



Bureau of Justice Statistics Bulletin

September 1999, NCJ 173426

Civil Justice Survey of State Courts, 1996

Civil Trial Cases and Verdicts in Large Counties, 1996

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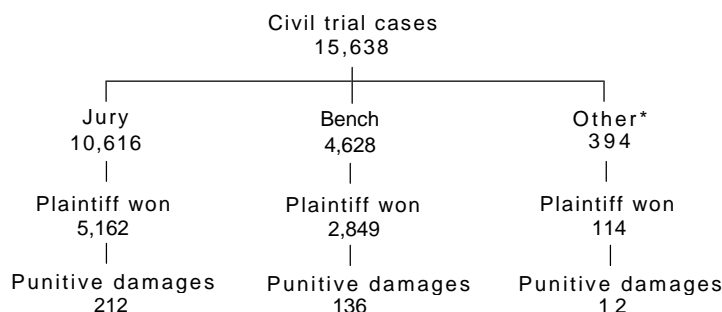
State courts of general jurisdiction in the Nation's 75 largest counties disposed of by trial over 15,000 tort, contract, and real property rights cases between January and December 1996. About 70% of the trial cases were decided by a jury and 30% by a judge.

Tort claims comprised 66% of the trial cases disposed. Plaintiffs won in 52% of trial cases and were awarded \$3 billion in compensatory and punitive damages. The median total award was \$33,000. The majority of trial cases (60%) were disposed of in less than 2 years.

These are some of the findings from a study of civil trial cases in State courts involving tort, contract, and real property cases in the Nation's 75 largest counties. This study expands the 1992 civil jury trial study (*Civil Jury Cases and Verdicts in Large Counties*, NCJ 154346) by specifically sampling bench and jury trial cases. The sample of civil trial cases excluded civil cases outside tort, contract, and real property cases, Federal trials, trials in counties outside the 75 largest, and trials in State courts of limited jurisdiction.

Highlights

Tracking tort, contract, and real property cases disposed of by trial in State courts in the Nation's 75 largest counties, 1996



*Includes directed verdicts, judgments notwithstanding the verdict, and jury trials for defaulted defendants.

- During 1996 over 15,000 tort, contract, and real property cases were disposed of by trial verdict in the Nation's 75 largest counties. About 70% of these cases were decided by a jury.
- Two-thirds of disposed trial cases involved tort claims and about one-third involved contractual issues. Tort cases (85%) were more likely than contract cases (36%) to be disposed of by jury trial.
- Individuals were plaintiffs in 82% of all trial cases disposed of during 1996. Individuals sued businesses in 37% of all trial cases and other individuals in an additional 34%.
- Overall, plaintiffs won in 52% of trial cases. Plaintiffs won in bench cases (62%) more than in jury cases (49%), and in contract cases (62%) more than in either tort (48%) or real property cases (32%).
- An estimated \$3 billion in compensatory and punitive damages were awarded to plaintiff winners in trial cases. Juries awarded an estimated total of \$2.4 billion to plaintiff winners while \$629 million was awarded by judges. The median total award for plaintiff winners in jury cases was \$35,000 and in bench cases, \$28,000.
- Punitive damages, estimated at \$637 million, were awarded to 5% of plaintiff winners in trial cases, with a median of \$40,000.
- About 70% of bench cases and 56% of jury cases were disposed of in less than 2 years. The median processing time from filing to final verdict or judgment was 22.1 months for jury cases and 17.8 months for bench cases.

Cases that reach trial

During calendar year 1996, State courts of general jurisdiction in the Nation's 75 largest counties disposed of an estimated 15,600 tort, contract, and real property rights trial cases. Previous studies conducted by the Bureau of Justice Statistics found that a majority of tort, contract, and real property cases are resolved prior to going to trial, and only a small percentage are actually disposed of by jury or bench trial verdict. (See *Tort Cases in Large Counties*, NCJ 153177, April 1995 and *Contract Cases in Large Counties*, NCJ 156664, February 1996).

Table 1. Civil trial case types disposed of in State courts in the Nation's 75 largest counties, 1996

Case Type	Number of all trial cases ^a	Percent
All	15,638	100.0%
Tort cases	10,278	65.7%
Automobile	4,994	31.9
Premises liability	2,232	14.3
Product liability		
Asbestos	183	1.2
Breast implant	7	0.0
Other	231	1.5
Intentional tort	491	3.1
Medical malpractice	1,201	7.7
Professional malpractice	186	1.2
Slander/libel	109	0.7
Other negligence	645	4.1
Contract cases	4,850	31.0%
Fraud	668	4.3
Seller plaintiff	1,637	10.5
Buyer plaintiff	832	5.3
Mortgage foreclosure	65	0.4
Employment discrimination	311	2.0
Other employment dispute	309	2.0
Rental/lease	500	3.2
Tortious interference	236	1.5
Other contract	291	1.9
Real property cases	510	3.3%
Eminent domain	229	1.5
Other real property ^b	281	1.8

Note: Data for case type were available for 99.2% of the 15,766 trial cases. Detail may not sum to total because of rounding.

^aAll trial cases include bench and jury trials, trials with a directed verdict, judgment notwithstanding, and jury trials for defaulted defendants.

^bIncludes title disputes, bounding disputes, and other real property cases.

Two-thirds (66%) of civil trial cases disposed of in the Nation's 75 largest counties during 1996 involved a tort claim, in which plaintiffs alleged injury, loss, or damage from negligent or intentional acts of defendants. Cases dealing with allegations of breach of contract (contract cases) accounted for 31% of trial cases, and claims dealing with the ownership of real property (real property rights cases) about 3% (table 1).

The most frequent kinds of civil cases disposed by trial verdict were automobile accident cases (32%) and premises liability cases (14%) which allege harm from inadequately maintained or dangerous property.¹ Of all civil cases disposed of by trial verdict, seller plaintiff cases accounted for 11%, medical malpractice cases 8%, and product liability 3%.

While most civil trial cases involved a single type of claim, about 8% of all trial cases had a second civil claim associated with it (not shown in a table).

¹The term *verdict* is used throughout the report to refer to jury verdicts and judgments entered by a judge.

Types of cases disposed by trial

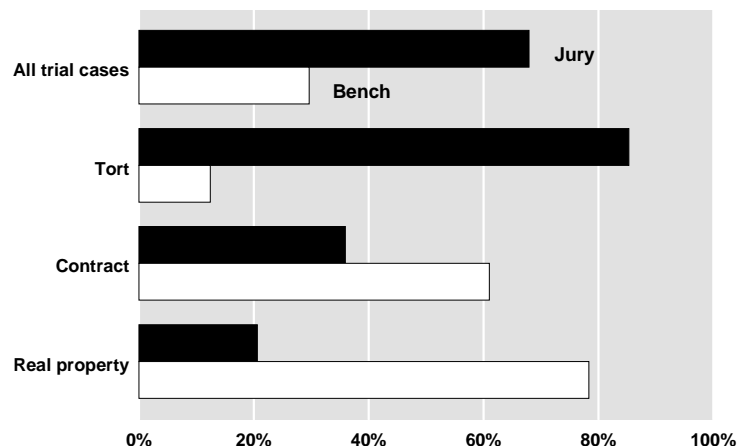
Overall, about 68% of all trial cases were decided by a jury (figure 1). Tort cases (85%) were more likely than contract cases (36%) or real property cases (21%) to be decided by jury trial. The majority of contract (61%) and real property cases (78%) were disposed of by bench trial.

Nine out of ten medical malpractice and asbestos product liability cases disposed of by trial were decided by a jury (not shown in a table). All seven breast implant product liability cases and the vast majority of automobile tort cases were disposed of by jury trial. Among contract cases, two-thirds of employment discrimination suits were decided by a jury.

Bench trials disposed of 77% of seller plaintiff cases, 72% of rental lease cases and 53% of fraud cases (not shown in a table). Three-fourths of real property rights cases disposed of by trial also were decided by a judge. Buyer plaintiff and tortious interference cases were evenly disposed of by jury (48%) and bench trials (48%).²

²Tortious interference cases are tort claims arising out of contractual disputes. In this report, tortious interference cases are classified as contract cases.

Tort, contract, and real property cases disposed of by jury or bench trial in the Nation's 75 largest counties, 1996



Note: Data were missing for type of case in 127 cases and for type of trial in 23 cases. Not shown are cases disposed of by directed verdict, judgment notwithstanding, and jury verdicts for defaulted defendants. These cases make up 3% of all cases, 2% of tort cases, 3% of contract cases, and 1% of real property cases.

Figure 1

Type of litigants: Plaintiffs

In 82% of all trial cases, the plaintiff was an individual.³ Businesses were plaintiffs in 16% of all trial cases, government agencies, 2%, and hospitals, 0.4% (table 2). In 91% of jury trials, the plaintiff was an individual compared to 59% of bench trials. About a third of bench trials had a business as the plaintiff.

Because tort litigation primarily involves personal injury, over 95% of tort trial cases had an individual as the plaintiff (table 3). In 55% of all contract trial cases, the plaintiff was an individual. Among specific types of contract cases, the type of plaintiff varied. In over half of seller plaintiff cases (66%), mortgage foreclosure cases (58%), tortious interference cases (55%), and rental/lease cases (51%), the plaintiff was a business. In 4% of other employment disputes, the plaintiff was a government agency. Two percent of seller plaintiff and other contract cases had a hospital as the plaintiff.

Type of litigants: Defendants

Defendants in trial cases were primarily divided between businesses (48%) and individuals (40%).⁴ Of all trial cases, governmental agencies were named

Table 2. Type of plaintiffs or defendants, by disposition of civil trial cases in State courts in the Nation's 75 largest counties, 1996

Type of disposition	Number	Total	Plaintiffs			
			Individual	Government	Business ^a	Hospital ^b
All trial cases	15,601	100%	81.5%	1.8%	16.3%	0.4%
Jury trial cases	10,598	100	91.1	0.9	7.8	0.2
Bench trial cases	4,609	100	59.1	4.1	35.8	0.9
Other trial cases ^c	394	100	83.1	0.7	16.1	--
			Defendants			
Type of disposition	Number	Total	Individual	Government	Business ^a	Hospital ^b
All trial cases	15,601	100%	39.8%	6.5%	48.1%	5.6%
Jury trials cases	10,598	100	40.7	6.9	45.2	7.2
Bench trial cases	4,609	100	38.9	5.7	53.5	1.9
Other trial cases ^c	394	100	26.3	5.4	61.4	6.9

Note: Plaintiff or defendant type for each case is whichever type appears first in this list: 1) hospital/medical company, (2) business, (3) governmental agency, and (4) individual. 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. Data on type of plaintiff and defendant were available for 99.8% of all trial cases and jury cases, 99.6% of bench trial cases, and all other trial cases with a known case type.
 --No cases recorded.
^aIncludes insurance companies, banks, other businesses and organizations.
^bIncludes medical companies.
^cThe number of other cases includes cases with a directed verdict, those with a judgment notwithstanding the verdict and those with a jury trial for defaulted defendants.

as a defendant in 7%, and hospitals in 6% (table 2). In jury trial cases, 45% of the defendants were businesses and 41% were individuals. Businesses (54%) were more likely than individuals, (39%) to be named as defendants in bench trial cases.

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

⁴A case with multiple defendants was assigned the defendant type which appeared first in the hierarchy.

In tort trial cases, 43% of defendants were individuals, and another 42% were businesses. Individuals (63%) were more likely than businesses (31%) to be named as defendants in automobile trial cases. In asbestos (100%) and other product liability (97%) cases, virtually all defendants were businesses (table 3).

About 63% of defendants in contract trial cases were businesses. In buyer plaintiff cases, 82% of the defendants were businesses, and in tortious interference cases, 74% of defendants were businesses.

In 25% of employment discrimination cases and 13% of intentional tort cases decided by trial, the defendant was a governmental agency. Hospitals were named as defendants in 56% of medical malpractice cases.

Table 3. Type of plaintiffs or defendants, by selected types of civil trial cases in State courts in the Nation's 75 largest counties, 1996

Type of case	Plaintiffs					Defendants				
	Total	Individual	Government	Business ^a	Hospital ^b	Total	Individual	Government	Business ^a	Hospital ^b
All trial cases ^c	100%	81.5%	1.8%	16.3%	0.4%	100%	39.8%	6.5%	48.1%	5.6%
Tort cases	100%	95.9%	0.4%	3.6%	0.1%	100%	43.4%	7.0%	41.6%	8.0%
Automobile	100	96.3	0.3	3.4	0.1	100	62.7	6.1	30.8	0.3
Premises liability	100	96.8	0.4	2.8	--	100	14.1	10.4	71.4	4.2
Product liability										
Asbestos	100	99.5	--	0.5	--	100	--	--	100.0	--
Breast implant	100	100.0	--	--	--	100	--	--	84.8	15.2
Other	100	89.3	1.1	9.6	--	100	1.0	--	96.8	2.2
Intentional tort	100	94.9	0.4	4.6	--	100	46.5	13.4	37.9	2.1
Medical malpractice	100	98.9	0.2	0.7	0.3	100	40.6	1.1	2.7	55.6
Professional malpractice	100	87.9	2.3	9.3	0.5	100	45.4	1.6	47.4	5.6
Slander/libel	100	91.3	--	8.7	--	100	34.3	2.8	62.9	--
Other negligence	100	89.2	0.8	10.0	--	100	27.3	15.5	55.5	1.7
Contract cases	100%	54.9%	0.8%	43.2%	1.1%	100%	31.9%	3.8%	63.0%	1.3%
Fraud	100	68.2	0.6	30.3	0.8	100	32.8	1.1	66.1	--
Seller plaintiff	100	32.2	0.3	65.7	1.8	100	43.4	0.9	54.9	0.8
Buyer plaintiff	100	72.9	--	26.0	1.1	100	16.0	1.2	82.4	0.3
Mortgage foreclosure	100	42.1	--	57.9	--	100	30	--	66.9	3.1
Employment discrimination	100	93.8	1.5	4.7	--	100	5.1	24.8	65.5	4.5
Other employment dispute	100	82.4	3.7	13.3	0.6	100	14.1	9.9	69.1	6.9
Rental/lease	100	47.1	1.7	50.8	0.4	100	46.9	2.9	49.2	1.0
Tortious interference	100	44.1	0.5	54.9	0.4	100	25.1	0.8	73.6	0.4
Other contract	100	55.0	0.4	42.7	1.8	100	37.9	9.2	51.2	1.7
Real property cases	100%	43.1%	40.8%	15.9%	0.2%	100%	43.2%	20.7%	36.0%	--
Eminent domain	100	7.2	86.8	5.9	--	100	25.1	26.1	48.9	--
Other real property ^d	100	72.0	3.7	23.9	0.4	100	57.8	16.5	25.7	--

Note: Data on type of plaintiff and defendant were available for 99.8% of trial cases with a known case type. Detail may not sum to total because of rounding. Plaintiff or defendant type for each case is whichever type appears first in this list: (1) hospital/medical company, (2) business, (3) governmental agency, and (4) individual. 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. --No cases recorded.

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

^bIncludes medical companies.

^cAll trial cases include cases disposed by jury trial, bench trial, directed verdicts, judgment notwithstanding the verdict, and jury trials for defaulted defendants.

^dIncludes title disputes, bonding disputes, and other real property cases.

Who sues whom?

Individuals sued businesses in 37% of all trial cases and other individuals in an additional 34% of trial cases (table 4). In 9% of trial cases a non-individual sued a business. The most common type of jury trial case involved an individual suing a business (39%) or another individual (38%).

Bench trial cases were divided among an individual suing a business (29%), an individual suing another

individual (25%), and a non-individual suing a business (22%). In another 12% of bench trials, a non-individual sued an individual.

Multiple plaintiffs and defendants

In 1996 tort, contract, and real property trial cases disposed of in State general jurisdiction courts in the Nation's 75 largest counties involved over 56,000 litigants. The median number of litigants per case was 3; the average was 4.

Trial cases with multiple defendants were more prevalent than those with multiple plaintiffs. About three-fourths of all trial cases disposed of had one plaintiff, and half had one defendant. Half of asbestos product liability cases had 18 or more defendants per case. The seven breast implant product liability trial cases had an average of 8 defendants (not shown in a table).

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

Plaintiff versus defendant ^b	All cases		Jury cases		Bench cases		Other cases ^a	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All trial cases	15,601	100.0%	10,598	100.0%	4,609	100.0%	394	100.0%
Individual versus —								
Individual	5,307	34.0%	4,057	38.3%	1,167	25.3%	82	20.9%
Government	871	5.6	694	6.5	156	3.4	21	5.4
Business ^c	5,687	36.5	4,150	39.2	1,341	29.1	197	49.9
Hospital	843	5.4	753	7.1	62	1.3	27	6.9
Individual and non-individual ^d versus —								
Individual	143	0.9%	75	0.7%	63	1.4%	5	1.4%
Government	16	0.1	10	0.1	6	0.1	--	--
Business ^c	344	2.2	204	1.9	128	2.8	12	3.1
Hospital	12	0.1	10	0.1	2	0.0	--	--
Non-individual ^d versus —								
Individual	759	4.9%	181	1.7%	563	12.2%	16	4.0%
Government	124	0.8	25	0.2	99	2.1	--	--
Business ^c	1,470	9.4	438	4.1	999	21.7	33	8.4
Hospital	24	0.2	--	--	24	0.5	--	--

Note: Data on litigant pairings were available for 99.8% of all cases, 99.8% of jury cases, 99.6% of bench cases, and 100% of other trial cases with a known case type.

Detail may not sum to total due to rounding.

--No cases recorded.

^aThe number of other cases includes cases with a directed verdict, those with a judgment not withstanding the verdict, and those with a jury trial for defaulted defendants.

^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, other businesses, and other organizations.

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

Trial verdicts

Overall, plaintiffs won in 52% of trial cases. Plaintiff success varied by type of trial and type of case. Plaintiffs were more likely to win in bench trial cases (62%) than in jury trial cases (49%). They were also more likely to win in contract cases (62%) more than in either tort (48%) or real property (32%) cases (table 5).

In 49% of jury trial cases, the defendant was found liable. Plaintiffs were more successful in tortious interference cases (67%) and automobile cases

(57%) than in other product liability (31%) and medical malpractice (23%) cases. Plaintiffs won 55% of the asbestos product liability cases and 34% of the 7 breast implant cases.

In bench trial cases, plaintiffs won 86% of mortgage foreclosure cases, 79% of seller plaintiff cases and 70% of other product liability cases. Judges decided in favor of the plaintiff least often in eminent domain cases (12%) and employment discrimination cases (26%).

Trial awards

During 1996 plaintiff winners in civil trials were awarded an estimated total of \$3 billion in compensatory and punitive damages in the Nation's 75 largest counties. Nearly two-thirds of this total amount (just over \$2 billion) was awarded in tort cases alone. The median amount awarded to plaintiff winners for all trial cases was \$33,000. About 16% of plaintiff winners were awarded over \$250,000 in total damages while an estimated 6% were awarded \$1 million or more (table 6).

Table 5. Trial award winners in the Nation's 75 largest counties, 1996

Case type	All trial cases		Jury trials		Bench trials		Other trials ^a	
	Number	Plaintiff winners ^b	Number	Plaintiff winners ^b	Number	Plaintiff winners ^b	Number	Plaintiff winners ^b
All trial cases	15,613	52.0%	10,596	48.7%	4,625	61.6%	392	29.1%
Tort cases	10,259	48.2%	8,751	47.5%	1,271	56.9%	237	25.4%
Automobile	4,994	57.5	4,437	57.3	479	62.9	77	35.2
Premises liability	2,229	39.6	1,796	37.9	352	52.4	81	21.4
Product liability								
Asbestos	174	55.6	172	55.1	--	--	2	100.0
Breast implant	7	34.2	7	34.2	--	--	--	--
Other	231	37.2	194	30.9	34	70.3	3	69.2
Intentional tort	491	57.0	351	55.9	128	62.9	11	21.9
Medical malpractice	1,195	23.4	1,112	23.0	53	38.2	30	10.7
Professional malpractice	185	42.6	110	36.2	68	54.3	7	29.0
Slander/libel	109	34.2	78	36.0	25	35.9	5	0.0
Other negligence	645	50.8	494	51.9	132	50.9	19	19.2
Contract cases	4,844	62.4%	1,740	55.6%	2,955	67.8%	150	34.1%
Fraud	668	57.7	290	57.6	352	59.1	25	39.8
Seller plaintiff	1,636	75.7	355	64.6	1,254	79.3	27	52.5
Buyer plaintiff	829	55.7	399	49.0	398	65.2	32	22.4
Mortgage foreclosure	65	80.1	7	85.6	54	85.5	4	0.0
Employment discrimination	311	41.1	208	47.6	87	26.0	16	40.0
Other employment dispute	309	50.4	137	53.4	153	52.3	19	13.2
Rental/lease	500	62.7	134	47.2	359	68.9	7	40.1
Tortious interference	236	56.9	112	66.7	113	46.8	11	60.1
Other contract	290	52.4	97	60.3	185	49.9	7	13.5
Real property cases	510	31.8%	105	35.7%	399	30.5%	6	49.1%
Eminent domain	229	19.6	73	32.5	154	12.1	3	100.0
Other real property ^c	281	41.8	32	42.8	245	42.1	3	0.0

Note: Data on plaintiff award winners were available for 99.8% of all trials with a known case type, 99.8% of jury trials, 99.9% bench trials, and 99.5% of other trial cases with a known case type.

Detail may not sum to total because of rounding.

--No cases recorded.

^aThe number of other cases includes cases with a directed verdict, judgment

notwithstanding the verdict, and jury trials for defaulted defendants.

^bExcludes cases in which both the plaintiff and defendant won damages, cases in which the plaintiff won the liability trial, and cases in which the defendant won the liability trial.

^cIncludes title disputes, bounding disputes, and other real property cases.

Compensatory damages include all financial losses that are the result of the defendant's conduct. In tort and contract cases, this refers typically to economic losses for which trial winners receive compensation (sometimes called "special" damages). In tort cases, however, compensatory damages refer also to noneconomic losses, such as pain, suffering, and emotional distress (sometimes called

"general" damages). Economic and noneconomic compensatory damages cannot be distinguished in the data for detailed analysis.

Included also in the total award amount are punitive damages. Awards for punitive damages are almost exclusively reserved for tort claims in which the defendant's conduct was grossly negligent or intentional.

Looking at particular types of cases, plaintiff winners in medical malpractice cases received a median award of \$286,000, with 1 in 5 receiving awards of \$1 million or more. In contract cases involving employment discrimination, the median award was \$200,000. In tort cases involving automobiles, the most common type of civil trial, the median award among plaintiff winners was \$18,000.

Table 6. Final award amounts for civil trial cases with plaintiff winners in State courts in the Nation's 75 largest counties, 1996

Case type	Number of all trial cases with a plaintiff winner ^a	Final amount awarded to plaintiff winners		Percent of plaintiff winner cases with final awards —	
		Total (in thousands)	Median	Over \$250,000	\$1 million or more
All trial cases	7,892	\$3,062,874	\$33	15.9%	5.5%
Tort cases	4,879	\$2,099,723	\$31	16.9%	5.8%
Automobile	2,853	557,564	18	8.7	3.4
Premises liability	871	329,289	57	22.0	5.1
Product liability					
Asbestos	81	46,230	309	50.6	12.1
Breast implant	1	1,108	1,108*	100.0	100.0
Other	81	57,146	176	40.5	15.3
Intentional tort	280	81,616	32	19.3	7.8
Medical malpractice	272	336,315	286	51.0	20.2
Professional malpractice	79	21,712	86	23.2	7.6
Slander/libel	37	10,412	22	23.1	9.0
Other negligence	323	658,330	76	27.2	10.5
Contract cases	2,953	\$925,859	\$37	14.0%	4.7%
Fraud	382	262,729	49	17.1	7.2
Seller plaintiff	1,225	223,155	34	10.6	2.2
Buyer plaintiff	449	113,201	23	10.5	4.2
Mortgage foreclosure	50	3,998	51	--	--
Employment discrimination	119	55,883	200	43.1	11.6
Other employment dispute	153	50,533	53	23.8	6.3
Rental/lease	304	35,838	32	9.2	3.9
Tortious interference	131	116,749	61	21.6	11.6
Other contract	140	63,773	49	19.9	11.0
Real property cases ^b	60	\$37,292	\$86	33.6%	12.2%

Note: Data for case type and final awards were available for 97.1% of all plaintiff winners. Award data were rounded to the nearest thousand. Final amount awarded includes both compensatory (reduced for contributory negligence) and punitive damage awards.

--No cases recorded.

*Not a median but the actual amount awarded.

^aThe number of trial cases includes jury and bench cases, cases with a directed verdict, those with a judgment notwithstanding the verdict and those with a jury trial for defaulted defendants. In one jury trial case, the plaintiff winner(s) was awarded over \$40 billion. This case was excluded from the above analysis.

^bEminent 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.

Defendant winners of compensatory and punitive damage awards

In cases with claims and counterclaims, the distinction between plaintiff and defendant becomes less clear. Therefore, it is possible that one party originally named as a defendant countersues the plaintiff and actually wins damages. In 1996 the defendant won damages on a countersuit in about 2% of tort, contract, and real property rights cases (excluding eminent domain cases) disposed of by trial verdict in the Nation's largest 75 counties.

Defendants in tort, contract, and real property cases (excluding eminent domain cases) won an estimated \$91 million in compensatory and punitive damages on counterclaims. The median award amount was \$17,000. Fifty-four percent of the defendant winner cases were decided by bench trial, 44% by jury trial, and 2% by directed verdict. Of trial cases won by defendants, 17% involved a counterclaim associated with a buyer plaintiff case, 16% with a seller plaintiff or auto tort case, and 14% with a rental/lease case.

Punitive damages were awarded to 21 defendant winners in trial cases, totaling almost \$3 million. Half of defendants receiving punitive damages were awarded \$20,000 or more. Among the 21 defendant winners receiving punitive damages, 18 were awarded by jury trial, including 3 after a judge's directed verdict and 3 by bench trial. The largest punitive damage amount was \$750,000 to three defendants who countersued in a buyer plaintiff case.

Largest damage award reversed on appeal

During 1996 the largest amount of damages awarded to a plaintiff winner among the sampled cases in the 45 counties involved a case with Ferdinand and Imelda Marcos as defendants. In this tort claim Rogelia Roxas alleged that the Marcoses had confiscated crates of gold bullion allegedly found by Roxas.

A jury in Honolulu awarded \$22 billion in compensatory damages that after the jury verdict had increased with interest to over \$40 billion. The jury did not award punitive damages.

The case took nearly 8½ years to process from the time it was filed in March 1988 to its jury verdict in July 1996. The actual jury trial lasted 15 days.

On November 17, 1998, the Hawaii Supreme Court reversed the \$41 billion judgment against Ferdinand and Imelda Marcos. The court found insufficient evidence that Roxas had actually discovered the gold bullion while treasure hunting north of Manila in 1971.

Source: *Roxas v Marcos*, 89 Hawaii 91, 969 P. 2d. 1209 (1998).

Jury versus bench awards

The data reveal that final award amounts also varied by whether the case was decided by a jury or a judge. This was particularly true for contract cases in which juries awarded a median amount of \$80,000 compared to the \$25,000 median amount awarded by judges (table 7).

Among contract cases, juries awarded plaintiff winners in fraud cases a median of \$79,000 while judges awarded a median of \$32,000. In seller plaintiff cases, a median of \$62,000 was awarded by juries compared to \$26,000 by judges.

Table 7. Final award amounts for civil jury and bench trial cases with plaintiff winners in State courts in the Nation's 75 largest counties, 1996

Case type	Jury cases with a plaintiff winner ^a	Jury cases with a plaintiff winner				Bench cases with a plaintiff winner	Bench cases with a plaintiff winner			
		Final amount awarded (in thousands)		Percent of cases with final awards —			Final amount awarded (in thousands)		Percent of cases with final awards —	
		Total	Median	Over \$250,000	\$1 million or more		Total	Median	Over \$250,000	\$1 million or more
All trial cases	5,060	\$2,408,298	\$35	19.3%	7.0%	2,725	\$629,139	\$28	9.2%	2.7%
Tort cases	4,107	\$1,828,026	\$30	17.2%	6.0%	713	\$259,556	\$34	13.8%	5.2%
Automobile	2,526	474,921	18	8.4	3.0	299	80,985	20	12.2	7.1
Premises liability	677	178,085	57	22.2	5.3	177	145,374	57	18.0	4.5
Product liability										
Asbestos	79	43,430	227	49.4	9.8	--	--	--	--	--
Breast implant	1	1,108	1,108*	100.0	100.0	--	--	--	--	--
Other	56	54,774	379	56.9	22.1	24	2,362	56	4.2	--
Intentional tort	197	69,474	31	23.0	8.2	81	11,714	32	9.4	7.0
Medical malpractice	249	328,551	254	50.0	22.1	20	6,527	454	55.4	--
Professional malpractice	40	13,970	87	31.2	9.9	37	7,680	86	15.9	5.4
Slander/libel	28	9,317	25	23.4	11.9	9	1,094	15	22.1	--
Other negligence	254	654,397	108	33.9	13.4	66	3,820	36	2.9	--
Contract cases	941	\$576,958	\$80	27.8%	11.2%	1,963	\$335,605	\$25	7.0%	1.6%
Fraud	164	87,618	79	28.3	10.2	207	167,814	32	6.0	4.2
Seller plaintiff	228	129,510	62	21.9	7.5	983	92,055	26	7.8	1.0
Buyer plaintiff	185	96,564	49	19.2	9.5	257	16,357	15	4.6	1.0
Mortgage foreclosure	6	375	58	--	--	44	3,624	51	--	--
Employment discrimination	98	52,575	250	48.0	14.1	17	1,595	75	11.7	--
Other employment dispute	72	45,193	183	39.3	13.4	78	4,832	18	8.6	--
Rental/lease	60	14,168	55	22.0	7.9	241	21,665	28	6.1	2.9
Tortious interference	72	112,443	123	34.5	21.1	53	2,535	24	2.4	--
Other contract	56	38,513	100	29.7	18.8	83	25,129	27	13.5	5.8
Real property cases ^b	11	\$3,314	\$173	35.3%	15.2%	49	\$33,978	\$58	33.2%	11.6%

Note: Data for case type and final awards in jury trial cases were available for 98% of all jury plaintiff winners. Data for case type and final awards in bench trial cases were available for 95.6% of all bench plaintiff winners. Final amount awarded includes both compensatory (reduced for contributory negligence) and punitive damage awards. Award data were rounded to the nearest thousand. --No cases recorded.

*Not a median but the actual amount awarded.

^aIn one jury trial case, the plaintiff winner(s) was awarded over \$40 billion. This case was excluded from the above analysis.

^bEminent 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.

Among tort cases juries awarded significantly more than judges in other product liability and other negligence cases.

In several types of cases, juries more often than judges awarded damages of \$1 million or more. Juries awarded \$1 million or more for damages in 22% of medical malpractice cases and 14% of employment discrimination cases. By contrast, in neither of these types of cases did judges award total damages of \$1 million or more.

Punitive damage awards

Of the 7,892 trial cases in which the plaintiff won, about 5% (360 cases) received punitive damages as part of the final award, totaling over \$600 million and accounting for about 21% of the \$3 billion awarded to plaintiffs overall.

The median punitive damage amount awarded to plaintiff winners was \$40,000. Twenty-one percent of punitive damage awards were over \$250,000, and 7% were \$1 million or more (table 8).

In 24% of intentional tort cases and 19% of employment discrimination cases, punitive damages were awarded to plaintiff winners.

Table 8. Punitive damage awards in civil trial cases for plaintiff winners in the Nation's 75 largest counties, 1996

Case type	Number awarded punitive damages ^a	Percent receiving punitive damages	Trial cases with plaintiff winners			
			Amount of punitive damages awarded (in thousands)		Percent of cases with punitive damages —	
			Total	Median	Over \$250,000	\$1 million or more
All trial cases	360	4.5%	\$637,576	\$40	21.2%	7.2%
Tort cases	162	3.3%	\$462,650	\$38	20.7%	9.8%
Automobile	20	0.7	2,347	25	24.7	--
Premises liability	40	4.5	13,501	75	14.1	14.1
Product liability						
Asbestos	3	3.2	3,377	1,100	100.0	100.0
Breast implant	--	--	--	--	--	--
Other	11	12.8	4,407	462	81.3	--
Intentional tort	67	24.0	7,035	16	7.7	1.5
Medical malpractice	3	1.1	7,675	2,500	100.0	100.0
Professional malpractice	4	4.9	227	75	--	--
Slander/libel	6	17.0	89	15	--	--
Other negligence	8	2.4	423,993	148	38.6	38.6
Contract cases	189	6.3%	\$173,581	\$40	21.8%	5.3%
Fraud	59	15.4	75,977	39	10.6	4.9
Seller plaintiff	16	1.3	38,992	27	26.0	7.8
Buyer plaintiff	41	8.8	31,398	30	25.4	4.2
Mortgage foreclosure	--	--	--	--	--	--
Employment discrimination	25	19.4	11,619	205	49.4	8.0
Other employment dispute	19	12.5	3,588	88	25.5	--
Rental/lease	5	1.5	157	38	--	--
Tortious interference	16	11.7	10,156	54	8.0	8.0
Other contract	9	5.9	1,693	15	22.5	11.2
Real property cases ^b	9	7.9%	\$1,345	\$1	18.3%	--

Note: Data on case type and amount of punitive damages awarded were available for 360 of the 364 plaintiff winner trial cases awarded punitive damages. Award data were rounded to the nearest \$1,000.

Detail may not sum to total because of rounding.

In this study, cases are classified by the primary case type, though many cases involve multiple claims (that is, contract and tort). Under laws in almost all States, only tort claims qualify for punitive damages. If a contract or real property case involved punitive damages, it involved a related tort claim.

--No cases recorded.

^aThe number of trial cases includes jury cases, bench cases, cases with a directed verdict, those with a judgment notwithstanding the verdict, and those with a jury trial for defaulted defendants.

^bExcludes eminent domain cases.

In 1996, juries in the Nation's 75 largest counties awarded 212 punitive damage awards that totaled over \$545 million (not shown in a table). The median amount awarded to plaintiff winners in jury trial cases was \$50,000 (table 9).

Among jury cases, 8% of the punitive damage awards were \$1 million or more. Plaintiffs won punitive damage

awards in 11% of contract cases compared to 4% of tort cases (not shown in a table).

In 1996 judges awarded over \$91 million in punitive damages in 136 cases disposed of in the Nation's 75 largest counties (not shown in table).

The median amount awarded was \$38,000 and 6% of the punitive damage awards were \$1 million or more.

Among bench trials, plaintiff winners were more likely to win punitive damage awards in tort cases (8%) than contract cases (4%) (not shown in a table). The median award for tort cases awarded punitive damages by judges was \$75,000 and for contract cases was \$30,000.

Table 9. Punitive damages awarded to plaintiff winners in jury and bench trials in the Nation's 75 largest counties, 1996

Case type	Punitive damage awarded to plaintiff winners in jury and bench trials					
	Jury cases awarded punitive damages	Bench cases awarded punitive damages	Median damages awarded (in thousands)		Percent of cases with punitive damages of \$1 million or more	
			Jury	Bench	Jury	Bench
All trial cases	212	136	\$50	\$38	8.2%	6.2%
Tort cases	104	58	\$27	\$75	9.8%	9.8%
Automobile	18	1	25	50*	--	--
Premises liability	9	30	1	100	--	18.5
Product liability						
Asbestos	3	--	1,100	--	100.0	--
Breast implant	--	--	--	--	--	--
Other	9	2	471	5	--	--
Intentional tort	46	21	4	25	2.2	--
Medical malpractice	3	--	2,500	--	100.0	--
Professional malpractice	4	--	75	--	--	--
Slander/libel	6	--	15	--	--	--
Other negligence	5	3	138,000	37	60.6	--
Contract cases	104	73	\$76	\$30	6.9%	4.0%
Fraud	25	27	20	39	--	10.9
Seller plaintiff	7	9	300	27	17.6	--
Buyer plaintiff	21	19	254	30	7.9	--
Mortgage foreclosure	--	--	--	--	--	--
Employment discrimination	24	1	259	38*	8.5	--
Other employment dispute	11	9	127	6	--	--
Rental/lease	4	1	31	50*	--	--
Tortious interference	8	3	38	39	15.3	--
Other contract	5	4	27	55	20.4	--
Real property cases ^a	4	6	\$349	\$1	--	--

Note: Data on case type and punitive damages awarded were available for 212 of 214 plaintiff winner jury cases, and 136 of 137 plaintiff winner bench cases awarded punitive damages.

Award data were rounded to the nearest \$1,000.

Detail may not sum to total because of rounding.

--No cases recorded.

*Not the median but the actual amount awarded.

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 a contract or real property case involved punitive damages, it involved a related tort claim.

^aExcludes eminent domain cases.

The largest punitive damage award

The largest punitive damage award to plaintiff winners in the 45 sampled counties was \$138 million awarded by a jury in Harris County, Texas. It was a negligence case involving 22 plaintiffs and 6 defendants. The jury also awarded \$5.4 million in compensatory damages. The case took over 3.5 years to process from the filing of the complaint to the final disposition. The actual trial lasted 21 days.

Compensatory versus punitive damage awards

In about a third of civil trial cases in which punitive damages were awarded to the plaintiff winner, the amount of punitive damages exceeded the amount awarded for compensatory damages (table 10).

In 15% of trial cases in which plaintiff winners were awarded punitive damages, the amount was twice the amount of the compensatory damage.

In a third of jury and bench trial cases awarded punitive damages, the punitive award was greater than the compensatory damage award.

Punitive awards were twice as much as compensatory awards in jury trials (20%) more often than bench trials (7%) (not shown in a table).

In tort cases with punitive damage awards, the punitive award exceeded the compensatory award in 56% of bench cases compared to 29% of jury cases.

Table 10. Compensatory and total award amounts for plaintiff winners who were awarded punitive damages in civil trials in State courts in the Nation's 75 largest counties, 1996

Case type	Number of cases with a plaintiff winner awarded punitive damages ^a	Total damage award amount (in thousands)			Percent of punitive damage cases with punitive awards —	
		Total ^b	Punitive	Compensatory ^b	Greater than compensatory damage awards	At least 2 times greater than compensatory damage awards
All trial cases	360	\$968,349	\$637,576	\$330,773	32.1%	14.9%
Tort cases	162	\$647,705	\$462,650	\$185,055	38.5%	16.2%
Automobile	20	27,233	2,347	24,887	19.2	12.8
Premises liability	40	123,565	13,501	110,064	64.0	2.5
Product liability						
Asbestos	3	8,711	3,377	5,334	--	--
Breast implant	--	--	--	--	--	--
Other	11	6,643	4,407	2,236	54.2	54.2
Intentional tort	67	16,588	7,035	9,553	26.0	10.5
Medical malpractice	3	21,951	7,675	14,276	--	--
Professional malpractice	4	271	227	45	74.3	74.3
Slander/libel	6	2,086	89	1,997	--	--
Other negligence	8	440,656	423,993	16,663	87.4	87.4
Contract cases	189	\$318,128	\$173,581	\$144,548	26.8%	14.1%
Fraud	59	158,510	75,977	82,532	17.7	3.4
Seller plaintiff	16	55,454	38,992	16,462	18.5	18.5
Buyer plaintiff	41	45,955	31,398	14,557	28.3	16.3
Mortgage foreclosure	--	--	--	--	--	--
Employment discrimination	25	26,870	11,619	15,251	30.5	26.5
Other employment dispute	19	15,849	3,589	12,260	29.3	--
Rental/lease	5	448	157	291	--	--
Tortious interference	16	12,794	10,156	2,638	41.6	41.6
Other contract	9	2,249	1,693	556	67.5	22.5
Real property cases ^c	9	\$2,516	\$1,345	\$1,170	29.0%	10.7%

Note: Data on case type and amounts of total, compensatory and punitive damages awarded were available for 360 of the 364 trial cases awarded punitive damages.

Award data were rounded to the nearest \$1,000.

Detail may not sum to total because of rounding.

--No cases recorded.

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 a contract or real property case involved punitive damages, it involved a related tort claim.

^aThe number of trial cases includes jury cases, bench cases, cases with a directed verdict, those with a judgment not withstanding the verdict, and those with a jury trial for defaulted defendants.

^bCompensatory and total award damages do not include reductions.

^cExcludes eminent domain cases.

Federal tort, contract, and real property trial cases terminated in U.S. district courts, 1996

- Federal district courts disposed of by jury or bench trial 2,449 tort, contract, and real property rights cases during 1996, compared to an estimated 15,638 that were disposed of by trial in State courts of general jurisdiction in the Nation's 75 largest counties.
- Similar to State courts, only a small portion (3%) of the number of Federal tort, contract, and real property cases terminated reached trial.
- The majority (62%) of Federal tort, contract, and real property rights trials were disposed of by jury verdict.
- Federal tort cases were more likely (73%) to be decided by jury trial, while contract (53%) and real property cases (68%) were more likely to be decided by bench trial.
- In about half of Federal tort, contract, and real property trial cases, the plaintiff won the decision. Plaintiffs won in 47% of jury trials and 52% of bench trials.
- The median final amount awarded to plaintiff winners was larger in Federal district courts than State courts. The median award for plaintiff winners was \$130,000 for all Federal tort, contract, and real property rights cases disposed of by trial. The median award was \$150,000 for jury trials and \$103,000 for bench trials.

Case type	All trials cases				Jury trial cases			Bench trial cases		
	Number plaintiff winners	Number of plaintiff monetary awards	Total award (in thousands)	Median award	Number plaintiff winners	Number of plaintiff monetary awards	Median award (in thousands)	Number plaintiff winners	Number of plaintiff monetary awards	Median award (in thousands)
Total	1,090	885	\$1,057,387	\$130	658	561	\$150	432	324	\$103
Tort	620	535	\$555,791	\$130	437	383	\$150	183	152	\$99
Contract	417	327	459,528	147	208	167	150	209	160	123
Real property	53	23	42,068	85	13	11	225	40	12	78

Source: Administrative Office of the U.S. Courts, Civil Master File, fiscal year 1996.

The role of contributory negligence

In 10% of the tort, contract, and real property rights cases in which a jury or judge awarded compensatory damages to the plaintiff, the damages were reduced because the plaintiff had contributed to the negligence that led to the loss or injury. In 1996, the reduction from contributory negligence totaled approximately \$94 million.

States differ in the role played by a plaintiff's own negligence in determining whether, or the extent to which, the defendant is liable for a plaintiff's damages.

Based on these differences, States are classified below into one of four categories.*

*Whether a State was classified as modified comparative negligence, pure comparative negligence, pure contributory negligence, or mixed rule depended on general characteristics of its civil laws. If the focus were on specific types of civil cases, the classification might differ from what is shown here. States do not always use the same decision rules for each type of civil case.

Modified comparative negligence

Nine States have a modified comparative negligence rule (the "50% bar to recovery" rule) which stipulates that the plaintiff can recover damages only if he or she is less negligent than the defendant.

Arkansas Kansas Utah
Colorado Maine West Virginia
Idaho North Dakota Wyoming

Eighteen States use a modified comparative negligence rule (the "51% bar to recovery" rule) under which the plaintiff can recover damages only if he or she is not more negligent than the defendant.

Connecticut New Hampshire
Hawaii New Jersey
Illinois Ohio
Indiana Oklahoma
Iowa Oregon
Massachusetts Pennsylvania
Montana Texas
Minnesota Vermont
Nevada Wisconsin

Pure comparative negligence

Thirteen States use a pure comparative negligence rule under which a plaintiff can recover damages to the extent that the defendant is responsible for the plaintiff's injuries.

Alaska Louisiana New Mexico
Arizona Michigan New York
California Mississippi Rhode Island
Florida Missouri Washington
Kentucky

Pure contributory negligence

Six States use a pure contributory negligence rule that bars recovering damages from the defendant if the plaintiff's own negligent conduct contributed in any way to his or her own injuries.

Alabama Maryland South Carolina
Delaware North Carolina Virginia

Mixed rules

Four States have a blend of rules and do not fit into any single category.

Georgia South Dakota
Nebraska Tennessee

Source: *American Jurisprudence*, 2nd edition (1989, supp. 1995), 57B: 1131-49.

Number of days in trial

Trials conducted in the Nation's 75 largest counties lasted 3.9 days on average; the median number of days was 3.0 (not shown in table). Jury trials lasted an average of 4.7 days compared to 1.9 days for bench trials. The median number of days in a jury trial was 3.0, and in bench trials it was 1.0 day. The longest jury trial recorded in the sample lasted 73 days, and the longest bench trial, 27 days.

Half of all tort and contract bench trials lasted 1 day or less compared to 3 days or less for jury tort trials and 4 days or less for jury contract trials. Among specific types of cases, auto tort cases disposed of by bench trials lasted on average 1.4 days compared to 3.4 days among those disposed by jury trial.

Case processing time

Among all trial cases, the average case processing time from filing of the complaint to final verdict or judgment was 25.6 months, with half of the 13,358 cases taking 20.9 months or more (table 11). Tort cases, as a whole, reached final verdict or judgment in an average of 26.7 months compared to 23 months for contract cases. Asbestos cases had the longest case processing time, averaging about 50.2 months from filing to final verdict or judgment, followed by medical malpractice cases with an average of 34.1 months.

Fifty-nine percent of all trial cases were disposed of within 2 years. Over half of asbestos cases and a fifth of medical malpractice cases were disposed of in 4 or more years. Nine percent of real property cases and 7% of contract cases went from filing to termination in 4 years or more.

Table 11. 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	Number of trial cases ^a	Filing of complaint to final verdict or judgment				
		Number of months		Percent of trial cases disposed of in		
		Median	Mean	Less than 2 years	Over 2 years but less than 4 years	4 years or more
All trial cases	13,358	20.9	25.6	59.3%	30.4%	10.3%
Tort cases	9,010	21.7	26.7	56.9%	31.1%	11.9%
Automobile	4,451	19.0	22.8	66.9	26.2	6.9
Premises liability	1,979	23.9	28.7	50.2	36.0	13.7
Product liability						
Asbestos	154	50.1	50.2	22.5	21.2	56.3
Breast implant	4	38.7	28.8	28.9	71.1	--
Other	190	28.0	33.2	33.7	41.5	24.8
Intentional tort	402	21.0	25.1	57.6	34.7	7.7
Medical malpractice	1,031	28.5	34.1	38.4	40.4	21.2
Professional malpractice	153	22.8	28.6	57.7	27.3	15.0
Slander/libel	91	22.3	27.1	65.7	24.5	9.8
Other negligence	555	23.9	29.2	50.7	34.6	14.7
Contract cases	4,008	19.1	23.0	64.4%	28.9%	6.7%
Fraud	590	20.7	25.2	58.8	32.5	8.7
Seller plaintiff	1,268	17.3	21.1	69.2	26.8	4.0
Buyer plaintiff	665	19.8	23.3	63.6	29.2	7.3
Mortgage foreclosure	50	17.2	22.4	68.3	23.1	8.5
Employment discrimination	288	22.0	26.4	55.9	34.4	9.7
Other employment dispute	268	21.5	24.4	57.5	34.4	8.1
Rental/lease	417	16.7	20.1	73.9	20.9	5.2
Tortious interference	211	20.7	25.3	60.7	31.8	7.5
Other contract	252	21.1	25.1	59.0	30.3	10.6
Real property cases	339	19.0	24.5	63.7%	27.0%	9.4%
Eminent domain	101	21.4	23.6	58.6	33.2	8.2
Other real property ^b	238	18.8	24.9	65.8	24.3	9.8

Note: Data for filing time to final verdict or judgment, including answer filed and trial start date, were available for 84.7% of all trial cases.

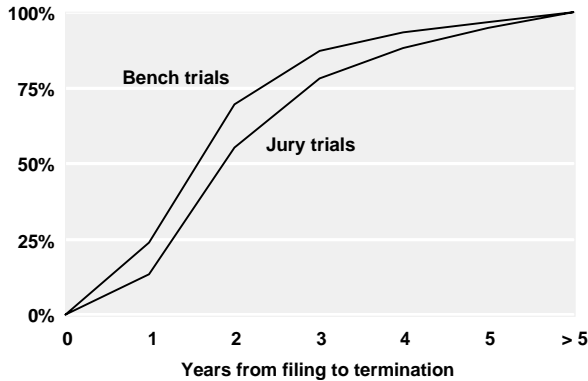
Detail may not sum to total because of rounding.

--No cases recorded.

^aAll trial cases include cases disposed of by jury trial, bench trial, directed verdicts, judgment notwithstanding the verdict, and jury trials for defaulted defendants.

^bIncludes title disputes, bounding disputes, and other real property cases.

During 1996, 70% of bench cases and 56% of jury cases were disposed of within 2 years of being filed



Note: Cases disposed of by directed verdict, judgment notwithstanding, and jury verdicts for defaulted defendants are not shown. During 1996, 51% of these cases were disposed of within 2 years of filing.

Overall, bench trial cases were disposed of more quickly than jury trial cases. About two-thirds (70%) of bench trial cases were disposed of in less than 2 years compared to 56% of jury trial cases. Within 3 years from filing, 94% of bench cases and 88% of jury cases were disposed (figure 2).

The difference between bench and jury trials in case processing time was evident in several types of civil cases disposed of in the Nation's 75 largest counties during 1996. Half of tort bench cases went from filing of the complaint to final verdict or judgment in at least 19.1 months compared to 22.0 months for tort cases decided by a jury.

Figure 2

Table 12. Case processing time from filing of complaint to final verdict or judgment in State courts in the Nation's 75 largest counties, 1996

	Filing of complaint to jury final disposition					Filing of complaint to bench final disposition				
	Number of jury trial cases	Number of months		Percent of jury trial cases disposed of in —		Number of bench trial cases	Number of months		Percent of bench trial cases disposed of in —	
		Median	Mean	Less than 2 years	4 years or more		Median	Mean	Less than 2 years	4 years or more
All trial cases ^a	9,315	22.1	27.0	55.6%	11.8%	3,705	17.8	21.7	69.6%	6.2%
Tort cases	7,694	22.0	27.1	56.0%	12.3%	1,112	19.1	23.6	64.6%	9.0%
Automobile	3,962	19.2	23.0	66.7	6.8	428	17.2	21.0	71.4	7.7
Premises liability	1,582	24.4	29.2	49.1	14.0	324	21.4	26.4	54.2	11.4
Product liability										
Asbestos	152	50.1	50.8	21.5	57.0	--	--	--	--	--
Breast implant	4	38.7	28.8	28.9	--	--	--	--	--	--
Other	158	29.7	35.5	30.4	29.8	28	21.8	23.9	49.1	--
Intentional tort	293	22.8	25.9	52.4	7.2	99	16.7	22.4	72.1	8.7
Medical malpractice	953	29.0	34.7	36.9	21.6	47	18.8	23.8	71.8	8.3
Professional malpractice	88	25.6	32.9	45.0	23.9	58	20.6	23.2	75.1	3.4
Slander/libel	66	23.4	29.2	56.2	10.1	20	18.9	19.7	94.9	5.1
Other negligence	435	23.8	29.4	51.5	15.4	107	23.7	28.5	51.1	13.6
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
Real property cases	90	25.6	28.8	46.6%	10.3%	244	18.3	23.3	69.1%	9.2%
Eminent domain	59	25.8	29.6	43.0	10.8	39	8.3	14.9	79.3	4.9
Other real property ^b	30	23.3	27.1	53.7	9.5	205	18.6	24.9	67.1	10.0

Note: Data for filing time to final disposition, including answer filed and trial start date, and case type were available, for 87.0% of jury cases and 79.4% of bench cases. Detail may not sum to total because of rounding. --No cases recorded.

^aNot included are trial cases disposed of by directed verdicts, judgment notwithstanding the verdict, and jury trials for defaulted defendants. ^bIncludes title disputes, bounding disputes, and other real property cases.

In less than 2 years, 95% of slander/libel tort cases decided by a bench trial were disposed, compared to 56% of those decided by a jury. About three-quarters of professional (75%) and medical (72%) malpractice bench cases went from filing to disposition within 2 years compared to less than half of professional (45%) and medical (37%) malpractice cases disposed of by a jury (table 12).

The median case processing time for contract cases disposed of by a bench trial was 16.8 months compared to 22.6 months for cases disposed of by jury trial.

Similarly, half of real property bench cases were processed in at least 18.3 months compared to 25.6 months among jury cases.

Among eminent domain cases, the median case processing time for bench trials was 8.3 months compared to 25.8 months for jury cases — a median difference of nearly 1.5 years. Eminent domain cases are those in which a governmental entity has the power to convert privately owned property, particularly land, to public use, subject to reasonable compensation.⁵

⁵Garner, Bryan A. *Black's Law Dictionary: New Pocket Edition*. West Publishing Co., 1996.

County-specific data

The number of jury and bench trials, percentage of plaintiff winners, final awards, and punitive damage award amounts varied across the individual State courts sampled in this project (appendix tables B, C, D and E). Many factors account for these differences across State courts such as State civil justice laws and the types of cases disposed of by trial.

Comparison of 1992 and 1996 jury trial cases

- In 1992 jury trials in the Nation's 75 largest counties disposed over 12,000 tort, contract, and real property cases compared to just over 10,000 in 1996. This decrease in the number of jury cases from 1992 to 1996, however, was not statistically significant.
- In 1992 plaintiffs won 52% of all jury trial cases. In 1996 plaintiffs were successful in 49% of all jury trials. Among contract cases plaintiffs were more likely to win in jury trial cases in 1992 (63%) than in 1996 (56%). Plaintiffs won in about half of tort cases in 1992 (50%) and 1996 (48%).
- Among specific types of cases, plaintiffs were more successful in medical malpractice, professional malpractice, buyer plaintiff, and rental/lease cases in 1992 compared to 1996.
- When adjusted for inflation, the median total award in 1996 was \$35,000 compared to \$58,000 in 1992. There was no significant difference, however, between the total amount of compensatory and punitive damages awarded by juries in 1992 (\$3 billion when adjusted for inflation) and 1996 (\$2.4 billion).
- In 1992, 364 jury trial cases or 6% of all plaintiff winner case were awarded punitive damages that totaled over \$300 million when adjusted for inflation. This did not differ statistically from the more than \$545 million in punitive damages awarded to 212 or 4% of plaintiff winner cases in 1996.
- In both 1992 and 1996, plaintiff winners in contract cases were more likely to receive punitive damages than plaintiff winners in tort cases.

Final award amounts and punitive damage amounts for jury trial cases with plaintiff winners in State courts in the Nation's 75 largest counties, 1992

Case type	Number of jury cases with plaintiff winner ^a	Plaintiff winners, 1992				Amount of punitive damages awarded to plaintiff winners (in thousands)	
		Final amount awarded (in thousands)		Number of jury cases awarded punitive damages ^a	Percent of jury cases receiving punitive damages	Total	Median
		Total	Median				
All trial cases	5,930	\$3,022,598	\$58	364	5.9%	\$300,000	\$56
Tort cases	4,574	\$2,091,682	\$57	190	4.0%	\$102,454	\$41
Automobile	2,280	562,914	33	55	2.4	39,799	28
Premises liability	841	219,605	65	15	1.7	1,425	45
Product liability	139	114,790	280	3	2.3	45	10
Intentional tort	195	116,845	58	38	18.8	12,237	28
Medical malpractice	403	669,926	225	13	3.1	3,494	223
Professional malpractice	92	108,985	174	15	15.7	6,806	280
Slander/libel	27	7,038	28	8	29.8	1,502	52
Toxic substance	202	119,063	113	13	6.2	29,591	1,895
Other negligence	393	172,515	72	30	7.2	7,555	112
Contract cases	1,314	\$915,364	\$62	169	12.3%	\$189,872	\$58
Fraud	173	131,274	79	38	21.2	8,220	50
Seller plaintiff	412	96,540	39	24	5.6	1,367	24
Buyer plaintiff	361	194,127	49	47	12.5	30,739	30
Employment	170	279,111	158	46	26.8	148,690	201
Rental/lease	85	178,902	79	11	11.3	4,447	56
Other contract	113	35,410	55	2	1.8	4,409	162
Real property cases ^b	43	\$15,553	\$55	5	11.7%	\$7,698	\$95

Note: Data on case type and final award amounts to plaintiff winners were available for 96% of jury trial cases. 1992 final and punitive damage awards are adjusted for inflation and presented in 1996 dollars. Award amounts were rounded to the nearest \$1,000. Detail may not sum to total because of rounding. In this study, cases classified by the primary case type, though many cases involve multiple claims (contract and tort). Under laws in almost all States, only tort claims qualify for punitive damages. If a contract or real property case involved punitive damages, it involved a related tort claim.

Punitive damage awards may be incomplete for 4 counties: Palm Beach Co., FL, Wayne Co., MI, Allegheny Co., PA, and Philadelphia Co., PA.

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

^bEminent 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.

Methodology

Definitions of disposition types:

Jury trial: A trial held before and decided by a group of laypersons selected according to the law presided over by a judge culminating in a verdict for the plaintiff(s) and/or defendant(s).

Bench trial (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" or judgment non obstante veredicto): A judgment rendered in favor of one party despite the finding of a jury verdict in favor of the other party.

Jury trials for defaulted defendants: Some States make provisions for a jury to be 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).

Definitions of civil case types:

Torts: Claims arising from personal injury or property damage caused by negligent or intentional acts of another person or business. Specific tort case types include: *automobile accident*; *premise liability* (injury caused by the dangerous condition of residential or commercial property); *medical malpractice* (by doctor, dentist, or medical professional); *other professional malpractice* (e.g. by engineers, architects); *product liability* (injury or damage caused by defective products; injury caused by toxic substances such as asbestos); *libel/slander* (injury to reputation); *intentional tort* (vandalism, intentional personal injury); and *other negligent acts* (negligence against

another party for an act not represented by the other case categories used in this study such as the negligent supervision of a dog resulting in an attack).

Contracts: Cases which include all allegations of breach of contract. Specific case types include *seller plaintiff* (sellers of goods or services, including lenders, seeking payment of money owed to them by a buyer, including borrowers); *buyer plaintiff* (purchaser of goods or services seeking 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; fraud is also considered a type of tort claim, but because it arises out of commercial transactions, it was included under contracts); *employment discrimination* (claim 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).

Real property: Any claim regarding ownership of real property (excluding mortgage foreclosures which are included under contracts). Specific categories used include: *eminent domain* (condemnation of real property to obtain for public use); *other real property* (any other claim regarding title to or use of real property).

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

Sample

The sample design for the 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 interviews with court staff in the general jurisdiction trial courts. Stratum 1 consisted of the 14 counties with the largest number of civil case dispositions. Every county in stratum 1 was selected 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 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 over sample 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 were also 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 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 meet 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 are 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 reject 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.

Appendix A. Civil trial juries: size and verdict rules in State courts of general jurisdiction						
State/court	Jury size	Civil juries decision rule	State/court	Jury size	Civil juries decision rule	Notes:
Alabama Circuit	12	Unanimous	Montana District	12 ^k	2/3 rule	^a Or fewer by agreement of the parties.
Alaska Superior	12	5/6 rule	Nebraska District	12	5/6 rule or Unanimous ^l	^b 6-member jury unless a jury of 12 is demanded.
Arizona Superior	8	3/4 rule	Nevada District	12 ^m	3/4 rule	^c Eminent domain cases require a 12-member jury and an unanimous verdict.
Arkansas Circuit	12	3/4 rule	New Hampshire Superior	12	Unanimous	^d May stipulate that the jury consist of any number less than 12 or that a verdict or finding of a stated majority of jurors is taken as the verdict or finding of the jury.
Arkansas Common Pleas	12	3/4 rule				^e Can stipulate to 6-member jury with 5/6 rule.
California Superior	12 ^a	3/4 rule	New Jersey Superior	6/12	5/6 rule	^f 6-member jury unless a jury of 12 is requested.
Colorado District	6	Unanimous	New Mexico District	12	5/6 rule	^g 7/8 rule applies after 6 hours of deliberation.
Connecticut Superior	6	Unanimous	New York Supreme County	6 6	5/6 rule 5/6 rule	^h 12 member jury if damages are greater than \$5,000; otherwise 6.
Delaware Superior	12	Unanimous	North Carolina ⁿ Superior	12	Unanimous	ⁱ 5/6 rule applies with 12 jurors; otherwise, must be unanimous.
District of Columbia Superior	6 ^b	Unanimous	North Dakota District	12/6	Unanimous	^j Parties may stipulate to a 6-member jury.
Florida Circuit	6 ^c	Unanimous	Ohio Common Pleas	12/8	3/4 rule	^k 4-member jury if both parties agree.
Georgia Superior	12	Unanimous	Oklahoma District	6/12 ^o	3/4 rule	^l 5/6 rule after 6 hours of deliberation.
Hawaii Circuit	12 ^d	5/6 rule ^e	Oregon Circuit	12	3/4 rule	^m Parties may stipulate to 4-8 jurors rather than 12.
Idaho District	12	3/4 rule	Pennsylvania Common Pleas	12	5/6 rule	ⁿ Except in actions in which a jury is required by statute, the parties may stipulate that the jury shall consist of any number less than 12 or that a verdict or finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.
Illinois Circuit	6 ^f	Unanimous	Rhode Island Superior	12	5/6 rule	^o 12-member jury if damages are greater than \$2,500; otherwise 6.
Indiana Superior	6	Unanimous	South Carolina Circuit	12	Unanimous	^p A 12-member jury may be allowed by the judge.
Indiana Circuit	6	Unanimous				^q May demand a 12-member jury.
Iowa District	8	7/8 rule or Unanimous ^g	South Dakota Circuit	12	5/6 rule	^r A party may request, or the court on its own motion may require, a greater number, not to exceed 12.
Kansas District	6/12 ^h	5/6 rule or Unanimous ^l	Tennessee Circuit	12	Unanimous	^s 6-member jury unless a jury of 12 is demanded.
			Chancery	12	Unanimous	^t 6-member jury unless a jury of 12 is demanded (local rules). Even absent stipulation, if the court finds it necessary to excuse a juror, a valid verdict may be returned by the remaining 11.
Kentucky Circuit	12	3/4 rule	Texas District	12	5/6 rule	
Louisiana District	12 ^j	5/6 rule, 9/12 rule	Utah District	8	3/4 rule or majority	
Maine Superior	8	3/4 rule	Vermont Superior District	12 12	Unanimous Unanimous	
Maryland Circuit	12	Unanimous	Virginia Circuit	5/7 ^p	Unanimous	
Massachusetts Superior	12	5/6 rule	Washington Superior	6 ^q	5/6 rule	Source: David B. Rottman, et al. <i>State Court Organization, 1993</i> . National Center for State Courts. NCJ 148346, January 1995.
Michigan Circuit	6	5/6 rule	West Virginia Circuit	6	Unanimous	
Minnesota District	6	5/6 rule or Unanimous	Wisconsin Circuit	6 ^r	5/6 rule	
Mississippi Circuit	12	3/4 rule	Wyoming District	6 ^s	5/6 rule	
Mississippi Chancery	12	3/4 rule				
Missouri Circuit	12	3/4 rule	Federal Court District	6 ^t	Unanimous	

Appendix B. Selected characteristics of sampled counties

County	Primary city	Court name	1996 Population estimate	Minimum jurisdiction amount in civil cases	Number of peremptory challenges in jury trials ^a
Maricopa, AZ	Phoenix	Superior	2,611,327	\$5,000	4
Pima, AZ	Tucson	Superior	767,873	5,000	4
Alameda, CA	Oakland	Superior	1,328,139	25,000	6
Contra Costa, CA	Martinez	Superior	881,490	25,000	6
Fresno, CA	Fresno	Superior	751,272	25,000	6
Los Angeles, CA	Los Angeles	Superior	3,553,638 ^b	25,000	6
Orange, CA	Santa Ana	Superior	2,636,888	25,000	6
San Bernardino, CA	San Bernardino	Superior	1,598,358	25,000	6
San Francisco, CA	San Francisco	Superior	735,315	25,000	6
Santa Clara, CA	San Jose	Superior	1,599,604	25,000	6
Ventura, CA	Ventura	Superior	714,733	25,000	6
Fairfield, CT	Bridgeport	Superior	298,469 ^c	2,000	3
Hartford, CT	Hartford	Superior	841,777 ^d	2,000	3
Dade, FL	Miami	Circuit	2,076,175	15,001	3
Orange, FL	Orlando	Circuit	758,980	15,001	3
Palm Beach, FL	West Palm Beach	Circuit	992,840	15,001	3
Fulton, GA	Atlanta	Superior	718,336	5,000	6
Honolulu, HI	Honolulu	Circuit	871,766	5,000	3
Cook, IL	Chicago	Circuit	5,096,540	15,000	5
Dupage, IL	Wheaton	Circuit	859,310	15,000	5
Marion, IN	Indianapolis	Superior	817,525	20,000	3
Jefferson, KY	Louisville	Circuit	673,040	4,000	3
Essex, MA	Salem	Superior	686,774	25,000	4
Middlesex, MA	Cambridge	Superior	1,412,561	25,000	4
Norfolk, MA	Dedham	Superior	637,388	25,000	4
Suffolk, MA	Boston	Superior	645,068	25,000	4
Worcester, MA	Worcester	Superior	719,545	25,000	4
Oakland, MI	Pontiac	Circuit	1,162,098	10,000	3
Wayne, MI	Detroit	Circuit	2,039,819	10,000	3
Hennepin, MN	Minneapolis	District	1,058,746	5,000	2
St. Louis, MO	St. Louis	Circuit	1,003,807	5,000	3
Bergen, NJ	Hackensack	Superior	846,498	7,500	6
Essex, NJ	Newark	Superior	755,089	7,500	6
Middlesex, NJ	New Brunswick	Superior	702,458	7,500	6
New York, NY	New York	Supreme	1,533,774	25,000	3
Cuyahoga, OH	Cleveland	Common Pleas	1,401,552	10,000	3
Franklin, OH	Columbus	Common Pleas	1,013,724	10,000	3
Allegheny, PA	Pittsburgh	Common Pleas	1,296,037	4,000	4
Philadelphia, PA	Philadelphia	Common Pleas	1,478,002	5,000	4
Bexar, TX	San Antonio	District	1,318,322	5,000	6
Dallas, TX	Dallas	District	2,000,192	5,000	6
Harris, TX	Houston	District	3,126,966	5,000	6
Fairfax, VA	Fairfax	Circuit	902,492	7,000	3
King, WA	Seattle	Superior	1,619,411	25,000	3
Milwaukee, WI	Milwaukee	Circuit	922,243	2,000	3

Sources: *State Court Organization, 1998*, forthcoming.

1996 population estimates for each county came from the U.S. Bureau of the Census website, <http://www.census.gov/population/www/estimates/countypop/html>.

1996 population estimates for City of Los Angeles and the towns in the Fairfield and Hartford-New Britain judicial districts came from the U.S. Bureau of the Census website, <http://www.census.gov/population/www/estimates/mcdplace.html>.

^aSee Appendix A for State jury size and State decision rule for jury trials.

^bThe 1996 population estimate is only for the City of Los Angeles. 1996 civil trial data were only collected for the central district of Los Angeles County Superior Court. Los Angeles suburban courts were not included.

^cThe 1996 population estimate is for Fairfield judicial district. Towns in Fairfield County, CT, are located in 4 judicial districts: Ansonia-Milford, Danbury, Stramford-Norwalk, and Fairfield. 1996 civil trial data were collected only for Fairfield judicial district. The 1996 population estimate for Fairfield County, CT, was 833,761.

^dThe 1996 population estimate for the Hartford-New Britain judicial district. The 1996 population estimate for Hartford County was 831,694.

Appendix C. Trial cases and plaintiff winners by sampled counties, 1996

County	All cases		Jury trials		Bench trials		Other trials ^a	
	Number	Percent plaintiff winners	Number	Percent plaintiff winners	Number	Percent plaintiff winners	Number	Percent plaintiff winners
Maricopa, AZ	372	56.1%	337	56.7%	26	61.5%	9	14.3%
Pima, AZ	118	65.3	79	62.0	39	71.8	--	--
Alameda, CA	83	47.6	70	42.9	10	77.8	3	66.7
Contra Costa, CA	78	44.9	55	45.5	22	45.5	1	--
Fresno, CA	76	48.7	48	45.8	27	51.9	1	100.00
Los Angeles, CA ^b	500	51.9	249	49.8	240	58.9	11	18.2
Orange, CA	463	50.1	298	42.5	162	59.9	3	100.0
San Bernardino, CA	65	40.0	49	34.7	13	61.5	3	33.3
San Francisco, CA	166	52.4	125	51.2	33	63.6	8	25.0
Santa Clara, CA	112	48.2	73	43.8	38	57.9	1	--
Ventura, CA	145	41.4	99	39.4	46	45.7	--	--
Fairfield, CT ^c	50	68.0	42	69.0	7	71.4	1	--
Hartford, CT ^d	126	58.7	42	47.6	83	63.9	1	100.0
Dade, FL	426	61.5	375	63.6	29	48.3	22	58.3
Orange, FL	94	67.0	73	67.1	19	73.7	2	--
Palm Beach, FL	285	71.9	201	65.7	81	87.7	3	66.7
Fulton, GA	142	35.9	81	55.6	57	10.5	4	--
Honolulu, HI	50	64.0	25	56.0	21	81.0	4	25.0
Cook, IL	564	46.3	483	44.3	56	64.3	25	20.0
Dupage, IL	148	62.2	102	60.8	46	65.2	--	--
Marion, IN	147	70.3	44	56.8	102	78.8	1	100.0
Jefferson, KY	195	58.3	138	59.3	44	63.6	13	30.8
Essex, MA	66	40.9	57	40.4	8	37.5	1	100.0
Middlesex, MA	129	28.7	119	28.6	5	60.0	5	--
Norfolk, MA	69	21.7	64	23.4	3	--	2	--
Suffolk, MA	91	36.3	77	31.2	14	64.3	--	--
Worcester, MA	59	27.1	50	22.0	9	55.6	--	--
Oakland, MI	199	41.7	146	38.4	45	55.6	8	25.0
Wayne, MI	255	47.5	218	46.8	23	56.5	14	42.9
Hennepin, MN	274	47.1	216	42.6	58	63.8	--	--
St. Louis, MO	196	46.4	148	41.9	38	73.7	10	10.0
Bergen, NJ	219	53.0	147	51.7	68	58.8	4	--
Essex, NJ	140	34.1	120	34.2	12	33.3	8	33.3
Middlesex, NJ	213	36.6	191	31.9	21	81.0	1	--
New York, NY	399	55.9	306	51.6	74	71.6	19	63.2
Cuyahoga, OH	323	52.4	241	45.8	80	68.8	1	--
Franklin, OH	120	55.0	88	56.8	26	61.5	6	--
Allegheny, PA	407	54.8	201	40.8	202	69.3	4	25.0
Philadelphia, PA	401	50.5	364	50.7	36	50.0	1	--
Bexar, TX	331	32.9	143	36.4	175	23.2	13	46.2
Dallas, TX	340	42.9	298	43.0	33	51.5	9	11.1
Harris, TX	1,528	48.3	580	34.9	914	66.9	34	--
Fairfax, VA	271	54.6	198	49.0	66	74.2	7	28.6
King, WA	336	51.8	212	50.9	116	54.3	8	37.5
Milwaukee, WI	242	61.7	152	57.9	88	68.6	2	50.0

--No cases recorded.

^aIncludes cases with a directed verdict, judgments 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 D. Final and punitive damage awards for plaintiff winners in jury trials, by sampled counties, 1996

County	Final amount awarded to plaintiff winners				Punitive damages awarded to plaintiff winners		
	Total number of jury trials	Number of plaintiff winners	Total award	Median award	Number of plaintiff winners	Total award	Median award
Maricopa, AZ	337	189	\$66,716,000	\$28,000	9	\$1,640,000	\$50,000
Pima, AZ	79	48	16,499,000	27,000	2	145,000	73,000
Alameda, CA	70	30	11,336,000	59,000	--	--	--
Contra Costa, CA	55	23	10,385,000	48,000	2	36,000	18,000
Fresno, CA	48	19	2,478,000	50,000	2	303,000	152,000
Los Angeles, CA ^a	249	123	90,642,000	87,000	17	13,188,000	65,000
Orange, CA	298	124	144,885,000	49,000	12	23,219,000	250,000
San Bernardino, CA	49	17	10,839,000	91,000	--	--	--
San Francisco, CA	125	64	27,095,000	98,000	3	3,527,000	500,000
Santa Jose, CA	73	30	6,836,000	64,000	1	2,500	2,500*
Ventura, CA	99	39	6,457,000	21,000	3	718,000	10,000
Fairfield, CT ^b	42	29	3,221,000	24,000	--	--	--
Hartford, CT ^c	42	19	736,000	27,000	--	--	--
Dade, FL	375	239	130,575,000	44,000	13	1,031,000	57,000
Orange, FL	73	48	13,799,000	29,000	--	--	--
Palm Beach, FL	201	132	21,712,000	31,000	2	450,000	225,000
Fulton, GA	81	45	11,030,000	27,000	4	1,093,000	170,000
Honolulu, HI ^d	25	13	5,333,000	26,000	2	800,000	400,000
Cook, IL	483	228	195,842,000	81,000	4	1,305,000	363,000
Dupage, IL	102	62	4,195,000	14,000	4	30,000	8,000
Marion, IN	44	25	2,099,000	23,000	--	--	--
Jefferson, KY	138	78	11,210,000	14,000	7	592,000	30,000
Essex, MA	57	20	1,624,000	40,000	--	--	--
Middlesex, MA	119	32	14,481,000	91,000	2	163,000	81,000
Norfolk, MA	64	15	3,033,000	17,000	--	--	--
Suffolk, MA	77	24	18,695,000	33,000	1	175,000	175,000*
Worcester, MA	50	10	1,227,000	27,000	--	--	--
Oakland, MI	146	55	20,455,000	40,000	--	--	--
Wayne, MI	218	93	52,872,000	76,000	1	1,000	1,000*
Hennepin, MN	216	91	30,051,000	28,000	2	2,517,000	1,258,000
St. Louis, MO	148	62	5,020,000	15,000	3	237,000	36,000
Bergen, NJ	147	74	14,235,000	46,000	5	756,000	156,000
Essex, NJ	120	40	10,113,000	37,000	--	--	--
Middlesex, NJ	191	61	9,035,000	45,000	2	23,000	12,000
New York, NY	306	158	206,822,000	212,000	3	30,475,000	400,000
Cuyahoga, OH	242	106	11,504,000	23,000	4	237,000	50,000
Franklin, OH	88	50	4,689,000	12,000	3	575,000	75,000
Allegheny, PA	201	79	22,675,000	34,000	2	412,000	206,000
Philadelphia, PA	364	177	97,370,000	150,000	3	615,000	215,000
Bexar, TX	143	52	4,611,000	24,000	2	68,000	34,000
Dallas, TX	298	126	67,060,000	25,000	5	7,636,000	31,000
Harris, TX	580	187	567,204,000	29,000	12	434,715,000	1,800,000
Fairfax, VA	198	95	10,892,000	17,000	2	3,000	1,500
King, WA	212	108	8,777,000	15,000	3	313,000	10,000
Milwaukee, WI	152	82	8,857,000	15,000	1	200	200*

Note: Excludes cases with missing final award amounts.
Final amount awarded includes both compensatory (reduced for contributory negligence) and punitive damage awards.
Award data were rounded to the nearest \$1,000.
Eminent domain cases are not calculated among final awards because there is always an award; the issue is how much the defendant (whose property is being condemned) will receive for the property.
--No cases recorded.
*Not a median but the actual amount awarded.
^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.
^dIn one jury trial case, the plaintiff winner was awarded over \$40 billion. This case was excluded from the above analysis.

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

County	Final amount awarded to plaintiff winners				Punitive damages awarded to plaintiff winners		
	Total number of bench trials	Number of plaintiff winners	Total award	Median award	Number of plaintiff winners	Total award	Median award
Maricopa, AZ	26	16	\$535,000	\$19,000	--	--	--
Pima, AZ	39	28	1,282,000	19,000	2	\$190,000	\$95,000
Alameda, CA	10	6	241,000	42,000	--	--	--
Contra Costa, CA	22	8	792,000	89,000	1	1	1*
Fresno, CA	27	13	52,143,000	61,000	1	25,183,000	25,183,000*
Los Angeles, CA ^a	240	138	25,496,000	91,000	4	202,000	53,000
Orange, CA	162	97	19,140,000	46,000	7	324,000	40,000
San Bernardino, CA	13	8	982,000	70,000	--	--	--
San Francisco, CA	33	21	4,643,000	54,000	1	100,000	100,000*
Santa Jose, CA	38	21	13,276,000	79,000	3	209,000	94,000
Ventura, CA	46	21	1,532,000	51,000	2	57,000	28,000
Fairfield, CT ^b	7	4	81,000	21,000	1	14,000	14,000*
Hartford, CT ^c	83	48	1,453,000	6,000	3	27,000	5,000
Dade, FL	29	13	6,706,000	29,000	--	--	--
Orange, FL	19	12	699,000	29,000	--	--	--
Palm Beach, FL	81	71	4,953,000	31,000	--	--	--
Fulton, GA	57	2	363,000	182,000	--	--	--
Honolulu, HI	21	17	7,400,000	43,000	--	--	--
Cook, IL	56	35	3,458,000	67,000	1	50,000	50,000*
Dupage, IL	46	30	1,294,000	15,000	2	15,000	8,000
Marion, IN	102	79	3,000,000	7,000	2	4,000	4,000
Jefferson, KY	44	28	501,000	8,000	1	5,000	5,000*
Essex, MA	8	3	321,000	96,000	--	--	--
Middlesex, MA	5	2	194,000	97,000	1	27,000	27,000*
Norfolk, MA	3	--	--	--	--	--	--
Suffolk, MA	14	9	1,375,000	75,000	--	--	--
Worcester, MA	9	5	128,000	14,000	--	--	--
Oakland, MI	45	21	1,369,000	29,000	--	--	--
Wayne, MI	23	13	1,295,000	49,000	--	--	--
Hennepin, MN	58	37	1,497,000	17,000	1	100	100*
St. Louis, MO	38	28	4,841,000	57,000	3	561,000	36,000
Bergen, NJ	68	38	3,570,000	19,000	2	76,000	38,000
Essex, NJ	12	4	103,000	11,000	--	--	--
Middlesex, NJ	21	17	1,061,000	9,000	3	238,000	85,000
New York, NY	74	53	12,598,000	69,000	1	125,000	125,000*
Cuyahoga, OH	80	49	1,743,000	20,000	2	15,000	8,000
Franklin, OH	26	16	816,000	11,000	--	--	--
Allegheny, PA	202	140	1,168,000	2,000	--	--	--
Philadelphia, PA	36	18	3,302,000	61,000	--	--	--
Bexar, TX	175	41	1,512,000	13,000	--	--	--
Dallas, TX	33	17	7,225,000	22,000	--	--	--
Harris, TX	914	567	244,150,000	37,000	67	15,260,000	44,000
Fairfax, VA	66	49	3,495,000	20,000	--	--	--
King, WA	116	62	8,885,000	20,000	1	30,000	30,000*
Milwaukee, WI	88	54	1,490,000	8,000	1	20,000	30,000*

Note: Excludes cases with missing final award amounts.

Award data were rounded to the nearest \$1,000.

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*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.

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 first release of findings in a series of reports from the Civil Justice Survey of State Courts, 1996. 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 Goerd, 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. Rhonda C. Keith and Tina Dorsey produced the report. Tom Hester edited it. Jayne Robinson and Yvonne Boston administered final production.

September 1999, NCJ 173426

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