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Contract Trials and Verdicts in Large Counties, 2001

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Totals and trends

- During 2001 an estimated 3,698 contract cases were disposed of by trial in State courts of general jurisdiction in the Nation's 75 largest counties. Contract cases represented nearly a third of all civil trials in these counties.
- Judges adjudicated 56% of contract cases, while juries decided the remaining 44%.
- The 3,698 contract trials disposed of in 2001 represented a 24% decline from the 4,850 contract trials disposed of in these counties in 1996.
- About half (54%) of the contract cases disposed of by trial in the Nation's 75 largest counties in 2001 involved failed agreements between buyers and sellers. In most contract trials, the litigants were either individuals suing businesses (33%) or non-individuals such as businesses, hospitals, or governments suing businesses (26%).

Plaintiff winners

- Plaintiffs won in 65% of contract trials. Plaintiffs were more likely to prevail in contract trials decided by a judge (68%) than by a jury (62%).
- The overall plaintiff win rate in contract trials remained relatively unchanged from 1996. Plaintiff win rates in contract jury trials, however, increased from 56% in 1996 to 62% in 2001.

Damage awards

- In 2001 the overall median damage award, which includes both compensatory and punitive damages, for plaintiff winners in contract trials was \$45,000.
- Plaintiff winners garnered higher median damage awards in contract jury trials (\$81,000) compared to contract bench trials (\$30,000).
- Nearly 11% of plaintiff winners in contract jury trials received awards of \$1 million or more, while about 2% of plaintiff winners in contract bench trials won damages totaling \$1 million.
- No significant changes were found in the median damage awards in contract jury or bench trials disposed of in the Nation's 75 largest counties from 1996 to 2001.

Punitive damages

- In 2001 punitive damages were awarded to 6% of plaintiff winners in contract trials. In cases with plaintiff winners, judges imposed punitive damages in 3% of contract trials, while juries awarded punitive damages in 10% of contract trials.
- Punitive damages were awarded most frequently in contract trials involving fraud, employment discrimination, or partnership dispute claims.
- The median punitive damage award for plaintiff winners in contract trials was \$83,000 (not shown in a table).

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Time to disposition

- Contract cases tried before a jury took slightly over 2 years (25 months) on average to proceed from filing to disposition. Contract bench trials, in comparison, were disposed within an average of 18 months.

Post verdict relief

- Plaintiffs filed motions for post verdict relief in 12% of contract trials that they won, while defendants requested post verdict relief in 26% of contract trials with a plaintiff winner.
- Motions for new trials or award modifications were among the most common types of post verdict relief sought by plaintiff winners. Defendants made requests for new trials in about 60% of contract trials in which they sought post verdict relief.
- Plaintiffs filed motions for post verdict relief in 18% of contract trials that they lost. Defendants engaged in post verdict activity in less than 10% of contract trials without a plaintiff winner.
- The courts granted post verdict relief to 57% of plaintiff winners seeking to have their verdict modified. The most common type of post verdict relief granted to these plaintiffs was an award modification. Among contract trials in which the plaintiff lost, post verdict relief was granted to 12% of plaintiffs who sought some form of post trial relief.
- Post verdict relief was granted to about a third of defendants who sought to modify a favorable plaintiff verdict or judgment. In almost half of these cases, the relief granted was in the form of an award modification.
- Plaintiffs filed appeals in 7% of contract trials in which they prevailed and 21% of contract trials in which they lost. Defendants gave notice of appeal in 20% of contract trials with a plaintiff winner and 4% of contract trials where the plaintiff did not receive a favorable verdict.

Types of litigants

- In 54% of contract trials, the primary plaintiff litigant was an individual. Businesses were plaintiffs in 44% of contract trials, while government agencies and hospitals represented fewer than 5% of plaintiffs in contract trials.
- Businesses were defendants in nearly two-thirds (62%) of contract trials disposed of in the Nation's 75 largest counties, while individuals were defendants in about a third (34%) of contract trials. Governments and hospitals represented less than 5% of defendants in contract trials.

Litigant pairings and case outcomes

- Individual plaintiffs prevailed in an estimated three-fifths of contract trials where they sued an individual (59%) or business (60%) defendant. The total median damage awards individual plaintiff winners received in these contract trials was \$31,000 and \$50,000, respectively.
- Non-individual plaintiffs (businesses, governments, and hospitals) prevailed in nearly three-fourths of contract trials in which the defendant was an individual (71%) or business (74%). The total median damage award for non-individual plaintiff winners was \$60,000 in contract trials involving a business defendant and \$20,000 in trials with an individual as defendant.

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

Case type	All contract trials		Type of trial		
	Number	Percent	Jury	Bench	Other*
All contract trials	3,698	100.0%	42.6%	55.8%	1.6%
Fraud	625	16.9%	45.6%	52.0%	2.4%
Seller plaintiff	1,208	32.7	22.7	76.3	1.0
Buyer plaintiff	793	21.4	58.1	41.0	0.9
Mortgage foreclosure	22	0.6	--	100.0	--
Employment discrimination	166	4.5	86.7	10.2	3.0
Other employment dispute	287	7.8	57.5	38.7	3.8
Rental/lease	276	7.5	22.8	76.8	0.4
Tortious interference	138	3.7	55.8	42.0	2.2
Partnership dispute	40	1.1	55.0	45.0	--
Subrogation	69	1.9	68.1	27.5	4.3
Other or unknown contract	73	2.0	48.6	48.6	2.7

Note: Data for case and disposition type were available for 100.0% of the 3,698 contract trials. Detail may not sum to total because of rounding.
 -- No cases recorded.

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

Table 2. Types of plaintiffs or defendants, by types of contract trials, in State courts in the Nation's 75 largest counties, 2001

Case type	Number	Total	Percent of each type of plaintiff			
			Individual	Government ^a	Business ^b	Hospital ^c
All contract trials ^d	3,676	100%	53.9%	0.8%	44.3%	1.0%
Fraud	616	100%	65.1%	1.9%	32.5%	0.5%
Seller plaintiff	1,203	100	31.3	0.7	66.3	1.7
Buyer plaintiff	789	100	72.2	0.3	27.5	--
Mortgage foreclosure	22	100	--	--	100.0	--
Employment discrimination	165	100	99.4	0.6	--	--
Other employment dispute	286	100	75.9	0.3	22.0	1.7
Rental/lease	275	100	44.7	--	53.8	1.5
Tortious interference	138	100	44.2	0.7	54.3	0.7
Partnership dispute	40	100	65.0	--	25.0	10.0
Subrogation	69	100	2.9	4.3	92.8	--
Other or unknown contract	73	100	57.5	--	42.5	--

Case type	Number	Total	Percent of each type of defendant			
			Individual	Government ^a	Business ^b	Hospital ^c
All contract trials ^d	3,675	100%	33.5%	3.2%	62.3%	1.1%
Fraud	618	100%	35.0%	1.1%	63.4%	0.5%
Seller plaintiff	1,204	100	44.1	0.7	53.8	1.3
Buyer plaintiff	790	100	16.1	0.6	83.2	0.1
Mortgage foreclosure	22	100	54.5	--	45.5	--
Employment discrimination	165	100	4.8	34.5	57.0	3.6
Other employment dispute	286	100	16.4	9.4	72.0	2.1
Rental/lease	275	100	53.5	1.5	44.7	0.4
Tortious interference	138	100	34.8	3.6	57.2	4.3
Partnership dispute	40	100	37.5	--	62.5	--
Subrogation	65	100	66.2	1.5	32.3	--
Other or unknown contract	72	100	50.0	4.2	45.8	--

Note: Plaintiff or defendant type 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 hospital even if there were also business, individual, or government defendants in the case. Data on plaintiff type were available for 99.5% of contract trials and data on defendant type were available for 99.4% of contract trials. Detail may not sum to total because of rounding.
 -- No cases recorded.

^aIncludes law enforcement and other governmental agencies.

^bIncludes insurance companies, banks, and other businesses and organizations.

^cIncludes medical companies.

^dIncludes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

Table 3. Pairings of primary litigants in selected types of contract trials in State courts in the Nation's 75 largest counties, 2001

Plaintiff versus primary defendant	All contract trials		Fraud		Seller plaintiff		Buyer plaintiff	
	Number of trials	Percent	Number of trials	Percent	Number of trials	Percent	Number of trials	Percent
All contract trials ^a	3,672	100.0%	614	100.0%	1,204	100.0%	790	100.0%
Individual versus:								
Individual	664	18.1%	161	26.3%	233	19.4%	100	12.7%
Government ^b	93	2.5	4	0.6	2	0.2	1	0.1
Business ^c	1,201	32.7	232	37.7	136	11.3	468	59.2
Hospital ^d	23	0.6	2	0.3	6	0.5	1	0.1
Non-individual versus:								
Individual	512	14.0%	38	6.2%	279	23.2%	26	3.2%
Government ^b	22	0.6	3	0.5	7	0.6	4	0.5
Business ^c	948	25.8	127	20.7	485	40.3	150	19.0
Hospital ^d	13	0.4	--	--	8	0.7	--	--
Other litigant pairings ^e	195	5.3%	46	7.5%	48	3.9%	40	5.1%

Note: Plaintiff or defendant type 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 hospital even if there were also business, individual, or government defendants in the case. Data on litigant pairings were available for 99.3% of all contract trials, 98.2% of fraud trials, 99.7% of seller plaintiff trials, and 99.6% of buyer plaintiff trials. Detail may not sum to total because of rounding.

--No cases recorded.

^aIncludes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

^bIncludes law enforcement and other governmental agencies.

^cIncludes insurance companies, banks, and other businesses and organizations.

^dIncludes medical companies.

^eIncludes pairings where both an individual and non-individual plaintiff sued an individual, government, hospital, or business defendant.

Table 4. Contract trial plaintiff winners in State courts in the Nation's 75 largest counties, 2001

Case type	All contract trials ^a		Jury trials ^b		Bench trials	
	Number	Plaintiff winners ^c	Number	Plaintiff winners ^c	Number	Plaintiff winners ^c
Contract cases	3,625	64.8%	1,528	61.6%	2,037	67.8%
Fraud	602	58.3%	273	61.5%	314	56.7%
Seller plaintiff	1,196	76.8	271	70.1	913	78.9
Buyer plaintiff	779	61.5	452	62.6	320	60.9
Mortgage foreclosure	22	72.7	--	--	22	72.7
Employment discrimination	160	43.8	138	45.7	17	41.2
Other employment dispute	282	55.7	163	63.2	108	47.2
Rental/lease	276	64.9	63	63.5	212	65.6
Tortious interference	133	57.9	71	57.7	58	56.9
Partnership dispute	41	46.3	22	68.2	18	16.7
Subrogation	61	67.2	40	50.0	19	100.0
Other or unknown contract	73	56.2	35	54.3	36	55.6

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

Detail may not sum to total because of rounding.

--No cases recorded.

^aIncludes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

^bDoes not include jury trials that involved trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

^cExcludes bifurcated trials where the plaintiff litigated only the damage claim.

Table 5. Final damage awards for contract trials with plaintiff winners in State courts in the Nation's 75 largest counties, 2001

Case type	Contract trials with damages awarded to plaintiff winners ^a	Final amount awarded to plaintiff winners		Percent of plaintiff winners with final awards —	
		Total	Median	Over \$250,000	\$1 million or more
All contract trials ^b	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

Note: Data for final awards were available for 98.9% of all sampled contract trials. Final amount awarded includes both compensatory (reduced for contributory negligence) and punitive damage awards. Detail may not sum to total because of rounding. Award data were rounded to the nearest thousand.

*The number of plaintiffs awarded damages may differ from the number calculated from the percentage of plaintiffs who successfully litigated the case (table 4). 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 4) account for some of this difference.

-- No cases recorded.

^aExcludes bifurcated trials where the plaintiff won on only the liability claim. Bifurcated trials involving only damage Claims, however, have been included.

^bIncludes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

Table 6. Final award amounts for civil jury and bench contract trials with plaintiff winners in State courts in the Nation's 75 largest counties, 2001

Case type	Number	Final amount awarded to plaintiff winners		Percent of trials with final awards --	
		Total	Median	Over \$250,000	\$1 million or more
Jury trials^a	964	\$1,769,033,000	\$81,000	27.9%	10.7%
Fraud	174	\$653,154,000	\$87,000	33.3%	20.1%
Seller plaintiff	194	67,816,000	68,000	20.9	7.9
Buyer plaintiff	278	98,538,000	62,000	25.1	7.3
Mortgage foreclosure	--	--	--	--	--
Employment discrimination	66	44,616,000	218,000	43.6	16.0
Other employment dispute	105	257,999,000	83,000	28.8	7.4
Rental/lease	40	13,375,000	81,000	21.5	9.0
Tortious interference	47	575,307,000	117,000	48.1	12.3
Partnership dispute	15	51,610,000	90,000	41.6	15.7
Subrogation	26	1,248,000	8,000	--	--
Other or unknown contract	19	5,370,000	77,000	22.5	14.9
Bench trials	1,381	\$272,226,000	\$30,000	10.9%	1.9%
Fraud	179	\$115,173,000	\$61,000	28.0%	4.6%
Seller plaintiff	724	96,873,000	29,000	7.8	1.6
Buyer plaintiff	198	31,772,000	16,000	6.9	1.4
Mortgage foreclosure	13	2,731,000	70,000	13.6	13.6
Employment discrimination	7	297,000	40,000	--	--
Other employment dispute	54	7,754,000	58,000	15.4	--
Rental/lease	136	10,737,000	14,000	9.0	0.7
Tortious interference	33	4,274,000	44,000	8.7	--
Partnership dispute	3	851,000	191,000	**	--
Subrogation	15	786,000	28,000	12.3	--
Other or unknown contract	20	977,000	5,000	6.6	--

Note: Data for final awards in jury contract trials were available for 99.1% of all jury plaintiff winners.

Data for final awards in bench contract trials were available for 99.0% of all bench plaintiff winners.

Final amount awarded includes both compensatory (reduced for contributory negligence), fees and costs, and punitive damage awards. Award data were rounded to the nearest thousand.

--No cases recorded.

**Too few cases to obtain statistically reliable data.

^aDoes not include jury trials that involved trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

Table 7. Punitive damages awarded to plaintiff winners in contract jury and bench trials in the Nation's 75 largest counties, 2001

Case type	Punitive damages awarded to plaintiff winners in jury and bench contract trials					
	Jury trials awarded punitive damages	Bench trials awarded punitive damages	Median damages awarded		Number of trials with punitive damages of \$1 million or more —	
			Jury	Bench	Jury	Bench
Contract cases	98	39	\$111,000	\$46,000	18	--
Fraud	27	32	\$100,000	\$52,000	5	--
Seller plaintiff	5	4	4,000	5,000	--	--
Buyer plaintiff	15	1	275,000	82,000*	3	--
Mortgage foreclosure	--	--	--	--	--	--
Employment discrimination	13	--	606,000	--	5	--
Other employment dispute	16	--	151,000	--	1	--
Rental/lease	9	--	15,000	--	2	--
Tortious interference	8	1	92,000	10,000*	1	--
Partnership dispute	4	--	186,000	--	1	--
Subrogation	--	--	--	--	--	--
Other or unknown contract	1	1	500*	1,000*	--	--

Note: Data for punitive damage awards in jury contract trials were available for 99.5% of all jury plaintiff winners. Data for punitive damage awards in bench contract trials were available for 100.0% of all bench plaintiff winners. Not shown are jury trials that involve trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants. These cases accounted for 1 punitive damage verdict with a plaintiff winner. 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 cases involved punitive damages, it involved a related tort claim. Detail may not sum to total because of rounding.
 --No cases recorded.
 *Not median but the actual amount awarded.

Table 8. Pairings of primary types of litigants in contract trials in State courts in the Nation's 75 largest counties, 2001

Litigant pairs	Total number of trials	Percent plaintiff winners	Final amount awarded to plaintiff winners			Punitive damages awarded to plaintiff winners		
			Number of trials	Total	Median	Number of trials	Total	Median
All contract trials ^a	3,601	64.7%	2,354*	\$2,041,869,000	\$45,000	133	\$854,536,000	\$100,000
Individual versus:								
Individual	650	59.4%	391	\$51,744,000	\$31,000	28	\$3,506,000	\$46,000
Government ^b	89	41.6	39	25,275,000	223,000	6	5,993,000	995,000
Business ^c	1,175	59.5	706	498,793,000	50,000	49	44,745,000	150,000
Hospital ^d	23	39.1	9	3,198,000	342,000	4	240,000	4,000
Individual and non-individual versus:								
Individual	51	76.5%	40	\$39,658,000	\$57,000	5	\$2,400,000	\$83,000
Government ^b	3	**	--	--	--	--	--	--
Business ^c	131	58.8	81	107,283,000	54,000	5	1,341,000	263,000
Hospital ^d	3	**	3	13,115,000	5,730,000	--	--	--
Non-individual versus:								
Individual	503	71.0%	361	\$62,912,000	\$20,000	13	\$784,000	\$30,000
Government ^b	22	81.8	18	22,283,000	364,000	--	--	--
Business ^c	938	74.2	694	1,209,075,000	60,000	24	795,528,000	75,000
Hospital ^d	13	76.9	10	8,533,000	212,000	--	--	--

Note: Data on litigant pairings were available for 99.3% of plaintiff award winners. Plaintiff or defendant type is whichever type appears first in this list: (1) hospital/medical company, (2) business, (3) government agency, and (4) individual.
^aThe number of plaintiffs awarded damages may differ from the number calculated from the percentage of plaintiffs who successfully litigated the case. 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 the plaintiff winner calculation) account for some of this difference. Award data were rounded to the nearest thousand. Detail may not sum to total because of rounding.
 --No cases recorded.
 **Too few cases to obtain statistically reliable data.
^aIncludes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.
^bIncludes law enforcement and other governmental agencies.
^cIncludes insurance companies, banks, and other businesses and organizations.
^dIncludes medical companies.

Table 9. Case processing time from filing of the complaint to final verdict or judgment in State courts in the Nation's 75 largest counties, 2001

Case type	From filing of the complaint to final jury disposition					From filing of the complaint to final bench disposition				
	Number of jury trials ^a	Median (months)	Mean (months)	Percent of jury trial cases disposed of in —		Number of bench trials	Median (months)	Mean (months)	Percent of bench trial cases disposed of in —	
				Less than 2 years	4 years or more				Less than 2 years	4 years or more
Contract cases	1,571	21.3	25.3	58.4%	8.3%	2,065	15.4	18.4	77.8%	3.4%
Fraud	285	23.0	26.9	54.6%	8.9%	325	17.8	21.0	69.7%	4.9%
Seller plaintiff	275	23.3	26.5	53.6	8.7	921	14.8	17.2	82.4	2.2
Buyer plaintiff	458	21.1	25.7	58.5	9.3	325	15.4	18.8	74.7	3.7
Mortgage foreclosure	--	--	--	--	--	22	23.8	21.8	60.4	5.3
Employment discrimination	144	19.5	25.0	59.6	10.3	17	18.7	20.0	75.8	--
Other employment dispute	165	19.7	23.9	60.6	5.5	111	18.5	23.1	66.4	7.2
Rental/lease	63	17.8	21.5	73.3	5.1	212	12.4	15.4	84.0	5.2
Tortious interference	77	21.6	26.0	55.4	7.4	58	14.8	16.8	84.2	--
Partnership dispute	22	20.1	18.8	64.3	--	18	23.3	24.6	55.6	7.7
Subrogation	47	12.5	15.5	82.9	2.5	19	18.5	20.7	69.1	--
Other or unknown contract	36	23.8	28.7	55.1	11.4	36	15.2	21.2	74.2	3.3

Note: Data for filing time to final verdict or judgment were available for 99.8% of jury trials and 100.0% of bench trials. Not actual court days because weekends are included in the time count. Detail may not sum to total because of rounding.
 --No cases recorded.
^aDoes not include jury trials that involved trials with a directed verdict, judgments notwithstanding the verdict, or jury trials for defaulted defendants.

Table 10. Case processing time from filing of the complaint to final verdict or judgment for pairings of primary litigants in contract trials in State courts in the Nation's 75 largest counties, 2001

Litigant pairs	Total number of trials	Number of months		
		Median	Minimum	Maximum
All contract trials ^a	3,668	17.7	0.2	191.4
Individual versus:				
Individual	664	15.4	0.7	88.8
Government ^b	93	21.1	3.7	76.2
Business ^c	1,198	19.4	0.9	155.4
Hospital ^d	23	23.2	10.3	90.5
Individual and non-individual versus:				
Individual	53	19.2	1.3	191.4
Government ^b	3	35.4	35.4	35.4
Business ^c	136	21.4	3.2	103.2
Hospital ^d	3	28.1	19.8	28.1
Non-individual versus:				
Individual	512	15.0	0.6	85.3
Government ^b	22	21.1	10.3	96.7
Business ^c	947	17.2	0.2	120.0
Hospital ^d	13	31.2	7.2	62.8

Note: Data on litigant pairings were available for 99.3% of contract trials. Data on filing time to final verdict or judgment were available for 99.9% of contract trials for which litigant pairings were known. Plaintiff or defendant type is whichever type appears first in this list: (1) hospital/medical company, (2) business, (3) government agency, and (4) individual. Detail may not sum to total because of rounding.

^aIncludes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

^bIncludes law enforcement and other governmental agencies.

^cIncludes insurance companies, banks, and other businesses and organizations.

^dIncludes medical companies.

Table 11. Type of post verdict relief sought by plaintiffs or defendants in contract trials in State courts in the Nation's 75 largest counties, 2001

Post verdict relief sought by —	Contract trials in which post verdict relief was sought		Percent of trials in which litigants sought post verdict relief ^a			
	Percent of all trials	Number	JNOV or amended judgment	New trial	Award modification	Other relief
Plaintiff prevailed^b						
Plaintiffs	11.5%	277	16.8%	24.5%	51.3%	21.4%
Defendants	26.1	628	46.3	60.4	19.8	8.7
Plaintiff did not prevail^c						
Plaintiffs	18.4%	232	35.5%	65.2%	7.5%	8.6%
Defendants	8.0	101	26.8	25.6	19.1	35.5

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

^aThe type of post verdict relief sought will not sum to 100% because the post verdict relief categories are not mutually exclusive.

^bFor contract trials in which plaintiffs prevailed, data on plaintiff and defendant post verdict activity were available for 99.6% of trials.

^cFor contract trials in which plaintiffs did not prevail, data on plaintiff post verdict activity were available for 98.8% of trials and data on defendant post verdict activity were available for 98.9% of trials.

Table 12. Type of post verdict relief granted to plaintiffs or defendants in contract trials in State courts in the Nation's 75 largest counties, 2001

Post verdict relief granted to --	Post verdict relief in contract trials		Percent of contract trials in which litigants sought and were granted relief ^a			
	Number sought*	Percent in which relief was granted	JNOV or amended judgment	New trial	Award modification	Other relief
Plaintiff prevailed^b						
Plaintiffs	266	57.1%	11.8%	5.4%	67.7%	23.0%
Defendants	611	30.5	19.4	18.3	47.0	21.7
Plaintiff did not prevail^c						
Plaintiffs	220	11.5%	32.6%	12.6%	28.4%	26.4%
Defendants	95	47.8	9.6	7.4	29.0	53.9

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

*The number of litigants seeking post verdict relief in table 12 differs from the number posted in table 11 because of missing or incomplete post verdict relief granted data.

^aThe type of post verdict relief granted will not sum to 100% because the post verdict relief categories are not mutually exclusive.

^bAmong trials where plaintiffs prevailed, data on the granting of post verdict relief were available for 95.9% of the 277 trials in which the plaintiff sought post verdict relief and 97.3% of the 628 trials in which the defendant sought post verdict relief.

^cAmong trials where plaintiffs did not prevail, data on the granting of post verdict relief were available for 95.1% of the 232 trials in which the plaintiff sought post verdict relief and 93.5% of the 101 trials in which the defendant sought post verdict relief.

Table 13. Contract trials in which plaintiff or defendant gave notice of appeal in State courts in the Nation's 75 largest counties, 2001

Case type	Contract trials with plaintiff winners			Contract trials without plaintiff winners		
	Number of contract trials	Cases appealed by —		Number of contract trials	Case appealed by —	
		Plaintiff	Defendant		Plaintiff	Defendant
All contract trials ^a	2,411	6.8%	19.8%	1,274	20.5%	3.5%
Fraud	367	8.6%	27.4%	252	18.3%	4.1%
Seller plaintiff	931	5.8	14.3	276	20.6	4.6
Buyer plaintiff	491	5.9	20.2	299	16.6	0.8
Mortgage foreclosure	16	--	20.4	6	**	--
Employment discrimination	76	14.7	46.6	89	32.0	--
Other employment dispute	162	11.1	22.1	125	28.2	8.3
Rental/lease	178	2.2	18.4	97	22.1	1.9
Tortious interference	83	7.8	31.2	56	11.1	8.4
Partnership dispute	19	29.0	26.2	22	30.7	8.3
Subrogation	49	--	8.3	20	6.0	--
Other or unknown contract	41	10.4	7.8	32	26.2	--

Note: Contract appeals data were available for 99.8% of contract trials in which the plaintiff prevailed and 99.7% of contract trials in which the plaintiff did not prevail. Detail may not sum to total because of rounding.

--No cases recorded.

**Too few cases to obtain statistically reliable data.

^aIncludes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

Table 14. Comparing contract trials in State courts in the Nation's 75 largest counties, 1996 to 2001

	1996	2001
How many contract cases were disposed of by trial?	4,850	3,698*
What percentage of plaintiffs won?^a		
All contract trials	62.4%	64.8%
Contract jury trials	55.6	61.6*
Contract bench trials	67.8	67.8
How much did prevailing plaintiffs win?^b		
Overall median award amounts (adjusted for inflation) in		
All contract trials	\$42,000	\$45,000
Contract jury trials	90,000	81,000
Contract bench trials	28,000	30,000
What percentage of plaintiffs won punitive damages?^c		
All contract trials	6.3%	5.8%
Contract jury trials	10.8	10.1
Contract bench trials	3.6	2.8
How long did disposition of contract trials take?^d		
(Median case processing time)		
All contract trials	18.4 mo	17.7 mo
Contract jury trials	22.5	21.3
Contract bench trials	15.8	15.4

Note: The number of contract trials includes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants adjudicated in 1996 and 2001.

*1996 - 2001 difference is significant at the 95%-confidence interval.

^aData on plaintiff winners were available for 99.9% of contract trials in 1996 and 99.9% of contract trials in 2001.

^bData on plaintiff final awards were available for 98.1% of contract trials with plaintiff winners in 1996 and 98.9% of contract trials with plaintiff winners in 2001.

^cData on punitive damages awarded to plaintiff winners were available for 99.9% of contract trials with plaintiff winners in 1996 and 98.3% of contract trials with plaintiff winners in 2001.

^dData on time to disposition were available for 92.1% of contract trials in 1996 and 99.9% of contract trials in 2001.

Data sources: Civil Justice Survey of State Courts, 1996 (ICPSR 2883) and 2001 (ICPSR 3957). Data can be obtained from the National Archive of Criminal Justice Data, University of Michigan Inter-university Consortium for Political and Social Research (ICPSR) at <<http://www.icpsr.umich.edu/>>.

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

	Estimate	One standard error	95% - confidence interval	
			Lower	Upper
Number of contract trials	3,698	184	3,332	4,063
Fraud	625	34	558	692
Seller plaintiff	1,208	96	1,018	1,398
Buyer plaintiff	793	59	675	911
Mortgage foreclosure	22	6	11	34
Employment discrimination	166	15	136	197
Other employment dispute	287	31	226	348
Rental/lease	276	33	210	343
Tortious interference	138	26	86	190
Partnership dispute	40	6	28	53
Subrogation	69	8	52	85
Other or unknown contract	73	10	54	92
Percent decided by —				
Jury trial	42.6%	1.7%	39.2%	45.9%
Bench trial	55.9	1.8	52.3	59.4
Other	1.6	0.2	1.2	2.0
Percent of contract trials with a plaintiff winner				
	64.8%	0.8%	63.1%	66.5%
Median award to plaintiff winners				
Final	\$45,000	\$3,000	\$40,000	\$50,000
Punitive	83,000	7,000	70,000	99,000
Mean award to plaintiff winners				
Final	\$862,000	\$140,000	\$584,000	\$1,140,000
Punitive	6,196,000	1,598,000	3,017,000	9,375,000
Median months from filing to final verdict				
	17.7 mo	0.8 mo	16.2 mo	19.4 mo

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

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

County	All contract trials ^a	
	Number	Percent plaintiff winners
Dade, FL	62	83.9%
Suffolk, MA	10	80.0
Santa Clara, CA	41	78.0
Essex, NJ	27	77.8
El Paso, TX	46	76.1
Allegheny, PA	124	75.8
Du Page, IL	51	74.5
Fulton, GA	35	74.3
Philadelphia, PA	97	74.2
Fairfax, VA	94	73.4
Orange, FL	15	73.3%
Honolulu, HI	15	73.3
Pima, AZ	20	70.0
Fresno, CA	20	70.0
Fairfield, CT	10	70.0
Ventura, CA	33	69.7
Franklin, OH	57	68.4
Oakland, MI	71	67.6
Los Angeles, CA ^b	148	66.2
Bexar, TX	45	64.4
Cook, IL	58	63.8%
Bergen, NJ	58	63.8
Hartford, CT	11	63.6
San Francisco, CA	65	63.1
Maricopa, AZ	73	63.0
St. Louis, MO	67	62.7
Cuyahoga, OH	74	62.2
Palm Beach, FL	63	61.9
Marion, IN	39	61.5
Middlesex, NJ	26	61.5
Dallas, TX	82	61.0%
Hennepin, MN	76	60.5
New York, NY	53	60.4
Jefferson, KY	45	60.0
Contra Costa, CA	17	58.8
Harris, TX	177	58.2
King, WA	76	56.6
Orange, CA	173	56.1
Alameda, CA	43	55.8
Milwaukee, WI	27	55.6
Mecklenburg, NC	22	54.5%
Wayne, MI	53	52.8
Essex, MA	4	**
Middlesex, MA	24	50.0
Worcester, MA	8	**
San Bernardino, CA	30	43.3

**Too few cases to obtain statistically reliable data.

^aIncludes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

^bLos Angeles County suburban courts were not included.

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

County	Final amount awarded to plaintiff winners				Punitive damages awarded to plaintiff winners	
	Total number of contract trials ^a	Number of plaintiff award winners	Total of all awards	Median award	Number of plaintiff winners	Total of all awards
Maricopa, AZ	73	46	\$39,032,000	\$97,000	5	\$31,765,000
Pima, AZ	20	14	3,047,000	39,000	1	13,000*
Alameda, CA	43	21	133,134,000	105,000	1	3,500,000*
Contra Costa, CA	17	10	1,946,000	140,000	1	10,000*
Fresno, CA	20	14	16,535,000	150,000	3	133,000
Los Angeles, CA ^b	148	98	21,926,000	77,000	7	304,000
Orange, CA	173	96	123,270,000	78,000	13	25,915,000
San Bernardino, CA	30	13	1,635,000	30,000	--	--
San Francisco, CA	65	40	27,475,000	108,000	4	263,000
Santa Clara, CA	41	32	16,036,000	92,000	3	530,000
Ventura, CA	33	23	\$3,567,000	\$32,000	--	--
Fairfield, CT	10	7	1,436,000	60,000	--	--
Hartford, CT	11	7	298,000	27,000	--	--
Dade, FL	62	51	407,842,000	65,000	3	279,600,000
Orange, FL	15	10	1,634,000	113,000	2	300,000
Palm Beach, FL	63	39	4,519,000	43,000	--	--
Fulton, GA	35	26	3,596,000	50,000	1	275,000*
Honolulu, HI	15	11	5,993,000	84,000	2	2,001,000
Cook, IL	58	37	6,053,000	61,000	1	178,000*
Du Page, IL	51	38	4,111,000	6,000	--	--
Marion, IN	39	23	\$419,000	\$5,000	--	--
Jefferson, KY	45	24	1,391,000	14,000	--	--
Essex, MA	4	2	53,000	27,000	--	--
Middlesex, MA	25	12	3,294,000	102,000	2	25,000
Suffolk, MA	10	8	657,000	43,000	--	--
Worcester, MA	8	4	906,000	202,000	1	18,000*
Oakland, MI	71	47	7,478,000	51,000	--	--
Wayne, MI	53	26	4,731,000	34,000	--	--
Hennepin, MN	76	44	3,279,000	46,000	--	--
St. Louis, MO	68	42	6,836,000	54,000	5	198,000
Bergen, NJ	58	35	\$18,516,000	\$23,000	--	--
Essex, NJ	27	20	2,269,000	33,000	1	2,000*
Middlesex, NJ	26	16	1,956,000	42,000	1	500,000*
New York, NY	53	31	44,228,000	305,000	--	--
Mecklenburg, NC	22	11	1,680,000	18,000	--	--
Cuyahoga, OH	74	44	20,404,000	41,000	1	1,200,000*
Franklin, OH	57	39	11,203,000	63,000	5	341,000
Allegheny, PA	125	93	3,385,000	9,000	1	41,000*
Philadelphia, PA	96	70	12,361,000	23,000	1	73,000*
Bexar, TX	45	27	3,922,000	32,000	2	125,000
Dallas, TX	82	50	\$504,806,000	\$140,000	8	\$370,019,000
El Paso, TX	46	35	18,856,000	34,000	4	1,060,000
Harris, TX	179	102	34,535,000	63,000	4	824,000
Fairfax, VA	94	69	6,846,000	18,000	3	410,000
King, WA	76	42	8,645,000	17,000	1	10,000*
Milwaukee, WI	27	15	619,000	8,000	1	1,000*

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

-- No cases recorded.

*Not total but the actual amount awarded.

^aIncludes bench and jury trials, trials with a directed verdict, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

^bLos Angeles suburban courts are not included.