

CIVIL

Top 10 civil jury awards in 2002 . . .

Largest Verdicts of 2002			
Amount	Type	Industry	Outcome
\$28,000,000,000	Fraud, products liability	Tobacco	Both parties appealing
2,225,000,000	Personal injury	Medical	Pending motions
520,770,000	Antitrust	Hospital Supply	Settled
505,000,000	Breach of agreement, unfair competition	Technology	Pending appeal
500,200,000	Breach of contract	Bio-Technology	On appeal
276,000,000	Breach of contract, fraudulent inducement	Financial	Pending appeal
270,050,000	Personal injury	Natural Resources	Settled
261,700,000	Breach of fiduciary duty	Financial	Pending motions
225,000,000	Product liability	Automobile	Pending motions
185,090,000	Securities fraud	Financial	In motions

Source: The National Law Journal's largest verdicts of 2002.

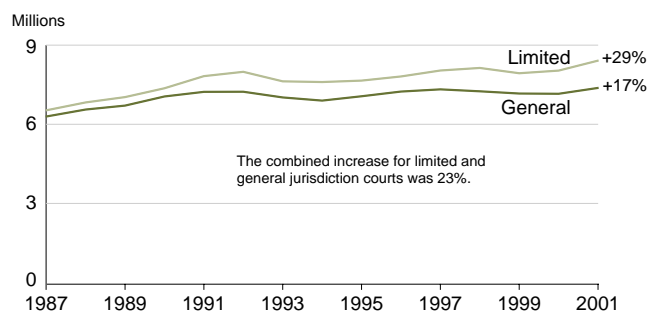
The largest jury awards are primarily found in tort and contract cases; however, trial court outcomes are often modified through appellate review or post-verdict settlements.

Civil Caseloads in State Trial Courts

Civil caseloads increased slightly in 2001

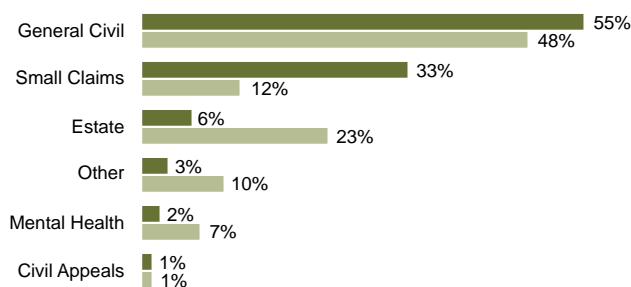
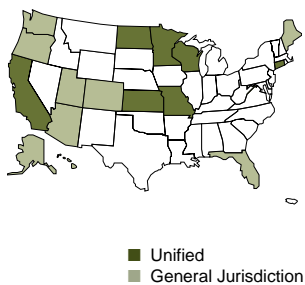
The national 15-year civil filing trends below show substantial increases (29 percent and 17 percent in limited and general jurisdiction state courts, respectively) despite the fact that aggregate filings rose only about 5 percent during the 1990s. After realizing most of their total increases between 1987 and 1992, both jurisdictions have reported only modest gains. In fact, the increase in filings between 2000 and 2001 in limited jurisdiction courts (5 percent) and general jurisdiction courts (2 percent) was essentially the same as those occurring between 1992 and 2001.

Civil Cases Filed in State Trial Courts by Jurisdiction, 1987-2001



The following chart compares the caseload composition of unified versus general jurisdiction courts. In unified courts, the full spectrum of civil cases is heard, whereas in most general jurisdiction courts, civil cases must exceed a certain amount in controversy before they may be heard. Consequently, unified court systems tend to see a greater proportion of general civil (i.e., tort, contract, and real property) cases as well as small claims. The combination of general civil and small claims cases comprised 88 percent of the civil caseload in unified courts, compared to only 60 percent in general jurisdiction courts. Conversely, probate/estate cases represented nearly one-quarter of the caseload in general jurisdiction courts while, in unified courts, those cases accounted for only 6 percent of the caseload.

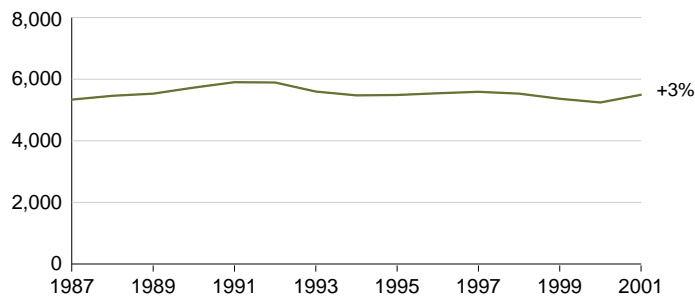
Civil Caseload Composition in Unified vs. General Jurisdiction Courts in 16 States, 2001



Has civil litigation outpaced the growth of population?

At the beginning of this section, the examination of civil filings over time revealed that a relatively substantial increase had occurred in the state courts over the last 15 years. The question arises: do these figures overstate the situation by not taking into account the changes in population that have taken place during the same period? The chart below shows that, nationally, population-adjusted total civil filings have increased only 3 percent in the last 15 years. However, this was not the case throughout the entire period. Civil filings per 100,000 population shot up sharply in the four years following our benchmark year of 1987, from 5,337 to about 5,900 in 1991. From that point until 2000, the adjusted figures moved contrary to the steady increase in population and fell by roughly 11 percent. The 5 percent increase in unadjusted civil filings reported for 2001 was sufficient to return the adjusted trend to positive territory.

Total Civil Filings (Excluding Domestic Relations Filings) per 100,000 Population, 1987-2001



Which states have the most civil litigation?

This question can be answered in more than one way. Simply comparing the number of filings in each state court in a given year can yield one result. However, more populous states will typically experience a greater number of filings. Thus, figures that account for variations in population provide a more telling answer. The table on the following page ranks 49 states by the total number of civil filings in both limited and general jurisdiction courts per 100,000 population and indicates no apparent connection between a state's population and its civil filing rate. Population-adjusted civil filings range from a low of about 2,600 in Hawaii and Maine (population ranks 43 and 41, respectively) to a high of 16,350 in the District of Columbia (population rank 51). Although Tennessee appears to have the lowest population-adjusted rate of civil filings, it was unable to provide data from its limited jurisdiction court. California, the nation's most populous state, actually reported fewer unadjusted civil filings than New York and was ranked 37th overall in civil filings per 100,000 population.

Total Civil Filings (Excluding Domestic Relations Filings), 2001

State	Filings per 100,00 Population			Filings			Population Rank
	Total	General Jurisdiction	Limited Jurisdiction	Total	General Jurisdiction	Limited Jurisdiction	
District of Columbia*	16,348	16,348	—	93,482	93,482	—	51
Maryland	15,476	1,347	14,128	831,850	72,427	759,423	19
Virginia	14,470	1,010	13,460	1,040,066	72,612	967,454	12
New Jersey	8,591	8,534	57	728,895	724,099	4,796	9
Georgia	7,548	736	6,812	632,802	61,707	571,095	10
Indiana	7,542	5,950	1,591	461,166	363,857	97,309	14
New York	7,494	1,920	5,575	1,424,782	364,991	1,059,791	3
South Carolina	7,214	1,582	5,632	293,110	64,280	228,830	26
South Dakota*	7,141	7,141	—	54,029	54,029	—	47
North Carolina	7,032	2,022	5,010	575,695	165,528	410,167	11
Michigan	6,648	784	5,864	664,169	78,292	585,877	8
Utah	6,543	6,206	336	148,502	140,866	7,636	35
Connecticut*	6,370	4,301	2,069	218,167	147,311	70,856	30
Kansas*	6,169	6,169	—	166,243	166,243	—	33
Delaware	6,147	1,634	4,513	48,941	13,009	35,932	46
Ohio	6,098	1,968	4,130	693,570	223,843	469,727	7
Massachusetts	5,908	396	5,512	376,908	25,285	351,623	13
Florida	5,766	2,585	3,181	945,475	423,835	521,640	4
Arkansas	5,679	1,636	4,043	152,897	44,052	108,845	34
Nevada	5,598	1,244	4,354	117,902	26,196	91,706	36
Louisiana	5,517	3,608	1,909	246,367	161,135	85,232	22
Colorado	5,269	1,224	4,046	232,782	54,058	178,724	24
Iowa*	5,148	5,148	—	150,475	150,475	—	31
Idaho	5,140	521	4,619	67,905	6,888	61,017	40
Kentucky	4,991	1,051	3,940	202,915	42,736	160,179	25
Montana	4,922	1,660	3,261	44,516	15,018	29,498	45
Rhode Island	4,784	855	3,929	50,661	9,054	41,607	44
Nebraska	4,652	451	4,200	79,698	7,735	71,963	39
Oregon	4,407	4,407	n/a	153,041	153,041	n/a	28
Alaska	4,370	1,033	3,336	27,743	6,560	21,183	48
Wisconsin*	4,327	4,327	—	233,751	233,751	—	18
Alabama	4,293	1,105	3,188	191,674	49,348	142,326	23
Illinois*	4,283	4,283	—	534,580	534,580	—	5
Arizona	4,207	1,092	3,114	223,264	57,972	165,292	20
West Virginia	4,186	1,622	2,564	75,424	29,224	46,200	38
New Hampshire	4,065	876	3,189	51,181	11,030	40,151	42
California*	3,916	3,916	—	1,350,917	1,350,917	—	1
Washington	3,696	1,493	2,203	221,324	89,396	131,928	15
New Mexico	3,695	1,889	1,807	67,596	34,545	33,051	37
Vermont	3,619	2,867	752	22,190	17,577	4,613	50
North Dakota*	3,526	3,526	—	22,373	22,373	—	49
Pennsylvania**	3,472	585	2,887	426,634	71,904	354,730	6
Missouri*	3,401	3,401	—	191,456	191,456	—	17
Puerto Rico*	3,278	3,278	—	124,838	124,838	—	27
Minnesota*	3,060	3,060	—	152,168	152,168	—	21
Texas	2,849	759	2,091	607,613	161,754	445,859	2
Maine	2,608	264	2,344	33,560	3,402	30,158	41
Hawaii	2,594	798	1,796	31,761	9,771	21,990	43
Tennessee	1,195	1,195	n/a	68,600	68,600	n/a	16

*These states have a unified court system (others have a two-tiered system).

**Pennsylvania general jurisdiction caseload is based upon preliminary figures provided by the PA AOC.

Notes: n/a signifies not available. No data were available for Mississippi, Oklahoma, or Wyoming for 2001.

Population-adjusted civil filings in the District of Columbia have consistently ranked it first among all other states, but its non-domestic civil caseload is dominated by small claims and landlord-tenant disputes. The District of Columbia is also unique due to its large commuter population. The suburban, non-residents of D.C. are frequently embroiled in civil litigation filed in the District, even though they are not included in the underlying population figures that generate the statistic.

It is important to note differences in the way courts handle various case types when comparing states. For instance, Maryland and Virginia report the second and third largest number of total civil filings per 100,000 population. However, the vast majority of their civil caseload is filed in their limited jurisdiction courts and also consists mainly of small claims cases and post-judgment actions. In most states, post-judgment collection actions are not counted as new filings. Therefore, it is likely that their filings are inflated as compared to other states.

Examining filings in only the general jurisdiction courts reveals that New Jersey reports a significantly higher rate of civil filings per 100,000 population than any other two-tiered court system state. The Superior Court in New Jersey has a nearly unified civil jurisdiction (only 57 filings per 100,000 population at the limited jurisdiction level) and no minimum jurisdiction amount. Its dense population, in addition to its proximity to New York City and Philadelphia, may contribute to the disproportionately large volume of civil cases.

The adjacent table includes two states that were unable to provide data from their limited jurisdiction courts. Oregon and Tennessee could not report data from their limited jurisdiction courts, so the total filings statistic underrepresents the actual total filings.

Every state reports statistics on filings in its general jurisdiction court, but, as noted above, states vary on the minimum dollar amount required to obtain jurisdiction at that court level. In some states, the minimum jurisdiction amount is small (\$0-\$1,000), while in others, such as Michigan, it can be relatively high (\$25,000). Courts with lower minimum jurisdiction limits are likely to have a larger number of civil cases in the general jurisdiction court.

States that have unified trial courts (noted with an asterisk in the table) typically report all of their case filings under the general jurisdiction court category, so they often have more cases per 100,000 population filed in the general jurisdiction court than similar states with two-tiered court systems. For example, South Dakota and Kansas have unified court systems, and both states reported high filing rates in their general jurisdiction courts, 7,141 and 6,169 per 100,000 population, respectively.

Civil Caseload Clearance and Growth Rates in General Jurisdiction Courts in 40 States, 1999-2001

State	Clearance Rates				Caseload Growth 1999-2001
	1999	2000	2001	1999-2001	
Unified Courts					
Illinois	102%	100%	101%	101%	2%
North Dakota	102	99	101	101	5
District of Columbia	100	102	99	101	-5
Wisconsin	102	101	99	100	8
Minnesota	99	101	95	98	8
Kansas	96	95	101	97	-6
Iowa	95	98	98	97	9
Puerto Rico	97	100	94	97	12
Missouri	96	97	97	97	2
South Dakota	94	94	90	93	8
California	94	90	89	91	-7
General Jurisdiction Courts					
New York	106	110	107	108	1
Massachusetts	105	120	97	107	-13
Utah	94	133	94	107	13
Texas	102	105	102	103	5
Alaska	101	103	105	103	11
New Jersey	102	103	103	103	2
Hawaii	95	123	86	101	-15
Delaware	92	97	112	100	-4
Oregon	98	102	98	99	8
Arizona	101	92	103	99	-8
Michigan	103	98	95	99	5
Vermont	101	98	97	99	7
South Carolina	98	97	100	98	18
Tennessee	94	99	100	98	1
New Hampshire	102	97	94	98	7
New Mexico	91	99	102	98	-5
Washington	96	97	96	96	4
Idaho	97	98	93	96	12
Ohio	98	99	89	95	20
Alabama	98	92	96	95	7
Arkansas	98	94	91	94	8
Montana	98	95	90	94	-12
Indiana	95	93	95	94	22
West Virginia	93	91	93	92	9
Maryland	81	96	100	92	-6
Georgia	95	96	81	91	3
Kentucky	88	90	89	89	11
Virginia	88	88	82	86	2
Rhode Island	79	79	74	77	4

All but three states cleared over 90 percent of their civil caseload between 1999 and 2001

One basic measure of court performance is the clearance rate, which is the total number of cases disposed divided by the number of cases filed during a given time period. This measure provides a basic assessment as to whether the court is keeping up with its workload. For example, an annual clearance rate of 100 percent indicates that the court disposed of as many cases as were filed during the year. A clearance rate of less than 100 indicates that the court did not dispose of as many cases as were filed, suggesting that the pending caseload grew during the period. A court with a clearance rate greater than 100 percent has disposed of as many cases as were filed in that year and has disposed of some of its pending caseload. Clearance rates are influenced by, among other things, the manner in which cases are disposed, the efficiency with which courts process cases, and the rate of caseload growth.

The three-year civil clearance rates shown in the adjacent table reveal that, between 1999 and 2001, rates of 95 percent or more were reported in nine of 11 unified trial courts and 21 of 30 general jurisdiction courts. Only three states (Kentucky, Virginia, and Rhode Island) cleared less than 90 percent of their cases over the past three years. Thirteen states disposed of at least 100 percent of their caseload. New York's general jurisdiction courts led the nation with a three-year clearance rate of 108 percent followed closely by Massachusetts' and Utah's general jurisdiction courts at 107 percent.

Compared to the previous year (2000), civil caseload clearance rates in 2001 declined. With the exception of New York, the five states with exceptionally high clearance rates (110 percent and higher) in 2000 no longer show the same high clearance rates this year. For example, although Utah's clearance rate remained high at 94 percent, it is a significant drop from 133 percent in 2000. Hawaii dropped from 123 percent in 2000 to 86 percent in 2001. During 2000, both of these states purged stagnant pending cases from their dockets.

A decline in civil filings might explain some of the high clearance rates being reported. The table indicates that caseloads declined in 10 of the 41 states between 1999 and 2001. Among those 10 states, Hawaii (-15 percent) and Massachusetts (-13 percent) showed two of the largest declines. However, caseload decline does not always equate to high civil clearance rates. Such was the case for Maryland, which reported a 6 percent decline in caseload growth but cleared 92 percent of its pending docket.

On the other hand, several states reported considerable increases in caseload growth rates. Indiana reported a caseload growth of 22 percent yet retained a relatively high clearance rate of 95 percent. Likewise, South Carolina reported an 18 percent increase in caseload and a three-year clearance rate of 98 percent.

