

# 2015 Lawsuit Climate Survey: Ranking the States

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# TABLE OF CONTENTS

<b>I. INTRODUCTION.....</b>	<b>5</b>
PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS.....	5
ABOUT HARRIS POLL.....	5
PUBLIC RELEASE OF SURVEY FINDINGS.....	6
NOTES ON READING TABLES .....	6
<b>II. OVERVIEW OF FINDINGS.....</b>	<b>7</b>
<b>III. DETAILED TABLES OF RESULTS .....</b>	<b>13</b>
STATE RANKINGS BY KEY ELEMENTS .....	25
INDIVIDUAL STATE RANKINGS.....	36
<b>IV. METHODOLOGY.....</b>	<b>87</b>
AN OVERVIEW .....	87
SAMPLE DESIGN.....	87
SAMPLE CHARACTERISTICS .....	88
TELEPHONE INTERVIEWING PROCEDURES.....	88
ONLINE INTERVIEWING PROCEDURES .....	88
INTERVIEWING PROTOCOL .....	89
RATING AND SCORING OF STATES.....	89
RELIABILITY OF SURVEY PERCENTAGES .....	90
<b>V. PAST STATE RANKINGS.....</b>	<b>91</b>
<b>APPENDIX A: KEY ELEMENTS - TRENDED DATA.....</b>	<b>97</b>
<b>APPENDIX B: ALERT LETTER.....</b>	<b>116</b>
<b>APPENDIX C: QUESTIONNAIRE.....</b>	<b>118</b>

## INDEX OF TABLES

TABLE 1: PERCEPTION OF STATE COURT LIABILITY SYSTEMS OVERALL .....	14
TABLE 1A: OVERALL RATING OF STATE COURT LIABILITY SYSTEMS IN AMERICA - OVER TIME.....	15
TABLE 2: IMPACT OF LITIGATION ENVIRONMENT ON IMPORTANT BUSINESS DECISIONS .....	16
TABLE 2A: IMPACT OF LITIGATION ENVIRONMENT ON IMPORTANT BUSINESS DECISIONS SUCH AS WHERE TO LOCATE OR DO BUSINESS – OVER TIME .....	17
TABLE 3: OVERALL RANKING OF STATE LIABILITY SYSTEMS.....	18
TABLE 4: MAP OF OVERALL RANKING OF STATE LIABILITY SYSTEMS .....	19
TABLE 5: SINGLE MOST IMPORTANT NEEDED IMPROVEMENT .....	20
TABLE 6: CITIES OR COUNTIES WITH THE LEAST FAIR AND REASONABLE LITIGATION ENVIRONMENT	21
TABLE 7: TOP ISSUES MENTIONED AS CREATING THE LEAST FAIR AND REASONABLE LITIGATION ENVIRONMENT .....	22
TABLE 8: SUMMARY OF TOP/BOTTOM 5 STATES BY KEY ELEMENTS .....	23
TABLE 9: OVERALL TREATMENT OF TORT AND CONTRACT LITIGATION.....	26
TABLE 10: HAVING AND ENFORCING MEANINGFUL VENUE REQUIREMENTS .....	27
TABLE 11: TREATMENT OF CLASS ACTION SUITS AND MASS CONSOLIDATION SUITS .....	28
TABLE 12: DAMAGES .....	29
TABLE 13: TIMELINESS OF SUMMARY JUDGMENT/DISMISSAL .....	30
TABLE 14: DISCOVERY.....	31
TABLE 15: SCIENTIFIC AND TECHNICAL EVIDENCE.....	32
TABLE 16: JUDGES' IMPARTIALITY .....	33
TABLE 17: JUDGES' COMPETENCE .....	34
TABLE 18: JURIES' FAIRNESS .....	35
TABLE 19: ALABAMA.....	37
TABLE 20: ALASKA.....	38
TABLE 21: ARIZONA.....	39
TABLE 22: ARKANSAS.....	40
TABLE 23: CALIFORNIA.....	41
TABLE 24: COLORADO .....	42
TABLE 25: CONNECTICUT.....	43
TABLE 26: DELAWARE .....	44
TABLE 27: DELAWARE .....	45
TABLE 28: GEORGIA .....	46
TABLE 29: HAWAII .....	47
TABLE 30: IDAHO .....	48
TABLE 31: ILLINOIS .....	49
TABLE 32: INDIANA .....	50
TABLE 33: IOWA.....	51
TABLE 34: KANSAS .....	52

<b>TABLE 35: KENTUCKY .....</b>	<b>53</b>
<b>TABLE 36: LOUISIANA .....</b>	<b>54</b>
<b>TABLE 37: MAINE.....</b>	<b>55</b>
<b>TABLE 38: MARYLAND.....</b>	<b>56</b>
<b>TABLE 39: MASSACHUSETTS .....</b>	<b>57</b>
<b>TABLE 40: MICHIGAN.....</b>	<b>58</b>
<b>TABLE 41: MINNESOTA .....</b>	<b>59</b>
<b>TABLE 42: MISSISSIPPI.....</b>	<b>60</b>
<b>TABLE 43: MISSOURI .....</b>	<b>61</b>
<b>TABLE 44: MONTANA .....</b>	<b>62</b>
<b>TABLE 45: NEBRASKA .....</b>	<b>63</b>
<b>TABLE 46: NEVADA .....</b>	<b>64</b>
<b>TABLE 47: NEW HAMPSHIRE .....</b>	<b>65</b>
<b>TABLE 48: NEW JERSEY.....</b>	<b>66</b>
<b>TABLE 49: NEW MEXICO .....</b>	<b>67</b>
<b>TABLE 50: NEW YORK.....</b>	<b>68</b>
<b>TABLE 51: NORTH CAROLINA .....</b>	<b>69</b>
<b>TABLE 52: NORTH DAKOTA .....</b>	<b>70</b>
<b>TABLE 53: OHIO.....</b>	<b>71</b>
<b>TABLE 54: OKLAHOMA .....</b>	<b>72</b>
<b>TABLE 55: OREGON.....</b>	<b>73</b>
<b>TABLE 56: PENNSYLVANIA .....</b>	<b>74</b>
<b>TABLE 57: RHODE ISLAND.....</b>	<b>75</b>
<b>TABLE 58: SOUTH CAROLINA .....</b>	<b>76</b>
<b>TABLE 59: SOUTH DAKOTA .....</b>	<b>77</b>
<b>TABLE 60: TENNESSEE .....</b>	<b>78</b>
<b>TABLE 61: TEXAS .....</b>	<b>79</b>
<b>TABLE 62: UTAH.....</b>	<b>80</b>
<b>TABLE 63: VERMONT.....</b>	<b>81</b>
<b>TABLE 64: VIRGINIA .....</b>	<b>82</b>
<b>TABLE 65: WASHINGTON .....</b>	<b>83</b>
<b>TABLE 66: WEST VIRGINIA.....</b>	<b>84</b>
<b>TABLE 67: WISCONSIN .....</b>	<b>85</b>
<b>TABLE 68: WYOMING .....</b>	<b>86</b>
<b>TABLE 69: OVERALL RANKING OF STATE LIABILITY SYSTEMS.....</b>	<b>92</b>
<b>TABLE 70: SUMMARY OF PAST YEARS RANKINGS BY STATE .....</b>	<b>95</b>

## I. INTRODUCTION

### INTRODUCTION

*The 2015 Lawsuit Climate Survey: Ranking the States* was conducted for the U.S. Chamber Institute for Legal Reform by Harris Poll among a nationally representative sample of 1,203 in-house general counsel, senior litigators or attorneys, and other senior executives who are knowledgeable about litigation matters at companies with annual revenues of at least \$100 million. This study was conducted online and by telephone between March 9, 2015, and June 24, 2015.

Including this Introduction, this report consists of five sections. The Overview of Findings is contained in Section II. The Detailed Tables of Results are in Section III. A Detailed Survey Methodology, including a description of the sampling and survey administration procedures, as well as additional respondent profile information, is contained in Section IV. The Past Years' Rankings can be found in Section V, and the Key Elements – Comparison, as well as the survey materials (including the alert letter and complete questionnaire) can be found in Appendices A, B and C.

### PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS

The Harris team responsible for the design and analysis of *The 2015 Lawsuit Climate Survey: Ranking the States* was comprised of Humphrey Taylor, Chairman Emeritus, The Harris Poll; David Krane, Vice President; Alex Chew, Senior Research Director; and John Simmons, Senior Research Analyst. We would like to acknowledge Oriana Senatore, Vice President of Policy and Research; Nicole Nichols, Manager of Policy and Research; and Rita Perlman, Senior Vice President, Marketing and Operations, from the U.S. Chamber Institute for Legal Reform; and Judyth Pendell, consultant to the U.S. Chamber Institute for Legal Reform, for their invaluable contributions to the design, content, focus, and analysis of the project. Harris Poll is responsible for the final question wording, data collection, statistical analysis, and interpretation in the report.

### ABOUT HARRIS POLL

Over the last five decades, research conducted by Harris Poll has been recognized as reliable, independent, and impartial. Harris Poll has been commissioned across multiple industries and by universities, federal agencies, and nonprofit organizations. With comprehensive experience and a precise technique in public opinion polling and

survey research, Harris Poll has gained strong brand recognition around the world. As Chairman Emeritus of The Harris Poll, Humphrey Taylor has also held a longstanding leadership position with the National Council on Public Polls, an association of leading survey organizations established in 1969 whose mission is to set the highest professional standards for public opinion pollsters. In early 2014, Harris Interactive, home of Harris Poll, was acquired by Nielsen.

#### **PUBLIC RELEASE OF SURVEY FINDINGS**

All Harris Poll surveys are designed to comply with the code and standards of the Council of American Survey Research Organizations (CASRO) and the code of the National Council of Public Polls (NCPP). Should data from the survey be released to the public, any release must stipulate that the complete report is also available.

#### **NOTES ON READING TABLES**

The base (N) on each question is the total number of respondents answering that question. An asterisk (\*) on a table signifies a value of less than one-half percent (0.5%). A dash represents a value of zero. Percentages may not always add up to 100% because of computer rounding or the acceptance of multiple answers from respondents answering that question.

## II. OVERVIEW OF FINDINGS

*The 2015 Lawsuit Climate Survey: Ranking the States* was conducted for the U.S. Chamber Institute for Legal Reform by Harris Poll to explore how fair and reasonable the states' tort liability systems are perceived to be by U.S. businesses. Participants in the survey were comprised of a national sample of 1,203 in-house general counsel, senior litigators or attorneys, and other senior executives who indicated they are: knowledgeable about litigation matters at companies with at least \$100 million in annual revenues<sup>1</sup>, and have recent litigation experience in each state. The 2015 ranking builds on previous years' work<sup>2</sup> in which each survey year all 50 states are ranked by those familiar with the litigation environment in that state.

Prior to these rankings, although perceptions of other constituencies of the state courts have been measured in the past, information regarding the attitudes of the business community toward the legal systems in each of the states had been largely anecdotal. *The 2015 Lawsuit Climate Survey: Ranking the States* (previously called the State Liability Systems Survey), was first initiated in 2002, and this is the ninth update of that survey. The survey describes how general counsel, senior litigators or attorneys, and senior executives in U.S. businesses view the reasonableness and fairness of state liability systems. Broadly, the survey focuses on their perceptions of state liability systems in the following areas:

- Overall treatment of tort and contract litigation
- Having and enforcing meaningful venue requirements
- Treatment of class action suits and mass consolidation suits
- Damages
- Timeliness of summary judgment or dismissal
- Discovery
- Scientific and technical evidence
- Judges' impartiality
- Judges' competence
- Juries' fairness

The survey's respondents were first screened for their familiarity with individual 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

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<sup>1</sup> Smaller companies were not surveyed because they so infrequently have in-house law departments.

<sup>2</sup> 2012, 2010, 2008, 2007, 2006, 2005, 2004, 2003, and 2002.

important to remember that while **courts and localities within a state may vary a great deal** in fairness and reasonableness, respondents were asked to evaluate the state as a whole.<sup>3</sup>

The 2015 survey reveals that half of all general counsel, senior litigators or attorneys, and senior executives (50%) view the fairness and reasonableness of state court liability systems in America as excellent or pretty good, up slightly from 49% in the 2012 survey. The remaining 50% view the systems as only fair or poor, or declined to answer (1%).

A state's litigation environment continues to be important, with three-quarters (75%) reporting that it is likely to impact important business decisions at their companies, such as where to locate or do business. This is a significant increase from 70% in 2012 and 67% in 2010 (*see Tables 1, 1a, 2 and 2a, pages 14-17*).

### **Overall Rankings of States**

Respondents were asked to give states a grade (A, B, C, D or F) in each of the following areas: *having and enforcing meaningful venue requirements; overall treatment of tort and contract litigation; treatment of class action suits and mass consolidation suits; damages; timeliness of summary judgment or dismissal; discovery; scientific and technical evidence; judges' impartiality; judges' competence; and juries' fairness*. The respondents were also asked to give the state an *overall grade for creating a fair and reasonable litigation environment*. These elements were then combined to create an overall ranking of state liability systems.

Taken as a whole, general counsel, senior litigators or attorneys, and senior executives perceive state courts to be doing better than average on the various elements. States received significantly more A's and B's (52%) than D's and F's (16%) when all of the elements were averaged together, as shown in the chart below.

**Chart 1**

<b>Grade</b>	<b>Average Percentage Across All Elements Among 50 States</b>
A	14%
B	38%
C	27%
D	11%
F	5%
Not sure/Decline to answer	5%

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<sup>3</sup> To explore the detailed nuances within each state would have required extensive questioning about each state and was beyond the scope and purpose of this study. It is possible that some states received low grades due to the negative reputation of one or more of their counties or jurisdictions.

Since the inception of the survey, there has been a general increase in the overall average score (expressed numerically on a scale of 1 to 100) of state liability systems, and this trend continues with the 2015 survey. The 2015 survey results build on the significant increase made in 2012: This year the score has increased by 0.8 percentage points. From 2002-2006, the overall score averaged approximately 52.9, whereas from 2007-2015, the score averaged approximately 59.6.

**Chart 2**

<b>Year</b>	<b>Average Overall Score Among 50 States (weighted by N size)</b>
2015	61.7
2012	60.9
2010	57.9
2008	59.4
2007	58.1
2006	55.3
2005	52.8
2004	53.2
2003	50.7
2002	52.7

Further, there has also been a general increase in average overall scores when looking at some of the key elements. Specifically, Timeliness of Summary Judgment or Dismissal, Jury’s Fairness, and Treatment of Class Action Suits and Mass Consolidation Suits have shown a directional increase over the past years. (All previous years’ scores for each element can be seen in Appendix A, page 97.)

**Chart 3**

**Timeliness of Summary Judgment or Dismissal**

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	59.4
2012	57.5
2010	54.2
2008	55.9
2007	58.4
2006	55.6
2005	53.5
2004	54.2
2003	52.1
2002	N/A

**Chart 4**  
**Juries' Fairness**

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	62.6
2012	60.7
2010	58.0
2008	58.9
2007	60.0
2006	56.7
2005	54.5
2004	55.2
2003	52.2
2002	N/A

**Chart 5**  
**Treatment of Class Action Suits and Mass Consolidation Suits**

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	59.5
2012	58.4
2010	51.8
2008	56.0
2007	56.7
2006	54.6
2005	51.3
2004	51.4
2003	49.6
2002	N/A

While there appears to be a positive trend when the states are analyzed collectively, there are still wide disparities among the states in terms of those that are perceived to be the best and the worst. Listed below are the states doing the best and worst job of creating a fair and reasonable litigation environment according to respondents (*also see Table 3, page 18*).

**Chart 6**

<b>Top 5</b>	<b>Bottom 5</b>
Delaware (#1)	West Virginia (#50)
Vermont (#2)	Louisiana (#49)
Nebraska (#3)	Illinois (#48)
Iowa (#4)	California (#47)
New Hampshire (#5)	Alabama (#46)

### **Most Important Issues for Improving the Litigation Environment**

The study also asked respondents to select the most important issue needed to improve the litigation environment. Eliminating unnecessary lawsuits was mentioned by 32% of the attorneys who completed the survey. Other top issues named were placing reasonable limits on discovery (15%), limiting punitive or other types of damages (11%), and increasing the effectiveness of judicial case management (11%) (*see Table 5, page 20*).

### **Worst Local Jurisdictions**

In order to understand if there are any cities or counties that might impact a state's ranking, respondents were provided a list of cities or counties with reputations for being problematic when it comes to contract and tort litigation, and were then asked to select those that have the least fair and reasonable litigation environments. Respondents also had the option of inserting a city or county not on the list. The worst jurisdictions were East Texas (26%), followed by Chicago or Cook County, Illinois (20%); Los Angeles, California (16%); Madison County, Illinois (16%); and New Orleans or Orleans Parish, Louisiana (15%) (*see Table 6, page 21*).

To understand why general counsel, senior litigators or attorneys, and senior executives view particular jurisdictions negatively, a follow-up question was asked to those who cited a specific jurisdiction. A quarter (24%) mentioned that the reason why that particular city or county has the least fair and reasonable litigation environment is because of biased or partial jury/judges. Similar to 2012, this is the number one reason by a large margin. The next tier includes corrupt/unfair system (11%), poor quality of jury/judges (7%), personal experience (7%), a slow process/delays (6%), and excessive damage awards (6%) (*see Table 7, page 22*).

### **Conclusion**

Several organizations and academics<sup>4</sup> have conducted and analyzed surveys of attitudes toward state courts held by various constituencies. The objective of these studies has been to understand how state courts are perceived, and in some instances to evaluate them, overall or in part. Until the annual State Liability Systems Ranking Study was initiated in 2002, no data existed on how the state courts are perceived by the business community, which is a significant user of, and participant in, the court system. This, the tenth such survey and state ranking, finds that while the overall average scores of the states are increasing, the senior lawyers in large corporations still have mixed perceptions about the fairness and reasonableness of state liability systems *overall*. They are split: about half believe that the states are doing an excellent or pretty good job with respect to their state liability systems, and the other half

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<sup>4</sup> *Analysis of National Survey of Registered Voters*, National Center for State Courts (2014); *Citizen Perceptions of Judicial Realism in the American State Courts*, Brigham Young University Center for the Study of Elections and Democracy (2014); *Public Trust and Confidence Survey*, State of Utah Administrative Office of the Courts (2012); *The Sources of Public Confidence in State Courts*, American Politics Research (2003); *Perceptions of the U.S. Justice System*, American Bar Association (1999).

believe the states' systems are only fair or poor. On the various elements, the respondents give state courts more A's and B's than D's and F's.

An examination of individual state evaluations, however, reveals wide disparity among those states that are doing the best job and those states that are doing the worst job, with the highest performing state (i.e., Delaware) scoring 77 out of a possible 100, and the poorest performing state (i.e., West Virginia) scoring 46 out of 100. However, the poorest performing state score for West Virginia does reflect a 1 percentage point improvement over the 2012 survey results and an 11 percentage point improvement since 2010. Clearly, corporate counsel see specific areas for improvement in the individual states, and the perceptions of senior lawyers and executives in large companies matter. This survey reveals that three-in-four senior lawyers and executives feel that the litigation environment in a state is likely to impact important business decisions, which could have economic consequences for the states. The challenge for the states is to focus on those areas where they received the lowest scores and then make improvements where needed.

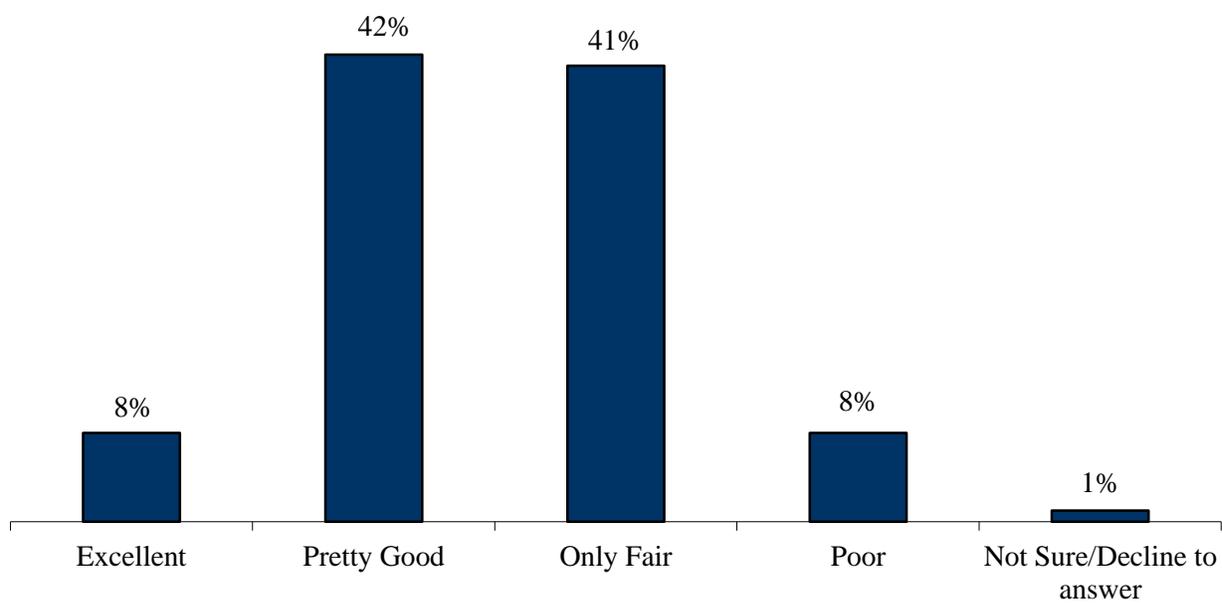
### **III. DETAILED TABLES OF RESULTS**

**Table 1**

**Perception of State Court Liability Systems Overall**

**EXCELLENT/PRETTY GOOD**  
**(NET)**  
**50%**

**ONLY FAIR/POOR**  
**(NET)**  
**49%**



**Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1203)**

Q720: Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor?

**Table 1A**

**Overall Rating of State Court Liability Systems in America – Over Time**

<b><u>Excellent/Pretty Good (Net)</u></b>	
2015	50%
2012	49%
2010	44%
2008	41%
2007	56%
2006	41%
2005	37%
2004	39%
2003	31%
2002	39%

<b><u>Only Fair/Poor (Net)</u></b>	
2015	49%
2012	51%
2010	56%
2008	55%
2007	41%
2006	55%
2005	60%
2004	56%
2003	65%
2002	57%

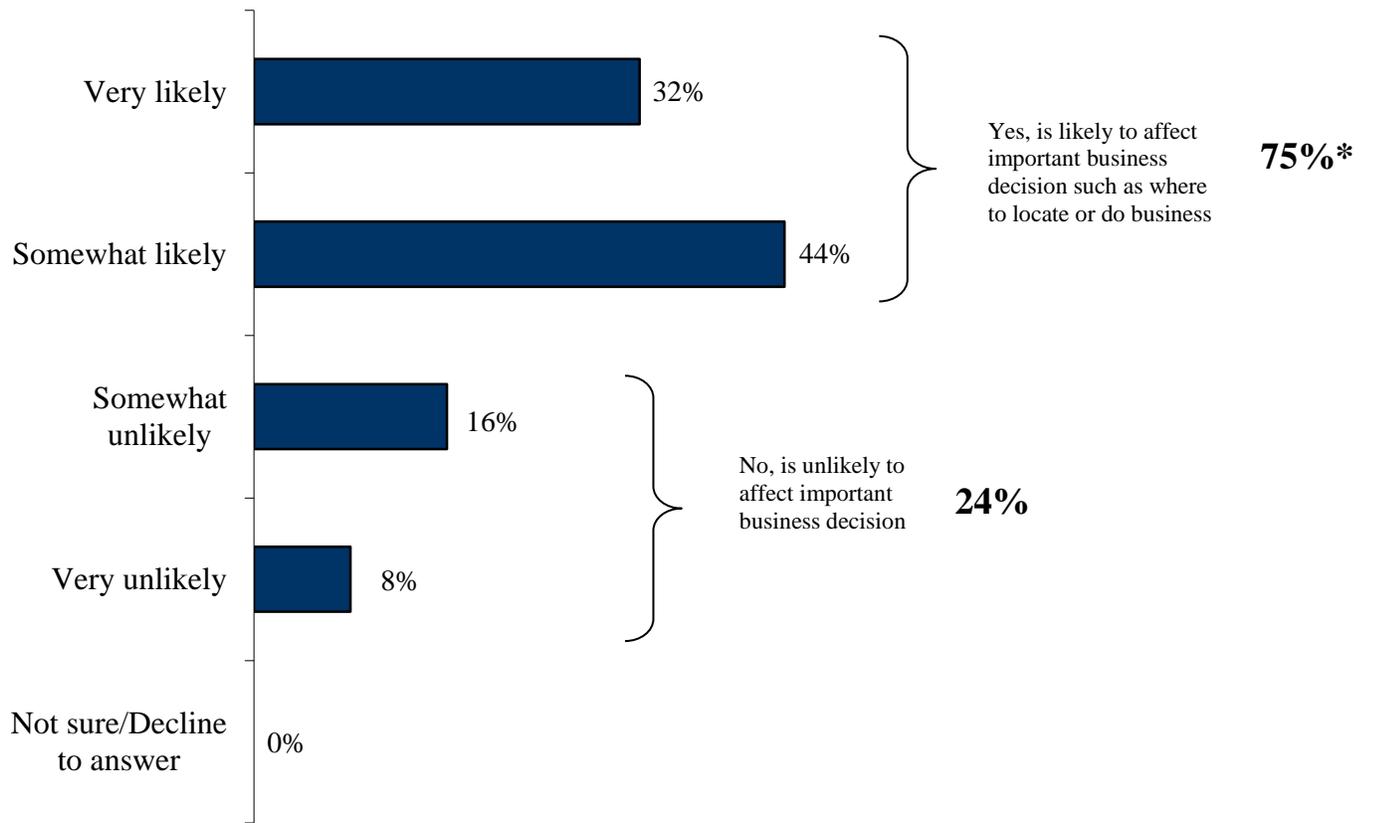
	2015	2012	2010	2008	2007	2006	2005	2004	2003	2002
<b>Base:</b>	<b>n=1203</b>	<b>n=1125</b>	<b>n=1482</b>	<b>n =957</b>	<b>n= 1599</b>	<b>n = 1456</b>	<b>n = 1437</b>	<b>n = 1402</b>	<b>n = 928</b>	<b>n = 824</b>
Excellent	8%	6%	2%	3%	7%	1%	2%	3%	2%	2%
Pretty Good	42%	42%	42%	38%	49%	39%	35%	36%	30%	37%
Only Fair	41%	42%	47%	45%	35%	45%	46%	44%	47%	43%
Poor	8%	8%	9%	10%	6%	10%	14%	13%	19%	14%
Not sure/Decline to answer	1%	1%	1%	4%	3%	4%	4%	5%	3%	4%

**Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1203)**

Q720: Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor?

**Table 2**

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



**\*Note: Differences between bar chart and nets are due to rounding.**

**Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1203)**

960: How likely would you say it is that the litigation environment in a state could affect an important business decision at your company such as where to locate or do business? Would you say very likely, somewhat likely, somewhat unlikely or very unlikely?

**Table 2A**

**Impact of Litigation Environment on Important Business Decisions  
Such as Where to Locate or do Business – Over Time**

<b><u>Yes, is likely to affect important business decision such as where to locate or do business</u></b>	
2015	75%
2012	70%
2010	67%
2008	63%
2007	57%
2006	70%

<b><u>No, is unlikely to affect important business decision</u></b>	
2015	24%
2012	30%
2010	33%
2008	35%
2007	40%
2006	29%

	<b>2015</b>	<b>2012</b>	<b>2010</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
<b>Base:</b>	<b>n=1203</b>	<b>n=1125</b>	<b>n=1482</b>	<b>n =957</b>	<b>n= 1599</b>	<b>n = 1456</b>
Very likely	32%	28%	25%	29%	24%	30%
Somewhat likely	44%	42%	42%	35%	33%	39%
Somewhat unlikely	16%	19%	21%	17%	16%	16%
Very unlikely	8%	10%	12%	18%	24%	13%
Not sure/Decline to answer	0%	0%	1%	2%	3%	1%

**Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1203)**

960: How likely would you say it is that the litigation environment in a state could affect an important business decision at your company such as where to locate or do business? Would you say very likely, somewhat likely, somewhat unlikely or very unlikely?

Note: Wording of the question changed in 2006.

**Table 3**  
**Overall Ranking of State Liability Systems**

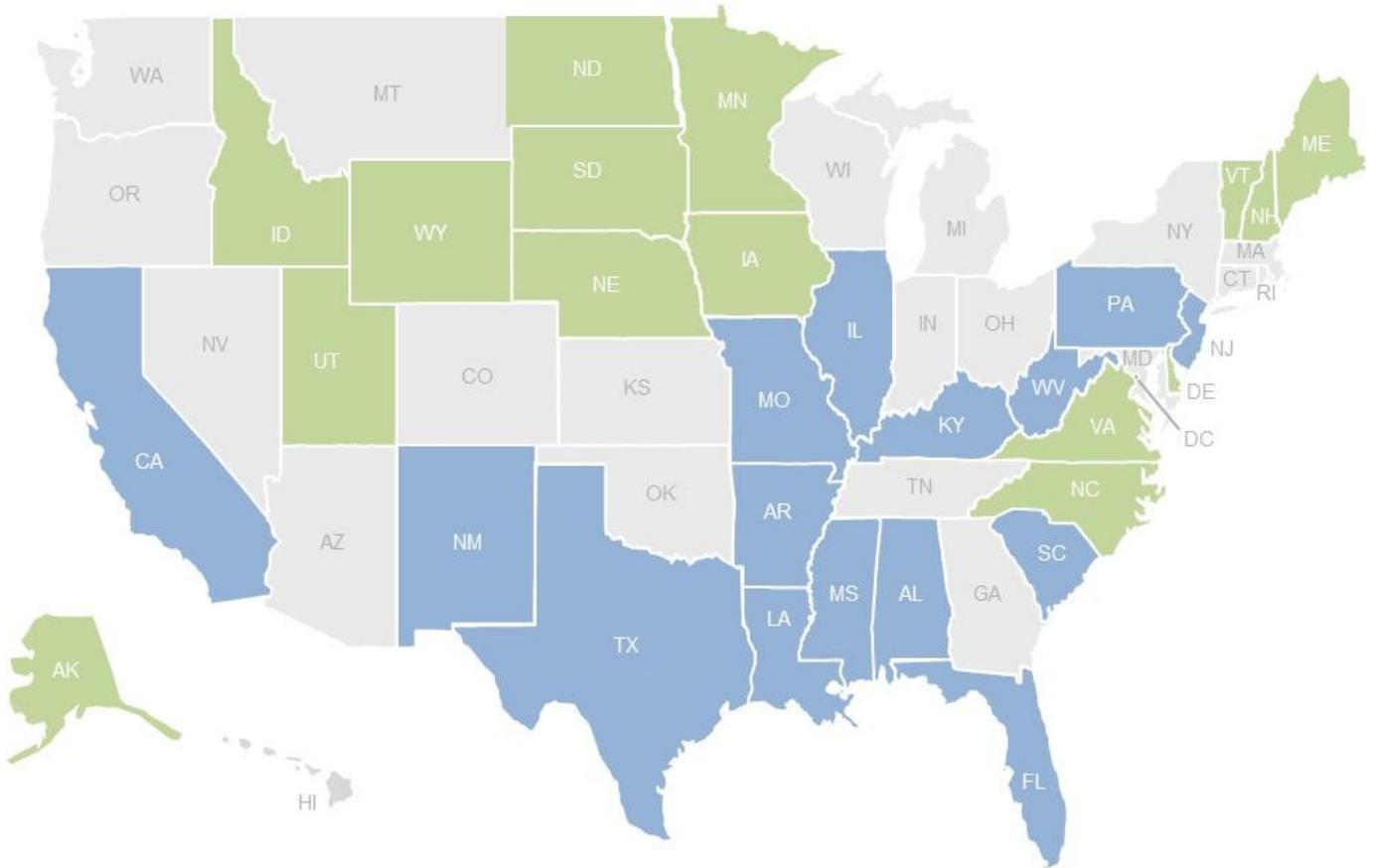
State	2015 Rank	Score	N
Delaware	1	76.5	89
Vermont	2	73.8	56
Nebraska	3	73.0	82
Iowa	4	72.2	90
New Hampshire	5	70.7	67
Idaho	6	70.5	62
North Carolina	7	70.2	91
Wyoming	8	69.7	63
South Dakota	9	69.5	62
Utah	10	69.0	90
Virginia	11	68.3	126
Alaska	12	68.1	58
Minnesota	13	68.0	89
Maine	14	68.0	58
North Dakota	15	67.9	59
Colorado	16	67.8	89
Massachusetts	17	67.8	108
Indiana	18	67.7	94
Kansas	19	67.6	102
Wisconsin	20	66.6	127
New York	21	66.3	176
Connecticut	22	65.9	86
Tennessee	23	65.7	103
Michigan	24	65.5	114
Arizona	25	65.4	116
Rhode Island	26	64.6	83
Ohio	27	64.2	125
Maryland	28	63.9	92
Washington	29	63.8	122
Hawaii	30	62.8	62
Georgia	31	62.4	108
Oregon	32	61.2	87
Oklahoma	33	61.0	80
Montana	34	60.5	67
Nevada	35	60.4	98
South Carolina	36	59.4	86
Pennsylvania	37	59.4	203
New Jersey	38	59.3	128
Kentucky	39	59.0	95
Texas	40	58.5	202
Arkansas	41	57.7	74
Missouri	42	56.6	106
Mississippi	43	56.3	128
Florida	44	56.0	211
New Mexico	45	55.2	75
Alabama	46	55.1	98
California	47	49.9	306
Illinois	48	48.0	197
Louisiana	49	46.5	131
West Virginia	50	46.3	125

**Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1203)**

\*Note: Scores presented in this table have been rounded to one decimal place, but rankings are based on the unrounded number. The column labeled "N" represents the number of evaluations for a given state.

**Table 4**

**Map of Overall Ranking of State Liability Systems  
Best to Worst Legal Systems in America**



**Top 15 States**

- 1 Delaware
- 2 Vermont
- 3 Nebraska
- 4 Iowa
- 5 New Hampshire
- 6 Idaho
- 7 North Carolina
- 8 Wyoming
- 9 South Dakota
- 10 Utah
- 11 Virginia
- 12 Alaska
- 13 Minnesota
- 14 Maine
- 15 North Dakota

**Bottom 15 States**

- 36 South Carolina
- 37 Pennsylvania
- 38 New Jersey
- 39 Kentucky
- 40 Texas
- 41 Arkansas
- 42 Missouri
- 43 Mississippi
- 44 Florida
- 45 New Mexico
- 46 Alabama
- 47 California
- 48 Illinois
- 49 Louisiana
- 50 West Virginia

**Table 5**

**Single Most Important Needed Improvement\***

	<b>Total</b>
<b>Base:</b>	<b>1203</b>
	%
Eliminating unnecessary lawsuits	32
Placing reasonable limits on discovery	15
Limiting punitive or other types of damages	11
Increasing the effectiveness of judicial case management	11
Ensuring timely court decisions	9
Assuring that liability is properly allocated among defendants	9
Addressing e-discovery	6

\*Note: Respondents were provided with this closed end list of items to evaluate. Additional responses volunteered by respondents at “Other” were all below 1%.

**Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1203)**

Q950/Q955. Which of the following do you think is the single most important improvement that should be made in a litigation environment?

**Table 6**

**Cities or Counties with the Least Fair and Reasonable Litigation Environment\***

	<b>Total</b>
<b>Base:</b>	<b>1203</b>
	<b>%</b>
East Texas	26
Chicago or Cook County, Illinois	20
Los Angeles, California	16
Madison County, Illinois	16
New Orleans or Orleans Parish, Louisiana	15
New York, New York	10
San Francisco, California	10
Miami or Dade County, Florida	10
Philadelphia, Pennsylvania	7
St. Louis, Missouri	7
Detroit, Michigan	7
Washington, DC	5

\*Note: Respondents were asked to provide up to two responses to this closed end list of city and county courts. Other mentions volunteered by respondents at “Other” in the list were all below 1%.

**Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1203)**

Q637: Thinking about the entire country, which of the following do you think are the worst city or county courts? That is, which city or county courts have the least fair and reasonable litigation environment for both defendants and plaintiffs?

**Table 7**

**Top Issues Mentioned as Creating the Least Fair and Reasonable Litigation Environment\***

	<b>Total</b>
<b>Base:</b>	<b>1034</b>
	%
Biased/partial judgment	24
Corrupt/unfair system	11
Poor quality of jury/judges	7
Personal experience	7
Slow process/delays	6
Excessive damage awards/not reasonable	6
Anti-business/anti-corporate	5
Have read/seen a case study	5
Heavily influenced by politics	4
Good old boy system/depends on who you know	4
Poor/bad system	4
Overburdened with cases/too many cases/backlog	4
Unpredictable jury/judges/system	3
Base judgments on irrelevant factors/emotion not fact	3
Incompetent jury/judges/system	3
Patent trolls/favorable to patent cases	3
Frivolous litigation	3
Asbestos litigation	3
Does not adhere to laws/rules	3
Uneducated jury/judges	2
Unfair jury/judges	2
Liberal jury/judges/system	2
Poor jury pool	2
Unreasonable rulings/verdicts	2
Bad reputation	2
Personal opinion	2
Discovery issues	2
It has become too dependent on class action suits	2
Expensive/high court costs	2

\*Note: The responses displayed in this table were volunteered by respondents. Mentions of at least 2% are shown above.

**Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives Who Named Worst City/County Courts (N=1034)**  
 Q640: Why do you say [Insert Name of City or County] has the LEAST fair and reasonable litigation environment for both defendants and plaintiffs?

**Table 8**

**Summary of Top/Bottom 5 States by Key Elements**

**Overall Treatment of Tort and Contract Litigation**

<b>BEST</b>	<b>WORST</b>
Delaware (#1)	West Virginia (#50)
Vermont (#2)	Louisiana (#49)
Nebraska (#3)	Illinois (#48)
South Dakota (#4)	California (#47)
North Carolina (#5)	New Mexico (#46)

**Having and Enforcing Meaningful Venue Requirements**

<b>BEST</b>	<b>WORST</b>
Delaware (#1)	Illinois (#50)
Nebraska (#2)	West Virginia (#49)
New York (#3)	Louisiana (#48)
Vermont (#4)	California (#47)
Minnesota (#5)	New Mexico (#46)

**Treatment of Class Action Suits and Mass Consolidation Suits**

<b>BEST</b>	<b>WORST</b>
Delaware (#1)	California (#50)
Vermont (#2)	Illinois (#49)
Idaho (#3)	Louisiana (#48)
Nebraska (#4)	West Virginia (#47)
Wyoming (#5)	Missouri (#46)

**Damages**

<b>BEST</b>	<b>WORST</b>
Delaware (#1)	California (#50)
Kansas (#2)	Louisiana (#49)
Vermont (#3)	Illinois (#48)
South Dakota (#4)	West Virginia (#47)
Iowa (#5)	Alabama (#46)

**Timeliness of Summary Judgment or Dismissal**

<b>BEST</b>	<b>WORST</b>
Delaware (#1)	Louisiana (#50)
Vermont (#2)	West Virginia (#49)
Nebraska (#3)	California (#48)
Idaho (#4)	Illinois (#47)
Wyoming (#5)	Alabama (#46)

**Table 8 (Cont'd)**

**Summary of Top/Bottom 5 States by Key Elements**

**Discovery**

<b>BEST</b>	<b>WORST</b>
Vermont (#1)	West Virginia (#50)
Delaware (#2)	California (#49)
Nebraska (#3)	Illinois (#48)
New Hampshire (#4)	Louisiana (#47)
Iowa (#5)	New Mexico (#46)

**Scientific and Technical Evidence**

<b>BEST</b>	<b>WORST</b>
Vermont (#1)	West Virginia (#50)
Delaware (#2)	Louisiana (#49)
Massachusetts (#3)	Illinois (#48)
New York (#4)	Alabama (#47)
Iowa (#5)	Arkansas (#46)

**Judges' Impartiality**

<b>BEST</b>	<b>WORST</b>
Vermont (#1)	Louisiana (#50)
Delaware (#2)	West Virginia (#49)
Iowa (#3)	Illinois (#48)
Nebraska (#4)	New Mexico (#47)
New Hampshire (#5)	Texas (#46)

**Judges' Competence**

<b>BEST</b>	<b>WORST</b>
Delaware (#1)	Louisiana (#50)
Massachusetts (#2)	West Virginia (#49)
Maine (#3)	Illinois (#48)
Wyoming (#4)	New Mexico (#47)
Iowa (#5)	California (#46)

**Juries' Fairness**

<b>BEST</b>	<b>WORST</b>
Nebraska (#1)	Louisiana (#50)
Delaware (#2)	California (#49)
New Hampshire (#3)	Illinois (#48)
Iowa (#4)	West Virginia (#47)
Vermont (#5)	Alabama (#46)

#### **IV. STATE RANKINGS BY KEY ELEMENTS**

**Table 9****Overall Treatment of Tort and Contract Litigation**

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

**Table 10****Having and Enforcing Meaningful Venue Requirements**

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

\*This state has the same rank as the previous state listed due to having the exact same mean score to the thousandths decimal place.

**Table 11****Treatment of Class Action Suits and Mass Consolidation Suits**

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

**Table 12****Damages**

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

**Table 13**

### Timeliness of Summary Judgment/Dismissal

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

\*This state has the same rank as the previous state listed due to having the exact same mean score to the thousandths decimal place.

**Table 14****Discovery**

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

**Table 15****Scientific and Technical Evidence**

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

**Table 16****Judges' Impartiality**

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

\*This state has the same rank as the previous state listed due to having the exact same mean score to the thousandths decimal place.

**Table 17****Judges' Competence**

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

**Table 18****Juries' Fairness**

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

**INDIVIDUAL STATE RANKINGS**  
**(IN ALPHABETICAL ORDER)**

**Notes on reading the tables:**

The following tables show the individual state rankings. For each state, the 2015 overall state ranking is shown. Also displayed is the number of evaluations of each state (shown as “n=xxx”).

Respondents who evaluated each state were asked to rate the following elements of a state liability system in randomized order: *Having and enforcing meaningful venue requirements; Overall treatment of tort and contract litigation; Treatment of class action suits and mass consolidation suits; Damages; Timeliness of summary judgment or dismissal; Discovery; Scientific and technical evidence; Judges’ impartiality; Judges’ competence; and Juries’ fairness.* After rating the state on these elements, respondents were then asked to give the state an overall grade for creating a fair and reasonable litigation environment. This element is denoted in the tables as *Overall state grade.*

Percentages may not always add up to 100% because of the acceptance of ‘not sure’ and ‘decline to answer’ responses. Note that in some cases, results may be based on small sample sizes. Caution should be used in drawing any conclusion from results based on these small samples.

**Table 19****Alabama****2015 Overall Ranking: 46****Ratings on Key Elements of State Liability Systems (n=98)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	32	28	5	7	3.5	38
Overall Treatment of Tort and Contract Litigation	%	17	24	31	16	10	3.2	42
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	13	29	9	8	3.2	42
Damages	%	6	33	23	20	15	2.9	46
Timeliness of Summary Judgment or Dismissal	%	10	23	32	21	9	3	46
Discovery	%	14	33	31	11	9	3.3	44
Scientific and Technical Evidence	%	11	30	20	17	9	3.2	47
Judges' Impartiality	%	17	27	31	16	6	3.3	43
Judges' Competence	%	12	29	41	10	4	3.4	45
Juries' Fairness	%	10	29	25	19	9	3.1	46
Overall State Grade	%	11	29	28	22	8	3.1	45

**Table 20****Alaska****2015 Overall Ranking: 12****Ratings on Key Elements of State Liability Systems (n=58)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	24	31	27	7	3	3.7	24
Overall Treatment of Tort and Contract Litigation	%	17	44	29	5	3	3.7	16
Treatment of Class Action Suits and Mass Consolidation Suits	%	17	31	27	5	2	3.7	11
Damages	%	22	37	20	10	5	3.6	14
Timeliness of Summary Judgment or Dismissal	%	27	34	22	10	2	3.8	6
Discovery	%	17	41	29	8	3	3.6	23
Scientific and Technical Evidence	%	15	34	25	12	2	3.6	24
Judges' Impartiality	%	27	44	17	7	3	3.9	15
Judges' Competence	%	31	39	24	5	0	4.0	7
Juries' Fairness	%	29	32	20	7	2	3.9	12
Overall State Grade	%	14	51	24	10	0	3.7	11

**Table 21****Arizona****2015 Overall Ranking: 25****Ratings on Key Elements of State Liability Systems (n=116)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	22	35	17	6	6	3.7	21
Overall Treatment of Tort and Contract Litigation	%	18	42	29	4	5	3.7	20
Treatment of Class Action Suits and Mass Consolidation Suits	%	14	23	28	4	5	3.5	25
Damages	%	16	40	24	8	6	3.6	22
Timeliness of Summary Judgment or Dismissal	%	15	39	24	12	4	3.5	22
Discovery	%	22	33	28	9	4	3.6	21
Scientific and Technical Evidence	%	11	37	23	6	3	3.6	23
Judges' Impartiality	%	24	41	20	5	5	3.8	21
Judges' Competence	%	20	35	32	6	4	3.6	30
Juries' Fairness	%	18	39	22	5	3	3.7	20
Overall State Grade	%	14	44	30	6	4	3.6	23

**Table 22****Arkansas****2015 Overall Ranking: 41****Ratings on Key Elements of State Liability Systems (n=74)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	28	27	11	5	3.4	45
Overall Treatment of Tort and Contract Litigation	%	9	41	23	15	9	3.3	40
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	27	22	13	10	3.0	44
Damages	%	5	47	23	8	10	3.3	36
Timeliness of Summary Judgment or Dismissal	%	10	29	25	19	6	3.2	43
Discovery	%	14	34	28	10	8	3.4	38
Scientific and Technical Evidence	%	8	29	30	10	8	3.2	46
Judges' Impartiality	%	14	38	30	5	9	3.4	36
Judges' Competence	%	10	39	32	9	6	3.4	41
Juries' Fairness	%	9	33	29	9	8	3.3	41
Overall State Grade	%	6	39	33	11	8	3.3	40

**Table 23**

**California**

**2015 Overall Ranking: 47**

**Ratings on Key Elements of State Liability Systems (n=306)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	29	27	13	9	3.2	47
Overall Treatment of Tort and Contract Litigation	%	5	26	31	21	14	2.9	47
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	16	22	19	16	2.7	50
Damages	%	5	20	28	21	22	2.6	50
Timeliness of Summary Judgment or Dismissal	%	7	21	28	27	14	2.8	48
Discovery	%	8	23	34	22	10	3.0	49
Scientific and Technical Evidence	%	10	31	29	9	8	3.3	42
Judges' Impartiality	%	11	36	28	15	7	3.3	45
Judges' Competence	%	8	40	33	10	6	3.3	46
Juries' Fairness	%	8	19	32	17	13	2.9	49
Overall State Grade	%	5	27	31	21	14	2.9	47

**Table 24**

**Colorado**

**2015 Overall Ranking: 16**

**Ratings on Key Elements of State Liability Systems (n=89)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	47	21	2	5	3.7	26
Overall Treatment of Tort and Contract Litigation	%	14	54	16	8	4	3.7	13
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	34	17	5	3	3.7	14
Damages	%	15	47	22	5	7	3.6	18
Timeliness of Summary Judgment or Dismissal	%	12	48	14	16	4	3.5	24
Discovery	%	17	50	17	5	7	3.7	12
Scientific and Technical Evidence	%	14	43	14	3	4	3.8	9
Judges' Impartiality	%	25	46	21	2	3	3.9	10
Judges' Competence	%	21	52	16	2	3	3.9	14
Juries' Fairness	%	17	46	15	5	3	3.8	16
Overall State Grade	%	16	52	18	8	3	3.7	8

**Table 25**

**Connecticut**

**2015 Overall Ranking: 22**

**Ratings on Key Elements of State Liability Systems (n=86)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	22	42	22	7	1	3.8	9
Overall Treatment of Tort and Contract Litigation	%	17	45	29	3	5	3.7	15
Treatment of Class Action Suits and Mass Consolidation Suits	%	15	37	22	8	3	3.6	19
Damages	%	13	40	34	7	5	3.5	27
Timeliness of Summary Judgment or Dismissal	%	14	42	28	8	5	3.5	21
Discovery	%	17	42	26	9	5	3.6	24
Scientific and Technical Evidence	%	17	41	24	3	3	3.7	12
Judges' Impartiality	%	24	43	23	7	2	3.8	18
Judges' Competence	%	21	43	23	9	3	3.7	27
Juries' Fairness	%	17	44	24	2	7	3.7	25
Overall State Grade	%	13	49	23	7	8	3.5	29

**Table 26**

**Delaware**

**2015 Overall Ranking: 1**

**Ratings on Key Elements of State Liability Systems (n=89)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	36	27	14	2	2	4.1	1
Overall Treatment of Tort and Contract Litigation	%	29	46	11	1	2	4.1	1
Treatment of Class Action Suits and Mass Consolidation Suits	%	20	29	19	2	1	3.9	1
Damages	%	23	39	22	2	2	3.9	1
Timeliness of Summary Judgment or Dismissal	%	26	36	20	3	1	4.0	1
Discovery	%	20	45	23	2	1	3.9	2
Scientific and Technical Evidence	%	18	43	15	3	0	3.9	2
Judges' Impartiality	%	33	48	8	3	1	4.2	2
Judges' Competence	%	46	39	6	2	0	4.4	1
Juries' Fairness	%	19	48	11	1	0	4.1	2
Overall State Grade	%	32	49	8	3	2	4.1	1

**Table 27****Florida****2015 Overall Ranking: 44****Ratings on Key Elements of State Liability Systems (n=211)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	36	23	11	4	3.4	42
Overall Treatment of Tort and Contract Litigation	%	6	33	36	17	5	3.2	45
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	17	27	11	7	3.0	45
Damages	%	5	29	29	22	8	3.0	45
Timeliness of Summary Judgment or Dismissal	%	6	27	33	16	10	3.0	45
Discovery	%	8	36	37	11	5	3.3	43
Scientific and Technical Evidence	%	5	32	25	9	5	3.3	41
Judges' Impartiality	%	15	35	26	17	4	3.4	39
Judges' Competence	%	12	34	33	13	4	3.4	43
Juries' Fairness	%	6	32	25	17	6	3.2	45
Overall State Grade	%	6	36	32	19	5	3.2	42

**Table 28**

**Georgia**

**2015 Overall Ranking: 31**

**Ratings on Key Elements of State Liability Systems (n=108)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	40	21	9	2	3.6	31
Overall Treatment of Tort and Contract Litigation	%	9	44	29	12	5	3.4	33
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	28	21	7	4	3.4	30
Damages	%	7	47	23	12	5	3.4	30
Timeliness of Summary Judgment or Dismissal	%	7	40	29	13	5	3.3	36
Discovery	%	7	47	33	7	4	3.5	31
Scientific and Technical Evidence	%	8	36	28	9	3	3.5	31
Judges' Impartiality	%	10	49	30	5	4	3.6	31
Judges' Competence	%	7	61	20	6	4	3.6	29
Juries' Fairness	%	5	42	28	6	4	3.5	31
Overall State Grade	%	5	51	32	7	5	3.4	32

**Table 29****Hawaii****2015 Overall Ranking: 30****Ratings on Key Elements of State Liability Systems (n=62)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	21	37	14	13	3	3.7	28
Overall Treatment of Tort and Contract Litigation	%	14	30	24	25	6	3.2	41
Treatment of Class Action Suits and Mass Consolidation Suits	%	19	25	29	5	5	3.6	20
Damages	%	16	35	24	16	6	3.4	31
Timeliness of Summary Judgment or Dismissal	%	24	32	19	14	3	3.6	12
Discovery	%	24	30	27	14	2	3.6	20
Scientific and Technical Evidence	%	14	33	27	10	6	3.4	35
Judges' Impartiality	%	19	41	21	13	5	3.6	30
Judges' Competence	%	17	38	29	10	5	3.5	32
Juries' Fairness	%	22	35	19	8	6	3.6	26
Overall State Grade	%	21	35	23	16	5	3.5	27

**Table 30****Idaho****2015 Overall Ranking: 6****Ratings on Key Elements of State Liability Systems (n=62)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	48	21	5	0	3.8	8
Overall Treatment of Tort and Contract Litigation	%	19	52	18	10	2	3.8	7
Treatment of Class Action Suits and Mass Consolidation Suits	%	23	27	21	3	2	3.9	3
Damages	%	21	47	18	11	0	3.8	8
Timeliness of Summary Judgment or Dismissal	%	26	47	16	6	3	3.9	4
Discovery	%	18	45	29	6	2	3.7	10
Scientific and Technical Evidence	%	19	42	18	10	0	3.8	7
Judges' Impartiality	%	19	48	19	5	3	3.8	19
Judges' Competence	%	23	52	21	3	0	4.0	10
Juries' Fairness	%	26	44	15	8	0	3.9	9
Overall State Grade	%	11	61	16	11	0	3.7	9

**Table 31**

**Illinois**

**2015 Overall Ranking: 48**

**Ratings on Key Elements of State Liability Systems (n=197)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	4	27	27	12	15	2.9	50
Overall Treatment of Tort and Contract Litigation	%	4	22	34	21	14	2.8	48
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	18	25	16	14	2.8	49
Damages	%	2	19	33	23	13	2.7	48
Timeliness of Summary Judgment or Dismissal	%	6	24	29	22	10	2.9	47
Discovery	%	3	33	30	19	8	3.1	48
Scientific and Technical Evidence	%	4	27	29	15	6	3.1	48
Judges' Impartiality	%	7	25	33	19	12	3.0	48
Judges' Competence	%	6	32	33	19	6	3.1	48
Juries' Fairness	%	5	25	30	19	9	3.0	48
Overall State Grade	%	3	22	34	27	11	2.8	48

**Table 32****Indiana****2015 Overall Ranking: 18****Ratings on Key Elements of State Liability Systems (n=94)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	42	22	6	2	3.7	23
Overall Treatment of Tort and Contract Litigation	%	19	43	26	10	0	3.7	11
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	29	19	8	1	3.6	17
Damages	%	13	49	22	10	2	3.6	16
Timeliness of Summary Judgment or Dismissal	%	14	38	30	13	2	3.5	23
Discovery	%	15	47	29	6	1	3.7	11
Scientific and Technical Evidence	%	18	32	30	8	0	3.7	17
Judges' Impartiality	%	21	52	13	8	3	3.8	16
Judges' Competence	%	24	45	20	7	1	3.9	17
Juries' Fairness	%	17	39	26	3	0	3.8	14
Overall State Grade	%	11	51	26	7	2	3.6	20

**Table 33****Iowa****2015 Overall Ranking: 4****Ratings on Key Elements of State Liability Systems (n=90)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	19	43	20	5	3	3.8	14
Overall Treatment of Tort and Contract Litigation	%	15	55	23	4	1	3.8	6
Treatment of Class Action Suits and Mass Consolidation Suits	%	12	31	24	3	0	3.7	10
Damages	%	19	48	22	4	1	3.8	5
Timeliness of Summary Judgment or Dismissal	%	18	46	26	3	2	3.8	7
Discovery	%	19	46	27	3	2	3.8	5
Scientific and Technical Evidence	%	19	37	27	2	2	3.8	5
Judges' Impartiality	%	30	49	17	0	0	4.1	3
Judges' Competence	%	22	52	19	2	0	4.0	5
Juries' Fairness	%	26	47	15	1	1	4.1	4
Overall State Grade	%	20	52	24	0	1	3.9	2

**Table 34****Kansas****2015 Overall Ranking: 19****Ratings on Key Elements of State Liability Systems (n=102)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	52	18	5	1	3.8	13
Overall Treatment of Tort and Contract Litigation	%	17	44	29	7	2	3.7	12
Treatment of Class Action Suits and Mass Consolidation Suits	%	11	31	24	7	2	3.6	23
Damages	%	22	46	19	7	0	3.9	2
Timeliness of Summary Judgment or Dismissal	%	17	38	30	10	2	3.6	17
Discovery	%	13	50	26	6	2	3.7	13
Scientific and Technical Evidence	%	13	30	38	7	2	3.5	28
Judges' Impartiality	%	20	47	28	3	2	3.8	17
Judges' Competence	%	17	54	20	8	1	3.8	19
Juries' Fairness	%	22	39	26	7	0	3.8	15
Overall State Grade	%	13	51	27	9	0	3.7	17

**Table 35****Kentucky****2015 Overall Ranking: 39****Ratings on Key Elements of State Liability Systems (n=95)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	36	24	10	3	3.6	35
Overall Treatment of Tort and Contract Litigation	%	12	35	32	16	4	3.4	37
Treatment of Class Action Suits and Mass Consolidation Suits	%	10	26	22	13	4	3.3	37
Damages	%	11	26	37	15	4	3.3	39
Timeliness of Summary Judgment or Dismissal	%	13	26	36	15	6	3.3	38
Discovery	%	11	38	33	13	4	3.4	39
Scientific and Technical Evidence	%	8	32	31	18	3	3.3	44
Judges' Impartiality	%	15	38	31	9	6	3.5	35
Judges' Competence	%	13	40	31	13	2	3.5	36
Juries' Fairness	%	11	35	26	14	4	3.4	36
Overall State Grade	%	7	36	39	15	3	3.3	39

**Table 36****Louisiana****2015 Overall Ranking: 49****Ratings on Key Elements of State Liability Systems (n=131)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	25	31	15	9	3.0	48
Overall Treatment of Tort and Contract Litigation	%	3	23	34	26	11	2.8	49
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	17	22	20	7	2.9	48
Damages	%	4	19	28	30	15	2.6	49
Timeliness of Summary Judgment or Dismissal	%	7	19	29	27	15	2.7	50
Discovery	%	7	25	37	19	7	3.1	47
Scientific and Technical Evidence	%	5	18	38	20	7	2.9	49
Judges' Impartiality	%	6	19	33	20	17	2.8	50
Judges' Competence	%	4	27	41	16	7	3.1	50
Juries' Fairness	%	5	23	31	21	11	2.9	50
Overall State Grade	%	4	18	42	19	15	2.8	50

**Table 37****Maine****2015 Overall Ranking: 14****Ratings on Key Elements of State Liability Systems (n=58)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	19	51	19	7	0	3.9	6
Overall Treatment of Tort and Contract Litigation	%	17	41	36	5	2	3.7	17
Treatment of Class Action Suits and Mass Consolidation Suits	%	10	41	29	0	3	3.7	15
Damages	%	12	42	34	7	2	3.6	19
Timeliness of Summary Judgment or Dismissal	%	12	44	29	7	0	3.7	13
Discovery	%	10	42	32	12	2	3.5	30
Scientific and Technical Evidence	%	22	25	39	8	2	3.6	21
Judges' Impartiality	%	15	51	22	8	0	3.8	24
Judges' Competence	%	29	42	24	2	0	4.0	3
Juries' Fairness	%	24	44	24	0	0	4.0	6
Overall State Grade	%	8	59	27	3	0	3.7	7

**Table 38****Maryland****2015 Overall Ranking: 28****Ratings on Key Elements of State Liability Systems (n=92)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	19	42	21	2	3	3.8	7
Overall Treatment of Tort and Contract Litigation	%	16	38	26	9	7	3.5	28
Treatment of Class Action Suits and Mass Consolidation Suits	%	14	28	16	11	7	3.4	31
Damages	%	20	30	27	11	5	3.5	25
Timeliness of Summary Judgment or Dismissal	%	18	31	27	12	5	3.5	27
Discovery	%	15	43	27	5	5	3.6	18
Scientific and Technical Evidence	%	11	36	25	7	5	3.5	29
Judges' Impartiality	%	24	42	18	9	5	3.7	26
Judges' Competence	%	21	46	19	8	3	3.8	21
Juries' Fairness	%	16	34	16	12	8	3.4	32
Overall State Grade	%	12	44	25	10	6	3.5	30

**Table 39**

**Massachusetts**

**2015 Overall Ranking: 17**

**Ratings on Key Elements of State Liability Systems (n=108)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	17	41	22	5	3	3.8	17
Overall Treatment of Tort and Contract Litigation	%	18	41	28	11	2	3.6	23
Treatment of Class Action Suits and Mass Consolidation Suits	%	14	25	25	7	4	3.5	26
Damages	%	11	44	28	8	5	3.5	26
Timeliness of Summary Judgment or Dismissal	%	15	38	36	7	2	3.6	18
Discovery	%	11	53	28	6	1	3.7	15
Scientific and Technical Evidence	%	21	43	10	10	1	3.9	3
Judges' Impartiality	%	26	44	21	7	1	3.9	12
Judges' Competence	%	25	52	20	2	0	4.0	2
Juries' Fairness	%	16	39	25	8	1	3.7	23
Overall State Grade	%	15	48	27	9	1	3.7	16

**Table 40****Michigan****2015 Overall Ranking: 24****Ratings on Key Elements of State Liability Systems (n=114)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	42	25	8	1	3.7	25
Overall Treatment of Tort and Contract Litigation	%	13	47	29	9	2	3.6	24
Treatment of Class Action Suits and Mass Consolidation Suits	%	14	34	24	8	1	3.6	16
Damages	%	11	46	27	10	3	3.5	23
Timeliness of Summary Judgment or Dismissal	%	16	32	37	11	0	3.6	20
Discovery	%	11	45	35	4	2	3.6	22
Scientific and Technical Evidence	%	11	45	22	6	2	3.7	16
Judges' Impartiality	%	15	43	30	6	2	3.7	29
Judges' Competence	%	16	44	31	4	2	3.7	25
Juries' Fairness	%	16	36	25	8	3	3.6	27
Overall State Grade	%	9	48	30	10	2	3.5	24

**Table 41****Minnesota****2015 Overall Ranking: 13****Ratings on Key Elements of State Liability Systems (n=89)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	26	37	19	4	2	3.9	5
Overall Treatment of Tort and Contract Litigation	%	15	47	23	9	4	3.6	22
Treatment of Class Action Suits and Mass Consolidation Suits	%	14	26	20	8	2	3.6	18
Damages	%	16	38	31	6	4	3.6	20
Timeliness of Summary Judgment or Dismissal	%	17	38	31	2	4	3.7	14
Discovery	%	15	44	27	6	2	3.7	14
Scientific and Technical Evidence	%	15	44	25	4	1	3.8	8
Judges' Impartiality	%	31	38	15	6	4	3.9	11
Judges' Competence	%	28	40	19	5	3	3.9	15
Juries' Fairness	%	18	41	25	5	2	3.7	19
Overall State Grade	%	14	49	26	5	3	3.7	14

**Table 42****Mississippi****2015 Overall Ranking: 43****Ratings on Key Elements of State Liability Systems (n=128)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	31	23	15	6	3.4	44
Overall Treatment of Tort and Contract Litigation	%	13	29	30	20	7	3.2	43
Treatment of Class Action Suits and Mass Consolidation Suits	%	10	27	25	17	11	3.1	43
Damages	%	17	24	29	15	14	3.2	43
Timeliness of Summary Judgment or Dismissal	%	17	26	22	23	8	3.2	41
Discovery	%	15	32	29	15	7	3.3	42
Scientific and Technical Evidence	%	13	25	30	20	5	3.2	45
Judges' Impartiality	%	13	30	36	13	6	3.3	44
Judges' Competence	%	11	34	39	11	3	3.4	40
Juries' Fairness	%	17	22	29	23	7	3.2	44
Overall State Grade	%	10	30	35	20	6	3.2	43

**Table 43****Missouri****2015 Overall Ranking: 42****Ratings on Key Elements of State Liability Systems (n=106)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	34	28	11	5	3.4	43
Overall Treatment of Tort and Contract Litigation	%	6	39	29	17	8	3.2	44
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	23	24	19	6	3.0	46
Damages	%	7	31	29	19	6	3.2	42
Timeliness of Summary Judgment or Dismissal	%	10	29	31	16	7	3.2	42
Discovery	%	15	30	34	10	9	3.3	45
Scientific and Technical Evidence	%	12	27	31	11	7	3.3	43
Judges' Impartiality	%	15	39	22	14	7	3.4	40
Judges' Competence	%	13	41	29	12	3	3.5	35
Juries' Fairness	%	11	35	23	12	7	3.3	40
Overall State Grade	%	7	34	31	18	8	3.1	44

**Table 44****Montana****2015 Overall Ranking: 34****Ratings on Key Elements of State Liability Systems (n=67)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	38	25	12	6	3.5	40
Overall Treatment of Tort and Contract Litigation	%	18	34	24	15	7	3.4	35
Treatment of Class Action Suits and Mass Consolidation Suits	%	10	34	22	18	3	3.4	34
Damages	%	18	31	25	13	9	3.4	33
Timeliness of Summary Judgment or Dismissal	%	15	38	28	10	7	3.4	30
Discovery	%	16	41	22	12	7	3.5	32
Scientific and Technical Evidence	%	12	32	32	10	3	3.4	34
Judges' Impartiality	%	19	35	25	15	4	3.5	34
Judges' Competence	%	15	43	26	9	6	3.5	34
Juries' Fairness	%	16	34	32	6	6	3.5	29
Overall State Grade	%	7	49	21	15	7	3.3	37

**Table 45****Nebraska****2015 Overall Ranking: 3****Ratings on Key Elements of State Liability Systems (n=82)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	30	44	15	2	3	4.0	2
Overall Treatment of Tort and Contract Litigation	%	20	55	16	2	5	3.8	3
Treatment of Class Action Suits and Mass Consolidation Suits	%	22	36	17	2	3	3.9	4
Damages	%	22	45	15	7	3	3.8	7
Timeliness of Summary Judgment or Dismissal	%	27	42	17	6	2	3.9	3
Discovery	%	21	49	20	2	3	3.9	3
Scientific and Technical Evidence	%	16	45	20	5	3	3.7	10
Judges' Impartiality	%	30	49	10	5	1	4.1	4
Judges' Competence	%	28	45	17	2	2	4.0	6
Juries' Fairness	%	29	49	8	5	1	4.1	1
Overall State Grade	%	19	58	15	5	2	3.9	4

**Table 46****Nevada****2015 Overall Ranking: 35****Ratings on Key Elements of State Liability Systems (n=98)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	12	49	24	7	4	3.6	33
Overall Treatment of Tort and Contract Litigation	%	13	35	34	9	6	3.4	34
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	31	32	6	6	3.3	36
Damages	%	12	27	33	13	8	3.2	41
Timeliness of Summary Judgment or Dismissal	%	9	41	28	12	4	3.4	32
Discovery	%	15	43	25	9	5	3.6	26
Scientific and Technical Evidence	%	10	42	27	6	4	3.5	25
Judges' Impartiality	%	12	46	22	13	6	3.5	38
Judges' Competence	%	14	39	29	10	6	3.5	38
Juries' Fairness	%	14	38	22	9	9	3.4	34
Overall State Grade	%	6	44	24	17	7	3.3	41

**Table 47****New Hampshire****2015 Overall Ranking: 5****Ratings on Key Elements of State Liability Systems (n=67)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	17	48	23	4	1	3.8	12
Overall Treatment of Tort and Contract Litigation	%	20	38	33	4	1	3.7	10
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	32	28	12	0	3.6	24
Damages	%	22	41	20	6	3	3.8	6
Timeliness of Summary Judgment or Dismissal	%	22	39	26	9	0	3.8	9
Discovery	%	19	51	22	6	0	3.9	4
Scientific and Technical Evidence	%	13	43	28	3	3	3.7	15
Judges' Impartiality	%	26	51	17	1	1	4.0	5
Judges' Competence	%	23	49	20	3	1	3.9	9
Juries' Fairness	%	28	48	13	0	3	4.1	3
Overall State Grade	%	14	55	25	3	1	3.8	6

**Table 48****New Jersey****2015 Overall Ranking: 38****Ratings on Key Elements of State Liability Systems (n=128)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	12	35	23	9	3	3.5	37
Overall Treatment of Tort and Contract Litigation	%	10	30	40	14	4	3.3	39
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	23	26	12	5	3.2	41
Damages	%	8	29	35	11	5	3.3	38
Timeliness of Summary Judgment or Dismissal	%	7	29	29	23	5	3.1	44
Discovery	%	9	37	32	14	4	3.4	41
Scientific and Technical Evidence	%	8	35	31	7	3	3.5	33
Judges' Impartiality	%	11	47	26	10	2	3.6	32
Judges' Competence	%	15	41	30	8	2	3.6	31
Juries' Fairness	%	10	30	30	8	5	3.4	39
Overall State Grade	%	8	40	34	15	2	3.4	35

**Table 49****New Mexico****2015 Overall Ranking: 45****Ratings on Key Elements of State Liability Systems (n=75)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	33	25	11	9	3.3	46
Overall Treatment of Tort and Contract Litigation	%	10	33	25	15	11	3.2	46
Treatment of Class Action Suits and Mass Consolidation Suits	%	10	24	30	8	8	3.3	40
Damages	%	13	25	28	16	13	3.1	44
Timeliness of Summary Judgment or Dismissal	%	11	28	34	14	8	3.2	40
Discovery	%	9	38	30	9	9	3.3	46
Scientific and Technical Evidence	%	13	28	28	10	6	3.4	39
Judges' Impartiality	%	10	29	33	14	8	3.2	47
Judges' Competence	%	10	31	26	18	8	3.2	47
Juries' Fairness	%	11	33	21	14	10	3.2	43
Overall State Grade	%	5	35	29	13	13	3.1	46

**Table 50**

**New York**

**2015 Overall Ranking: 21**

**Ratings on Key Elements of State Liability Systems (n=176)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	24	44	12	4	1	4.0	2
Overall Treatment of Tort and Contract Litigation	%	15	44	24	8	3	3.6	19
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	31	21	4	3	3.6	21
Damages	%	12	35	30	9	5	3.4	29
Timeliness of Summary Judgment or Dismissal	%	10	34	28	17	2	3.4	35
Discovery	%	12	40	29	8	3	3.5	29
Scientific and Technical Evidence	%	14	46	19	3	1	3.8	4
Judges' Impartiality	%	21	44	21	8	2	3.8	22
Judges' Competence	%	21	47	22	4	1	3.9	16
Juries' Fairness	%	9	41	25	11	3	3.5	30
Overall State Grade	%	14	46	26	8	2	3.7	18

**Table 51****North Carolina****2015 Overall Ranking: 7****Ratings on Key Elements of State Liability Systems (n=91)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	23	37	28	3	2	3.8	11
Overall Treatment of Tort and Contract Litigation	%	18	51	26	4	0	3.8	5
Treatment of Class Action Suits and Mass Consolidation Suits	%	14	33	26	4	2	3.7	13
Damages	%	14	51	27	2	1	3.8	9
Timeliness of Summary Judgment or Dismissal	%	21	40	27	5	1	3.8	8
Discovery	%	23	33	38	4	0	3.8	6
Scientific and Technical Evidence	%	21	36	26	4	1	3.8	6
Judges' Impartiality	%	27	43	23	5	0	3.9	7
Judges' Competence	%	23	47	21	7	1	3.9	18
Juries' Fairness	%	23	38	24	4	0	3.9	11
Overall State Grade	%	16	55	24	3	0	3.9	5

**Table 52**

**North Dakota**

**2015 Overall Ranking: 15**

**Ratings on Key Elements of State Liability Systems (n=59)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	20	39	25	10	0	3.7	20
Overall Treatment of Tort and Contract Litigation	%	19	44	27	7	3	3.7	14
Treatment of Class Action Suits and Mass Consolidation Suits	%	22	31	17	12	0	3.8	7
Damages	%	22	41	24	8	3	3.7	12
Timeliness of Summary Judgment or Dismissal	%	19	47	25	7	2	3.7	10
Discovery	%	17	37	31	14	2	3.5	27
Scientific and Technical Evidence	%	10	46	32	7	2	3.6	22
Judges' Impartiality	%	31	41	17	8	0	4.0	6
Judges' Competence	%	17	47	24	8	0	3.8	22
Juries' Fairness	%	25	44	17	5	0	4.0	7
Overall State Grade	%	17	39	36	5	2	3.7	19

**Table 53**

**Ohio**

**2015 Overall Ranking: 27**

**Ratings on Key Elements of State Liability Systems (n=125)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	17	39	24	7	1	3.7	18
Overall Treatment of Tort and Contract Litigation	%	12	39	30	14	2	3.5	26
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	32	19	10	3	3.5	29
Damages	%	11	39	31	9	2	3.5	24
Timeliness of Summary Judgment or Dismissal	%	14	35	23	15	6	3.4	33
Discovery	%	10	42	32	9	2	3.5	28
Scientific and Technical Evidence	%	9	40	23	10	2	3.5	27
Judges' Impartiality	%	19	42	24	9	2	3.7	27
Judges' Competence	%	20	36	26	13	2	3.6	28
Juries' Fairness	%	13	35	25	10	2	3.6	28
Overall State Grade	%	10	44	33	12	0	3.5	26

**Table 54**

**Oklahoma**

**2015 Overall Ranking: 33**

**Ratings on Key Elements of State Liability Systems (n=80)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	38	31	7	0	3.7	30
Overall Treatment of Tort and Contract Litigation	%	13	39	33	10	4	3.5	29
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	24	26	13	1	3.3	39
Damages	%	11	42	26	12	5	3.4	28
Timeliness of Summary Judgment or Dismissal	%	10	40	26	14	1	3.5	26
Discovery	%	11	39	33	7	5	3.5	33
Scientific and Technical Evidence	%	6	35	36	8	1	3.4	36
Judges' Impartiality	%	15	33	26	13	7	3.4	41
Judges' Competence	%	10	43	25	17	1	3.5	39
Juries' Fairness	%	7	39	32	8	4	3.4	35
Overall State Grade	%	8	40	40	6	2	3.5	31

**Table 55****Oregon****2015 Overall Ranking: 32****Ratings on Key Elements of State Liability Systems (n=87)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	17	39	21	9	2	3.7	29
Overall Treatment of Tort and Contract Litigation	%	14	38	30	12	4	3.5	30
Treatment of Class Action Suits and Mass Consolidation Suits	%	12	24	29	8	2	3.5	27
Damages	%	10	36	32	11	6	3.4	35
Timeliness of Summary Judgment or Dismissal	%	14	34	30	10	7	3.4	31
Discovery	%	13	34	31	16	2	3.4	35
Scientific and Technical Evidence	%	7	36	31	12	2	3.4	38
Judges' Impartiality	%	18	37	28	9	6	3.5	33
Judges' Competence	%	11	36	39	10	0	3.5	37
Juries' Fairness	%	11	31	34	9	3	3.4	33
Overall State Grade	%	9	38	36	12	3	3.4	33

**Table 56**

**Pennsylvania**

**2015 Overall Ranking: 37**

**Ratings on Key Elements of State Liability Systems (n=203)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	36	25	6	5	3.6	36
Overall Treatment of Tort and Contract Litigation	%	8	38	31	15	5	3.3	38
Treatment of Class Action Suits and Mass Consolidation Suits	%	11	22	21	11	5	3.3	35
Damages	%	12	31	29	16	3	3.3	34
Timeliness of Summary Judgment or Dismissal	%	10	32	28	18	6	3.2	39
Discovery	%	12	35	32	14	3	3.4	36
Scientific and Technical Evidence	%	12	36	21	13	5	3.4	32
Judges' Impartiality	%	12	42	25	13	5	3.4	37
Judges' Competence	%	14	42	28	8	5	3.5	33
Juries' Fairness	%	10	38	25	12	5	3.4	37
Overall State Grade	%	8	36	36	14	4	3.3	38

**Table 57**

**Rhode Island**

**2015 Overall Ranking: 26**

**Ratings on Key Elements of State Liability Systems (n=83)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	38	22	8	8	3.5	41
Overall Treatment of Tort and Contract Litigation	%	14	40	28	12	5	3.5	27
Treatment of Class Action Suits and Mass Consolidation Suits	%	16	34	18	6	2	3.7	9
Damages	%	18	42	25	8	4	3.6	13
Timeliness of Summary Judgment or Dismissal	%	18	34	27	7	9	3.5	28
Discovery	%	8	44	31	12	4	3.4	34
Scientific and Technical Evidence	%	18	36	22	8	5	3.6	20
Judges' Impartiality	%	19	42	26	2	6	3.7	28
Judges' Competence	%	21	42	22	8	4	3.7	26
Juries' Fairness	%	21	40	21	2	0	3.9	8
Overall State Grade	%	13	47	24	13	4	3.5	25

**Table 58****South Carolina****2015 Overall Ranking: 36****Ratings on Key Elements of State Liability Systems (n=86)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	47	27	7	2	3.6	34
Overall Treatment of Tort and Contract Litigation	%	10	42	31	10	5	3.4	31
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	27	30	10	5	3.3	38
Damages	%	10	34	27	13	9	3.3	40
Timeliness of Summary Judgment or Dismissal	%	10	34	30	16	6	3.3	37
Discovery	%	8	41	35	6	7	3.4	40
Scientific and Technical Evidence	%	9	28	35	15	1	3.3	40
Judges' Impartiality	%	10	41	24	15	6	3.4	42
Judges' Competence	%	13	36	27	14	6	3.4	44
Juries' Fairness	%	11	30	34	14	2	3.4	38
Overall State Grade	%	7	38	40	11	2	3.4	34

**Table 59****South Dakota****2015 Overall Ranking: 9****Ratings on Key Elements of State Liability Systems (n=62)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	21	41	24	6	3	3.7	19
Overall Treatment of Tort and Contract Litigation	%	29	43	16	6	5	3.9	4
Treatment of Class Action Suits and Mass Consolidation Suits	%	19	37	25	2	3	3.8	6
Damages	%	27	40	19	8	2	3.9	4
Timeliness of Summary Judgment or Dismissal	%	19	43	24	10	3	3.7	15
Discovery	%	24	38	25	3	6	3.7	9
Scientific and Technical Evidence	%	21	41	19	11	2	3.7	11
Judges' Impartiality	%	24	48	17	10	0	3.9	14
Judges' Competence	%	27	44	17	8	0	3.9	11
Juries' Fairness	%	27	41	14	6	3	3.9	10
Overall State Grade	%	13	56	21	8	2	3.7	10

**Table 60**

Tennessee

**2015 Overall Ranking: 23****Ratings on Key Elements of State Liability Systems (n=103)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	45	27	5	2	3.7	27
Overall Treatment of Tort and Contract Litigation	%	9	45	33	8	2	3.5	25
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	36	21	7	2	3.7	12
Damages	%	13	42	28	9	3	3.6	21
Timeliness of Summary Judgment or Dismissal	%	14	37	31	10	4	3.5	25
Discovery	%	14	42	30	8	1	3.6	19
Scientific and Technical Evidence	%	12	38	29	11	3	3.5	30
Judges' Impartiality	%	23	41	25	8	2	3.8	23
Judges' Competence	%	15	52	23	6	2	3.7	23
Juries' Fairness	%	12	46	25	8	1	3.7	24
Overall State Grade	%	13	48	23	11	2	3.6	22

**Table 61****Texas****2015 Overall Ranking: 40****Ratings on Key Elements of State Liability Systems (n=202)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	33	29	10	5	3.5	39
Overall Treatment of Tort and Contract Litigation	%	12	34	33	14	4	3.4	36
Treatment of Class Action Suits and Mass Consolidation Suits	%	10	27	23	14	3	3.4	33
Damages	%	10	37	29	13	9	3.3	37
Timeliness of Summary Judgment or Dismissal	%	10	38	32	12	5	3.4	34
Discovery	%	11	38	33	10	6	3.4	37
Scientific and Technical Evidence	%	10	33	33	12	2	3.4	37
Judges' Impartiality	%	10	32	36	14	7	3.2	46
Judges' Competence	%	10	35	38	11	3	3.4	42
Juries' Fairness	%	9	31	34	17	4	3.3	42
Overall State Grade	%	11	36	33	13	6	3.3	36

**Table 62****Utah****2015 Overall Ranking: 10****Ratings on Key Elements of State Liability Systems (n=90)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	19	40	17	7	2	3.8	15
Overall Treatment of Tort and Contract Litigation	%	18	43	23	7	4	3.7	18
Treatment of Class Action Suits and Mass Consolidation Suits	%	14	33	13	4	3	3.7	8
Damages	%	18	45	19	8	2	3.7	11
Timeliness of Summary Judgment or Dismissal	%	19	37	28	5	2	3.7	11
Discovery	%	21	40	21	6	4	3.7	8
Scientific and Technical Evidence	%	20	36	21	8	3	3.7	14
Judges' Impartiality	%	28	37	21	6	1	3.9	9
Judges' Competence	%	27	41	20	5	1	3.9	12
Juries' Fairness	%	24	32	25	6	2	3.8	17
Overall State Grade	%	13	51	25	4	3	3.7	12

**Table 63****Vermont****2015 Overall Ranking: 2****Ratings on Key Elements of State Liability Systems (n=56)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	25	49	18	4	2	3.9	4
Overall Treatment of Tort and Contract Litigation	%	25	46	21	4	2	3.9	2
Treatment of Class Action Suits and Mass Consolidation Suits	%	23	39	21	5	0	3.9	2
Damages	%	16	49	28	0	0	3.9	3
Timeliness of Summary Judgment or Dismissal	%	28	42	18	5	2	3.9	2
Discovery	%	30	37	25	5	2	3.9	1
Scientific and Technical Evidence	%	32	44	18	2	2	4.1	1
Judges' Impartiality	%	39	40	16	4	0	4.2	1
Judges' Competence	%	23	56	14	4	2	4.0	8
Juries' Fairness	%	33	33	25	4	0	4.0	5
Overall State Grade	%	19	58	16	5	0	3.9	3

**Table 64****Virginia****2015 Overall Ranking: 11****Ratings on Key Elements of State Liability Systems (n=126)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	19	47	23	4	3	3.8	16
Overall Treatment of Tort and Contract Litigation	%	17	48	25	4	3	3.7	8
Treatment of Class Action Suits and Mass Consolidation Suits	%	12	36	22	9	2	3.6	22
Damages	%	16	43	28	8	3	3.6	15
Timeliness of Summary Judgment or Dismissal	%	16	36	31	11	2	3.6	19
Discovery	%	21	42	27	7	2	3.7	7
Scientific and Technical Evidence	%	15	43	26	5	2	3.7	13
Judges' Impartiality	%	28	40	25	2	2	3.9	8
Judges' Competence	%	23	50	21	2	2	3.9	13
Juries' Fairness	%	18	43	24	4	2	3.8	18
Overall State Grade	%	13	52	27	4	3	3.7	13

**Table 65**  
**Washington**  
**2015 Overall Ranking: 29**

**Ratings on Key Elements of State Liability Systems (n=122)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	37	23	6	4	3.6	32
Overall Treatment of Tort and Contract Litigation	%	17	30	29	13	6	3.4	32
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	21	19	14	4	3.4	32
Damages	%	14	29	32	13	5	3.4	32
Timeliness of Summary Judgment or Dismissal	%	17	31	21	14	5	3.4	29
Discovery	%	15	36	30	9	3	3.5	25
Scientific and Technical Evidence	%	14	34	23	9	5	3.5	26
Judges' Impartiality	%	25	35	26	5	4	3.8	25
Judges' Competence	%	22	41	24	5	3	3.8	20
Juries' Fairness	%	18	36	20	4	5	3.7	22
Overall State Grade	%	14	41	27	12	4	3.5	28

**Table 66****West Virginia****2015 Overall Ranking: 50****Ratings on Key Elements of State Liability Systems (n=125)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	22	24	13	18	2.9	49
Overall Treatment of Tort and Contract Litigation	%	9	23	22	23	21	2.7	50
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	22	18	19	12	2.9	47
Damages	%	9	20	22	25	18	2.8	47
Timeliness of Summary Judgment or Dismissal	%	8	19	32	12	22	2.8	49
Discovery	%	3	27	33	22	9	2.9	50
Scientific and Technical Evidence	%	5	21	23	25	10	2.8	50
Judges' Impartiality	%	10	23	23	24	16	2.9	49
Judges' Competence	%	8	28	33	20	9	3.1	49
Juries' Fairness	%	9	26	19	23	11	3.0	47
Overall State Grade	%	5	22	26	29	15	2.7	49

**Table 67****Wisconsin****2015 Overall Ranking: 20****Ratings on Key Elements of State Liability Systems (n=127)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	17	42	24	5	2	3.7	22
Overall Treatment of Tort and Contract Litigation	%	16	45	27	7	3	3.7	21
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	32	26	6	4	3.5	28
Damages	%	13	45	30	5	3	3.6	17
Timeliness of Summary Judgment or Dismissal	%	17	37	34	5	3	3.6	16
Discovery	%	11	49	29	5	2	3.6	17
Scientific and Technical Evidence	%	13	43	26	7	2	3.6	19
Judges' Impartiality	%	23	44	20	7	3	3.8	20
Judges' Competence	%	20	44	23	5	4	3.7	24
Juries' Fairness	%	15	47	23	6	2	3.7	21
Overall State Grade	%	10	54	23	8	2	3.6	21

**Table 68**  
**Wyoming**  
**2015 Overall Ranking: 8**

**Ratings on Key Elements of State Liability Systems (n=63)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	19	43	19	9	0	3.8	10
Overall Treatment of Tort and Contract Litigation	%	19	43	25	4	3	3.8	9
Treatment of Class Action Suits and Mass Consolidation Suits	%	25	24	30	3	1	3.8	5
Damages	%	21	45	15	9	3	3.8	10
Timeliness of Summary Judgment or Dismissal	%	25	42	16	6	3	3.9	5
Discovery	%	16	43	25	4	4	3.7	16
Scientific and Technical Evidence	%	12	45	27	3	3	3.7	18
Judges' Impartiality	%	28	40	16	9	1	3.9	13
Judges' Competence	%	27	48	13	4	1	4.0	4
Juries' Fairness	%	15	57	9	10	0	3.8	13
Overall State Grade	%	9	57	25	4	1	3.7	15

## IV. METHODOLOGY

### AN OVERVIEW

*The 2015 Lawsuit Climate Survey: Ranking the States* was conducted for the U.S. Chamber Institute for Legal Reform by Harris Poll. The final results are based on interviews with a national sample of 1,203 in-house general counsel, senior litigators or attorneys, and other senior executives who are knowledgeable about litigation matters at public and private companies with annual revenues of at least \$100 million. The general counsel, senior litigators or attorneys, and other senior executives included in this study were involved in or very familiar with litigation in the states they evaluated within the past four years. On average, each telephone respondent evaluated four states, and each online respondent evaluated five states<sup>5</sup>. As a result, these 1,203 individual respondents represent a total of 5,346 responses or state evaluations.

Phone interviews averaging 26 minutes in length were conducted with a total of 560 respondents and took place between March 9, 2015, and June 24, 2015. Online interviews using the same questionnaire and averaging 14 minutes in length were conducted with a total of 643 respondents and took place between March 12, 2015, and June 24, 2015. As a point of reference, the 2012 research was conducted between March 13, 2012, and June 25, 2012. The remaining prior years' research was conducted during October to January in the years 2002–2010.

### SAMPLE DESIGN

For the telephone sample, a comprehensive list of general counsel at companies with annual revenues of at least \$100 million was compiled using Hoovers Phone, InfoUSA, ALM Legal Intelligence and Leadership Directories. An alert letter was sent to the general counsel at each company. This letter provided general information about the study and notified the recipient of the option to take the survey online or by phone. It told them that an interviewer from Harris Poll would be contacting them to set up an appointment for a telephone interview if that was their preference. The letter included a toll-free number for respondents to call and schedule an appointment for a telephone interview. It also alerted the general counsel to a \$100 incentive in the form of a gift card or charitable donation given in appreciation of the time invested in taking the survey.

For the online sample, the e-mail addresses for a representative sample of general counsel and other senior attorneys were drawn from Hoovers ConnectMail, ALM Law Journal, Today's General Counsel, National Data Group, InfoUSA, ALM Legal Intelligence and Leadership Directories. Respondents received an electronic version of the alert letter, which included a password-protected link to take the survey. Once they accessed the survey online, all respondents were screened to ensure that they worked for companies with more than \$100 million in annual revenues.

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<sup>5</sup> The number of evaluations was rounded to the nearest whole number.

## **SAMPLE CHARACTERISTICS**

A vast majority (73%) of respondents were general counsel, corporate counsel, associate or assistant counsel, or some other senior litigator or attorney. The remaining respondents were senior executives knowledgeable about or responsible for litigation at their companies. Respondents had an average of 19 years of relevant legal experience, including in their current position, and had been involved in or were familiar with litigation at their current companies for an average of 10 years. All respondents were familiar with or had litigated in the states they rated within the past four years; 78% fell within the past three years. The most common industry sector represented was manufacturing, followed by services and finance.

## **TELEPHONE INTERVIEWING PROCEDURES**

The telephone interviews utilized a computer-assisted telephone interviewing (CATI) system, whereby trained interviewers call and immediately input responses into the computer. This system greatly enhances reporting reliability. It also reduces clerical error by eliminating the need for keypunching, since interviewers enter respondent answers directly into a computer terminal during the interview itself. This data entry program does not permit interviewers to inadvertently skip questions, as each question must be answered before the computer moves on to the next question. The data entry program also ensures that all skip patterns are correctly followed. Furthermore, the online data editing system refuses to accept punches that are out-of-range, demands confirmation of responses that exceed expected ranges, and asks for explanations for inconsistencies between certain key responses.

To achieve high participation, in addition to the alert letters, numerous telephone callbacks were made to reach respondents and conduct the interviews at a convenient time. Interviewers also offered to send respondents an e-mail invitation so that respondents could take the survey online on their own time.

## **ONLINE INTERVIEWING PROCEDURES**

All online interviews were hosted on Harris Poll's server and were conducted using a self-administered, online questionnaire via proprietary Web-assisted interviewing software. The mail version of the alert letter directed respondents to a URL and provided participants with a unique ID and password that they were required to enter on the landing page of the survey. Those who received an e-mail version of the alert letter accessed the survey by clicking on the password-protected URL included in the e-mail. Due to password protection, it was not possible for a respondent to answer the survey more than once. Respondents for whom we had e-mail addresses received an initial invitation as well as reminder e-mails.

## **INTERVIEWING PROTOCOL**

After determining that respondents were qualified to participate in the survey using a series of screening questions, respondents identified the state liability systems with which they were familiar. The respondents were then asked to identify the last time they litigated in or were familiar with the states' liability systems: responses included in this study were from respondents who were involved in or very familiar with litigation in the state within the past four years. From there, respondents were given the opportunity to evaluate the states' liability systems, prioritized by most recent litigation experience. As stated earlier, respondents evaluated four states, on average, via telephone and five states, on average, online.

## **RATING AND SCORING OF STATES**

Respondents graded (A, B, C, D or F) each key element of each evaluated state's liability system. The state-by-state tables below show the ratings of the states by these grades, the percentage of respondents giving each grade, and the mean grade for each element. The mean grade was calculated by converting the letter grade using a 5.0 scale where A = 5.0, B = 4.0, C = 3.0, D = 2.0, and F = 1.0. Therefore, the mean score displayed can also be interpreted as a letter grade. For example, a mean score of 2.8 is roughly a C- grade.

The Overall Ranking of State Liability Systems (Table 3, page 18) was developed by creating an index using the grades provided for each of the key elements plus the overall performance grade. All of the key elements were highly correlated with one another and with overall performance. The differences in the relationship between each element and overall performance were trivial, so it was determined that each element should contribute equally to the index score. To create the index, each grade across the elements plus the overall performance grade were rescaled from 0 to 100 (A = 100, B = 75, C = 50, D = 25, and F = 0). Then, any evaluation that contained six or more "not sure" or "decline to answer" responses per state was removed. A total of 5.2% of state evaluations were unusable. From the usable evaluations, the scores on the elements were then averaged together to create the index score from 0 to 100.

The scores displayed in this report have been rounded to one decimal point, but rankings are based on the full, unrounded number. States that appear tied based upon the scores in this report were tied when the unrounded numbers were taken into consideration.

For the Ranking on Key Elements (*see Tables 9 – 18, pages 26 – 35*), a score was calculated per element for each state based on the 0 to 100 rescaled performance grades. The states were then ranked by their mean scores on that element.

### **RELIABILITY OF SURVEY PERCENTAGES**

The results from any sample survey are subject to sampling variation. The sampling variation (or error) that applies to the results for this survey of 1,203 respondents is plus or minus 2.8 percentage points. That is, the chances are 95 in 100 that a survey result does not vary, plus or minus, by more than 2.8 percentage points from the result that would have been obtained if interviews were conducted with all persons in the universe represented by the sample. Note that survey results based on subgroups of smaller sizes can be subject to larger sampling error.

Sampling error of the type so far discussed is only one type of error. Survey research is also susceptible to other types of error, such as refusals to be interviewed (non-response error), question wording and question order, interviewer error, and weighting by demographic control data. Although it is difficult or impossible to quantify these types of error, the procedures followed by Harris Poll keep errors of these types to a minimum.

## V. PAST STATE RANKINGS

The past rankings have been included in this report to provide historical information and a contextual basis for the 2015 data. The past years' rankings also provide a look at general movement. Caution should be exercised, however, in trying to ascertain direct trend lines from the prior rankings.

First, over time, the survey methodology has changed. As indicated earlier, a new requirement was added in 2015 that the general counsel, senior litigators or attorneys and other senior executives taking part in the study evaluate those states where they were involved with, or very familiar with, litigation in the state within the past four years. While 2015 continued the methodology begun in 2010 of allowing participants to take the survey either online or over the phone, some new, additional sample sources were introduced, while others (such LinkedIn) were no longer used (for further details, see the *Methodology* section of this report). A refinement in analyzing and ranking the states was also introduced in 2015: Similar to prior years, the ranking data in this report is rounded to a single decimal point. However, in prior years, the ranking itself was based (behind-the-scenes) on two decimal points. In 2015, while the ranking data continues to be displayed with a single decimal point, the ranking itself is based on the full, unrounded number.

Second, there were survey design changes in 2010; one element (*juries' predictability*) was removed and *punitive damages* and *non-economic damages* were combined into one category called *damages*. Also, the 2006, 2007, and 2008 rankings contain two elements: *having and enforcing meaningful venue requirements* and *non-economic damages*, which were not asked in the past. These changes collectively inhibit the ability to make direct comparisons between, and among, prior years, although they still permit a general sense of the directional movement over time to be reviewed.

<b>Year</b>	<b>Field Dates</b>
2015	March 9, 2015 to June 24, 2015
2012	March 13, 2012 to June 25, 2012
2010	October 21, 2009 to January 21, 2010
2008	December 18, 2007 to March 19, 2008
2007	December 27, 2006 to March 2, 2007
2006	November 28, 2005 to March 7, 2006
2005	November 22, 2004 to February 18, 2005
2004	December 5, 2003 to February 5, 2004
2003	January 16, 2003 to February 18, 2003
2002	November 7, 2001 to December 11, 2001

**Table 69**

**Overall Ranking of State Liability Systems\***

STATE	2015			2012			2010			2008		
	RANK	SCORE	N									
Delaware	1	76.5	89	1	71.8	94	1	77.2	97	1	71.5	92
Vermont	2	73.8	56	16	67.1	45	25	61.6	56	8	67.6	38
Nebraska	3	73.0	82	2	74.1	73	3	69.7	60	2	71.3	61
Iowa	4	72.2	90	10	69.5	88	5	69.4	84	7	68	82
New Hampshire	5	70.7	67	21	65.7	60	16	64.2	57	16	64.7	57
Idaho	6	70.5	62	6	70.5	54	18	63.9	47	26	61.5	39
North Carolina	7	70.2	91	20	65.8	81	17	64	85	21	62.6	56
Wyoming	8	69.7	63	3	72.6	44	15	64.5	59	23	62.1	43
South Dakota	9	69.5	62	11	69.5	54	10	65.6	46	12	65.7	42
Utah	10	69.0	90	9	69.7	74	7	67.8	83	5	68.6	74
Virginia	11	68.3	126	7	70.2	101	6	68.1	90	6	68.4	85
Alaska	12	68.1	58	13	69.1	41	33	56.6	35	20	62.6	37
Minnesota	13	68.0	89	4	71.4	80	11	65.3	86	11	66.5	64
Maine	14	68.0	58	12	69.2	54	12	65.2	57	3	69.3	43
North Dakota	15	67.9	59	8	69.8	52	2	71.1	50	13	65.6	44
Colorado	16	67.8	89	23	64.2	80	8	65.8	86	9	67.5	58
Massachusetts	17	67.8	108	19	66.3	111	9	65.6	119	18	63.5	84
Indiana	18	67.7	94	14	69	72	4	69.6	88	4	69.1	57
Kansas	19	67.6	102	5	70.6	96	14	64.6	96	10	66.7	82
Wisconsin	20	66.6	127	15	68.4	76	22	62.8	67	24	61.8	69
New York	21	66.3	176	18	66.4	177	23	62.5	224	25	61.6	134
Connecticut	22	65.9	86	25	63.8	74	24	62.1	84	19	63.2	55
Tennessee	23	65.7	103	26	63.7	80	19	63.7	70	22	62.3	71
Michigan	24	65.5	114	27	63	93	30	59.5	97	33	59.7	63
Arizona	25	65.4	116	17	66.8	76	13	65	86	15	65.3	50
Rhode Island	26	64.6	83	31	60.9	72	38	55.2	70	39	57.1	66
Ohio	27	64.2	125	30	62.1	119	29	59.7	118	32	60	58
Maryland	28	63.9	92	33	58.3	75	20	63.2	83	30	60.6	60
Washington	29	63.8	122	22	65.4	120	26	61.6	114	27	61.5	88
Hawaii	30	62.8	62	29	62.5	52	35	56.4	45	45	51.5	40
Georgia	31	62.4	108	24	64	89	27	60.9	99	28	61.4	62
Oregon	32	61.2	87	28	62.6	60	21	63	56	14	65.4	36
Oklahoma	33	61.0	80	42	55	68	31	59	70	17	64.2	55
Montana	34	60.5	67	45	52.2	51	43	52.4	42	38	57.3	42
Nevada	35	60.4	98	37	57	75	28	59.8	59	40	56.9	54
South Carolina	36	59.4	86	39	56.3	76	39	55.1	57	43	54.5	48
Pennsylvania	37	59.4	203	40	56.3	174	34	56.6	143	36	57.8	131
New Jersey	38	59.3	128	32	60.1	116	32	57.8	123	35	58	70
Kentucky	39	59.0	95	38	56.8	76	40	54.4	97	29	61.3	64
Texas	40	58.5	202	36	57.2	189	36	56.3	248	41	56.8	132
Arkansas	41	57.7	74	35	57.2	56	44	48.7	82	34	58	60
Missouri	42	56.6	106	34	57.8	73	37	56.1	92	31	60.1	61
Mississippi	43	56.3	128	48	46.6	84	48	40	116	48	43.7	92
Florida	44	56.0	211	41	55.3	187	42	53.9	237	42	54.9	137
New Mexico	45	55.2	75	44	52.7	46	41	53.9	59	37	57.5	49
Alabama	46	55.1	98	43	52.8	82	47	45.5	95	47	47.5	54
California	47	49.9	306	47	50.6	287	46	47.2	286	44	51.8	197
Illinois	48	48.0	197	46	51.3	187	45	47.9	191	46	51.3	129
Louisiana	49	46.5	131	49	46.5	104	49	39.6	122	49	42.9	100
West Virginia	50	46.3	125	50	44.8	121	50	35.1	121	50	42.4	114

\*Note: Scores displayed in this table have been rounded to one decimal point. The column labeled “N” represents the number of evaluations for a given state.

STATE	2007			2006			2005		
	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N
Delaware	1	75.6	109	1	74.9	108	1	76	128
Vermont	27	62.5	46	24	62.3	61	21	60.3	73
Nebraska	3	70	63	2	71.5	78	2	69.7	98
Iowa	4	68.9	95	4	68.8	109	5	66.3	155
New Hampshire	6	68.2	59	6	66	81	12	64	95
Idaho	30	61.3	52	18	64	70	10	64.2	61
North Carolina	16	65.9	87	10	65.2	98	20	60.3	114
Wyoming	22	64.7	49	16	64.2	66	9	64.7	85
South Dakota	11	67	51	7	65.7	56	8	64.9	70
Utah	9	67.7	87	17	64.2	103	14	63.3	144
Virginia	12	66.9	101	3	71.1	121	4	67.1	136
Alaska	43	56	48	36	56.2	58	33	56.4	64
Minnesota	2	70.6	86	14	65	83	7	65.2	77
Maine	5	68.9	48	9	65.5	66	11	64.2	80
North Dakota	20	65.4	48	12	65.2	51	3	68.5	57
Colorado	21	65.1	90	8	65.6	100	13	63.6	93
Massachusetts	18	65.7	123	32	59	125	31	57.8	144
Indiana	8	68.2	88	11	65.2	99	6	65.5	119
Kansas	13	66.7	96	15	64.5	110	16	62.6	148
Wisconsin	10	67.5	102	23	62.6	110	17	62.5	143
New York	19	65.6	197	21	63.2	217	27	58.8	256
Connecticut	14	66.3	62	5	66.9	90	18	62	131
Tennessee	7	68.2	101	29	59.9	109	22	59.9	102
Michigan	23	64.2	110	22	63.1	125	24	59.6	135
Arizona	15	66.3	94	13	65.1	98	19	60.9	95
Rhode Island	35	58.5	68	26	61.1	91	35	55.4	92
Ohio	24	63.9	123	19	63.5	139	26	59.5	178
Maryland	29	61.7	74	20	63.4	91	23	59.8	95
Washington	25	63.7	116	28	60.7	139	15	63.1	94
Hawaii	42	56.3	54	46	48	74	41	51.5	81
Georgia	31	61.2	106	27	61	118	28	58.4	170
Oregon	17	65.7	67	30	59.8	89	25	59.6	115
Oklahoma	38	57.7	82	33	58.8	100	32	56.5	132
Montana	40	57.2	58	39	54.8	70	37	54.8	70
Nevada	28	62	70	37	56	85	29	58.4	109
South Carolina	37	58.1	81	42	53.9	95	39	54.2	101
Pennsylvania	32	60.8	146	31	59.3	157	34	55.5	204
New Jersey	26	63.4	137	25	61.4	141	30	57.8	194
Kentucky	33	60.8	90	34	58	101	36	54.9	129
Texas	44	54.3	210	43	52	243	44	49.2	287
Arkansas	41	56.5	76	41	54.1	99	43	50.2	169
Missouri	34	60	99	35	57.8	109	40	51.9	121
Mississippi	49	46.1	156	48	39.7	143	50	30.7	164
Florida	36	58.2	186	38	55.2	209	42	50.9	288
New Mexico	39	57.5	59	40	54.2	96	38	54.5	155
Alabama	47	50.7	107	47	44.4	125	48	35.9	157
California	45	53.5	286	44	49.8	317	45	45.5	351
Illinois	46	50.8	180	45	49.2	229	46	44.1	285
Louisiana	48	47.3	142	49	39	137	47	39.1	146
West Virginia	50	38	134	50	37.3	137	49	33.2	107

\*Note: Scores displayed in this table have been rounded to one decimal point. The column labeled “N” represents the number of evaluations for a given state.

STATE	2004			2003			2002		
	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N
Delaware	1	74.4	178	1	74.5	96	1	78.6	75
Vermont	20	61.5	71	19	59.6	36	21	60.6	62
Nebraska	2	69.1	81	2	69.3	44	6	65.4	61
Iowa	4	68.6	80	3	68.8	61	5	65.8	63
New Hampshire	7	65.2	80	10	63.2	39	17	61.9	63
Idaho	5	66.2	81	13	61.8	37	14	62.4	53
North Carolina	19	61.9	178	20	59.5	84	16	61.9	74
Wyoming	15	63.8	77	25	58	37	20	60.7	45
South Dakota	17	63.6	73	4	66.5	38	9	63.9	47
Utah	6	65.8	82	7	64.5	55	8	64.2	62
Virginia	3	68.7	179	8	64	95	2	67.9	81
Alaska	33	56.5	77	32	55.8	39	37	53.8	63
Minnesota	8	65	177	9	63.5	85	19	61	66
Maine	12	64.1	79	16	60.9	39	18	61	53
North Dakota	16	63.8	72	6	65.1	37	25	59.4	50
Colorado	13	63.9	179	12	62.3	78	7	65.3	73
Massachusetts	28	57.7	180	22	59.1	93	36	54	66
Indiana	11	64.4	178	5	65.1	86	12	62.8	70
Kansas	9	64.4	81	15	61	53	4	66	63
Wisconsin	10	64.4	178	11	62.7	74	15	62.1	66
New York	22	61.4	200	27	57.2	96	27	58.9	100
Connecticut	18	62.5	179	17	60.3	81	10	63.4	68
Tennessee	25	60.7	176	26	57.7	76	24	59.9	66
Michigan	23	61.3	179	29	56.3	97	28	58.2	83
Arizona	14	63.8	177	18	59.7	92	11	63.2	78
Rhode Island	36	55.7	83	37	53.2	42	35	55	62
Ohio	32	57.2	187	24	58.6	98	26	59.4	100
Maryland	21	61.4	178	23	58.8	76	22	60.6	67
Washington	24	60.7	178	21	59.4	85	3	66.6	71
Hawaii	39	53.7	80	43	47.8	37	40	52	62
Georgia	29	57.6	180	39	52.7	93	23	59.9	100
Oregon	27	58.4	173	14	61.2	69	13	62.5	62
Oklahoma	31	57.5	179	36	53.9	71	41	51.2	62
Montana	43	51.7	80	28	56.4	40	43	49.6	62
Nevada	34	56.4	176	34	54.1	66	30	56.7	63
South Carolina	40	53	178	42	48	77	42	50.9	66
Pennsylvania	30	57.5	200	31	55.9	95	31	56.2	100
New Jersey	26	60.2	185	30	56.1	98	32	55.4	100
Kentucky	35	56	178	35	54	73	38	53.5	67
Texas	45	49.9	200	46	41.1	97	46	45.2	100
Arkansas	42	52.5	82	45	44.9	57	44	49.3	63
Missouri	41	52.9	178	33	55.4	89	29	56.8	75
Mississippi	50	25.7	182	50	24.8	99	50	28.4	96
Florida	38	54.1	200	40	48.6	96	33	55.2	100
New Mexico	37	55.1	81	41	48.6	56	39	52.8	63
Alabama	48	34.3	183	48	31.6	97	48	37.8	100
California	46	45.2	205	44	45.6	100	45	48.6	100
Illinois	44	50.5	201	38	53.1	97	34	55.1	100
Louisiana	47	40.5	182	47	37.3	98	47	41.3	94
West Virginia	49	31.9	176	49	30.9	79	49	35.6	65

\*Note: Scores displayed in this table have been rounded to one decimal point. The column labeled “N” represents the number of evaluations for a given state.

TABLE 70

## SUMMARY OF PAST YEARS RANKINGS BY STATE

<u>Alabama</u>	<u>Alaska</u>	<u>Arizona</u>	<u>Arkansas</u>	<u>California</u>	<u>Colorado</u>	<u>Connecticut</u>	<u>Delaware</u>
2015 = 46	2015 = 12	2015 = 25	2015 = 41	2015 = 47	2015 = 16	2015 = 22	2015 = 1
2012 = 43	2012 = 13	2012 = 17	2012 = 35	2012 = 47	2012 = 23	2012 = 25	2012 = 1
2010 = 47	2010 = 33	2010 = 13	2010 = 44	2010 = 46	2010 = 8	2010 = 24	2010 = 1
2008 = 47	2008 = 20	2008 = 15	2008 = 34	2008 = 44	2008 = 9	2008 = 19	2008 = 1
2007 = 47	2007 = 43	2007 = 14	2007 = 41	2007 = 45	2007 = 21	2007 = 14	2007 = 1
2006 = 47	2006 = 36	2006 = 13	2006 = 41	2006 = 44	2006 = 8	2006 = 5	2006 = 1
2005 = 48	2005 = 33	2005 = 19	2005 = 43	2005 = 45	2005 = 13	2005 = 18	2005 = 1
2004 = 48	2004 = 33	2004 = 14	2004 = 42	2004 = 46	2004 = 13	2004 = 18	2004 = 1
2003 = 48	2003 = 32	2003 = 18	2003 = 45	2003 = 44	2003 = 12	2003 = 17	2003 = 1
2002 = 48	2002 = 37	2002 = 11	2002 = 44	2002 = 45	2002 = 7	2002 = 10	2002 = 1
<u>Florida</u>	<u>Georgia</u>	<u>Hawaii</u>	<u>Idaho</u>	<u>Illinois</u>	<u>Indiana</u>	<u>Iowa</u>	<u>Kansas</u>
2015 = 44	2015 = 31	2015 = 30	2015 = 6	2015 = 48	2015 = 18	2015 = 4	2015 = 19
2012 = 41	2012 = 24	2012 = 29	2012 = 6	2012 = 46	2012 = 14	2012 = 10	2012 = 5
2010 = 42	2010 = 27	2010 = 35	2010 = 18	2010 = 45	2010 = 4	2010 = 5	2010 = 14
2008 = 42	2008 = 28	2008 = 45	2008 = 26	2008 = 46	2008 = 4	2008 = 7	2008 = 10
2007 = 36	2007 = 31	2007 = 42	2007 = 30	2007 = 46	2007 = 8	2007 = 4	2007 = 13
2006 = 38	2006 = 27	2006 = 46	2006 = 18	2006 = 45	2006 = 11	2006 = 4	2006 = 15
2005 = 42	2005 = 28	2005 = 41	2005 = 10	2005 = 46	2005 = 6	2005 = 5	2005 = 16
2004 = 38	2004 = 29	2004 = 39	2004 = 5	2004 = 44	2004 = 11	2004 = 4	2004 = 9
2003 = 40	2003 = 39	2003 = 43	2003 = 13	2003 = 38	2003 = 5	2003 = 3	2003 = 15
2002 = 33	2002 = 23	2002 = 40	2002 = 14	2002 = 34	2002 = 12	2002 = 5	2002 = 4
<u>Kentucky</u>	<u>Louisiana</u>	<u>Maine</u>	<u>Maryland</u>	<u>Massachusetts</u>	<u>Michigan</u>	<u>Minnesota</u>	<u>Mississippi</u>
2015 = 39	2015 = 49	2015 = 14	2015 = 28	2015 = 17	2015 = 24	2015 = 13	2015 = 43
2012 = 38	2012 = 49	2012 = 12	2012 = 33	2012 = 19	2012 = 27	2012 = 4	2012 = 48
2010 = 40	2010 = 49	2010 = 12	2010 = 20	2010 = 9	2010 = 30	2010 = 11	2010 = 48
2008 = 29	2008 = 49	2008 = 3	2008 = 30	2008 = 18	2008 = 33	2008 = 11	2008 = 48
2007 = 32	2007 = 48	2007 = 4	2007 = 29	2007 = 18	2007 = 25	2007 = 2	2007 = 13
2006 = 34	2006 = 49	2006 = 9	2006 = 20	2006 = 32	2006 = 22	2006 = 14	2006 = 48
2005 = 36	2005 = 47	2005 = 11	2005 = 23	2005 = 31	2005 = 24	2005 = 7	2005 = 50
2004 = 35	2004 = 47	2004 = 12	2004 = 21	2004 = 28	2004 = 23	2004 = 8	2004 = 50
2003 = 35	2003 = 47	2003 = 16	2003 = 23	2003 = 22	2003 = 29	2003 = 9	2003 = 50
2002 = 38	2002 = 47	2002 = 18	2002 = 22	2002 = 36	2002 = 28	2002 = 19	2002 = 50
<u>Missouri</u>	<u>Montana</u>	<u>Nebraska</u>	<u>Nevada</u>	<u>New Hampshire</u>	<u>New Jersey</u>	<u>New Mexico</u>	<u>New York</u>
2015 = 42	2015 = 34	2015 = 3	2015 = 35	2015 = 5	2015 = 38	2015 = 45	2015 = 21
2012 = 34	2012 = 45	2012 = 2	2012 = 37	2012 = 21	2012 = 32	2012 = 44	2012 = 18
2010 = 37	2010 = 43	2010 = 3	2010 = 28	2010 = 16	2010 = 32	2010 = 41	2010 = 23
2008 = 31	2008 = 38	2008 = 2	2008 = 40	2008 = 16	2008 = 35	2008 = 37	2008 = 25
2007 = 34	2007 = 40	2007 = 3	2007 = 28	2007 = 6	2007 = 26	2007 = 39	2007 = 19
2006 = 35	2006 = 39	2006 = 2	2006 = 37	2006 = 6	2006 = 25	2006 = 40	2006 = 21
2005 = 40	2005 = 37	2005 = 2	2005 = 29	2005 = 12	2005 = 30	2005 = 38	2005 = 27
2004 = 41	2004 = 43	2004 = 2	2004 = 34	2004 = 7	2004 = 26	2004 = 37	2004 = 22
2003 = 33	2003 = 28	2003 = 2	2003 = 34	2003 = 10	2003 = 30	2003 = 41	2003 = 27
2002 = 29	2002 = 43	2002 = 6	2002 = 30	2002 = 17	2002 = 32	2002 = 39	2002 = 27

<u>North Carolina</u>	<u>North Dakota</u>	<u>Ohio</u>	<u>Oklahoma</u>	<u>Oregon</u>	<u>Pennsylvania</u>	<u>Rhode Island</u>	<u>South Carolina</u>
2015 = 7	2015 = 15	2015 = 27	2015 = 33	2015 = 32	2015 = 37	2015 = 26	2015 = 36
2012 = 20	2012 = 8	2012 = 30	2012 = 42	2012 = 28	2012 = 40	2012 = 31	2012 = 39
2010 = 17	2010 = 2	2010 = 29	2010 = 31	2010 = 21	2010 = 34	2010 = 38	2010 = 39
2008 = 21	2008 = 13	2008 = 32	2008 = 17	2008 = 14	2008 = 36	2008 = 39	2008 = 43
2007 = 16	2007 = 20	2007 = 24	2007 = 38	2007 = 17	2007 = 32	2007 = 35	2007 = 37
2006 = 10	2006 = 12	2006 = 19	2006 = 33	2006 = 30	2006 = 31	2006 = 26	2006 = 42
2005 = 20	2005 = 3	2005 = 26	2005 = 32	2005 = 25	2005 = 34	2005 = 35	2005 = 39
2004 = 19	2004 = 16	2004 = 32	2004 = 31	2004 = 27	2004 = 30	2004 = 36	2004 = 40
2003 = 20	2003 = 6	2003 = 24	2003 = 36	2003 = 14	2003 = 31	2003 = 37	2003 = 42
2002 = 16	2002 = 25	2002 = 26	2002 = 41	2002 = 13	2002 = 31	2002 = 35	2002 = 42

<u>South Dakota</u>	<u>Tennessee</u>	<u>Texas</u>	<u>Utah</u>	<u>Vermont</u>	<u>Virginia</u>	<u>Washington</u>	<u>West Virginia</u>
2015 = 9	2015 = 23	2015 = 40	2015 = 10	2015 = 2	2015 = 11	2015 = 29	2015 = 50
2012 = 11	2012 = 26	2012 = 36	2012 = 9	2012 = 16	2012 = 7	2012 = 22	2012 = 50
2010 = 10	2010 = 19	2010 = 36	2010 = 7	2010 = 25	2010 = 6	2010 = 26	2010 = 50
2008 = 12	2008 = 22	2008 = 41	2008 = 5	2008 = 8	2008 = 6	2008 = 27	2008 = 50
2007 = 11	2007 = 6	2007 = 44	2007 = 9	2007 = 27	2007 = 12	2007 = 25	2007 = 50
2006 = 7	2006 = 29	2006 = 43	2006 = 17	2006 = 24	2006 = 3	2006 = 28	2006 = 50
2005 = 8	2005 = 22	2005 = 44	2005 = 14	2005 = 21	2005 = 4	2005 = 15	2005 = 49
2004 = 17	2004 = 25	2004 = 45	2004 = 6	2004 = 20	2004 = 3	2004 = 24	2004 = 49
2003 = 4	2003 = 26	2003 = 46	2003 = 7	2003 = 19	2003 = 8	2003 = 21	2003 = 49
2002 = 9	2002 = 24	2002 = 46	2002 = 8	2002 = 21	2002 = 2	2002 = 3	2002 = 49

<u>Wisconsin</u>	<u>Wyoming</u>
2015 = 20	2015 = 8
2012 = 15	2012 = 3
2010 = 22	2010 = 15
2008 = 24	2008 = 23
2007 = 10	2007 = 22
2006 = 23	2006 = 16
2005 = 17	2005 = 9
2004 = 10	2004 = 15
2003 = 11	2003 = 25
2002 = 15	2002 = 20

**APPENDIX A: KEY ELEMENTS – COMPARISON TO PRIOR YEARS’ DATA**

### Overall Treatment of Tort and Contract Litigation

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	60.6
2012	59.7
2010	56.5
2008	58.7
2007	60.7
2006	57.3
2005	55.2
2004	56.1
2003	54.1
2002	N/A

### Having and Enforcing Meaningful Venue Requirements

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	64.7
2012	65.0
2010	62.6
2008	64.0
2007	65.6
2006	62.1
2005	N/A
2004	N/A
2003	N/A
2002	N/A

### Treatment of Class Action Suits and Mass Consolidation Suits

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	59.5
2012	58.4
2010	51.8
2008	56.0
2007	56.7
2006	54.6
2005	51.3
2004	51.4
2003	49.6
2002	N/A

### Damages

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	59.0
2012	57.7
2010	53.6
2008	N/A
2007	N/A
2006	N/A
2005	N/A
2004	N/A
2003	N/A
2002	N/A

### Punitive Damages

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	N/A
2012	N/A
2010	N/A
2008	54.8
2007	56.1
2006	54.0
2005	51.0
2004	51.2
2003	48.3
2002	N/A

### Non-Economic Damages

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	N/A
2012	N/A
2010	N/A
2008	56.6
2007	58.0
2006	55.5
2005	N/A
2004	N/A
2003	N/A
2002	N/A

### Timeliness of Summary Judgment or Dismissal

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	59.4
2012	57.5
2010	54.2
2008	55.9
2007	58.4
2006	55.6
2005	53.5
2004	54.2
2003	52.1
2002	N/A

### Discovery

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	61.8
2012	60.8
2010	57.8
2008	62.3
2007	63.4
2006	60.7
2005	58.4
2004	59.8
2003	58.7
2002	N/A

### Scientific and Technical Evidence

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	62.3
2012	62.3
2010	58.6
2008	61.8
2007	62.1
2006	59.7
2005	57.9
2004	58.9
2003	57.5
2002	N/A

### Judges' Impartiality

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	64.6
2012	64.0
2010	61.6
2008	62.3
2007	64.0
2006	62.6
2005	60.2
2004	61.3
2003	61.1
2002	N/A

### Judges' Competence

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	65.6
2012	64.4
2010	62.4
2008	64.0
2007	64.8
2006	63.4
2005	61.2
2004	62.3
2003	61.1
2002	N/A

### Juries' Fairness

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	62.6
2012	60.7
2010	58.0
2008	58.9
2007	60.0
2006	56.7
2005	54.5
2004	55.2
2003	52.2
2002	N/A

### Juries' Predictability

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	N/A
2012	N/A
2010	N/A
2008	56.1
2007	56.6
2006	53.2
2005	54.1
2004	50.0
2003	N/A
2002	N/A

### Overall Grade

<b>Year</b>	<b>Average Overall Score (weighted by N size)</b>
2015	60.5
2012	60.0
2010	57.3
2008	59.1
2007	60.7
2006	57.8
2005	56.0
2004	N/A
2003	54.6
2002	N/A

**Having and Enforcing Meaningful Venue Requirements\***

STATE	Rank					
	2015	2012	2010	2008	2007	2006
Delaware	1	1	1	1	3	2
Nebraska	2	6	7	5	2	3
New York	3	3	11	17	7	7
Vermont	4	19	36	8	23	25
Minnesota	5	5	15	12	8	10
Maine	6	18	22	7	14	14
Maryland	7	36	26	37	41	22
Idaho	8	11	30	36	29	11
Connecticut	9	24	20	11	13	9
Wyoming	10	7	27	25	27	32
North Carolina	11	23	6	31	18	4
New Hampshire	12	16	35	23	5	23
Kansas	13	12	13	18	19	28
Iowa	14	15	2	6	11	6
Utah	15	8	7	13	16	27
Virginia	16	3	4	3	9	1
Massachusetts	17	21	9	16	15	34
Ohio	18	35	16	30	21	20
South Dakota	19	9	31	4	10	12
North Dakota	20	28	9	21	12	21
Arizona	21	25	4	20	25	15
Wisconsin	22	13	24	9	20	8
Indiana	23	2	3	2	1	5
Alaska	24	10	39	10	43	37
Michigan	25	14	18	26	22	19
Colorado	26	34	11	14	17	13
Tennessee	27	22	14	29	3	30
Hawaii	28	17	32	41	38	44
Oregon	29	20	24	15	6	18
Oklahoma	30	41	18	19	37	31
Georgia	31	31	21	27	30	24
Washington	32	30	33	22	28	35
Nevada	33	33	17	35	32	33
South Carolina	34	38	41	40	33	39
Kentucky	35	29	42	28	35	29
Pennsylvania	36	43	28	38	34	16
New Jersey	37	25	29	39	26	17
Alabama	38	46	46	45	46	47
Texas	39	45	34	43	45	41
Montana	40	42	43	44	35	43
Rhode Island	41	32	40	32	39	26
Florida	42	39	38	34	24	36
Missouri	43	27	22	33	31	38
Mississippi	44	48	49	49	47	48
Arkansas	45	37	47	24	44	40
New Mexico	46	39	36	42	42	45
California	47	44	44	46	40	42
Louisiana	48	47	48	48	48	49
West Virginia	49	50	50	50	50	50
Illinois	50	49	45	47	49	46

\*2005-2002 data not available

**Overall Treatment of Tort and Contract Litigation**

STATE	Rank								
	2015	2012	2010	2008	2007	2006	2005	2004	2003
Delaware	1	3	1	1	1	1	1	1	1
Vermont	2	14	29	5	25	23	28	20	15
Nebraska	3	2	4	2	2	3	2	2	3
South Dakota	4	10	9	10	13	6	9	14	5
North Carolina	5	19	19	26	12	8	17	17	19
Iowa	6	5	5	3	7	4	5	4	2
Idaho	7	4	11	23	33	22	18	6	17
Virginia	8	8	8	12	14	2	4	3	7
Wyoming	9	1	15	32	4	18	7	12	23
New Hampshire	10	26	16	16	3	9	11	13	8
Indiana	11	7	6	7	10	5	6	8	6
Kansas	12	6	19	11	17	12	15	16	14
Colorado	13	23	7	8	15	11	10	15	12
North Dakota	14	8	2	9	20	17	3	7	4
Connecticut	15	25	24	20	8	7	21	22	18
Alaska	16	19	33	17	44	36	31	36	22
Maine	16	12	13	6	6	21	13	10	20
Utah	18	13	3	4	18	16	8	5	11
New York	19	17	18	22	22	13	23	19	16
Arizona	20	15	16	13	26	10	19	11	24
Wisconsin	21	15	21	27	9	26	16	9	9
Minnesota	22	11	13	14	5	15	12	18	10
Massachusetts	23	21	12	18	16	29	33	34	21
Michigan	24	27	30	33	30	20	22	21	32
Tennessee	25	24	10	30	11	24	20	26	28
Ohio	26	29	27	29	24	25	24	30	26
Rhode Island	27	31	41	35	36	27	39	40	38
Maryland	28	36	26	25	21	14	26	23	25
Oklahoma	29	43	25	19	35	35	29	29	35
Oregon	30	30	23	15	19	32	25	28	13
South Carolina	31	37	34	43	34	39	36	38	40
Washington	32	18	27	34	29	30	14	27	27
Georgia	33	22	22	21	32	19	27	25	39
Nevada	34	33	32	37	23	37	30	31	36
Montana	35	46	43	36	40	42	38	45	29
Texas	36	31	31	39	43	43	43	41	49
Kentucky	37	33	37	24	28	33	32	32	37
Pennsylvania	38	40	35	38	31	31	37	35	33
New Jersey	39	35	36	41	27	28	35	24	30
Arkansas	40	39	44	31	38	41	41	39	45
Hawaii	41	28	38	44	42	46	44	43	43
Alabama	42	42	46	47	46	47	48	48	48
Mississippi	43	48	49	48	48	49	50	50	50
Missouri	44	38	39	28	39	34	42	42	31
Florida	45	41	40	42	37	38	40	37	42
New Mexico	46	44	42	40	41	40	34	33	41
California	47	47	47	45	45	45	46	46	45
Illinois	48	45	45	46	47	44	45	44	34
Louisiana	49	49	48	49	49	48	47	47	50
West Virginia	50	50	50	50	50	50	49	49	49

Treatment of Class Action Suits and Mass Consolidation Suits									
STATE	Rank								
	2015	2012	2010	2008	2007	2006	2005*	2004*	2003*
Delaware	1	2	1	1	1	1	1	1	1
Vermont	2	20	33	7	13	28	19	17	14
Idaho	3	4	22	21	22	10	15	4	20
Nebraska	4	6	2	3	8	2	2	5	2
Wyoming	5	10	9	25	11	9	9	12	19
South Dakota	6	17	25	4	29	7	5	3	5
North Dakota	7	29	7	19	28	8	3	6	15
Utah	8	8	4	2	15	13	7	9	6
Rhode Island	9	23	35	39	35	27	32	32	38
Iowa	10	26	6	6	4	3	4	2	3
Alaska	11	5	40	18	38	36	22	26	24
Tennessee	12	16	7	27	2	22	28	20	17
North Carolina	13	19	15	22	30	18	14	18	23
Colorado	14	27	13	5	21	16	17	13	27
Maine	15	12	11	10	19	20	11	10	29
Michigan	16	22	19	31	17	19	26	25	30
Indiana	17	1	3	8	5	15	6	11	4
Minnesota	18	14	17	30	10	34	10	16	10
Connecticut	19	28	28	15	6	4	12	14	25
Hawaii	20	7	32	44	34	43	41	43	37
New York	21	21	16	13	3	11	24	8	11
Virginia	22	3	5	12	16	2	3	2	3
Kansas	23	10	20	11	7	6	8	22	8
New Hampshire	24	13	24	16	27	17	13	7	22
Arizona	25	25	12	14	20	5	21	15	9
Massachusetts	26	15	10	24	18	33	33	29	16
Oregon	27	35	20	9	26	26	25	33	12
Wisconsin	28	8	26	23	9	23	18	19	7
Ohio	29	30	17	20	23	14	16	21	18
Georgia	30	18	14	17	31	12	23	31	36
Maryland	31	37	29	37	36	21	29	27	34
Washington	32	24	26	38	24	36	27	30	26
Texas	33	31	23	40	42	41	42	41	45
Montana	34	32	37	34	40	37	36	37	21
Pennsylvania	35	39	31	28	32	31	31	28	28
Nevada	36	44	39	43	12	32	20	24	39
Kentucky	37	36	33	26	25	24	34	34	31
South Carolina	38	38	36	41	41	39	37	40	43
Oklahoma	39	40	42	32	43	25	35	35	35
New Mexico	40	45	43	36	37	40	39	38	40
New Jersey	41	33	30	35	14	30	30	23	33
Alabama	42	43	44	45	45	47	47	47	47
Mississippi	43	48	47	48	49	46	49	50	50
Arkansas	44	41	45	33	44	42	43	42	42
Florida	45	42	41	42	39	38	40	39	41
Missouri	46	34	38	29	33	29	38	36	13
West Virginia	47	46	50	50	50	49	48	48	48
Louisiana	48	49	49	49	47	48	46	46	46
Illinois	49	47	46	47	48	44	45	44	32
California	50	50	48	46	46	45	44	45	44

\*Reported as "Treatment of Class Action Suits"

Damages			
STATE	Rank		
	2015	2012	2010*
Delaware	1	3	2
Kansas	2	5	12
Vermont	3	14	26
South Dakota	4	18	6
Iowa	5	7	5
New Hampshire	6	21	9
Nebraska	7	1	3
Idaho	8	9	7
North Carolina	9	20	19
Wyoming	10	2	14
Utah	11	6	8
North Dakota	12	4	4
Rhode Island	13	31	39
Alaska	14	11	40
Virginia	15	12	11
Indiana	16	8	1
Wisconsin	17	17	20
Colorado	18	16	9
Maine	19	13	13
Minnesota	20	10	18
Tennessee	21	27	15
Arizona	22	15	17
Michigan	23	29	22
Ohio	24	27	28
Maryland	25	32	27
Massachusetts	26	25	15
Connecticut	27	22	30
Oklahoma	28	43	22
New York	29	19	24
Georgia	30	24	21
Hawaii	31	26	35
Washington	32	23	29
Montana	33	42	42
Pennsylvania	34	38	38
Oregon	35	30	30
Arkansas	36	36	44
Texas	37	33	34
New Jersey	38	35	32
Kentucky	39	38	37
South Carolina	40	33	36
Nevada	41	40	25
Missouri	42	37	33
Mississippi	43	45	49
New Mexico	44	44	43
Florida	45	41	41
Alabama	46	46	46
West Virginia	47	50	50
Illinois	48	46	45
Louisiana	49	48	48
California	50	49	47

\*Not reported prior to 2010

Punitive Damages						
STATE	Rank					
	2008	2007	2006	2005	2004	2003
Delaware	1	1	1	1	1	1
Indiana	2	7	4	4	4	8
Maine	3	4	15	9	10	21
Utah	4	5	8	13	6	10
Kansas	5	12	6	11	7	15
Colorado	6	22	11	18	13	12
Vermont	7	21	20	19	22	16
Iowa	8	6	3	8	3	2
Virginia	9	17	2	5	2	4
North Dakota	10	25	5	2	8	3
North Carolina	11	14	7	15	12	17
South Dakota	12	16	12	7	9	9
Oregon	13	26	32	27	33	26
Connecticut	14	20	14	12	19	13
Tennessee	15	3	23	14	20	22
Minnesota	16	2	16	10	18	18
Oklahoma	17	36	28	26	29	30
Georgia	18	28	17	24	21	32
Wyoming	19	10	9	6	11	20
Arizona	21	13	18	16	14	23
Alaska	20	39	35	34	38	31
Maryland	22	23	21	23	25	14
Idaho	23	24	19	3	5	7
Michigan	24	8	10	17	15	11
Kentucky	25	19	25	28	26	27
New York	26	15	22	25	16	25
Ohio	27	18	13	21	23	24
Missouri	28	33	30	36	34	33
Texas	29	38	36	39	39	42
Arkansas	30	34	29	35	31	38
Pennsylvania	31	27	27	30	27	28
Wisconsin	32	10	26	20	17	6
Nevada	33	24	33	22	24	35
New Jersey	34	45	31	30	24	30
Florida	35	29	37	37	32	40
Rhode Island	36	30	24	32	30	29
New Mexico	37	32	31	29	28	34
Montana	38	35	38	33	35	19
South Carolina	40	31	34	31	36	39
Illinois	39	40	40	41	40	36
Hawaii	41	37	39	38	37	37
California	42	42	41	40	41	41
Mississippi	43	43	43	44	44	45
Alabama	44	41	42	43	43	43
West Virginia	45	44	44	42	42	44
Louisiana*	46	45	47	45	46	1
Massachusetts*	46	45	35	32	34	8
Nebraska*	46	45	1	2	2	21
New Hampshire*	46	45	12	7	18	10
Washington*	46	45	22	14	22	15

\*Louisiana, Massachusetts, Nebraska, New Hampshire and Washington not included in 2007 and 2008 because they outlawed punitive damages.

Non-Economic Damages			
STATE	Rank		
	2008	2007	2006*
Colorado	1	26	6
Nebraska	2	2	2
Delaware	3	1	1
Utah	4	10	9
Maine	5	4	16
Virginia	6	21	3
Vermont	7	9	22
Indiana	8	13	11
Iowa	9	6	5
Kansas	10	14	7
Arizona	11	18	18
Oregon	12	20	34
New Hampshire	13	3	14
Minnesota	14	7	19
Oklahoma	15	35	33
South Dakota	16	17	8
Wyoming	17	24	15
Michigan	18	25	20
Massachusetts	19	22	29
Missouri	20	37	35
Kentucky	21	28	37
North Dakota	22	16	4
Connecticut	23	15	13
Georgia	24	30	21
Alaska	25	44	30
Idaho	26	33	12
Tennessee	27	5	23
Ohio	28	23	17
New York	29	12	25
Maryland	30	34	31
Texas	31	43	42
Nevada	32	19	40
Washington	33	29	27
Montana	34	32	38
Arkansas	35	39	36
New Mexico	36	42	41
North Carolina	37	11	10
Pennsylvania	38	38	28
Wisconsin	39	8	32
New Jersey	40	27	26
Rhode Island	41	31	24
Florida	42	36	39
Hawaii	43	40	45
California	44	45	46
Illinois	45	48	44
South Carolina	46	41	43
Alabama	47	46	47
Louisiana	48	47	49
Mississippi	49	49	48
West Virginia	50	50	50

\*Not reported before 2006

**Timeliness of Summary Judgment or Dismissal**

STATE	Rank								
	2015	2012	2010	2008	2007	2006	2005	2004	2003
Delaware	1	2	1	1	1	1	1	1	1
Vermont	2	14	24	4	23	19	12	24	27
Nebraska	3	1	5	3	7	4	2	3	4
Idaho	4	7	7	18	18	12	5	12	10
Wyoming	5	2	12	16	17	8	14	6	25
Alaska	6	4	36	32	45	34	29	31	34
Iowa	7	15	8	14	8	9	7	4	2
North Carolina	8	19	19	34	22	17	22	15	19
New Hampshire	9	21	23	25	12	6	8	5	14
North Dakota	10	6	2	13	5	14	4	7	11
Utah	11	11	10	9	14	13	10	17	5
Hawaii	12	23	43	44	43	47	43	38	46
Maine	13	9	21	5	13	5	13	9	17
Minnesota	14	8	6	6	3	7	6	8	9
South Dakota	15	5	11	10	2	3	11	11	3
Wisconsin	16	13	15	17	4	18	20	10	15
Kansas	17	12	13	11	20	24	19	14	8
Massachusetts	18	22	9	30	39	33	42	39	31
Virginia	19	9	3	2	19	2	3	2	6
Michigan	20	26	35	21	21	20	21	22	26
Connecticut	21	25	26	31	16	21	26	23	33
Arizona	22	17	14	15	6	11	18	13	16
Indiana	23	18	4	8	10	10	9	19	7
Colorado	24	24	17	7	25	15	15	16	13
Tennessee	25	33	25	23	9	27	24	20	24
Oklahoma	26	31	30	12	40	36	30	30	38
Maryland	27	34	22	19	37	22	23	18	20
Rhode Island	28	20	39	40	28	28	33	33	35
Washington	29	16	18	28	15	23	17	21	22
Montana	30	40	27	26	35	38	28	45	18
Oregon	31	28	16	20	11	25	16	25	12
Nevada	32	30	20	33	24	37	25	27	21
Ohio	33	38	38	43	30	16	31	34	30
Texas	34	37	27	29	42	40	40	41	43
New York	35	27	34	36	31	35	37	28	39
Georgia	36	29	32	24	32	26	27	29	29
South Carolina	37	41	33	39	34	43	38	32	37
Kentucky	38	44	41	22	29	32	35	40	42
Pennsylvania	39	45	37	41	33	29	36	35	32
New Mexico	40	39	40	27	41	42	34	36	40
Mississippi	41	48	48	47	49	48	50	50	50
Missouri	42	35	31	38	38	31	41	44	23
Arkansas	43	32	42	35	27	41	39	37	44
New Jersey	44	36	29	37	26	30	32	26	28
Florida	45	43	44	42	36	39	44	42	41
Alabama	46	42	45	48	44	46	48	48	47
Illinois	47	47	47	46	46	44	45	43	36
California	48	46	46	45	47	45	46	46	45
West Virginia	49	49	50	49	50	50	49	49	49
Louisiana	50	50	49	50	48	49	47	47	48

Discovery									
STATE	Rank								
	2015	2012	2010	2008	2007	2006	2005	2004	2003
Vermont	1	6	31	11	28	12	11	23	8
Delaware	2	2	1	1	1	1	1	1	1
Nebraska	3	4	4	6	4	3	3	3	2
New Hampshire	4	20	22	23	15	5	5	4	31
Iowa	5	12	2	12	5	4	8	10	3
North Carolina	6	16	9	25	13	7	22	9	15
Virginia	7	8	7	4	20	2	4	2	10
Utah	8	14	5	3	12	24	16	8	9
South Dakota	9	11	17	14	10	17	14	22	7
Idaho	10	17	15	33	30	11	12	7	24
Indiana	11	15	3	2	6	8	13	17	5
Colorado	12	30	10	18	24	9	9	16	20
Kansas	13	7	15	13	11	20	17	12	14
Minnesota	14	5	14	8	2	23	6	13	6
Massachusetts	15	24	18	20	22	35	34	35	22
Wyoming	16	3	6	31	9	6	7	24	28
Wisconsin	17	10	19	28	3	13	15	5	11
Maryland	18	41	11	36	37	16	26	18	19
Tennessee	19	21	21	16	7	30	25	30	18
Hawaii	20	23	35	44	43	46	39	42	43
Arizona	21	18	12	17	17	14	24	6	16
Michigan	22	24	31	29	16	22	20	11	29
Alaska	23	1	27	15	44	40	31	31	17
Connecticut	24	32	23	22	14	10	21	21	21
Washington	25	19	27	21	29	27	19	20	26
Nevada	26	34	24	40	21	37	27	36	34
North Dakota	27	9	7	7	18	18	2	15	4
Ohio	28	28	30	24	25	15	23	33	30
New York	29	22	33	30	19	21	28	19	32
Maine	30	12	13	10	8	19	10	14	13
Georgia	31	27	24	19	36	26	18	32	37
Montana	32	50	34	41	33	36	35	45	25
Oklahoma	33	39	19	9	27	34	32	26	35
Rhode Island	34	33	39	39	39	28	37	27	41
Oregon	35	26	26	5	26	29	29	34	12
Pennsylvania	36	35	39	32	34	32	36	29	27
Texas	37	36	29	35	41	39	43	39	45
Arkansas	38	29	44	37	42	43	42	40	46
Kentucky	39	37	42	27	32	31	33	28	23
South Carolina	40	38	36	43	35	38	44	41	39
New Jersey	41	31	36	38	23	25	30	25	38
Mississippi	42	49	49	47	49	48	50	50	50
Florida	43	42	41	42	38	41	41	38	40
Alabama	44	43	45	49	45	47	48	48	48
Missouri	45	40	36	26	31	33	40	44	36
New Mexico	46	45	43	34	40	42	38	37	42
Louisiana	47	46	48	50	47	49	47	47	47
Illinois	48	44	46	46	48	44	45	43	33
California	49	47	47	45	46	45	46	46	44
West Virginia	50	48	50	48	50	50	49	49	49

**Scientific and Technical Evidence**

STATE	Rank								
	2015	2012	2010	2008	2007	2006	2005	2004	2003
Vermont	1	16	28	9	29	32	24	30	33
Delaware	2	1	1	2	1	1	1	1	1
Massachusetts	3	7	3	1	4	7	12	12	10
New York	4	7	8	6	3	4	6	3	3
Iowa	5	13	15	16	11	10	8	14	11
North Carolina	6	26	21	29	23	6	29	21	29
Idaho	7	23	23	25	35	25	22	5	28
Minnesota	8	3	11	10	2	9	5	4	2
Colorado	9	29	2	7	7	3	11	6	17
Nebraska	10	5	9	15	10	5	4	8	21
South Dakota	11	6	38	41	19	26	18	29	18
Connecticut	12	22	20	17	8	8	9	7	24
Virginia	13	4	5	5	5	2	3	2	5
Utah	14	20	4	11	15	17	15	22	4
New Hampshire	15	19	25	22	31	13	10	19	23
Michigan	16	25	34	33	12	21	25	13	22
Indiana	17	21	6	8	16	29	17	17	8
Wyoming	18	2	21	42	17	20	13	26	35
Wisconsin	19	15	18	24	22	28	16	9	14
Rhode Island	20	30	44	39	38	16	32	40	34
Maine	21	12	13	3	18	15	21	20	37
North Dakota	22	9	19	40	33	27	7	42	7
Arizona	23	17	16	13	24	12	20	10	13
Alaska	24	11	37	12	41	40	30	33	38
Nevada	25	44	32	31	32	36	33	36	40
Washington	26	14	10	36	14	18	2	16	6
Ohio	27	32	25	19	20	14	28	23	25
Kansas	28	10	28	14	21	33	27	15	16
Maryland	29	34	17	28	25	19	26	18	9
Tennessee	30	24	12	20	6	30	35	28	32
Georgia	31	31	13	23	28	22	14	35	36
Pennsylvania	32	40	30	34	26	23	31	24	12
New Jersey	33	33	24	35	13	11	23	11	20
Montana	34	46	35	32	48	39	40	44	26
Hawaii	35	18	30	46	44	46	42	34	27
Oklahoma	36	41	40	18	43	38	41	31	42
Texas	37	37	25	30	27	35	37	25	45
Oregon	38	28	7	4	9	24	19	27	15
New Mexico	39	45	41	38	37	42	36	37	43
South Carolina	40	47	33	44	40	43	38	45	44
Florida	41	41	39	37	36	41	39	41	39
California	42	39	36	27	30	34	34	32	30
Missouri	43	27	42	21	34	31	43	39	31
Kentucky	44	35	45	26	39	37	44	43	41
Mississippi	45	48	49	48	49	49	50	50	50
Arkansas	46	36	47	45	45	45	46	46	46
Alabama	47	43	46	47	46	47	48	48	48
Illinois	48	38	43	43	42	44	45	38	19
Louisiana	49	49	48	50	47	48	47	47	47
West Virginia	50	50	50	49	50	50	49	49	49

**Judges' Impartiality**

STATE	Rank								
	2015	2012	2010	2008	2007	2006	2005	2004	2003
Vermont	1	20	21	7	29	26	25	16	15
Delaware	2	1	1	1	1	1	1	1	1
Iowa	3	10	4	2	8	4	3	2	3
Nebraska	4	3	5	4	4	3	2	3	2
New Hampshire	5	16	19	14	5	10	7	4	31
North Dakota	6	2	2	21	13	13	4	7	7
North Carolina	7	23	24	18	20	20	24	24	20
Virginia	8	18	9	3	11	2	6	5	16
Utah	9	11	16	19	21	19	18	15	10
Colorado	10	26	17	6	6	6	12	20	12
Minnesota	11	3	13	5	3	14	9	8	6
Massachusetts	12	8	10	16	19	29	26	27	18
Wyoming	13	6	23	17	35	7	17	14	27
South Dakota	14	16	3	12	12	9	10	22	5
Alaska	15	20	32	26	41	35	36	32	23
Indiana	16	14	5	8	18	12	8	11	8
Kansas	17	8	11	11	9	23	16	19	24
Connecticut	18	22	14	13	17	5	14	12	4
Idaho	19	5	24	34	25	21	11	6	9
Wisconsin	20	12	20	23	7	11	15	13	14
Arizona	21	13	8	10	15	18	20	9	21
New York	22	15	18	27	14	16	22	17	22
Tennessee	23	28	22	29	16	32	23	23	30
Maine	24	7	7	9	2	17	5	10	17
Washington	25	19	27	25	24	24	13	25	19
Maryland	26	33	12	24	26	8	21	18	11
Ohio	27	28	26	30	22	25	27	34	28
Rhode Island	28	32	41	38	37	33	39	41	42
Michigan	29	25	28	32	27	27	29	26	32
Hawaii	30	31	37	45	43	46	40	31	39
Georgia	31	24	31	28	31	30	30	30	38
New Jersey	32	30	29	31	23	15	28	21	25
Oregon	33	27	15	15	10	22	19	28	13
Montana	34	46	44	41	38	42	38	45	34
Kentucky	35	37	39	22	32	37	35	37	33
Arkansas	36	43	45	36	44	40	44	36	45
Pennsylvania	37	35	33	35	30	28	32	29	26
Nevada	38	38	35	42	36	38	33	35	35
Florida	39	34	38	39	33	36	42	38	40
Missouri	40	36	34	33	28	31	41	39	29
Oklahoma	41	39	30	20	42	34	31	33	36
South Carolina	42	40	42	44	39	41	37	43	43
Alabama	43	47	47	47	45	47	47	48	48
Mississippi	44	49	48	48	48	48	50	50	50
California	45	40	40	40	34	39	43	40	37
Texas	46	42	43	43	46	44	45	46	46
New Mexico	47	43	36	37	40	43	34	42	44
Illinois	48	45	46	46	47	45	46	44	41
West Virginia	49	50	50	50	50	49	49	49	49
Louisiana	50	48	49	49	49	50	48	47	47

**Judges' Competence**

STATE	Rank								
	2015	2012	2010	2008	2007	2006	2005	2004	2003
Delaware	1	1	1	1	1	1	1	1	1
Massachusetts	2	8	6	13	10	23	18	22	12
Maine	3	5	4	8	2	11	11	10	21
Wyoming	4	10	13	18	39	24	29	17	25
Iowa	5	15	19	7	8	5	5	4	3
Nebraska	6	7	3	4	15	3	6	6	4
Alaska	7	18	29	23	40	34	37	34	29
Vermont	8	16	6	10	26	27	23	20	22
New Hampshire	9	19	18	15	4	7	13	9	15
Idaho	10	11	26	32	28	21	14	14	18
South Dakota	11	11	8	22	18	22	21	28	14
Utah	12	4	15	12	16	14	22	5	10
Virginia	13	3	5	3	6	2	2	2	7
Colorado	14	23	19	6	25	9	4	8	6
Minnesota	15	2	10	2	3	8	3	3	2
New York	16	11	21	14	13	15	12	13	16
Indiana	17	20	9	5	14	20	10	18	17
North Carolina	18	22	15	20	20	13	19	23	19
Kansas	19	9	17	9	5	16	20	12	20
Washington	20	21	12	19	17	17	8	27	11
Maryland	21	33	14	25	27	6	25	16	23
North Dakota	22	6	2	21	21	19	7	19	8
Tennessee	23	31	25	33	9	33	24	26	28
Wisconsin	24	14	23	17	12	10	17	7	5
Michigan	25	28	33	37	23	28	15	24	33
Rhode Island	26	32	29	29	38	30	31	33	34
Connecticut	27	25	11	16	11	4	9	11	13
Ohio	28	28	28	36	29	25	26	31	27
Georgia	29	26	27	35	22	29	30	32	35
Arizona	30	17	21	26	19	12	28	15	24
New Jersey	31	27	32	27	24	18	27	25	26
Hawaii	32	30	36	46	42	46	40	37	36
Pennsylvania	33	36	35	31	32	31	33	30	30
Montana	34	46	45	30	33	38	38	46	38
Missouri	35	41	39	34	30	32	42	40	31
Kentucky	36	40	40	28	36	36	39	35	40
Oregon	37	24	24	11	7	26	16	21	9
Nevada	38	35	33	43	34	41	32	36	39
Oklahoma	39	45	31	24	44	35	35	29	41
Mississippi	40	50	48	49	48	48	50	50	50
Arkansas	41	42	46	42	43	42	44	42	45
Texas	42	37	38	38	45	44	45	45	46
Florida	43	39	42	39	37	39	43	39	42
South Carolina	44	34	37	44	35	45	34	44	44
Alabama	45	44	47	47	47	47	48	48	47
California	46	37	41	40	31	37	41	41	32
New Mexico	47	46	43	41	41	40	36	38	43
Illinois	48	43	44	45	46	43	46	43	37
West Virginia	49	49	50	48	50	50	49	49	49
Louisiana	50	48	49	50	49	49	47	47	48

**Juries' Fairness**

STATE	Rank								
	2015	2012	2010	2008	2007	2006	2005	2004	2003
Nebraska	1	1	1	1	1	1	1	2	3
Delaware	2	4	4	10	7	4	2	3	4
New Hampshire	3	18	13	14	9	18	10	12	6
Iowa	4	7	3	4	4	2	5	1	2
Vermont	5	16	24	6	29	20	22	9	10
Maine	6	14	15	5	8	16	9	17	12
North Dakota	7	11	2	9	20	9	3	4	1
Rhode Island	8	28	31	36	34	23	37	36	24
Idaho	9	3	16	21	28	21	12	6	13
South Dakota	10	9	6	3	5	13	4	13	5
North Carolina	11	24	26	24	11	11	23	20	26
Alaska	12	7	38	28	38	35	38	38	28
Wyoming	13	13	23	17	22	14	6	14	18
Indiana	14	10	4	2	6	5	8	7	8
Kansas	15	6	10	12	13	12	16	10	14
Colorado	16	17	14	7	15	10	14	19	16
Utah	17	5	7	8	12	19	13	11	11
Virginia	18	15	9	11	17	6	11	8	15
Minnesota	19	2	8	15	2	8	7	5	7
Arizona	20	20	18	13	16	15	24	18	22
Wisconsin	21	12	17	22	3	7	15	15	9
Washington	22	26	19	23	26	32	19	21	21
Massachusetts	23	19	12	27	19	29	29	31	25
Tennessee	24	21	21	18	14	25	18	22	20
Connecticut	25	23	19	16	23	3	17	16	23
Hawaii	26	31	35	41	40	46	43	37	39
Michigan	27	32	27	26	25	26	27	24	33
Ohio	28	22	32	30	10	17	20	25	17
Montana	29	44	39	33	43	36	35	39	35
New York	30	25	28	39	21	27	34	35	36
Georgia	31	27	22	35	32	34	31	33	40
Maryland	32	33	24	34	37	22	25	26	32
Oregon	33	29	11	19	18	30	21	27	19
Nevada	34	41	28	40	24	39	28	30	27
Oklahoma	35	43	30	20	39	28	26	23	29
Kentucky	36	38	36	31	31	33	30	29	30
Pennsylvania	37	34	32	37	30	24	32	34	31
South Carolina	38	40	42	46	36	42	39	43	45
New Jersey	39	30	34	38	27	31	33	28	34
Missouri	40	36	37	32	33	38	40	41	38
Arkansas	41	35	44	29	35	37	41	42	43
Texas	42	37	41	43	45	43	44	45	46
New Mexico	43	45	42	25	42	41	36	32	41
Mississippi	44	50	49	50	49	50	50	50	50
Florida	45	39	40	42	41	40	42	40	42
Alabama	46	42	47	47	47	47	49	49	48
West Virginia	47	49	50	48	50	48	48	48	49
Illinois	48	46	45	44	46	44	46	44	37
California	49	47	46	45	44	45	45	46	44
Louisiana	50	48	48	49	48	49	47	47	47

Juries' Predictability						
Rank						
STATE	2008*	2007	2006	2005	2004	2003
Nebraska	1	1	1	2	1	1
Indiana	2	3	9	9	16	8
Virginia	3	11	12	11	6	16
South Dakota	4	7	13	10	5	9
Utah	5	2	14	7	8	5
Maine	6	21	8	15	12	12
Iowa	7	6	3	5	4	2
Colorado	8	20	23	19	22	17
Kansas	9	5	11	12	9	14
Idaho	10	19	16	8	11	26
North Dakota	11	9	18	3	2	3
Vermont	12	33	15	20	21	13
Delaware	13	8	4	1	3	6
Minnesota	14	15	7	6	10	11
New Hampshire	15	12	6	13	14	7
Oregon	16	27	33	23	27	15
Connecticut	18	26	2	21	15	10
Wyoming	17	13	24	4	7	35
Arizona	19	17	17	24	17	30
Wisconsin	20	10	5	14	13	4
Massachusetts	21	23	35	31	36	21
Oklahoma	22	37	27	30	20	29
Missouri	23	36	38	34	39	23
Kentucky	24	24	28	33	31	37
Montana	25	34	37	22	35	27
Pennsylvania	26	39	31	28	34	20
North Carolina	27	18	10	25	18	19
Arkansas	28	43	20	43	43	41
New York	29	22	29	35	38	39
Washington	30	35	39	16	24	25
Ohio	31	14	19	26	30	18
Texas	32	44	43	44	45	45
Michigan	34	29	26	27	23	32
Tennessee	33	4	25	17	19	24
Hawaii	35	41	47	40	40	43
Georgia	36	25	32	38	32	38
Alaska	37	42	40	32	44	28
Maryland	38	31	21	18	25	22
New Jersey	39	28	30	29	28	31
Florida	40	40	41	42	37	42
Rhode Island	41	32	22	37	26	40
Nevada	42	30	42	36	29	34
Illinois	43	45	44	45	41	36
New Mexico	44	16	34	41	42	33
South Carolina	45	38	36	39	33	44
Alabama	46	49	46	49	46	50
California	47	48	48	46	49	48
West Virginia	48	50	45	47	48	46
Louisiana	49	46	49	48	46	47
Mississippi	50	47	50	50	50	49

**APPENDIX B: ALERT LETTER**

**2015 State Liability Systems Lawsuit Climate Ranking Study**

Conducted by Nielsen (f/k/a Harris Interactive) for the U.S. Chamber Institute for Legal Reform

---

[COLUMN T]  
[COLUMN H] [COLUMN I]  
[COLUMN J], [COLUMN K] [COLUMN L]

ID: [COLUMN E]

Dear [COLUMN G]:

Nielsen, now running *The Harris Poll*<sup>®</sup>, has been retained by the U.S. Chamber Institute for Legal Reform to conduct a 2015 update of its *State Liability Systems Lawsuit Climate Ranking Study*. **We are contacting you to request your participation in this study that will describe the performance of our civil justice system state by state.** Over time, this study has played a central role in informing policymakers, and it has proven itself credible and useful. Policymakers have come to rely on the results of this survey, so we need your help.

We know you are busy, so we are offering the opportunity to complete the survey online or by phone. The survey will take approximately 15 minutes to complete. Your answers will be kept strictly confidential and will be used only in combination with those of other survey participants. Nielsen will also email a brief summary of the results in exchange for your time. **As a token of appreciation, if you qualify for and complete the survey, Nielsen will either send you a \$100 honorarium or make a charitable contribution on your behalf to one of eleven predetermined organizations.**

Participating online is easy. Please type the following link into your web browser and enter the ID number and password to take the survey:

<http://go.hpolsurveys.com/StateRank>

ID Number: [COLUMN E] Password: [COLUMN F]

If you are not interested in participating, or do not feel qualified to participate, we would very much appreciate your forwarding this on to a qualified colleague within your company without visiting the link first.

A representative from Nielsen will contact you to take part in this study within the next few weeks unless you have already completed the survey online. You can also call Nielsen directly to set up an appointment or to complete the survey by calling the toll-free number 1-866-545-4687 Monday through Friday between 8:30 a.m. and 4:00 p.m. Eastern time. Please have the reference number that appears in the top right hand corner of this letter ready when you call.

If you have any questions regarding this research, email [J46262SurveyHelp@nielsen.com](mailto:J46262SurveyHelp@nielsen.com) or contact Ms. Alyson Alois from Nielsen toll free at 1-855-876-8430. If you know of in-house counsel from other companies who may be interested, please encourage them to participate. Thank you for your time and cooperation.

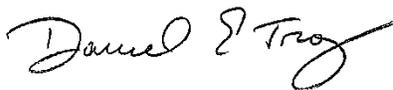
Sincerely,



Kim M. Brunner  
Chairman  
U.S Chamber Institute for Legal Reform



David G. Leitch  
Group Vice President and General Counsel  
Ford Motor Company



Daniel E. Troy  
Senior Vice President and General Counsel  
GlaxoSmithKline



S. Jack Balagia  
Vice President and General Counsel  
Exxon Mobil Corporation

## **APPENDIX C: QUESTIONNAIRE**

## SCREENING QUESTIONS AND INTRODUCTORY QUESTIONS

[SHOWN ON LANDING PAGE FOR ONLINE]

Thank you for agreeing to participate in the **2015 Lawsuit Climate Survey: Ranking the States** conducted by Nielsen (home of the Harris Poll). The survey should take approximately 15 minutes to complete but may be shorter or longer depending on how many state liability systems you are familiar with.

Now in its eleventh edition, this study has become the primary benchmark that policy makers, the media and others use to measure states' legal environment. Each year, the study has played a substantial role in state legislative debates about the need for legal reform and has become an important tool to promote balance within the civil justice system.

Your responses are entirely confidential. Individual responses will not be shared with anyone nor will the identity of individual companies that have participated. We will combine your completed survey with hundreds of others to compile aggregate results.

We appreciate the time you are taking to complete this survey. As a token of appreciation, if you qualify for and complete\* the survey, you will receive a **\$100 honorarium** or you can choose to donate it to one of eleven charities.

During the survey, please **do not use your browser's FORWARD and BACK buttons**. Instead, please always use the arrows below to navigate through the survey.

Should you need to contact us for any reason, email us at [J46262SurveyHelp@nielsen.com](mailto:J46262SurveyHelp@nielsen.com) or call 1-855-876-8430. This contact information is also provided in your survey invitation should you need to reference it during the survey.

Simply click on the forward arrow at the bottom of the page to begin the survey. Thank you.

*\*You will receive one \$100 honorarium for all the time you have invested in this survey. We appreciate the time you have spent.*

[SHOWN FOR PHONE]

We have been commissioned by the U.S. Chamber Institute for Legal Reform to conduct a survey among general counsel and senior litigators. Your company may have received a letter signed by four prominent general counsel (Daniel Troy from GlaxoSmithKline; Kim Brunner from U.S. Chamber Institute for Legal Reform; David Leitch from Ford Motor Company; and Jack Balagia from Exxon Mobil Corporation) of Fortune 100 companies urging participation. This study has become the primary benchmark that elected officials, the media, and other opinion leaders use to measure their state's legal environment.

To thank you for your qualified participation in this study, we will send a \$100 Amazon.com gift card to you or one of eleven predetermined charities. We are also happy to send you an executive summary of the findings.

This study will examine state liability systems and will take about 15 minutes of your time, depending on your answers.

**BASE: ALL QUALIFIED RESPONDENTS**

**Q665** Thank you for agreeing to take this survey. First, we have some questions about you and your company.

[PHONE] What is your job title?

[ONLINE] What is your job title? If your exact job title is not listed below, please try to choose the title that is closest.]

- |                                       |                       |
|---------------------------------------|-----------------------|
| 1 General or Corporate Counsel        | [JUMP TO Q1816]       |
| 2 Head of Litigation                  | [JUMP TO Q1816]       |
| 3 Senior counsel/litigator            | [JUMP TO Q1816]       |
| 4 Chief Legal Officer                 | [JUMP TO Q1816]       |
| 5 Senior attorney or attorney         | [JUMP TO Q675]        |
| 6 Legal counsel                       | [JUMP TO Q675]        |
| 7 Assistant or Associate counsel      | [JUMP TO Q675]        |
| 8 President                           | [JUMP TO Q675]        |
| 9 Partner                             | [JUMP TO Q675]        |
| 10 Senior or Executive Vice President | [JUMP TO Q675]        |
| 11 Vice President                     | [JUMP TO Q675]        |
| 12 Chief Executive Officer            | [JUMP TO Q675]        |
| 13 Chief Financial Officer            | [JUMP TO Q675]        |
| 14 Chairman                           | [JUMP TO Q675]        |
| 15 Director                           | [JUMP TO Q675]        |
| 16 Paralegal                          | [PHONE: GET REFERRAL] |
| 17 Legal Assistant or Secretary       | [PHONE: GET REFERRAL] |
| 18 Information Technology             | [PHONE: GET REFERRAL] |
| 19 Human Resources                    | [PHONE: GET REFERRAL] |
| 20 Other [SPECIFY AT Q1425]           | [SPECIFY AT Q1425]    |
| 98 Not sure [PHONE]                   | [JUMP TO Q675]        |
| 99 Decline to answer [PHONE]          | [JUMP TO Q675]        |

**BASE: GAVE OTHER JOB TITLE (Q665/20)**

**Q1425** What is your job title?

[MANDATORY TEXT BOX]

**BASE: OTHER JOB TITLE (Q665/20)**

**Q671** RELEVANT LEGAL TITLE

[PHONE: IF TITLE GIVEN MIGHT BE RELEVANT, SELECT "RELEVANT"; IF TITLE GIVEN IS DEFINITELY NOT RELEVANT, SELECT "NOT RELEVANT"]

[ONLINE: JUMPFILL AS "RELEVANT"]

- |   |              |                |
|---|--------------|----------------|
| 1 | Relevant     | [ASK Q675]     |
| 2 | Not relevant | [JUMP TO Q695] |

**BASE: OTHER RELEVANT LEGAL TITLE IN Q665 (Q665/5-15, 98, 99 OR Q671/1)**

**Q675** Are you aware of the litigation your company is involved in?

- |   |                   |                       |
|---|-------------------|-----------------------|
| 1 | Yes               | [ASK Q680]            |
| 2 | No                | [PHONE: GET REFERRAL] |
| 8 | Not sure          | [PHONE: GET REFERRAL] |
| 9 | Decline to answer | [PHONE: GET REFERRAL] |

**BASE: AWARE OF PERTINENT LEGAL ISSUES (Q675/1)**

**Q680** Are you knowledgeable about or responsible for litigation matters at your company?

- |   |                   |                       |
|---|-------------------|-----------------------|
| 1 | Yes               | [ASK Q1816]           |
| 2 | No                | [PHONE: GET REFERRAL] |
| 8 | Not sure          | [PHONE: GET REFERRAL] |
| 9 | Decline to answer | [PHONE: GET REFERRAL] |

**BASE: ALL CONTINUING RESPONDENTS**

**Q1816** What was your company's total gross revenue (before expenses, taxes, etc.) for 2014? If you are not sure, please use your best estimate. (DO NOT READ LIST)

- |     |                                  |             |
|-----|----------------------------------|-------------|
| 1.  | Under \$100 million              | [TERMINATE] |
| 2.  | \$100 to less than \$250 million |             |
| 3.  | \$250 to less than \$500 million |             |
| 4.  | \$500 to less than \$750 million |             |
| 5.  | \$750 to less than \$1 billion   |             |
| 6.  | \$1 to less than \$2 billion     |             |
| 7.  | \$2 to less than \$3 billion     |             |
| 8.  | \$3 to less than \$4 billion     |             |
| 9.  | \$4 billion or more              |             |
| 10. | Not sure                         | [PHONE]     |
| 11. | Decline to answer                | [PHONE]     |

**BASE: PHONE RESPONDENT AND NOT SURE OF REVENUE (Q1816/10)**

**Q1814** Was your company's total gross revenue [INT: IF NECESSARY: before expenses, taxes, etc.] for 2014 \$100 million or more? (DO NOT READ LIST)

- |    |                   |             |
|----|-------------------|-------------|
| 1. | Yes               |             |
| 2. | No                | [TERMINATE] |
| 3. | Not sure          | [TERMINATE] |
| 4. | Decline to answer | [TERMINATE] |

**BASE: ALL CONTINUING RESPONDENTS**

**Q1820** Do you work for a law firm?

- |   |                   |                     |
|---|-------------------|---------------------|
| 1 | Yes               | [TERMINATE]         |
| 2 | No                |                     |
| 3 | Not sure          | [PHONE] [TERMINATE] |
| 4 | Decline to answer | [PHONE] [TERMINATE] |

**BASE: ALL CONTINUING RESPONDENTS**

**Q1825** Do you work at a non-profit organization?

- |   |                   |                     |
|---|-------------------|---------------------|
| 1 | Yes               | [TERMINATE]         |
| 2 | No                |                     |
| 3 | Not sure          | [PHONE] [TERMINATE] |
| 4 | Decline to answer | [PHONE] [TERMINATE] |

**BASE: ALL CONTINUING RESPONDENTS**

**Q1830** Are you employed by the state or federal government?

- 1 Yes [TERMINATE]
- 2 No
- 3 Not sure [PHONE] [TERMINATE]
- 4 Decline to answer [PHONE] [TERMINATE]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q685** Including your current position, how many years of relevant legal experience do you have?

[LESS THAN ONE YEAR NOT QUALIFIED]

[FOR ONLINE: Please enter zero if it is less than a year. If you are unsure, please use your best estimate.]

[FOR PHONE] [INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR "NOT SURE" AND 99 FOR "DECLINE TO ANSWER."; IF 0 OR LESS THAN 1 YEAR OR 98 OR 99, SKIP TO Q99 THEN END INTERVIEW)

[VALUES 98, 99 NOT VALID FOR ONLINE]

\_\_\_\_ [RANGE: 0-65, 98, 99]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q690** How many years have you been involved in or familiar with litigation at your company?

[ONLINE: Please enter zero if it is less than a year. If you are unsure, please use your best estimate.]

PHONE: INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR "NOT SURE" AND 99 FOR "DECLINE TO ANSWER."]

[PN: VALUES 98, 99 NOT VALID FOR ONLINE]

\_\_\_\_ [RANGE: 0-65, 98, 99]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q720** [PHONE: Overall, how would you describe the fairness and reasonableness of state liability systems in America – excellent, pretty good, only fair, or poor?

[ONLINE: Overall, how would you describe the fairness and reasonableness of state liability systems in America?]

- 1 Excellent
- 2 Pretty good
- 3 Only fair
- 4 Poor
- 8 Not sure [PHONE ONLY]
- 9 Decline to answer [PHONE ONLY]

**SECTION 800: STATE FAMILIARITY ASSESSMENT**

**BASE: ALL QUALIFIED RESPONDENTS**

**Q790** SELECTED STATES TO APPEAR IN Q800. MULTIPLE RESPONSE.

[STATES PLACED IN THE FOLLOWING ORDER - PRIORITY STATES IN ORDER OF LEAST-TO-MOST FILLED, FOLLOWED BY REMAINING STATES IN ORDER OF LEAST-TO-MOST FILLED.]

[PROGRAMMER NOTE: GET PRIORITY STATES THAT HAVE AN OPEN QUOTA. PRIORITY STATES ARE ALASKA, HAWAII, IDAHO, IOWA, KANSAS, MAINE, MONTANA, NEBRASKA, NEW HAMPSHIRE, NORTH DAKOTA, RHODE ISLAND, SOUTH DAKOTA, UTAH, VERMONT, WEST VIRGINIA, WASHINGTON, WYOMING.

**BASE: ALL QUALIFIED RESPONDENTS**

**Q800** [PHONE: Thinking about the state court system, how familiar are you with the **current** litigation environment in [READ 1<sup>st</sup> STATE]? Would you say you are very familiar, somewhat familiar, not very familiar or not at all familiar? How about [READ 2<sup>nd</sup> STATE, ETC]?]

[ONLINE: Thinking about the state court system, how familiar are you with the current litigation environment in the following states?]

[PN: USE CODE LIST FROM Q790, ALPHABETIZE]

- |             |   |                                |
|-------------|---|--------------------------------|
| <b>Q801</b> | 1 | Very familiar                  |
|             | 2 | Somewhat familiar              |
|             | 3 | Not very familiar              |
|             | 4 | Not at all familiar            |
|             | 8 | Not sure [PHONE ONLY]          |
|             | 9 | Decline to answer [PHONE ONLY] |

[SHOW UP TO 15 STATES FROM Q790, GIVING PRIORITY TO PRIORITY STATES THAT ARE LEAST FILLED, AND THEN REMAINING STATES THAT ARE LEAST FILLED.]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q805** Besides those we just asked about, what other states' current litigation environments are you very or somewhat familiar?

[FOR PHONE: PROBE FOR ALL STATES THEY ARE VERY OR SOMEWHAT FAMILIAR WITH]

[FOR ONLINE: Please select all that apply.]

[SHOW STATE LIST IN THREE COLUMNS]  
[DO NOT DISPLAY STATES SELECTED AT Q790]  
[MULTIPLE RECORD]  
[ALPHABETIZE]

**BASE: AT LEAST ONE STATE MENTIONED IN Q805**

**Q1812** [PHONE: And would you say you are very or somewhat familiar with the **current** litigation environment in [READ EACH STATE]?]  
[ONLINE: Please indicate whether you are very or somewhat familiar with the **current** litigation environment in the following state(s).]

[PROGRAMMER NOTE: DISPLAY STATES SELECTED IN Q805.]

[MUTIPLE RECORD]

**Q1813**

- 1 Very familiar
- 2 Somewhat familiar
- 8 Not sure [PHONE ONLY]
- 9 Decline to answer [PHONE ONLY]

**BASE: VERY FAMILIAR OR SOMEWHAT FAMILIAR WITH STATE COURT SYSTEMS**

**Q813** [PHONE: When was the last time you were involved in, or very familiar with, litigation in [READ STATE]? [CLARIFY IF NEEDED] How about [READ NEXT STATE]? [REPEAT SCALE AS NECESSARY]]

[ONLINE: When was the last time you were involved in, or very familiar with, litigation in the following states?]

**Q814**

- 1 Less than 12 months ago
- 2 1 to less than 2 years ago
- 3 2 to less than 3 years ago
- 4 3 to less than 4 years ago
- 5 4 to less than 5 years ago
- 6 5 years ago or more
- 7 Not sure [PHONE ONLY]
- 8 Decline to answer [PHONE ONLY]

**SECTION 900: STATE EVALUATIONS**

**BASE: ALL QUALIFIED RESPONDENTS**

**Q891**

[IF TWO OR MORE STATES: Now we are going to ask you some specific questions about how fair and reasonable you think the state courts are in states with which you have some familiarity. Those states are:]

[IF ONLY ONE STATE: Now we are going to ask you some specific questions about how fair and reasonable you think the state courts are in the state with which you have some familiarity. That state is:]

[INSERT STATES SELECTED]

We are only interested in your perceptions based on your first-hand experience. We realize you probably are not familiar with every jurisdiction. Base your evaluations on the jurisdiction with which you have had experience and provide us with your overall assessment of the state.

**BASE: ALL QUALIFIED RESPONDENTS**

**Q900** [PHONE: I'm going to read a number of key elements of state liability systems. For each item, I'd like you to grade [INSERT STATE] on how well you think the state courts are doing.

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1<sup>ST</sup> STATE; FOR EACH SUBSEQUENT STATE SHOW: "Now, I'd like you to grade [INSERT STATE] on how well you think the state courts are doing."]

An "A" means they are doing "an excellent job at creating a fair and reasonable litigation environment" and an "F" means that they are doing "a failing job at creating a fair and reasonable environment." How would you grade [INSERT STATE] on (READ EACH ITEM) ... "A", "B", "C", "D", or "F"?

(INTERVIEWER NOTE: READ ABOVE SCALE, THAT IS THE PARAGRAPH ABOVE, ONLY AS MANY TIMES AS NECESSARY)]

[ONLINE: Now we're going to ask you some questions about [IF VERY OR SOMEWHAT FAMILIAR WITH ONLY ONE STATE SHOW "the state"; OTHERWISE SHOW "some of the states"] with which you are familiar. For each of the state liability systems elements below, please grade [INSERT STATE] on how well you think the state courts are doing.]

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1<sup>ST</sup> STATE; FOR EACH SUBSEQUENT STATE SHOW: "Now, please grade [INSERT STATE] on how well you think the state courts are doing on the following elements."]

An "A" means they are doing "an excellent job at creating a fair and reasonable litigation environment" and an "F" means that they are doing "a failing job at creating a fair and reasonable environment."]

[SHOW 8 FOR BOTH PHONE AND ONLINE; SHOW 9 FOR PHONE ONLY]

<b>Q901</b>	1	2	3	4	5	8	9
	<u>"A"</u>	<u>"B"</u>	<u>"C"</u>	<u>"D"</u>	<u>"F"</u>	<u>Not</u>	<u>Decline to</u>
						<u>sure (v)</u>	<u>answer (v)</u>

[RANDOMIZE ELEMENTS FOR EACH RESPONDENT BUT KEEP RANDOMIZATION THE SAME FROM STATE TO STATE;] [DISPLAY AS GRID]

- 1 Having and enforcing meaningful venue requirements
- 2 Overall treatment of tort and contract litigation
- 3 Treatment of class action suits and mass consolidation suits
- 4 Damages
- 5 Timeliness of summary judgment or dismissal
- 6 Discovery
- 7 Scientific and technical evidence

**BASE: ALL QUALIFIED RESPONDENTS**

**Q905** [PHONE: Using the same scale, I'd like you to think now about the effectiveness of some key people who implement this system. [PROGRAMMER NOTE: SHOW THIS TEXT ONLY FOR 1<sup>ST</sup> STATE]

How would you grade [INSERT STATE] on (READ EACH ITEM) ... "A", "B", "C", "D", or "F"?

[INTERVIEWER, READ FOR 1<sup>ST</sup> STATE. FOR ADDITIONAL STATES, READ ONLY IF NECESSARY: Again, an "A" means they are doing "an excellent job at creating a fair and reasonable litigation environment" and an "F" means that they are doing "a failing job at creating a fair and reasonable environment." How would you rate [INSERT STATE] on (READ EACH ITEM) ... "A", "B", "C", "D", or "F"?)

[ONLINE: Now please think about the effectiveness of some key people who implement this system. How would you grade [INSERT STATE] on each of the following elements?

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1<sup>ST</sup> STATE; FOR EACH SUBSEQUENT STATE SHOW: "Now, please grade [INSERT STATE] on each of the following elements related to the people who implement the state liability system."]

Again, an "A" means they are doing "an excellent job at creating a fair and reasonable litigation environment" and an "F" means that they are doing "a failing job at creating a fair and reasonable environment."]

[SHOW 8 FOR BOTH PHONE AND ONLINE; **SHOW 9 FOR PHONE ONLY**]

<b>Q906</b>	1	2	3	4	5	8	9
	<u>"A"</u>	<u>"B"</u>	<u>"C"</u>	<u>"D"</u>	<u>"F"</u>	<u>Not sure (v)</u>	<u>Decline to answer (v)</u>

[RANDOMIZE ELEMENTS FOR EACH RESPONDENT BUT KEEP RANDOMIZATION THE SAME FROM STATE TO STATE] [DISPLAY AS GRID]

- 1 Judges' impartiality
- 2 Judges' competence
- 4 Juries' fairness

**BASE: ALL QUALIFIED RESPONDENTS**

**Q920** Overall, what grade would you give [INSERT STATE] at creating a fair and reasonable litigation environment?

[DISPLAY SCALE HORIZONTALLY]  
[SHOW 8 FOR BOTH PHONE AND ONLINE; SHOW 9 FOR PHONE ONLY]

- 1 "A"
- 2 "B"
- 3 "C"
- 4 "D"
- 5 "F"
- 8 Not sure [PHONE ONLY]
- 9 Decline to answer [PHONE ONLY]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q950** Which of the following do you think is the single most important improvement that should be made in a litigation environment? [PHONE: READ LIST]

[PN: RANDOMIZE CODES 1-7]

- 1 Placing reasonable limits on discovery
- 2 Eliminating unnecessary lawsuits
- 3 Increasing the effectiveness of judicial case management
- 4 Limiting punitive or other types of damages
- 5 Ensuring timely court decisions

- 6 Addressing e-discovery
- 7 Assuring that liability is properly allocated among defendants
- 8 Other [Please specify] **Q957** [TEXT BOX] [ANCHOR]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q960** How likely would you say that the litigation environment in a state could affect an important business decision at your company such as where to locate or do business? [PHONE: Would you say very likely, somewhat likely, somewhat unlikely or very unlikely? [DO NOT READ]

- 1 Very likely
- 2 Somewhat likely
- 3 Somewhat unlikely
- 4 Very unlikely
- 8 Not sure [PHONE ONLY]
- 9 Decline to answer [PHONE ONLY]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q637** Thinking about the entire country, which of the following do you think are the worst city or county courts? That is, which city or county courts have the least fair and reasonable litigation environment for both defendants and plaintiffs? Please select up to two responses.

[PHONE: READ ENTIRE LIST; RANDOMIZE LIST]

[PROGRAMMER NOTE: SELECT UP TO 2 RESPONSES]

[PN: RANDOMIZE]

- 1 Chicago or Cook County, Illinois
- 2 Los Angeles, California
- 3 San Francisco, California
- 4 Philadelphia, Pennsylvania
- 5 Madison County, Illinois
- 6 Miami or Dade County, Florida
- 7 New Orleans or Orleans Parish, Louisiana
- 8 New York, New York
- 9 East Texas
- 10 St. Louis, Missouri
- 11 Detroit, Michigan
- 12 Washington, DC
- 13 Other [ONLINE: (Please specify)] [PHONE: CAPTURE RESPONSE]
- 14 Not sure
- 99 Decline to answer [EXCLUSIVE] [PHONE ONLY]

**BASE: Q637 HAS A RESPONSE (Q637/1-13)**

**Q640** Why do you [PHONE, INSERT: say; ONLINE, INSERT: think] [INSERT 1<sup>ST</sup> MENTION FROM Q637] has the least fair and reasonable litigation environment for both defendants and plaintiffs?]

[ONLINE: NEED TO CAPTURE THE ORDER IN Q637 AND ASK Q640 FOR OPTION SELECTED FIRST]

[FOR PHONE: INTERVIEWER RECORD VERBATIM RESPONSE]

[MANDATORY TEXT BOX].

**SECTION 1800: DEMOGRAPHICS**

**BASE: ALL QUALIFIED RESPONDENTS**

**Q1805** [PHONE: Finally, I have a few questions to help us classify your responses.]

[ONLINE: Finally, a few questions to help classify your responses.]

What is your company's primary industry? [PHONE: (DO NOT READ LIST)]

- 1 Agriculture, Forestry & Fishing
- 2 Mining
- 3 Construction
- 4 Manufacturing
- 5 Transportation & Public Utilities
- 6 Wholesale trade
- 7 Retail trade
- 8 Finance
- 9 Insurance
- 12 Services
- 13 Public administration
- 14 Other
- 98 Not sure [PHONE ONLY]
- 99 Decline to answer [PHONE ONLY]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q1810** Excluding nonpermanent employees, such as contract or temporary workers, approximately how many employees does your company have in total, in all locations in the United States? This includes both full and part-time employees.

[ONLINE: If you are unsure, please use your best estimate.]

[PHONE: IF NECESSARY, READ: "JUST YOUR BEST ESTIMATE IS FINE"] [DO NOT READ LIST]

- 1. Under 100
- 2. 100 to 499
- 3. 500 to 999
- 4. 1,000 to 4,999
- 5. 5,000 to 9,999
- 6. 10,000 or more
- 7. Not sure [PHONE ONLY]
- 8. Decline to answer [PHONE ONLY]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q682** What is the name of the company you work for?

[MANDATORY SMALL TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q820** Where is your company's principal place of business? (INT. NOTE: This refers to the company headquarters, not where the respondent works.)

[MANDATORY TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q830**

[ONLINE: We are also sharing an executive summary of the key findings with interested respondents to thank you for your participation. Would you like to receive an electronic copy of the executive summary of the key findings?]

[PHONE: We are also sharing an executive summary of the key findings with interested respondents to thank you for your participation. Would you like us to send this to you?]

- 1 Yes, would like to receive executive summary [ASK Q835]
- 2 No, do not want to receive executive summary [JUMP TO Q964]
- 8 Not sure [PHONE ONLY] [JUMP TO Q964]
- 9 Decline to answer [PHONE ONLY ] [JUMP TO Q964]

**BASE: WOULD LIKE EXECUTIVE SUMMARY (Q830/1)**

**Q835** [PHONE: The executive summary will be available in electronic format after the completion of the study. In order to send it to you, I'd like to get your email address. ]

[ONLINE: Please provide your email address below in order to receive an electronic copy of the executive summary.]

**Q836**

Email Address:

998 Not sure

[PHONE ONLY]

999 Decline to answer

[SHOW FOR BOTH ONLINE AND PHONE]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q1965** Finally, we conduct the Lawsuit Climate Survey: Ranking the States for the U.S. Chamber Institute for Legal Reform periodically and would greatly appreciate your participation in the future. Would you be willing to be contacted for future Lawsuit Climate Ranking surveys?

- 1 Yes
- 2 No

**BASE: ALL QUALIFIED RESPONDENTS WILLING TO BE CONTACTED IN FUTURE (Q1965/1)**

**Q965** Please confirm or complete your contact information for future Lawsuit Climate Ranking surveys.

Name: [TEXT BOX]

[Q966] Email address: [TEXT BOX]

[Q967] Phone number: [TEXT BOX]

Q968: DECLINE TO ANSWER [E]

**BASE: ALL QUALIFIED ONLINE RESPONDENTS**

**Q840** Thank you very much for your participation in the 2015 Lawsuit Climate Survey: Ranking the States on behalf of the U.S. Chamber Institute for Legal Reform. We appreciate you sharing your perspective with us.