



STATE LIABILITY SYSTEMS RANKING STUDY HARRIS INTERACTIVE INC.



*Conducted for the U.S. Chamber of Commerce and
the U.S. Chamber Institute for Legal Reform*

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STATE LIABILITY SYSTEMS RANKING STUDY

HARRIS INTERACTIVE INC.

EXECUTIVE SUMMARY

Stories of excessive or frivolous litigation appear frequently in the popular press, and Congressional debates have been ongoing for years on issues surrounding legal reform. However, information about business views and impressions of the nation's civil justice system and what impact these have on decision-making has been largely anecdotal. *The 2004 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform among a national sample of in-house general counsel or other senior litigators to explore how reasonable and fair the tort liability system is perceived to be by U.S. business. The 2004 study provides an updated picture of the findings from the last surveys released in 2003 and 2002.

Interviews conducted between December 5, 2003 and February 5, 2004 with 1,402 senior corporate attorneys found that some states stand out as leaders in creating a fair and reasonable litigation system, but the majority (56%) of those surveyed give an overall ranking of fair or poor to the state court liability system in America – compared to 65% in 2003. Further, and perhaps more importantly, an overwhelming 80% report that the litigation environment in a state could affect important business decisions at their company, such as where to locate or do business.

[See Tables 1 and 2]

Respondents were first screened for their familiarity with states and those who were very or somewhat familiar with the litigation environment in a given state were then asked to evaluate that state. It is important to remember that courts and localities within a state may vary a great deal in fairness and efficiency. However, respondents had to evaluate the state as a whole. To explore the detailed nuances within each state would have required extensive questioning for each state and was beyond the scope and purpose of this study. However, other studies have demonstrated this variability within a state. For example, several studies have documented very high class-action activity in certain county courts such as Madison County, Illinois and Jefferson County, Texas, revealing that these counties have “magnet courts” that are extremely hospitable to plaintiffs. Thus, it is possible that some states received low grades due to the negative reputation of one of their counties or jurisdictions.



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Respondents were asked to give states grades (“A”, “B”, “C”, “D” or “F”) in each of the following areas: tort and contract litigation, treatment of class action suits, punitive damages, timeliness of summary judgment/dismissal, discovery, scientific and technical evidence, judges’ impartiality and competence, and juries’ predictability and fairness. These grades were combined to create an overall ranking of state liability systems.¹

According to the U.S. businesses surveyed, the states doing the best job of creating a fair and reasonable litigation environment are Delaware, Nebraska, Virginia, Iowa, and Idaho. In 2003, the top five were Delaware, Nebraska, Iowa, South Dakota, and Indiana. The bottom five states today are Mississippi, West Virginia, Alabama, Louisiana, and California – compared to 2003, when the bottom five states were Mississippi, West Virginia, Alabama, Louisiana, and Texas. [See Table 3]

States were also ranked by each of the key elements making up the overall grade.² While some states remained leaders across the elements, some states stood out as getting particularly high or low ratings on certain elements.

- For overall treatment of tort and contract litigation, today the top five states are: Delaware, Nebraska, Virginia, Iowa, and Utah. In 2003, the top five consisted of Delaware, Iowa, Nebraska, North Dakota, and South Dakota. Today the bottom five states are: Mississippi, West Virginia, Alabama, Louisiana, and California. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Texas. *[See Table 7]*
- For treatment of class actions, today the top five states are: Delaware, Iowa, South Dakota, Idaho, and Nebraska. In 2003, the top five consisted of Delaware, Nebraska, Iowa, Indiana, and South Dakota. The bottom five states today are: West Virginia, Alabama, Louisiana, California, and Illinois. In 2003, the bottom five states were: West Virginia, Alabama, Louisiana, Texas, and California. *[See Table 8]*

¹ The “Overall Ranking of State Liability Systems” table was calculated by creating an index using the scores given on each of the key elements. All of the key element items were highly correlated with one another and with overall performance. The differences in the relationship between each item and overall performance were trivial, so it was determined that each item should contribute equally to the index score. The index was created from the mean across the 10 items, which was rescaled from 0 to 100 prior to averaging them together.

² For the “Ranking on Key Elements” tables, states were ranked by their mean grades on that element. Ties between states with matching mean grades were resolved by looking at the percentage of “A” grades.

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- For punitive damages, today the top five states are: Delaware, Virginia, Iowa, Indiana, and Idaho. In 2003, the top five states consisted of: Delaware, Iowa, North Dakota, Virginia, and New Hampshire. The bottom five states today are: Mississippi, Alabama, West Virginia, California, and Illinois. The bottom five states in 2003 were: Mississippi, West Virginia, Alabama, Texas, and California. *[See Table 9]*
 - For timeliness of summary judgment/dismissal, today the top five states are: Delaware, Virginia, Nebraska, Iowa and New Hampshire. In 2003, the top five states consisted of: Delaware, Iowa, South Dakota, Nebraska, and Utah. The bottom five states are: Mississippi, West Virginia, Alabama, Louisiana, and California. In 2003, the bottom five states were: Mississippi, West Virginia, Louisiana, Alabama, and Hawaii. *[See Table 10]*
 - For discovery, today the top five states are: Delaware, Virginia, Nebraska, New Hampshire, and Wisconsin. In 2003, the top five consisted of: Delaware, Nebraska, Iowa, North Dakota, and Indiana. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and California. The bottom five states in 2003 were: Mississippi, West Virginia, Louisiana, Alabama, and Hawaii. *[See Table 11]*
 - For handling of scientific and technical evidence, today the top five states are: Delaware, Virginia, New York, Minnesota, and Idaho. In 2003, the top five states consisted of: Delaware, Minnesota, New York, Utah, and Virginia. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and Arkansas. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Arkansas. *[See Table 12]*
 - For judges' impartiality, today the top five states are: Delaware, Iowa, Nebraska, New Hampshire, and Virginia. In 2003, the top five states consisted of: Delaware, Nebraska, Iowa, Connecticut, and South Dakota. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and Texas. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Texas. *[See Table 13]*
 - For judges' competence, today the top five states are: Delaware, Virginia, Minnesota, Iowa, and Utah. In 2003, the top five states were: Delaware, Minnesota, Iowa, Nebraska, and Wisconsin. The bottom five states today are: Mississippi, West Virginia, Alabama,



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Louisiana, and Montana. In 2003, the bottom five states were: Mississippi, West Virginia, Louisiana, Alabama, and Texas. *[See Table 14]*

- For juries' predictability, today the top five states are: Nebraska, North Dakota, Delaware, Iowa and South Dakota. In 2003, the top five states were: Nebraska, Iowa, North Dakota, Wisconsin, and Utah. The bottom five states today are: Mississippi, California, West Virginia, Alabama, and Louisiana. In 2003, the bottom five states were: Alabama, Mississippi, California, Louisiana, and West Virginia. *[See Table 15]*
- For juries' fairness, today the top five states are: Iowa, Nebraska, Delaware, North Dakota, and Minnesota. In 2003, the top five states were: North Dakota, Iowa, Nebraska, Delaware, and South Dakota. The bottom five states today are: Mississippi, Alabama, West Virginia, Louisiana, and California. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Texas. *[See Table 16]*

The study also asked respondents to name the most important issue that state policymakers who care about economic development should focus on to improve the litigation environment in their state. The leading two issues named were reforming punitive damages (cited by 24% of respondents in 2004, compared to 8% of respondents in 2003) and tort reform (cited by 17% of respondents in 2004, compared to 19% of respondents in 2003). Other top issues were limitation of class action suits (cited by 6% of respondents in 2004, compared to 3% in 2003), speeding up the trial process (cited by 3% of respondents in 2004, compared to 2% of respondents in 2003), judicial competence (cited by 3% in 2004, compared to 5% in 2003), limitation of liability settlements (cited by 3% in 2004, compared to 5% in 2003), the elimination of unnecessary lawsuits (3% both today and in 2003), and the issue of fairness and impartiality (cited by 3% in both 2004 and 2003). *[See Table 4]*

In the 2004 survey the respondents were asked for the first time which five local jurisdictions have the least fair and reasonable litigation environments. The worst jurisdiction was Los Angeles, California (mentioned by 16% of the attorneys), followed by the New York Greater Metropolitan Area, Madison County in Illinois, and San Francisco, California (each cited by 9% of

the respondents), and Cook County (Chicago) in Illinois (cited by 6% of the respondents). Other jurisdictions mentioned by the respondents were California (various jurisdictions)³, New Orleans City/Parish in Louisiana, and Dade County (Miami) in Florida (each cited by 5% of the respondents). Three out of ten (29%) mentioned a jurisdiction in California and 16% mentioned a jurisdiction in Illinois. *[See Table 5]*

Also asked for the first time in the 2004 survey were questions about the legislative reforms recently enacted in Mississippi, West Virginia, and Texas. Over half of the respondents who evaluated Mississippi and Texas thought that the new laws, if implemented as intended, are likely to improve the litigation environment (53% of the attorneys who evaluated Mississippi and 52% of the attorneys who evaluated Texas). In contrast, almost half of the respondents who evaluated West Virginia (47%) reported that they are not sure whether the legislative reforms recently enacted there will have an impact on the litigation environment in the state. *[See table 17]*

Of those attorneys who expect the litigation environment in Mississippi and Texas to improve as a result of the reforms, pluralities have seen only moderate improvement so far (38% of the respondents who evaluated Mississippi and 41% of the respondents who evaluated Texas). Of the same group, 60% expect meaningful or major improvement in Texas, 51% expect meaningful or major improvement in Mississippi, and only 45% expect meaningful or major improvement in West Virginia. *[See Table 17]*

In summary, it seems that given the earlier noted finding on the potential influence of these perceptions on business decision-making, the impact of these perceptions on state economic development could be significant. While these findings only reflect the perceptions of in-house general counsel or other senior corporate litigators, and some states may have better litigation environments than they are perceived to have, W. I. Thomas once noted that, “Those things that are believed to be real are real in their consequences.”

³ *Note: Respondents mentioned a wide variety of other jurisdictions in California, but no single jurisdiction predominated, so these responses are listed as “California (various jurisdictions)”.



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Table 1

Overall Rating of State Court Liability Systems in America

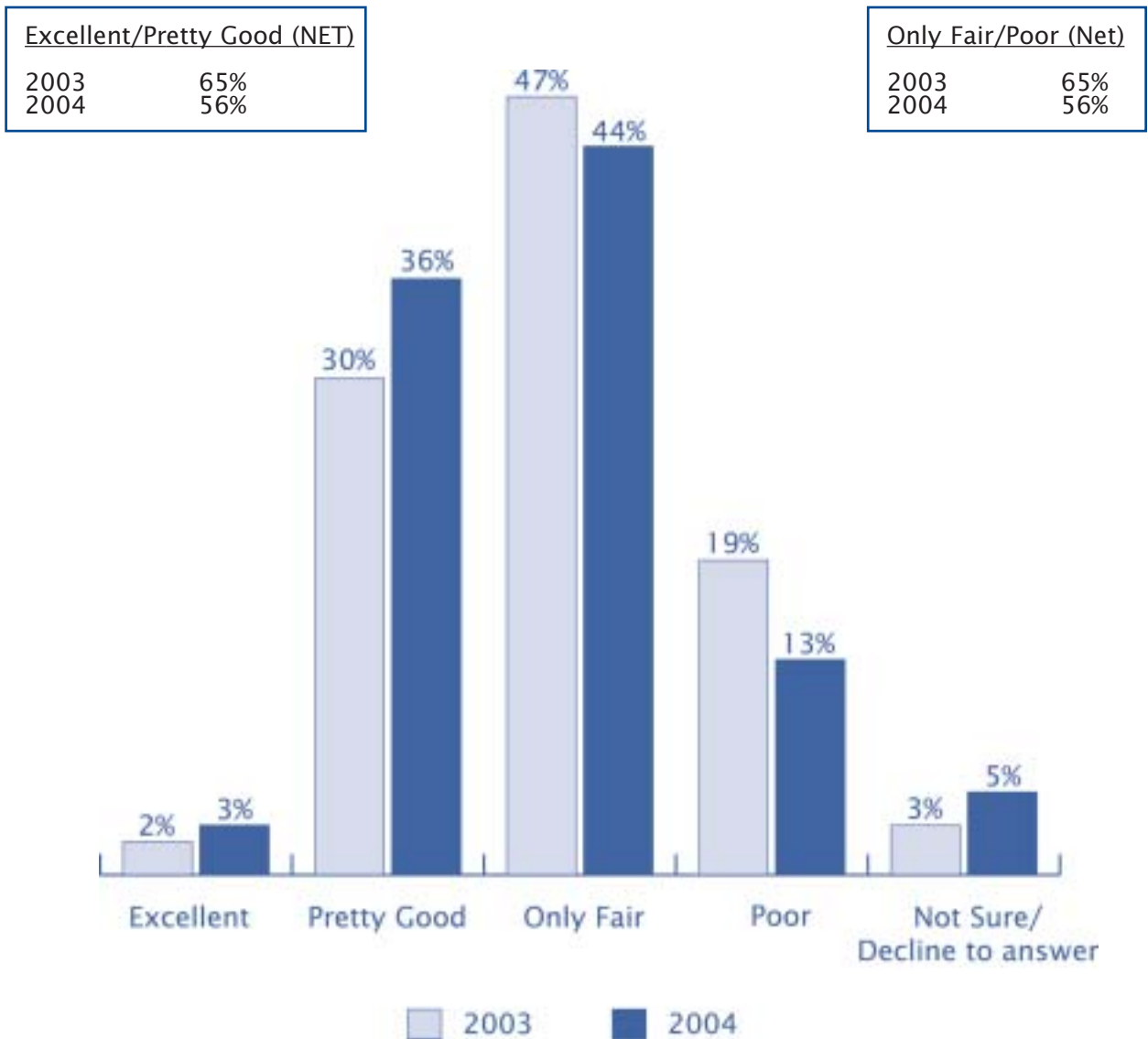
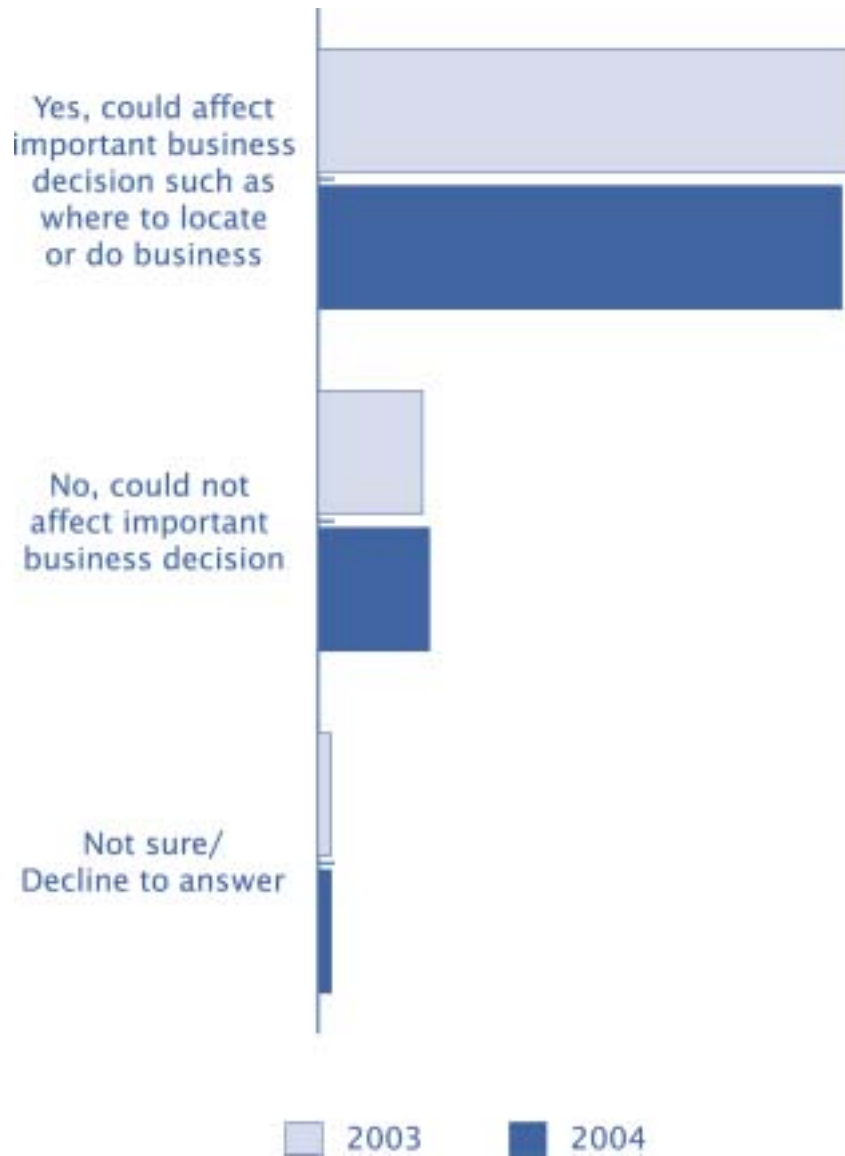


Table 2

Impact of Litigation Environment on Important Business Decisions Such as Where to Locate or do Business





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Table 3

Overall Ranking of State Liability Systems

STATE	2004			2003			STATE	2004			2003		
	N	RANK	SCORE	N	RANK	SCORE		N	RANK	SCORE	N	RANK	SCORE
Delaware	178	1	74.4	96	1	74.5	New Jersey	185	26	60.2	98	30	56.1
Nebraska	81	2	69.1	44	2	69.3	Oregon	173	27	58.4	69	14	61.2
Virginia	179	3	68.7	95	8	64.0	Massachusetts	180	28	57.7	93	22	59.1
Iowa	80	4	68.6	61	3	68.8	Georgia	180	29	57.6	93	39	52.7
Idaho	81	5	66.2	37	13	61.8	Pennsylvania	200	30	57.5	95	31	55.9
Utah	82	6	65.8	55	7	64.5	Oklahoma	179	31	57.5	71	36	53.9
New Hampshire	80	7	65.2	39	10	63.2	Ohio	187	32	57.2	98	24	58.6
Minnesota	177	8	65.0	85	9	63.5	Alaska	77	33	56.5	39	32	55.8
Kansas	81	9	64.4	53	15	61.0	Nevada	176	34	56.4	66	34	54.1
Wisconsin	178	10	64.4	74	11	62.7	Kentucky	178	35	56.0	73	35	54.0
Indiana	178	11	64.4	86	5	65.1	Rhode Island	83	36	55.7	42	37	53.2
Maine	79	12	64.1	39	16	60.9	New Mexico	81	37	55.1	56	41	48.6
Colorado	179	13	63.9	78	12	62.3	Florida	200	38	54.1	96	40	48.6
Arizona	177	14	63.8	92	18	59.7	Hawaii	80	39	53.7	37	43	47.8
Wyoming	77	15	63.8	37	25	58.0	South Carolina	178	40	53.0	77	42	48.0
North Dakota	72	16	63.8	37	6	65.1	Missouri	178	41	52.9	89	33	55.4
South Dakota	73	17	63.6	38	4	66.5	Arkansas	82	42	52.5	57	45	44.9
Connecticut	179	18	62.5	81	17	60.3	Montana	80	43	51.7	40	28	56.4
North Carolina	178	19	61.9	84	20	59.5	Illinois	201	44	50.5	97	38	53.1
Vermont	71	20	61.5	36	19	59.6	Texas	200	45	49.9	97	46	41.1
Maryland	178	21	61.4	76	23	58.8	California	205	46	45.2	100	44	45.6
New York	200	22	61.4	96	27	57.2	Louisiana	182	47	40.5	98	47	37.3
Michigan	179	23	61.3	97	29	56.3	Alabama	183	48	34.3	97	48	31.6
Washington	178	24	60.7	85	21	59.4	West Virginia	176	49	31.9	79	49	30.9
Tennessee	176	25	60.7	76	26	57.7	Mississippi	182	50	25.7	99	50	24.8

*Note: Scores displayed in this table have been rounded to one decimal point. However, when developing the ranking, scores were evaluated based on two decimal points. The column labeled "N" represents the number of evaluations for a given state.

Table 4

Most Important Issues for State Policymakers Who Care About Economic Development to Focus on to Improve Litigation Environment

	Total
	%
Reform punitive damages	24
Tort reform issues	17
Limitation of class action suits	6
Speeding up the trial process	3
Judicial competence	3
Limit liability settlements	3
Eliminate unnecessary lawsuits	3
Fairness and impartiality	3
Appointment vs. election	2
Selection of judges	2
Timeliness of decisions	2
Jury system reform	2
Workers' compensation	1
Product liability issues	1
Predictability	1
Limits on discovery	1
Attorney/Court fees paid by the loser	1
Alternative dispute resolution	1
Other fee issues	1
Adopt appropriate legislation	1
State/local issues	1

*Note: The responses displayed in this table were volunteered by the respondents.



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Table 5

Local Jurisdictions with the Least Fair and Reasonable Litigation Environment

	Total
	%
Los Angeles, California	16
New York Greater Metropolitan Area	9
Madison County, Illinois	9
San Francisco, California	9
Cook County (Chicago), Illinois	6
California (various jurisdictions)*	5
New Orleans City/Parish, Louisiana	5
Dade County (Miami), Florida	5
Louisiana (various jurisdictions)*	3
Florida (various jurisdictions)*	3
Philadelphia, Pennsylvania	3
St. Clair County (East St. Louis), Illinois	3
Illinois (various jurisdictions)*	2
St. Louis, Missouri	2
Newark, New Jersey	1
New Jersey (various jurisdictions)*	1
San Diego, California	1
Orange County, California	1
Alameda County	1
Sacramento, California	1
Oakland, California	1
Baton Rouge, Louisiana	1
Pennsylvania (various jurisdictions)*	1
Missouri (various jurisdictions)*	1
Boston, Massachusetts	1
	Total
	%
California (sum of all mentions)	29
Illinois (sum of all mentions)	16

*Note: The responses displayed in this table were volunteered by the respondents.

*Note: Respondents mentioned a wide variety of other jurisdictions in the following states: California, Louisiana, Florida, New Jersey, Pennsylvania and Missouri. Because no single jurisdiction predominated within these states, these responses are listed as "[state name] (various jurisdictions)".

Table 6

Summary of Top/Bottom 5 States By Key Elements

Treatment of Tort and Contract Litigation

BEST	WORST
Delaware	Mississippi
Nebraska	West Virginia
Virginia	Alabama
Iowa	Louisiana
Utah	California

Treatment of Class Action Suits

BEST	WORST
Delaware	West Virginia
Iowa	Alabama
South Dakota	Louisiana
Idaho	California
Nebraska	Illinois

Punitive Damages

BEST	WORST
Delaware	Mississippi
Virginia	Alabama
Iowa	West Virginia
Indiana	California
Idaho	Illinois

Timeliness of Summary Judgment/Dismissal

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
Nebraska	Alabama
Iowa	Louisiana
New Hampshire	California



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Table 6 (cont.)

Summary of Top/Bottom 5 States By Key Elements

Discovery

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
Nebraska	Alabama
New Hampshire	Louisiana
Wisconsin	California

Scientific and Technical Evidence

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
New York	Alabama
Minnesota	Louisiana
Idaho	Arkansas

Judges' Impartiality

BEST	WORST
Delaware	Mississippi
Iowa	West Virginia
Nebraska	Alabama
New Hampshire	Louisiana
Virginia	Texas

Judge's Competence

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
Minnesota	Alabama
Iowa	Louisiana
Utah	Montana

Table 6 (cont.)

Summary of Top/Bottom 5 States By Key Elements

Juries' Predictability

BEST	WORST
Nebraska	Mississippi
North Dakota	California
Delaware	West Virginia
Iowa	Alabama
South Dakota	Louisiana

Juries' Fairness

BEST	WORST
Iowa	Mississippi
Nebraska	Alabama
Delaware	West Virginia
North Dakota	Louisiana
Minnesota	California



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Table 7

State Rankings for Overall Treatment of Tort and Contract Litigation

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Tennessee	26
Nebraska	2	Washington	27
Virginia	3	Oregon	28
Iowa	4	Oklahoma	29
Utah	5	Ohio	30
Idaho	6	Nevada	31
North Dakota	7	Kentucky	32
Indiana	8	New Mexico	33
Wisconsin	9	Massachusetts	34
Maine	10	Pennsylvania	35
Arizona	11	Alaska	36
Wyoming	12	Florida	37
New Hampshire	13	South Carolina	38
South Dakota	14	Arkansas	39
Colorado	15	Rhode Island	40
Kansas	16	Texas	41
North Carolina	17	Missouri	42
Minnesota	18	Hawaii	43
New York	19	Illinois	44
Vermont	20	Montana	45
Michigan	21	California	46
Connecticut	22	Louisiana	47
Maryland	23	Alabama	48
New Jersey	24	West Virginia	49
Georgia	25	Mississippi	50

Table 8

Treatment of Class Action Suits

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Michigan	25
Iowa	2	Alaska	26
South Dakota	3	Maryland	27
Idaho	4	Pennsylvania	28
Nebraska	5	Massachusetts	29
North Dakota	6	Washington	30
New Hampshire	7	Georgia	31
New York	8	Rhode Island	32
Utah	9	Oregon	33
Maine	10	Kentucky	34
Indiana	11	Oklahoma	35
Wyoming	12	Missouri	36
Colorado	13	Montana	37
Connecticut	14	New Mexico	38
Arizona	15	Florida	39
Minnesota	16	South Carolina	40
Vermont	17	Texas	41
North Carolina	18	Arkansas	42
Wisconsin	19	Hawaii	43
Tennessee	20	Illinois	44
Ohio	21	California	45
Kansas	22	Louisiana	46
New Jersey	23	Alabama	47
Nevada	24	West Virginia	48

* Virginia and Mississippi not included because they do not have class actions (source: U.S. Chamber Institute for Legal Reform)



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Table 9

Punitive Damages

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Ohio	23
Virginia	2	Nevada	24
Iowa	3	Maryland	25
Indiana	4	Kentucky	26
Idaho	5	Pennsylvania	27
Utah	6	New Mexico	28
Kansas	7	Oklahoma	29
North Dakota	8	Rhode Island	30
South Dakota	9	Arkansas	31
Maine	10	Florida	32
Wyoming	11	Oregon	33
North Carolina	12	Missouri	34
Colorado	13	Montana	35
Arizona	14	South Carolina	36
Michigan	15	Hawaii	37
New York	16	Alaska	38
Wisconsin	17	Texas	39
Minnesota	18	Illinois	40
Connecticut	19	California	41
Tennessee	20	West Virginia	42
Georgia	21	Alabama	43
Vermont	22	Mississippi	44

*Louisiana, Massachusetts, Nebraska, New Jersey, Washington, and New Hampshire are not included because they do not allow punitive damages in general (source: U.S. Chamber Institute for Legal Reform)

Table 10

Timeliness of Summary Judgment/Dismissal

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	New Jersey	26
Virginia	2	Nevada	27
Nebraska	3	New York	28
Iowa	4	Georgia	29
New Hampshire	5	Oklahoma	30
Wyoming	6	Alaska	31
North Dakota	7	South Carolina	32
Minnesota	8	Rhode Island	33
Maine	9	Ohio	34
Wisconsin	10	Pennsylvania	35
South Dakota	11	New Mexico	36
Idaho	12	Arkansas	37
Arizona	13	Hawaii	38
Kansas	14	Massachusetts	39
North Carolina	15	Kentucky	40
Colorado	16	Texas	41
Utah	17	Florida	42
Maryland	18	Illinois	43
Indiana	19	Missouri	44
Tennessee	20	Montana	45
Washington	21	California	46
Michigan	22	Louisiana	47
Connecticut	23	Alabama	48
Vermont	24	West Virginia	49
Oregon	25	Mississippi	50



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Table 11

Discovery

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Oklahoma	26
Virginia	2	Rhode Island	27
Nebraska	3	Kentucky	28
New Hampshire	4	Pennsylvania	29
Wisconsin	5	Tennessee	30
Arizona	6	Alaska	31
Idaho	7	Georgia	32
Utah	8	Ohio	33
North Carolina	9	Oregon	34
Iowa	10	Massachusetts	35
Michigan	11	Nevada	36
Kansas	12	New Mexico	37
Minnesota	13	Florida	38
Maine	14	Texas	39
North Dakota	15	Arkansas	40
Colorado	16	South Carolina	41
Indiana	17	Hawaii	42
Maryland	18	Illinois	43
New York	19	Missouri	44
Washington	20	Montana	45
Connecticut	21	California	46
South Dakota	22	Louisiana	47
Vermont	23	Alabama	48
Wyoming	24	West Virginia	49
New Jersey	25	Mississippi	50

Table 12

Scientific and Technical Evidence

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Wyoming	26
Virginia	2	Oregon	27
New York	3	Tennessee	28
Minnesota	4	South Dakota	29
Idaho	5	Vermont	30
Colorado	6	Florida	41
Connecticut	7	Oklahoma	31
Nebraska	8	California	32
Wisconsin	9	Alaska	33
Arizona	10	Hawaii	34
New Jersey	11	Georgia	35
Massachusetts	12	Nevada	36
Michigan	13	New Mexico	37
Iowa	14	Illinois	38
Kansas	15	Missouri	39
Washington	16	Rhode Island	40
Indiana	17	North Dakota	42
Maryland	18	Kentucky	43
New Hampshire	19	Montana	44
Maine	20	South Carolina	45
North Carolina	21	Arkansas	46
Utah	22	Louisiana	47
Ohio	23	Alabama	48
Pennsylvania	24	West Virginia	49
Texas	25	Mississippi	50



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Table 13

Judges' Impartiality

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Michigan	26
Iowa	2	Massachusetts	27
Nebraska	3	Oregon	28
New Hampshire	4	Pennsylvania	29
Virginia	5	Georgia	30
Idaho	6	Hawaii	31
North Dakota	7	Alaska	32
Minnesota	8	Oklahoma	33
Arizona	9	Ohio	34
Maine	10	Nevada	35
Indiana	11	Arkansas	36
Connecticut	12	Kentucky	37
Wisconsin	13	Florida	38
Wyoming	14	Missouri	39
Utah	15	California	40
Vermont	16	Rhode Island	41
New York	17	New Mexico	42
Maryland	18	South Carolina	43
Kansas	19	Illinois	44
Colorado	20	Montana	45
New Jersey	21	Texas	46
South Dakota	22	Louisiana	47
Tennessee	23	Alabama	48
North Carolina	24	West Virginia	49
Washington	25	Mississippi	50

Table 14

Judges' Competence

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Tennessee	26
Virginia	2	Washington	27
Minnesota	3	South Dakota	28
Iowa	4	Oklahoma	29
Utah	5	Pennsylvania	30
Nebraska	6	Ohio	31
Wisconsin	7	Georgia	32
Colorado	8	Rhode Island	33
New Hampshire	9	Alaska	34
Maine	10	Kentucky	35
Connecticut	11	Nevada	36
Kansas	12	Hawaii	37
New York	13	New Mexico	38
Idaho	14	Florida	39
Arizona	15	Missouri	40
Maryland	16	California	41
Wyoming	17	Arkansas	42
Indiana	18	Illinois	43
North Dakota	19	South Carolina	44
Vermont	20	Texas	45
Oregon	21	Montana	46
Massachusetts	22	Louisiana	47
North Carolina	23	Alabama	48
Michigan	24	West Virginia	49
New Jersey	25	Mississippi	50



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Table 15

Juries' Predictability

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Nebraska	1	Rhode Island	26
North Dakota	2	Oregon	27
Delaware	3	New Jersey	28
Iowa	4	Nevada	29
South Dakota	5	Ohio	30
Virginia	6	Kentucky	31
Wyoming	7	Georgia	32
Utah	8	South Carolina	33
Kansas	9	Pennsylvania	34
Minnesota	10	Montana	35
Idaho	11	Massachusetts	36
Maine	12	Florida	37
Wisconsin	13	New York	38
New Hampshire	14	Missouri	39
Connecticut	15	Hawaii	40
Indiana	16	Illinois	41
Arizona	17	New Mexico	42
North Carolina	18	Arkansas	43
Tennessee	19	Alaska	44
Oklahoma	20	Texas	45
Vermont	21	Louisiana	46
Colorado	22	Alabama	47
Michigan	23	West Virginia	48
Washington	24	California	49
Maryland	25	Mississippi	50

Table 16

Juries' Fairness

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Iowa	1	Maryland	26
Nebraska	2	Oregon	27
Delaware	3	New Jersey	28
North Dakota	4	Kentucky	29
Minnesota	5	Nevada	30
Idaho	6	Massachusetts	31
Indiana	7	New Mexico	32
Virginia	8	Georgia	33
Vermont	9	Pennsylvania	34
Kansas	10	New York	35
Utah	11	Rhode Island	36
New Hampshire	12	Hawaii	37
South Dakota	13	Alaska	38
Wyoming	14	Montana	39
Wisconsin	15	Florida	40
Connecticut	16	Missouri	41
Maine	17	Arkansas	42
Arizona	18	South Carolina	43
Colorado	19	Illinois	44
North Carolina	20	Texas	45
Washington	21	California	46
Tennessee	22	Louisiana	47
Oklahoma	23	West Virginia	48
Michigan	24	Alabama	49
Ohio	25	Mississippi	50



STATE LIABILITY SYSTEMS RANKING STUDY

Table 17

Recent Reforms in Mississippi, West Virginia, and Texas

Impact Of Recent Legislative Reforms on Litigation Environment

	Mississippi	West Virginia	Texas
Base size:	185	175	200
	%	%	%
An Improved Litigation Environment	53	24	52
A Worsened Litigation Environment	2	1	4
No Effect On Litigation Environment	12	23	14
Not Sure	31	47	29
Decline To Answer	3	6	3

Level Of Improvement Observed Since Legislative Reforms Were Implemented

	Mississippi	West Virginia	Texas
Base size:	98	42	103
	%	%	%
Major Improvement	-	2	8
Meaningful Improvement, But Not Major	10	12	17
Moderate Improvement	38	29	41
Very Little Improvement	29	36	12
Not Sure	21	21	22
Decline To Answer	2	-	1

Level Of Improvement Expected in the Future from Legislative Reforms

	Mississippi	West Virginia	Texas
Base size:	98	42	103
	%	%	%
Major Improvement	7	7	16
Meaningful Improvement, But Not Major	45	38	44
Moderate Improvement	42	50	31
Very Little Improvement	3	5	2
Not Sure	3	-	8
Decline To Answer	-	-	-



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