8
Premises liability	65.6
Product liability	62.9
Medical malpractice	57.4
Intentional tort	41.5

Note: Only includes States that permitted non-unanimous verdicts. States that required unanimous verdicts were not included. Data on the unanimity of jury verdicts were available in 64.3% of the 4,797 jury trials.

Two percent of tort jury trials were disposed of by directed verdict, judgments notwithstanding the verdict (JNOV), or default jury trial. (For definitions, see page 9.) The right to a jury trial is guaranteed in most States; however, if neither the plaintiff nor the defendant makes a formal jury trial request, that right is forfeited, and the trial takes place before a judge.

Juries disposed of an estimated 9 out of 10 medical malpractice (96%), automobile accident (93%), product liability (92%), and premises liability (91%) tort trial cases. At least a fifth of conversion, professional malpractice, intentional torts, and false arrest-imprisonment cases were adjudicated before judges.

### Litigants

An estimated 24,904 litigants (plaintiffs and defendants) were involved in the 7,948 tort trials disposed of in the Nation's 75 largest counties in 2001 (not shown in a table). Of these litigants in tort trials, 11,209 were plaintiffs, and 13,695 were defendants. Seventy-percent of tort trials were litigated by one plaintiff, while 56% involved one defendant.

**Table 2. Pairings of primary litigants in tort trial cases, by case type, in State courts in the Nation's 75 largest counties, 2001**

Case type	Number	Plaintiffs			
		Individual	Government <sup>a</sup>	Business <sup>b</sup>	Hospital <sup>c</sup>
<b>All tort trials<sup>d</sup></b>					
Individual only defendant	4,193	52.2%	0.2%	0.8%	--
Government defendant <sup>a</sup>	421	5.1	0.0	0.2	0.0
Business defendant <sup>b</sup>	2,590	30.6	0.2	2.1	--
Hospital defendant <sup>c</sup>	688	8.7	--	0.0	--
<b>Automobile tort trials</b>					
Individual only defendant	3,113	73.1%	0.2%	0.8%	--
Government defendant <sup>a</sup>	149	3.5	--	0.1	--
Business defendant <sup>b</sup>	926	20.5	0.0	1.5	--
Hospital defendant <sup>c</sup>	13	0.3	--	--	--
<b>All other tort trials</b>					
Individual only defendant	1,080	28.4%	0.1%	0.8%	--
Government defendant <sup>a</sup>	272	7.0	0.1	0.3	0.0
Business defendant <sup>b</sup>	1,663	42.0	0.4	2.7	--
Hospital defendant <sup>c</sup>	675	18.2	--	0.1	--

Note: Data for litigant pairings were available for 99.3% of all tort trials, 99.2% of automobile trials, and 99.4% of all non-automobile tort trials. Plaintiff or defendant type for each case is whichever type appears first on this list: (1) hospital/medical company; (2) corporate/business; (3) government agencies; (4) individuals. For example, any case involving a hospital defendant is categorized as a case with a "hospital defendant" even if there were also business, individual, and government defendants in the case. Detail may not sum to total because of rounding.

A "0.0" indicates a statistic of less than .05%.

--No cases recorded.

<sup>a</sup>Includes law enforcement and other government organizations.

<sup>b</sup>Includes insurance companies, banks, and other business organizations.

<sup>c</sup>Includes medical companies.

<sup>d</sup>Includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

or a business (31%). Individuals sued hospitals or governmental agencies in less than 15% of tort trials.

A relatively small number of tort trials involved non-individual plaintiffs. Governments and businesses were plaintiffs in an estimated 4% of all tort trials. Among bench trials non-individual plaintiffs were more common. Governments or businesses were plaintiffs in about 10% of bench tort trials (not shown in a table).

### Automobile trials versus other tort trials

Accounting for around half of all tort trials, automobile accident cases are characterized by marked differences in their litigant pairings (table 2). Nearly three-fourths of automobile accident trials involved individuals suing other individuals. In comparison, individuals sued other individuals in 28% of non-automobile accident tort trials. Individual plaintiffs were more likely to litigate against businesses (42%) or hospital defendants (18%) in trials where the primary claim did not involve an automobile accident.

### Litigant pairings

For each tort trial, data were collected on whether the plaintiff or defendant

was an individual, government, business, or hospital (table 2). Four-fifths of tort trials involved an individual suing either another individual (52%)

### Defective products in product liability trials in the 75 largest counties, 2001

- Of the 144 product liability trials for which the type of defective product was known, 28% dealt with asbestos or other toxic substances.

- Cases involving defective vehicles such as automobiles, trucks, or airplanes accounted for about 12% of the 144 product liability trials.

- Defective construction, electrical, or manufacturing equipment was involved in about 19% of the 144 product liability trials disposed of in the Nation's 75 largest counties during 2001.

- Punitive damages were awarded to plaintiff winners in 3 of 144 product liability trials (not shown in a table).

- There was 1 tobacco product liability trial in the Nation's 75 largest counties in 2001. This was a jury trial involving 1 plaintiff against 4 business defendants. The jury ruled in favor of the defendants.

Type of defective product	Product liability trials <sup>a</sup>	
	Number	Percent
Total	144	100.0%
Toxic substances	40	27.9%
Asbestos	31	21.8
Other substances	9	6.1
Equipment <sup>b</sup>	27	18.7
Home appliances and items <sup>c</sup>	24	17.0
Other product <sup>d</sup>	21	14.6
Vehicle <sup>e</sup>	18	12.4
Medical <sup>f</sup>	8	5.5
Food <sup>g</sup>	6	4.0

Note: Type of defective product was known for 144 of the 158 product liability trials. Detail may not sum to total because of rounding.

<sup>a</sup>Trials include bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

<sup>b</sup>Includes construction, electrical, and manufacturing equipment.

<sup>c</sup>Includes home furniture, small appliances, workshop tools, yard equipment, TV/Stereo/VCR appliances, and sporting goods.

<sup>d</sup>Includes natural gas, tobacco, and other products.

<sup>e</sup>Includes automobiles, trucks, and other forms of transport (airplanes).

<sup>f</sup>Includes nonprescription and prescription drugs, cosmetics, breast and other internal implants, and other medical equipment and devices.

<sup>g</sup>Includes food in restaurants and grocery stores.

**Table 3. Tort trial plaintiff winners in State courts in the Nation's 75 largest counties, 2001**

Case type	All tort trials <sup>a</sup>		Jury trials <sup>b</sup>		Bench trials	
	Number <sup>c</sup>	Plaintiff winners	Number <sup>c</sup>	Plaintiff winners	Number <sup>c</sup>	Plaintiff winners
Tort cases	7,798	51.6%	7,085	50.7%	570	64.7%
Automobile	4,121	61.2%	3,812	60.2%	250	78.0%
Premises liability	1,260	42.0	1,151	41.5	78	57.7
Product liability	154	44.2	141	44.7	8	50.0
Asbestos	30	60.0	29	62.1	--	--
Other	124	40.3	112	40.2	8	50.0
Intentional tort	366	56.8	281	53.7	73	68.5
Medical malpractice	1,149	26.8	1,107	26.3	32	50.0
Professional malpractice	99	52.5	67	55.2	32	43.8
Slander/libel	94	41.5	74	47.3	18	22.2
Animal attack	99	66.7	86	68.6	13	53.8
Conversion	28	46.4	13	61.5	13	23.1
False arrest, imprisonment	45	42.2	34	50.0	9	22.2
Other or unknown tort	383	50.9	319	50.2	44	65.9

Note: Data on plaintiff winners were available for 99.9% of all tort trials.

Detail may not sum to total because of rounding.

--No cases recorded.

<sup>a</sup>Includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

<sup>b</sup>Does not include jury trials that involved trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

<sup>c</sup>Excludes bifurcated trials where the plaintiff litigated only the damage claim.

## Plaintiff winners

Plaintiffs prevailed in about half of all tort trials disposed of in the Nation's 75 largest counties during 2001 (table 3). The plaintiff win rates varied considerably, depending on the type of tort case litigated. Among some tort case categories such as automobile, asbestos, and animal attack, the estimated plaintiff win rates approached or exceeded 60%.

Plaintiffs were less successful in other kinds of tort cases. Plaintiffs prevailed in less than a third of medical malpractice trials and won in less than a half of premises liability, slander/libel, false arrest, and other product liability trials.

Plaintiffs prevailed to a greater extent in tort trials heard by judges than juries. Judges found in favor of plaintiffs in nearly two-thirds of tort trials, while juries ruled for the plaintiffs in about half of tort trials.

**Table 4. Final award amounts for tort trials with plaintiff winners in State courts in the Nation's 75 largest counties, 2001**

Case type	Tort trials with damages awarded to plaintiff winners <sup>a</sup>	Final amount awarded to plaintiff winners		Percent of plaintiff winner cases with final awards—	
		Total	Median	Over \$250,000	\$1 million or more
All tort trials <sup>b</sup>	4,069*	\$2,299,957,000	\$27,000	18.8%	7.7%
Automobile	2,565	\$526,435,000	\$16,000	8.6%	2.8%
Premises liability	522	400,653,000	59,000	22.9	9.1
Product liability	70	199,153,000	450,000	64.6	39.1
Asbestos	19	86,275,000	1,650,000	90.7	59.7
Other	51	112,878,000	311,000	54.7	31.4
Intentional tort	214	128,428,000	37,000	25.4	16.3
Medical malpractice	311	600,746,000	422,000	66.1	29.7
Professional malpractice	51	43,108,000	93,000	30.6	13.9
Slander/libel	39	17,067,000	121,000	39.6	6.0
Animal attack	66	6,741,000	18,000	11.7	--
Conversion	13	926,000	23,000	--	--
False arrest, imprisonment	19	2,185,000	30,000	14.6	--
Other or unknown tort	199	374,514,000	106,000	39.9	15.5

Note: Data for final awards were available for 99.5% of all sampled tort trials. Final amount awarded includes compensatory (reduced for contributory negligence) and punitive damage awards. Award data were rounded to the nearest thousand. Detail may not sum to total because of rounding.

\*The number of plaintiffs awarded damages may differ from the number calculated from the percentage of plaintiffs who successfully litigated the case (table 3). Missing award data, the fact that in some cases plaintiff winners receive nothing because of award reductions, and the inclusion of plaintiff winners in bifurcated damage trials (a group excluded from table 3) account for some of this difference.

--No cases recorded.

<sup>a</sup>Excludes bifurcated trials where the plaintiff litigated the liability claim. Bifurcated trials involving damage claims; however, have been included.

<sup>b</sup>All tort trials include bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

## Final awards

During 2001 plaintiff winners in tort jury and bench trials were awarded an estimated \$2.3 billion in compensatory and punitive damages in the Nation's 75 largest counties (table 4). The median award for plaintiff winners in tort trials was \$27,000. About 19% of these plaintiff winners received damage awards over \$250,000, and an estimated 8% were awarded at least \$1 million or more in damages.

Damage awards for plaintiff winners in tort trials differed markedly by case type. In some tort case categories the median awards were relatively modest. For example, automobile and premises liability cases, which together accounted for about three-fourths of all tort trials with a plaintiff winner, generated median awards of \$16,000 and \$59,000, respectively.

In other tort case categories, the median awards were considerably higher. Half the plaintiff winners in asbestos cases, for example, were awarded damages of \$1.7 million or more. Since asbestos cases tended

to involve multiple plaintiffs, few plaintiffs received the whole award amount when successful in these trials.

In medical malpractice trials the median awards (\$422,000) were nearly 16 times greater than the overall median awards in tort trials. Damage verdicts of \$1 million or more were awarded in about a third of medical malpractice trials. These higher award amounts are partially explained by the fact that in 9 out of 10 medical malpractice trials the plaintiffs alleged that the defendant's negligence caused a permanent injury or death (not shown in a table).

The median final award of \$28,000 in tort jury trials and \$23,000 in tort bench trials did not differ statistically (not shown in a table).

### Punitive damage awards

Plaintiffs are entitled to punitive damages when the defendant's actions are so "willful, malicious, or fraudulent" that ordinary damages alone would not fully compensate the plaintiff for an inflicted injury. Unlike other forms of damage relief afforded to plaintiffs, punitive damages serve as a means for "punishing the defendant" and deterring others from committing similar actions (*Black's Law Dictionary*).

Nearly 60% of plaintiff winners in slander/libel trials and about 36% of plaintiff winners in intentional tort trials were awarded punitive damages (table 5). Punitive damages were awarded to less than 5% of plaintiff winners in product liability trials.

Punitive damages were more likely to be awarded in bench (11%) than in jury (5%) tort trials. The median punitive damage awards in bench (\$15,000) and jury (\$23,000) tort trials, however, was not significantly different (not shown in a table).

### Largest tort damage award

In the 2001 database the tort trial that generated the largest damage award involved a case alleging malicious prosecution. In 1999 the defendant, who was both a general manager and equity holder for an automobile outlet company, was accused of stealing millions from the company. Federal officials responded by launching a fraud investigation into the defendant's activities.

The defendant's attorney advised the defendant to file a RICO suit against the automobile outlet's owners. The RICO suit alleged that the owners were "responsible for any missing inventory" and were "engaged in a racketeering conspiracy." The suit was dismissed in Federal court, and the owners then filed suit against both the defendant and the defendant's attorney alleging "abuse of the civil process." Soon after the owners filed suit, the defendant fled the country.

The trial took place before a jury in Philadelphia and lasted 7 days. In the second week of trial, the defendant's attorney settled, leaving the fugitive defendant as the sole person being sued. The jury found in favor of the auto outlet's owners and awarded \$50 million in compensatory and \$100 million in punitive damages. The defendant never appeared to contest the case and as of 2002 was still a fugitive.

Source for additional case details: *The National Law Journal*, February 4, 2002.

**Table 5. Punitive damages awarded to plaintiff winners in tort trials in State courts in the Nation's 75 largest counties, 2001**

Case type	Tort trials with plaintiff winners			Number of trials with punitive damages —	
	Number of trials with punitive damages	Amount of punitive damages awarded		Over \$250,000	\$1 million or more
		Total	Median		
All tort trials <sup>a</sup>	217	\$367,149,000	\$25,000	45	23
Automobile	54	\$48,578,000	\$5,000	9	7
Premises liability	8	646,000	33,000	--	--
Product liability	3	1,077,000	433,000	2	--
Asbestos	2	900,000	500,000	2	--
Other	1	150,000	150,000*	--	--
Intentional tort	78	32,653,000	16,000	16	9
Medical malpractice	15	115,577,000	187,000	4	2
Professional malpractice	7	117,000	1,000	--	--
Slander/libel	23	3,771,000	77,000	4	--
Animal attack	6	391,000	68,000	--	--
Conversion	3	289,000	100,000	--	--
False arrest, imprisonment	5	202,000	8,000	--	--
Other or unknown tort	16	163,849,000	470,000	11	4

Note: Data on punitive damages were available for 99.6% of all sampled tort trials in which the plaintiff winner was awarded damages. Detail may not sum to total because of rounding. Award data were rounded to the nearest thousand.

\*Not median but the actual amount awarded.

--No cases recorded.

<sup>a</sup>Includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

## The role of contributory or comparative plaintiff negligence

A plaintiff's own negligent actions may contribute wholly or partially to the injury sustained. Six States maintain the doctrine of contributory negligence.<sup>4</sup> In these States any plaintiff negligence automatically bars recovery for damages. The remaining States use differing forms of comparative negligence in which damages are proportionally reduced according to the plaintiff's negligence.

In States that employ contributory or comparative negligence, compensatory damages awarded to plaintiff winners were reduced in 14% of tort trials disposed of in the Nation's 75 largest counties during 2001 (table 6). These awards were reduced 38% on average.

In a third of the premises liability trials with a plaintiff winner, the compensatory awards were reduced due to the plaintiff's own negligence. The average award reduction in these trials was about 42%.

Plaintiff winners tended to receive award reductions more frequently in jury than in bench trials. Sixteen percent of plaintiff winners in jury trials had their awards reduced, while in bench trials, 6% of plaintiff awards were reduced (not shown in a table).

<sup>4</sup>Alabama, Maryland, South Carolina, Delaware, North Carolina, and Virginia are contributory negligence States. *American Jurisprudence*, 2nd edition (1989, supp. 1995), 57B, pp. 1131-49.

### Median number of months to dispose of tort trials from filing to disposition, 2001

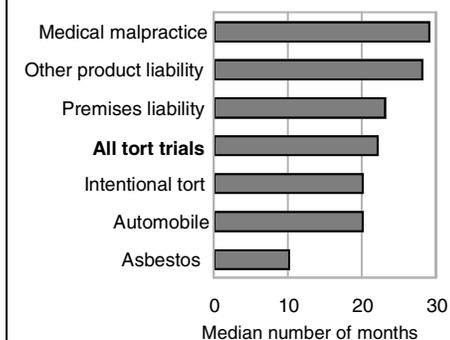


Figure 1

## Case processing time

Half of the estimated 7,900 tort cases disposed of by trial in the Nation's 75 largest counties in 2001 went from filing of the complaint to final verdict or judgment within an estimated 22 months (figure 1). Among medical

malpractice and non-asbestos product liability trials, the median case processing times from filing to disposition were 29 and 28 months, respectively. Asbestos product liability trials, in comparison, were processed within a median of 10 months.

**Table 6. Plaintiff winners with awards reduced in tort trials due to contributory or comparative negligence in State courts in the Nation's 75 largest counties, 2001**

Case type	Number of tort trials with a plaintiff winner <sup>a</sup>	Tort trials with awards reduced		
		Percent	Number	Mean percent reduction
All tort trials <sup>b</sup>	4,045	14.4%	584	37.5%
Automobile	2,553	12.7%	324	36.8%
Premises liability	518	33.4	173	41.5
Product liability	68	13.7	9	27.6
Asbestos	19	--	--	--
Other	49	19.0	9	27.6
Intentional tort	214	8.5	18	27.2
Medical malpractice	307	6.6	20	30.5
Professional malpractice	51	13.7	7	31.6
Slander/libel	39	2.5	1	40.0*
Animal attack	65	6.3	4	43.3
Conversion	13	--	--	--
False arrest, imprisonment	19	--	--	--
Other or unknown tort	199	13.8	27	37.4

Note: Data on whether awards were reduced for contributory or comparative negligence were available for 99.0% of sampled trials with a plaintiff winner and a known initial award amount. Detail may not sum to total because of rounding.

\*Not mean but actual reduction amount.

--No cases recorded.

<sup>a</sup>Only includes plaintiffs who won an initial monetary damage award.

<sup>b</sup>Includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

## Tort trials in U.S. district courts, 2001

- U.S. district courts exercise jurisdiction in civil actions between private parties that involve the interpretation and application of a Federal question arising from the U.S. Constitution, or in cases where the parties reside in different States or countries and the amount in controversy exceeds \$75,000, or in cases where the U.S. Government is the plaintiff or defendant. Of the 248,174 civil cases terminated in the U.S. district courts during fiscal year 2001, 14% (34,918) were tort claims. About 4% (1,234) of these tort claims were terminated by a jury or bench trial.

- A jury decided tort trials less often in U.S. district courts (79%) than in State courts of general jurisdiction in the Nation's 75 largest counties during 2001 (93%).

- Plaintiffs won about half of tort trials in both U.S. district courts (51%) and State courts of general jurisdiction in the Nation's 75 largest counties (52%). Plaintiff winners, however, were awarded less monetary damages in State courts, with a median of \$27,000, compared to a median of \$179,000 awarded to plaintiff winners of tort trials decided by U.S. district courts during 2001.

Source: Administrative Office of the U.S. Courts, Civil Master File, fiscal year 2001. Published reports on Federal District Court data are also available from the U.S. Administrative Office of the Courts: <<http://www.uscourts.gov>>. See also *Civil Trial Cases and Verdicts in Large Counties, 2001*, BJS Bulletin, NCJ 202803, April 2004.

## Trends in tort jury trials

- The number of tort trials decided by a jury in the Nation's 75 largest counties declined 23%, from 9,431 trials in 1992 to 7,218 trials in 2001 (table 7). The growing use of alternative dispute resolution (ADR) and other tort reform efforts aimed at limiting damage awards and tort litigation may provide a partial explanation for this trend. The National Center for State Courts also reports that tort filings in 30 States declined 9% from 1992 to 2001, contributing to the decrease in tort trials.<sup>5</sup>

- The plaintiff win rate in tort jury trials remained relatively stable from 1992 to 2001. During this period about half of all plaintiffs prevailed in tort jury trials. Some tort case categories witnessed declining plaintiff win rates. In 1992 nearly a third of plaintiffs prevailed in medical malpractice cases tried by a jury; by 2001 about a fourth of plaintiffs won medical malpractice jury trials. The plaintiff win rate also declined in product liability jury trials. Plaintiffs won 56% of product liability jury trials in 1992, but 45% of these trials in 2001.

- The median damage awards in tort jury trials declined from \$64,000 in 1992 to \$28,000 in 2001.<sup>6</sup> The smaller damage awards imposed by juries in automobile accident trials partially explains this trend. At least half of plaintiff winners in automobile accident jury trials won \$37,000 or more in damages in 1992; by 2001 the median damage award for plaintiff winners in automobile accident trials had declined to \$16,000.

- Medical malpractice and product liability trials had marked increases in their median jury damage awards. In product liability jury trials, the median award amounts were at least 3 times higher in 2001 (\$543,000) than in 1992 (\$140,000). The median award amounts for medical malpractice jury trials nearly doubled from \$253,000 in 1992 to \$431,000 in 2001.

- Since 1992 the percentage of tort jury trials with punitive damage awards has remained unchanged. The reported differences in plaintiff winners receiving punitive damages between 1992 (4%) and 2001 (5%) were not statistically significant.

- In 1992 half of all tort cases proceeded from initial filing to jury verdict in nearly 25 months, while during 2001, the time was 22 months. These differences were not statistically significant.

<sup>5</sup>The sources for these findings are *Tort Reform Record*, American Tort Reform Association, 2003, and B. Ostrom, N. Kauder, and R. LaFountain, *Examining the Work of State Courts, 2002: A National Perspective from the Court Statistics Project*, 2003.

<sup>6</sup>The 1992 damage award amount was adjusted to account for inflation. The adjustment was calculated through the U.S. Department of Labor's website <<http://www.bls.gov/cpi/home.htm>>.

**Table 7. Comparing tort jury trials in State courts in the Nation's 75 largest counties, 1992 to 2001**

	1992	2001
<b>How many tort cases were adjudicated by a jury?</b>		
All tort jury trials	9,431	7,218*
<b>What percentage of plaintiffs won?<sup>a</sup></b>		
All tort jury trials	50.3%	50.7%
Automobile	60.4	60.2
Premises liability	44.4	41.5
Product liability	55.7	44.7*
Medical malpractice	30.5	26.3*
<b>How much did prevailing plaintiffs win?<sup>b</sup></b> (overall median awards, adjusted for inflation)		
All tort jury trials	\$64,000	\$28,000*
Automobile	37,000	16,000*
Premises liability	74,000	61,000
Product liability	140,000	543,000*
Medical malpractice	253,000	431,000*
<b>What percentage of plaintiffs won punitive damages?<sup>c</sup></b>		
All tort jury trials	4.2%	4.5%
Automobile	2.4	1.7
Premises liability	1.7	1.7
Product liability	4.8	4.6
Medical malpractice	3.2	4.0
<b>How long did disposition of tort cases take?<sup>d</sup></b> (median number of months from filing to verdict)		
All tort jury trials	24.5 mo	21.8 mo
Automobile	21.7	19.9
Premises liability	25.0	22.8
Product liability	29.8	26.1*
Medical malpractice	33.1	29.0*

Note: The number of trials includes tort jury trials adjudicated in 1992 and 2001. Bench trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants have been excluded. Bench trials are not included because no award data were collected for bench trials in 1992. Data Sources: Civil Justice Survey of State Courts, 1992 (ICPSR 6587) and 2001 (ICPSR 3957). Data can be obtained from the University of Michigan Inter-university Consortium for Political and Social Research (ICPSR) at <<http://www.icpsr.umich.edu/>>. Product liability trials include both the asbestos and other product liability case categories.

Award data were rounded to the nearest thousand.

\*1992 - 2001 difference is significant at the 95% confidence interval.

<sup>a</sup>Data on plaintiff winners were available for 99.4% of tort jury trials in 1992 and 99.9% of tort jury trials in 2001.

<sup>b</sup>Data on final awards in tort jury trials were available for 97.0% of plaintiff winners in 1992 and 99.5% of plaintiff winners in 2001.

<sup>c</sup>Data on punitive damages in tort jury trials were available for 97.1% of plaintiff winners in 1992 and 98.4% of plaintiff winners in 2001.

<sup>d</sup>Data on time to disposition were available for 79.7% of tort jury trials in 1992 and 99.9% of tort jury trials in 2001.

**Table 8. Type of post verdict relief sought by plaintiffs or defendants in tort trials in State courts in the Nation's 75 largest counties, 2001**

Post verdict relief sought by —	Tort trials in which post verdict relief sought		Percent of trials in which litigants sought post verdict relief <sup>a</sup>			
	Percent of all trials	Number	JNOV or amended judgment	New trial	Award modification	Other relief
<b>Plaintiff prevailed<sup>b</sup></b>						
Plaintiffs	18.7%	766	9.5%	42.0%	42.4%	19.6%
Defendants	22.8	933	30.1	59.9	28.0	15.3
<b>Plaintiff did not prevail<sup>c</sup></b>						
Plaintiffs	22.2%	831	25.5%	84.5%	2.6%	6.6%
Defendants	3.5	129	9.6	10.3	3.8	79.9

Note: Post verdict motions filed by plaintiffs or defendants include motions for judgments notwithstanding the verdict, amended judgments, new trials, award modifications, and other relief.

<sup>a</sup>The type of post verdict relief sought may not sum to 100% because the post verdict relief categories are not mutually exclusive. After a verdict is reached, parties can seek multiple forms of post verdict relief.

<sup>b</sup>For tort trials in which plaintiffs prevailed, data on plaintiff post verdict activity were available for 99.0% of trials, and data on defendant post verdict activity were available for 98.7% of trials.

<sup>c</sup>For tort trials in which plaintiffs did not prevail, data on plaintiff post verdict activity were available for 98.6% of trials, and data on defendant post verdict activity were available for 98.7% of trials.

### Tracking post verdict motions for relief in tort trials

After a tort trial reaches verdict or judgment, litigants often file post-verdict motions seeking to modify or overturn the trial outcome. These can include motions for judgments notwithstanding the verdict (JNOV) or for an amended judgment, motions for a new trial, motions to modify the award, or motions for some “other” form of relief.

A motion for a JNOV or an amended judgment is filed when the moving party requests that the judge render a verdict in favor of one party despite the fact that the jury or judge found in favor of the other party. A motion for a new trial is filed when one party seeks to have the verdict or judgment discarded and the case tried again. A motion to modify the award occurs when one party seeks to have the damage award increased or reduced. A motion for

“other relief” typically involves attorney fees and other court costs.<sup>7</sup>

Both plaintiffs and defendants sought post verdict relief at similar rates in tort trials where plaintiffs prevailed (table 8). Plaintiffs filed motions for post verdict relief in 19% of tort trials where they won, while defendants requested post verdict relief in 23% of tort trials with a plaintiff winner.

A variety of underlying factors could drive plaintiff post verdict activity in trials in which the plaintiff received a favorable outcome. These can include pre-trial “high-low” agreements with the defendants or post-trial settlements as well as dissatisfaction with the damage awards imposed at trial. In a “high-low” agreement both parties agree on an acceptable range of damages. If the award falls outside that range, the award is adjusted to fit within the agreed upon range.

The types of post verdict relief sought most commonly by plaintiff winners in tort trials were motions for new trials or award modifications. These forms of post verdict relief accounted for nearly 6 out of 7 plaintiff post verdict motions. In tort trials where the defendant filed a subsequent motion for post verdict relief, 60% of those motions were for a new trial while 30% were for a JNOV or amended judgment.

Tort trials that the plaintiff did not win also manifested substantial post verdict activity. Plaintiffs filed motions for post verdict relief in about a quarter of tort trials that they lost. In 85% of these cases, the plaintiff requested that the court discard the verdict or judgment and grant a new trial.

In tort trials in which the plaintiff did not prevail, defendants rarely engaged in post verdict activity. Less than 5% of defendants sought post verdict relief, in the form of attorney fees and court costs, in tort trials without a plaintiff winner.

**Table 9. Type of post verdict relief granted to plaintiffs or defendants in tort trials in State courts in the Nation's 75 largest counties, 2001**

Post verdict relief granted to —	Post verdict relief in tort trials		Percent of tort trials in which litigants sought and were granted relief <sup>a</sup>			
	Number sought <sup>b</sup>	Percent in which relief granted	JNOV or amended judgment	New trial	Award modification	Other relief
<b>Plaintiff prevailed<sup>c</sup></b>						
Plaintiffs	731	41.6%	5.0%	8.6%	66.1%	21.0%
Defendants	901	28.0	9.8	14.0	61.4	16.8
<b>Plaintiff did not prevail<sup>d</sup></b>						
Plaintiffs	816	8.7%	4.2%	53.5%	6.2%	37.5%
Defendants	124	32.8	7.4	17.9	7.1	70.5

Note: Post verdict motions filed by plaintiffs or defendants include motions for judgments notwithstanding the verdict, amended judgments, new trials, award modifications, and other relief.

<sup>a</sup>The type of post verdict relief granted may not sum to 100% because the post verdict relief categories are not mutually exclusive.

<sup>b</sup>The number of litigants seeking post verdict relief in table 9 differs from the number posted in table 8 because of missing or incomplete post verdict relief granted data.

<sup>c</sup>Among tort trials where plaintiffs prevailed, data on the granting of post verdict relief were available for 95.5% of the 766 trials where the plaintiff sought post verdict relief and 96.6% of the 933 trials where the defendant sought post verdict relief.

<sup>d</sup>Among tort trials where plaintiffs did not prevail, data on the granting of post verdict relief were available for 98.1% of the 831 trials where the plaintiff sought post verdict relief and 95.5% of the 129 trials where the defendant sought post verdict relief.

<sup>7</sup>Paula Hannaford-Agor, 2004, *Not Quite the End of the Road: Post Trial Activity in Civil Litigation*, Williamsburg, VA: National Center for State Courts.

**Table 10. Tort trials in which plaintiff or defendant gave notice of appeal in State courts in the Nation's 75 largest counties, 2001**

Case type	Tort trials with plaintiff winners			Tort trials without plaintiff winners		
	Number of tort trials	Cases appealed by— Plaintiff	Defendant	Number of tort trials	Case appealed by— Plaintiff	Defendant
All tort trials <sup>a</sup>	4,105	4.1%	11.2%	3,778	10.9%	0.8%
Automobile	2,606	2.7%	5.3%	1,614	5.8%	0.6%
Premises liability	524	4.8	13.8	726	11.0	1.6
Product liability	70	10.3	38.1	86	23.4	3.5
Asbestos	17	5.7	34.2	12	16.4	--
Other	52	11.8	39.4	74	24.6	4.0
Intentional tort	213	2.8	15.6	158	18.4	--
Medical malpractice	306	10.6	27.7	832	13.8	0.5
Professional malpractice	54	5.5	31.2	47	34.0	--
Slander/libel	39	11.4	42.9	55	22.2	--
Animal attack	66	1.5	8.2	33	6.3	--
Conversion	13	21.8	17.0	15	38.5	--
False arrest, imprisonment	19	5.2	42.1	24	4.9	--
Other or unknown tort	195	6.7	27.7	187	19.9	1.2

Note: Tort trials appeals data were available for 99.0% of tort trials where the plaintiff prevailed and 99.4% of tort trials where the plaintiff did not prevail. Detail may not sum to total because of rounding.

--No cases recorded.

<sup>a</sup>Includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

Plaintiffs were more likely to be granted post verdict relief if they won at trial (table 9). The courts granted post verdict relief to 42% of plaintiff winners seeking to have their verdict modified. The most common form of post verdict relief granted to these plaintiffs was an award modification. In comparison 9% of plaintiffs who did not prevail at trial and who subsequently filed a post verdict motion received some form of post trial relief. About half of these plaintiffs were granted a new trial and 38% received some form of "other" relief.

Post verdict relief was granted to 28% of defendants who sought to modify a favorable plaintiff verdict or judgment. In nearly two-thirds of these cases, the relief granted was in the form of an award modification and in 14% of these cases a new trial was granted. Although less than 5% of defendants sought to modify a verdict or judgment that went against the plaintiff, nearly a third of these defendants were granted some type of post verdict relief.

### Appeals in tort trials

Filing a notice of appeal to the State's intermediate appellate court or court of last resort represents another option

for litigants seeking to overturn or modify a verdict or judgment that they believe does not comply with State law. Appeals to a State supreme or intermediate appellate court were filed in 13% of tort trials (not shown in a table).

The appeal rate depended upon the trial outcome. Plaintiffs filed appeals in 4% of tort trials in which they prevailed and 11% of tort trials in which they lost (table 10). Defendants gave notice of appeal in 11% of tort trials with a plaintiff winner; however, they rarely filed appeals in tort trials where the plaintiff did not receive a favorable verdict.

The rate of appeals also varied substantially by case type. Defendants filed notices of appeal in about 40% of slander/libel and false arrest imprisonment trials in which they lost. Defendants also gave notice of appeal in 28% of medical malpractice, 31% of professional malpractice, and 38% of product liability trials with prevailing plaintiffs. Among tort trials that the plaintiff lost, plaintiffs filed an appeal in at least 20% of product liability and slander/libel trials and in 30% or more of trials involving professional malpractice or conversion issues.

## Methodology

Definitions of disposition types:

**Jury trial** A trial held before and decided by a group of laypersons selected according to the law presided over by a judge culminating in a verdict for the plaintiff(s) and/or defendant(s).

**Bench trial (nonjury trial)** A trial held in the absence of a jury and decided by a judge culminating in a judgment for the plaintiff(s) or defendant(s).

**Directed verdict** In a case in which the party with the burden of proof has failed to present a prima facie case for jury consideration, a trial judge may order the entry of a verdict without allowing the jury to consider it, because, as a matter of law, there can be only one such verdict.

**Judgment notwithstanding the verdict ("JNOV" or Judgment non obstante veredicto)** A judgment rendered in favor of one party despite the finding of a jury verdict in favor of the other party.

**Jury trials for defaulted defendants** Some States make provisions for a jury to be impaneled even if the defendants in a case fail to appear and enter a defense. The purpose of a trial is typically to decide issues such as amount of damages.

### Definitions of civil case types

**Torts** Claims arising from personal injury or property damage caused by negligent or intentional acts of another person or business. Specific tort case types include: automobile accident; premises liability (injury caused by the dangerous condition of residential or commercial property); medical malpractice (by doctor, dentist, or medical professional); other professional malpractice (such as by lawyers, engineers, and architects); product liability (injury or damage caused by defective products; injury caused by toxic substances such as asbestos); libel/slander (injury to reputation); intentional tort (vandalism, intentional

personal injury); animal attack (the negligent supervision of a dog or other animal resulting in an attack); conversion (unauthorized use or control of another person's personal property); false arrest/imprisonment (an arrest or imprisonment without the proper legal authority); and other negligent acts (negligence against another party for an act not represented by the other case categories).

### *Sample*

The sample design for the 2001 civil trial study was similar to the ones used for the 1996 and 1992 BJS civil trial studies. The sample is a 2-stage stratified sample with 46 of the 75 most populous counties selected at the first stage. The 75 counties were divided into 5 strata based on 1990 civil disposition data obtained through telephone interviews with court staff in the general jurisdiction trial courts. Stratum 1 consisted of the 14 counties with the largest number of civil case dispositions. Every county in stratum 1 was selected with certainty. Stratum 2 consisted of 13 counties with 11 chosen for the sample. From stratum 3, 10 of the 18 counties were selected. Nine of the 26 counties in stratum 4 were included in the sample. Stratum 5 was added to the 2001 sample to replace Norfolk County, Massachusetts, a stratum 4 site that participated in the 1992 and 1996 studies but that fell out of the 75 most populous counties in the 2000 Census. Mecklenburg County, North Carolina, and El Paso County, Texas, were randomly selected from the 4 counties whose population increased sufficiently that they joined the ranks of the 75 most populous counties.

The second stage of the sample design involved generating lists of cases that would be coded. Prior to drawing the 2001 case sample, each participating jurisdiction was asked to identify a list of cases that had been disposed of by jury trial or bench trial between January 1, 2001, and December 31, 2001. Trial cases were to meet the following definitional criteria for jury and bench trials as defined by the

Bureau of Justice Statistics and the National Center for State Courts: (1) A jury trial was defined as "a trial held before and decided by a jury of laypersons and presided over by a judge culminating in a verdict for the plaintiff(s) or defendant(s)," and (2) A bench trial was defined as "a trial held in the absence of a jury and decided by a judge culminating in a judgment for the plaintiff(s) or defendant(s)."

The study plan was to obtain every jury and bench trial disposed from the court of general jurisdiction in each of the counties selected for the study. In courts where the number of trials became too great, a sample of civil trials was selected. Regardless of whether all or a sample of civil trials was collected, every medical malpractice or product liability case was included to oversample these case types.

At the second stage of sampling, all tort, contract, and real property cases disposed of by bench or jury verdict between January 1, 2001, and December 31, 2001, were selected in 43 jurisdictions. In two of the remaining three jurisdictions (Cook and Philadelphia), a sample of civil trials was selected and then "weighted" to obtain an appropriate number of civil trials. In Bergen County some civil case files were unavailable for coding purposes. Weights were applied in Bergen County in order to account for these missing cases.

Data on 6,215 civil jury trial cases, 1,958 civil bench trial cases, and 138 other civil trial cases that met the study criteria were collected in the 46 courts. The final sample consisted of 8,311 tort, contract, and real property cases disposed of by jury or bench trial.

### *Sampling error*

Since the data in this report came from a sample, a sampling error (standard error) is associated with each reported number. In general if the difference between 2 numbers is greater than twice the standard error for that difference, there is confidence that for 95

out of every 100 possible samples a real difference exists and that the apparent difference is not simply the result of using a sample rather than the entire population. All differences discussed in the text of this report were statistically significant at or above the 95-percent confidence level. Standard error estimates were generated by using a bootstrap method (jackknife) available for WESVAR PC.

### *Data coding*

For each sampled case, a standard coding form was manually completed by on-site court staff to record information about the litigants, case type, processing time, and award amounts.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is director.

This BJS Bulletin presents the third release of findings in a series of reports from the Civil Justice Survey of State Courts, 2001.

Thomas H. Cohen wrote this Bulletin under supervision of Steven K. Smith. Lynn Bauer provided statistical review. Data collection was supervised by the National Center for State Courts (NCSC); Paula Hannaford-Agor was the project director. Paula Hannaford-Agor and Neil LaFountain of the NCSC provided comments. Tom Hester, Devon Adams, and Tina Dorsey edited the report. Jayne Robinson prepared the report for final printing.

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**Appendix A. Selected estimates, standard errors, and confidence intervals, civil trial 2001 survey**

	Estimate	One standard error	95% - confidence interval	
			Lower	Upper
<b>Number of tort trials</b>	7,948	366	7,219	8,677
Automobile	4,235	228	3,781	4,690
Premises liability	1,268	72	1,125	1,411
Product liability	158	10	137	179
Intentional tort	375	26	323	426
Medical malpractice	1,156	74	1,008	1,304
Professional malpractice	102	14	74	129
Slander/libel	95	14	66	123
Animal attack	99	14	71	126
Conversion	27	4	18	36
False arrest, imprisonment	45	8	29	61
Other or unknown tort	390	33	325	455
<b>Percent decided by —</b>				
Jury trial	90.8%	0.6%	89.7%	91.9%
Bench trial	7.3	0.6	6.1	8.5
Other	1.9	0.1	1.6	2.2
<b>Percent of tort trials with a plaintiff winner</b>	51.6%	1.0%	49.6%	53.5%
<b>Median award to plaintiff winners</b>				
Final	\$27,000	\$2,000	\$24,000	\$32,000
Punitive	25,000	11,000	13,000	56,000
<b>Mean award to plaintiff winners</b>				
Final	\$565,000	\$49,000	\$468,000	\$663,000
Punitive	1,694,000	469,000	761,000	2,626,000
<b>Median months from filing to final verdict</b>	21.5 mo	0.6 mo	20.3 mo	22.8 mo

Note: Standard errors were calculated by using the jackknife method (JKN) generated by WESVAR PC. Award data were rounded to the nearest thousand.

**Appendix B. Tort trial winners in State courts by sampled counties, 2001**

County	All tort trials <sup>a</sup>	
	Number	Percent plaintiff winners
Milwaukee, WI	97	69.1%
Fulton, GA	87	69.0
Mecklenburg, NC	80	66.3
Palm Beach, FL	132	65.2
Pima, AZ	74	64.9
King, WA	117	64.1
Santa Clara, CA	46	60.9
Alameda, CA	56	60.7
Fairfield, CT	55	60.0
Orange, FL	27	59.3
Dade, FL	270	58.5
Cuyahoga, OH	178	58.4
Franklin, OH	94	57.4
Du Page, IL	77	57.1
Philadelphia, PA	500	56.6
San Francisco, CA	76	56.6
Hartford, CT	86	55.8
Fairfax, VA	151	55.0
Cook, IL	339	54.9
Dallas, TX	175	54.9
Hennepin, MN	123	54.5
Maricopa, AZ	230	54.3
St. Louis, MO	78	53.8
El Paso, TX	54	53.7
Marion, IN	84	51.2
San Bernardino, CA	65	50.8
Fresno, CA	26	50.0
Ventura, CA	43	48.8
Orange, CA	171	47.4
Oakland, MI	94	46.8
Jefferson, KY	107	45.8
New York, NY	255	44.3
Los Angeles, CA <sup>b</sup>	129	43.4
Harris, TX	340	41.8
Allegheny, PA	192	41.7
Bergen, NJ	145	37.9
Essex, MA	24	37.5
Essex, NJ	124	37.1
Suffolk, MA	41	36.6
Contra Costa, CA	22	36.4
Wayne, MI	144	35.4
Middlesex, NJ	253	34.8
Bexar, TX	70	34.3
Honolulu, HI	9	33.3
Middlesex, MA	88	18.2
Worcester, MA	28	17.9

<sup>a</sup>Includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

<sup>b</sup>Includes only the central district of the Los Angeles County Superior Court. Los Angeles county suburban courts are not included.

### Appendix C. Final and punitive damage awards for plaintiff winners in tort trials, by sampled counties, 2001

County	Final amount awarded to plaintiff winners				Punitive damages awarded to plaintiff winners		
	Total number of tort trials	Number of plaintiff award winners	Total of all awards	Median award	Number of plaintiff winners	Total of all awards	Median award
Maricopa, AZ	230	124	\$25,322,000	\$14,000	4	\$175,000	\$10,000
Pima, AZ	74	48	5,405,000	26,000	5	28,000	6,000
Alameda, CA	56	33	47,809,000	64,000	3	951,000	350,000
Contra Costa, CA	22	8	2,766,000	108,000	1	15,000	15,000*
Fresno, CA	26	13	6,293,000	75,000	1	50,000	50,000*
Los Angeles, CA <sup>a</sup>	130	56	21,508,000	69,000	4	1,805,000	102,000
Orange, CA	171	81	101,670,000	42,000	5	235,000	50,000
San Bernardino, CA	65	33	38,852,000	135,000	4	3,032,000	14,000
San Francisco, CA	76	43	143,533,000	80,000	--	--	--
Santa Clara, CA	46	28	7,515,000	24,000	1	250,000	250,000*
Ventura, CA	43	21	\$1,677,000	\$30,000	2	\$105,000	\$53,000
Fairfield, CT	55	33	2,134,000	18,000	--	--	--
Hartford, CT	86	48	8,049,000	18,000	3	629,000	150,000
Dade, FL	270	145	136,098,000	88,000	4	850,000	175,000
Orange, FL	27	16	9,272,000	78,000	--	--	--
Palm Beach, FL	132	84	21,642,000	42,000	2	5,000,000	2,500,000
Fulton, GA	87	60	6,313,000	6,000	4	171,000	53,000
Honolulu, HI	9	3	1,585,000	550,000	1	500,000	500,000*
Cook, IL	339	185	152,823,000	76,000	3	11,000	4,000
Du Page, IL	77	44	5,358,000	8,000	1	150,000	150,000*
Marion, IN	84	43	\$2,726,000	\$13,000	3	\$510,000	\$5,000
Jefferson, KY	107	46	7,487,000	16,000	4	100,000	11,000
Essex, MA	24	9	10,720,000	42,000	--	--	--
Middlesex, MA	88	16	19,005,000	41,000	--	--	--
Suffolk, MA	41	15	5,600,000	51,000	1	2,750,000	2,750,000*
Worcester, MA	28	5	169,000	8,000	--	--	--
Oakland, MI	94	42	8,769,000	61,000	--	--	--
Wayne, MI	144	46	26,551,000	65,000	--	--	--
Hennepin, MN	123	55	7,096,000	29,000	--	--	--
St. Louis, MO	78	42	1,437,000	13,000	1	5,000	5,000*
Bergen, NJ	145	53	\$8,776,000	\$27,000	4	\$370,000	\$86,000
Essex, NJ	124	45	13,304,000	41,000	--	--	--
Middlesex, NJ	253	87	15,406,000	57,000	3	55,000	17,000
New York, NY	256	111	145,434,000	300,000	3	7,850,000	700,000
Mecklenburg, NC	80	53	11,450,000	14,000	3	518,000	16,000
Cuyahoga, OH	178	103	20,034,000	16,000	6	572,000	55,000
Franklin, OH	94	52	20,805,000	15,000	8	4,320,000	6,000
Allegheny, PA	194	80	23,227,000	13,000	2	3,010,000	1,505,000
Philadelphia, PA	500	283	378,447,000	40,000	4	149,067,000	49,000
Bexar, TX	70	24	99,142,000	31,000	3	76,937,000	1,737,000
Dallas, TX	175	96	\$67,300,000	\$19,000	5	\$23,277,000	\$750,000
El Paso, TX	54	29	2,595,000	11,000	4	607,000	53,000
Harris, TX	340	137	84,056,000	21,000	7	34,877,000	100,000
Fairfax, VA	151	83	8,437,000	12,000	10	942,000	14,000
King, WA	117	74	43,935,000	37,000	4	125,000	10,000
Milwaukee, WI	97	66	6,800,000	19,000	2	102,000	51,000

Note: Excludes cases with missing award amounts. Final amount awarded includes both compensatory (reduced for contributory negligence), costs and fees, and punitive damage awards. Award data were rounded to the nearest thousand.

--No cases recorded.

\*Not a median but the actual amount awarded.

<sup>a</sup>Includes only the central district of the Los Angeles County Superior Court. Los Angeles suburban courts are not included.