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Contract Trials and Verdicts in Large Counties, 1996

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In 1996 State courts of general jurisdiction in the Nation's 75 largest counties disposed of approximately 15,638 tort, contract, and real property rights cases by jury or bench trial. Contract cases accounted for about a third of all trial cases disposed.

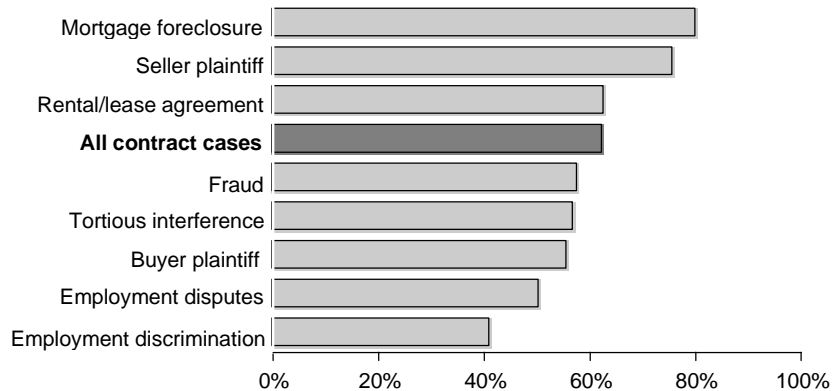
This report provides an in-depth examination of contract cases decided by a jury or judge in the Nation's 75 largest counties. For purposes of this report, contract disputes involve fraud, employment discrimination or dispute, tortious interference¹, or allegations of unfulfilled agreements between buyers and sellers, lenders and borrowers, or landlords and tenants.

This report is the second in a series based on data collected from the Civil Justice Survey of State Courts, 1996. The first report of the series, *Civil Trial Cases and Verdicts in Large Counties, 1996* (NCJ 173426), provided a general overview of tort, contract, and real property cases decided by jury or bench trial. The sample of civil cases excluded cases that did not go to trial, trials in Federal courts, trials in State courts of limited jurisdiction, and trials in counties outside the 75 largest.

¹Tortious interference cases are tort claims arising out of contractual disputes.

Highlights

Percent of plaintiff winners in contract cases disposed of by trial in State general jurisdiction courts in the Nation's 75 largest counties, 1996



- In 1996 an estimated 4,850 contract cases were disposed of by trial in State courts in the Nation's 75 largest counties. Sixty-one percent of contract cases were decided by a judge and 36% by a jury.
- The most common type of contract trial case involved an individual suing a business (34%), followed by a nonindividual (an organization) suing a business (26%). In 18% of the contract cases an individual sued another individual.
- Plaintiffs were seeking payment owed to them (seller plaintiff) in over half of the contract lawsuits brought by construction companies (71%), banks (68%), sellers of goods (58%), sellers of services (54%), and manufacturers (53%).
- Plaintiffs won 62% of contract trial cases. They were more likely to win cases decided by a judge (68%) than by a jury (56%).
- Jury trial awards: Juries awarded a median of \$80,000 in final award amounts to plaintiff winners in contract cases. Plaintiffs won 48% of employment discrimination cases disposed of by jury trial and were awarded a median final award amount of \$250,000. The median final award amount for seller plaintiff winners was \$62,000.
- Bench trial awards: Half of the plaintiff winners in contract cases disposed of by bench trial were awarded final amounts of \$25,000 or more. The median final award for plaintiff winners in fraud cases disposed of by bench trial was \$32,000, in rental/lease cases it was \$28,000.

Types of cases and dispositions

Cases involving contract disputes comprised 31% of all tort, contract, and real property rights trial cases disposed of in general jurisdiction courts in the Nation's 75 largest counties. The most frequent type of contract dispute involved a seller plaintiff seeking compensation from a buyer or borrower (34%), followed by buyer plaintiff (17%) and fraud (14%) (table 1).

Of the approximately 4,850 contract cases tried in 1996, 61% were decided by a judge, 36% by a jury. The remaining 3% were disposed of by directed verdict, judgment notwithstanding, or jury verdicts for defaulted defendants. (See page 13 for definitions.)

Types of litigants

The approximately 4,850 contract trial cases in the Nation's 75 largest counties involved over 15,800 litigants (about 6,300 plaintiffs and 9,500 defendants). About 22% of all contract trial cases involved multiple plaintiffs, making an overall average of 1.3 plaintiffs per case. About half of the contract trial cases involved more than one defendant. There were on average two defendants per case (not shown in table). General jurisdiction courts decided slightly more than 5 contract trial cases per 100,000 residents of the 75 counties (not shown in table).

In more than half of the contract trial cases disposed of, the primary plaintiff was an individual (not shown in a table).² A business was the plaintiff 43% of the time. About two percent of the contract trial cases involved a hospital or government as plaintiff. A business was the defendant in 63% of contract trial cases, an individual in 32%, a government in nearly 4%, and a hospital in about 1%.

²Litigant type for each case is whichever type appears first in this list: (1) hospital/medical organization, (2) business, (3) government agency, (4) individual. For example, a case involving a hospital plaintiff is categorized as a hospital plaintiff case even if there were also business, individual, or government plaintiffs.

Table 1. Types of disposition by types of contract cases in State courts in the Nation's 75 largest counties, 1996

Case type	Number of cases	Percent of cases	Percent of each type of disposition		
			Jury	Bench	Other*
All contract cases	4,850	100%	35.9%	61.0%	3.1%
Fraud	668	13.8	43.4	52.8	3.8
Seller plaintiff	1,637	33.8	21.7	76.6	1.7
Buyer plaintiff	832	17.2	48.3	47.8	3.9
Mortgage foreclosure	65	1.3	10.7	83.0	6.3
Employment discrimination	311	6.4	66.8	28.0	5.2
Other employment dispute	309	6.4	44.4	49.5	6.1
Rental/lease agreements	500	10.3	26.8	71.8	1.4
Tortious interference	236	4.9	47.5	48.0	4.5
Other contract	291	6.0	33.4	64.1	2.5

* Includes cases disposed of by directed verdict, judgment notwithstanding the verdict, and jury verdicts for defaulted defendants. Detail may not sum to 100% because of rounding.

Table 2. Types of plaintiffs or defendants, by types of contract cases in State courts in the Nation's 75 largest counties, 1996

	Percent of each type of plaintiff			
	Individual	Government	Business*	Hospital
All contract cases	100%	100%	100%	100%
Fraud	17.1	11.3	9.7	10.4
Seller plaintiff	19.8	14.7	51.3	53.7
Buyer plaintiff	22.8	--	10.3	16.9
Mortgage foreclosure	1.0	--	1.8	--
Employment discrimination	11.0	13.0	0.7	--
Other employment dispute	9.5	30.7	2.0	3.6
Rental/lease agreements	8.8	23.5	12.1	3.7
Tortious interference	3.9	3.4	6.2	1.9
Other contract	6.0	3.4	6.0	9.9
Number of cases with each type of plaintiff	2,661	37	2,091	54
	Percent of each type of defendant			
	Individual	Government	Business*	Hospital
All contract cases	100%	100%	100%	100%
Fraud	14.2	4.1	14.5	--
Seller plaintiff	45.9	8.4	29.4	20.7
Buyer plaintiff	8.6	5.5	22.5	3.9
Mortgage foreclosure	1.3	--	1.4	3.1
Employment discrimination	1.0	42.0	6.7	21.8
Other employment dispute	2.8	16.5	7.0	33.4
Rental/lease agreements	15.2	7.9	8.0	7.7
Tortious interference	3.8	1.1	5.7	1.6
Other contract	7.2	14.5	4.9	7.8
Number of cases with each type of defendant	1,543	184	3,051	64

Note: Plaintiff or defendant type is whichever type appears first in this list: (1) hospital/medical company, (2) business, (3) government agency, (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.

Detail for litigant types was available for 99.8% of all contract trial cases. Detail may not sum to 100% because of rounding.

-- No cases recorded.

*Includes insurance companies, banks and financial companies, construction and real estate development companies, service and goods sellers, manufacturing companies, and other businesses.

Individuals were buyer plaintiffs (23%) more often than were businesses (10%). Individuals also were more often the plaintiffs in fraud cases (17%) than were businesses (10%). Businesses were seller plaintiffs (51%) more often than were governments (15%) or individuals (20%) (table 2).

Individuals were the most likely defendants in seller plaintiff contract trials (46%). Businesses were the most likely defendants in buyer plaintiff trials (23%). Governments were more likely than individuals, businesses, or hospitals to be the defendant in employment discrimination contract trials.

Business plaintiffs and defendants

In 1996 businesses were plaintiffs in 2,091 contract trial cases in the Nation's 75 largest counties. Over half of the contract lawsuits brought by construction companies (71%), banks (68%), sellers of goods (58%), sellers of services (54%), and manufacturers (53%), were those in which a business was seeking payment from a buyer or borrower (seller plaintiff) (table 3).

Fifty-six percent of the contract cases brought by real estate development companies involved rental/lease agreement cases. About a quarter of the contract lawsuits initiated by insurance

companies involved fraud and an additional third involved seller plaintiff cases.

Businesses were named as defendants in 3,051 contract cases in 1996. Fifty-seven percent of the cases that involved an insurance company as defendant were buyer plaintiff cases, in which a purchaser of goods or services, seeks return of their money, rescission of the contract or delivery of the specified goods.

About a third of the contract lawsuits brought against construction companies (37%), sellers of goods (37%), and real estate development companies (33%) were seller plaintiff cases.

Table 3. Types of business plaintiffs and defendants, by types of contract cases in State courts in the Nation's 75 largest counties, 1996

	Percent of each type of business plaintiff							
	Insurance company	Bank	Construction company	Real estate development company	Service seller	Goods seller	Manufacturer	Other*
All contract cases	100%	100%	100%	100%	100%	100%	100%	100%
Fraud	24.4	7.6	2.9	5.5	10.7	11.5	10.3	7.5
Seller plaintiff	34.0	68.4	70.5	17.4	53.6	58.0	52.8	30.2
Buyer plaintiff	6.4	0.5	11.3	6.7	12.2	12.4	13.4	16.3
Mortgage foreclosure	0.9	8.9	--	2.6	0.3	--	--	3.0
Employment discrimination	--	--	--	--	1.5	--	2.1	1.5
Other employment dispute	4.9	--	1.1	--	3.9	0.8	1.1	2.4
Rental/lease agreements	1.2	8.6	1.6	55.6	7.7	7.0	4.1	19.1
Tortious interference	4.2	1.7	6.1	7.1	7.3	6.5	1.1	10.6
Other contract	23.9	4.2	6.6	5.2	2.6	3.9	15.2	9.3
Number of cases with each type of plaintiff	106	266	185	190	624	420	95	205
	Percent of each type of business defendant							
	Insurance company	Bank	Construction company	Real estate development company	Service seller	Goods seller	Manufacturer	Other*
All contract cases	100%	100%	100%	100%	100%	100%	100%	100%
Fraud	14.4	26.2	6.8	17.6	17.2	11.4	15.0	12.0
Seller plaintiff	10.1	18.7	36.5	32.6	26.9	37.2	27.7	37.3
Buyer plaintiff	57.4	18.3	36.4	9.2	18.3	17.5	10.3	13.7
Mortgage foreclosure	0.3	9.7	--	3.2	0.8	1.1	--	1.2
Employment discrimination	1.6	3.4	3.9	2.7	8.2	8.5	28.1	4.7
Other employment dispute	5.0	8.8	2.1	1.9	10.0	6.2	8.8	7.8
Rental/lease agreements	0.6	2.5	3.2	18.0	9.6	7.6	2.3	12.1
Tortious interference	5.4	8.3	0.5	8.3	6.3	6.2	3.3	5.5
Other contract	5.3	4.0	10.5	6.6	2.6	4.3	4.5	5.6
Number of cases with each type of defendant	370	158	244	235	812	529	139	564

Note: Detail on type of business was available for 100% of business plaintiffs and defendants. Detail may not sum to 100% because of rounding.

*Includes other businesses, other organizations and other combinations of businesses such as a construction or real estate development company as plaintiffs or an insurance company and construction company as defendants.

--No cases recorded.

More than half of the cases in which manufacturers were named as defendants were seller plaintiff (28%) or employment discrimination (28%) cases.

Primary litigant pairings

Individuals sued businesses in 34% of all contract cases, including 44% of fraud cases, 58% of buyer plaintiff cases (table 4), and 64% of employment discrimination cases (not shown in a table). Individuals sued other individuals in 18% of all contract cases, including 23% of fraud cases and 30% of rental/lease agreement cases (not shown in a table).

Nonindividuals (businesses, governments, or hospitals) sued individuals in 13% of all contract cases, including 24% of seller plaintiff cases. Nonindividuals sued businesses in 26% of all contract cases.

Table 4. Pairings of primary litigants in selected types of contract cases in State courts in the Nation's 75 largest counties, 1996

Plaintiff versus primary defendant	All contract cases		Fraud		Seller plaintiff		Buyer plaintiff	
	Number of cases	Percent	Number of cases	Percent	Number of cases	Percent	Number of cases	Percent
All contract cases	4,850	100%	668	100%	1,637	100%	832	100%
Individual versus:								
Individual	858	17.7	155	23.2	290	17.8	120	14.4
Government	134	2.8	8	1.1	9	0.6	5	0.6
Business*	1,623	33.5	293	43.9	221	13.5	479	57.6
Hospital	45	0.9	--	--	6	0.4	3	0.3
Nonindividual versus:								
Individual	616	12.7	49	7.4	390	23.9	8	1.0
Government	46	0.9	--	--	6	0.4	5	0.6
Business*	1,245	25.7	106	15.9	629	38.5	173	20.8
Hospital	16	0.3	--	--	7	0.4	--	--
Other litigant pairings	258	5.3	56	8.4	74	4.5	40	4.8

Note: Plaintiff or defendant type is whichever appears first: (1) hospital/medical company, (2) business, (3) government agency, (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 for litigant pairings were available for 100% of all contract trial cases. Detail may not sum to 100% because of rounding.
--No cases recorded.

*Includes insurance companies, banks and financial companies, construction and real estate development companies, service and goods sellers, manufacturing companies, and other businesses.

Table 5. Trial verdicts and final award amounts for contract cases with plaintiff winners in State courts in the Nation's 75 largest counties, 1996

Case type	Total number of cases	Plaintiff winners		Final amount awarded to plaintiff winners (dollar amounts in thousands)				Punitive damages awarded to plaintiff winners (dollar amounts in thousands)			
		Number of cases	Percent	Number of cases	Total	Median	Mean	Number of cases	Total	Median	Mean
All contract trials	4,844	3,021	62.4%	2,953	\$925,859	\$37	\$313	189	\$173,581	\$40	\$917
Jury trials											
All jury cases	1,740	967	55.6%	941	\$576,958	\$80	\$613	104	\$96,952	\$76	\$931
Fraud	290	167	57.6	164	87,618	79	533	25	1,482	20	60
Seller plaintiff	355	229	64.6	228	129,510	62	567	7	38,805	300	5,473
Buyer plaintiff	399	196	49.0	185	96,564	49	523	21	30,514	254	1,425
Mortgage foreclosure	7	6	85.6	6	375	58	63	--	--	--	--
Employment discrimination	208	99	47.6	98	52,575	250	537	24	11,581	259	491
Other employment dispute	137	73	53.4	72	45,193	183	625	11	3,330	127	316
Rental/lease	134	63	47.2	60	14,168	55	238	4	107	31	28
Tortious interference	112	75	66.7	72	112,443	123	1,567	8	9,660	38	1,181
Other contract	97	59	60.3	56	38,513	100	688	5	1,473	27	301
Bench trials											
All bench cases	2,955	2,003	67.8%	1,963	\$335,605	\$25	\$171	73	\$75,494	\$30	\$1,034
Fraud	352	208	59.1	207	167,814	32	810	27	73,653	39	2,768
Seller plaintiff	1,254	995	79.3	983	92,055	26	94	9	188	27	21
Buyer plaintiff	398	259	65.2	257	16,357	15	64	19	884	30	46
Mortgage foreclosure	54	46	85.5	44	3,624	51	82	--	--	--	--
Employment discrimination	87	23	26.0	17	1,595	75	94	1	30	30	--
Other employment dispute	153	80	52.3	78	4,832	18	62	9	259	6	29
Rental/lease	359	247	68.9	241	21,665	28	90	1	50	50	--
Tortious interference	113	53	46.8	53	2,535	24	48	3	203	39	62
Other contract	185	92	49.9	83	25,129	27	304	4	220	55	55

Note: Data on case type and amounts of total, compensatory and punitive damages awarded were available for 98.3% of the plaintiff winner trial cases awarded damages. In this study cases are classified by the primary case type, though many cases involve multiple claims, such as contract and tort. Under most State laws, only tort claims qualify for punitive damages. If a contract case involved punitive damages, it must also have involved a tort claim. Detail may not sum to total because of rounding.

--No cases recorded.

*Not a median, but the actual amount awarded.

Plaintiff winners and awards

Plaintiffs won about 62% of contract cases disposed of by trial in the Nation's 75 largest counties during 1996 (table 5).

Overall, plaintiffs won more often in contract cases decided by a bench trial (68%) than a jury trial (56%). Plaintiffs were more likely to win in seller plaintiff, rental lease, and buyer plaintiff cases decided by a judge. In employment discrimination cases, however, plaintiffs won more jury trials (48%) than they did bench trials (26%).

Approximately 3,000 plaintiff winners received a total of \$919 million in final awards. Half of the plaintiff winners received final awards of \$37,000 or more.

Six percent (189 cases) of the plaintiff winners were awarded punitive

damages totalling about \$174 million. Half of these plaintiff winners received \$40,000 or more.

Although plaintiffs won more often in bench trials, plaintiffs won larger award amounts in jury trials. Plaintiff winners in jury trials received median final awards of \$80,000 compared with median awards of \$25,000 in bench trials.

Plaintiffs who won employment discrimination cases were awarded total final award amounts of \$52.5 million by juries compared to \$1.5 million by judges in bench trials.

Trial awards by litigant pairings

Nonindividuals (businesses, governments, or hospitals) who sued individuals won 73% of contract trials during 1996 (table 6). They won 69% of contract trials against businesses.

Individuals won 64% of contract trials brought against other individuals, compared to 55% of contract trials brought against businesses.

The median final award to nonindividual plaintiff winners who won suits against businesses was \$47,000. Punitive damages were awarded in an estimated 21 out of 1,245 cases in which a nonindividual sued a business. The median punitive damage award was \$61,000.

In the 75 largest counties in 1996, juries and judges awarded an estimated \$211 million to individual plaintiff winners who successfully sued businesses. Half of these individual plaintiff winners were awarded \$41,000 or more. Punitive damages were awarded in an estimated 104 cases in which an individual sued a business. The median punitive damage award was \$49,000.

Table 6. Pairings of primary types of litigants in contract trials in State courts in the Nation's 75 largest counties, 1996

Litigant pairs ^a	Total number of cases	Percent plaintiff winners	Final amount awarded to plaintiff winners (dollar amounts in thousands)			Punitive damages awarded to plaintiff winners (dollar amounts in thousands)		
			Number of cases	Total	Median	Number of cases	Total	Median
All contract trial cases ^b	4,836	62.3%	2,947	\$919,109	\$37	189	\$173,581	\$40
Individual versus:								
Individual	857	63.9%	536	\$47,229	\$25	40	\$4,381	\$34
Government	134	36.0	39	27,273	224	1	1	1
Business ^c	1,618	55.2	863	211,455	41	104	46,556	49
Hospital	45	63.0	27	5,218	68	4	660	252
Individual and nonindividual ^d versus:								
Individual	68	60.7%	42	\$44,218	\$39	1	\$156	\$156
Government	4	25.0	1	7,710	7,710	--	--	--
Business ^c	183	61.1	109	54,111	99	9	414	27
Hospital	3	0.0	--	--	--	--	--	--
Nonindividual ^d versus:								
Individual	616	73.0%	444	\$49,470	\$22	9	\$260	\$17
Government	46	40.1	18	27,688	358	--	--	--
Business ^c	1,245	68.9	851	442,790	47	21	121,153	61
Hospital	16	100.0	16	1,948	78	--	--	--

Note: Data on litigant pairings and final award amounts were available for 97.7% of plaintiff winners.

^aPlaintiff or defendant type is whichever type appears first in this list: (1) hospital/medical company, (2) business, (3) government agency, (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.

--No cases recorded.

^bIncludes cases with a directed verdict, those with a judgment notwithstanding the verdict, and those with a jury trial for defaulted defendants.

^cIncludes insurance companies, banks, construction companies, real estate development companies, service sellers, goods sellers, manufacturing companies, and other businesses and organizations.

^dMay include government, business, and/or hospital litigants.

Among specific types of cases in which an individual sued a business, the individual won in two-thirds of seller plaintiff (66%) and rental/lease cases (66%) (table 7). Half of the individual plaintiff winners who brought employment discrimination cases against businesses were awarded \$272,000 or more. In 52% of these employment discrimination cases, the final award was over \$250,000 and in 16% of the cases, it was \$1 million or more.

Nonindividuals suing businesses won in 77% of both fraud and seller plaintiff cases. The median final award to nonindividual plaintiff winners in fraud cases was \$64,000 and in seller plaintiff cases \$40,000. Thirty-six percent of the nonindividual plaintiff winners in tortious interference cases won final awards over \$250,000, and 19% won final awards of \$1 million or more.

Table 7. Plaintiff winner cases and final award amounts, by selected litigant pairings and selected case types in State courts in the Nation's 75 largest counties, 1996

Types of litigants and cases	Total number of cases	Percent plaintiff winners	Final amount awarded to plaintiff winners (in thousands of dollars)			Percent of plaintiff-winner cases with final awards —	
			Number of cases	Total	Median	Over \$250,000	\$1 million or more
Individual versus business^a							
All contract trial cases ^b	1,618	55.2%	863	\$211,455	\$41	16.7%	5.0%
Fraud	293	53.5%	154	\$36,000	\$52	13.8%	5.2%
Seller plaintiff	221	66.4	146	154,429	54	16.5	--
Buyer plaintiff	476	56.1	254	58,351	22	9.8	3.3
Mortgage foreclosure	19	55.3	11	570	8	--	--
Employment discrimination	194	43.2	76	43,947	272	52.4	15.8
Other employment dispute	189	53.0	99	34,260	61	22.6	6.5
Rental/lease agreement	81	65.6	52	8,221	48	11.3	9.0
Tortious interference	72	52.1	36	12,533	27	8.6	8.6
Other contract	73	51.3	35	2,142	18	6.4	--
Nonindividual^c versus business^a							
All contract trial cases ^b	1,245	68.9%	851	\$442,790	\$47	15.8%	4.9%
Fraud	106	77.4%	82	\$173,597	\$64	27.4%	15.6%
Seller plaintiff	629	76.6	480	148,461	40	14.1	3.1
Buyer plaintiff	173	51.9	90	21,728	53	13.5	3.6
Mortgage foreclosure	25	86.8	20	2,355	76	--	--
Employment discrimination	8	75.4	6	409	50	--	--
Other employment dispute	16	39.4	6	356	27	--	--
Rental/lease agreement	147	69.0	97	13,410	44	10.9	1.3
Tortious interference	76	53.2	41	75,498	123	36.1	18.7
Other contract	66	43.9	29	6,978	136	23.5	5.9

Note: Data on litigant pairings, plaintiff winners, and type of case were available for 99.7% of individual versus business cases and 100% of nonindividual versus business cases. Data on final awards for plaintiff winners were available for 96.6% of individual versus business cases and 99.2% of nonindividual versus business cases.

--No cases recorded.

^aBusiness litigants include insurance companies, banks, construction companies, real estate development companies, service sellers, goods sellers, manufacturing companies, other businesses and other organizations.

^bIncludes cases with a directed verdict, those with a judgment notwithstanding the verdict, and those with a jury trial for defaulted defendants.

^cMay include government, business, and/or hospital litigants.

Table 8. Case processing time from filing of complaint to final verdict or judgment in State courts in the Nation's 75 largest counties, 1996

Case type	From filing of complaint to jury final disposition					From filing of complaint to bench final disposition				
	Number of jury trial cases	Median (months)	Mean (months)	Percent of jury trial cases disposed of in — Less than 2 years 4 years or more		Number of bench trial cases	Median (months)	Mean (months)	Percent of bench trial cases disposed of in — Less than 2 years 4 years or more	
Contract cases	1,531	22.6	26.2	54.2%	9.4%	2,350	16.8	20.7	72.0%	4.6%
Fraud	253	23.7	27.9	50.9	11.4	313	17.7	22.0	69.5	5.7
Seller plaintiff	310	21.8	25.5	55.3	7.9	937	16.3	19.7	73.5	2.7
Buyer plaintiff	341	22.0	25.0	54.8	8.5	297	17.8	21.2	73.1	5.4
Mortgage foreclosure	7	27.4	23.8	38.5	--	39	16.5	21.7	73.5	11.0
Employment discrimination	192	23.6	27.9	51.6	11.8	81	17.3	22.3	68.9	4.8
Other employment dispute	129	22.0	26.6	54.0	10.5	127	20.4	21.5	63.8	4.0
Rental/lease	111	18.9	22.4	68.9	6.8	298	15.1	19.4	75.2	4.7
Tortious interference	107	23.2	27.2	54.3	8.2	94	15.9	22.9	72.9	7.5
Other contract	81	24.0	28.7	45.0	10.5	164	16.7	22.7	68.0	9.8

Note: Data for filing time to final verdict or judgement, including answer filed and trial start date, and case type were available for 88% of jury trial cases and 79% of bench trial cases. Not included are trial cases disposed by directed verdicts, judgment notwithstanding the verdict and jury trials for defaulted defendants. Detail may not sum to total because of rounding.
--No cases recorded.

Case processing time

Half of contract cases decided by a jury took 23 months or less to go from filing of the complaint to final verdict or judgment, compared to about 17 months or less for bench trials (table 8). Juries disposed of 54% of the contract cases in less than two years, and judges about 72%.

The longest processing time for a contract case recorded in the sample was 145 months (table 9); in that case an individual sued another individual. Among cases in which an individual sued a business, the case with the longest processing time from filing of the complaint to final verdict or judgment was about 100 months.

Jury trials for contract cases lasted about 6 days on average compared to about 2 days for bench trials. Among jury trials, employment discrimination trials were the longest, averaging about 9 days, while mortgage foreclosures were the shortest, averaging about 3 days (not shown in a table).

Table 9. Case processing time from filing of complaint to final verdict or judgment for pairings of primary litigants in contract trials in State courts in the Nation's 75 largest counties, 1996

Litigant pairs ^a	Number of contract cases	Number of months		
		Median	Minimum	Maximum
All contract trial cases ^b	4,008	19.1	0.5	145.0
Individual versus:				
Individual	713	18.8	0.5	145.0
Government	121	19.7	1.8	89.5
Business ^c	1,375	19.8	0.9	99.5
Hospital	39	19.4	10.1	71.8
Individual and nonindividual ^d versus:				
Individual	51	22.2	8.7	98.8
Government	4	32.3	18.2	39.6
Business ^c	154	19.9	4.8	74.7
Hospital	3	35.7	19.4	35.7
Nonindividual ^d versus:				
Individual	469	15.5	0.9	114.9
Government	43	15.5	6.2	50.4
Business ^c	1,017	19.6	1.4	93.2
Hospital	14	16.5	10.1	46.7

Note: Data on filing time to final verdict or judgment, including answer filed and trial start date, were available for 83% of all contract trial cases.

^aPlaintiff or defendant type is whichever type appears first in this list: (1) hospital/medical company, (2) business, (3) government agency, (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.

^bIncludes cases with a directed verdict, those with a judgement notwithstanding the verdict, and those with a jury trial for defaulted defendants.

^cIncludes insurance companies, banks, construction companies, real estate development companies, service sellers, goods sellers, manufacturing companies, and other businesses and organizations.

^dMay include government, business, and/or hospital litigants.

Contract cases tried in Federal courts, 1996

- Contract cases can be filed in U.S. district court when (1) the U.S. government is a plaintiff, (2) the U.S. government is a defendant, (3) the case constitutes a Federal question, or (4) the citizenship or state residency of the litigants differ.
- During 1996 about 33,000 contract cases were terminated in U.S. district courts. About 3% of these were terminated by a jury or bench trial.
- Contract cases related to insurance issues accounted for about 29% of

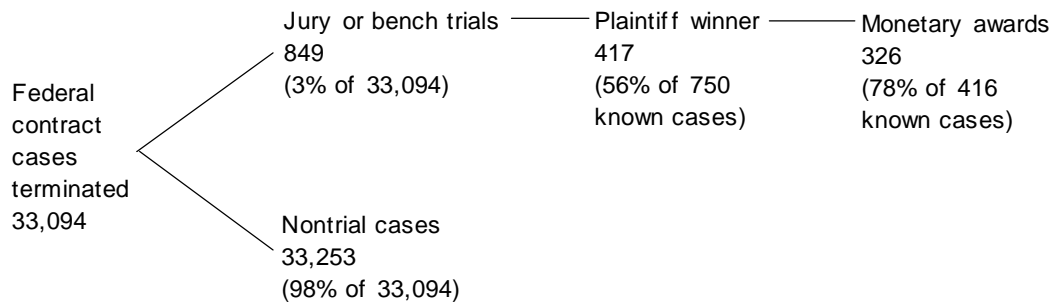
contract trial cases disposed of in U.S. district courts during 1996.

- More than 9 in 10 contract cases disposed of by trial in U.S. district courts were between private parties. The U.S. Government (as either plaintiff or defendant) was involved in about 5% of cases.
- A jury decided 47% of contract trial cases disposed of in U.S. district courts during 1996. Insurance related contract cases were more likely to be decided by a jury (59%)

relative to other types of contract cases.

- Plaintiffs won about 56% of contract cases disposed of by trial in U.S. district courts during 1996. Plaintiffs were successful in 48% of insurance related trials.
- Plaintiff winners were awarded monetary damages in 78% of contract cases disposed of by trial in U.S. district courts, with monetary damages totaling \$459 million. The median award was \$143,000.

Contract cases terminated in U.S. district courts, 1996



Contract trials with final awards of \$1 million or more

- Plaintiffs won \$1 million or more in 138 contract trial cases in the Nation's 75 largest counties during 1996. A jury decided 76% of these cases.
- A business was the plaintiff winner in 56% of the \$1 million or more cases, and an individual was the plaintiff winner in 43%. About 39% of these cases involved more than one plaintiff winner.
- Punitive damages were not awarded in the majority (81%) of the cases in which a plaintiff was awarded \$1 million or more in total damages.
- Plaintiff winners were awarded \$1 million or more in 20% of fraud cases and 19% of seller plaintiff cases.

Contract trials in which a defendant won

- In cases with claims and counter-claims, the distinction between plaintiff and defendant becomes less clear. It is possible that one party originally named as a defendant countersues the plaintiff and actually wins damages.
- In 5% of the 4,850 contract trial cases, the defendant won on a counterclaim. Neither the plaintiff nor the defendant won in 33% of the cases, while plaintiffs won 62% of the contract cases.
- Fifteen percent of the defendant winner cases involved a buyer plaintiff countersuit, and 14% involved a rental/lease agreement countersuit.
- Defendants in contract cases won an estimated \$83 million in compensatory and punitive damages. The median award amount was \$20,000. About 12% of the defendants winning damages in a countersuit won more than \$250,000.
- Punitive damages totalling \$2.5 million were awarded to 14 defendant winners in contract trials. Thirteen of these were decided by a jury.

Comparison of 1992 and 1996 jury trial contract cases

• In 1992 jury trials in the Nation's 75 largest counties disposed of almost 2,200 contract cases compared to about 1,700 in 1996. This decrease in the overall number of jury contract cases, however, was not statistically significant.

• Overall, plaintiffs were more likely to win in contract cases in 1992 (63%) than in 1996 (56%). Among specific types of contract cases, plaintiffs were more successful in buyer plaintiff and rental/lease cases in 1992

compared to 1996 (not shown in table).*

• Individuals suing other individuals in contract disputes were more likely to win in 1992 (69%) compared to 1996 (57%). The median final awards for these individual plaintiff winners, however, were similar for the two time periods (\$42,000 in 1992 and \$47,000 in 1996).

*For a complete listing of final award and punitive damage amounts by county, see *Civil Trial Cases and Verdicts in Large Counties, 1996*, NCJ 173426.

• In 1996 nonindividual plaintiffs were just as successful whether they sued an individual (58%) or a business (57%). In 1992 nonindividual plaintiffs were more likely to win in contract disputes involving individuals (82%) compared to businesses (66%).

• In 1996 juries in the 75 largest counties awarded over \$570 million to plaintiff winners in contract cases compared to \$915 million in 1992.

Pairings of primary litigants in contract jury trials, by plaintiff winners and award amounts in State courts in the Nation's 75 largest counties, 1992 and 1996

	1992					1996				
	Total number of cases	Percent plaintiff winners ^a	Final awards to plaintiff winners ^e			Total number of cases	Percent plaintiff winners ^a	Final awards to plaintiff winners		
			Number of cases	Total (in thousands)	Median			Number of cases	Total (in thousands)	Median
Plaintiff versus defendant^b										
All contract jury trial cases	2,181	63.2%	1,314	\$915,364	\$62	1,736	55.5%	938	\$570,550	\$79
Individual versus:										
Individual	265	69.0%	183	\$29,889	\$42	253	57.4%	141	\$26,753	\$49
Government	49	45.4	22	5,509	118	59	44.6	25	7,063	141
Business ^c	1,036	58.0	566	480,983	62	787	53.0	400	175,024	63
Hospital	30	61.4	18	6,777	100	22	63.1	13	3,828	183
Individual and nonindividual^d versus:										
Individual	26	57.3%	15	\$2,688	\$40	31	65.7%	20	\$43,086	\$338
Government	2	0.0	--	--	--	1	100.0	1	7,710	7,710
Business ^c	109	62.0	66	42,358	280	77	62.4	45	47,750	171
Hospital	3	100.0	3	272	87	2	0.0	--	--	--
Nonindividual^d versus:										
Individual	172	82.2%	133	\$19,125	\$23	124	57.5%	70	\$10,624	\$44
Government	6	100.0	6	8,161	182	14	76.8	11	23,593	1,392
Business ^b	474	65.8	293	318,190	76	367	57.2	210	225,118	152
Hospital	9	100.0	9	1,411	75	--	--	--	--	--

Note: Data on litigant pairings, plaintiff winners, and type of case were available for 99.5% of 1992 jury contract cases and 99.8% of 1996 jury contract cases. Data on final awards for plaintiff winners were available for 95.4% of 1992 jury contract cases and 97.4% of 1996 jury contract cases.

--No cases recorded.

*Not the median but the actual amount awarded.

^aExcludes cases with a directed verdict, cases in which the plaintiff and defendant won damages and cases in which the plaintiff won the liability trial.

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

^cBusiness litigants include insurance companies, banks, construction companies, real estate development companies, service sellers, goods sellers, manufacturing companies, other businesses and organizations.

^dMay include government, business, and/or hospital litigants.

^e1992 final award amounts are adjusted for inflation and presented in 1996 dollars.

Appendix A. Contract trial cases and plaintiff winners by sampled counties, 1996

County	All cases ^a		Jury trials		Bench trials	
	Number	Percent plaintiff winners	Number	Percent plaintiff winners	Number	Percent plaintiff winners
Maricopa, AZ	90	65.3%	61	68.8%	23	69.6%
Pima, AZ	45	57.8	13	30.8	32	68.8
Alameda, CA	29	44.8	19	31.6	9	77.8
Contra Costa, CA	30	46.7	14	42.9	16	50.0
Fresno, CA	34	52.9	9	44.4	25	56.0
Los Angeles, CA ^b	312	54.0	98	46.9	206	63.6
Orange, CA	209	61.8	65	64.6	141	60.3
San Bernardino, CA	14	50.0	5	40.0	9	55.6
San Francisco, CA	55	60.0	27	63.0	24	62.5
Santa Clara, CA	43	53.5	14	35.7	29	62.1
Ventura, CA	50	50.0%	19	57.9%	31	45.2%
Fairfield, CT ^c	11	72.7	4	75.0	7	71.4
Hartford, CT ^d	63	68.3	5	80.0	57	66.7
Dade, FL	110	60.6	75	70.0	27	51.9
Orange, FL	33	75.8	16	75.0	17	76.5
Palm Beach, FL	96	84.4	18	66.7	77	88.3
Fulton, GA	73	17.8	16	50.0	54	9.3
Honolulu, HI	22	90.9	5	100.0	16	87.5
Cook, IL	84	61.3	43	62.5	35	62.9
Dupage, IL	59	67.8	19	68.4	40	67.5
Marion, IN	83	83.9%	6	66.7%	77	86.0%
Jefferson, KY	66	61.5	24	56.5	37	64.9
Essex, MA	18	61.1	11	72.7	6	33.3
Middlesex, MA	20	65.0	16	62.5	3	100.0
Norfolk, MA	7	42.9	5	60.0	1	0.0
Suffolk, MA	12	41.7	7	28.6	5	60.0
Worcester, MA	18	44.4	12	41.7	6	50.0
Oakland, MI	83	48.2	37	45.9	42	52.4
Wayne, MI	62	71.0	40	70.0	16	68.8
Hennepin, MN	74	58.1	36	47.2	38	68.4
St. Louis, MO	73	45.2%	45	40.0%	25	60.0%
Bergen, NJ	86	66.3	31	71.0	54	64.8
Essex, NJ	26	38.5	16	43.8	8	25.0
Middlesex, NJ	28	78.6	12	75.0	15	86.7
New York, NY	96	75.0	29	72.4	61	75.4
Cuyahoga, OH	110	60.6	44	45.5	66	68.2
Franklin, OH	43	51.2	19	42.6	20	60.0
Allegheny, PA	181	72.4	20	85.0	160	70.6
Philadelphia, PA	39	59.0	29	69.0	10	30.0
Bexar, TX	68	42.2	24	37.5	38	46.7
Dallas, TX	95	54.7%	66	56.1%	25	56.0%
Harris, TX	576	53.4	92	33.3	471	63.1
Fairfax, VA	85	64.7	24	41.7	59	74.6
King, WA	160	48.1	62	43.5	93	52.7
Milwaukee, WI	69	58.8	22	45.5	46	64.4

--No cases recorded.

^aIncludes "other trials" not shown in this table (cases with directed verdict, judgment notwithstanding the verdict, and jury trials for defaulted defendants).

^bIncludes only the central district of the Los Angeles County Superior Court.

Los Angeles suburban courts are not included.

^cIncludes only cases for Fairfield judicial district.

^dIncludes only cases for Hartford-New Britain judicial district.

Appendix B. Final and punitive damage awards for plaintiff winners in contract jury trials, by sampled counties, 1996

County	Total number of jury trials	Final amount awarded to plaintiff		Punitive damages awarded			
		Number of plaintiff winners	Total award	Median award	Number of plaintiff winners	Total award	Median award
Maricopa, AZ	61	42	\$6,058,328	\$45,974	5	\$308,480	\$40,500
Pima, AZ	13	3	648,146	224,250	1	130,000	130,000 *
Alameda, CA	19	6	1,792,998	104,032	--	--	--
Contra Costa, CA	14	5	3,622,714	49,663	1	7,805	7,805 *
Fresno, CA	9	4	331,978	51,086	--	--	--
Los Angeles, CA ^a	98	45	21,031,988	149,344	10	2,890,084	140,000
Orange, CA	65	39	69,991,534	240,000	11	23,217,226	325,000
San Bernardino, CA	5	2	989,701	494,850	--	--	--
San Francisco, CA	27	17	15,795,154	311,186	2	3,500,000	1,750,000
Santa Jose, CA	14	3	336,472	36,014	--	--	--
Ventura, CA	19	11	\$3,712,432	\$253,582	3	\$718,000	\$10,000
Fairfield, CT ^b	4	3	162,755	13,442	--	--	--
Hartford, CT ^c	5	3	124,099	47,494	--	--	--
Dade, FL	75	53	60,554,345	80,284	4	329,000	87,500
Orange, FL	16	11	9,623,516	110,500	--	--	--
Palm Beach, FL	18	12	1,672,055	27,475	--	--	--
Fulton, GA	16	8	732,544	49,218	2	340,001	170,001
Honolulu, HI ^a	5	5	5,129,038	875,000	2	800,000	400,000
Cook, IL	43	27	34,306,295	198,012	2	1,260,000	1,260,000 *
Dupage, IL	19	13	615,998	22,643	3	25,000	10,000
Marion, IN	6	4	\$613,496	\$9,044	--	--	--
Jefferson, KY	24	13	5,413,982	65,089	3	97,500	30,000
Essex, MA	11	5	531,929	55,000	--	--	--
Middlesex, MA	16	8	805,771	60,236	1	87,500	87,500 *
Norfolk, MA	5	3	1,855,000	80,000	--	--	--
Suffolk, MA	7	2	348,600	174,300	1	175,000	175,000 *
Worcester, MA	12	4	965,039	42,642	--	--	--
Oakland, MI	37	16	7,759,305	32,500	--	--	--
Wayne, MI	40	27	13,541,118	87,516	1	1,364	1,364 *
Hennepin, MN	36	17	695,405	20,824	1	16,910	16,910 *
St. Louis, MO	45	18	\$3,800,804	\$111,701	--	--	--
Bergen, NJ	31	20	5,552,513	107,405	5	756,492	156,491
Essex, NJ	16	7	456,889	45,630	--	--	--
Middlesex, NJ	12	9	999,022	47,768	1	5,000	5,000 *
New York, NY	29	21	58,559,439	215,000	2	30,400,000	15,200,000 *
Cuyahoga, OH	44	15	2,146,807	49,000	1	167,500	167,500 *
Franklin, OH	19	10	1,619,465	63,000	2	500,001	250,000
Allegheny, PA	20	16	2,561,891	27,455	1	261,606	261,606 *
Philadelphia, PA	29	20	5,846,066	86,443	1	350,000	350,000 *
Bexar, TX	24	9	702,623	34,750	2	67,875	33,937
Dallas, TX	66	36	\$31,140,949	\$156,255	3	\$7,580,000	\$50,000
Harris, TX	92	31	41,236,626	378,902	--	--	--
Fairfax, VA	24	8	1,470,992	21,070	--	--	--
King, WA	62	27	5,335,258	48,998	2	310,000	155,000
Milwaukee, WI	22	6	814,667	32,652	--	--	--

Note: Excludes cases with missing final award amounts.
Final amount awarded includes both compensatory (reduced for contributory negligence) and punitive damage awards.
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.
^aNot a median but the actual amount awarded.
^aIncludes only the central district of the Los Angeles County Superior Court. Los Angeles suburban courts are not included.
^bIncludes only cases for Fairfield judicial district.
^cIncludes only cases for Hartford-New Britain judicial district.

Appendix C. Final and punitive damage awards for plaintiff winners in contract bench trials, by sampled counties, 1996

County	Total number of bench trials	Final amount awarded to plaintiff winners			Punitive damages awarded to plaintiff winners		
		Number of plaintiff winners	Total award	Median award	Number of plaintiff winners	Total award	Median award
Maricopa, AZ	23	16	\$534,691	\$18,516	--	--	--
Pima, AZ	32	22	1,223,876	28,158	2	\$190,400	\$95,200
Alameda, CA	9	6	241,343	42,101	--	--	--
Contra Costa, CA	16	6	600,502	89,024	--	--	--
Fresno, CA	25	13	52,143,441	60,818	1	25,182,770	25,182,770 *
Los Angeles, CA ^a	206	124	23,666,143	90,789	2	191,000	191,000 *
Orange, CA	141	85	13,633,176	49,378	6	273,725	35,000
San Bernardino, CA	9	5	680,005	82,465	--	--	--
San Francisco, CA	24	15	2,583,677	51,878	1	100,000	100,000 *
Santa Jose, CA	29	17	2,672,817	79,413	2	115,000	57,500
Ventura, CA	31	14	\$1,334,755	\$63,153	--	--	--
Fairfield, CT ^b	7	4	80,571	21,468	1	13,641	13,641 *
Hartford, CT ^c	57	34	1,174,517	6,484	2	22,031	11,015
Dade, FL	27	13	6,706,394	29,360	--	--	--
Orange, FL	17	11	619,258	28,117	--	--	--
Palm Beach, FL	77	68	4,780,756	30,934	--	--	--
Fulton, GA	54	1	168,121	168,121 *	--	--	--
Honolulu, HI	16	14	7,034,695	46,418	--	--	--
Cook, IL	35	21	1,452,742	60,900	1	50,000	50,000 *
Dupage, IL	40	27	1,256,591	16,500	1	5,000	5,000 *
Marion, IN	77	65	\$1,349,201	\$5,608	--	--	--
Jefferson, KY	37	24	427,166	7,546	1	5,000	5,000 *
Essex, MA	6	2	282,247	141,124	--	--	--
Middlesex, MA	3	2	193,663	96,832	1	26,700	26,700 *
Norfolk, MA	1	--	--	--	--	--	--
Suffolk, MA	5	3	273,326	74,941	--	--	--
Worcester, MA	6	3	48,144	13,550	--	--	--
Oakland, MI	42	18	794,262	28,864	--	--	--
Wayne, MI	16	11	941,132	44,776	--	--	--
Hennepin, MN	38	26	1,155,942	16,846	--	--	--
St. Louis, MO	25	15	\$2,452,368	\$63,177	--	--	--
Bergen, NJ	54	33	2,858,378	17,326	2	76,481	38,240
Essex, NJ	8	2	21,303	10,651	--	--	--
Middlesex, NJ	15	13	576,111	6,223	1	3,016	3,016 *
New York, NY	61	46	11,260,617	67,924	1	124,651	124,651 *
Cuyahoga, OH	66	40	919,722	17,751	2	15,000	7,500
Franklin, OH	20	12	799,864	16,600	--	--	--
Allegheny, PA	160	113	806,234	2,250	--	--	--
Philadelphia, PA	10	3	195,000	75,000	--	--	--
Bexar, TX	38	18	1,064,745	9,649	--	--	--
Dallas, TX	25	14	\$7,171,920	\$22,296	--	--	--
Harris, TX	471	258	44,427,906	24,724	34	883,064	28,601
Fairfax, VA	59	44	3,005,000	16,756	--	--	--
King, WA	93	49	8,189,214	19,611	1	30,000	30,000 *
Milwaukee, WI	46	24	379,080	8,639	1	20,000	20,000 *

Note: Excludes cases with missing final award amounts. Final amount awarded includes both compensatory (reduced for contributory negligence) and punitive damage awards.

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.

*Not a median but the actual amount awarded.

--No cases recorded.

^aIncludes only the central district of the Los Angeles County Superior Court.

Los Angeles suburban courts are not included.

^bIncludes only cases for Fairfield judicial district.

^cIncludes only cases for Hartford-New Britain judicial district.

Methodology

Disposition type definitions:

Jury trial: 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).

Bench trial (non-jury 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" Judgment non obstante veredicto) A judgment rendered in favor of one party notwithstanding the finding of a verdict in favor of the other party.

Jury trials for defaulted defendants: Some states make provisions for a jury to be empaneled even if the defendants in a case fail to appear and enter a defense. The purpose of a trial is to decide issues such as amount of damages. See Florida Rules of Civil Procedure, Rule 1.500, section (e).

Contract case type definition:

Contracts: Cases which include all allegations of breach of contract. Specific case types include *seller plaintiff* (sellers of goods or services, including lenders, seek payment of money owed to them by a buyer, including borrowers); *buyer plaintiff* (purchaser of goods or services seeks return of their money, rescision of the contract, or delivery of the specified goods); *mortgage contract/foreclosure* (foreclosures on real property, commercial, or residential; because the title to real property is transferred to the lender if the claim is successful it could be included under real property cases);

fraud (financial damages incurred due to intentional or negligent misrepresentation regarding a product or company; also considered a type of tort claim, but because it arises out of commercial transactions, it was included under contracts); *employment discrimination* (claim 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 tort 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); and *other contract claims* (any contractual dispute other than the case categories used in this study such as partnership claims, stockholder claims, and subrogation issues).

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 1996 civil trial study was the same one used for the 1992 civil jury study. The sample is a 2-stage stratified sample with 45 of the 75 most populous counties selected at the first stage. The 75 counties were divided into 4 strata based on civil disposition data for 1990 obtained through telephone interview 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 for the sample. Stratum 2 consisted of 15 counties with 12 chosen for the sample. From strata 3, 10 of the 20 counties were selected. Nine of the 26 counties in stratum 4 were included in the sample.

The second stage of the sample design involved generating lists of cases that would be subsequently coded. Prior to drawing the 1996 case sample, each participating jurisdiction was asked to identify a list of cases that had been disposed by jury trial or bench trial between January 1, 1996 and December 31, 1996. 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)." Cases that did not meet these definitional criteria were not to be included in the jury and bench lists.

The study plan was to obtain approximately 300 jury and 300 bench cases from the court of general jurisdiction in each of the counties selected for the study. In courts that reported approximately 300 or less jury or bench trials, all trials were to be coded. In courts that reported more than 300 jury or 300 bench trials, a list of cases was to be provided to project staff and a random sample of 275 drawn from the jury and bench trial case list. For jury and bench case lists in which the case type was known, any remaining medical malpractice, professional malpractice and product liability cases not initially selected were to be included in the sample in order to oversample these case types.

At the second stage of sampling for jury cases, all tort, contract, and real property rights cases disposed by jury verdict between January 1, 1996 and December 31, 1996 were selected in 39 jurisdictions. In the 3 jurisdictions where the total number of jury cases disposed exceeded 300 and where case type could be identified, a random sample of about 275 cases was drawn from a list of tort, contract and real property jury trials provided by the court.

Any remaining medical malpractice, professional malpractice and product liability cases not initially chosen in the initial sample also were included. In the 3 jurisdictions where the total number of jury cases disposed exceeded 300 and case type could not be identified, a random sample of about 275 cases was selected from the list of jury trials.

At the second stage of sampling for bench cases, all tort, contract, and real property rights cases disposed by bench verdict between January 1, 1996 and December 31, 1996 were selected in 41 jurisdictions. In the 1 jurisdiction where the total number of bench cases disposed exceeded 300 and the case type could be identified, a random sample of about 275 cases was drawn from a list of tort, contract and real property bench trials. Any remaining medical malpractice, professional malpractice and product liability cases not initially chosen in the random sample also were included. In the 3 jurisdictions where the total number of bench cases disposed exceeded 300 and case type could not be identified, a random sample of about 275 tort, contract and real property rights cases were selected from the list of bench trials.

During the coding process in all sites, it was discovered that some courts included in their list some jury and bench trials that did not meet the study definitional criteria of a trial. These cases that did not meet the study criteria were excluded from the data base. By excluding cases that did not meet the study criteria, some jurisdictions in which sampling was utilized have final sample sizes of less than 275 cases.

Data on 6,713 civil jury trial cases and 2,312 civil trial bench cases that met the study criteria were collected in the 45 courts. The final sample consisted of 9,025 tort, contract and real property rights case disposed of by jury or bench verdict.

Populations of jury and bench trials

In jurisdictions where second stage case sampling was not used, the populations of jury and bench trials reported were based on applying the study criteria in each site and excluding cases that did not meet the study definitions.

In the jurisdictions where second stage sampling was used, the true population of trial verdicts according to the study definitions could not be known. It was impossible to know the number of cases that failed to meet the definitional criteria of a trial among the cases that did not make it into the sample. The true population within each of these jurisdictions, therefore, was estimated by applying the same rejection rate generated from the selected sample after it was coded. For example, Orange County reported 340 jury trials in 1996. A random sample of 275 cases was chosen and when coded according to study criteria produced 221 jury trial verdicts. This translates into a rejection rate of 20% of the cases since 20% did not meet the definitional criteria of a jury trial. Applying this rejection rate to the original list of 374 jury trial cases provided by the jurisdiction resulted in an estimated population of 301 jury trials.

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.

Data recoding and unobtainable information

For each sampled case, a standard coding form was manually completed by on-site court staff to record information about the litigants, case type, processing time and award amounts.

Information for which data were not available or collected included the cost of litigation for the parties involved, as well as for others; the actual disbursement of awards; and the number of cases appealed.

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

This BJS Bulletin presents the second release of findings in a series of reports from the Civil Justice Survey of State Courts, 1996. Lea S. Gifford, Carol J. DeFrances, and Marika F.X. Litras wrote this report. Kevin J. Strom provided statistical review. Data collection was supervised by the National Center for State Courts (NCSC); David B. Rottman and Brian J. Ostrom were the project co-directors. John Goerdt, formerly with the NCSC, was the initial project director. David B. Rottman and Neil LaFountain of the NCSC provided comments. Neil LaFountain also provided data assistance. Tom Hester produced and edited it. Jayne Robinson administered final production.

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This report and others from the Bureau of Justice Statistics, as well as graphical figures and spreadsheets, are available through the Internet —
<http://www.ojp.usdoj.gov/bjs/>

Data from the Civil Justice Survey of State Courts, 1996 (ICPSR 2883) can be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The archive can also be accessed through the BJS website.