

# **2010 U.S. CHAMBER OF COMMERCE STATE LIABILITY SYSTEMS RANKING STUDY**

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## I. INTRODUCTION

### OVERVIEW

*The 2010 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform among a nationally representative sample of 1,482 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 October 22, 2009, and January 21, 2010.

Although perceptions of other constituencies of the state courts have been measured in the past, information about the attitudes of the business community toward the state legal systems has been largely anecdotal prior to the State Liability Systems Ranking Survey initiated in 2002. The objective for this research was to explore how reasonable, fair, and balanced the state tort liability systems are perceived to be by general counsel and senior litigators in U.S. business. Broadly, the survey focused 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

A detailed survey methodology, including a description of the sampling and survey administration procedures as well as further respondent profile information, is contained in Section IV. The past years' rankings can be found in Section V and the survey materials, including the alert letter and complete questionnaire, can be found in Appendices A and B.

## **PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS**

The Harris team responsible for the design and analysis of *The 2010 State Liability Systems Ranking Study* included Humphrey Taylor, chairman, *The Harris Poll*, David Krane, vice president, and Kaylan Orkis, senior project researcher. We would like to acknowledge Page Faulk, vice president of Policy and Research, and Rita Perlman, executive director, Operations and Contracts, from the U.S. Chamber Institute for Legal Reform and Judyth Pendell of Pendell Consulting, LLC, for their invaluable contributions to the design, content, focus, and analysis of the project. Harris Interactive is responsible for the final determination of topics, question wording, data collection, statistical analysis, and interpretation in the report.

## **PUBLIC RELEASE OF SURVEY FINDINGS**

All Harris 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. EXECUTIVE SUMMARY

*The 2010 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform to explore how reasonable and balanced the states' tort liability systems are perceived to be by U.S. business. Participants in the survey were comprised of a national sample of 1,482 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. The 2010 ranking builds on previous years' work<sup>1</sup> where each year all 50 states are ranked by those familiar with the litigation environment in that state. Prior to these rankings, information regarding the attitudes of the business world toward the legal systems in each of the states had been largely anecdotal. The State Liability Systems Ranking Study aims to quantify how corporate attorneys view the state systems.

More than two in five (44%) senior attorneys view the fairness and reasonableness of state court liability systems in America as excellent or pretty good, up slightly from the last survey in 2008 (41%). A majority (56%) view the systems as only fair or poor. **Two-thirds (67%) report that the litigation environment in a state is likely to impact important business decisions** at their companies, for instance, where to locate or do business, an increase from 63% in 2008 and 57% in 2007 (*see tables 1 and 2*).

Respondents were first screened for their familiarity with states, and those who were very or somewhat familiar with the litigation environment in a given state were then asked to evaluate that state. It is important to remember that **courts and localities within a state may vary a great deal** in fairness and reasonableness. However, respondents had to evaluate the state as a whole. 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. Other studies have also demonstrated this variability within a state. For example, several studies have documented very high litigation activity in certain county courts such as Madison County, Illinois, and Jefferson County, Texas, revealing that these counties have "magnet courts" that are extremely hospitable to plaintiffs. Thus, it is possible that some states received low grades due to the negative reputation of one or two of their counties or jurisdictions.

### Overall Rankings of States

Respondents were asked to give states a grade (A or B or C or 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.* They were also asked to give the

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1. 2008, 2007, 2006, 2005, 2004, 2003, and 2002.

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 and senior litigators perceive state courts to be doing better than average on the various elements. States received significantly more A's and B's (43%) than D's and F's (17%) when all of the elements were averaged together, as shown in the table below.

Grade	Average Percentage Across All Elements Among 50 States
A	7%
B	36%
C	30%
D	12%
F	5%
Not sure/Decline to answer	9%

Since the inception of the survey, there has been a general increase in the overall average score of state liability systems. Specifically, from 2002-2004 the overall score averaged approximately 52, whereas from 2007-2010 the score averaged approximately 58.5. This year's data, however, may suggest a leveling off of attitudes and perceptions. While still high compared to past years' scores, the scores since 2007 have been relatively level showing little change.

Year	Average Overall Score among 50 States (weighted by N size)
2010	57.9
2008	59.4
2007	58.1
2006	55.3
2005	52.8
2004	53.2
2003	50.7
2002	52.7

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 the general counsel and senior litigators (*see table 3*).

Top 5	Bottom 5
Delaware (#1)	West Virginia (#50)
North Dakota (#2)	Louisiana (#49)
Nebraska (#3)	Mississippi (#48)
Indiana (#4)	Alabama (#47)
Iowa (#5)	California (#46)



### **Most Important Issues to Focus on to Improve the Litigation Environment**

The study also asked respondents to name the most important issue that policymakers who care about economic development should focus on to improve the litigation environment in their states. Tort reform issues in general were mentioned by 9% of respondents as were caps/limits on damages, up significantly from 3% in 2008. Other top issues named were timeliness of decisions (8%), elimination of unnecessary lawsuits (7%), limits on discovery (7%), and speeding up of the trial process (5%) (*see table 5*).

### **Worst Local Jurisdictions**

In order to understand if there are any cities or counties that might impact a state's ranking, respondents were asked which five cities or counties have the least fair and reasonable litigation environments. The worst jurisdiction was Chicago/Cook County, Illinois (14%), followed by Los Angeles, California (12%), the state of California in general (10%), the state of Texas in general (9%), and Madison County, Illinois (8%) (*see table 6*).

To understand why respondents feel negatively about particular jurisdictions, a follow-up question was asked to those who cited a jurisdiction. More than a third (37%) of respondents mentioned that the reason why a city or county has the least fair and reasonable litigation environment is because of biased or partial jury/judges. This is the number one reason by a large margin. The next tier includes corrupt/unfair system (8%), excessive damage awards (6%), unfair jury/judges, incompetent jury/judges, a slow process, and nonadherence to the laws/rules (each mentioned by 5% of respondents) (*see table 8*).

### **Conclusion**

Several organizations<sup>2</sup> have conducted surveys among various constituencies of state courts to determine and understand how the state courts are perceived by these audiences. Until the annual **State Liability Systems Ranking Study** was initiated in 2002, there were no data on one important constituency: senior lawyers in large companies.

This, the eighth **State Liability Systems Ranking Study**, finds that senior lawyers in large corporations have mixed perceptions about the fairness and reasonableness of state liability systems *overall*, with a significant plurality saying that they are excellent or pretty good, but the majority saying that they are only fair or poor. On average, general counsel and senior litigators give state courts more A's and B's than D's and F's on the various elements. Although recent scores reveal a material improvement in perceptions over the early years of the survey, the trend toward improvement has flattened.

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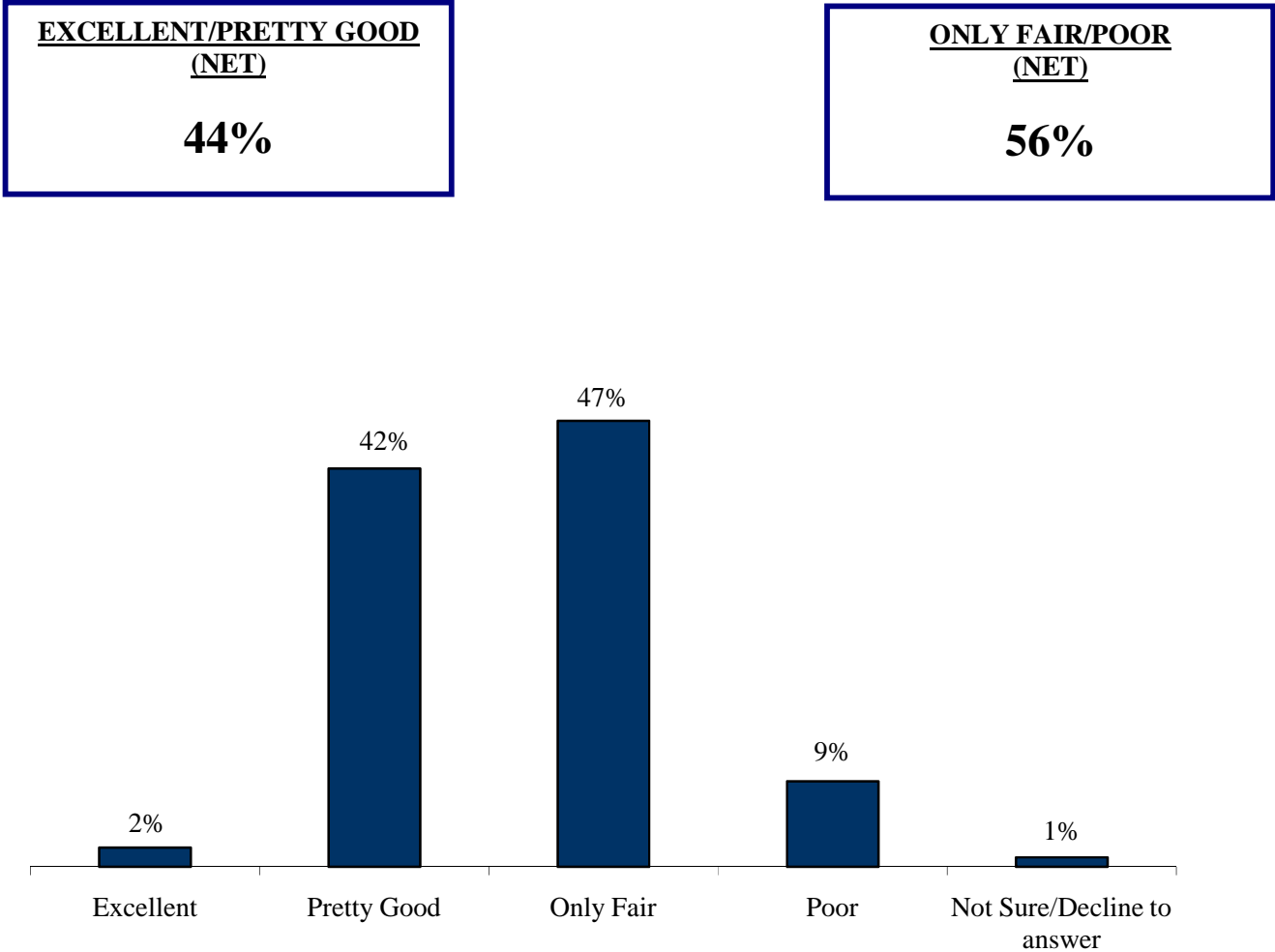
2. This includes the *Public Perceptions of the State Courts: A Primer*, National Center for State Courts (2000); *Perceptions of the U.S. Justice System*, American Bar Association (1998); *Public Trust and Confidence in the Courts: What Public Opinion Surveys Mean to Judges*, National Center for State Courts and University of Nebraska (1999); and *Level of Public Trust and Confidence: Utah State Courts*, State Justice Institute (2000).

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 scoring 77 out of a possible 100 and the poorest performing state scoring only 35 out of 100. Clearly, corporate counsel see specific areas needing improvement in the individual states, and the perceptions of senior lawyers and executives in large companies matter. This survey reveals 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 areas where they received the lowest score and then make improvements where they are needed. If improvements are not needed, then the states must educate corporate counsel in ways that will change these perceptions.

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

Table 1

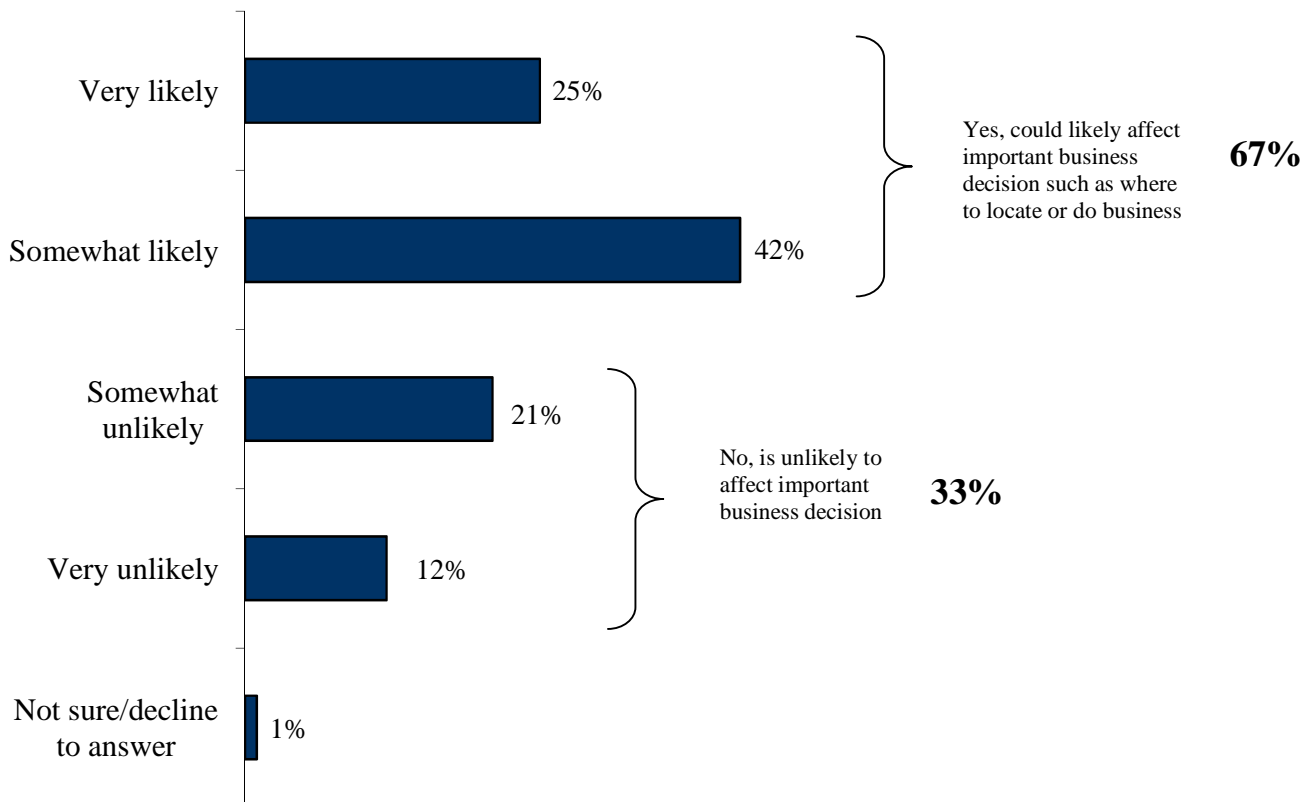
Perception of State Court Liability Systems Overall



**Base: General Counsel/Senior Litigators (N=1,482)**  
Q715: 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**



**Base: General Counsel/Senior Litigators (N=1,482)**

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

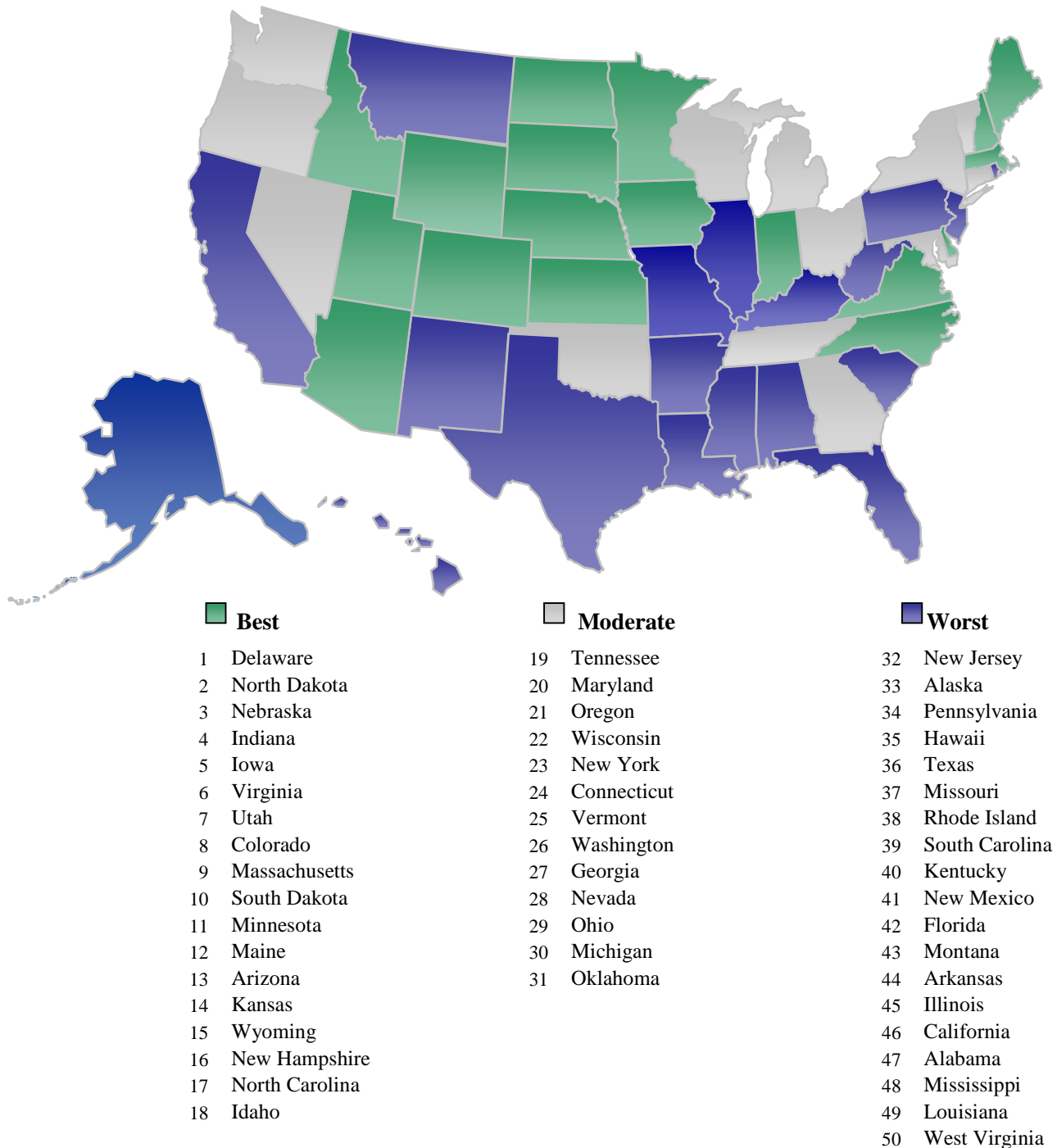
State	Rank	2010	
		Score	N
Delaware	1	77.2	97
North Dakota	2	71.1	50
Nebraska	3	69.7	60
Indiana	4	69.6	88
Iowa	5	69.4	84
Virginia	6	68.1	90
Utah	7	67.8	83
Colorado	8	65.8	86
Massachusetts	9	65.6	119
South Dakota	10	65.6	46
Minnesota	11	65.3	86
Maine	12	65.2	57
Arizona	13	65.0	86
Kansas	14	64.6	96
Wyoming	15	64.5	59
New Hampshire	16	64.2	57
North Carolina	17	64.0	85
Idaho	18	63.9	47
Tennessee	19	63.7	70
Maryland	20	63.2	83
Oregon	21	63.0	56
Wisconsin	22	62.8	67
New York	23	62.5	224
Connecticut	24	62.1	84
Vermont	25	61.6	56
Washington	26	61.6	114
Georgia	27	60.9	99
Nevada	28	59.8	59
Ohio	29	59.7	118
Michigan	30	59.5	97
Oklahoma	31	59.0	70
New Jersey	32	57.8	123
Alaska	33	56.6	35
Pennsylvania	34	56.6	143
Hawaii	35	56.4	45
Texas	36	56.3	248
Missouri	37	56.1	92
Rhode Island	38	55.2	70
South Carolina	39	55.1	57
Kentucky	40	54.4	97
New Mexico	41	53.9	59
Florida	42	53.9	237
Montana	43	52.4	42
Arkansas	44	48.7	82
Illinois	45	47.9	191
California	46	47.2	286
Alabama	47	45.5	95
Mississippi	48	40.0	116
Louisiana	49	39.6	122
West Virginia	50	35.1	121

**Base: General Counsel/Senior Litigators (N=1,482)**

\*Note: Scores displayed in this table have been rounded to one decimal point. However, when developing the ranking, scores were evaluated based on two decimal points. Therefore, states that appear tied based upon the scores in this table were not tied when two decimal points were taken into consideration. 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**  
*2010 ILR/Harris Interactive Ranking of State Liability Systems*



\*Note: States listed as “Best” had a total score exceeding 64.0, those listed as “Moderate” had scores of 64.0 to 59.0, those listed as “Worst” had scores lower than 59.0.

**Table 5**

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

	Total
<b>Base:</b>	<b>1,482</b>
	%
Tort reform issues in general	9
Cap/Limits on damages	9
Timeliness of decisions	8
Eliminate unnecessary lawsuits	7
Limits on discovery	7
Speeding up the trial process	5
Fairness and impartiality	4
Judicial competence	4
Reform of punitive damages	4
Level playing field/do not favor plaintiffs	3
Limitation of class action suits	3
Limiting attorney fees	3
Appointment vs. election of judges	3
Attorney/court fees paid by the loser	2
Limit on discovery cost/expense	2

\*Note: The responses displayed in this table were volunteered by respondents. Mentions by 2% or more are given above.

**Base: General Counsel/Senior Litigators (N=1,482)**

Q955: What do you think is the single worst aspect of the litigation environment that state policy makers should focus on to improve the business climate in their states?



**Table 6**

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

	<b>Total</b>
<b>Base:</b>	<b>1,482</b>
	<b>%</b>
Chicago/Cook County ,Illinois	14
Los Angeles, California	12
California (unspecified**)	10
Texas (unspecified)	9
Madison County, Illinois	8
San Francisco, California	6
Mississippi (unspecified)	6
New York (unspecified)	5
Louisiana (unspecified)	5
New Orleans, Louisiana	4
Miami/Dade County, Florida	4
West Virginia (unspecified)	4
Philadelphia, Pennsylvania	3
Alabama (unspecified)	3
Texas (other mentions)	3
Beaumont, Texas	3
Florida (unspecified)	3
New York Greater Metropolitan Area	3
East Texas	2
Illinois (unspecified)	2
St Louis, Missouri	2
California (other mentions)	2
Houston, Texas	2
Dallas/Fort Worth, Texas	2
Jackson, Mississippi	2
Washington, DC	2
Detroit, Michigan	2

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

\*\*Note: Each “unspecified” parenthetical denotes a response of the state name; no specific city or county within the state was mentioned. The “other mentions” parenthetical denotes miscellaneous cities and counties in that particular state that were mentioned by 1% of respondents or fewer.

**Base: General Counsel/Senior Litigators (N=1,482)**

Q635: Thinking about the entire country, what do you think are the five 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

## Worst Specific City or County Courts by State\*

	RANKED BY STATE		RANKED BY STATE
Base:	1,482	Base:	1,482
	%		%
<b><u>Texas (all mentions)</u></b>	<b><u>34</u></b>	<b><u>Florida (all mentions)</u></b>	<b><u>10</u></b>
Texas (unspecified)	9	Miami/Dade County, Florida	4
Beaumont, Texas	3	Florida (unspecified)	3
East Texas	2	Other jurisdictions mentioned	3
Houston, Texas	2	<b><u>Mississippi (all mentions)</u></b>	<b><u>10</u></b>
Dallas/Fort Worth, Texas	2	Mississippi (unspecified)	6
Harris County, Texas	1	Jackson, Mississippi	2
South Texas	1	Jefferson County, Mississippi	1
Hidalgo County, Texas	1	Hinds County, Mississippi	1
Rio Grande Valley, Texas	1	Other jurisdictions mentioned	1
Jefferson County, Texas	1	<b><u>New York (all mentions)</u></b>	<b><u>9</u></b>
Corpus Christi, Texas	1	New York (unspecified)	5
Marshall County, Texas	1	New York City Greater Metropolitan Area	3
Brownsville, Texas	1	Other jurisdictions mentioned	1
Tyler, Texas	1	<b><u>Alabama (all mentions)</u></b>	<b><u>7</u></b>
Other jurisdictions mentioned	8	Alabama (unspecified)	3
<b><u>California (all mentions)</u></b>	<b><u>33</u></b>	Birmingham, Alabama	1
Los Angeles, California	12	Other jurisdictions mentioned	3
California (unspecified)	10	<b><u>West Virginia (all mentions)</u></b>	<b><u>6</u></b>
San Francisco	6	West Virginia (unspecified)	4
Orange County, California	1	Other jurisdictions mentioned	2
Oakland, California	1	<b><u>Missouri (all mentions)</u></b>	<b><u>4</u></b>
Alameda, California	1	St Louis, Missouri	2
San Diego, California	1	Kansas city, Missouri	1
Other jurisdictions mentioned	2	Other jurisdictions mentioned	1
<b><u>Illinois (all mentions)</u></b>	<b><u>29</u></b>	<b><u>New Jersey (all mentions)</u></b>	<b><u>4</u></b>
Chicago/Cook County, Illinois	14	New Jersey (unspecified)	1
Madison County, Illinois	8	Newark, New Jersey	1
Illinois (unspecified)	2	Other jurisdictions mentioned	2
East St. Louis, Illinois	1	<b><u>Pennsylvania (all mentions)</u></b>	<b><u>4</u></b>
St. Clair, Illinois	1	Philadelphia, Pennsylvania	3
Southern Illinois	1	Other jurisdictions mentioned	1
Other jurisdictions mentioned	1	<b><u>Michigan (all mentions)</u></b>	<b><u>3</u></b>
<b><u>Louisiana (all mentions)</u></b>	<b><u>11</u></b>	Detroit, Michigan	2
Louisiana (unspecified)	5	Wayne County, Michigan	1
New Orleans/Parish, Louisiana	4	Other jurisdictions mentioned	0
Baton Rouge, Louisiana	1		
Other jurisdictions mentioned	1		

\*Note: The responses displayed in this table were volunteered by respondents. Mentions by at least 3% for entire state given above.

Base: General Counsel/Senior Litigators (N=1,482)

Q635: Thinking about the entire country, what do you think are the five 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 8**

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

	<b>Total</b>
<b>Base:</b>	<b>1,101</b>
	%
Biased/Partial juries/judges	37
Corrupt/Unfair system	8
Excessive damage awards	6
Unfair juries/judges	5
Incompetent juries/judges	5
Slow process	5
Does not adhere to laws/rules	5
Heavily influenced by politics	4
Poor quality of juries/judges	4
Other negative juries/judge mentions	4
High jury verdicts	4
Good old boy system/Depends on who you know	3
Composition of jury pool	3
Unpredictable juries/judges	3
Overburdened with cases/Too many cases	3
Election of judges	3
Expensive/High court costs	3
Uneducated jury pool	3
Dislike the juries/judges	2
Liberal juries/judges	2
Inefficient court system	2
Other inconvenience mentions	2
Inconsistent application of the law	2
Negative personal experience in city/county (non-specific reason)	2

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

**Base: General Counsel/Senior Litigators Who Named Worst City/County (N=1101)**

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 9****Summary of Top/Bottom 5 States by Key Elements****Overall Treatment of Tort and Contract Litigation**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
North Dakota	Mississippi
Utah	Louisiana
Nebraska	California
Iowa	Alabama

**Having and Enforcing Meaningful Venue Requirements**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Iowa	Mississippi
Indiana	Louisiana
Virginia	Arkansas
Arizona	Alabama

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

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Nebraska	Louisiana
Indiana	California
Utah	Mississippi
Virginia	Illinois

**Damages**

<b>BEST</b>	<b>WORST</b>
Indiana	West Virginia
Delaware	Mississippi
Nebraska	Louisiana
North Dakota	California
Iowa	Alabama

**Timeliness of Summary Judgment or Dismissal**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
North Dakota	Louisiana
Virginia	Mississippi
Indiana	Illinois
Nebraska	California

**Table 9 (Cont'd)**

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

**Discovery**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Iowa	Mississippi
Indiana	Louisiana
Nebraska	California
Utah	Illinois

**Scientific and Technical Evidence**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Colorado	Mississippi
Massachusetts	Louisiana
Utah	Arkansas
Virginia	Alabama

**Judges' Impartiality**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
North Dakota	Louisiana
South Dakota	Mississippi
Iowa	Alabama
Nebraska	Illinois

**Judge's Competence**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
North Dakota	Louisiana
Nebraska	Mississippi
Maine	Alabama
Virginia	Arkansas

**Juries' Fairness**

<b>BEST</b>	<b>WORST</b>
Nebraska	West Virginia
North Dakota	Mississippi
Iowa	Louisiana
Indiana	Alabama
Delaware	California

## STATE RANKINGS BY KEY ELEMENTS

**Table 10****State Rankings for Overall Treatment of Tort and Contract Litigation**

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

**Table 11****State Rankings for Having and Enforcing Meaningful Venue Requirements**

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



**Table 12****Treatment of Class Action Suits and Mass Consolidation Suits**

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

**Table 13****Damages**

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

**Table 14**  
**Timeliness of Summary Judgment/Dismissal**

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

**Table 15****Discovery**

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

**Table 16****Scientific and Technical Evidence**

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

**Table 17****Judges' Impartiality**

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

**Table 18****Judges' Competence**

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

**Table 19****Juries' Fairness**

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



## INDIVIDUAL STATE RANKINGS

(IN ALPHABETICAL ORDER)

### Notes on reading the tables:

The following tables show the individual state rankings. For each state, the 2010 overall state ranking is shown. Also displayed is the number of evaluations of each state (shown as the “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*.

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 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 20****Alabama****2010 Overall Ranking: 47****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	%	5	27	36	16	6	3.1	46
Overall Treatment of Tort and Contract Litigation	%	1	19	43	28	8	2.8	46
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	18	21	20	14	2.7	44
Damages	%	3	20	26	35	16	2.6	46
Timeliness of Summary Judgment or Dismissal	%	3	17	39	33	5	2.8	45
Discovery	%	2	26	43	22	4	3.0	45
Scientific and Technical Evidence	%	2	22	29	25	3	2.9	46
Judges' Impartiality	%	2	18	45	25	8	2.8	47
Judges' Competence	%	3	25	41	25	4	3.0	47
Juries' Fairness	%	2	20	32	27	13	2.7	47
Overall State Grade	%	1	22	38	34	5	2.8	

**Table 21****Alaska****2010 Overall Ranking: 33****Ratings on Key Elements of State Liability Systems (n=35)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	37	34	3	6	3.4	39
Overall Treatment of Tort and Contract Litigation	%	6	34	46	9	6	3.3	33
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	17	17	17	6	2.9	40
Damages	%	3	31	31	14	14	2.9	40
Timeliness of Summary Judgment or Dismissal	%	3	26	51	*	11	3.1	36
Discovery	%	3	49	34	6	6	3.4	28
Scientific and Technical Evidence	%	*	40	23	9	6	3.3	37
Judges' Impartiality	%	3	46	43	9	*	3.4	32
Judges' Competence	%	6	49	37	9	*	3.5	30
Juries' Fairness	%	9	26	34	6	11	3.2	38
Overall State Grade	%	*	40	46	11	3	3.2	

**Table 22****Arizona****2010 Overall Ranking: 13****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	%	14	52	20	1	1	3.9	5
Overall Treatment of Tort and Contract Litigation	%	8	49	33	6	3	3.5	16
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	21	21	7	*	3.4	12
Damages	%	6	47	34	7	5	3.4	17
Timeliness of Summary Judgment or Dismissal	%	12	37	33	14	2	3.4	14
Discovery	%	6	53	31	7	2	3.5	12
Scientific and Technical Evidence	%	3	41	29	5	1	3.5	16
Judges' Impartiality	%	17	52	27	3	*	3.8	8
Judges' Competence	%	9	57	30	3	*	3.7	22
Juries' Fairness	%	12	44	30	8	*	3.6	18
Overall State Grade	%	6	56	31	7	*	3.6	

**Table 23****Arkansas****2010 Overall Ranking: 44****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	%	4	27	32	18	4	3.1	47
Overall Treatment of Tort and Contract Litigation	%	1	27	43	17	11	2.9	44
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	15	22	16	12	2.6	45
Damages	%	1	18	43	16	13	2.8	44
Timeliness of Summary Judgment or Dismissal	%	2	23	44	17	6	3.0	42
Discovery	%	1	32	43	13	10	3.0	44
Scientific and Technical Evidence	%	1	11	38	16	10	2.7	47
Judges' Impartiality	%	4	34	38	13	9	3.1	45
Judges' Competence	%	*	33	43	16	6	3.0	46
Juries' Fairness	%	1	22	41	16	9	2.9	44
Overall State Grade	%	*	23	48	22	7	2.9	

**Table 24****California****2010 Overall Ranking: 46****Ratings on Key Elements of State Liability Systems (n=286)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	32	29	16	6	3.2	44
Overall Treatment of Tort and Contract Litigation	%	2	19	32	34	11	2.7	47
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	12	21	26	17	2.4	48
Damages	%	1	14	30	36	16	2.5	47
Timeliness of Summary Judgment or Dismissal	%	2	24	34	23	14	2.8	46
Discovery	%	4	28	33	23	9	2.9	47
Scientific and Technical Evidence	%	6	30	30	13	3	3.3	36
Judges' Impartiality	%	7	38	31	18	5	3.3	40
Judges' Competence	%	4	41	37	15	2	3.3	41
Juries' Fairness	%	1	22	33	24	9	2.8	46
Overall State Grade	%	1	20	34	36	8	2.7	

**Table 25****Colorado****2010 Overall Ranking: 8****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	%	15	37	22	5	1	3.8	11
Overall Treatment of Tort and Contract Litigation	%	13	52	29	6	*	3.7	7
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	16	21	3	1	3.3	13
Damages	%	13	42	35	2	2	3.6	9
Timeliness of Summary Judgment or Dismissal	%	6	41	36	12	2	3.4	17
Discovery	%	9	44	37	5	1	3.6	10
Scientific and Technical Evidence	%	10	42	23	3	*	3.8	2
Judges' Impartiality	%	20	42	26	9	*	3.7	17
Judges' Competence	%	14	49	29	6	*	3.7	20
Juries' Fairness	%	13	43	28	6	*	3.7	14
Overall State Grade	%	8	50	37	5	*	3.6	

**Table 26****Connecticut****2010 Overall Ranking: 24****Ratings on Key Elements of State Liability Systems (n=84)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	43	25	6	1	3.6	20
Overall Treatment of Tort and Contract Litigation	%	7	42	40	7	4	3.4	24
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	29	20	11	5	3.2	28
Damages	%	*	40	40	11	4	3.2	30
Timeliness of Summary Judgment or Dismissal	%	5	42	35	11	6	3.3	26
Discovery	%	7	40	40	8	2	3.4	23
Scientific and Technical Evidence	%	7	36	27	5	4	3.5	20
Judges' Impartiality	%	25	37	30	7	1	3.8	14
Judges' Competence	%	17	51	26	5	1	3.8	11
Juries' Fairness	%	6	45	30	8	1	3.5	19
Overall State Grade	%	2	54	38	5	1	3.5	



**Table 27****Delaware****2010 Overall Ranking: 1****Ratings on Key Elements of State Liability Systems (n=97)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	38	40	8	2	3	4.2	1
Overall Treatment of Tort and Contract Litigation	%	32	44	12	5	1	4.1	1
Treatment of Class Action Suits and Mass Consolidation Suits	%	21	33	11	2	3	3.9	1
Damages	%	23	47	14	7	1	3.9	2
Timeliness of Summary Judgment or Dismissal	%	24	48	19	7	*	3.9	1
Discovery	%	16	56	16	4	1	3.9	1
Scientific and Technical Evidence	%	22	46	8	3	*	4.1	1
Judges' Impartiality	%	56	33	7	3	*	4.4	1
Judges' Competence	%	56	34	8	*	1	4.4	1
Juries' Fairness	%	24	36	15	3	2	3.9	5
Overall State Grade	%	33	54	8	4	1	4.1	

**Table 28****Florida****2010 Overall Ranking: 42****Ratings on Key Elements of State Liability Systems (n=237)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	36	31	9	2	3.4	38
Overall Treatment of Tort and Contract Litigation	%	2	37	36	19	5	3.1	40
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	17	26	14	5	2.9	41
Damages	%	3	25	40	21	8	2.9	41
Timeliness of Summary Judgment or Dismissal	%	2	23	40	22	9	2.9	44
Discovery	%	4	37	39	15	4	3.2	41
Scientific and Technical Evidence	%	3	30	32	11	3	3.2	39
Judges' Impartiality	%	8	43	30	12	7	3.3	38
Judges' Competence	%	5	40	36	15	3	3.3	42
Juries' Fairness	%	3	30	34	16	7	3.1	40
Overall State Grade	%	1	39	37	18	5	3.1	

**Table 29****Georgia****2010 Overall Ranking: 27****Ratings on Key Elements of State Liability Systems (n=99)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	42	24	6	4	3.6	21
Overall Treatment of Tort and Contract Litigation	%	2	53	34	9	2	3.4	22
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	25	24	4	3	3.3	14
Damages	%	3	42	41	6	4	3.4	21
Timeliness of Summary Judgment or Dismissal	%	6	24	45	17	3	3.1	32
Discovery	%	6	42	38	7	4	3.4	25
Scientific and Technical Evidence	%	5	35	28	2	2	3.5	14
Judges' Impartiality	%	9	38	41	7	3	3.4	31
Judges' Competence	%	8	44	40	5	1	3.5	27
Juries' Fairness	%	7	40	31	8	1	3.5	22
Overall State Grade	%	4	51	36	6	3	3.5	

**Table 30****Hawaii****2010 Overall Ranking: 35****Ratings on Key Elements of State Liability Systems (n=45)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	44	29	2	4	3.5	32
Overall Treatment of Tort and Contract Litigation	%	*	42	36	16	7	3.1	38
Treatment of Class Action Suits and Mass Consolidation Suits	%	*	18	29	7	4	3.0	32
Damages	%	*	24	47	9	7	3.0	35
Timeliness of Summary Judgment or Dismissal	%	2	27	40	16	9	3.0	43
Discovery	%	*	49	36	9	4	3.3	35
Scientific and Technical Evidence	%	7	36	36	7	4	3.4	30
Judges' Impartiality	%	9	40	27	20	2	3.3	37
Judges' Competence	%	4	47	27	16	2	3.4	36
Juries' Fairness	%	4	33	22	18	2	3.3	35
Overall State Grade	%	*	42	40	13	4	3.2	

**Table 31****Idaho****2010 Overall Ranking: 18****Ratings on Key Elements of State Liability Systems (n=47)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	4	47	36	4	*	3.6	30
Overall Treatment of Tort and Contract Litigation	%	11	45	38	6	*	3.6	11
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	15	45	6	2	3.2	22
Damages	%	13	45	34	4	*	3.7	7
Timeliness of Summary Judgment or Dismissal	%	6	45	40	4	*	3.6	7
Discovery	%	2	43	53	*	*	3.5	16
Scientific and Technical Evidence	%	*	40	47	2	*	3.4	23
Judges' Impartiality	%	9	55	28	*	4	3.7	25
Judges' Competence	%	4	53	34	2	2	3.6	26
Juries' Fairness	%	4	55	23	2	2	3.7	16
OVERALL STATE GRADE	%	*	60	38	2	*	3.6	

**Table 32****Illinois****2010 Overall Ranking: 45****Ratings on Key Elements of State Liability Systems (n=191)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	35	26	13	11	3.1	45
Overall Treatment of Tort and Contract Litigation	%	2	23	38	24	13	2.8	45
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	13	23	19	14	2.6	46
Damages	%	2	17	34	27	14	2.6	45
Timeliness of Summary Judgment or Dismissal	%	4	19	30	29	12	2.7	47
Discovery	%	3	27	40	18	9	3.0	46
Scientific and Technical Evidence	%	3	26	30	12	6	3.1	43
Judges' Impartiality	%	5	35	28	23	8	3.1	46
Judges' Competence	%	4	38	37	15	5	3.2	44
Juries' Fairness	%	4	21	36	19	9	2.9	45
OVERALL STATE GRADE	%	2	26	38	24	10	2.8	

**Table 33****Indiana****2010 Overall Ranking: 4****Ratings on Key Elements of State Liability Systems (n=88)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	51	20	1	*	3.9	3
Overall Treatment of Tort and Contract Litigation	%	10	56	31	3	*	3.7	6
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	35	16	3	*	3.7	3
Damages	%	15	55	20	1	*	3.9	1
Timeliness of Summary Judgment or Dismissal	%	10	45	33	8	*	3.6	4
Discovery	%	9	55	27	5	*	3.7	3
Scientific and Technical Evidence	%	5	43	18	7	*	3.6	6
Judges' Impartiality	%	18	59	16	5	*	3.9	6
Judges' Competence	%	13	61	18	7	*	3.8	9
Juries' Fairness	%	14	61	13	1	1	3.9	4
Overall State Grade	%	13	61	24	2	*	3.8	

**Table 34****Iowa****2010 Overall Ranking: 5****Ratings on Key Elements of State Liability Systems (n=84)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	24	42	14	5	*	4.0	2
Overall Treatment of Tort and Contract Litigation	%	8	64	21	2	2	3.7	5
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	24	21	1	2	3.6	6
Damages	%	14	54	25	2	2	3.8	5
Timeliness of Summary Judgment or Dismissal	%	10	49	26	7	5	3.5	8
Discovery	%	15	54	24	2	2	3.8	2
Scientific and Technical Evidence	%	6	39	30	4	2	3.5	15
Judges' Impartiality	%	23	56	15	5	1	3.9	4
Judges' Competence	%	11	60	24	4	2	3.7	19
Juries' Fairness	%	20	50	18	2	*	4.0	3
Overall State Grade	%	14	62	19	4	1	3.8	



**Table 35****Kansas****2010 Overall Ranking: 14****Ratings on Key Elements of State Liability Systems (n=96)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	40	24	5	1	3.7	13
Overall Treatment of Tort and Contract Litigation	%	10	49	28	6	6	3.5	20
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	22	27	6	4	3.2	20
Damages	%	10	43	36	6	2	3.5	12
Timeliness of Summary Judgment or Dismissal	%	16	33	29	13	5	3.4	13
Discovery	%	7	48	33	8	3	3.5	15
Scientific and Technical Evidence	%	8	30	31	7	4	3.4	28
Judges' Impartiality	%	16	57	21	3	2	3.8	11
Judges' Competence	%	9	63	20	6	1	3.7	17
Juries' Fairness	%	13	48	25	4	1	3.7	10
Overall State Grade	%	5	58	26	7	3	3.6	

**Table 36****Kentucky****2010 Overall Ranking: 40****Ratings on Key Elements of State Liability Systems (n=97)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	32	38	9	4	3.3	42
Overall Treatment of Tort and Contract Litigation	%	1	36	43	11	6	3.1	37
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	18	22	13	5	3.0	34
Damages	%	3	26	42	12	9	3.0	37
Timeliness of Summary Judgment or Dismissal	%	2	29	41	13	9	3.0	41
Discovery	%	3	41	30	18	7	3.2	42
Scientific and Technical Evidence	%	*	26	35	14	3	3.1	45
Judges' Impartiality	%	4	39	38	11	5	3.3	39
Judges' Competence	%	3	42	38	11	3	3.3	40
Juries' Fairness	%	7	32	32	11	7	3.2	36
Overall State Grade	%	2	38	41	13	5	3.2	

**Table 37****Louisiana****2010 Overall Ranking: 49****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	%	3	23	28	16	11	2.9	48
Overall Treatment of Tort and Contract Litigation	%	2	16	30	37	15	2.5	48
Treatment of Class Action Suits and Mass Consolidation Suits	%	*	7	25	22	14	2.4	49
Damages	%	2	15	25	34	19	2.4	48
Timeliness of Summary Judgment or Dismissal	%	2	19	25	34	18	2.5	49
Discovery	%	1	25	37	24	9	2.8	48
Scientific and Technical Evidence	%	1	16	27	25	11	2.6	48
Judges' Impartiality	%	*	15	31	31	21	2.4	49
Judges' Competence	%	1	17	41	28	10	2.7	49
Juries' Fairness	%	2	13	30	30	16	2.5	48
Overall State Grade	%	1	13	28	43	15	2.4	

**Table 38****Maine****2010 Overall Ranking: 12****Ratings on Key Elements of State Liability Systems (n=57)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	46	23	9	*	3.6	22
Overall Treatment of Tort and Contract Litigation	%	9	47	35	9	*	3.6	13
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	26	19	9	*	3.4	11
Damages	%	4	47	39	5	2	3.5	13
Timeliness of Summary Judgment or Dismissal	%	4	42	30	14	2	3.3	21
Discovery	%	4	54	32	11	*	3.5	13
Scientific and Technical Evidence	%	4	44	33	2	2	3.5	13
Judges' Impartiality	%	16	60	18	2	2	3.9	7
Judges' Competence	%	16	56	25	2	*	3.9	4
Juries' Fairness	%	7	53	23	4	2	3.7	15
Overall State Grade	%	2	61	30	4	2	3.6	

**Table 39****Maryland****2010 Overall Ranking: 20****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	%	5	49	27	7	*	3.6	26
Overall Treatment of Tort and Contract Litigation	%	1	49	39	10	1	3.4	26
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	17	33	10	*	3.2	29
Damages	%	4	33	45	13	*	3.3	27
Timeliness of Summary Judgment or Dismissal	%	5	40	36	14	1	3.3	22
Discovery	%	5	51	36	6	*	3.6	11
Scientific and Technical Evidence	%	8	31	24	8	1	3.5	17
Judges' Impartiality	%	22	43	29	6	*	3.8	12
Judges' Competence	%	11	57	29	4	*	3.7	14
Juries' Fairness	%	10	36	34	10	1	3.5	25
Overall State Grade	%	4	52	39	6	*	3.5	

**Table 40****Massachusetts****2010 Overall Ranking: 9****Ratings on Key Elements of State Liability Systems (n=119)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	39	21	4	*	3.8	9
Overall Treatment of Tort and Contract Litigation	%	10	50	28	10	2	3.6	12
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	24	23	6	2	3.4	10
Damages	%	8	39	34	11	2	3.4	15
Timeliness of Summary Judgment or Dismissal	%	12	36	37	9	1	3.5	9
Discovery	%	8	45	34	10	3	3.5	18
Scientific and Technical Evidence	%	11	39	24	4	1	3.7	3
Judges' Impartiality	%	19	52	18	7	2	3.8	10
Judges' Competence	%	20	52	19	5	2	3.9	6
Juries' Fairness	%	18	41	23	9	1	3.7	12
Overall State Grade	%	13	52	28	7	1	3.7	

**Table 41****Michigan****2010 Overall Ranking: 30****Ratings on Key Elements of State Liability Systems (n=97)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	40	23	6	2	3.6	19
Overall Treatment of Tort and Contract Litigation	%	5	38	40	10	4	3.3	30
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	13	30	4	2	3.3	19
Damages	%	3	41	35	14	1	3.3	23
Timeliness of Summary Judgment or Dismissal	%	3	32	36	23	2	3.1	35
Discovery	%	4	36	47	7	2	3.3	31
Scientific and Technical Evidence	%	4	30	31	11	2	3.3	34
Judges' Impartiality	%	12	42	33	10	1	3.6	28
Judges' Competence	%	6	45	38	10	*	3.5	34
Juries' Fairness	%	6	40	32	9	2	3.4	27
Overall State Grade	%	3	42	44	9	1	3.4	

**Table 42****Minnesota****2010 Overall Ranking: 11****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	%	14	35	29	5	1	3.7	15
Overall Treatment of Tort and Contract Litigation	%	9	52	28	6	5	3.6	14
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	24	19	5	6	3.3	17
Damages	%	6	51	23	7	8	3.4	18
Timeliness of Summary Judgment or Dismissal	%	7	52	26	9	1	3.6	6
Discovery	%	6	55	24	8	5	3.5	14
Scientific and Technical Evidence	%	13	35	24	5	5	3.6	11
Judges' Impartiality	%	26	38	28	6	2	3.8	13
Judges' Competence	%	17	52	23	6	1	3.8	10
Juries' Fairness	%	20	38	24	3	1	3.8	8
Overall State Grade	%	13	50	30	5	2	3.7	



**Table 43****Mississippi****2010 Overall Ranking: 48****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	%	5	21	30	21	11	2.9	49
Overall Treatment of Tort and Contract Litigation	%	2	13	38	28	18	2.5	49
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	14	16	22	22	2.5	47
Damages	%	3	13	22	33	23	2.3	49
Timeliness of Summary Judgment or Dismissal	%	1	15	37	22	17	2.6	48
Discovery	%	2	22	32	22	15	2.7	49
Scientific and Technical Evidence	%	1	13	33	22	12	2.6	49
Judges' Impartiality	%	2	17	34	30	15	2.6	48
Judges' Competence	%	1	21	42	24	10	2.8	48
Juries' Fairness	%	3	12	25	37	16	2.5	49
Overall State Grade	%	*	16	31	39	15	2.5	

**Table 44****Missouri****2010 Overall Ranking: 37****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	%	10	46	26	7	2	3.6	23
Overall Treatment of Tort and Contract Litigation	%	2	40	34	11	11	3.1	39
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	16	35	12	5	2.9	38
Damages	%	2	33	40	12	10	3.1	33
Timeliness of Summary Judgment or Dismissal	%	2	38	35	14	7	3.2	31
Discovery	%	5	35	43	10	4	3.3	36
Scientific and Technical Evidence	%	2	23	37	9	5	3.1	42
Judges' Impartiality	%	9	41	30	12	4	3.4	34
Judges' Competence	%	5	39	37	13	2	3.3	39
Juries' Fairness	%	5	35	33	16	4	3.2	37
Overall State Grade	%	3	41	37	15	3	3.3	

**Table 45****Montana****2010 Overall Ranking: 43****Ratings on Key Elements of State Liability Systems (n=42)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	31	17	5	12	3.2	43
Overall Treatment of Tort and Contract Litigation	%	10	26	29	19	12	3.0	43
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	17	19	10	7	3.0	37
Damages	%	5	31	21	31	10	2.9	42
Timeliness of Summary Judgment or Dismissal	%	2	38	36	10	5	3.3	28
Discovery	%	2	43	36	12	2	3.3	34
Scientific and Technical Evidence	%	2	31	21	12	2	3.3	35
Judges' Impartiality	%	12	36	17	26	10	3.1	44
Judges' Competence	%	7	33	31	24	5	3.1	45
Juries' Fairness	%	7	31	29	14	10	3.1	39
Overall State Grade	%	5	33	29	26	7	3.0	

**Table 46****Nebraska****2010 Overall Ranking: 3****Ratings on Key Elements of State Liability Systems (n=60)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	22	37	22	7	*	3.8	8
Overall Treatment of Tort and Contract Litigation	%	12	60	25	3	*	3.8	4
Treatment of Class Action Suits and Mass Consolidation Suits	%	10	28	18	2	*	3.8	2
Damages	%	18	50	23	3	*	3.9	3
Timeliness of Summary Judgment or Dismissal	%	10	47	37	*	5	3.6	5
Discovery	%	10	55	28	5	*	3.7	4
Scientific and Technical Evidence	%	3	45	28	3	*	3.6	9
Judges' Impartiality	%	17	63	13	5	*	3.9	5
Judges' Competence	%	17	57	25	2	*	3.9	3
Juries' Fairness	%	27	45	17	2	*	4.1	1
Overall State Grade	%	17	55	27	2	*	3.9	

**Table 47****Nevada****2010 Overall Ranking: 28****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	%	14	41	24	12	*	3.6	17
Overall Treatment of Tort and Contract Litigation	%	3	42	34	14	5	3.3	32
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	17	14	14	5	2.9	39
Damages	%	*	54	25	17	3	3.3	25
Timeliness of Summary Judgment or Dismissal	%	7	39	36	12	3	3.4	20
Discovery	%	5	44	36	8	3	3.4	24
Scientific and Technical Evidence	%	2	36	27	14	*	3.3	32
Judges' Impartiality	%	8	44	27	19	2	3.4	35
Judges' Competence	%	8	46	32	12	2	3.5	33
Juries' Fairness	%	5	46	25	10	3	3.4	28
Overall State Grade	%	3	47	34	14	2	3.4	

**Table 48****New Hampshire****2010 Overall Ranking: 16****Ratings on Key Elements of State Liability Systems (n=57)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	33	30	9	*	3.5	35
Overall Treatment of Tort and Contract Litigation	%	4	51	37	4	2	3.5	17
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	16	23	9	*	3.2	24
Damages	%	11	46	30	7	*	3.6	10
Timeliness of Summary Judgment or Dismissal	%	7	42	28	11	7	3.3	23
Discovery	%	2	47	40	9	*	3.4	22
Scientific and Technical Evidence	%	2	32	33	4	2	3.4	27
Judges' Impartiality	%	7	61	26	2	2	3.7	19
Judges' Competence	%	5	63	28	2	*	3.7	18
Juries' Fairness	%	9	46	30	2	*	3.7	13
Overall State Grade	%	9	53	33	5	*	3.6	

**Table 49****New Jersey****2010 Overall Ranking: 32****Ratings on Key Elements of State Liability Systems (n=123)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	44	25	8	2	3.6	29
Overall Treatment of Tort and Contract Litigation	%	2	39	37	15	6	3.2	36
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	19	18	11	4	3.1	30
Damages	%	2	33	33	18	7	3.1	32
Timeliness of Summary Judgment or Dismissal	%	11	30	37	12	8	3.2	29
Discovery	%	7	34	43	13	3	3.3	38
Scientific and Technical Evidence	%	4	37	29	6	3	3.4	24
Judges' Impartiality	%	10	43	32	7	5	3.5	29
Judges' Competence	%	9	44	33	11	2	3.5	32
Juries' Fairness	%	4	29	31	8	4	3.3	34
Overall State Grade	%	2	40	42	11	4	3.2	

**Table 50****New Mexico****2010 Overall Ranking: 41****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	%	5	53	17	10	5	3.5	36
Overall Treatment of Tort and Contract Litigation	%	3	29	42	22	3	3.1	42
Treatment of Class Action Suits and Mass Consolidation Suits	%	*	7	22	12	5	2.7	43
Damages	%	3	20	46	20	8	2.9	43
Timeliness of Summary Judgment or Dismissal	%	5	29	39	15	8	3.1	40
Discovery	%	*	36	42	10	8	3.1	43
Scientific and Technical Evidence	%	*	31	31	15	2	3.2	41
Judges' Impartiality	%	12	36	31	15	3	3.4	36
Judges' Competence	%	3	46	32	14	5	3.3	43
Juries' Fairness	%	2	27	34	19	5	3.0	43
Overall State Grade	%	2	31	44	19	5	3.1	



**Table 51****New York****2010 Overall Ranking: 23****Ratings on Key Elements of State Liability Systems (n=224)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	44	17	7	2	3.8	12
Overall Treatment of Tort and Contract Litigation	%	9	48	30	9	2	3.5	18
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	25	24	8	2	3.3	16
Damages	%	4	40	34	14	2	3.3	24
Timeliness of Summary Judgment or Dismissal	%	6	29	38	19	5	3.1	34
Discovery	%	7	38	37	13	3	3.3	33
Scientific and Technical Evidence	%	10	37	22	8	1	3.6	8
Judges' Impartiality	%	18	46	27	6	2	3.7	18
Judges' Competence	%	14	51	29	5	1	3.7	21
Juries' Fairness	%	7	36	32	9	2	3.4	29
Overall State Grade	%	6	52	35	6	1	3.6	

**Table 52****North Carolina****2010 Overall Ranking: 17****Ratings on Key Elements of State Liability Systems (n=85)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	44	21	4	*	3.9	6
Overall Treatment of Tort and Contract Litigation	%	9	46	34	5	5	3.5	19
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	21	13	6	4	3.3	15
Damages	%	7	46	27	9	6	3.4	19
Timeliness of Summary Judgment or Dismissal	%	11	29	33	14	2	3.4	19
Discovery	%	11	49	32	6	1	3.6	9
Scientific and Technical Evidence	%	9	28	27	6	4	3.5	21
Judges' Impartiality	%	13	52	26	5	4	3.7	24
Judges' Competence	%	15	52	26	2	4	3.7	16
Juries' Fairness	%	9	38	32	6	5	3.5	26
Overall State Grade	%	5	59	29	4	4	3.6	

**Table 53****North Dakota****2010 Overall Ranking: 2****Ratings on Key Elements of State Liability Systems (n=50)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	48	18	4	2	3.8	10
Overall Treatment of Tort and Contract Litigation	%	16	54	24	4	*	3.8	2
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	26	12	8	*	3.6	7
Damages	%	22	42	30	2	2	3.8	4
Timeliness of Summary Judgment or Dismissal	%	12	54	22	2	2	3.8	2
Discovery	%	6	58	28	*	4	3.6	7
Scientific and Technical Evidence	%	4	48	22	10	2	3.5	19
Judges' Impartiality	%	34	46	20	*	*	4.1	2
Judges' Competence	%	18	62	20	*	*	4.0	2
Juries' Fairness	%	22	46	20	2	*	4.0	2
Overall State Grade	%	26	52	22	*	*	4.0	

**Table 54****Ohio****2010 Overall Ranking: 29****Ratings on Key Elements of State Liability Systems (n=118)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	37	26	4	3	3.7	16
Overall Treatment of Tort and Contract Litigation	%	6	40	38	12	3	3.3	27
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	19	30	6	3	3.3	18
Damages	%	5	34	40	11	3	3.3	28
Timeliness of Summary Judgment or Dismissal	%	6	28	38	18	7	3.1	38
Discovery	%	6	42	36	8	6	3.3	30
Scientific and Technical Evidence	%	6	32	32	6	3	3.4	25
Judges' Impartiality	%	19	39	28	12	1	3.6	26
Judges' Competence	%	11	44	32	13	*	3.5	28
Juries' Fairness	%	5	35	29	12	1	3.4	32
Overall State Grade	%	5	44	36	13	3	3.4	

**Table 55****Oklahoma****2010 Overall Ranking: 31****Ratings on Key Elements of State Liability Systems (n=70)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	43	24	6	1	3.6	18
Overall Treatment of Tort and Contract Litigation	%	4	50	31	10	4	3.4	25
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	17	20	16	9	2.8	42
Damages	%	7	40	30	14	4	3.3	22
Timeliness of Summary Judgment or Dismissal	%	4	39	31	17	4	3.2	30
Discovery	%	6	49	33	7	4	3.4	19
Scientific and Technical Evidence	%	4	34	29	13	6	3.2	40
Judges' Impartiality	%	7	44	36	9	3	3.4	30
Judges' Competence	%	4	49	40	7	*	3.5	31
Juries' Fairness	%	6	44	29	14	1	3.4	30
Overall State Grade	%	6	41	39	11	3	3.4	

**Table 56****Oregon****2010 Overall Ranking: 21****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	%	13	36	30	9	*	3.6	25
Overall Treatment of Tort and Contract Litigation	%	4	43	45	5	2	3.4	23
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	16	29	5	4	3.2	21
Damages	%	4	30	43	13	2	3.2	31
Timeliness of Summary Judgment or Dismissal	%	5	38	36	13	*	3.4	16
Discovery	%	5	41	36	14	*	3.4	26
Scientific and Technical Evidence	%	7	43	29	5	*	3.6	7
Judges' Impartiality	%	18	43	30	5	*	3.8	15
Judges' Competence	%	14	46	27	9	*	3.7	24
Juries' Fairness	%	14	38	30	4	*	3.7	11
Overall State Grade	%	2	54	39	5	*	3.5	

**Table 57****Pennsylvania****2010 Overall Ranking: 34****Ratings on Key Elements of State Liability Systems (n=143)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	34	23	8	3	3.6	28
Overall Treatment of Tort and Contract Litigation	%	3	37	39	15	5	3.2	35
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	15	29	10	3	3.1	31
Damages	%	2	27	41	20	6	3.0	38
Timeliness of Summary Judgment or Dismissal	%	7	25	38	15	8	3.1	37
Discovery	%	4	34	43	11	5	3.2	40
Scientific and Technical Evidence	%	2	34	29	6	2	3.4	31
Judges' Impartiality	%	10	40	33	12	4	3.4	33
Judges' Competence	%	11	38	36	11	3	3.4	35
Juries' Fairness	%	6	38	29	10	3	3.4	33
Overall State Grade	%	3	38	40	14	4	3.2	

**Table 58****Rhode Island****2010 Overall Ranking: 38****Ratings on Key Elements of State Liability Systems (n=70)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	27	23	13	1	3.3	40
Overall Treatment of Tort and Contract Litigation	%	1	27	50	17	3	3.1	41
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	16	24	11	4	3.0	35
Damages	%	1	26	39	20	6	3.0	39
Timeliness of Summary Judgment or Dismissal	%	3	31	34	21	4	3.1	39
Discovery	%	1	37	40	16	1	3.2	39
Scientific and Technical Evidence	%	1	21	39	7	6	3.1	44
Judges' Impartiality	%	7	37	30	19	4	3.3	41
Judges' Competence	%	10	43	33	10	1	3.5	29
Juries' Fairness	%	7	33	31	11	1	3.4	31
Overall State Grade	%	*	33	49	16	3	3.1	



**Table 59****South Carolina****2010 Overall Ranking: 39****Ratings on Key Elements of State Liability Systems (n=57)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	*	39	28	12	2	3.3	41
Overall Treatment of Tort and Contract Litigation	%	7	32	42	16	4	3.2	34
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	14	23	12	4	3.0	36
Damages	%	2	23	49	18	4	3.0	36
Timeliness of Summary Judgment or Dismissal	%	2	32	42	16	4	3.1	33
Discovery	%	5	35	39	12	4	3.3	37
Scientific and Technical Evidence	%	4	30	26	9	4	3.3	33
Judges' Impartiality	%	4	44	32	11	9	3.2	42
Judges' Competence	%	7	40	39	5	7	3.4	37
Juries' Fairness	%	5	18	44	16	5	3.0	42
Overall State Grade	%	2	37	40	16	5	3.1	

**Table 60****South Dakota****2010 Overall Ranking: 10****Ratings on Key Elements of State Liability Systems (n=46)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	43	35	7	*	3.5	31
Overall Treatment of Tort and Contract Litigation	%	13	50	26	11	*	3.7	9
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	15	20	13	2	3.2	25
Damages	%	15	39	33	2	2	3.7	6
Timeliness of Summary Judgment or Dismissal	%	13	41	24	13	4	3.5	11
Discovery	%	7	46	37	9	2	3.5	17
Scientific and Technical Evidence	%	2	37	22	13	4	3.3	38
Judges' Impartiality	%	22	57	17	4	*	4	3
Judges' Competence	%	17	52	26	4	*	3.8	8
Juries' Fairness	%	20	39	22	4	*	3.9	6
Overall State Grade	%	9	52	37	2	*	3.7	

**Table 61****Tennessee****2010 Overall Ranking: 19****Ratings on Key Elements of State Liability Systems (n=70)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	44	24	4	1	3.7	14
Overall Treatment of Tort and Contract Litigation	%	9	49	37	6	*	3.6	10
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	27	19	6	*	3.6	8
Damages	%	6	43	39	9	1	3.4	16
Timeliness of Summary Judgment or Dismissal	%	6	39	34	17	1	3.3	25
Discovery	%	4	50	33	11	1	3.4	21
Scientific and Technical Evidence	%	10	33	29	9	*	3.6	12
Judges' Impartiality	%	11	53	26	9	*	3.7	22
Judges' Competence	%	9	53	34	4	*	3.7	25
Juries' Fairness	%	9	39	40	3	3	3.5	21
Overall State Grade	%	7	46	41	6	*	3.5	

**Table 62****Texas****2010 Overall Ranking: 36****Ratings on Key Elements of State Liability Systems (n=248)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	37	22	10	6	3.5	34
Overall Treatment of Tort and Contract Litigation	%	11	35	29	18	6	3.3	31
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	21	24	10	6	3.2	23
Damages	%	8	28	30	19	10	3.0	34
Timeliness of Summary Judgment or Dismissal	%	12	31	29	20	4	3.3	27
Discovery	%	7	44	31	12	5	3.4	29
Scientific and Technical Evidence	%	6	37	27	10	4	3.4	26
Judges' Impartiality	%	7	35	34	16	7	3.2	43
Judges' Competence	%	7	41	34	13	4	3.3	38
Juries' Fairness	%	6	25	33	18	7	3.1	41
Overall State Grade	%	7	38	33	17	6	3.2	

**Table 63****Utah****2010 Overall Ranking: 7****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	%	12	49	13	4	1	3.8	7
Overall Treatment of Tort and Contract Litigation	%	11	67	17	1	4	3.8	3
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	18	18	1	1	3.7	4
Damages	%	11	51	25	8	*	3.7	8
Timeliness of Summary Judgment or Dismissal	%	11	42	27	7	6	3.5	10
Discovery	%	4	63	24	6	*	3.7	5
Scientific and Technical Evidence	%	5	52	19	4	1	3.7	4
Judges' Impartiality	%	11	59	24	4	1	3.8	16
Judges' Competence	%	11	54	29	4	*	3.7	15
Juries' Fairness	%	14	47	23	1	1	3.8	7
Overall State Grade	%	6	64	24	4	1	3.7	

**Table 64****Vermont****2010 Overall Ranking: 25****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	%	11	39	25	14	2	3.5	37
Overall Treatment of Tort and Contract Litigation	%	9	41	25	18	5	3.3	29
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	16	25	13	4	3.0	33
Damages	%	11	36	29	18	5	3.3	26
Timeliness of Summary Judgment or Dismissal	%	14	25	32	20	2	3.3	24
Discovery	%	7	43	29	20	2	3.3	32
Scientific and Technical Evidence	%	2	43	27	11	2	3.4	29
Judges' Impartiality	%	21	45	18	9	5	3.7	21
Judges' Competence	%	25	41	25	7	*	3.9	7
Juries' Fairness	%	13	39	21	11	5	3.5	24
Overall State Grade	%	9	50	27	11	4	3.5	

**Table 65****Virginia****2010 Overall Ranking: 6****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	%	18	52	18	4	1	3.9	4
Overall Treatment of Tort and Contract Litigation	%	14	51	26	8	1	3.7	8
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	32	21	2	*	3.6	5
Damages	%	12	49	26	10	2	3.6	11
Timeliness of Summary Judgment or Dismissal	%	17	38	28	11	1	3.6	3
Discovery	%	14	48	28	8	2	3.6	8
Scientific and Technical Evidence	%	8	40	22	3	2	3.6	5
Judges' Impartiality	%	21	50	21	3	3	3.8	9
Judges' Competence	%	20	54	18	4	2	3.9	5
Juries' Fairness	%	16	46	22	2	2	3.8	9
Overall State Grade	%	16	54	21	7	1	3.8	

**Table 66****Washington****2010 Overall Ranking: 26****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	%	4	44	26	8	*	3.5	33
Overall Treatment of Tort and Contract Litigation	%	2	44	40	10	3	3.3	28
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	21	20	11	3	3.2	27
Damages	%	*	39	44	9	4	3.2	29
Timeliness of Summary Judgment or Dismissal	%	4	43	33	12	2	3.4	18
Discovery	%	2	46	43	9	1	3.4	27
Scientific and Technical Evidence	%	4	42	24	5	1	3.6	10
Judges' Impartiality	%	12	49	28	6	3	3.6	27
Judges' Competence	%	13	55	25	4	1	3.8	12
Juries' Fairness	%	7	45	24	11	2	3.5	20
Overall State Grade	%	1	53	38	7	2	3.4	



**Table 67****West Virginia****2010 Overall Ranking: 50****Ratings on Key Elements of State Liability Systems (n=121)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	3	17	26	17	19	2.6	50
Overall Treatment of Tort and Contract Litigation	%	2	12	31	27	27	2.3	50
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	5	12	23	28	2.0	50
Damages	%	2	8	26	25	34	2.1	50
Timeliness of Summary Judgment or Dismissal	%	2	12	31	31	19	2.4	50
Discovery	%	2	15	42	21	16	2.6	50
Scientific and Technical Evidence	%	3	11	30	24	13	2.6	50
Judges' Impartiality	%	1	14	31	29	23	2.4	50
Judges' Competence	%	2	15	41	21	19	2.6	50
Juries' Fairness	%	2	15	26	21	30	2.3	50
Overall State Grade	%	*	8	35	26	31	2.2	

**Table 68****Wisconsin****2010 Overall Ranking: 22****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	%	10	34	28	7	*	3.6	24
Overall Treatment of Tort and Contract Litigation	%	10	46	27	13	3	3.5	21
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	19	24	12	3	3.2	26
Damages	%	10	39	25	13	4	3.4	20
Timeliness of Summary Judgment or Dismissal	%	6	40	40	9	1	3.4	15
Discovery	%	7	42	34	13	*	3.4	20
Scientific and Technical Evidence	%	6	42	27	9	1	3.5	18
Judges' Impartiality	%	16	48	27	4	3	3.7	20
Judges' Competence	%	13	51	28	4	1	3.7	23
Juries' Fairness	%	10	43	28	7	*	3.6	17
Overall State Grade	%	4	54	31	9	1	3.5	

**Table 69****Wyoming****2010 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	%	8	51	19	3	7	3.6	27
Overall Treatment of Tort and Contract Litigation	%	15	44	25	7	7	3.6	15
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	25	12	5	3	3.5	9
Damages	%	15	32	27	8	7	3.5	14
Timeliness of Summary Judgment or Dismissal	%	10	36	29	12	2	3.5	12
Discovery	%	14	46	31	3	3	3.6	6
Scientific and Technical Evidence	%	3	42	27	5	3	3.5	22
Judges' Impartiality	%	19	47	20	10	3	3.7	23
Judges' Competence	%	15	51	24	5	2	3.8	13
Juries' Fairness	%	5	37	27	3	3	3.5	23
Overall State Grade	%	10	49	29	8	3	3.5	

## **IV. METHODOLOGY**

### **AN OVERVIEW**

*The 2010 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform by Harris Interactive. The final results are based on interviews with a nationally representative sample of 1,482 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. Phone interviews averaging 16 minutes in length were conducted with a total of 821 respondents and took place between October 23, 2009, and January 21, 2010. Online interviews using the same questionnaire and averaging 14 minutes in length were conducted with a total of 661 respondents that took place between October 22, 2009, and January 21, 2010. The previous research was conducted during similar time frames in the years 2002–2008. A pilot survey was conducted in 2009 among 104 respondents to pre-test and validate the methodology.

### **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 idExec, Dun & Bradstreet, AMI, and Aggressive List. An alert letter was sent to the general counsel at each company. This letter provided general information about the study, notified them of the option to take the survey online or by phone, and told them that an interviewer from Harris Interactive would be contacting them to request their participation if they chose not to take the survey online. The letter included an 800 number for respondents to call and schedule a survey appointment, and it also alerted the general counsel to a \$50 charitable incentive or check in exchange for qualified participation in the study.

For the online sample, a representative sample of general counsel and other senior attorneys was drawn from the Association of Corporate Counsel and LinkedIn. These respondents received an electronic version of the alert letter, which included a password-protected link to take the survey. They were screened to ensure that they worked for companies with more than \$100 million in annual revenues.

### **SAMPLE CHARACTERISTICS**

An overwhelming majority (92%) 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 20 years of relevant legal experience, including their current position, and had been involved in or familiar with litigation at their current companies for an average of 8.6 years. Most respondents (82%) were familiar with or had litigated in the states they rated within the past three years. The most common industry represented was manufacturing, followed by services.

### **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 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, since 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. The online data editing system refuses to accept punches that are out-of-range, it 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 Interactive'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 one to two reminder e-mails that were sent roughly two to three days after the previous invitation.

### **INTERVIEWING PROTOCOL**

After determining that respondents were qualified, they identified which states' liability systems they were familiar with. Then the respondents were asked to identify the last time they litigated in or were familiar with the states' liability systems. From there, respondents were given the opportunity to evaluate the states' liability systems, prioritized by most recent litigation experience. On average, respondents evaluated three states via telephone and four states online.

### **RATING AND SCORING OF STATES**

States were given a grade (A or B or C or D or F) by respondents for each of the key elements of their liability systems. Tables 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 was developed by creating an index using the grades given on 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 5 or more "not sure" or "decline to answer" responses per state was removed. A total of 6.5% 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. However, when developing the ranking, scores were evaluated based on two decimal points. Therefore, states that appear tied based upon the scores in this report were not tied when two decimal points were taken into consideration. The scores for states that appear tied based on one decimal place are Massachusetts (65.64) and South Dakota (65.62), Vermont (61.62) and Washington (61.57), Alaska (56.58) and Pennsylvania (56.56), and New Mexico (53.89) and Florida (53.86).

For the Ranking on Key Elements tables, a score was calculated per element for each state based on the 0–100 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 1,482 respondents is plus or minus 2.5 percentage points. That is, the chances are 95 in 100 that a survey result does not vary, plus or minus, by more than 2.5 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 (nonresponse 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 Interactive 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 2010 data. While we can look to past years' rankings to see general movement, a direct trend cannot be made to earlier rankings. The reason for this is that in 2010 some interviews were transitioned to an online methodology and the survey design changed slightly; one element was removed - *juries' predictability* - 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. Thus, we cannot directly compare 2002–2005 rankings to the 2006, 2007, and 2008 rankings.

Year	Field Dates
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 70****Overall Ranking of State Liability Systems**

STATE	2010			2008			2007			2006		
	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N
Delaware	1	77.2	97	1	71.5	92	1	75.6	109	1	74.9	108
North Dakota	2	71.1	50	13	65.6	44	20	65.4	48	12	65.2	51
Nebraska	3	69.7	60	2	71.3	61	3	70	63	2	71.5	78
Indiana	4	69.6	88	4	69.1	57	8	68.2	88	11	65.2	99
Iowa	5	69.4	84	7	68	82	4	68.9	95	4	68.8	109
Virginia	6	68.1	90	6	68.4	85	12	66.9	101	3	71.1	121
Utah	7	67.8	83	5	68.6	74	9	67.7	87	17	64.2	103
Colorado	8	65.8	86	9	67.5	58	21	65.1	90	8	65.6	100
Massachusetts	9	65.6	119	18	63.5	84	18	65.7	123	32	59	125
South Dakota	10	65.6	46	12	65.7	42	11	67	51	7	65.7	56
Minnesota	11	65.3	86	11	66.5	64	2	70.6	86	14	65	83
Maine	12	65.2	57	3	69.3	43	5	68.9	48	9	65.5	66
Arizona	13	65.0	86	15	65.3	50	15	66.3	94	13	65.1	98
Kansas	14	64.6	96	10	66.7	82	13	66.7	96	15	64.5	110
Wyoming	15	64.5	59	23	62.1	43	22	64.7	49	16	64.2	66
New Hampshire	16	64.2	57	16	64.7	57	6	68.2	59	6	66	81
North Carolina	17	64.0	85	21	62.6	56	16	65.9	87	10	65.2	98
Idaho	18	63.9	47	26	61.5	39	30	61.3	52	18	64	70
Tennessee	19	63.7	70	22	62.3	71	7	68.2	101	29	59.9	109
Maryland	20	63.2	83	30	60.6	60	29	61.7	74	20	63.4	91
Oregon	21	63.0	56	14	65.4	36	17	65.7	67	30	59.8	89
Wisconsin	22	62.8	67	24	61.8	69	10	67.5	102	23	62.6	110
New York	23	62.5	224	25	61.6	134	19	65.6	197	21	63.2	217
Connecticut	24	62.1	84	19	63.2	55	14	66.3	62	5	66.9	90
Vermont	25	61.6	56	8	67.6	38	27	62.5	46	24	62.3	61
Washington	26	61.6	114	27	61.5	88	25	63.7	116	28	60.7	139
Georgia	27	60.9	99	28	61.4	62	31	61.2	106	27	61	118
Nevada	28	59.8	59	40	56.9	54	28	62	70	37	56	85
Ohio	29	59.7	118	32	60	58	24	63.9	123	19	63.5	139
Michigan	30	59.5	97	33	59.7	63	23	64.2	110	22	63.1	125
Oklahoma	31	59.0	70	17	64.2	55	38	57.7	82	33	58.8	100
New Jersey	32	57.8	123	35	58	70	26	63.4	137	25	61.4	141
Alaska	33	56.6	35	20	62.6	37	43	56	48	36	56.2	58
Pennsylvania	34	56.6	143	36	57.8	131	32	60.8	146	31	59.3	157
Hawaii	35	56.4	45	45	51.5	40	42	56.3	54	46	48	74
Texas	36	56.3	248	41	56.8	132	44	54.3	210	43	52	243
Missouri	37	56.1	92	31	60.1	61	34	60	99	35	57.8	109
Rhode Island	38	55.2	70	39	57.1	66	35	58.5	68	26	61.1	91
South Carolina	39	55.1	57	43	54.5	48	37	58.1	81	42	53.9	95
Kentucky	40	54.4	97	29	61.3	64	33	60.8	90	34	58	101
New Mexico	41	53.9	59	37	57.5	49	39	57.5	59	40	54.2	96
Florida	42	53.9	237	42	54.9	137	36	58.2	186	38	55.2	209
Montana	43	52.4	42	38	57.3	42	40	57.2	58	39	54.8	70
Arkansas	44	48.7	82	34	58	60	41	56.5	76	41	54.1	99
Illinois	45	47.9	191	46	51.3	129	46	50.8	180	45	49.2	229
California	46	47.2	286	44	51.8	197	45	53.5	286	44	49.8	317
Alabama	47	45.5	95	47	47.5	54	47	50.7	107	47	44.4	125
Mississippi	48	40.0	116	48	43.7	92	49	46.1	156	48	39.7	143
Louisiana	49	39.6	122	49	42.9	100	48	47.3	142	49	39	137
West Virginia	50	35.1	121	50	42.4	114	50	38	134	50	37.3	137

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

# US Chamber of Commerce — 2010 State Liability Systems Ranking Study

	2005			2004			2003			2002		
STATE	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N
Delaware	1	76	128	1	74.4	178	1	74.5	96	1	78.6	75
North Dakota	3	68.5	57	16	63.8	72	6	65.1	37	25	59.4	50
Nebraska	2	69.7	98	2	69.1	81	2	69.3	44	6	65.4	61
Indiana	6	65.5	119	11	64.4	178	5	65.1	86	12	62.8	70
Iowa	5	66.3	155	4	68.6	80	3	68.8	61	5	65.8	63
Virginia	4	67.1	136	3	68.7	179	8	64	95	2	67.9	81
Utah	14	63.3	144	6	65.8	82	7	64.5	55	8	64.2	62
Colorado	13	63.6	93	13	63.9	179	12	62.3	78	7	65.3	73
Massachusetts	31	57.8	144	28	57.7	180	22	59.1	93	36	54	66
South Dakota	8	64.9	70	17	63.6	73	4	66.5	38	9	63.9	47
Minnesota	7	65.2	77	8	65	177	9	63.5	85	19	61	66
Maine	11	64.2	80	12	64.1	79	16	60.9	39	18	61	53
Arizona	19	60.9	95	14	63.8	177	18	59.7	92	11	63.2	78
Kansas	16	62.6	148	9	64.4	81	15	61	53	4	66	63
Wyoming	9	64.7	85	15	63.8	77	25	58	37	20	60.7	45
New Hampshire	12	64	95	7	65.2	80	10	63.2	39	17	61.9	63
North Carolina	20	60.3	114	19	61.9	178	20	59.5	84	16	61.9	74
Idaho	10	64.2	61	5	66.2	81	13	61.8	37	14	62.4	53
Tennessee	22	59.9	102	25	60.7	176	26	57.7	76	24	59.9	66
Maryland	23	59.8	95	21	61.4	178	23	58.8	76	22	60.6	67
Oregon	25	59.6	115	27	58.4	173	14	61.2	69	13	62.5	62
Wisconsin	17	62.5	143	10	64.4	178	11	62.7	74	15	62.1	66
New York	27	58.8	256	22	61.4	200	27	57.2	96	27	58.9	100
Connecticut	18	62	131	18	62.5	179	17	60.3	81	10	63.4	68
Vermont	21	60.3	73	20	61.5	71	19	59.6	36	21	60.6	62
Washington	15	63.1	94	24	60.7	178	21	59.4	85	3	66.6	71
Georgia	28	58.4	170	29	57.6	180	39	52.7	93	23	59.9	100
Nevada	29	58.4	109	34	56.4	176	34	54.1	66	30	56.7	63
Ohio	26	59.5	178	32	57.2	187	24	58.6	98	26	59.4	100
Michigan	24	59.6	135	23	61.3	179	29	56.3	97	28	58.2	83
Oklahoma	32	56.5	132	31	57.5	179	36	53.9	71	41	51.2	62
New Jersey	30	57.8	194	26	60.2	185	30	56.1	98	32	55.4	100
Alaska	33	56.4	64	33	56.5	77	32	55.8	39	37	53.8	63
Pennsylvania	34	55.5	204	30	57.5	200	31	55.9	95	31	56.2	100
Hawaii	41	51.5	81	39	53.7	80	43	47.8	37	40	52	62
Texas	44	49.2	287	45	49.9	200	46	41.1	97	46	45.2	100
Missouri	40	51.9	121	41	52.9	178	33	55.4	89	29	56.8	75
Rhode Island	35	55.4	92	36	55.7	83	37	53.2	42	35	55	62
South Carolina	39	54.2	101	40	53	178	42	48	77	42	50.9	66
Kentucky	36	54.9	129	35	56	178	35	54	73	38	53.5	67
New Mexico	38	54.5	155	37	55.1	81	41	48.6	56	39	52.8	63
Florida	42	50.9	288	38	54.1	200	40	48.6	96	33	55.2	100
Montana	37	54.8	70	43	51.7	80	28	56.4	40	43	49.6	62
Arkansas	43	50.2	169	42	52.5	82	45	44.9	57	44	49.3	63
Illinois	46	44.1	285	44	50.5	201	38	53.1	97	34	55.1	100
California	45	45.5	351	46	45.2	205	44	45.6	100	45	48.6	100
Alabama	48	35.9	157	48	34.3	183	48	31.6	97	48	37.8	100
Mississippi	50	30.7	164	50	25.7	182	50	24.8	99	50	28.4	96
Louisiana	47	39.1	146	47	40.5	182	47	37.3	98	47	41.3	94
West Virginia	49	33.2	107	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. However, when developing the ranking, scores were evaluated based on two decimal points. The column labeled “N” represents the number of evaluations for a given state.

TABLE 71

## PRIOR STATE RANKINGS USING PAST YEARS' RANKING SYSTEM

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

**South Dakota**

2010= 10  
 2008= 12  
 2007 = 11  
 2006 = 7  
 2005 = 8  
 2004 = 17  
 2003 = 4  
 2002 = 9

**Virginia**

2010= 6  
 2008= 6  
 2007 = 12  
 2006 = 3  
 2005 = 4  
 2004 = 3  
 2003 = 8  
 2002 = 2

**Tennessee**

2010= 19  
 2008= 22  
 2007 = 6  
 2006 = 29  
 2005 = 22  
 2004 = 25  
 2003 = 26  
 2002 = 24

**Washington**

2010= 26  
 2008= 27  
 2007 = 25  
 2006 = 28  
 2005 = 15  
 2004 = 24  
 2003 = 21  
 2002 = 3

**Texas**

2010= 36  
 2008= 41  
 2007 = 44  
 2006 = 43  
 2005 = 44  
 2004 = 45  
 2003 = 46  
 2002 = 46

**West Virginia**

2010= 50  
 2008= 50  
 2007 = 50  
 2006 = 50  
 2005 = 49  
 2004 = 49  
 2003 = 49  
 2002 = 49

**Utah**

2010= 7  
 2008= 5  
 2007 = 9  
 2006 = 17  
 2005 = 14  
 2004 = 6  
 2003 = 7  
 2002 = 8

**Wisconsin**

2010= 22  
 2008= 24  
 2007 = 10  
 2006 = 23  
 2005 = 17  
 2004 = 10  
 2003 = 11  
 2002 = 15

**Vermont**

2010= 25  
 2008= 8  
 2007 = 27  
 2006 = 24  
 2005 = 21  
 2004 = 20  
 2003 = 19  
 2002 = 21

**Wyoming**

2010= 15  
 2008= 23  
 2007 = 22  
 2006 = 16  
 2005 = 9  
 2004 = 15  
 2003 = 25  
 2002 = 20

**APPENDIX A: ALERT LETTER**

## 2009<sup>3</sup> State Liability Systems Ranking Study

Conducted by Harris Interactive for the U.S. Chamber Institute for Legal Reform

---

[NAME]  
[COMPANY]  
[ADDRESS1]  
[ADDRESS2]  
[ADDRESS3]  
[CITY], [STATE] [ZIP]

Dear Mr./Ms. [LAST NAME]:

We need your help with a very important survey for in-house general counsel relating to our nation's civil justice system.

The U.S. Chamber Institute for Legal Reform has asked Harris Interactive, best known for *The Harris Poll*<sup>®</sup>, to once again conduct its annual State Liability Systems Ranking Study. We know you are busy so this year we are offering the opportunity to complete the survey online. As a token of appreciation, if you qualify for and complete the survey, Harris Interactive will either send you a \$50 honorarium or make a charitable contribution on your behalf to one of six predetermined organizations.

Now in its eighth year, this study, widely reported on in a variety of media outlets, has become the primary benchmark that policy makers, the media and others use to measure states' legal environment.

The survey will take approximately 15 minutes to complete but may be shorter or longer depending on how many states you are familiar with and choose to reply to. Your answers will be kept strictly confidential and will be used only in combination with those of other survey participants. Harris Interactive will also send a brief summary of the results in exchange for your time.

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: [DispatcherID]      Password: [Password]

If you are not interested in participating, or do not feel qualified to participate, please forward this on to a qualified colleague within your company *without visiting the link first*.

If you have any questions regarding this research, email [J36285@harrisinteractive.net](mailto:J36285@harrisinteractive.net) or contact Kaylan Orkis from Harris Interactive toll free at 1-877-812-6109. Thank you very much for your time and cooperation in this survey.

Sincerely,



Kim M. Brunner  
*Executive Vice President, Chief Legal Officer & Secretary*  
State Farm Insurance



Russell C. Deyo  
*Vice President, General Counsel & Chief Compliance Officer*  
Johnson & Johnson



Thomas J. Sabatino  
*Executive Vice President, General Counsel*  
Schering-Plough



Thomas A. Gottschalk  
*Chairman of the Board*  
U.S. Chamber Institute for Legal Reform

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3. This was referred to as the 2009 State Liability Systems Ranking Study for the respondents since the interviewing began in 2009.

## **APPENDIX B: QUESTIONNAIRE**

<b>SECTION 400: INTRO AND SCREENING QUESTIONS</b>
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[SHOWN ON LANDING PAGE FOR ONLINE:]

Thank you for agreeing to participate in the 2009 State Liability Systems Ranking Study conducted by Harris Interactive. 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 eighth year, 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 our civil justice system.

Your responses are entirely confidential. Individual responses will not be shared with anyone. We will combine your completed survey with hundreds of others to compile aggregate results.

We appreciate your taking the time to complete this survey. As a token of appreciation, if you qualify for and complete the survey, you will receive a **\$50 honorarium** or you can choose to donate it to one of six charities.

During the survey, please **do not use your browser's FORWARD and BACK buttons**. Instead, please always use the arrows below to move backward and forward through the survey. Should you need to contact us for any reason, email us at [J36285@harrisinteractive.com](mailto:J36285@harrisinteractive.com) or call 1-877-812-6109. 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.



**BASE:ALL RESPONDENTS**

**Q661** Thank you for agreeing to take this survey.

[PHONE: What is the name of the company you work for?

[ONLINE: First we need to know the name of the business or company for which you work. Please select the first letter or character of your company's name below.]

[DROP-DOWN LIST OF A-Z, OTHER]

**BASE:ALL RESPONDENTS**

**Q1900** [PHONE: INT: SELECT NAME OF COMPANY FROM LIST. IF NOT LISTED, SELECT 'OTHER']

[ONLINE: Please select the name of your company from the list below. If it is not listed, select 'other'.]

**BASE: OTHER COMPANY SELECTED (Q1900/9999)**

**Q663** [PHONE: [INT: CAPTURE COMPANY NAME. ENSURE SPELLING IS CORRECT]

[ONLINE: What is the name of the business or company for which you work?]

[MANDATORY TEXT BOX]

**BASE:ALL RESPONDENTS**

**Q665** [PHONE: What is your job title? (DO NOT READ LIST)]

[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	[ASK TO Q675]
6 Legal counsel	[ASK TO Q675]
7 Assistant or Associate counsel	[ASK TO Q675]
8 President	[ASK TO Q675]
9 Partner	[ASK TO Q675]
10 Senior or Executive Vice President	[ASK TO Q675]
11 Vice President	[ASK TO Q675]
12 Chief Executive Officer	[ASK TO Q675]
13 Chief Financial Officer	[ASK TO Q675]
14 Chairman	[ASK TO Q675]
15 Director	[ASK TO Q675]
16 Paralegal	[GET REFERRAL]
17 Legal Assistant or Secretary	[GET REFERRAL]
18 Information Technology	[GET REFERRAL]
19 Human Resources	[GET REFERRAL]
20 Other	[SPECIFY AT Q425]
98 Not sure (Voluntary)	[ASK TO Q675] [Response shown for phone only throughout survey unless indicated otherwise]
99 Decline to answer (Voluntary)	[ASK TO Q675] [Response shown for phone only throughout survey unless indicated otherwise]

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

**Q425** What is your job title?

[MANDATORY TEXT BOX]

**BASE: OTHER RELEVANT LEGAL TITLE IN Q665 OR Q425 (Q665/5-15, 98, 99 OR Q425)**

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

- |   |                       |                |
|---|-----------------------|----------------|
| 1 | Yes                   | [ASK Q680]     |
| 2 | No                    | [GET REFERRAL] |
| 8 | Not sure (V)          | [GET REFERRAL] |
| 9 | Decline to answer (V) | [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                    | [GET REFERRAL] |
| 8 | Not sure (V)          | [GET REFERRAL] |
| 9 | Decline to answer (V) | [GET REFERRAL] |

**BASE: ALL CONTINUING RESPONDENTS**

**Q1816** What was your company's total gross revenue (before expenses, taxes, etc.) for 2008? 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 (V)                     |             |
| 11. | Decline to answer (V)            |             |

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

**Q1814** Was your company's total gross revenue [INT: IF NECESSARY: before expenses, taxes, etc.] for 2008 \$100 million or more? (DO NOT READ LIST)

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

**BASE: ALL QUALIFIED RESPONDENTS**

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

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

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

|\_|\_| [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?

[FOR PHONE (Q149/2), SHOW: (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR “NOT SURE (V)” AND 99 FOR “DECLINE TO ANSWER.”)]

[FOR ONLINE (Q149/1), SHOW: Please enter zero if it is less than a year. If you are unsure, please use your best estimate.]

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

**BASE: ALL QUALIFIED RESPONDENTS**

**Q715** [PHONE: Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor?]

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

- 1 Excellent
- 2 Pretty good
- 3 Only fair
- 4 Poor
- 8 Not sure (V)
- 9 Decline to answer (V)

**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?]

**Q801**

- 1 Very familiar
- 2 Somewhat familiar
- 3 Not very familiar
- 4 Not at all familiar
- 8 Not sure (V)
- 9 Decline to answer (V)

[PN: SHOW UP TO 15 STATES 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](#) state court systems are you very or somewhat familiar?

[FOR ONLINE, SHOW: Please select [all](#) that apply.]

[LIST ALL STATES NOT SHOWN IN Q800]

[ALPHABETIZE]

[MULTIPLE RECORD]

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

**Q1812** [PHONE: And would you say you are very or somewhat familiar with the state courts in systems in [READ EACH STATE]?

[ONLINE: Please indicate whether you are very or somewhat familiar with the state court systems in the following state(s).]

**Q1813**

- 1 Very familiar
- 2 Somewhat familiar
- 8 Not sure (V)
- 9 Decline to answer (V)

[PROGRAMMER NOTE: DISPLAY STATES SELECTED IN Q805.]

[MULTIPLE RECORD]

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE**

**Q813** [PHONE: When was the last time you were involved in, or very familiar with, litigation in [READ STATE]? 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
- 6 Not sure (V)
- 7 Decline to answer (V)

[LIST ALL STATES VERY OR SOMEWHAT FAMILIAR WITH]

SELECT UP TO 10 STATES PER RESPONDENT GIVING PRIORITY TO STATES WHERE THEY HAVE LITIGATED MOST RECENTLY AS INDICATED BY Q813.
---

**SECTION 900: STATE EVALUATIONS**

**BASE: ALL QUALIFIED RESPONDENTS**

**Q891**

[IF TWO OR MORE STATE:: 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.

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"? ]

[ONLINE: Now some questions about [the state/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.

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>	Not sure (v)	Decline to answer (v)

[RANDOMIZE ELEMENTS]

- 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.

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 grade [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?

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]							

1 Judges' impartiality

2 Judges' competence

3 Juries' fairness

**BASE: ALL QUALIFIED RESPONDENTS**

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

[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 (v)
- 9 Decline to answer (v)

**BASE: ALL QUALIFIED RESPONDENTS**

**Q955** What do you think is the single worst aspect of the litigation environment that state policy makers should focus on to improve the business climate in their states?

[MANDATORY TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q960** 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? [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 (v)
- 9 Decline to answer (v)

**BASE: ALL QUALIFIED RESPONDENTS**

**Q635** Thinking about the entire country, what 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? [PHONE: You may give us up to five jurisdictions.] [ONLINE: You may enter up to five jurisdictions. Please insert one per box.]

Jurisdiction 1: [MANDATORY TEXT BOX UNLESS SELECT 'DECLINE' BELOW: 1<sup>ST</sup> MENTION]

[Q636] Jurisdiction 2: [TEXT BOX: 2<sup>ND</sup> MENTION]

[Q637] Jurisdiction 3: [TEXT BOX: 3<sup>RD</sup> MENTION]

[Q638] Jurisdiction 4: [TEXT BOX: 4<sup>TH</sup> MENTION]

[Q639] Jurisdiction 5: [TEXT BOX: 5<sup>TH</sup> MENTION]

Q634 9 Decline to answer [EXCLUSIVE]

**BASE: NAMED A COURT IN Q635**

**Q640** Why do you [FOR PHONE, INSERT: say; FOR ONLINE, INSERT: think] [INSERT 1<sup>ST</sup> MENTION FROM Q635] have the least fair and reasonable litigation environment for both defendants and plaintiffs?

[MANDATORY TEXT BOX].

**BASE: ALL QUALIFIED RESPONDENTS**

**Q650** Thinking about the entire country, what do you think are the best city or county courts. That is, which city or county courts have the most fair and reasonable litigation environment for both defendants and plaintiffs? [PHONE: You may give us up to five jurisdictions. ] [ONLINE: You may enter up to five jurisdictions. Please insert one per box.]

Jurisdiction 1: [MANDATORY TEXT BOX UNLESS SELECT 'DECLINE' BELOW: 1<sup>ST</sup> MENTION]

[Q651] Jurisdiction 2: [TEXT BOX: 2<sup>ND</sup> MENTION] Q651

[Q652] Jurisdiction 3: [TEXT BOX: 3<sup>RD</sup> MENTION] Q652

[Q653] Jurisdiction 4: [TEXT BOX: 4<sup>TH</sup> MENTION] Q653

[Q654] Jurisdiction 5: [TEXT BOX: 5<sup>TH</sup> MENTION] Q654

Q657 999 Decline to answer [EXCLUSIVE]

**BASE: NAMED A COURT IN Q650**

**Q655** Why do you [FOR PHONE, INSERT: say; FOR ONLINE, INSERT: think] [INSERT 1<sup>ST</sup> MENTION FROM Q650] have the most fair and reasonable litigation environment for both defendants and plaintiffs?

[MANDATORY TEXT BOX].

<b>SECTION 1800: DEMOGRAPHICS</b>
-----------------------------------

**BASE: ALL QUALIFIED RESPONDENTS**

**Q1805** Finally, a few questions to help classify your responses.

What is your company's primary industry?

- |    |                                   |
|----|-----------------------------------|
| 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 (V)                      |
| 99 | Decline to answer (V)             |

**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.]

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 (V)
8. Decline to answer (V)

**BASE: ALL QUALIFIED RESPONDENTS**

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

[MANDATORY TEXT BOX]



**BASE: ALL QUALIFIED RESPONDENTS**

**Q826** [PHONE: As a token of appreciation for your participation, we said we would send you or one of six predetermined charities a \$50 check. Would you like to receive the check yourself or make a donation to one of the following six charities?][READ LIST]

[ONLINE: To thank you for your participation, we will send you or one of six predetermined charities a \$50 check. Please make your selection below.]

- |   |   |
|---|---|
| 1 | American Cancer Society                               |
| 2 | American Diabetes Association                         |
| 3 | First Book  |
| 4 | The Salvation Army                                    |
| 5 | The United Way  |
| 6 | Boys & Girls Clubs of America                         |
| 8 | [FOR PHONE, INSERT: Self; FOR ONLINE, INSERT: Myself] |
| 7 | None/ No Donation [DO NOT READ]                       |

**BASE: INCENTIVE TO RESPONDENT (Q826/8)**

**Q881** [PHONE: In order to send the check to you, we need your name and address. We assure you that this information will only be used for mailing the check. It will not be associated with your responses to the survey. ]

[ONLINE: In order to send the check to you, please provide your name and address below. Please be assured that this information will only be used for mailing the check. It will not be associated with your responses to the survey.]

- |             |                                 |            |
|-------------|---------------------------------|------------|
|             | First name:                     | [TEXT BOX] |
| <b>Q882</b> | Last name:                      | [TEXT BOX] |
| <b>Q883</b> | Street address:                 | [TEXT BOX] |
| <b>Q884</b> | Apartment, Suite, Floor number: | [TEXT BOX] |
| <b>Q885</b> | Town or City:                   | [TEXT BOX] |
| <b>Q886</b> | State:                          | [TEXT BOX] |
| <b>Q887</b> | Zip code:                       | [TEXT BOX] |

**BASE: ALL QUALIFIED RESPONDENTS**

**Q830** [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?

[ONLINE: Would you like to receive an electronic copy of the executive summary of the key findings?]

- |   |  |
|---|--|
| 1 | Yes, would like to receive executive summary |
| 2 | No, do not want to receive executive summary |
| 8 | Not sure (V)                                 |
| 9 | Decline to answer (V)                        |

**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.]

- |     |                   |                          |
|-----|-------------------|--------------------------|
|     | Email Address:    | [NON-MANDATORY TEXT BOX] |
| 998 | Not sure (v)      |                          |
| 999 | Decline to answer | (v)                      |

**BASE: ALL QUALIFIED RESPONDENTS**

**Q965** Finally, we conduct this survey once a year and would greatly appreciate your participation in the future. Will you please confirm your [name/email address/phone number] so that we may contact you for future participation?

Name: [TEXT BOX]

**Q966** Email address: [TEXT BOX]

**Q967** Phone number: [TEXT BOX]

**Q968** Decline to answer [E]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q840** Thank you very much for your participation in this Harris Poll. We appreciate you sharing your perspective with us.