



# Department of Justice



## Office of Justice Programs

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ADVANCE FOR RELEASE AT 4:30 P.M. EDT  
THURSDAY, JULY 6, 2006  
[www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)

Bureau of Justice Statistics  
Contact: Sheila Jerusalem  
202-307-0784

### **APPROXIMATELY 15 PERCENT OF STATE CIVIL TRIALS ARE APPEALED, ACCORDING TO JUSTICE DEPARTMENT REPORT**

WASHINGTON — From 2001 through April 2005 about 15 percent of general civil trials concluded in 46 large counties in the United States were appealed after trial verdict or judgment, the Justice Department's Bureau of Justice Statistics (BJS) announced today. Litigants filed appeals in 11 percent of all tort trials, 21 percent of trials involving contracts and 24 percent of property trials.

The appellate stage of civil litigation is particularly important because such courts have the authority to reverse or modify a trial court's findings. Looking at the appeals process provides a better sense of the true cost of litigation, the likelihood of receiving an award and the time required to finalize a civil suit.

The BJS report, Appeals From General Civil Trials in 46 Large Counties, 2001 - 2005, examined 1,204 state court civil trials in 46 populous counties concluded during 2001 that were subsequently appealed to an intermediate appellate court or a court of last resort. The report examines the percentage of cases appealed, the types of parties who filed an appeal and the rates that verdicts were affirmed or reversed from 2001 through April 2005.

The report indicates the higher the stakes, the greater the likelihood the outcome will be appealed. For example, approximately one-third of products liability and 18 percent of medical malpractice trials were appealed. On the other hand, in automobile accident trials, which typically result in small dollar awards, only five percent were appealed.

Overall, plaintiffs and defendants filed appeals at nearly equal rates. Of the cases appealed, 43 percent were dismissed or withdrawn prior to disposition and 57 percent were reviewed on appeal and decided on the merits by an intermediate appellate court or court of last resort.

Among civil appeals decided on the merits, the trial court verdict was affirmed in two-thirds of the cases and reversed or modified in one-third of the cases.

Trial court verdicts or judgments that found for plaintiffs were reversed or modified on appeal more often than trial court outcomes favoring defendants (42 percent vs. 21 percent). Most reversed or modified appeals were sent back to the trial court for a new trial or with additional instructions to modify the award.

According to the report, the appeals process provides another opportunity for litigants in a sizeable percentage of cases to reach a settlement outside the court. Many appeals are withdrawn or dismissed because the parties reach settlement after the initial appeal is filed.

Two hundred eighteen cases that had been appealed to an intermediate appellate court were subsequently appealed to a court of last resort. Twenty-five of these cases were granted additional review by a court of last resort.

The report, "Appeals From General Civil Trials in 46 Large Counties, 2001–2005" (NCJ-212979) was written by BJS statistician Thomas H. Cohen. Following publication, the report can be found at: [www.ojp.usdoj.gov/bjs/abstract/agctlc05.htm](http://www.ojp.usdoj.gov/bjs/abstract/agctlc05.htm)

For additional information about the Bureau of Justice Statistics statistical reports programs, please visit the BJS Web site at: [www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs).

The Office of Justice Programs (OJP) provides federal leadership in developing the nation's capacity to prevent and control crime, administer justice and assist victims. OJP is headed by an Assistant Attorney General and comprises five component bureaus and an office: the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office of Juvenile

Justice and Delinquency Prevention; and the Office for Victims of Crime, as well as the Community Capacity Development Office, which incorporates the Weed and Seed strategy and OJP's American Indian and Alaska Native Affairs Desk. More information can be found at [www.ojp.usdoj.gov](http://www.ojp.usdoj.gov).

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BJS06053 (H)