



# Bureau of Justice Statistics Bulletin

April 2004, NCJ 202803

*Civil Justice Survey of State Courts, 2001*

## Civil Trial Cases and Verdicts in Large Counties, 2001

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State courts of general jurisdiction in the Nation's 75 largest counties disposed of almost 12,000 tort, contract, and real property cases by jury or bench trial during 2001. Juries decided almost three-fourths of these cases, while judges resolved about a fourth of them.

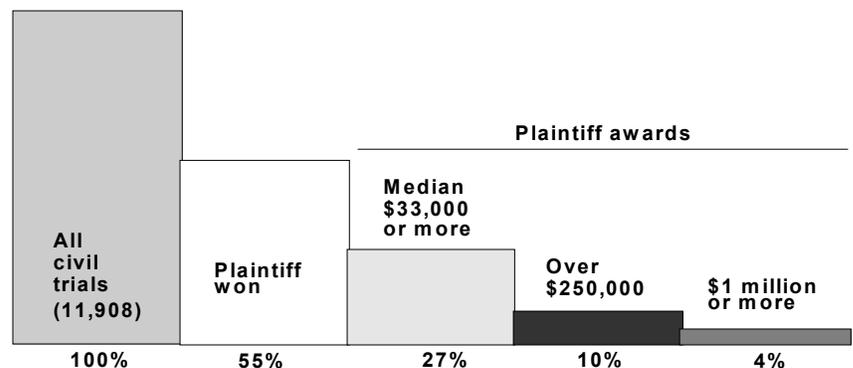
Plaintiffs won in 55% of trials and were awarded a total of about \$4 billion in compensatory and punitive damages. The median total award was \$33,000, and the amounts awarded to plaintiff winners ranged from under \$10 to \$454 million. Tort claims comprised 67% of trials disposed. The majority of trials (62%) were disposed of in less than 2 years.

These are some of the findings from a study of civil trials in State courts involving tort, contract, and real property cases in the Nation's 75 largest counties. This study is part of a series examining general jurisdiction court civil cases resolved through trials.<sup>1</sup>

<sup>1</sup>Courts of general jurisdiction may handle many types of civil cases including estate, domestic relations, probate, and small claims. This report only examines general civil cases (that is, tort, contract, and real property) in courts of general jurisdiction.

### Highlights

In 2001 plaintiffs in the 75 largest counties won just over half the 12,000 general civil cases at trial, with 442 or 4% awarded \$1 million or more



- During 2001 a jury decided almost 75% of the 12,000 tort, contract, and real property trials in the Nation's 75 largest counties. Judges adjudicated the remaining 24%. Tort cases (93%) were more likely than contract cases (43%) to be disposed of by jury trial. (53%), and in contract trials (65%) more than in tort (52%) or real property trials (38%).
- An estimated \$4 billion in compensatory and punitive damages were awarded to plaintiff winners in civil trials. Juries awarded \$3.9 billion to plaintiff winners while judges awarded \$368 million. The median total award for plaintiff winners in tort trials was \$27,000 and in contract trials \$45,000.
- Punitive damages, estimated at \$1.2 billion, were awarded to 6% of plaintiff winners in trials. The median punitive damage award was \$50,000.
- Plaintiffs prevailed in about a fourth (27%) of medical malpractice trials. Half of the 311 plaintiffs who successfully litigated a medical malpractice claim won at least \$422,000, and in nearly a third of these cases, the award was \$1 million or more.
- The 11,908 civil trials disposed of in 2001 represents a 47% decline from the 22,451 civil trials in these counties in 1992.
- In jury trials, the median award decreased from \$65,000 in 1992 to \$37,000 in 2001 in these counties.
- Two-thirds of disposed trials in 2001 involved tort claims, and about a third involved contractual issues.
- Overall, plaintiffs won in 55% of trials. Plaintiffs won more often in bench trials (65%) than in jury trials

The sample of civil cases included tort, contract, and real property cases. Federal trials, trials in counties outside the 75 most populous counties, and trials in State courts of limited jurisdiction were excluded from the sample.

### Cases that reach trial

During calendar year 2001 State courts of general jurisdiction in the Nation's 75 most populous counties disposed of an estimated 11,908 tort, contract, and real property trial cases. Previous studies conducted by the Bureau of Justice Statistics found that a majority of tort, contract, and real property cases are resolved prior to going to

trial and that only a small percentage (about 3%) are actually disposed of by jury or bench trial verdict.<sup>2</sup>

Civil trials, however, are crucial because it is through these cases that important information on civil case components such as compensatory award amounts, punitive damages, and case processing times are known. In the majority of civil cases that settle, the terms of settlement agreements and other key case information may not be publicly available.

Most (67%) of the civil cases disposed of by trial in the Nation's 75 most populous counties during 2001 involved a tort claim, in which plaintiffs alleged injury, loss, or damage from the negligent or intentional acts of defendants. Cases dealing with allegations of breach of contract (contract cases) accounted for 31% of trials and real property cases about 2% (table 1).

The most frequent kinds of civil cases disposed of by trial were automobile accident cases (36%); premises liability cases, alleging harm from inadequately maintained or dangerous property (11%); seller plaintiff cases, involving payment owed by a buyer or borrower (10%); and medical malpractice cases in which the plaintiff claimed harm from a doctor, dentist, or other health care provider (10%).

Cases involving the purchasers of goods or services seeking a return on their money (buyer plaintiff) and cases

that arose due to the intentional or negligent misrepresentation of a product or company (fraud) accounted for 7% and 5% respectively, of all civil trials.

Product liability cases represented less than 2% of all civil trials.

### Types of cases disposed of by trial

Generally, juries decided civil cases involving issues of personal injury or harm, such as automobile or medical malpractice. For example, juries were more likely to decide tort cases (93%) than contract cases (43%) or real property cases (27%) (figure 1). Judges disposed of business-related civil trials such as contract (57%) and real property cases (73%) more often than juries (not shown in a table).

Over 90% of medical malpractice and premises liability cases were decided by jury trial. Among the sampled product liability cases, 100% of asbestos and 93% of the other product liability cases were disposed of by jury trial. The majority of automobile tort cases were also adjudicated by jury trial.

Among contract cases, bench trials disposed of 77% of seller plaintiff cases, 77% of rental lease cases, and 53% of fraud cases. Only in employment discrimination suits was a substantial majority of contract cases (89%) decided by a jury (not shown in a table).

**Table 1. Number of civil trials disposed of in State courts in the Nation's 75 largest counties, 2001**

Case type	Number of trials <sup>a</sup>	Percent
All	11,908	100.0%
Tort cases	7,948	66.7%
Automobile	4,235	35.6
Premises liability	1,268	10.6
Product liability	158	1.3
Asbestos	31	0.3
Other	126	1.1
Intentional tort	375	3.1
Medical malpractice	1,156	9.7
Professional malpractice	102	0.9
Slander/libel	95	0.8
Animal attack	99	0.8
Conversion	27	0.2
False arrest, imprisonment	45	0.4
Other or unknown tort	390	3.3
Contract cases	3,698	31.1%
Fraud	625	5.2
Seller plaintiff	1,208	10.1
Buyer plaintiff	793	6.7
Mortgage foreclosure	22	0.2
Employment discrimination	166	1.4
Other employment dispute	287	2.4
Rental/lease	276	2.3
Tortious interference	138	1.2
Partnership dispute	40	0.3
Subrogation	69	0.6
Other or unknown contract	73	0.6
Real property cases	262	2.2%
Eminent domain	52	0.4
Other real property <sup>b</sup>	210	1.8

Note: Data for case types were available for 100% of the 11,908 trial cases. 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 title disputes, boundary disputes, and other real property cases. See *Methodology* section for case type definitions.

<sup>2</sup>See *Tort Cases in Large Counties, NCJ 153177, April 1995* and *Contract Cases in Large Counties, NCJ 156664, February 1996*.

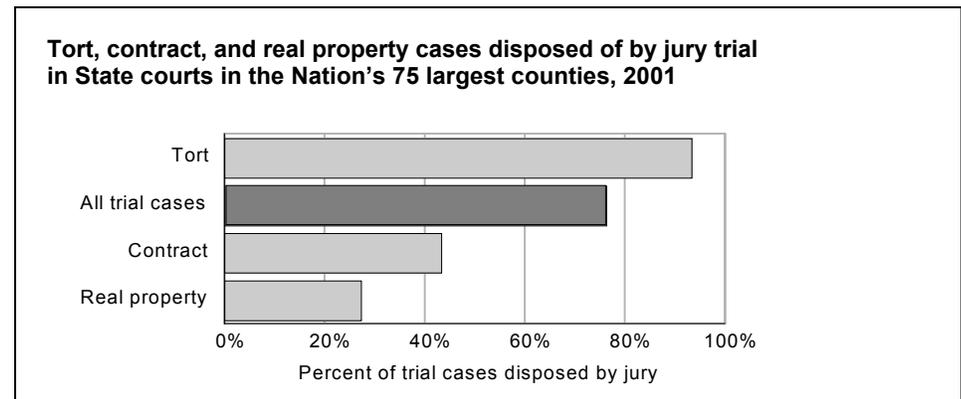


Figure 1

## Comparing jury and bench trials

The cases before judges and juries differ in terms of case type, plaintiff win rates, damage awards, case processing times, and other trial characteristics (table 2).

	Jury	Bench
How many civil trials were decided by a jury or judge? All cases	8,859	2,828*
Who were the plaintiffs? <sup>a</sup>		
Individuals	91.2%	56.5%*
Businesses	8.0	41.5*
Who sued whom? <sup>b</sup>		
Individual v. individual	44.9%	31.6%*
Business v. business	5.5	26.6*
Who won? <sup>c</sup>		
Plaintiffs overall	52.6%	65.1%*
Plaintiffs in torts	50.7	64.7*
Plaintiffs in contracts	61.6	67.8*
How much? <sup>d</sup>		
Median award	\$37,000	\$28,000*
In tort cases	28,000	23,000
In contract cases	81,000	30,000*
What percentage of prevailing plaintiffs received awards of \$1 million or more?		
All cases	8.4%	2.6%*
Torts	7.8	5.4
Contracts	10.7	1.9*
What percentage of prevailing plaintiffs were awarded punitive damages?		
All cases	5.7%	4.4%*
How long did the cases last? <sup>e</sup>		
Median number of months	21.7 mo	16.1 mo*
Decided within 2 years	56.9%	77.0%*

Note: There were 221 other cases including, directed verdicts, judgments notwithstanding the verdict, and jury trials for defaulted defendants that were not included in this table.  
\*Jury - bench difference is significant at the 95%-confidence level.  
<sup>a</sup>Data on plaintiff types were available for 99.5% of jury and 99.6% of bench trials.  
<sup>b</sup>Data on litigant pairings were available for 99.3% of jury and 99.4% of bench trials.  
<sup>c</sup>Data on plaintiff winners were available for 99.9% of jury and 99.8% of bench trials.  
<sup>d</sup>There were a total of 4,603 jury and 1,792 bench trials where the plaintiff won an award. Award data were available for 99.4% of jury and 99.1% of bench trials.  
<sup>e</sup>Case processing time data were available for 99.9% of jury and bench trials.

## Type of litigants: Plaintiffs

In 83% of all trial cases, the plaintiff was an individual.<sup>3</sup> Businesses were plaintiffs in 16% of all trials, government agencies, 1% and hospitals, 0.3% (table 3). Because tort litigation primarily involves personal injury, over 97% of tort trials had an individual as the plaintiff (not shown in a table).

As contract cases often involved business disputes, businesses comprised a substantial percentage (44%) of all contract plaintiffs. Government agencies represented a majority of plaintiffs (69%) in eminent domain property cases (not shown in a table).

## Type of litigants: Defendants

Defendants in all trials were primarily divided between individuals (47%) and businesses (42%).<sup>4</sup> Hospitals were

<sup>3</sup>Each civil trial case, regardless of the number of plaintiff types involved, was assigned one of four plaintiff designations from the following hierarchy: hospital, business, government, and individual. A case with multiple plaintiffs received the designation of whichever type appeared first in the hierarchy.

<sup>4</sup>A case with multiple defendants was assigned the defendant type that appeared first in the hierarchy.

named as the defendant in 6% of all trials and governments 5% (table 3). In jury trials, 47% of defendants were individuals and 40% were businesses. Defendants in bench trials were evenly represented by businesses (50%) and individuals (47%).

## Who sues whom?

The most common type of civil trial involved an individual suing either another individual (42%) or a business (31%). Businesses sued each other in about 11% of all civil trials (table 4). Among bench trials, a larger proportion of businesses were more likely to be plaintiffs suing either businesses (27%) or individuals (14%) (not shown in a table).

## Multiple plaintiffs and defendants

Over 42,000 litigants were involved in the 12,000 tort, contract, and real property trials disposed of in the Nation's 75 largest counties in 2001. Cases with multiple defendants were more prevalent than cases with multiple plaintiffs. About three-fourths (73%) of all trials had only one plaintiff while about half (56%) had only one defendant (not shown in a table).

**Table 3. Type of plaintiffs or defendants, by disposition of civil trials in State courts in the Nation's 75 largest counties, 2001**

Type of disposition	Number	Total	Plaintiffs			
			Individual	Government	Business <sup>a</sup>	Hospital <sup>b</sup>
All trial cases	11,849	100%	82.8%	0.8%	16.0%	0.3%
Jury trial cases	8,815	100	91.2	0.7	8.0	0.2
Bench trial cases	2,816	100	56.5	1.2	41.5	0.8
Other trial cases <sup>c</sup>	217	100	86.1	0.9	13.0	--
	Number	Total	Defendants			
			Individual	Government	Business <sup>a</sup>	Hospital <sup>b</sup>
All trial cases	11,828	100%	47.1%	4.8%	41.9%	6.2%
Jury trial cases	8,800	100	47.3	5.3	39.5	7.9
Bench trial cases	2,812	100	46.9	2.7	49.6	0.8
Other trial cases <sup>c</sup>	216	100	42.2	12.9	40.4	4.5

Note: Plaintiff or defendant type for each case is whichever type appears first on this list:

1) hospital/medical company, (2) business, (3) governmental agency, and (4) individual.

Data on plaintiff type were available for 99.5% of all trial cases and jury trials, 99.6% of bench trials, and 98.5% of other trials. Defendant data were available for 99.3% of all trial cases and jury trials, 99.4% of bench trials, and 97.5% of other trials.

Detail may not sum to total because of rounding.

--No cases recorded.

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

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

<sup>c</sup>"Other cases" include directed verdicts, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

## Trial outcomes

Overall, plaintiffs won in 55% of trials. The rate of plaintiff success varied according to the type of case litigated. Plaintiffs were more likely to win in contract cases (65%) than in either tort (52%) or real property cases (38%) (table 5).

• Among *tort trials* plaintiffs prevailed in over half of animal attack (67%), automobile (61%), and asbestos (60%) cases. Plaintiffs won in less than a third of medical malpractice (27%) cases.

• For *contract trials* the estimated win rate surpassed 70% in seller plaintiff (77%) and mortgage foreclosure (73%) cases and exceeded 60% in buyer plaintiff (62%), rental lease (65%), and subrogation (67%) cases. Conversely, plaintiffs prevailed in 44% of employment discrimination cases and 46% of partnership disputes.

## Trial awards

During 2001 plaintiff winners in civil trials were awarded an estimated \$4.4 billion in compensatory and punitive damages in the Nation's 75 largest

counties. Slightly over half the estimated total amount (\$2.3 billion) was awarded in tort cases.

The median amount awarded to plaintiff winners for all trial cases was \$33,000. Contract cases garnered higher median awards (\$45,000) compared to tort (\$27,000) cases.

**Table 4. Pairing of primary litigants in civil trials in State courts in the Nation's 75 largest counties, 2001**

Type of case	Number	Plaintiffs			
		Individual	Government	Business <sup>b</sup>	Hospital <sup>c</sup>
All defendants <sup>a</sup>	11,822	82.8%	0.8%	16.0%	0.3%
Individual only defendant	5,576	41.6%	0.3%	5.0%	0.2%
Government defendant	566	4.4	0.1	0.4	0.0
Business defendant <sup>b</sup>	4,952	30.9	0.4	10.6	0.0
Hospital defendant <sup>c</sup>	728	6.0	--	0.1	0.1

Note: Data on litigant pairings were available for 99.3% of cases. Plaintiff or defendant type for each case is whichever type appears first in this list: (1) hospital/medical company, (2) corporate/business, (3) governmental agencies, and (4) individuals.

For example, any case involving a hospital defendant is categorized as a case with a "hospital defendant" even if a business, individual, or government were defendants in the case.

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>Includes insurance companies, banks, and other businesses and organizations.

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

## Class action lawsuits

A class action lawsuit requires that (1) the number of persons be so numerous that it would be impractical to bring them all before the court, (2) the named representatives can fairly represent all of the members of the class, and (3) the class members have a well defined common interest in the questions of law or fact to be resolved (*Black's Law Dictionary*).

Of the 11,908 civil trials litigated in 2001, only 1 could be classified as a class action. This lawsuit, "Bell v. Farmers Insurance Exchange," resulted from the decision of Farmers Insurance Exchange to classify their claims' representatives as administra-

tive personnel, which exempted the insurance company from having to pay overtime. The suit was certified as a class action because it involved over 2,400 California claims adjusters. The jury trial took place in Oakland, California, and a finding was entered for the plaintiffs. The award totaled \$124.5 million of which \$90 million was for uncompensated overtime, \$1.2 million for double time, and \$34.5 million for prejudgment interest. The case took almost 5 years from filing to verdict to litigate.

Source for additional case details: *The National Law Journal* (February 2002) Vol. 24, No. 22 (Col. 3).

**Table 5. Plaintiff winners in State courts in the Nation's 75 largest counties, 2001**

Case type	All trial cases	
	Number	Plaintiff winners <sup>b</sup>
All trial cases <sup>a</sup>	11,681	55.4%
Tort cases	7,798	51.6%
Automobile	4,121	61.2
Premises liability	1,260	42.0
Product liability	154	44.2
Asbestos	30	60.0
Other	124	40.3
Intentional tort	366	56.8
Medical malpractice	1,149	26.8
Professional malpractice	99	52.5
Slander/libel	94	41.5
Animal attack	99	66.7
Conversion	28	46.4
False arrest, imprisonment	45	42.2
Other or unknown tort	383	50.9
Contract cases	3,625	64.8%
Fraud	602	58.3
Seller plaintiff	1,196	76.8
Buyer plaintiff	779	61.5
Mortgage foreclosure	22	72.7
Employment discrimination	160	43.8
Other employment dispute	282	55.7
Rental/lease	276	64.9
Tortious interference	133	57.9
Partnership dispute	41	46.3
Subrogation	61	67.2
Other or unknown contract	73	56.2
Real property cases	258	37.6%
Eminent domain	49	40.8
Other real property <sup>c</sup>	209	36.8

Note: Data on plaintiff winners were available for 99.9% of trials. Detail may not sum to total because of rounding.

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

<sup>b</sup>Excludes bifurcated trials where the plaintiff litigated only the damage claim. There were 216 trials where only the damage claim was litigated.

<sup>c</sup>Includes title disputes, boundary disputes, and other real property cases.

About 18% of plaintiff winners were awarded over \$250,000 in total damages while an estimated 7% were awarded \$1 million or more (table 6). Among particular types of cases, asbestos product liability trials had the highest median awards, with half of the 19 asbestos cases receiving at least \$1.7 million in damages. These cases averaged a higher number of plaintiffs

(3.2 plaintiffs per case) compared to the typical tort case (1.4 plaintiffs per case). Among the non-asbestos product liability cases, plaintiffs recovered a median award of \$311,000. Plaintiff winners in medical malpractice trials received a median award of \$422,000, with 1 in 3 receiving awards of \$1 million or more.

Among contract trials, employment discrimination suits had median awards of \$166,000, with 14% garnering awards of \$1 million or more.

*Jury awards versus bench awards*

The data reveal that final award amounts also varied by whether the case was decided by a jury or a judge.

**Largest damage award**

Of the 11,908 civil trials studied, the largest damage award involved a business dispute between several parties in Texas and Mexico.

A company in Texas attempted to franchise several stores in Mexico. Under Mexican law this company could not establish franchise contracts without a Mexican business partner. The company sought assistance from several Mexican business partners who initially expressed an interest in the deal; however, the company contended that these business associates broke off negotiations and used the insider information gained to directly buy the franchise for \$800 million. The plaintiff accused their Mexican business associates and the seller of renegeing on the contractual deal.

A jury in Dallas, Texas, found for the plaintiff corporation and awarded \$90 million in actual damages for lost profit and \$364.5 million in punitive damages. The case, from filing to disposition, took 3½ months to process; the trial lasted 17 days. The \$454 million total award was reduced to \$121 million on appeal.

Sources for additional case details: *Los Angeles Times*, February 9, 2001; *Houston Chronicle*, May 19, 2001.

**Table 6. Plaintiff award winners in the Nation's 75 largest counties, 2001**

Case type	Number of all trial cases with a plaintiff winner <sup>b</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 trial cases <sup>a</sup>	6,487*	\$4,346,072,000	\$33,000	18.3%	6.8%
Tort cases	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
Contract cases	2,369	\$2,043,211,000	\$45,000	17.7%	5.4%
Fraud	358	768,506,000	81,000	30.2	12.0
Seller plaintiff	925	165,336,000	34,000	10.5	2.9
Buyer plaintiff	477	130,585,000	45,000	17.7	4.8
Mortgage foreclosure	13	2,731,000	70,000	13.6	13.6
Employment discrimination	73	44,913,000	166,000	39.4	14.4
Other employment dispute	162	265,939,000	78,000	23.8	4.8
Rental/lease	176	24,112,000	20,000	11.9	2.6
Tortious interference	83	580,211,000	94,000	30.7	6.9
Partnership dispute	19	52,462,000	97,000	41.8	12.8
Subrogation	44	2,047,000	8,000	4.1	--
Other or unknown contract	41	6,369,000	22,000	13.9	7.1
Real property cases <sup>c</sup>	49	\$2,904,000	\$15,000	6.1%	--

Note: Data for case type and final awards were available for 99.3% of all plaintiff winners. Award data were rounded to the nearest thousand. Final award amount includes both compensatory (reduced for contributory negligence) and punitive damage awards. 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 5). 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 5) account for some of this difference.

--No cases recorded.

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

<sup>b</sup>Excludes bifurcated trials where the plaintiff won on only the liability claim. Bifurcated trials involving only damage claims, however, have been included.

<sup>c</sup>Eminent domain cases are not calculated among final awards because there is almost always an award; the issue is how much the defendant (whose property is being condemned) will receive for the property.

This was particularly true for contract cases where juries awarded a median amount of \$81,000 compared to the \$30,000 median amount awarded by judges. Among the employment discrimination cases, plaintiff winners received a median award of \$218,000

from juries and a median award of \$40,000 from judges. In seller plaintiff cases, juries awarded a median of \$68,000 to plaintiffs compared to \$29,000 by judges (not shown in a table).

### Punitive damage awards

Punitive damages were awarded in 6% of the 6,487 trial cases in which the plaintiff won damages. Punitive damages totaled over \$1.2 billion and accounted for about 28% of the \$4.4 billion awarded to plaintiffs overall.

The median punitive damage amount awarded to plaintiff winners who received a punitive damage award was \$50,000. Twenty-three percent of punitive damage awards were over \$250,000, and 12% were \$1 million or more (table 7).

Among tort cases punitive damages were awarded more frequently to plaintiff winners in slander/libel cases (59%), intentional tort cases (36%), and false arrest/imprisonment cases (26%). Contract cases recorded the highest estimated punitive awards in partnership disputes (21%), employment discrimination (18%), and fraud cases (17%).

### Compensatory versus punitive damage awards

In civil trials that received punitive damages, substantial differences can occur between the amount awarded in punitive and compensatory damages.<sup>5</sup> In 39% of civil trials that awarded punitive damages to the plaintiff winner, the amount of punitive damages exceeded the amount awarded for compensatory damages. Punitive awards exceeded compensatory awards in 40% of tort trials and in 37% of contract trials (table 8).

<sup>5</sup>The U.S. Supreme Court ruled on the compensatory to punitive damages ratio, after this sample of civil trials was collected, in "State Farm Insurance v. Campbell" in which the Court overturned a punitive damage award that it considered "grossly excessive." While the Supreme Court did not delineate a bright line ratio of punitive to compensatory damages, it did suggest that punitive damages "more than four times the amount of compensatory damages might come close to the line of constitutional impropriety." (State Farm Mutual Automobile Insurance Company v. Campbell, April 7, 2003, 123 S.Ct. 1513: 1524.)

**Table 7. Punitive damage awards in civil trial cases for plaintiff award winners in State courts in the Nation's 75 largest counties, 2001**

Case type	Number awarded punitive damages <sup>a</sup>	Trial cases with plaintiff winners			
		Amount of punitive damages awarded		Number of cases with punitive damages —	
		Total	Median	Over \$250,000	\$1 million or more
All trial cases <sup>a</sup>	356	\$1,221,877,000	\$50,000	81	41
Tort cases	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	177,000	177,000*	--	--
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
Contract cases	138	\$854,658,000	\$83,000	36	18
Fraud	60	368,992,000	63,000	11	5
Seller plaintiff	9	484,000	4,000	--	--
Buyer plaintiff	16	16,509,000	275,000	9	3
Mortgage foreclosure	--	--	--	--	--
Employment discrimination	13	13,552,000	606,000	9	5
Other employment dispute	16	3,949,000	151,000	2	1
Rental/lease	9	2,282,000	15,000	2	2
Tortious interference	9	431,981,000	83,000	3	1
Partnership dispute	4	16,909,000	186,000	1	1
Subrogation	--	--	--	--	--
Other or unknown contract	2	1,000	1,000	--	--
Real property cases <sup>b</sup>	1	\$70,000	\$70,000*	--	--

Note: There was a total of 364 cases in which a punitive damage claim was awarded. In 356 of these cases, the punitive award went to the plaintiff and in 8 cases the punitive award went to the defendant on a counterclaim. In this study, cases are classified by the primary case type, though many cases involve multiple claims (that is, contract and tort). Under laws in almost all States, only tort claims qualify for punitive damages. If contract or real property cases involved punitive damages, it involved a related tort claim.

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>The number of trial cases includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

<sup>b</sup>Excludes eminent domain cases.

**Table 8. Compensatory and total award amounts for plaintiff winners who were awarded punitive damages in civil trials in State courts in the Nation's 75 largest counties, 2001**

	Number of cases with a plaintiff winner awarded punitive damages <sup>a</sup>	Total damage award amount			Percent of punitive damage cases with punitive awards —		
		Total <sup>b</sup>	Punitive	Compensatory <sup>b</sup>	Greater than compensatory damage awards	At least 2 times greater than compensatory damage awards	At least 4 times greater than compensatory damage awards
All trial cases	356	\$1,822,834,000	\$1,221,877,000	\$595,725,000	38.8%	23.8%	13.9%
Tort cases	217	\$626,779,000	\$367,149,000	\$257,790,000	39.9%	28.6%	18.1%
Contract cases	138	1,195,705,000	854,658,000	337,655,000	37.4	16.6	7.5
Real property cases <sup>c</sup>	1	350,000	70,000	280,000	--	--	--

Note: Punitive and compensatory damage data will not sum to total because a third category, fees and costs, have been excluded. Award data were rounded to the nearest thousand. Detail may not sum to total because of rounding. In this study, cases are classified by the primary case type, though many cases involve multiple claims (that is, contract and tort). Under laws in almost all States, only tort claims qualify for punitive damages. If contract or real property cases involved punitive damages, it involved a related tort claim.

--No cases recorded.  
<sup>a</sup>The number of trials includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.  
<sup>b</sup>Compensatory and total award damages do not include reductions.  
<sup>c</sup>Excludes eminent domain cases.

**Federal civil trials**

Federal district courts exercise jurisdiction in civil actions that —  
 (1) deal with a Federal question arising out of the U.S. Constitution,  
 (2) are between parties that reside in different States or countries and that exceed \$75,000 at issue,  
 (3) are initiated by the U.S. Government, or  
 (4) are brought against the U.S. Government. (See *Federal Tort Trials and Verdicts*, NCJ 172855, February 1999, and "The Jurisdiction of the Federal Courts," <[www.uscourts.gov/understand03](http://www.uscourts.gov/understand03)>, viewed 3/9/2004.)

- In fiscal year 2001 Federal district courts disposed of 1,964 tort, contract, and real property cases by jury or bench trial.
- As in State courts, a small percentage (2%) of the 87,852 terminated Federal tort, contract, and real property cases reached trial.
- A jury verdict disposed of a majority (67%) of Federal tort, contract, and real property trials.
- Federal tort cases (79%) were more likely to be decided by jury trial than contract (50%) and property (26%) cases.
- In about half of Federal tort, contract, and real property trials, the plaintiff won the decision. Plaintiffs won 51% of jury trials and 56% of bench trials.
- The median amount awarded to plaintiff winners was larger in Federal district courts than in the sampled State courts. The median award for plaintiff winners was \$216,000 for all Federal tort, contract, and real property cases disposed of by trial. The median award was \$228,000 for jury trials and \$177,000 for bench trials.

**Federal tort, contract, and real property trials terminated in U.S. district courts, 2001**

Case type	All trial cases				Jury trial cases			Bench trial cases		
	Number plaintiff winners	Number of plaintiff monetary awards	Total award	Median award	Number plaintiff winners	Number of plaintiff monetary awards	Median award	Number plaintiff winners	Number of plaintiff monetary awards	Median award
Total	801	636	\$976,156,000	\$216,000	483	405	\$228,000	318	231	\$177,000
Tort	434	358	\$462,943,000	\$179,000	316	261	\$201,000	118	97	\$139,000
Contract	324	266	508,543,000	272,000	159	140	330,000	165	126	226,000
Real property	43	12	4,670,000	125,000	8	4	773,000	35	8	105,000

Note: Award data were rounded to the nearest thousand.  
 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/statisticalreport.html>>.

## Case processing time

Among all trials the average case processing time from filing of the complaint to verdict or judgment was 24.2 months, with half the civil trials taking a minimum of 20.2 months to dispose (not shown in a table).

- *Tort* trials reached a verdict or judgment in an average of 25.6 months compared to 21.7 months for real property cases and 21.5 months for contract cases.

- Among *tort* cases, non-asbestos product liability trials had one of the longest case processing times, averaging 35.1 months from filing to verdict or judgment, followed by *medical malpractice* cases with an average of 33.2 months.

**Table 9. Average number of days in trial in State courts in the Nation's 75 largest counties, 2001**

Case type*	Mean number of days in trial
All trial cases	3.7
Tort cases	3.9
Automobile	2.9
Premises liability	3.7
Product liability	9.2
Asbestos	14.1
Other	8.1
Intentional tort	4.1
Medical malpractice	6.5
Professional malpractice	5.4
Slander/libel	4.2
Animal attack	2.6
Conversion	5.2
False arrest, imprisonment	4.4
Other or unknown tort	4.7
Contract cases	3.4
Fraud	3.7
Seller plaintiff	2.2
Buyer plaintiff	3.5
Mortgage foreclosure	1.8
Employment discrimination	8.4
Other employment dispute	4.2
Rental/lease	2.5
Tortious interference	5.2
Partnership dispute	5.6
Subrogation	2.3
Other or unknown contract	3.7
Real property cases	2.8

Note: Data on the number of days in trial were available for 92.7% of all cases.

\*The number of trials includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

- The 31 *asbestos product liability* cases had one of the shortest average case processing times (16.8 months).

## Number of days in trial

General civil trials conducted in the Nation's 75 most populous counties lasted 3.7 days on average.<sup>6</sup> Asbestos cases took about 3 weeks on average to process (14.1 days), while the other product liability trials were disposed within nearly 2 weeks (8.1 days). Medical malpractice and employment discrimination cases took between 1 and 2 weeks on average to dispose. The average number of days in trial for automobile cases, the most common civil case, was 2.9 days (table 9).

A bench or jury disposition also affected the length of time in trial. Jury trials lasted 4.3 days on average compared to 1.9 days for bench trials. The longest jury trial recorded in the sample lasted 70 days, and the longest bench trial, 18 days (not shown in a table).

<sup>6</sup>Trial days involve the actual number of business days that a case is in trial. Weekends and holidays are not counted.

## Trends in civil trials

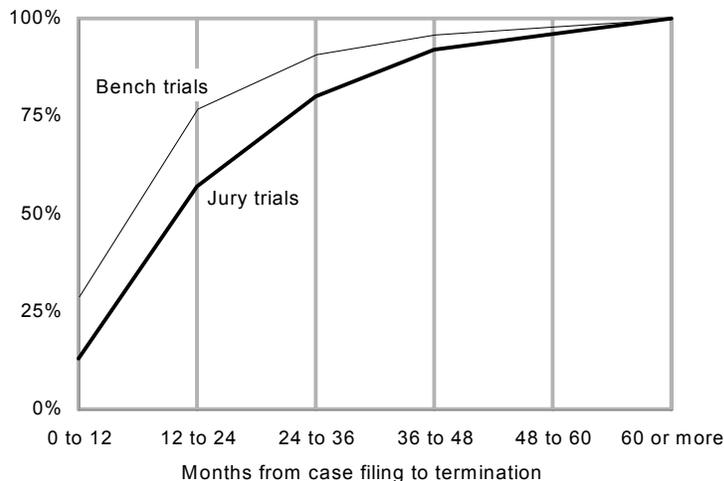
*The total number of civil trials declined from 1992 to 2001*

The number of civil trials decreased 47%, from 22,451 to 11,908 cases, since 1992. Tort cases decreased the least (-32%), while real property (-80%) and contract (-61%) cases registered the largest declines. Among tort cases, product and premises liability saw the sharpest declines, while medical malpractice and automobile torts had insignificant decreases (table 10).<sup>7</sup>

The growing use of alternative dispute resolution (ADR) as a diversion from trial, and other statutory reforms aimed at limiting damage awards, contributed to the decline in civil trials. In addition, the National Center for State Courts reports that the number of tort filings declined by 9% in 30 States during the 1992-2001 period. Contract filings, in comparison, rose nearly 21% in 17 States after 1995; however, because

<sup>7</sup>Civil cases disposed of in 1992 and in 1996 are part of the earlier BJS studies on this topic. See *Civil Jury Cases and Verdicts in Large Counties, 1992*, NCJ 154346, July 1995, and *Civil Trial Cases and Verdicts in Large Counties, 1996*, NCJ 173426, September 1999.

**During 2001, 77% of bench trials and 57% of jury trials were disposed of within 24 months of being filed**



Note: Cases disposed of by directed verdict, judgments notwithstanding the verdict, and jury verdicts for defaulted defendants are not shown. During 2001, 56% of these cases were disposed of within 2 years of filing. The intervals shown give rounded values; for example, "12 to 24" contains the period from 12.00 months to 23.99 months.

Figure 2

contract cases account for a smaller proportion of civil trials, their impact is less substantial than the tort filings.<sup>8</sup>

*The percentage of tort plaintiff winners remained stable in civil trials during the 1992 to 2001 period*

In 1992 and 1996, 52% of plaintiffs were successful at trial, while in 2001, that percentage was 55%. Among tort cases, around half the plaintiffs prevailed at trial from 1992 (47%) to 2001 (52%). Contract case plaintiff win rates rose from 1992 (57%) to 2001 (65%). Conversely, the percentage of prevailing plaintiffs in real property cases dropped from 56% to 38% during the 1992 to 2001 period (not shown in a table).

*From 1992 to 2001 the overall median awards in jury trials declined*

When adjusted for inflation, the median jury trial award for civil cases in 1992 and 1996 was \$65,000 and \$40,000, respectively.<sup>9</sup> The median award imposed by juries in 2001 was \$37,000 (table 11).

*Some civil case categories had marked increases in their median jury awards*

This trend was particularly apparent in product liability trials in which the median award amounts were at least 3 times higher in 2001 than in 1992. The median award amounts also doubled for medical malpractice cases.<sup>10</sup>

<sup>8</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>9</sup>The inflation adjustment was calculated by utilizing the inflation calculator on the U.S. Department of Labor's website at <<http://www.bls.gov/cpi/home.htm>>.

<sup>10</sup>The inflation rate for medical services between 1992 and 2001 explains some of the increase in medical malpractice awards. The inflation rate for medical services can be calculated on the U.S. Department of Labor's website at <<http://www.bls.gov/cpi/home.htm>>.

*Punitive damages awarded in a small percentage of jury trials*

Since 1992 the number of jury trials with punitive damage awards has remained stable (4% to 6%).

Between 1992 and 2001 the median amounts awarded for plaintiff winners with punitive damages decreased from \$63,000 to \$50,000; this decline, however, was not statistically significant (not shown in a table).

**Table 10. Trends in civil trials in State courts in the Nation's 75 largest counties, 1992-2001**

Case type	Number of civil trial cases, by year			Percent change, 1992-2001
	1992	1996	2001	
All trial cases <sup>a</sup>	22,451	15,638	11,908	-47.0%*
All tort cases	11,660	10,278	7,948	-31.8%*
<i>Selected case types</i>				
Automobile	4,980	4,994	4,235	-15.0%
Premises liability	2,648	2,232	1,268	-52.1*
Product liability	657	421	158	-76.0*
Medical malpractice	1,347	1,201	1,156	-14.2
All contract cases	9,477	4,850	3,698	-61.0%*
<i>Selected case types</i>				
Fraud	1,116	668	625	-44.0%*
Seller plaintiff	4,063	1,637	1,208	-70.3*
Buyer plaintiff	1,557	832	793	-49.1*
Employment	468	621	453	-3.2
All real property cases	1,315	510	262	-80.1%*

Note: Detail may not sum to total because of rounding. Data sources: *Civil Justice Survey of State Courts, 1992* (ICPSR 6587), *1996* (ICPSR 2883), and *2001* (ICPSR 3957).

Data can be obtained from the University of Michigan Inter-university Consortium for Political and Social Research (ICPSR).

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

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

**Table 11. Trends in jury trial awards in State courts in the Nation's 75 largest counties, 1992 - 2001**

Case type	Median jury award amounts, adjusted for inflation, by year			Percent change in median award amount 1992-2001
	1992	1996	2001	
All trial cases	\$65,000	\$40,000	\$37,000	-43.1%*
All tort cases	\$64,000	\$34,000	\$28,000	-56.3%*
<i>Selected case types</i>				
Automobile	37,000	20,000	16,000	-56.8%*
Premises liability	74,000	64,000	61,000	-17.6
Product liability	140,000	373,000	543,000	287.9*
Medical malpractice	253,000	287,000	431,000	70.4*
All contract cases	\$70,000	\$90,000	\$81,000	15.7%
<i>Selected case types</i>				
Fraud	88,000	90,000	87,000	-1.1%
Seller plaintiff	44,000	70,000	68,000	54.5
Buyer plaintiff	55,000	55,000	62,000	12.7
Employment	178,000	234,000	127,000	-28.7

Note: In 1992 there were two distinct data collection efforts for civil cases. The first project focused on all civil cases (trials, settlements, and dismissals) disposed in 1992, with no information on awards or punitive damages. In the second civil case project, BJS collected information on jury trials disposed in 1992, including both award and punitive damage data. Because award data were available for jury trials in 1992 and not for bench trials, table 11 includes only jury trial award data.

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

## Civil trials involving a wrongful death claim

Civil cases in which a party alleges that the defendant's negligent action or wrongdoing resulted in a death comprised a small number of civil trials. These trials, however, can involve large damage awards. Of the 11,908 civil trials, 452 had a wrongful death claim. Nearly two-thirds (65%) were medical malpractice cases. The remaining involved automobile (16%), intentional (6%), other torts (6%), premises liability (5%), and product liability (2%). The majority of wrongful death claims (93%) were adjudicated by jury trial.

Plaintiffs prevailed in about a third (36%) of all wrongful death cases including 25% of wrongful death

cases involving a medical malpractice action. In comparison, at least half the estimated plaintiffs successfully litigated the small number of wrongful death cases with an automobile, premises liability, product liability, intentional tort, and other tort claim.

Half the plaintiffs who prevailed in a wrongful death case were awarded at least \$961,000. The estimated median awards were above \$2 million for the product liability and other tort cases and over \$1 million for the intentional tort cases. Wrongful death cases with estimated median awards below \$1 million included medical malpractice, premises liability, and automobile torts.

### Characteristics of civil trials with a wrongful death claim in State courts in the Nation's 75 most populous counties, 2001

Case type	Number of civil trials with a death claim	Number of plaintiff winners	Total	Median award
Total*	452	162	\$608,889,000	\$961,000
Automobile	72	37	\$95,083,000	\$318,000
Premises liability	22	11	243,053,000	729,000
Product liability	11	6	26,492,000	2,000,000
Asbestos	2	1	2,364,000	2,364,000**
Other	9	5	24,128,000	2,242,000
Intentional tort	25	19	30,435,000	1,801,000
Medical malpractice	295	74	175,443,000	876,000
Other or unknown tort	26	15	38,384,000	2,039,000

Note: Award data were rounded to the nearest thousand. Final award includes both compensatory (reduced for contributory negligence) and punitive damage awards. Detail may not sum to total because of rounding.

\*The number of trial cases includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

\*\*Not median but actual amount awarded.

## 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).

**Contracts:** Cases that include all allegations of breach of contract. Specific case types include *seller plaintiff* (sellers of goods or services, including lenders seeking payment of money owed by a buyer or borrowers); *buyer plaintiff* (purchaser of goods or services seeking return of their money, rescission of the contract, or delivery of the specified goods); *mortgage contract/foreclosure* (foreclosures on commercial, or residential real property); *fraud* (financial damages incurred due to intentional or negligent misrepresentation regarding a product or company; fraud is also considered a type of tort claim, but because it arises out of commercial transactions, it was included under contracts); *employment discrimination* (claim based on an implied contractual relationship against an employer for unfair treatment or denial of normal privileges due to race, gender, religion, age, handicap and/or nationality); *other employment dispute* (claim against an employer for wrongful termination not

based on discrimination or by the employer or the employee claiming contractual failure of the other party); *rental/lease agreement*; *tortious interference with a commercial or contractual relationship* (this claim consists of four elements: existence of a valid contract, defendant's knowledge of that contract, defendant's intentional procuring of breach of that contract and damages); *partnership dispute* (dispute over a business owned by two or more persons that is not organized as a corporation); *subrogation* (the exchange of a third party who has paid a debt in the place of a creditor, so that the third party may exercise against the debtor all the rights which the creditor might have done); and *other contract claims* (any contractual dispute other than the case categories used in this study such as stockholder claims).

**Real property:** Any claim concerning ownership or division of real property (excluding mortgage foreclosures which are included under contracts). Specific categories used 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).

Source: Definitions were developed by the National Center for State Courts through consultation with NCSC staff attorneys, law professors, and from *Black's Law Dictionary*.

### 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 strata 3, 10 of the 18 counties were selected. Nine of the 26 counties in stratum 4

### Appendix A. Selected estimates, standard errors, and confidence intervals, 2001 survey

	Estimate	One standard error	95%-confidence interval	
			Lower	Upper
Number of civil trials	11,908	525	10,865	12,952
Tort	7,948	366	7,219	8,677
Contract	3,698	184	3,333	4,065
Real property	262	16	229	293
Percent decided by a —				
Jury trial	74.4%	1.0%	72.5%	76.3%
Bench trial	23.8	1.0	21.7	25.8
Other	1.9	0.1	1.6	2.1
Percent of trials with a plaintiff winner				
All cases	55.4%	0.7%	54.0%	56.8%
Torts	51.6	1.0	49.6	53.5
Contracts	64.8	0.8	63.2	66.5
Property	37.7	2.7	32.0	42.7
Median final award to plaintiff winners				
All cases	\$33,000	\$2,329	\$29,899	\$39,166
Torts	27,000	2,020	23,999	32,036
Contracts	45,000	2,533	40,379	50,460
Property	15,000	2,880	8,727	20,186
Median punitive award to plaintiff winners				
All cases	\$50,000	\$12,839	\$29,281	\$80,371
Torts	25,000	10,796	12,896	55,855
Contracts	83,000	7,238	70,251	99,054
Median months from filing to final verdict				
All cases	20.2 mo	0.6 mo	19.0 mo	21.6 mo
Torts	21.5	0.6	20.3	22.8
Contracts	17.7	0.8	16.2	19.4
Property	18.3	0.7	16.7	19.4

Note: Standard errors were calculated by using the jackknife method generated by WESVAR PC.

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 definitional criteria for jury and bench trials as defined in *Black's Law Dictionary*: (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 based on "take rates" generated by WESTAT 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 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 verdict.

### **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 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 first 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. Mark Motivans 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. Neil LaFountain also provided data assistance. Devon Adams, Tina Dorsey, and Tom Hester edited the report. Jayne Robinson prepared the report for final printing.

April 2004, NCJ 202803

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Bureau of Justice Statistics

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

title: Civil Trial Cases and Verdicts in Large Counties, 2001, NCJ 202803

data source: Civil Justice Survey of State Courts, 2001

author: Thomas H. Cohen & Steven K. Smith

refer question: askbjs@ojp.usdoj.gov (202) 307-0765

date of version: 02/11/04

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

	Estimate	One Standard e	95%- confidence interval	
			Lower	Upper
Number of civil trials	11,908	525	10,868	12,949
Tort	7,948	366	7,222	8,675
Contract	3,698	184	3,333	4,062
Real property	262	16	230	295
Percent decided by a --				
Jury trial	74.7 %	1.0 %	72.5 %	76.3 %
Bench trial	23.8	1.0	21.7	25.8
Other	1.9	0.1	1.6	2.1
Percent of trials with a plaintiff winner				
All cases	55.4 %	0.7 %	54.0 %	56.8 %
Torts	51.6	1.0	49.6	53.5
Contracts	64.8	0.8	63.1	66.5
Property	37.7	2.7	32.4	42.9
Median final award to plaintiff winners				
All cases	\$33,000	\$2,319	\$29,912	\$39,115
Torts	27,000	2,021	23,999	32,020
Contracts	45,000	2,528	40,389	50,420
Property	15,000	2,878	8,746	20,165
Median punitive award to plaintiff winners				
All cases	\$50,000	\$12,822	\$29,338	\$80,215
Torts	25,000	10,762	12,908	55,610
Contracts	83,000	7,243	70,281	99,019
Median months from filing to final verdict				
All cases	20.2 mo	0.6 mo	19.1 mo	21.6 mo
Torts	21.5	0.6	20.3	22.8
Contracts	17.7	0.8	16.2	19.4
Property	18.3	0.7	16.7	19.4

Note: Standard errors were calculated by using the jackknife method generated by WESVAR PC.

Bureau of Justice Statistics

filename: ctcv1c01apb.wk1

Appendix B. Selected estimates, standard errors, and confidence intervals, 2001 survey

title: Civil Trial Cases and Verdicts in Large Counties, 2001, NCJ 202803

data source: Civil Justice Survey of State Courts, 2001

author: Thomas H. Cohen & Steven K. Smith

refer question: askbjs@ojp.usdoj.gov (202) 307-0765

date of version: 02/11/04

Appendix B. Selected estimates, standard errors, and confidence intervals, 2001 survey

	Estimate	One standard error	95%-confidence interval	
			Lower	Upper
Number of civil trials	11,908	525	10,868	12,949
Tort	7,948	366	7,222	8,675
Automobile	4,235	228	3,782	4,688
Premises liability	1,268	72	1,125	1,411
Product liability	158	10	137	179
Asbestos	31	2	27	36
Other	126	9	108	145
Intentional tort	375	26	323	426
Medical malpractice	1,156	74	1,008	1,303
Professional malpractice	102	14	74	129
Slander/libel	95	14	66	123
Animal attack	99	14	71	126
Conversion	27	4	19	36
False arrest, imprisonment	45	8	29	61
Other or unknown tort	390	33	325	455
Contract	3,698	184	3,333	4,062
Fraud	625	34	558	692
Seller plaintiff	1,208	96	1,019	1,398
Buyer plaintiff	793	59	675	910
Mortgage foreclosure	22	6	11	34
Employment discrimination	166	15	136	197
Other employment dispute	287	31	226	348
Rental/lease	276	33	210	342
Tortious interference	138	26	87	190
Partnership dispute	40	6	28	53
Other or unknown contract	73	10	54	92
Subrogation	69	8	52	85
Real property cases	262	16	230	295
Eminent domain	52	8	37	67
Other real property	210	16	178	243
Percent decided by a --				
Jury trial	74.4 %	1.0 %	72.5 %	76.3 %
Bench trial	23.8	1.0	21.7	25.8
Other	1.9	0.1	1.6	2.1
Percent of trials with a plaintiff winner				
All cases	55.4 %	0.7 %	54 %	56.8 %
Torts	51.6	1.0	49.6	53.5
Contracts	64.8	0.8	63.1	66.5
Property	37.7	2.7	32.4	42.9
Median final award to plaintiff winners				
All cases	\$33,000	\$2,319	\$29,912	\$39,115
Torts	27,000	2,021	23,999	32,020
Contracts	45,000	2,528	40,389	50,420
Property	15,000	2,878	8,746	20,165
Median punitive award to plaintiff winners				
All cases	\$50,000	\$12,822	\$29,338	\$80,215
Torts	25,000	10,762	12,908	55,610
Contracts	83,000	7,243	70,281	99,019
Median months from filing to final verdict				
All cases	20.2 mo	0.6 mo	19.1 mo	21.6 mo
Torts	21.5	0.6	20.3	22.8
Contracts	17.7	0.8	16.2	19.4
Property	18.3	0.7	16.7	19.4

Note: Standard errors were calculated by using the JK<sub>n</sub> method as generated by WESTAT PC.

Bureau of Justice Statistics

filename: ctcvlc01apc.wk1

Appendix C: Selected characteristics of sampled counties, 2001 survey

title: Civil Trial Cases and Verdicts in Large Counties, 2001, NCJ 202803

data source: Civil Justice Survey of State Courts, 2001

author: Thomas H. Cohen & Steven K. Smith

refer question: askbjs@ojp.usdoj.gov (202) 307-0765

date of version: 02/11/04

Appendix C: Selected characteristics of sampled counties, 2001 survey

County	Primary City	Court Name	2001 Population estimate	Minimum jurisdiction amount in civil cases/	Number of general civil filings in 2001/i	Number of preemptory challenges in jury trials/c
Maricopa, AZ	Phoenix	Superior	3,194,798	\$5,000	28,052	4
Pima, AZ	Tucson	Superior	863,049	10,000	6,051	4
Alameda, CA	Oakland	Superior	1,458,420	25,000	10,481	6
Contra Costa, CA	Martinez	Superior	975,532	25,000	7,535	6
Fresno, CA	Fresno	Superior	815,734	25,000	6,012	6
Los Angeles, CA	Los Angeles	Superior	3,741,300/d	25,000	54,627/g	6
Orange, CA	Santa Ana	Superior	2,890,444	25,000	16,120	6
San Bernardino, CA	San Bernardino	Superior	1,766,237	25,000	6,154	6
San Francisco, CA	San Francisco	Superior	770,723	25,000	7,395	6
Santa Clara, CA	San Jose	Superior	1,668,309	25,000	7,878	6
Ventura, CA	Ventura	Superior	770,630	25,000	3,176	6
Fairfield, CT	Bridgeport	Superior	308,876/e	2,500	6,511/h	3
Hartford, CT	Hartford	Superior	872,327/f	2,500	8,676/i	3
Dade, FL	Miami	Circuit	2,289,683	15,001	31,406	3
Orange, FL	Orlando	Circuit	923,311	15,001	11,031	3
Palm Beach, FL	West Palm Beach	Circuit	1,165,049	15,001	13,568	3
Fulton, GA	Atlanta	Superior	816,638	5,000	3,866	6
Honolulu, HI	Honolulu	Circuit	881,295	20,000	3,665	3
Cook, IL	Chicago	Circuit	5,350,269	2,500	na	5
Du Page, IL	Wheaton	Circuit	912,044	2,500	25,099	5
Marion, IN	Indianapolis	Superior	856,938	6,000	32,620	3
Jefferson, KY	Louisville	Circuit	692,910	4,000	8,830	3
Essex, MA	Salem	Superior	730,296	25,000	2,546	4
Middlesex, MA	Cambridge	Superior	1,463,454	25,000	5,624	4
Suffolk, MA	Boston	Superior	682,062	25,000	5,980	4
Worcester, MA	Worcester	Superior	762,207	25,000	2,682	4
Oakland, MI	Pontiac	Circuit	1,198,593	25,000	12,285	3
Wayne, MI	Detroit	Circuit	2,045,473	25,000	7,574	3
Hennepin, MN	Minneapolis	District	1,114,977	7,500	22,131	2
St. Louis, MO	St. Louis	Circuit	1,015,417	25,000	5,317	3
Bergen, NJ	Hackensack	Superior	886,680	10,000	11,544	6
Essex, NJ	Newark	Superior	793,133	10,000	91,165	6
Middlesex, NJ	New Brunswick	Superior	757,191	10,000	42,496	6
New York, NY	New York	Supreme	1,541,150	25,000	24,862	3
Mecklenburg, NC	Charlotte	Superior	716,407	10,000	8,391	8
Cuyahoga, OH	Cleveland	Common Ple	1,380,421	15,000	13,784	3
Franklin, OH	Columbus	Common Ple	1,071,524	15,000	12,915	3
Allegheny, PA	Pittsburgh	Common Ple	1,270,612	8,000	11,069	4
Philadelphia, PA	Philadelphia	Common Ple	1,491,812	8,000	45,856	4
Bexar, TX	San Antonio	District	1,417,501	5,000	11,803	6
Dallas, TX	Dallas	District	2,245,398	5,000	11,251	6
El Paso, TX	El Paso	District	688,039	5,000	na	6
Harris, TX	Houston	District	3,460,589	5,000	24,768	6
Fairfax, VA	Fairfax	Circuit	985,161	15,000	13,221	3
King, WA	Seattle	Superior	1,741,785	50,000	10,526	3
Milwaukee, WI	Milwaukee	Circuit	932,012	5,000	12,185	3

Sources: State Court Organization, 1998; State Court Caseload Statistics, 2002 2001 population estimates for each county came from the U.S.

MapStats website, <http://www.fedstats.gov/qf/>. The 2001 population estimates for the city of Los

Angeles <http://www.losangelesalmanac.com/topics/Population/po24a.htm> 2001 population estimates for the judicial districts of Fairfield and Hartford-New Britain,

Connecticut came from the U.S. Bureau of the Census website,

<http://eire.census.gov/popest/data/cities/subtab13.php>. Filing data were not available for Cook or El Paso County.

a/Minimum jurisdiction amounts only covers the monetary amounts for civil cases that are exclusively within the court of general jurisdiction.

Civil cases that have shared jurisdiction between the general and limited jurisdiction courts

are not included in these amounts.

b/General civil includes tort, contract, and real property cases filed in courts of general jurisdiction.

c/See Appendix D for state required jury size and state decision rule for jury trials.

d/The 2001 population estimate is only for the City of Los Angeles. 2001 Civil trial data were only collected for the central district of Los Angeles Superior Court. Los Angeles County suburban courts are not included.

e/The 2001 population estimate is for Fairfield judicial district. Towns in Fairfield County, CT are located in 4 judicial districts: Ansonia-Milford, Danbury, Stramford-Norwalk, and Fairfield. 2001 civil trial data were collected only for Fairfield judicial district. The 2001 population estimate for Fairfield, CT, was 885,368.

f/The 2001 population estimate is for the Hartford-New Britain judicial district. The 2001 population estimate for Hartford County, CT was 861,152.

g/Includes cases filed in all of Los Angeles county. Filing data were not available for the central district of the Los Angeles County Superior Court.

h/Includes cases filed in all of Fairfield county. Filing data were not available for the Fairfield judicial district.

i/Includes cases filed in all of Hartford county. Filing data were not available for the Hartford judicial district.

Bureau of Justice Statistics

filename: ctcvlc01apd.wk1

Appendix D: Civil trial juries: size and verdict rules in State courts of general jurisdiction, 2001 survey

title: Civil Trial Cases and Verdicts in Large Counties, 2001, NCJ 202803

data source: Civil Justice Survey of State Courts, 2001

author: Thomas H. Cohen & Steven K. Smith

refer question: askbjs@ojp.usdoj.gov (202) 307-0765

date of version: 02/11/04

Appendix D: Civil trial juries: size and verdict rules in State courts of general jurisdiction, 2001 survey

State/court	Size	Civil juries decision-rile
Alabama Circuit	12	Unanimous
Alaska Superior	12	5/6 rule
Arizona Superior	8	3/4 rule
Arkansas Circuit	12	3/4 rule
Common Pleas	12	3/4 rule
California Superior	12 3	3/4 rule
Colorado District	6	Unanimous
Connecticut Superior	6	Unanimous
Delaware Superior	12	Unanimous
District of Columbia Superior	6 5	Unanimous
Florida Circuit	6 6	Unanimous
Georgia Superior	12	Unanimous
Hawaii Circuit	12 9	5/6 rule 10
Idaho District	12/6 11	3/4 rule
Illinois Circuit	12/6 12	Unanimous
Indiana Superior	6	Unanimous
Circuit	6	Unanimous
Iowa District	8	7/8 rule of unanimous 17
Kansas District	6/12 19	5/6 rule, or unanimous 20
Kentucky Circuit	12	3/4 rule
Louisiana District	12 23	5/6-rule, 9/12-rule

Maine Superior	8	3/4 rule
Maryland Circuit	6	Unanimous
Massachusetts Superior	12	5/6 rule
Michigan Circuit	6	5/6 rule
Minnesota District	6	5/6-rule, or Unanimous 24
Mississippi Circuit	12	3/4 rule
Chancery	12	3/4 rule
Missouri Circuit	12	3/4 rule
Montana District	12 25	2/3 rule
State/court Nebraska District	Size 12	Civil juries decision-rule 5/6 rule, or Unanimous 26
Nevada District	12 27	3/4 rule
New Hampshire Superior	12	Unanimous
New Jersey Superior	6/12	5/6 rule
New Mexico District	12	5/6 rule
New York Supreme County	6 6	5/6 rule 5/6 rule
North Carolina Superior	12 28	Unanimous 28
North Dakota District	6/9	Unanimous
Ohio Common Pleas	12/8 29	3/4 rule
Oklahoma District	6/12 31	Unanimous
Oregon Circuit	6/12 33	3/4 rule
Pennsylvania Common Pleas	12 35	5/6 rule
Puerto Rico Superior	No jury	No jury
Rhode Island Superior	12	Unanimous
South Carolina		

Circuit	12	Unanimous
South Dakota Circuit	12 36	5/6 rule
Tennessee Circuit	12	Unanimous
Chancery	12	Unanimous
Texas District	12	5/6 rule
Utah District	8	3/4 rule of majority
Vermont Superior District	12 12	Unanimous Unanimous
Virginia Circuit	5/7 39	Unanimous
Washington Superior	6 41	5/6 rule
West Virginia Circuit	6	Unanimous
Wisconsin Circuit	6 43	5/6 rule
Wyoming District	6 44	Unanimous
Federal District	6 45	Unanimous

FOOTNOTES:

Arizona:

1/ Twelve-member jury if death penalty or sentence of thirty years or more.

Arkansas:

2/ May be six at judge's discretion.

California:

3/ Or fewer by agreement of parties.

Connecticut:

4/ Twelve-member jury in capital cases, defendant may elect otherwise.

District of Columbia

5/ In civil trials, six-member jury unless a jury of twelve is demanded.

Florida:

6/ Capital and eminent domain cases require a twelve-member jury (Unanimous verdict).

Georgia:

7/ In state court civil trials, twelve-member jury may be demanded if damages are greater than \$10,000, otherwise six.

Hawaii:

8/ Crimes punishable by six months or more.

9/ May stipulate that the jury consist of any number less than twelve or that a verdict on finding of a stated majority of jurors is taken as the verdict or finding of the jury.

10/ Can stipulate to six-member with 5/6-rule.

Idaho:

11/ Limited to six in cases involving less than \$500.00.

Illinois:

12/ In civil trials, six-member jury unless twelve are requested.

Indiana:

- 13/ Twelve for class A, B, and C felonies; six for other felonies.
- 14/ Only tries class D felonies.
- 15/ No jurisdiction over felonies.

Iowa:

- 16/ In misdemeanor trials, twelve-member jury if "serious" or "aggravated," six if "simple."
- 17/ In civil trials, 7/8-rule applies after six hours of deliberation.

Kansas:

- 18/ In felony trial, must start with twelve members.
- 19/ In civil trials, twelve-member jury if damages are greater than \$10,000, otherwise six.
- 20/ In civil trials, 5/6-rule applies with twelve jurors, otherwise must be unanimous.

Louisiana:

- 21/ Capital cases and cases where punishment necessarily is confinement at hard labor=twelve jurors. Cases where punishment may be confinement at hard labor=six jurors.
- 22/ Capital cases=unanimous; cases where punishment necessary is confinement at hard labor=10/12; cases where punishment may be confinement at hard labor=unanimous.
- 23/ Parties may stipulate to a six person jury.

Minnesota:

- 24/ If deliberate more than six hours.

Montana:

- 25/ In misdemeanor and civil trials, four-member jury if both parties agree.

Nebraska:

- 26/ In civil trials, 5/6-rule after six hours deliberation.

Nevada:

- 27/ Parties may stipulate to a jury of 4-8.

North Carolina:

- 28/ 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 twelve or that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.

Ohio:

- 29/ Twelve person only when action for appropriation of right-of-way by a corporation.

Oklahoma:

- 30/ In cases where imprisonment is authorized for more than six months, all jurors must concur in the verdict.
- 31/ In civil trials, twelve-member jury if damages are greater than \$2,500, otherwise six.

Oregon:

- 32/ In murder trials, verdict must be unanimous.
- 33/ Six person if cause of action less than \$10,000.00.

Pennsylvania:

- 34/ Upon consent, may be less than twelve, but not less than six.
- 35/ Twelve is subject to waiver.

South Dakota:

- 36/ Small claims actions - six person jury allowed (beginning 7/1/98 pilot)

Utah:

- 37/ Twelve member jury for capital offense.
- 38/ In class A misdemeanor trials, a six-member jury is required. In class C and D misdemeanor trials, a four-member jury is required.

Virginia:

- 39/ In civil trials, a twelve-member jury may be allowed by judge.

Washington:

- 40/ In non-capital cases, defendant may elect trial before a six-member jury.
- 41/ In a civil trial, may demand a twelve-member jury.

Wisconsin:

- 42/ Both parties may agree, in writing or on the record, to any number less than twelve.

43/ In civil or traffic cases, a party may request, or the court on its own motion may require a greater number, not to exceed twelve.

Wyoming:

44/ In civil trials, six-member jury unless demand made for twelve.

Federal:

45/ In civil trials, six-member jury unless a jury of twelve 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 eleven.

Source: David B. Rottman, et al. State Court Organization, 1998. National Center for State Courts. NCJ 178932, June 2000.

## Bureau of Justice Statistics

filename: ctvc01ape.wk1

Appendix E: Number of trial cases and plaintiff winners by sampled counties, 2001 survey

title: Civil Trial Cases and Verdicts in Large Counties, 2001, NCJ 202803

data source: Civil Justice Survey of State Courts, 2001

author: Thomas H. Cohen &amp; Steven K. Smith

refer question: askbjs@ojp.usdoj.gov (202) 307-0765

date of version: 02/11/04

## Appendix E: Number of trial cases and plaintiff winners by sampled counties, 2001 survey

County	All cases Number	Percent plaintiff winners	Jury trials Number	Percent plaintiff winners	Bench trials Number	Percent plaintiff winners	Other trials/a Number	Percent plaintiff winners
Maricopa, AZ	308	55.8 %	282	55.0 %	23	65.2 %	3	66.7 %
Pima, AZ	95	65.3	78	64.1	15	73.3	2	50.0
Alameda, CA	104	56.7	64	62.5	35	54.3	5	--
Contra Costa, CA	43	41.9	24	37.5	14	57.1	5	20.0
Fresno, CA	46	58.7	36	61.1	10	50.0	--	--
Los Angeles, CA b	294	54.4	165	53.3	125	54.4	4	100.0
Orange, CA	353	51.3	179	48.6	173	54.3	1	--
San Bernardino, CA	100	46.0	62	45.2	37	48.6	1	--
San Francisco, CA	144	59.7	94	52.1	50	74.0	--	--
Santa Clara, CA	98	65.3	53	66.0	44	63.6	1	100.0
Ventura, CA	81	55.6	47	48.9	33	66.7	1	--
Fairfield, CT c	65	61.5	65	61.5	--	--	--	--
Hartford, CT d	98	56.1	91	57.1	7	42.9	--	--
Dade, FL	334	63.2	310	62.3	4	50.0	20	80.0
Orange, FL	45	60.0	32	68.8	11	45.5	2	--
Palm Beach, FL	198	64.1	158	63.9	35	65.7	5	60.0
Fulton, GA	126	69.0	110	68.2	12	83.3	4	50.0
Honolulu, HI	24	58.3	9	55.6	14	64.3	1	--
Cook, IL	397	56.2	350	56.3	47	55.3	1	100.0
Du Page, IL	128	64.1	97	60.8	30	73.3	1	100.0
Marion, IN	124	54.0	84	52.4	40	57.5	--	--
Jefferson, KY	154	50.0	127	48.0	21	61.9	6	50.0
Essex, MA	29	37.9	22	45.5	3	33.3	4	--
Middlesex, MA	117	26.5	106	26.4	9	33.3	2	--
Suffolk, MA	52	46.2	48	43.8	4	75.0	--	--
Worcester, MA	40	30.0	36	25.0	4	75.0	--	--
Oakland, MI	175	55.4	124	52.4	48	66.7	3	--
Wayne, MI	210	40.0	160	37.5	45	51.1	5	20.0
Hennepin, MN	201	56.2	161	54.0	38	68.4	2	--
St. Louis, MO	145	57.9	84	56.0	56	64.3	5	20.0
Bergen, NJ	206	45.6	139	33.8	61	72.1	6	50.0
Essex, NJ	152	44.7	136	41.2	12	91.7	4	25.0
Middlesex, NJ	281	37.0	260	35.0	19	63.2	2	50.0
New York, NY	308	47.1	283	47.0	22	50.0	3	33.3
Mecklenburg, NC	104	63.5	86	66.3	13	61.5	5	20.0
Cuyahoga, OH	253	59.3	211	57.8	35	71.4	7	42.9
Franklin, OH	152	61.8	110	62.7	39	61.5	3	33.3
Allegheny, PA	318	55.3	185	40.0	130	76.9	3	66.7
Philadelphia, PA	609	59.1	432	51.4	178	78.1	--	--
Bexar, TX	120	45.8	74	44.6	45	48.9	1	--
Dallas, TX	263	57.0	226	54.0	33	84.8	4	--
El Paso, TX	103	65.0	54	46.3	46	89.1	3	33.3
Harris, TX	523	47.6	383	41.8	137	63.5	3	66.7
Fairfax, VA	246	61.8	170	54.1	73	78.1	3	100.0
King, WA	209	58.9	116	61.2	89	55.1	4	75.0
Milwaukee, WI	125	66.4	86	68.6	36	61.1	3	66.7

-- No cases recorded.

a/Includes cases with a directed verdict, judgments not withstanding the verdict and jury trials for defaulted defendants.

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

c/Includes only cases for Fairfield judicial district.

d/Includes only cases for Hartford-New Britain judicial district.

Detail may not sum to total because of rounding.

Bureau of Justice Statistics

filename: ctcvlc01apf.wk1

Appendix F: Final and punitive damage awards for plaintiff winners in jury trials, by sampled counties, 2001

title: Civil Trial Cases and Verdicts in Large Counties, 2001, NCJ 202803

data source: Civil Justice Survey of State Courts, 2001

author: Thomas H. Cohen & Steven K. Smith

refer question: askbjs@ojp.usdoj.gov (202) 307-0765

date of version: 02/11/04

Appendix F: Final and punitive damage awards for plaintiff winners in jury trials, by sampled counties, 2001

County	Total number of jury trials	Number of plaintiff winners	Final amount awarded to plaintiff winners		Punitive damages awarded to plaintiff winners		
			Total of all awards	Median award	Number	Total of all awards	Median award
Maricopa, AZ	282	153	\$63,131,000	\$24,000	8	\$31,930,000	\$90,000
Pima, AZ	78	50	8,014,000	31,000	4	26,000	6,000
Alameda, CA	64	38	177,520,000	89,000	3	4,101,000	500,000
Contra Costa, CA	24	9	3,092,000	179,000	--	--	--
Fresno, CA	36	22	20,429,000	89,000	3	137,000	50,000
Los Angeles, CA/a	165	87	33,993,000	120,000	7	1,904,000	35,000
Orange, CA	179	86	164,985,000	76,000	12	25,809,000	238,000
San Bernardino, CA	62	28	32,981,000	107,000	2	27,000	14,000
San Francisco, CA	94	49	141,505,000	152,000	2	240,000	120,000
Santa Clara, CA	53	35	7,612,000	43,000	2	380,000	190,000
Ventura, CA	47	23	3,168,000	58,000	1	100,000	100,000 *
Fairfield, CT/b	65	40	3,570,000	21,000	--	--	--
Hartford, CT/c	91	52	7,436,000	18,000	2	160,000	80,000
Dade, FL	310	178	534,483,000	74,000	4	279,600,000	2,300,000
Orange, FL	32	22	4,783,000	124,000	2	300,000	150,000
Palm Beach, FL	158	97	21,882,000	43,000	1	4,000,000	4,000,000 *
Fulton, GA	110	75	9,197,000	10,000	4	381,000	53,000
Honolulu, HI	9	5	5,778,000	550,000	2	2,301,000	1,150,000
Cook, IL	350	195	156,485,000	80,000	4	188,000	5,000
Du Page, IL	97	59	8,999,000	8,000	1	150,000	150,000 *
Marion, IN	84	44	2,511,000	13,000	3	510,000	5,000
Jefferson, KY	127	56	8,639,000	25,000	3	99,000	20,000
Essex, MA	22	10	10,725,000	34,000	--	--	--
Middlesex, MA	106	28	22,570,000	68,000	2	25,000	13,000
Suffolk, MA	48	20	6,190,000	56,000	1	2,750,000	2,750,000 *
Worcester, MA	36	7	280,000	39,000	1	18,000	18,000 *
Oakland, MI	124	62	11,992,000	56,000	--	--	--
Wayne, MI	160	54	30,506,000	81,000	--	--	--
Hennepin, MN	161	73	8,543,000	43,000	--	--	--
St. Louis, MO	84	47	3,964,000	16,000	2	28,000	14,000
Bergen, NJ	139	47	8,324,000	35,000	3	305,000	105,000
Essex, NJ	136	56	15,044,000	38,000	1	2,000	2,000 *
Middlesex, NJ	260	90	16,260,000	58,000	3	554,000	38,000
New York, NY	283	130	179,319,000	280,000	3	7,850,000	700,000
Mecklenburg, NC	86	56	12,161,000	14,000	3	518,000	16,000
Cuyahoga, OH	211	120	38,254,000	20,000	5	1,471,000	100,000
Franklin, OH	110	67	25,302,000	25,000	11	4,493,000	10,000
Allegheny, PA	185	71	23,526,000	19,000	2	3,010,000	1,505,000
Philadelphia, PA	432	219	375,713,000	74,000	5	149,141,000	49,000
Bexar, TX	74	32	101,410,000	35,000	4	77,012,000	969,000
Dallas, TX	226	122	567,656,000	45,000	11	392,521,000	275,000
El Paso, TX	54	25	19,242,000	40,000	7	1,566,000	45,000
Harris, TX	383	155	93,479,000	37,000	9	35,271,000	90,000
Fairfax, VA	170	92	10,551,000	13,000	9	1,039,000	18,000
King, WA	116	69	46,784,000	32,000	4	125,000	10,000
Milwaukee, WI	86	59	6,487,000	15,000	1	2,000	2,000 *

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 \$1,000. Eminent domain cases are not calculated among final awards because there is always an award; the issue is how much the defendant (whose property is being condemned) will receive for the property.

-- No cases recorded.

\*Not a median but the actual amount awarded.

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

b/Includes only cases for Fairfield judicial district.

c/Includes only cases for Hartford-New Britain judicial district.

## Bureau of Justice Statistics

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Appendix G: Final and punitive damage awards for plaintiff winners in bench trials, by sampled counties, 2001 survey

title: Civil Trial Cases and Verdicts in Large Counties, 2001, NCJ 202803

data source: Civil Justice Survey of State Courts, 2001

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date of version: 02/11/04

## Appendix G: Final and punitive damage awards for plaintiff winners in bench trials, by sampled counties, 2001 survey

County	Total number of bench trials	Final amount awarded to plaintiff winners			Punitive damages awarded to plaintiff winners		
		Number of winners	Total of all awards	Median award	Number	Total of all awards	Median award
Maricopa, AZ	23	15	\$1,072,000	\$41,000	1	\$10,000	\$10,000 *
Pima, AZ	15	11	425,000	23,000	2	16,000	8,000
Alameda, CA	35	17	3,506,000	84,000	1	350,000	350,000 *
Contra Costa, CA	14	8	876,000	81,000	2	25,000	13,000
Fresno, CA	10	5	2,398,000	81,000	1	46,000	46,000
Los Angeles, CA/a	125	68	9,816,000	57,000	4	205,000	61,000
Orange, CA	173	91	59,955,000	61,000	6	341,000	53,000
San Bernardino, CA	37	18	7,506,000	59,000	2	3,005,000	1,503,000
San Francisco, CA	50	35	29,507,000	64,000	2	23,000	12,000
Santa Clara, CA	44	27	16,178,000	93,000	2	400,000	200,000
Ventura, CA	33	22	2,121,000	30,000	1	5,000	5,000 *
Fairfield, CT/b	--	--	--	--	--	--	--
Hartford, CT/c	7	3	911,000	39,000	1	469,000	469,000 *
Dade, FL	4	2	289,000	144,000	--	--	--
Orange, FL	11	4	6,123,000	56,000	--	--	--
Palm Beach, FL	35	23	2,913,000	35,000	--	--	--
Fulton, GA	12	10	642,000	16,000	--	--	--
Honolulu, HI	14	9	1,800,000	64,000	1	200,000	200,000 *
Cook, IL	47	26	1,556,000	59,000	--	--	--
Du Page, IL	30	22	441,000	5,000	--	--	--
Marion, IN	40	22	633,000	6,000	--	--	--
Jefferson, KY	21	12	206,000	8,000	1	1,000	1,000 *
Essex, MA	3	1	49,000	49,000*	--	--	--
Middlesex, MA	9	3	325,000	45,000	--	--	--
Suffolk, MA	4	3	68,000	8,000	--	--	--
Worcester, MA	4	2	795,000	398,000	--	--	--
Oakland, MI	48	27	4,255,000	50,000	--	--	--
Wayne, MI	45	20	789,000	26,000	--	--	--
Hennepin, MN	38	26	1,831,000	21,000	--	--	--
St. Louis, MO	56	36	4,254,000	43,000	3	160,000	5,000
Bergen, NJ	61	39	18,409,000	19,000	1	65,000	65,000 *
Essex, NJ	12	9	272,000	27,000	--	--	--
Middlesex, NJ	19	12	827,000	23,000	1	1,000	1,000 *
New York, NY	22	11	10,042,000	305,000	--	--	--
Mecklenburg, NC	13	8	968,000	46,000	--	--	--
Cuyahoga, OH	35	24	2,152,000	37,000	1	300,000	300,000 *
Franklin, OH	39	24	6,522,000	29,000	2	168,000	84,000
Allegheny, PA	130	100	3,083,000	8,000	1	41,000	41,000 *
Philadelphia, PA	178	137	15,111,000	16,000	--	--	--
Bexar, TX	45	21	1,721,000	30,000	1	50,000	50,000 *
Dallas, TX	33	26	4,475,000	44,000	2	775,000	388,000
El Paso, TX	46	39	2,212,000	13,000	1	102,000	102,000 *
Harris, TX	137	84	9,595,000	27,000	2	430,000	215,000
Fairfax, VA	73	57	3,633,000	15,000	3	63,000	30,000
King, WA	89	48	5,905,000	20,000	1	10,000	10,000 *
Milwaukee, WI	36	20	915,000	17,000	2	101,000	50,000

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 \$1,000. Eminent domain cases are not calculated among final awards because there is always an award; the issue is how much the defendant (whose property is being condemned) will receive for the property.

-- No cases recorded.

\*Not a median but the actual amount awarded.

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

b/Includes only cases for Fairfield judicial district.

c/Includes only cases for Hartford-New Britain judicial district.