



Department of Justice

Office of Justice Programs



ADVANCE FOR RELEASE AT 4:30 P.M. EDT
WEDNESDAY, AUGUST 17, 2005

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NUMBER OF FEDERAL TORT TRIALS FELL BY ALMOST 80 PERCENT FROM 1985 THROUGH 2003

WASHINGTON — The number of tort trials concluded in U.S. district courts declined by nearly 80 percent – from 3,600 trials in 1985 to fewer than 800 trials in 2003, the Department of Justice’s Bureau of Justice Statistics (BJS) announced today. Approximately nine out of 10 tort trials involved personal injury issues – most frequently, product liability, motor vehicle (accident), marine and medical malpractice cases. The percentage of tort cases concluded by trial in U.S. district courts has also declined from 10 percent in the early 1970s to 2 percent in 2003.

Although the annual number of tort cases handled by U.S. district courts has fluctuated since 1985 (averaging about 44,770 per year), the number of tort trials and the percentage of cases resolved by trial has steadily declined. The growing use of alternative dispute resolution as well as the increased complexity and costs inherent in taking a case to trial have been identified as contributing factors to the decline in the number of cases decided by a trial before a judge or a jury.

The estimated median damage awards (the amount at which half the awards are higher and half are lower) for plaintiffs who prevailed in tort trials concluded in 2002-2003 was \$201,000. The tort trial categories with the highest estimated median damage awards included medical malpractice (\$600,000) and product liability (\$350,000) cases.

The study examined tort cases completed by either bench or jury trials in U.S. district courts during fiscal 2002-2003 as well as trends in tort case and trial litigation since the 1970s. Tort cases involve plaintiffs claiming injury, loss or damage resulting from a defendant’s negligent or intentional acts.

The number of tort cases concluded in federal district courts each year, as measured by trial and non-trial cases closed, has varied from a high of 60,941 cases in 1999, to a low of 23,619 cases in 1976. In 2003, there were 49,166 tort cases completed in district courts. The changes in the tort caseloads reflected the strong influence of product liability cases. In 1999, for example, such cases accounted for 61 percent of all tort matters concluded, with large numbers of asbestos and breast implant cases driving the product liability caseload.

Case dispositions show the frequency with which tort matters are resolved by trial, settlement or alternative dispute resolution mechanisms. Settlements and other non-trial dispositions accounted for 98 percent of the 98,786 tort cases completed during the 2002-2003 period. A total of 1,647 tort cases (about 2 percent) were concluded by a bench or a jury trial.

The most common types of federal tort trials included motor vehicle accident (20 percent), product liability (13 percent), marine (10 percent) and medical malpractice (10 percent) cases.

Plaintiffs prevailed in nearly half (48 percent) of the tort cases completed by trial in 2002-2003. Plaintiffs won less frequently in tort trials involving medical malpractice (37 percent) and product liability (34 percent) issues.

During fiscal 2002-2003, juries decided about 71 percent of tort trials, while judges handled the remaining 29 percent. Plaintiffs prevailed more frequently in judge trials than in jury tort trials.

Non-asbestos product liability trials declined by about two-thirds from 1990 to 2003. During this period, plaintiffs prevailed in nearly a third of these trials. Since 1991, an average of five asbestos cases per year has been decided by a bench or jury trial in U.S. district courts.

The report, "Federal Tort Trials and Verdicts, 2002-03" NCJ-208713 was written by BJS statistician Thomas H. Cohen. Following publication, the document can be accessed at www.ojp.usdoj.gov/bjs/abstract/fttv03.htm.

Additional information about BJS statistical reports and programs is available from the BJS website at www.ojp.usdoj.gov/bjs.

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