



# Bureau of Justice Statistics Special Report

*Civil Justice Survey of State Courts, 1992*

July 1995, NCJ-154346

# Civil Jury Cases and Verdicts in Large Counties

By Carol J. DeFrances  
Steven K. Smith  
Patrick A. Langan  
BJS Statisticians

Brian J. Ostrom  
David B. Rottman  
John A. Goerd

National Center for State Courts

Over a year-long period ending June 30, 1992, juries in State general jurisdiction courts in the Nation's 75 largest counties decided an estimated 12,000 tort, contract, and real property rights cases. Thirty-three percent of these cases were automobile accident suits, 11% were medical malpractice, and 5% were product liability and toxic substance cases.

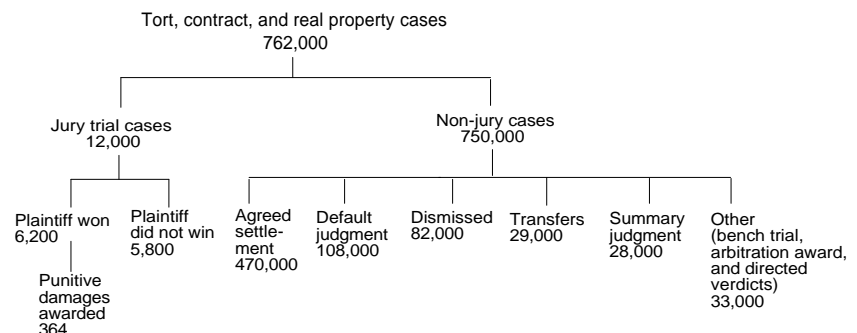
Plaintiffs won 52% of the cases and juries awarded these plaintiffs \$2.7 billion in damages, of which 10% were punitive damages. The average time from the filing of the complaint to the jury verdict was 2.5 years.

These are some of the main findings from a study of civil jury trial cases in State courts involving tort, contract, and real property rights claims—the three types that together comprise the vast majority of civil jury trial cases. The sample of civil jury trial cases excluded civil cases outside the three types, Federal trials, trials in State

## Highlights

- Juries in the 75 largest counties disposed of 12,000 tort, contract, and real property cases during the 12-month period ending June 30, 1992. Jury cases were 2% of the 762,000 tort, contract, and real property cases disposed of by State courts of general jurisdiction in the Nation's most populous counties.
- Most of the cases decided by a jury were tort cases (79%).
- The vast majority of plaintiffs (88%) in jury cases were individuals and half the defendants were businesses.
- Among jury tort cases, plaintiffs won in 74% of toxic substance cases, 60% of auto tort cases, 41% of product liability cases, and 30% of medical malpractice cases.
- In about half of all the jury cases, the jury found in favor of the plaintiff and awarded in the 12-month period an estimated \$2.7 billion in compensatory and punitive damages. The median total award for a plaintiff was \$52,000.
- Punitive damages were awarded in 6% of the jury cases with a plaintiff winner.
- During the 12 months, juries disposed of 360 product liability cases. Plaintiffs won 142 cases, and punitive damages were awarded in 3 of the cases.
- Of the 403 medical malpractice cases with a plaintiff winner, punitive damages were awarded in 13 cases. In 4 of these 13 cases, the punitive damage award was over \$250,000.

### Tracking tort, contract, and real property rights cases to jury verdict: State general jurisdiction courts in the Nation's 75 largest counties, 1992



general jurisdiction courts outside the 75 largest counties, jury trials in State limited jurisdiction courts, and bench trials (trials by a judge rather than a jury).

Over the year long period ending June 30, 1992, State courts of general jurisdiction in the Nation's 75 largest counties disposed of an estimated 762,000 tort, contract, and real property rights cases. Jury trials accounted for 2%, or about 12,000, of these cases (table 1).<sup>1</sup>

Jury size and decision rules are determined by State law and vary across the States. For example, 28 States and the District of Columbia permit civil juries smaller than 12. Thirty-three States do not require a unanimous civil jury verdict. (See appendix table 1.)

<sup>1</sup>Estimates for the total number of tort, contract, and real property cases disposed of were derived from data collected by the BJS Civil Justice Survey of State Courts, 1992. This survey consists of two datasets. The first dataset contains a representative sample of the 762,000 tort, contract, and real property cases disposed of by State courts of general jurisdiction in the Nation's 75 largest counties during the 12-month period ending June 30, 1992. Table 1 and the BJS Special Report *Tort Cases in Large Counties* (NCJ-153177) are based on this dataset. The second dataset consists of a representative sample of the approximately 12,000 civil cases which were disposed of by a jury trial during the same period. All remaining tables in this report are based on this dataset of jury cases.

### Cases that reach jury trial

An estimated 79% of civil jury trials in the Nation's 75 largest counties involved a tort action, 18% were contract cases, and 2% real property rights cases (table 2).

Automobile torts accounted for 33% of all jury trial cases; premises liability, 17%, and medical malpractice, 11%. Product liability and toxic substance cases were 5%.

**Table 1. Types of civil cases that go to jury trial in State courts in the Nation's 75 largest counties, 1992**

Case type	All tort, contract, and real property cases disposed	Percent of cases disposed by jury trial
All civil cases	761,919	1.5%
Tort cases	377,421	2.3%
Automobile	277,087	1.6
Premises liability	65,372	3.3
Medical malpractice	18,396	6.4
Intentional tort	10,879	2.7
Product liability	12,763	2.6
Toxic substance	6,045	2.8
Professional malpractice	6,827	3.2
Slander/libel	3,159	1.9
Other tort	26,891	2.6
Contract cases	365,263	.7%
Seller plaintiff	188,761	.5
Buyer plaintiff	44,592	1.1
Fraud	15,917	2.0
Employment	8,064	4.0
Rental/lease	20,587	.4
Mortgage foreclosure	68,811	.1
Other contract	18,531	1.3
Real property cases	19,235	2.1%
Eminent domain	4,595	4.3
Other real property	14,640	1.4

Note: Data on type of case and type of disposition were available for 99.4% of all cases.

Source: Data were collected by the BJS Civil Justice Survey of State Courts, 1992.

### Type of litigants: Plaintiffs

The vast majority (88%) of all jury cases involved individuals exclusively as plaintiffs (table 3).<sup>2</sup> Businesses were plaintiffs in 11% of all cases; government agencies in 2%, and hospitals in 0.1%. Businesses were more likely to be the plaintiff in a contract (36%) than a tort (5%) case.

<sup>2</sup>Each civil jury trial case, regardless of the number of plaintiff types involved, was given one of four plaintiff designations: hospital, business, government, or individual.

**Table 2. Civil jury trial case types in State courts in the Nation's 75 largest counties, 1992**

Case type	Number of jury cases	Percent
All jury cases <sup>a</sup>	12,026	100.0%
Tort cases	9,532	79.3%
Automobile	3,915	32.6
Premises liability	1,991	16.6
Medical malpractice	1,370	11.4
Intentional tort	448	3.7
Product liability	360	3.0
Toxic substance <sup>b</sup>	287	2.4
Professional malpractice	187	1.6
Slander/libel	66	.5
Other tort	909	7.6
Contract cases	2,217	18.4%
Seller plaintiff	610	5.1
Buyer plaintiff	593	4.9
Fraud	317	2.6
Employment	311	2.6
Rental/lease	133	1.1
Mortgage foreclosure	6	.1
Other contract	246	2.0
Real property cases	277	2.3%
Eminent domain	204	1.7
Other real property	74	.6

Note: Data for jury trial case types were available for 99.5% of all cases. Detail may not sum to total because of rounding. Data presented in tables 1 and 2 are drawn from different samples; therefore, exact case totals do not match. See footnote number 1 on this page.

<sup>a</sup>About 4% of the jury cases were settled after the jury trial verdict, and (1%) had a directed verdict.

<sup>b</sup>Data for toxic substance cases, a specific type of product liability case, were collected and reported as a separate category.

*Type of litigants: Defendants*

The composition of defendants in jury trials differed from that of plaintiffs.<sup>3</sup> Half the cases had a business as the defendant. Specifically, a business

<sup>3</sup>Each case, regardless of the number of defendant types, was given a single defendant designation among the four possible.

was the defendant in all or nearly all of the following case types: toxic substance (100%), product liability (99%), buyer plaintiff (88%), and employment (80%) cases.

Overall, less than a third of all cases had an individual as the defendant. Individuals were about half (53%) the defendants in auto tort cases.

Among medical malpractice cases, hospitals comprised 64% of defendants. A government agency was the defendant in nearly 29% of intentional tort cases.

**Table 3. Type of plaintiffs or defendants, by selected types of civil jury trial cases in State courts in the Nation's 75 largest counties, 1992**

Case type	Plaintiffs					Defendants				
	Total	Individual	Government	Business <sup>a</sup>	Hospital <sup>b</sup>	Total	Individual	Government	Business <sup>a</sup>	Hospital <sup>b</sup>
All jury cases	100%	87.5%	1.8%	10.6%	.1%	100%	30.2%	7.9%	52.9%	9.0%
Tort cases	100%	95.0%	.4%	4.5%	.1%	100%	32.2%	9.1%	47.8%	10.9%
Auto	100	96.1	.4	3.4	.1	100	52.9	7.6	39.2	.3
Premises liability	100	95.6	.4	4.1	0	100	11.1	12.2	73.1	3.7
Product liability	100	85.5	.3	14.2	0	100	0	0	98.8	1.2
Intentional tort	100	97.3	0	2.7	0	100	29.2	28.9	39.3	2.6
Medical malpractice	100	98.3	.2	1.4	.1	100	30.9	1.1	3.6	64.4
Professional malpractice	100	77.0	1.5	21.4	0	100	28.2	5.5	65.8	.5
Slander/libel	100	85.6	0	14.4	0	100	28.5	1.5	62.8	7.3
Toxic substance	100	97.0	2.0	1.0	0	100	0	0	100.0	0
Contract cases	100%	62.8%	.7%	36.2%	.3%	100%	21.2%	2.7%	74.3%	1.9%
Fraud	100	71.1	0	28.5	.4	100	25.7	.3	72.0	2.0
Seller plaintiff	100	34.4	1.3	63.6	.6	100	33.7	1.5	62.8	2.0
Buyer plaintiff	100	74.8	.9	24.4	0	100	10.4	1.0	88.4	.2
Employment	100	94.1	0	5.5	.4	100	2.4	13.0	80.0	4.6
Rental/lease	100	52.4	0	47.6	0	100	33.9	2.3	61.1	2.8
Real property cases	100%	27.9%	57.2%	14.9%	0	100%	32.7%	9.3%	56.9%	1.0%
Eminent domain	100	8.6	77.9	13.5	0	100	24.3	12.7	61.5	1.4
Other real property	100	81.3	0	18.7	0	100	55.9	0	44.1	0

Note: Plaintiff or defendant type for each case is whichever type appears first in this list: (1) hospital/medical company, (2) business, (3) government agency, and (4) individual. For example, any case involving a hospital defendant is categorized as a case with a "hospital defendant" even if there were also business, individual, or government defendants in the case.

Data on type of plaintiff, defendant, and case were available for 99.4% of all cases. Detail may not sum to 100% because of rounding.

Zero indicates no cases in the sample.

<sup>a</sup>Includes insurance companies, banks, other businesses, and other organizations.

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

*Who sues whom?*

The most common type of civil jury case involved an individual suing a business (44% of all cases, 44% of

tort cases, and 47% of contract cases) (table 4).

Thirty-two percent of tort cases involved an individual suing an individ-

ual, compared to 12% of contract cases. In nearly half (46%) of real property cases, a business, government agency, or a hospital sued a business.

**Table 4. Pairings of primary litigants in civil jury trial cases, by selected case types in State courts in the Nation's 75 largest counties, 1992**

Plaintiff versus defendant <sup>a</sup>	All jury cases		Tort		Contract		Real property	
	Number of cases	Percent	Number of cases	Percent	Number of cases	Percent	Number of cases	Percent
All jury cases	12,017	100.0%	9,525	100.0%	2,215	100.0%	277	100.0%
Individual versus:								
Individual	3,298	27.4	2,996	31.5	265	12.0	37	13.2
Government	907	7.5	844	8.9	49	2.2	15	5.2
Business <sup>b</sup>	5,255	43.7	4,183	43.9	1,046	47.2	26	9.5
Hospital	1,053	8.8	1,023	10.7	30	1.3	0	0
Individual and nonindividual versus:								
Individual	80	.7	51	.5	29	1.3	0	0
Government	12	.1	10	.1	2	.1	0	0
Business <sup>b</sup>	320	2.7	206	2.2	110	5.0	3	1.1
Hospital	21	.2	18	.2	3	.1	0	0
Nonindividual versus:								
Individual	247	2.1	19	.2	173	7.8	54	19.5
Government	28	.2	8	.1	9	.4	11	4.1
Business <sup>b</sup>	782	6.5	164	1.7	490	22.1	128	46.3
Hospital	14	.1	2	0	9	.4	3	1.0

Note: Data on litigant pairings and type of case were available for 99.5% of all cases. Zero indicates no cases in the sample. Detail may not sum to 100% because of rounding.

<sup>a</sup>Plaintiff or defendant type for each case is whichever type appears first in this list: (1) hospital/medical company,

(2) business, (3) government agency, and (4) individual. For example, any case involving a hospital defendant is categorized as a case with a "hospital defendant" even if there were also business, individual, or government defendants in the case.

<sup>b</sup>Business litigants include insurance companies, banks, other businesses, and other organizations.

**Table 5. Jury award winners and losers in State courts in the Nation's 75 largest counties, 1992**

Case type	Number of jury cases	Percent of cases		
		Total	Plaintiff won	Plaintiff did not win*
All jury cases	11,953	100%	51.8%	48.2%
Tort cases	9,472	100%	49.9%	50.1%
Toxic substance	287	100	74.0	26.0
Automobile	3,889	100	60.2	39.8
Professional malpractice	187	100	50.3	49.7
Intentional tort	444	100	46.4	53.6
Other tort	892	100	46.5	53.5
Premises liability	1,986	100	43.7	56.3
Slander/libel	66	100	41.6	58.4
Product liability	358	100	40.5	59.5
Medical malpractice	1,362	100	30.3	69.7
Contract cases	2,205	100%	62.9%	37.1%
Rental/lease	132	100	73.3	26.7
Seller plaintiff	610	100	70.9	29.1
Buyer plaintiff	593	100	64.0	36.0
Employment	308	100	56.1	43.9
Fraud	317	100	57.1	42.9
Other contract	239	100	51.3	48.7
Mortgage foreclosure	6	100	20.0	80.0
Real property cases	277	100%	30.7%	69.3%
Eminent domain	204	100	20.7	79.3
Other real property	73	100	58.9	41.1

Note: Data on case type and jury award winners were available for 98.9% of all cases. Detail may not sum to 100% because of rounding. Zero indicates no cases in the sample.

\*Includes cases in which both plaintiff and defendant won damages, cases in which plaintiff won liability trial, and cases in which the defendant won liability trial.

## Jury verdicts

Overall, juries found the defendant liable 52% of the time (table 5).<sup>4</sup> The likelihood of plaintiff success varied by the type of civil case. Plaintiffs won in 63% of contract cases, 50% of tort cases, and 31% of real property cases.

In greater detail, plaintiffs were most successful in toxic substance (74%), rental/lease agreement (73%), and

<sup>4</sup>In civil cases, the plaintiff must prove the key elements of the case by a "preponderance of the evidence." This standard is less stringent than "beyond a reasonable doubt," the standard used in criminal cases.

contract cases with seller plaintiff (71%); and least successful in mortgage foreclosure (20%), eminent domain (21%), and medical malpractice (30%). (See *Methodology* on page 11 for definitions of case types.)

## Jury awards

Both tort and contract cases typically involve a compensatory award for economic (sometimes called "special") damages, which include all financial losses that are the result of the defendant's conduct. Tort cases also can include a compensatory award for non-

economic (sometimes called general) damages, which include awards for pain and suffering and emotional distress. Distinct from compensatory damages are punitive damages, which are almost exclusively reserved for tort claims in which the defendant's conduct was grossly negligent or intentional.

Juries in large counties awarded altogether \$2.7 billion in compensatory and punitive damages to plaintiff winners in 1992 (table 6). The median recovery for all cases was \$52,000.

**Table 6. Final award amounts for civil jury cases with plaintiff winners in State courts in the Nation's 75 largest counties, 1992**

Case type	Number of cases with a plaintiff winner (A)	Final amount awarded to plaintiff winners			Percent of plaintiff winner cases (column A) with final awards	
		Total	Median	Mean	Over \$250,000	\$1 million or more
All jury cases	5,949	\$2,703,683,000	\$52,000	\$455,000	21.5%	7.5%
Tort cases	4,584	\$1,869,699,000	\$51,000	\$408,000	21.2%	7.8%
Toxic substance	202	106,306,000	101,000	526,000	30.4	13.3
Automobile	2,280	502,602,000	29,000	220,000	12.7	4.0
Professional malpractice	92	97,308,000	156,000	1,057,000	38.4	13.6
Intentional tort	199	105,466,000	54,000	530,000	21.5	6.5
Other tort	393	154,032,000	65,000	391,000	23.5	10.8
Premises liability	845	196,207,000	57,000	232,000	22.0	5.2
Slander/libel	27	6,284,000	25,000	229,000	18.4	13.9
Product liability	142	103,346,000	260,000	727,000	50.5	15.4
Medical malpractice	403	598,148,000	201,000	1,484,000	47.1	24.8
Contract cases	1,322	\$820,098,000	\$56,000	\$620,000	22.6%	6.5%
Rental/lease	85	159,734,000	71,000	1,881,000	17.7	2.4
Seller plaintiff	417	88,368,000	35,000	212,000	17.9	3.0
Buyer plaintiff	363	173,965,000	45,000	479,000	20.8	7.1
Employment	170	249,206,000	141,000	1,462,000	39.8	13.8
Fraud	173	117,209,000	70,000	678,000	26.5	9.2
Other contract	113	31,616,000	49,000	280,000	17.9	5.3
Real property cases*	43	\$13,886,000	\$55,000	\$325,000	16.1%	4.7%

Note: Data for case type and final awards in jury trial cases were available for 95.8% of all plaintiff winners. Award data were rounded to the nearest \$1,000. Final amount awarded includes both compensatory awards (reduced for contributory negligence, if applica-

ble) and punitive damage awards. \*Eminent domain cases are not calculated among final awards because they always entail an award; the issue is how much the defendant (whose property is being condemned) will receive for the property.

## Jury cases with total final awards of \$1 million or more

Tort, contract, and real property cases disposed by a jury trial in the Nation's 75 largest counties during a 1-year period resulted in a total final award of \$1 million or more in each of 459 cases, or 3.8% of all 12,000 jury cases. In the vast majority of these \$1 million or more cases (97%), a plaintiff, rather than a defendant in a counterclaim, received the award.

Medical malpractice (23%) and automobile tort (21%) cases were the most prevalent types among cases with a jury

award of \$1 million or more to plaintiff winners.

The types of defendants in these large award cases differed from those in torts with smaller awards.

Medical malpractice —

- A hospital was the defendant in 72% of the \$1 million-plus cases, compared to 56% of the cases in which the plaintiff was awarded less than \$1 million.

Automobile tort —

- Businesses (53%) and government agencies (29%) together comprised over three-fourths of the defendants in \$1 million-plus cases.

- An individual was the defendant in 53% of the cases with an award under \$1 million, compared to 18% of the cases in which the plaintiff was awarded \$1 million or more.

About a quarter (22%) of the final awards to plaintiff winners were in excess of \$250,000. Half of the plaintiff winners in product liability cases were awarded total damages over \$250,000.

About 8% of plaintiff winners received final awards of \$1 million or more. The largest proportion of these \$1 million-plus awards was in medical malpractice cases (25%), followed by product liability cases (15%).

In tort cases, individual plaintiffs were just as successful whether they sued an individual (53%) or a business (54%) (table 7). In contract cases, individual plaintiffs won more often when they sued an individual (69%) rather than a business (58%).

Individual plaintiff winners received larger final award amounts when the defendant was a business rather than an individual. When a business was

the defendant, the award amount exceeded \$250,000 in 25% of the cases. When an individual was the defendant, the award amount exceeded \$250,000 in 8% of the cases.

#### *Punitive damages*

Juries included punitive damages as part of the overall award in 6% of the cases in which the plaintiff won (table 8).<sup>5</sup>

<sup>5</sup>In 25 States, before punitive damages can be awarded, the jury must find "clear and convincing evidence" and in 1 State "beyond a reasonable doubt" that the defendant's conduct was wanton, malicious, extremely or grossly negligent, or oppressive in character. Eight States require plaintiffs to remit a portion of their punitive damage award to the public treasury. Twelve States require bifurcation; that is, separate trials for compensatory and punitive damages. In nine States that require bifurcation, the award is determined by a jury and in the remaining three States, the amount is determined by a judge. Source: Thomas Koenig and Michael Rustad, "The Quiet Revolution Revisited: An Empirical Study of the Impact of State Tort Reform of Punitive Damages in Product Liability," in *The Justice System Journal* 16 (2): 21-44, 1993.

Punitive damages accounted for about 10% of all money awarded to plaintiffs.<sup>6</sup> The median punitive award was \$50,000. Twenty-four percent of punitive damage awards were over \$250,000, and 12% were \$1 million or more.

Punitive damages were awarded to plaintiff winners in 30% of slander/libel cases, 27% of employment cases, 21% of fraud cases, and 19% of intentional tort cases. Six percent of plaintiff winners in toxic substance cases and 2% in product liability cases were awarded punitive damages.

<sup>6</sup>Four States (New Hampshire, Louisiana, Nebraska, and Washington) do not permit punitive damages to be awarded, and one State (Massachusetts) permits punitive damages to be awarded only when authorized by statute. In States that do allow punitive damages to be awarded, many have enacted legislation to cap punitive damages at a specific dollar amount, such as \$350,000. Other States have capped punitive damages to a certain proportion of the compensatory damages. Source: Koenig and Rustad, 1993.

### **The role of contributory negligence**

In 13% of civil cases in which a jury awarded compensatory damages to the plaintiff, the damages were reduced because the plaintiff had contributed to the negligence that led to loss or injury. The reduction totaled approximately \$84 million. (This total does not include reductions in the three sites for which data on reduced awards were unavailable: Fairfax Co., Virginia, Alameda Co., California, and Marion Co., Indiana).

States differ in the role played by a plaintiff's own negligence in determining whether, or the extent to which, the defendant is liable for a plaintiff's damages.

Based on these differences, States are classified below into one of four categories.\*

\*Whether a State was classified as modified comparative negligence, pure comparative negligence, pure contributory negligence, or mixed rule depended on general characteristics of its civil laws. If the focus were on specific types of civil cases, the classification might differ from what is shown here. States do not always use the same decision rules for each type of civil case.

#### **Modified comparative negligence**

Nine States have a modified comparative negligence rule (the "50% bar to recovery" rule) which stipulates that the plaintiff can recover damages only if he or she is less negligent than the defendant.

Arkansas	North Dakota
Colorado	Utah
Idaho	West Virginia
Kansas	Wyoming
Maine	

Eighteen States use a modified comparative negligence rule (the "51% bar to recovery" rule) under which the plaintiff can recover damages only if he or she is not more negligent than the defendant.

Connecticut	New Hampshire
Hawaii	New Jersey
Illinois	Ohio
Indiana	Oklahoma
Iowa	Oregon
Massachusetts	Pennsylvania
Montana	Texas
Minnesota	Vermont
Nevada	Wisconsin

#### **Pure comparative negligence**

Thirteen States use a pure comparative negligence rule under which a plaintiff can recover damages to the extent that the defendant is responsible for the plaintiff's injuries.

Alaska	Mississippi
Arizona	Missouri
California	New Mexico
Florida	New York
Kentucky	Rhode Island
Louisiana	Washington
Michigan	

#### **Pure contributory negligence**

Six States use a pure contributory negligence rule that bars recovering damages from the defendant if the plaintiff's own negligent conduct contributed in any way to his or her own injuries.

Alabama	North Carolina
Delaware	South Carolina
Maryland	Virginia

#### **Mixed rules**

Four States have a blend of rules and do not fit into any single general category.

Georgia	South Dakota
Nebraska	Tennessee

Source: *American Jurisprudence*, 2nd edition (1989, supp. 1995), 57B:1131-49.

Nearly 55% of the punitive damage awards in the 13 toxic substance cases were over \$1 million. Employment-related contract cases involving punitive damages always included an

associated tort claim (for example, discrimination or harassment). Approximately \$133 million in punitive damages were awarded in connection with employment-related cases.

The \$133 million damages awarded accounted for 50% of the total \$268 million awarded for punitive damages.

**Table 7. Plaintiff winner cases and final award amounts, by selected litigant pairings and selected case types in State courts in the Nation's 75 largest counties, 1992**

Selected case type and litigant pairings	Number of cases (A)	Plaintiff winner cases		Final amount awarded to plaintiff winners <sup>a</sup>		Percent of plaintiff winner cases (column B) with final awards	
		Number (B)	Percent (C=B/A)	Median	Mean	Over \$250,000	\$1 million or more
<b>Individual versus Individual</b>							
All jury cases <sup>b</sup>	3,289	1,792	54.5%	\$24,000	\$130,000	8.4%	2.6%
Tort cases <sup>c</sup>	2,979	1,580	53.0%	\$22,000	\$130,000	8.6%	2.8%
Auto torts	2,021	1,196	59.2	17,000	79,000	4.6	1.4
Premises liability	208	68	32.6	34,000	132,000	6.9	5.0
Product liability	0	0	0	0	0	0	0
Medical malpractice	412	142	34.5	111,000	522,000	29.5	15.5
Toxic substance	0	0	0	0	0	0	0
Contract cases <sup>d</sup>	265	183	69.0%	\$38,000	\$146,000	7.9%	.7%
Fraud	67	39	58.4	70,000	104,000	7.7	0
Seller plaintiff	67	54	79.9	20,000	272,000	10.0	2.3
Buyer plaintiff	47	39	83.6	31,000	138,000	15.6	0
Employment	3	2	69.2	29,000	26,000	0	0
Rental/lease	29	22	74.8	12,000	47,000	0	0
<b>Individual versus Business<sup>e</sup></b>							
All jury cases	5,240	2,855	54.5%	\$65,000	\$460,000	24.5%	7.8%
Tort cases	4,148	2,227	53.7%	\$69,000	\$379,000	25.1%	8.0%
Auto torts	1,416	894	63.1	60,000	315,000	21.3	5.3
Premises liability	1,381	639	46.3	60,000	259,000	24.2	6.0
Product liability	302	115	38.0	260,000	753,000	51.2	16.1
Medical malpractice	45	16	34.7	200,000	857,000	31.5	18.6
Toxic substance	279	209	74.9	100,000	532,000	29.5	13.6
Contract cases	1,042	603	57.9%	\$55,000	\$757,000	22.1%	7.0%
Fraud	152	80	52.6	57,000	722,000	24.2	8.0
Seller plaintiff	134	89	66.6	51,000	125,000	14.3	0
Buyer plaintiff	393	243	61.7	31,000	505,000	13.8	6.0
Employment	233	131	56.1	159,000	1,845,000	45.5	14.2
Rental/lease	37	24	65.5	72,000	69,000	0	0

Note: Data on litigant pairings, jury award winners, and type of cases were available for 98.9% of all cases. Data on final award amounts were available for plaintiff winners in 96.8% of individual versus individual cases and 96% of individual versus business cases. Award data were rounded to the nearest \$1,000. Zero indicates no cases in the sample. Final amount awarded includes both compensatory damage (reduced for contributory negligence, if applicable) and punitive damage awards. Detail may not sum to total because of rounding.  
<sup>a</sup>Plaintiff winners with missing final award amounts are excluded.

<sup>b</sup>All jury cases include real property cases which are not shown separately in the table.  
<sup>c</sup>Tort cases include intentional torts, professional malpractice, slander/libel, and other tort cases which are not shown separately in the table.  
<sup>d</sup>Contract cases include mortgage foreclosure and other contract cases which are not shown separately in the table.  
<sup>e</sup>Business litigants include insurance companies, banks, other businesses, and other organizations.

**Table 8. Punitive damage awards for plaintiff winners in civil jury cases in State courts in the Nation's 75 largest counties, 1992**

Case type	Plaintiff winner cases		Amount of punitive damages awarded to plaintiff winners			Percent of plaintiff winner cases (column A) with punitive damages	
	Number awarded punitive damages (A)	Percent receiving punitive damages	Total	Median	Mean	Over	\$1 million
						\$250,000	or more
All jury cases	364	5.9%	\$267,879,000	\$50,000	\$735,000	23.7%	11.6%
Tort cases	190	4.0%	\$91,477,000	\$36,000	\$481,000	22.7%	10.1%
Automobile	55	2.4	35,535,000	25,000	641,000	19.9	7.5
Premises liability	15	1.7	1,272,000	40,000	87,000	0	0
Product liability	3	2.2	40,000	9,000	12,000	0	0
Intentional tort	38	18.5	10,926,000	25,000	286,000	13.8	8.5
Medical malpractice	13	3.1	3,120,000	199,000	245,000	31.8	0
Professional malpractice	15	15.7	6,077,000	250,000	412,000	44.0	8.5
Slander/libel	8	29.8	1,341,000	47,000	164,000	34.2	0
Toxic substance	13	6.2	26,420,000	1,692,000	1,994,000	54.7	54.7
Other tort	30	7.2	6,746,000	100,000	226,000	20.9	10.9
Contract cases	169	12.2%	\$169,528,000	\$52,000	\$1,003,000	24.4%	12.6%
Fraud	38	21.2	7,339,000	45,000	191,000	18.9	10.4
Seller plaintiff	24	5.6	1,221,000	22,000	51,000	0	0
Buyer plaintiff	47	12.4	27,446,000	27,000	581,000	28.6	11.1
Employment	46	26.8	132,759,000	179,000	2,874,000	42.1	26.1
Rental/lease	11	11.3	399,000	50,000	37,000	0	0
Other contract	2	1.8	365,000	145,000	162,000	44.4	0
Real property cases*	5	11.7%	\$6,873,000	\$85,000	\$1,375,000	40.0%	40.0%

Note: Award data were rounded to the nearest \$1,000. Zero indicates no cases in the sample. In this study, cases are classified into a single case type, though cases may involve multiple claims (such as contract and tort). Under laws in almost all States, only tort claims qualify for punitive damages. If a contract or real property case involved punitive damages, it involved a related tort claim. Punitive damage awards may be incomplete for 4 counties: Palm Beach Co., FL, Wayne Co., MI, Allegheny Co., PA, and Philadelphia Co., PA.

\*Excludes eminent domain cases.

### Compensatory and punitive damage awards for "defendants"

In cases with claims and counterclaims, the distinction between plaintiff and defendant becomes less clear. Therefore, it is possible that one party originally named as a defendant countersues the plaintiff and actually wins damages. In 1.2% of all tort, contract, and real property cases concluded by jury trial in State general jurisdiction courts in the Nation's 75 largest counties during a 1-year period ending June 30, 1992, the defendant won in a countersuit.

Defendants in tort, contract, and real property jury cases won \$162 million in compensatory and punitive damages on counterclaims.

Of these counterclaim cases won by defendants, 19% were seller plaintiff, 16% auto torts, 14% buyer plaintiff, and 12% fraud.

Defendants who won on counterclaims and were awarded punitive damages comprised 4% of all cases in which punitive damages were awarded. These defendants were awarded \$55 million in punitive damages in jury trial cases. Two-thirds of these cases involved fraud. The largest punitive amount awarded in a counterclaim was \$18 million to 11 defendants in a case involving negligence and a contract dispute.



## Product liability cases: Jury verdicts and punitive damages

In State courts of general jurisdiction in the Nation's 75 largest counties, juries disposed of 360 product liability cases during a 12-month period ending June 30, 1992. The 360 are about 3% of the 12,000 civil cases (tort, contract, and real property) disposed by a jury trial.

Juries decided in favor of the plaintiff in 41% of the product liability cases and awarded a total of \$103 million in compensatory and punitive damages to these 142 plaintiff winners. In 3 of the 142 plaintiff winner cases, punitive damages were awarded together that totaled \$40,000.

In 1991-92 juries rendered verdicts in 287 toxic substance cases in the Nation's 75 largest counties. Plaintiffs won 74%, or 202 cases, receiving an average total award of over \$500,000. In 13 cases punitive damages were awarded that together totaled \$26 million. (The court records did not reflect whether the award was paid or whether an appeal was entered.)

The BJS survey finding that relatively few product liability jury verdicts resulted in punitive damage awards is consistent with previous findings in studies of jury verdicts. Findings from three such studies are summarized below:

- In a review of 24,000 jury verdicts in Cook County, Illinois, and San Francisco County, California, from 1960 to 1984, a RAND Corporation study (1987) identified 6 jury trials in which punitive damages were awarded in product liability cases. Source: Mark Peterson, A. S. Sarma, and M. Shanley, *Punitive Damages: Empirical Findings* (Santa Monica, CA: RAND Corporation, 1987).
- Daniels and Martin (1990) reviewed more than 25,000 jury verdicts in 47 jurisdictions from 1981 to 1985. They found 967 product liability cases, in which 34 were awarded punitive damages. Source: Stephen Daniels and Joanne Martin, "Myth and Reality in Punitive Damages," in *Minnesota Law Review*, 75 (1), 1990.

- Using a variety of data collection methods, Koenig and Rustad (1993) located 355 punitive damage verdicts in product liability jury trial cases across the Nation from 1965 to 1990. Their search focused on personal injury cases and did not include cases with only economic losses. Of the 355 cases, 95 cases involved asbestos. Source: Thomas Koenig and Michael Rustad, "The Quiet Revolution Revisited: An Empirical Study of the Impact of State Tort Reform of Punitive Damages in Product Liability," in *The Justice System Journal*, 16 (2):21-44, 1993.

In 43% of the civil jury cases that awarded punitive damages to the plaintiff, the punitive amount exceeded the compensatory amount (table 9). In 22% of cases with punitive damages, the punitive award amount was at least twice as much as the compensatory award.

#### Case processing time

The mean case processing time from filing of the complaint to jury verdict was 30 months, and the median was 24.7 months (table 10). Toxic substance and medical malpractice cases had a mean processing time of about 3 years. Product liability cases took on average 2.5 years from the filing of the complaint to jury trial verdict.

#### County-specific data

The volume of jury trials, percentage of plaintiff winners, final awards, and punitive damage award amounts varied across the individual State courts sampled in this project (appendix tables 2-3).

Many factors contribute to these differences, including State civil justice laws and the types of cases disposed by jury trial.

**Table 9. Compensatory and total award amounts for plaintiff winners who were awarded punitive damages in civil jury trials in State courts in the Nation's 75 largest counties, 1992**

Case type	Number of cases with a plaintiff winner awarded punitive damages (A)	Total damage award amount			Percent of punitive damages (column A)	
		Total	Punitive	Compensatory	Greater than compensatory damage awards	At least 2 times greater than compensatory damage awards
All jury cases	364	\$545,157,000	\$267,879,000	\$277,278,000	43.0%	22.2%
Tort cases	190	\$203,467,000	\$91,477,000	\$111,990,000	40.4%	17.0%
Automobile	55	69,905,000	35,535,000	34,370,000	39.7	16.3
Premises liability	15	2,481,000	1,272,000	1,208,000	41.0	13.7
Product liability	3	125,000	40,000	85,000	38.5	0
Intentional tort	38	22,963,000	10,926,000	12,036,000	32.4	13.4
Medical malpractice	13	13,144,000	3,120,000	10,024,000	31.8	0
Professional malpractice	15	24,365,000	6,077,000	18,288,000	33.1	33.1
Slander/libel	8	3,579,000	1,341,000	2,238,000	0	0
Toxic substance	13	38,365,000	26,420,000	11,945,000	84.9	39.6
Other tort	30	28,542,000	6,746,000	21,796,000	50.2	20.5
Contract cases	169	\$332,012,000	\$169,528,000	\$162,483,000	44.9%	27.5%
Fraud	38	14,997,000	7,339,000	7,658,000	52.1	34.8
Seller plaintiff	24	3,172,000	1,221,000	1,951,000	41.2	24.0
Buyer plaintiff	47	98,754,000	27,446,000	71,308,000	32.5	20.4
Employment	46	213,437,000	132,759,000	80,678,000	50.6	34.1
Rental/lease	11	875,000	399,000	476,000	55.1	18.4
Other contract	2	777,000	365,000	412,000	55.6	0
Real property cases*	5	\$9,678,000	\$6,873,000	\$2,805,000	80.0%	40.0%

Note: Award data were rounded to the nearest \$1,000. Zero indicates no cases in the sample. Compensatory and total award amounts do not include reductions. Detail may not sum to total because of rounding. Punitive damage awards may be incomplete for 4 counties: Palm Beach Co., FL, Wayne Co., MI, Allegheny Co., PA, and Philadelphia Co., PA.

\*Excludes eminent domain cases.

**Table 10. Case processing time from filing of civil complaint to trial jury verdict in State courts in the Nation's 75 largest counties, 1992**

Case type	Number of jury cases	Median (months)	Mean (months)	Percent of jury trial cases concluded	
				Less than 2 years	4 years or more
All jury cases	9,745	24.7	30.0	48.3%	15.7%
Tort cases	7,605	24.6	30.1	48.8%	16.2%
Automobile	3,381	21.7	26.9	57.4	11.5
Slander/libel	58	22.4	23.2	56.8	4.3
Intentional tort	403	23.4	30.0	52.3	15.7
Premises liability	1,589	25.0	30.6	47.8	18.6
Other tort	667	25.9	30.4	42.8	14.5
Professional malpractice	154	28.0	33.5	37.2	20.6
Product liability	300	28.9	32.0	36.0	16.9
Medical malpractice	999	33.6	38.8	29.8	28.6
Toxic substance	55	36.4	37.9	34.8	26.9
Contract cases	1,927	24.8	29.6	47.6%	14.4%
Seller plaintiff	511	23.7	27.4	51.4	12.3
Fraud	279	24.5	27.0	49.6	10.0
Employment	283	24.7	30.4	47.8	15.4
Buyer plaintiff	519	25.9	30.8	46.7	14.9
Rental/lease	120	26.7	31.0	44.1	17.2
Other contract	209	28.4	33.9	39.7	21.3
Mortgage foreclosure	6	29.2	28.6	48.0	0
Real property cases	213	28.0	30.5	37.0%	13.3%
Eminent domain	148	26.9	29.1	38.4	10.8
Other real property	65	29.3	33.6	33.7	19.1

Note: Data for time to disposition were available for 80.7% of all cases. Zero indicates no cases in the sample.

## Methodology

### Sample

The sample used in this project is a 2-stage stratified sample with 45 of the 75 most populous counties selected at the first stage. The 75 counties were divided into 4 strata based on aggregate civil disposition data for 1990 obtained through telephone interviews with court staff in the general jurisdiction trial courts. In stratum 1 (14 counties with the largest number of civil case dispositions), every county was selected. Stratum 2 consisted of 15 counties, with 12 chosen randomly. From stratum 3, 10 of the 20 counties were selected. Nine of the twenty-six counties in stratum 4 were included.

At the second stage, for 38 of the jurisdictions, all tort, contract, and real property rights cases disposed by jury verdict between July 1, 1991, and June 30, 1992, were selected. In the other 7 jurisdictions, a random sample of about 300 cases, or half the jury trial cases (whichever yielded more cases), were included in the sample. The final sample consisted of 6,504 tort, contract, and real property jury trial cases.

### 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 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 this report were statistically significant at or above the 95 percent confidence level.

### Data recording and unobtainable information

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.

Information for which data were not available or collected included the cost of litigation for the parties involved, as

well as for others; the actual disbursement of awards; the type and extent of the personal injury, if any; and the number of cases that were appealed.

### Final award and punitive damage amounts

Two ways of calculating averages are used to describe final award and punitive damage amounts to plaintiff winners. Means are sensitive to a few very large or small award amounts in a distribution. The median, the middle value in the range of award amounts, is not influenced by extreme values. Median final award and punitive damage amounts are nearly always smaller than corresponding means.

### Civil case type definitions:

**Torts** — Claims arising from personal injury or property damage caused by the negligent or intentional act 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* (by engineers or architects); *product liability* (injury or damage caused by defective products); *toxic substance* (injury caused by toxic substances); *libel/slander* (injury to reputation); *intentional tort* (vandalism or intentional personal injury); and *other negligent acts*.

**Contracts** — Cases that include all allegations of breach of contract. Specific case types include *seller plaintiff* (sellers of goods or services, including lenders, seek payment of money owed to them by a buyer, including borrowers); *buyer plaintiff* (purchasers of goods or services seek return of their money, rescission of the contract, or delivery of the specified goods ordered); *mortgage contract/foreclosure* (foreclosures on real property, commercial or residential; because the title to real property is transferred to the lender if the claim is successful, it could be included under real property cases); *fraud* (financial damages incurred because of intentional or negligent misrepresentation regarding a product or company; also considered a type of tort claim, but because it arises

out of commercial transactions, it was included under contracts); *employment claim* (claim involving the employment or hiring process, including claims of employment discrimination; workman's compensation claims, handled primarily through the administrative process, are not included); *rental/lease agreement*; and *other contract claims* (including partnership claims, stockholder claims, and subrogation issues).

**Real property** — Any claim regarding ownership of real property (excluding mortgage foreclosures, which are included under contracts). Specific categories include *eminent domain* (condemnation of real property to obtain for public use) and *other real property* (any other claim regarding title to or use of real property).

The Bureau of Justice Statistics is the statistical arm of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Special Reports address a specific topic in depth from one or more datasets that cover many topics.

Carol J. DeFrances, Steven K. Smith, and Patrick A. Langan of BJS and Brian J. Ostrom, David B. Rottman, and John A. Goerd of the National Center for State Courts (NCSC) wrote this report. Neil LaFountain, NCSC, also assisted in this project. Carma Hogue at the Bureau of the Census designed the sample. Data collection was carried out by the Bureau of the Census, the National Association of Criminal Justice Planners, and the NCSC. Jacob Perez provided statistical assistance. Tom Hester and Tina Dorsey edited the report. Marilyn Marbrook, assisted by Jayne Robinson and Yvonne Boston, administered production.

July 1995, NCJ-154346

This report is the second in a series based on data collected by the BJS Civil Justice Survey of State Courts, 1992. The first report, titled *Tort Cases in Large Counties*, NCJ-153177, is available from the BJS Clearinghouse at 1-800-732-3277.

**Appendix table 1. Civil trial juries: Size and verdict rules in State courts of general jurisdiction**

State/courts	Jury size	Civil juries decision rule	State/courts	Jury size	Civil juries decision rule	Notes: (a) Or fewer by agreement of the parties. (b) 6-member jury unless a jury of 12 is demanded. (c) Eminent domain cases require a 12-member jury and a unanimous verdict. (d) May stipulate that the jury consist of any number less than 12 or that a verdict or finding of a stated majority of jurors is taken as the verdict or finding of the jury. (e) Can stipulate to 6-member jury with 5/6 rule. (f) 6-member jury unless a jury of 12 is requested. (g) 7/8 rule applies after 6 hours of deliberation. (h) 12-member jury if damages are greater than \$5,000; otherwise 6. (i) 5/6 rule applies with 12 jurors; otherwise, must be unanimous. (j) Parties may stipulate to a 6-member jury. (k) 4-member jury if both parties agree. (l) 5/6 rule after 6 hours of deliberation. (m) Parties may stipulate to 4-8 jurors rather than 12. (n,o) Except in actions in which a jury is required by statute, the parties may stipulate that the jury shall consist of any number less than 12 or that a verdict or finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury. (p) 12-member jury if damages are greater than \$2,500; otherwise 6. (q) 12-member jury may be allowed by the judge. (r) May demand a 12-member jury. (s) A party may request, or the court on its own motion may require, a greater number, not to exceed 12. (t) 6-member jury unless a jury of 12 is demanded. (u) 6-member jury unless a jury of 12 is demanded (local rules). Even absent stipulation, if the court finds it necessary to excuse a juror, a valid verdict may be returned by the remaining 11.
Alabama Circuit	12	Unanimous	Montana District	12(k)	2/3 rule	
Alaska Superior	12	5/6 rule	Nebraska District	12	5/6 rule or Unanimous(l)	
Arizona Superior	8	3/4 rule	Nevada District	12(m)	3/4 rule	
Arkansas Circuit	12	3/4 rule	New Hampshire Superior	12	Unanimous	
California Superior	12(a)	3/4 rule	New Jersey Superior	6/12	5/6 rule	
Colorado District	6	Unanimous	New Mexico District	12	5/6 rule	
Connecticut Superior	6	Unanimous	New York Supreme County	6 6	5/6 rule 5/6 rule	
Delaware Superior	12	Unanimous	North Carolina Superior	12(n)	Unanimous(o)	
District of Columbia Superior	6(b)	Unanimous	North Dakota District	12/6	Unanimous	
Florida Circuit	6(c)	Unanimous	Ohio Common Pleas	12/8	3/4 rule	
Georgia Superior	12	Unanimous	Oklahoma District	6/12(p)	3/4 rule	
Hawaii Circuit	12(d)	5/6 rule(e)	Oregon Circuit	12	3/4 rule	
Idaho District	12	3/4 rule	Pennsylvania Common Pleas	12	5/6 rule	
Illinois Circuit	6(f)	Unanimous	Rhode Island Superior	12	5/6 rule	
Indiana Superior Circuit	6 6	Unanimous Unanimous	South Carolina Circuit	12	Unanimous	
Iowa District	8	7/8 rule or Unanimous(g)	South Dakota Circuit	12	5/6 rule	
Kansas District	6/12(h)	5/6 rule or Unanimous(i)	Tennessee Circuit Chancery	12 12	Unanimous Unanimous	
Kentucky Circuit	12	3/4 rule	Texas District	12	5/6 rule	
Louisiana District	12(j)	5/6 rule, 9/12 rule	Utah District	8	3/4 rule or majority	
Maine Superior	8	3/4 rule	Vermont Superior District	12 12	Unanimous Unanimous	
Maryland Circuit	12	Unanimous	Virginia Circuit	5/7(q)	Unanimous	
Massachusetts Superior	12	5/6 rule	Washington Superior	6(r)	5/6 rule	
Michigan Circuit	6	5/6 rule	West Virginia Circuit	6	Unanimous	
Minnesota District	6	5/6 rule or Unanimous	Wisconsin Circuit	6(s)	5/6 rule	
Mississippi Circuit Chancery	12 12	3/4 rule 3/4 rule	Wyoming District	6(t)	5/6 rule	
Missouri Circuit	12	3/4 rule	Federal Court District	6(u)	Unanimous	

Source: David B. Rottman, et al. *State Court Organization, 1993*. National Center for State Courts. NCJ-148346, January 1995.

**Appendix table 2. Civil jury trial cases and final award amounts, by sampled counties, 1992**

County	Total number of jury cases	Plaintiff winners		Final amount awarded to plaintiff winners <sup>a</sup>					Percent of plaintiff winner cases with awards of \$1 million or more <sup>a</sup>
		Number of cases	Percent	Total	Median	Mean	Minimum	Maximum	
Maricopa, AZ	145	92	63.4%	\$20,482,272	\$30,721	\$227,581	\$374	\$7,500,720	3.3%
Pima, AZ	78	39	50.0	6,000,925	52,621	153,870	1,740	1,450,000	5.1
Alameda, CA	89	43	48.3	10,339,420	87,300	258,485	1,500	3,673,907	5.0
Contra Costa, CA	68	30	44.1	32,413,688	110,000	1,117,713	550	15,250,000	13.8
Fresno, CA	87	47	54.0	6,607,983	52,189	146,844	1,065	1,030,000	2.2
Los Angeles, CA <sup>b</sup>	602	306	50.8	294,321,627	124,922	968,163	3	17,747,000	17.8
Orange, CA	281	115	40.9	37,174,204	48,500	323,254	798	8,799,440	7.8
San Bernardino, CA	75	28	36.7	8,648,190	58,412	314,480	1,207	2,000,000	9.1
San Francisco, CA	126	64	50.8	18,344,394	109,459	286,631	1,000	2,552,000	6.3
Santa Clara, CA	107	49	45.8	21,272,734	67,834	443,182	295	4,500,000	10.4
Ventura, CA	78	34	43.6	5,273,387	62,318	188,335	237	2,511,746	3.6
Fairfield, CT <sup>c</sup>	54	29	53.7	2,583,992	22,950	92,285	900	1,500,000	3.6
Hartford, CT <sup>c</sup>	61	32	52.5	2,870,990	27,964	92,613	1	525,000	0
Dade, FL	360	159	44.2	44,245,071	60,000	278,271	240	2,356,401	9.4
Orange, FL	83	52	62.7	11,272,490	31,869	234,844	810	3,807,443	8.3
Palm Beach, FL	259	166	64.1	29,364,094	54,419	187,032	386	6,626,510	2.5
Fulton, GA	120	62	51.7	14,245,946	67,149	233,540	643	2,323,701	4.9
Honolulu, HI	57	21	36.8	1,473,536	52,792	133,958	15,144	600,000	0
Cook, IL	600	347	57.9	200,992,035	62,001	578,961	100	24,143,959	11.4
DuPage, IL	82	37	45.1	4,021,306	15,088	108,684	1	2,904,228	2.7
Marion, IN	27	15	55.6	274,430	17,734	19,602	3,000	44,500	0
Jefferson, KY	99	61	61.6	6,237,480	11,300	105,720	180	3,315,973	1.7
Essex, MA	76	23	30.3	3,133,139	40,280	136,223	1,273	653,022	0
Middlesex, MA	82	28	34.1	3,318,686	50,318	144,291	4,000	817,920	0
Norfolk, MA	62	31	50.0	3,076,531	30,750	113,946	820	1,440,000	3.7
Suffolk, MA	114	40	35.1	11,592,171	100,000	297,235	700	5,000,000	2.6
Worcester, MA	53	20	37.7	1,696,665	77,000	154,242	1	685,000	0
Oakland, MI	119	55	46.2	22,310,241	90,330	437,456	250	8,600,000	7.8
Wayne, MI	242	123	50.8	64,229,338	144,231	573,476	2,500	5,506,495	18.8
Hennepin, MN	208	103	49.5	19,315,701	43,016	197,099	181	7,197,180	3.1
St. Louis, MO	235	107	45.5	6,024,365	15,000	57,375	500	950,000	0
Bergen, NJ	115	58	50.4	5,151,648	31,200	101,013	4,150	1,214,789	2.0
Essex, NJ	158	70	44.3	13,237,715	18,866	220,629	660	6,486,166	3.3
Middlesex, NJ	140	56	40.0	8,339,368	25,725	154,433	345	1,400,000	3.7
New York, NY	600	363	60.4	414,551,440	150,000	1,193,985	1,925	90,300,000	16.8
Cuyahoga, OH	266	161	60.5	25,977,594	18,225	170,905	116	6,303,755	3.3
Franklin, OH	119	65	54.6	22,467,760	25,000	345,658	100	12,941,628	4.6
Allegheny, PA	111	53	47.7	5,834,128	17,366	114,395	1	1,170,016	1.9
Philadelphia, PA	618	356	57.6	149,756,826	100,000	425,446	750	5,397,828	12.5
Bexar, TX	262	121	46.2	10,835,914	21,003	95,893	1	1,634,402	.9
Dallas, TX	261	129	49.4	241,221,539	65,180	1,914,457	550	123,389,836	11.9
Harris, TX	632	260	41.1	317,963,486	91,932	1,292,534	192	74,911,126	12.1
Fairfax, VA	161	85	52.8	10,374,068	44,903	123,501	1	3,300,000	2.4
King, WA	131	74	56.5	7,528,017	45,069	104,556	97	1,100,000	1.4
Milwaukee, WI	116	51	44.0	10,288,834	25,000	209,976	447	4,169,848	4.1

Note: For 7 counties (Los Angeles Co., CA, San Bernardino Co., CA, Dade Co., FL, Cook Co., IL, New York Co., NY, Philadelphia Co., PA, and Harris Co., TX), the percentage of plaintiff winners and final award amounts are sample estimates. Data for the remaining 38 jurisdictions are based not on samples but on complete enumerations. Detail may not sum to total because of rounding.

<sup>a</sup>Final amount awarded to plaintiff winners excludes cases where

these data were missing. Final amount awarded includes both compensatory awards (reduced for contributory negligence, if applicable) and punitive damage awards.

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

<sup>c</sup>The number of jury cases and final award amounts are for the Fairfield and Hartford judicial districts.