

***2007 U.S. CHAMBER OF COMMERCE  
STATE LIABILITY SYSTEMS  
RANKING STUDY***

**Final**  
**April 16, 2007**

Conducted for:

U.S. Chamber Institute for Legal Reform

Field Dates:

December 27, 2006 – March 2, 2007

Project Managers:

Humphrey Taylor, Chairman, *The Harris Poll*  
David Krane, Vice President  
Chasson Gracie, Research Associate



MARKET RESEARCH

***The Harris Poll***® PEOPLE

**TABLE OF CONTENTS**

<b>INTRODUCTION .....</b>	<b>6</b>
METHODOLOGICAL OVERVIEW .....	6
NOTES ON READING TABLES.....	7
PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS.....	8
PUBLIC RELEASE OF SURVEY FINDINGS .....	8
<b>EXECUTIVE SUMMARY .....</b>	<b>9</b>
<b>DETAILED TABLES OF RESULTS.....</b>	<b>12</b>
STATE RANKINGS BY KEY ELEMENTS .....	24
INDIVIDUAL STATE RANKINGS.....	37
<b>APPENDIX A: METHODOLOGY.....</b>	<b>88</b>
AN OVERVIEW .....	89
SAMPLE DESIGN.....	89
TELEPHONE INTERVIEWING PROCEDURES.....	89
SIGNIFICANCE TESTING.....	90
<b>APPENDIX B: PAST STATE RANKINGS .....</b>	<b>93</b>
<b>APPENDIX C: ALERT LETTERS .....</b>	<b>97</b>
<b>APPENDIX D: QUESTIONNAIRE.....</b>	<b>100</b>

**INDEX OF TABLES**

<b>TABLE 1: OVERALL RATING OF STATE COURT LIABILITY SYSTEMS IN AMERICA.....</b>	<b>13</b>
<b>TABLE 2: IMPACT OF LITIGATION ENVIRONMENT ON IMPORTANT BUSINESS DECISIONS.....</b>	<b>14</b>
<b>TABLE 3A: OVERALL RANKING OF STATE LIABILITY SYSTEMS.....</b>	<b>15</b>
<b>TABLE 3B: MAP OF OVERALL RANKING OF STATE LIABILITY SYSTEMS .....</b>	<b>16</b>
<b>TABLE 4: MOST IMPORTANT ISSUES FOR STATE POLICYMAKERS WHO CARE ABOUT ECONOMIC DEVELOPMENT TO FOCUS ON TO IMPROVE LITIGATION ENVIRONMENT .....</b>	<b>17</b>
<b>TABLE 5: CITIES OR COUNTIES WITH LEAST FAIR AND REASONABLE LITIGATION ENVIRONMENTS ....</b>	<b>18</b>
<b>TABLE 6: WORST SPECIFIC CITY OR COUNTY COURTS BY STATE.....</b>	<b>19</b>
<b>TABLE 7: TOP ISSUES MENTIONED AS CREATING THE LEAST FAIR AND REASONABLE LITIGATION ENVIRONMENT .....</b>	<b>20</b>
<b>TABLE 8: SUMMARY OF TOP/BOTTOM 5 STATES BY KEY ELEMENTS .....</b>	<b>21</b>
<b>TABLE 9: STATE RANKINGS FOR OVERALL TREATMENT OF TORT AND CONTRACT LITIGATION.....</b>	<b>25</b>
<b>TABLE 10: STATE RANKINGS FOR HAVING AND ENFORCING MEANINGFUL VENUE REQUIREMENTS ....</b>	<b>26</b>
<b>TABLE 11: TREATMENT OF CLASS ACTION SUITS AND MASS CONSOLIDATION SUITS.....</b>	<b>27</b>
<b>TABLE 12: PUNITIVE DAMAGES.....</b>	<b>28</b>
<b>TABLE 13: TIMELINESS OF SUMMARY JUDGMENT/DISMISSAL .....</b>	<b>29</b>
<b>TABLE 14: DISCOVERY.....</b>	<b>30</b>
<b>TABLE 15: SCIENTIFIC AND TECHNICAL EVIDENCE.....</b>	<b>31</b>
<b>TABLE 16: NON-ECONOMIC DAMAGES .....</b>	<b>32</b>
<b>TABLE 17: JUDGES' IMPARTIALITY .....</b>	<b>33</b>
<b>TABLE 18: JUDGES' COMPETENCE .....</b>	<b>34</b>
<b>TABLE 19: JURIES' PREDICTABILITY .....</b>	<b>35</b>
<b>TABLE 20: JURIES' FAIRNESS .....</b>	<b>36</b>
<b>TABLE 21: ALABAMA.....</b>	<b>38</b>
<b>TABLE 22: ALASKA.....</b>	<b>39</b>
<b>TABLE 23: ARIZONA.....</b>	<b>40</b>
<b>TABLE 24: ARKANSAS.....</b>	<b>41</b>
<b>TABLE 25: CALIFORNIA.....</b>	<b>42</b>
<b>TABLE 26: COLORADO .....</b>	<b>43</b>

<b>TABLE 27: CONNECTICUT.....</b>	<b>44</b>
<b>TABLE 28: DELAWARE.....</b>	<b>45</b>
<b>TABLE 29: FLORIDA.....</b>	<b>46</b>
<b>TABLE 30: GEORGIA.....</b>	<b>47</b>
<b>TABLE 31: HAWAII.....</b>	<b>48</b>
<b>TABLE 32: IDAHO.....</b>	<b>49</b>
<b>TABLE 33: ILLINOIS.....</b>	<b>50</b>
<b>TABLE 34: INDIANA.....</b>	<b>51</b>
<b>TABLE 35: IOWA.....</b>	<b>52</b>
<b>TABLE 36: KANSAS.....</b>	<b>53</b>
<b>TABLE 37: KENTUCKY.....</b>	<b>54</b>
<b>TABLE 38: LOUISIANA.....</b>	<b>55</b>
<b>TABLE 39: MAINE.....</b>	<b>56</b>
<b>TABLE 40: MARYLAND.....</b>	<b>57</b>
<b>TABLE 41: MASSACHUSETTS.....</b>	<b>58</b>
<b>TABLE 42: MICHIGAN.....</b>	<b>59</b>
<b>TABLE 43: MINNESOTA.....</b>	<b>60</b>
<b>TABLE 44: MISSISSIPPI.....</b>	<b>61</b>
<b>TABLE 45: MISSOURI.....</b>	<b>62</b>
<b>TABLE 46: MONTANA.....</b>	<b>63</b>
<b>TABLE 47: NEBRASKA.....</b>	<b>64</b>
<b>TABLE 48: NEVADA.....</b>	<b>65</b>
<b>TABLE 49: NEW HAMPSHIRE.....</b>	<b>66</b>
<b>TABLE 50: NEW JERSEY.....</b>	<b>67</b>
<b>TABLE 51: NEW MEXICO.....</b>	<b>68</b>
<b>TABLE 52: NEW YORK.....</b>	<b>69</b>
<b>TABLE 53: NORTH CAROLINA.....</b>	<b>70</b>
<b>TABLE 54: NORTH DAKOTA.....</b>	<b>71</b>
<b>TABLE 55: OHIO.....</b>	<b>72</b>

<b>TABLE 56: OKLAHOMA</b> .....	<b>73</b>
<b>TABLE 57: OREGON</b> .....	<b>74</b>
<b>TABLE 58: PENNSYLVANIA</b> .....	<b>75</b>
<b>TABLE 59: RHODE ISLAND</b> .....	<b>76</b>
<b>TABLE 60: SOUTH CAROLINA</b> .....	<b>77</b>
<b>TABLE 61: SOUTH DAKOTA</b> .....	<b>78</b>
<b>TABLE 62: TENNESSEE</b> .....	<b>79</b>
<b>TABLE 63: TEXAS</b> .....	<b>80</b>
<b>TABLE 64: UTAH</b> .....	<b>81</b>
<b>TABLE 65: VERMONT</b> .....	<b>82</b>
<b>TABLE 66: VIRGINIA</b> .....	<b>83</b>
<b>TABLE 67 WASHINGTON</b> .....	<b>84</b>
<b>TABLE 68 WEST VIRGINIA</b> .....	<b>85</b>
<b>TABLE 69 WISCONSIN</b> .....	<b>86</b>
<b>TABLE 70 WYOMING</b> .....	<b>87</b>
<b>TABLE A-1: RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF PROPORTIONS (PLUS OR MINUS)</b> .....	<b>91</b>
<b>TABLE A-2: SAMPLING ERROR OF DIFFERENCE BETWEEN PROPORTIONS</b> .....	<b>92</b>
<b>TABLE B-1: OVERALL RANKING OF STATE LIABILITY SYSTEMS</b> .....	<b>94</b>
<b>TABLE B-2: PRIOR STATE RANKINGS USING PAST YEARS' RANKING SYSTEM</b> .....	<b>96</b>

## Introduction

*The 2007 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform among a national sample of in-house general counsel or other senior corporate litigators at public corporations. This study was conducted between December 2006 and March 2007. The previous research was conducted during similar timeframes in the years 2002-2006. The basic structure and analysis remains the same as 2006.

The goal was to explore how reasonable, fair and balanced the tort liability system is perceived to be by U.S. business. Broadly, the survey focused on 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
- Punitive Damages
- Timeliness of Summary Judgment/Dismissal
- Discovery
- Scientific and Technical Evidence
- Non-economic Damages
- Judges' Impartiality and Competence
- Juries' Predictability and Fairness

## METHODOLOGICAL OVERVIEW

All interviews for *The 2007 State Liability Systems Ranking Study* were conducted by telephone among a nationally representative sample of senior attorneys, in-house general counsel, senior litigators and senior attorneys who are knowledgeable about litigation matters at companies with annual revenues of at least \$100 million. Interviews averaging 22 minutes in length were conducted with a total of 1,599 respondents and took place between December 27, 2006 and March 2, 2007. The sample was segmented into two main groups. Of the 1,599 respondents, 5% were from insurance companies, with the remaining 95% of interviews being conducted among public corporations from other industries.

A detailed survey methodology including a description of the sampling and survey administration procedures as well as further respondent profile information is contained in Appendix A. The past years' rankings can be found in Appendix B and the complete questionnaire is found in Appendix D.

## 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. 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.

States were given a grade (“A”, “B”, “C”, “D”, “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, “F” = 1.0. Therefore, the mean score displayed can also be interpreted as a letter grade. For example, a mean score of 2.8 could be seen as roughly a “C-” grade. Ties between states with matching mean scores were ranked by looking at the percentage of “A” grades, the base sizes and any rounding that may have taken place.

For the “Ranking on Key Elements” tables, states were ranked by their mean grades on that element.

The “Overall Ranking of State Liability Systems” table was calculated by creating an index using the scores given on each of the key elements. All of the key element items were highly correlated with one another, and with overall performance. The differences in the relationship between each item and overall performance were trivial, so it was determined that each item should contribute equally to the index score. The index was created from the mean across the 12 items, which was rescaled from 0 to 100 prior to averaging them together.

## **Punitive Damages:**

This year the scores for the six states that have no punitive damages (Louisiana, Massachusetts, Nebraska, New Hampshire, New Jersey, and Washington) were calculated in two different ways. One way (used in our main tables and in all previous years) is to base the score on all the other criteria excluding punitive damages. The second way involved assigning to each of these six states the highest score achieved from other states on punitive damages (i.e., Delaware’s). While this improves their overall raw score, it does not make a difference in their overall ranking.

## **PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS**

The Harris team responsible for the design and analysis of *The State Liability Systems Ranking Study* included Humphrey Taylor, Chairman, *The Harris Poll*, Vice President David Krane and Research Associate Chasson Gracie. We would like to acknowledge Linda Kelly 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, collection of the data, 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.



**EXECUTIVE SUMMARY**

---

*The 2007 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform among a national sample of in-house general counsel or other senior corporate litigators to explore how reasonable and balanced the tort liability system is perceived to be by U.S. business. The 2007 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 towards 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. While we can look to the past 5 years' rankings to see general movement, a direct trend can only be made from the previous year (2006). The reason for this is that in 2006 we changed the survey design slightly, adding two elements – *having and enforcing meaningful venue requirements* and *non-economic damages*.

There has been an improvement in how the senior attorneys surveyed view the state court liability system, with a net increase of 25 percentage points between 2003 and 2007 in those indicating the system is excellent or pretty good. Further, **a majority (57%) report that the litigation environment in a state is likely to impact important business decisions** at their company, such as where to locate or do business. [See Tables 1 and 2]

Respondents were first screened for their familiarity with states, and those who were very or somewhat familiar with the litigation environment in a given state were then asked to evaluate that state. It is important to remember that **courts and localities within a state may vary a great deal** in fairness and efficiency. However, respondents had to evaluate the state as a whole. To explore the detailed nuances within each state would have required extensive questioning for each state and was beyond the scope and purpose of this study. However, other studies have demonstrated this variability within a state. For example, several studies have documented very high 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”, “B”, “C”, “D” or “F”) in each of the following areas: *having and enforcing meaningful venue requirements, overall treatment of tort and contract litigation, treatment of class action suits and mass consolidation suits, punitive damages, timeliness of summary judgment or dismissal, discovery, scientific and technical evidence, non-economic damages, judges’ impartiality and competence*, and

---

<sup>1</sup> 2006, 2005, 2004, 2003 and 2002

*juries' predictability and fairness.* These grades were combined to create an **overall ranking of state liability systems**.<sup>2</sup>

Further, as the following table highlights, in the past five years there has been a significant increase in the overall average scores.

<b>Year</b>	<b>Average Overall Score among 50 States</b>
2007	61.7
2006	59.5
2005	57.5
2004	57.8
2003	55.8

While there continues to be a wide disparity between the states in terms of those that are perceived to be the best and the worst, nonetheless the overall trend is improving.

According to the general counsel and senior litigators, the states doing the best and worst job of “*creating a fair and reasonable litigation environment*” are [See Table 3]

<b>Top 5</b>	<b>Bottom 5</b>
Delaware (#1)	West Virginia (#50)
Minnesota (#2)	Mississippi (#49)
Nebraska (#3)	Louisiana (#48)
Iowa (#4)	Alabama (#47)
Maine (#5)	Illinois (#46)

<sup>2</sup> The “Overall Ranking of State Liability Systems” table was calculated by creating an index using the scores given on each of the key elements. All of the key element items were highly correlated with one another and with overall performance. The differences in the relationship between each item and overall performance were trivial, so it was determined that each item should contribute equally to the index score. The index was created from the mean across the 12 items, which was rescaled from 0 to 100 prior to averaging them together.

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

The study also asked respondents to name the most important issue that state policymakers who care about economic development should focus on to improve the litigation environment in their state. Reform of punitive damages was cited by 12% of our respondents as the most important issue. Other top issues named were timeliness of decisions (9%), tort reform issues in general (8%), eliminate unnecessary lawsuits (7%), caps/limits on jury awards (6%) and caps/limits on non-economic damages (5%). *[See Table 4]*

### **Worst Local Jurisdictions**

In order to understand if there are any cities or counties which 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 Los Angeles, California (mentioned by 13% of the respondents), followed by Chicago/Cook County, Illinois (11%). *[See Table 5]*

In order to understand why respondents feel negatively about particular jurisdictions, a follow-up question was asked to those who cited a jurisdiction. The top reason given as to why a city or county has the least fair and reasonable litigation environment is corrupt/unfair system, given by 76% of respondents, and is the number one reason by a large margin. The next tier is led by unfair jury/judges, mentioned by 27% of respondents, followed by biased judgment (24%), have read/seen a case study (12%) and personal experience (11%). *[See Table 7]*

### **Conclusion**

In conclusion, one important point to note is that these rankings and results are based on the perceptions of these senior corporate attorneys. It is also important to realize that the perceptions may be based on certain cities or counties within the state. But, as we have noted in the past, perception does become linked with reality. If the states can change the way litigators and others perceive their liability systems, we may find considerable movement in their rankings in the future. Once these perceptions change, the overall business environment may be deemed more hospitable as well.

## **DETAILED TABLES OF RESULTS**

**Table 1**

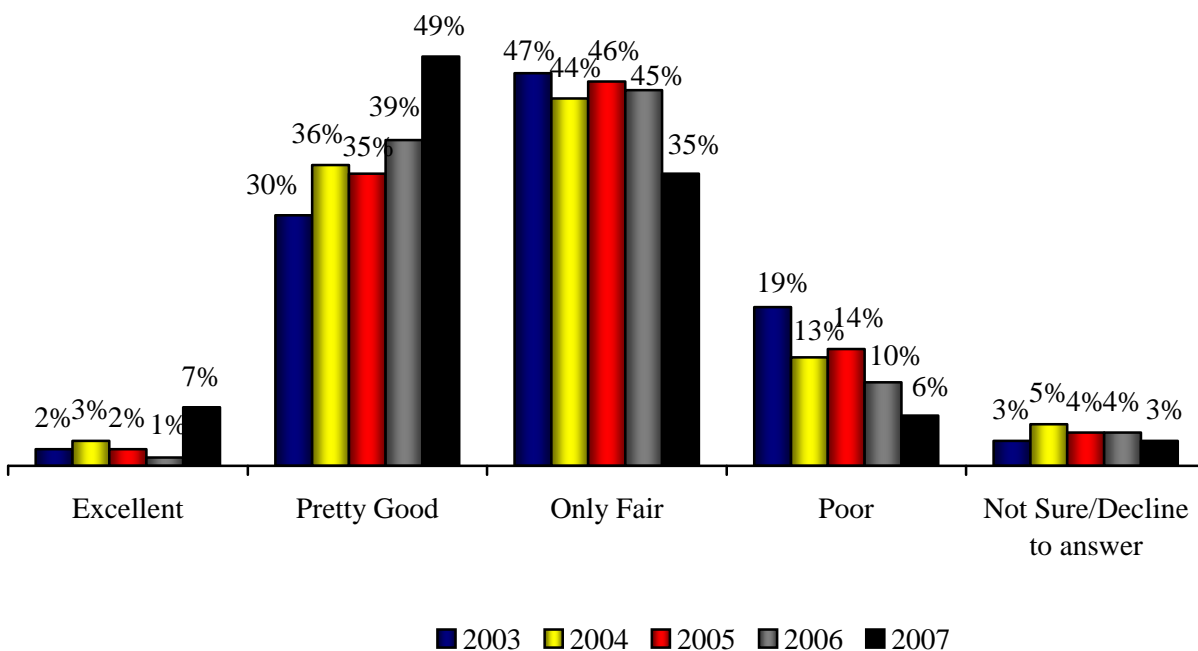
**Overall Rating of State Court Liability Systems in America**

**Excellent/Pretty Good  
(Net)**

2007	56%
2006	41%
2005	37%
2004	39%
2003	31%

**Only Fair/Poor (Net)**

2007	41%
2006	55%
2005	60%
2004	56%
2003	65%

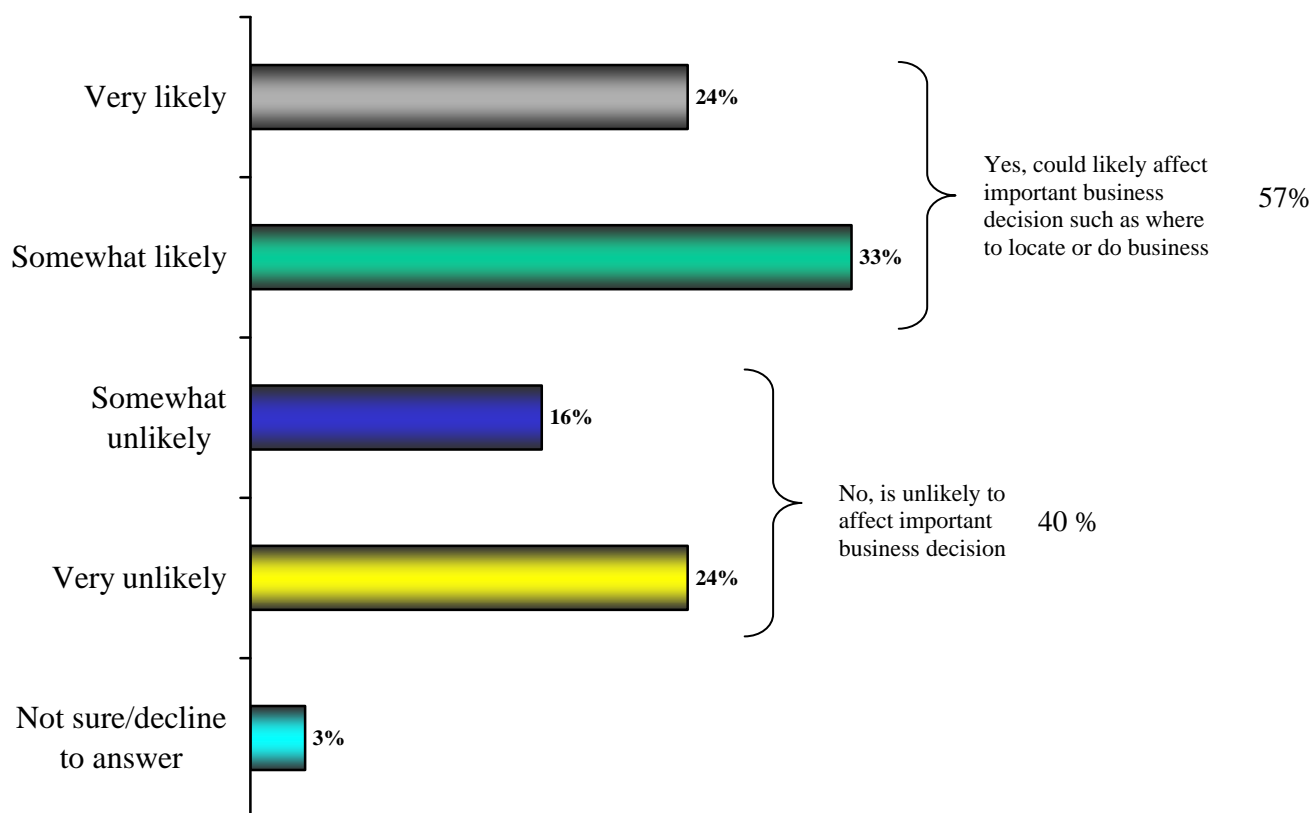


**Base: General Counsel/Senior Litigators (N=1599)**

Q215: 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=1599)**

Q441: 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 3A**  
**Overall Ranking of State Liability Systems**

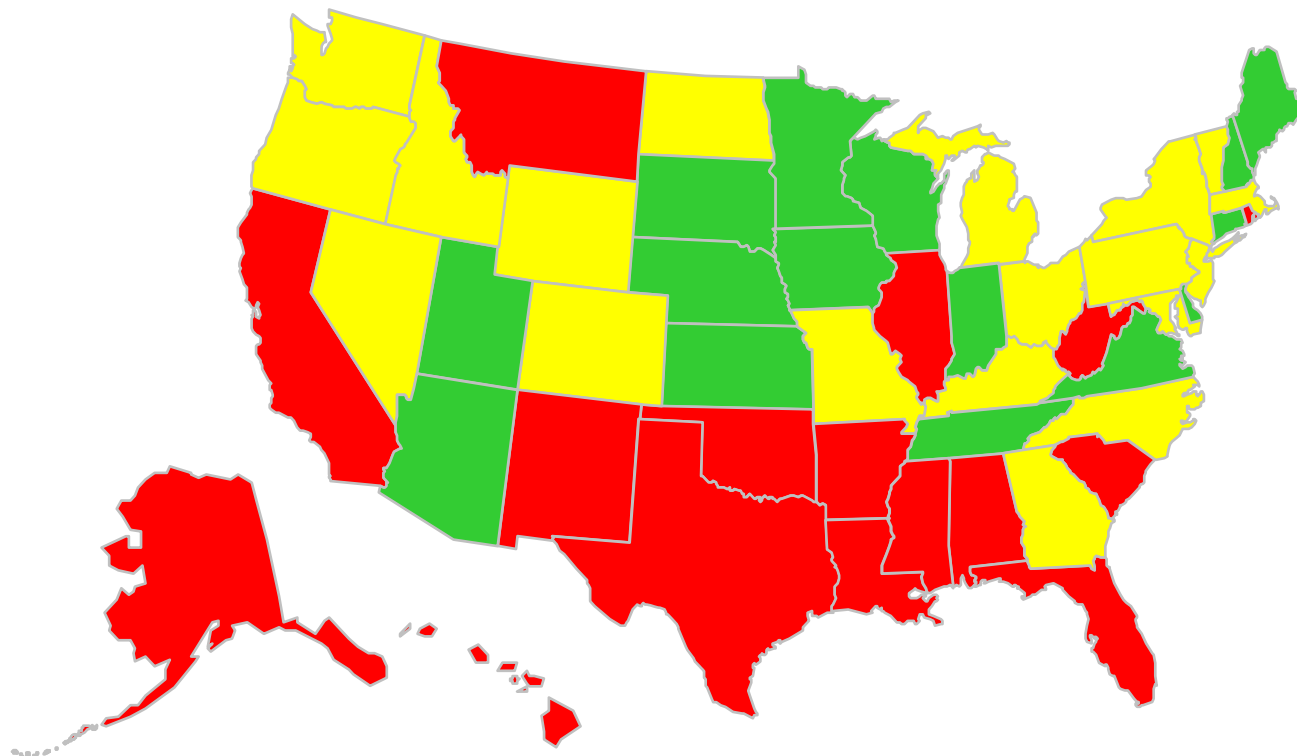
STATE	RANK	2007	
		SCORE	N
Delaware	1	75.6	109
Minnesota	2	70.6	86
Nebraska	3	70	63
Iowa	4	68.9	95
Maine	5	68.9	48
New Hampshire	6	68.2	59
Tennessee	7	68.2	101
Indiana	8	68.2	88
Utah	9	67.7	87
Wisconsin	10	67.5	102
South Dakota	11	67	51
Virginia	12	66.9	101
Kansas	13	66.7	96
Connecticut	14	66.3	62
Arizona	15	66.3	94
North Carolina	16	65.9	87
Oregon	17	65.7	67
Massachusetts	18	65.7	123
New York	19	65.6	197
North Dakota	20	65.4	48
Colorado	21	65.1	90
Wyoming	22	64.7	49
Michigan	23	64.2	110
Ohio	24	63.9	123
Washington	25	63.7	116
New Jersey	26	63.4	137
Vermont	27	62.5	46
Nevada	28	62	70
Maryland	29	61.7	74
Idaho	30	61.3	52
Georgia	31	61.2	106
Pennsylvania	32	60.8	146
Kentucky	33	60.8	90
Missouri	34	60	99
Rhode Island	35	58.5	68
Florida	36	58.2	186
South Carolina	37	58.1	81
Oklahoma	38	57.7	82
New Mexico	39	57.5	59
Montana	40	57.2	58
Arkansas	41	56.5	76
Hawaii	42	56.3	54
Alaska	43	56	48
Texas	44	54.3	210
California	45	53.5	286
Illinois	46	50.8	180
Alabama	47	50.7	107
Louisiana	48	47.3	142
Mississippi	49	46.1	156
West Virginia	50	38	134

**Base: General Counsel/Senior Litigators (N=1599)**

\*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 3B**  
**Map of Overall Ranking of State Liability Systems<sup>3</sup>**

**Best to Worst Legal Systems in America**  
*2007 ILR/Harris Interactive Ranking of State Liability Systems*



**Best**

**Moderate\***

**Worst**

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

Base: General Counsel/Senior Litigators (N=1599)

**\*Neither Best, nor Worst**

<sup>4</sup> States listed as “Best” had a total score exceeding 66.0, those listed as “Moderate” had scores of 66.0 to 60.0, those listed as “Worst” had scores lower than 60.0.



**Table 4**
**Most Important Issues for State Policymakers Who Care About Economic Development to Focus on to Improve Litigation Environment\***

	Total
<b>Base:</b>	<b>1599</b>
	%
Reform of punitive damages	12
Timeliness of decisions	9
Tort reform issues in general	8
Eliminate unnecessary lawsuits	7
Caps/limits on jury awards	6
Caps/limits on non-economic damages	5
Limitation of class action suits	4
Speeding up the trial process	4
Limits on discovery	4
Other fee issues	4
Business/corporate issues/regulation/fairness	4
Fairness and impartiality	3
Judicial competence	3
Level playing field/do not favor plaintiffs	3
Predictability	3
Selection of judges	3
Adequately funding the court system (i.e., salaries)	2
Appointment vs. election of judges	2
Attorney/court fees paid by the loser	2
Forum shopping/venue selection	2
Limiting attorney fees	2
Quality of judges	2
Workers' compensation	2
Jury system reform	2
Case processing	2
Summary judgment issues	2
More judges/judicial/staffing resources	2

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

**Base: General Counsel/Senior Litigators (N=1599)**

Q435: 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 5**

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

	Total
<b>Base:</b>	<b>1599</b>
	%
Los Angeles, California	13
Chicago/Cook County, Illinois	11
Madison County, Illinois	9
Mississippi (other mentions)	8
New Orleans/Parish, Louisiana	6
Miami/Dade County, Florida	6
San Francisco, California	5
New York Greater Metropolitan Region	4
New York (other mentions)	4
Philadelphia, Pennsylvania	4
Beaumont, Texas	3

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

**Base: General Counsel/Senior Litigators (N=1599)**

Q445: 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 6****Worst Specific City or County Courts by State\***

	<b>RANKED BY STATE</b>
<b>Base:</b>	<b>1599</b>
	%
<u>Illinois (all mentions)</u>	24
Chicago/Cook County	11
Madison County	9
Other jurisdictions mentioned	4
<u>Texas (all mentions)</u>	21
Houston	3
Beaumont	3
Dallas-Ft. Worth	2
Other jurisdictions mentioned	13
<u>California (all mentions)</u>	20
Los Angeles	13
San Francisco	5
Other jurisdictions mentioned	2
<u>New York (all mentions)</u>	10
Greater Metropolitan area	4
Bronx County	2
Other jurisdictions mentioned	4
<u>Louisiana (all mentions)</u>	10
New Orleans Parish	6
Other jurisdictions mentioned	4
<u>Mississippi (all mentions)</u>	10
Jackson	2
Other jurisdictions mentioned	8
<u>Florida (all mentions)</u>	9
Miami-Dade County	6
Other jurisdictions mentioned	3
<u>Alabama (all mentions)</u>	6
<u>Pennsylvania (all mentions)</u>	4
Philadelphia	4
Other jurisdictions mentioned	**
<u>Missouri (all mentions)</u>	3
St. Louis	2
Other jurisdictions mentioned	1

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

\*\* Note: Less than 0.5 percent.

Q445: 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****Top Issues Mentioned as Creating the LEAST Fair and Reasonable Litigation Environment**

	<b>Total</b>
<b>Base:</b>	<b>90</b>
	%
Corrupt/unfair system	76
Unfair jury/judges	27
Biased judgment	24
Have read/seen a case study	12
Personal experience	11
Incompetent jury/judges	6
Verdicts – general comments	6
Other corruption mentions	6
Judges are bribed	4
Inconvenience	4
High jury awards	3
Influenced by other parties	3
Too liberal	3
Election of judges	2
Expensive/High court costs	2
Good old boy system/Depends on who you know	2
High jury verdicts	2
Overburdened with cases/Too many cases	2
Poor quality of jury/judges	2
Too easy to file cases there	2
Unpredictable jury/judges	2
Allow forum shopping	1
Composition of jury pool	1
Difficult/Hostile environment/jury/judges	1
Personal opinion	1
Slow process	1

\*Note: The responses displayed in this table were volunteered by the respondents. Mentions by at least 1% are given above.

**Base: General Counsel/Senior Litigators (N=1599)**

Q446: Why do you say [Insert Name of City or County] has the LEAST fair and reasonable litigation environment for both defendants and plaintiffs?

**Table 8****Summary of Top/Bottom 5 States by Key Elements****Overall Treatment of Tort and Contract Litigation**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Nebraska	Louisiana
New Hampshire	Mississippi
Wyoming	Illinois
Minnesota	Alabama

**Having and Enforcing Meaningful Venue Requirements**

<b>BEST</b>	<b>WORST</b>
Indiana	West Virginia
Nebraska	Illinois
Delaware	Louisiana
Tennessee	Mississippi
New Hampshire	Alabama

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

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Tennessee	Mississippi
Iowa	Illinois
New York	Louisiana
Indiana	California

**Punitive Damages**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Minnesota	Mississippi
Tennessee	California
Maine	Alabama
Utah	Illinois

**Timeliness of Summary Judgment or Dismissal**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
South Dakota	Mississippi
Minnesota	Louisiana
Wisconsin	California
North Dakota	Illinois

**Table 8 (Cont'd)**

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

**Discovery**

BEST	WORST
Delaware	West Virginia
Minnesota	Mississippi
Wisconsin	Illinois
Nebraska	Louisiana
Iowa	California

**Scientific and Technical Evidence**

BEST	WORST
Delaware	West Virginia
Minnesota	Mississippi
New York	Montana
Virginia	Louisiana
Massachusetts	Alabama

**Non-economic Damages**

BEST	WORST
Delaware	West Virginia
Nebraska	Mississippi
New Hampshire	Illinois
Maine	Louisiana
Tennessee	Alabama

**Judges' Impartiality**

BEST	WORST
Delaware	West Virginia
Maine	Louisiana
Minnesota	Mississippi
Nebraska	Illinois
New Hampshire	Texas

**Table 8 (Cont'd)**

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

**Judge's Competence**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Maine	Louisiana
Minnesota	Mississippi
New Hampshire	Alabama
Kansas	Illinois

**Juries' Predictability**

<b>BEST</b>	<b>WORST</b>
Nebraska	West Virginia
Utah	Alabama
Indiana	California
Tennessee	Mississippi
Kansas	Louisiana

**Juries' Fairness**

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

### **State Rankings by Key Elements**



**Table 9****State Rankings for Overall Treatment of Tort and Contract Litigation**

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

**Table 10****State Rankings for Having and Enforcing Meaningful Venue Requirements**

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

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

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

\* Virginia and Mississippi do not have class actions but both have mass consolidation suits (source: *U.S. Chamber Institute for Legal Reform*).

**Table 12****Punitive Damages<sup>4</sup>**

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

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

<sup>4</sup> This year the scores for the six states that have no punitive damages (Louisiana, Massachusetts, Nebraska, New Hampshire, New Jersey, and Washington) were calculated in two different ways. One way (used in our main tables and in all previous years) is to base the score on all the other criteria excluding punitive damages. The second way involved assigning to each of these six states the highest score achieved from other states on punitive damages (i.e., Delaware's). While this improves their overall raw score, it does not make a difference in their overall ranking.

**Table 13****Timeliness of Summary Judgment/Dismissal**

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

**Table 14****Discovery**

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

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

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

**Table 16****Non-economic Damages**

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



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

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

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

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

**Table 19****Juries' Predictability**

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

**Table 20****Juries' Fairness**

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Nebraska	1	Washington	26
Minnesota	2	New Jersey	27
Wisconsin	3	Idaho	28
Iowa	4	Vermont	29
South Dakota	5	Pennsylvania	30
Indiana	6	Kentucky	31
Delaware	7	Georgia	32
Maine	8	Missouri	33
New Hampshire	9	Rhode Island	34
Ohio	10	Arkansas	35
North Carolina	11	South Carolina	36
Utah	12	Maryland	37
Kansas	13	Alaska	38
Tennessee	14	Oklahoma	39
Colorado	15	Hawaii	40
Arizona	16	Florida	41
Virginia	17	New Mexico	42
Oregon	18	Montana	43
Massachusetts	19	California	44
North Dakota	20	Texas	45
New York	21	Illinois	46
Wyoming	22	Alabama	47
Connecticut	23	Louisiana	48
Nevada	24	Mississippi	49
Michigan	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 2007 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, punitive damages* (note: rank of 1-44 since six states do not allow for punitive damages), *timeliness of summary judgment/dismissal, discovery, scientific and technical evidence, non-economic damages, judges’ impartiality and competence, and juries’ predictability and fairness.*

Then, respondents were asked whether there was any other element that is critical to the liability system of the state they were evaluating. If respondents could identify another element, this response was recorded along with the number of respondents (N) who provided this response. The most frequently mentioned responses for each state are shown and labeled here as “Additional Volunteered Items”. Other items mentioned in fewer numbers are not shown. Therefore, the total number of responses may not equal the total N who volunteered items. The number of people who provided volunteer responses is very small (less than 70) and therefore caution should be exercised when interpreting the findings from these items.

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. 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 21****Alabama****2007 Overall Ranking: 47****2006 Overall Ranking: 47****Ratings on Key Elements of State Liability Systems (n=109)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	28	37	12	6	3.3	46
Overall Treatment of Tort and Contract Litigation	%	6	25	39	24	6	3.0	46
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	16	30	21	10	2.9	45
Punitive Damages	%	6	22	26	27	15	2.8	41
Timeliness of Summary Judgment or Dismissal	%	5	30	34	14	9	3.1	44
Discovery	%	8	28	43	15	2	3.3	45
Scientific and Technical Evidence	%	4	28	32	16	6	3.1	46
Non-economic Damages	%	6	23	33	23	11	2.9	46
Judges' Impartiality	%	9	28	40	13	6	3.2	45
Judges' Competence	%	6	29	42	15	5	3.2	47
Juries' Predictability	%	2	23	39	20	10	2.9	49
Juries' Fairness	%	6	21	39	21	8	3.0	47
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>31</b>	<b>39</b>	<b>20</b>	<b>6</b>	<b>3.0</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=16

# of respondents who named each item

Focus on specific local issue	6
Update judicial system	3
Insurance issues	2
Ability to issue a summary judgment	2

**Table 22****Alaska****2007 Overall Ranking: 43****2006 Overall Ranking: 36****Ratings on Key Elements of State Liability Systems (n=53)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	36	17	17	-	3.4	43
Overall Treatment of Tort and Contract Litigation	%	2	34	30	21	2	3.1	44
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	30	26	9	6	3.2	38
Punitive Damages	%	4	21	32	15	9	2.9	39
Timeliness of Summary Judgment or Dismissal	%	2	28	25	23	4	3.0	45
Discovery	%	4	34	34	13	-	3.3	44
Scientific and Technical Evidence	%	4	26	36	11	-	3.3	41
Non-economic Damages	%	2	19	36	21	2	3.0	44
Judges' Impartiality	%	8	40	25	13	4	3.4	41
Judges' Competence	%	13	28	32	9	4	3.4	40
Juries' Predictability	%	-	32	28	19	4	3.1	42
Juries' Fairness	%	4	30	30	17	-	3.3	38
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>36</b>	<b>38</b>	<b>11</b>	<b>2</b>	<b>3.3</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=5

# of respondents who named each item

Update judicial system	2
Commercial sophistication	1
Composition of juries	1
Laws are clear, in place (positive context)	1
The workers' comp shield	1
Fairness (i.e. court, laws, judges)	1

**Table 23****Arizona****2007 Overall Ranking: 14****2006 Overall Ranking: 13****Ratings on Key Elements of State Liability Systems (n=98)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	38	19	4	2	3.7	25
Overall Treatment of Tort and Contract Litigation	%	12	40	33	7	2	3.6	26
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	35	23	5	3	3.4	20
Punitive Damages	%	11	31	32	6	2	3.5	13
Timeliness of Summary Judgment or Dismissal	%	19	36	22	7	2	3.7	6
Discovery	%	13	47	23	4	3	3.7	17
Scientific and Technical Evidence	%	7	38	26	5	2	3.6	24
Non-economic Damages	%	10	39	26	7	3	3.5	18
Judges' Impartiality	%	14	52	16	5	-	3.9	15
Judges' Competence	%	14	42	28	3	1	3.7	19
Juries' Predictability	%	3	40	33	4	3	3.4	17
Juries' Fairness	%	9	46	22	5	2	3.7	16
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>10</b>	<b>52</b>	<b>29</b>	<b>3</b>	<b>1</b>	<b>3.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=6

# of respondents who named each item

Lawyer/judge competency	1
Prejudice issues	1
Ability to issue a summary judgment	1
Fee issues	1
Contributory negligence	1
Reduce fraudulent cases	1
Update judicial system	1



**Table 24****Arkansas****2007 Overall Ranking: 41****2006 Overall Ranking: 41****Ratings on Key Elements of State Liability Systems (n=77)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	30	39	6	4	3.4	44
Overall Treatment of Tort and Contract Litigation	%	10	27	40	10	5	3.3	38
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	23	39	9	10	3.0	44
Punitive Damages	%	8	16	52	10	4	3.1	34
Timeliness of Summary Judgment or Dismissal	%	8	36	34	6	6	3.4	27
Discovery	%	9	32	38	8	5	3.4	42
Scientific and Technical Evidence	%	4	21	43	16	1	3.1	45
Non-economic Damages	%	5	27	45	9	3	3.3	39
Judges' Impartiality	%	5	40	35	8	5	3.3	44
Judges' Competence	%	9	34	36	12	3	3.4	43
Juries' Predictability	%	3	23	47	13	5	3.1	43
Juries' Fairness	%	6	35	39	9	3	3.4	35
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>31</b>	<b>45</b>	<b>12</b>	<b>4</b>	<b>3.2</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=14

# of respondents who named each item

Update judicial system	3
Prejudice issues	3
Composition of juries	2
Favor plaintiffs	2
Election of judges	2

**Table 25****California****2007 Overall Ranking: 45****2006 Overall Ranking: 44****Ratings on Key Elements of State Liability Systems (n=290)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	36	27	10	3	3.5	40
Overall Treatment of Tort and Contract Litigation	%	5	30	37	21	6	3.1	45
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	21	30	19	11	2.9	46
Punitive Damages	%	4	21	29	25	13	2.8	42
Timeliness of Summary Judgment or Dismissal	%	6	26	36	17	11	3.0	47
Discovery	%	7	32	38	13	5	3.3	46
Scientific and Technical Evidence	%	11	37	26	9	4	3.5	30
Non-economic Damages	%	4	25	34	20	9	3.0	45
Judges' Impartiality	%	11	42	32	9	4	3.5	34
Judges' Competence	%	10	44	34	5	3	3.6	31
Juries' Predictability	%	2	21	38	21	9	2.9	48
Juries' Fairness	%	4	29	35	19	4	3.1	44
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>30</b>	<b>39</b>	<b>21</b>	<b>4</b>	<b>3.1</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=68

# of respondents who named each item

Update judicial system	22
Need to use an intermediate court of appeals	7
Ability to issue a summary judgment	7

**Table 26****Colorado****2007 Overall Ranking: 21****2006 Overall Ranking: 8****Ratings on Key Elements of State Liability Systems (n=93)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	45	20	4	-	3.8	17
Overall Treatment of Tort and Contract Litigation	%	10	52	32	3	-	3.7	15
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	29	27	5	-	3.4	21
Punitive Damages	%	4	39	34	5	4	3.4	22
Timeliness of Summary Judgment or Dismissal	%	5	41	31	13	1	3.4	25
Discovery	%	9	47	33	5	-	3.6	24
Scientific and Technical Evidence	%	10	43	30	1	-	3.7	7
Non-economic Damages	%	4	43	32	8	2	3.4	26
Judges' Impartiality	%	18	57	19	-	1	4.0	6
Judges' Competence	%	6	54	31	4	-	3.7	25
Juries' Predictability	%	3	33	40	6	-	3.4	20
Juries' Fairness	%	5	49	32	-	1	3.7	15
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>55</b>	<b>32</b>	<b>3</b>	<b>-</b>	<b>3.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=11

# of respondents who named each item

Update judicial system	5
Hard to get a dismissal	2
Control frivolous lawsuits	2

**Table 27****Connecticut****2007 Overall Ranking: 14****2006 Overall Ranking: 5****Ratings on Key Elements of State Liability Systems (n=63)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	22	38	24	5	-	3.9	13
Overall Treatment of Tort and Contract Litigation	%	13	54	21	6	-	3.8	8
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	32	25	5	3	3.6	6
Punitive Damages	%	6	38	19	13	3	3.4	20
Timeliness of Summary Judgment or Dismissal	%	8	46	32	8	-	3.6	16
Discovery	%	14	44	30	5	-	3.7	14
Scientific and Technical Evidence	%	11	38	30	2	-	3.7	8
Non-economic Damages	%	8	40	33	3	2	3.6	15
Judges' Impartiality	%	21	38	29	5	-	3.8	17
Judges' Competence	%	19	41	30	2	-	3.8	11
Juries' Predictability	%	2	32	43	6	-	3.3	26
Juries' Fairness	%	5	44	32	6	-	3.5	23
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>60</b>	<b>27</b>	<b>2</b>	<b>-</b>	<b>3.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=4

# of respondents who named each item

Update judicial system	2
Need to use an intermediate court of appeals	1
Election of judges	1
Reduce fraudulent cases	1

**Table 28****Delaware****2007 Overall Ranking: 1****2006 Overall Ranking: 1****Ratings on Key Elements of State Liability Systems (n=113)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	27	42	11	7	1	4.0	3
Overall Treatment of Tort and Contract Litigation	%	23	56	13	3	-	4.0	1
Treatment of Class Action Suits and Mass Consolidation Suits	%	23	43	16	2	1	4.0	1
Punitive Damages	%	18	43	19	3	-	3.9	1
Timeliness of Summary Judgment or Dismissal	%	25	39	20	4	1	3.9	1
Discovery	%	27	46	20	1	-	4.0	1
Scientific and Technical Evidence	%	27	46	16	-	-	4.1	1
Non-economic Damages	%	16	46	22	1	-	3.9	1
Judges' Impartiality	%	37	43	14	-	-	4.2	1
Judges' Competence	%	46	42	6	1	-	4.4	1
Juries' Predictability	%	3	42	31	3	1	3.5	8
Juries' Fairness	%	10	45	24	1	-	3.8	7
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>24</b>	<b>58</b>	<b>15</b>	<b>-</b>	<b>-</b>	<b>4.1</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=10

# of respondents who named each item

Class action issues	4
Update judicial system	3
Need to use an intermediate court of appeals	1
Prejudice issues	1
The workers' comp shield	1
Quality of trial	1
Contributory negligence	1

**Table 29****Florida****2007 Overall Ranking: 36****2006 Overall Ranking: 38****Ratings on Key Elements of State Liability Systems (n=193)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	39	24	6	1	3.7	24
Overall Treatment of Tort and Contract Litigation	%	6	36	39	13	2	3.3	37
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	28	32	18	2	3.1	39
Punitive Damages	%	4	30	35	13	4	3.2	29
Timeliness of Summary Judgment or Dismissal	%	9	22	42	14	3	3.2	36
Discovery	%	9	36	40	5	2	3.5	38
Scientific and Technical Evidence	%	6	33	38	7	2	3.4	36
Non-economic Damages	%	7	30	39	13	2	3.3	36
Judges' Impartiality	%	9	41	32	9	2	3.5	33
Judges' Competence	%	8	41	34	9	2	3.5	37
Juries' Predictability	%	4	26	40	16	2	3.2	40
Juries' Fairness	%	5	27	41	13	2	3.2	41
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>41</b>	<b>40</b>	<b>11</b>	<b>1</b>	<b>3.3</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=30

# of respondents who named each item

Update judicial system	10
Prejudice issues	5
Composition of juries	4
The workers' comp shield	4
Cap on damages	3

**Table 30****Georgia****2007 Overall Ranking: 31****2006 Overall Ranking: 27****Ratings on Key Elements of State Liability Systems (n=110)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	43	26	6	1	3.6	30
Overall Treatment of Tort and Contract Litigation	%	7	43	31	12	2	3.4	32
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	24	36	8	2	3.3	31
Punitive Damages	%	4	30	35	12	4	3.2	28
Timeliness of Summary Judgment or Dismissal	%	5	32	38	14	2	3.3	32
Discovery	%	5	47	27	9	2	3.5	36
Scientific and Technical Evidence	%	7	35	35	3	3	3.5	28
Non-economic Damages	%	6	35	35	9	3	3.4	30
Judges' Impartiality	%	11	43	30	9	1	3.6	31
Judges' Competence	%	11	53	25	5	1	3.7	22
Juries' Predictability	%	3	35	39	6	2	3.4	25
Juries' Fairness	%	5	35	38	4	3	3.4	32
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>47</b>	<b>40</b>	<b>5</b>	<b>1</b>	<b>3.5</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=6

# of respondents who named each item

The nature of the case	2
Wrongful death issue	1
Need to use an intermediate court of appeals	1
Class action issues	1
Prejudice issues	1
Reduce fraudulent cases	1

**Table 31****Hawaii****2007 Overall Ranking: 42****2006 Overall Ranking: 46****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	%	16	18	41	5	-	3.6	38
Overall Treatment of Tort and Contract Litigation	%	5	29	39	20	-	3.2	42
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	20	38	11	-	3.2	34
Punitive Damages	%	4	23	38	14	5	3.1	37
Timeliness of Summary Judgment or Dismissal	%	5	20	36	20	2	3.1	43
Discovery	%	5	32	39	13	-	3.3	43
Scientific and Technical Evidence	%	4	25	34	18	-	3.2	44
Non-economic Damages	%	7	21	38	16	-	3.2	40
Judges' Impartiality	%	7	34	34	16	-	3.4	43
Judges' Competence	%	5	38	34	11	-	3.4	42
Juries' Predictability	%	4	21	39	13	4	3.1	41
Juries' Fairness	%	7	25	34	13	4	3.2	40
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>30</b>	<b>43</b>	<b>18</b>	<b>-</b>	<b>3.2</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=7

# of respondents who named each item

Legislature	1
Tort reform legislation	1
Venue selection	1
Ability to issue a summary judgment	1
Court resources/funding/staffing	1
Cap on damages	1



**Table 32****Idaho****2007 Overall Ranking: 30****2006 Overall Ranking: 18****Ratings on Key Elements of State Liability Systems (n=54)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	43	31	-	2	3.6	29
Overall Treatment of Tort and Contract Litigation	%	6	39	35	9	2	3.4	33
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	30	39	4	-	3.4	22
Punitive Damages	%	11	28	28	17	2	3.3	24
Timeliness of Summary Judgment or Dismissal	%	11	28	39	4	-	3.6	18
Discovery	%	6	37	41	-	-	3.6	30
Scientific and Technical Evidence	%	4	33	37	4	2	3.4	35
Non-economic Damages	%	9	30	30	9	6	3.3	33
Judges' Impartiality	%	9	46	30	4	-	3.7	25
Judges' Competence	%	6	44	37	2	-	3.6	28
Juries' Predictability	%	-	41	33	7	-	3.4	19
Juries' Fairness	%	6	39	31	9	-	3.5	28
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>41</b>	<b>44</b>	<b>7</b>	<b>-</b>	<b>3.4</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=1

# of respondents who named each item

Cap on damages

1

**Table 33****Illinois****2007 Overall Ranking: 46****2006 Overall Ranking: 45****Ratings on Key Elements of State Liability Systems (n=183)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	4	30	23	20	11	3.0	49
Overall Treatment of Tort and Contract Litigation	%	3	28	37	21	8	3.0	47
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	19	26	20	17	2.7	48
Punitive Damages	%	3	24	32	21	10	2.9	40
Timeliness of Summary Judgment or Dismissal	%	2	27	37	17	5	3.0	46
Discovery	%	5	32	36	15	5	3.2	48
Scientific and Technical Evidence	%	7	27	31	15	3	3.2	42
Non-economic Damages	%	4	20	34	25	10	2.8	48
Judges' Impartiality	%	4	31	31	21	8	3.0	47
Judges' Competence	%	7	36	34	14	4	3.3	46
Juries' Predictability	%	2	22	39	19	5	3.0	45
Juries' Fairness	%	4	23	36	21	6	3.0	46
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>30</b>	<b>36</b>	<b>23</b>	<b>7</b>	<b>3.0</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=37

# of respondents who named each item

Update judicial system	9
Need to use an intermediate court of appeals	4
Prejudice issues	4
The workers' comp shield	4
Composition of juries	2

**Table 34****Indiana****2007 Overall Ranking: 8****2006 Overall Ranking: 11****Ratings on Key Elements of State Liability Systems (n=91)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	22	47	13	1	-	4.1	1
Overall Treatment of Tort and Contract Litigation	%	8	65	13	7	1	3.8	10
Treatment of Class Action Suits and Mass Consolidation Suits	%	10	41	22	5	2	3.6	5
Punitive Damages	%	15	40	22	8	3	3.6	7
Timeliness of Summary Judgment or Dismissal	%	10	49	23	7	1	3.7	10
Discovery	%	11	55	20	3	1	3.8	6
Scientific and Technical Evidence	%	4	49	24	4	1	3.6	16
Non-economic Damages	%	10	44	22	9	2	3.6	13
Judges' Impartiality	%	20	42	26	5	-	3.8	18
Judges' Competence	%	15	52	24	3	-	3.8	14
Juries' Predictability	%	11	41	29	5	-	3.7	3
Juries' Fairness	%	20	40	23	3	2	3.8	6
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>64</b>	<b>18</b>	<b>9</b>	<b>1</b>	<b>3.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=13

# of respondents who named each item

Insurance issues	2
Political influence/interference	2
Prejudice issues	2
Ability to issue a summary judgment	2
Cap on damages	5
Update judicial system	2

**Table 35****Iowa****2007 Overall Ranking: 4****2006 Overall Ranking: 4****Ratings on Key Elements of State Liability Systems (n=100)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	17	44	24	2	-	3.9	11
Overall Treatment of Tort and Contract Litigation	%	13	50	26	4	-	3.8	7
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	34	34	2	-	3.6	4
Punitive Damages	%	9	40	35	3	-	3.6	6
Timeliness of Summary Judgment or Dismissal	%	13	38	32	5	-	3.7	8
Discovery	%	11	53	27	1	-	3.8	5
Scientific and Technical Evidence	%	9	41	35	1	-	3.7	11
Non-economic Damages	%	11	39	39	2	1	3.6	6
Judges' Impartiality	%	18	54	22	2	-	3.9	8
Judges' Competence	%	12	61	22	1	-	3.9	8
Juries' Predictability	%	8	39	39	3	1	3.6	6
Juries' Fairness	%	15	50	25	2	-	3.8	4
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>11</b>	<b>59</b>	<b>25</b>	<b>1</b>	<b>-</b>	<b>3.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=2

# of respondents who named each item

Composition of juries  
 Wrongful death issue  
 Tort reform legislation  
 Update judicial system

1  
 1  
 1  
 1

**Table 36****Kansas****2007 Overall Ranking: 13****2006 Overall Ranking: 15****Ratings on Key Elements of State Liability Systems (n=102)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	20	36	28	4	-	3.8	19
Overall Treatment of Tort and Contract Litigation	%	10	45	34	3	-	3.7	17
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	33	31	2	2	3.6	7
Punitive Damages	%	12	36	27	7	2	3.6	12
Timeliness of Summary Judgment or Dismissal	%	6	43	32	5	1	3.6	20
Discovery	%	11	47	29	2	-	3.7	11
Scientific and Technical Evidence	%	9	40	32	6	-	3.6	21
Non-economic Damages	%	12	34	33	8	-	3.6	14
Judges' Impartiality	%	17	48	21	3	-	3.9	9
Judges' Competence	%	16	49	24	-	-	3.9	5
Juries' Predictability	%	6	41	31	4	1	3.6	5
Juries' Fairness	%	10	42	27	2	1	3.7	13
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>52</b>	<b>32</b>	<b>2</b>	<b>-</b>	<b>3.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=4

# of respondents who named each item

Cap on damages	2
Laws are clear, in place (positive context)	1
Fee issues	1

**Table 37****Kentucky****2007 Overall Ranking: 32****2006 Overall Ranking: 34****Ratings on Key Elements of State Liability Systems (n=93)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	37	32	6	2	3.6	35
Overall Treatment of Tort and Contract Litigation	%	6	43	37	6	1	3.5	28
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	34	34	5	2	3.4	25
Punitive Damages	%	11	31	35	8	4	3.4	19
Timeliness of Summary Judgment or Dismissal	%	5	33	37	14	2	3.3	29
Discovery	%	8	41	40	2	1	3.6	32
Scientific and Technical Evidence	%	5	34	35	9	3	3.3	39
Non-economic Damages	%	11	29	41	4	4	3.4	28
Judges' Impartiality	%	14	40	25	15	1	3.5	32
Judges' Competence	%	8	43	34	9	1	3.5	36
Juries' Predictability	%	3	44	30	12	2	3.4	24
Juries' Fairness	%	8	42	27	13	2	3.4	31
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>39</b>	<b>44</b>	<b>10</b>	<b>1</b>	<b>3.3</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=7

# of respondents who named each item

Election of judges	3
Update judicial system	2
Need to use an intermediate court of appeals	1
Focus on specific local issue	1
Alternative dispute resolution	1
Prejudice issues	1
Ability to issue a summary judgment	1
Patient compensation fund	1

**Table 38****Louisiana****2007 Overall Ranking: 48****2006 Overall Ranking: 49****Ratings on Key Elements of State Liability Systems (n=144)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	24	33	22	3	3.1	48
Overall Treatment of Tort and Contract Litigation	%	3	20	38	26	10	2.8	49
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	19	31	25	11	2.7	47
Punitive Damages	%	Louisiana does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	6	23	35	22	7	3.0	47
Discovery	%	7	28	40	16	4	3.2	47
Scientific and Technical Evidence	%	6	19	42	19	4	3.0	47
Non-economic Damages	%	6	15	38	25	8	2.8	47
Judges' Impartiality	%	3	16	38	31	8	2.7	49
Judges' Competence	%	5	21	42	24	4	3.0	49
Juries' Predictability	%	6	20	38	27	4	3.0	46
Juries' Fairness	%	4	19	38	28	6	2.9	48
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>16</b>	<b>42</b>	<b>28</b>	<b>9</b>	<b>2.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=37

# of respondents who named each item

Update judicial system	12
The nature of the case	3
Alternative dispute resolution	3
Hard to get a dismissal	2
No fault	2
Prejudice issues	2
The workers' comp shield	2
Contributory negligence	2

**Table 39****Maine****2007 Overall Ranking: 4****2006 Overall Ranking: 9****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	%	18	48	26	2	-	3.9	14
Overall Treatment of Tort and Contract Litigation	%	10	60	24	-	2	3.8	6
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	34	26	8	-	3.5	19
Punitive Damages	%	14	36	32	2	2	3.7	4
Timeliness of Summary Judgment or Dismissal	%	10	50	30	4	2	3.6	13
Discovery	%	12	50	26	4	-	3.8	8
Scientific and Technical Evidence	%	14	40	22	10	2	3.6	18
Non-economic Damages	%	12	46	30	4	-	3.7	4
Judges' Impartiality	%	28	56	10	2	-	4.1	2
Judges' Competence	%	18	68	8	2	-	4.1	2
Juries' Predictability	%	8	28	42	6	2	3.4	21
Juries' Fairness	%	20	32	36	2	-	3.8	8
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>10</b>	<b>60</b>	<b>24</b>	<b>2</b>	<b>-</b>	<b>3.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=2

# of respondents who named each item

Update judicial system	1
Focus on specific local issue	1
Prejudice issues	1
Cap on damages	1



**Table 40****Maryland****2007 Overall Ranking: 29****2006 Overall Ranking: 20****Ratings on Key Elements of State Liability Systems (n=77)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	30	35	9	-	3.5	41
Overall Treatment of Tort and Contract Litigation	%	13	39	35	4	1	3.6	21
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	27	26	13	3	3.2	36
Punitive Damages	%	6	29	32	5	4	3.4	23
Timeliness of Summary Judgment or Dismissal	%	4	29	40	14	1	3.2	36
Discovery	%	8	40	34	8	1	3.5	37
Scientific and Technical Evidence	%	6	39	35	3	1	3.6	24
Non-economic Damages	%	4	34	36	10	1	3.3	34
Judges' Impartiality	%	10	45	34	3	1	3.7	26
Judges' Competence	%	9	40	39	3	-	3.6	27
Juries' Predictability	%	3	35	36	10	1	3.3	31
Juries' Fairness	%	5	30	39	12	1	3.3	37
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>42</b>	<b>45</b>	<b>4</b>	<b>1</b>	<b>3.4</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=14

# of respondents who named each item

Composition of juries	3
Laws are clear, in place (positive context)	3
Need to use an intermediate court of appeals	2
Discovery issues	2

**Table 41****Massachusetts****2007 Overall Ranking: 18****2006 Overall Ranking: 32****Ratings on Key Elements of State Liability Systems (n=128)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	46	20	2	-	3.9	15
Overall Treatment of Tort and Contract Litigation	%	15	41	32	5	1	3.7	16
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	24	24	8	2	3.5	18
Punitive Damages	%	Massachusetts does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	7	27	38	13	5	3.2	39
Discovery	%	11	45	27	6	1	3.7	22
Scientific and Technical Evidence	%	16	38	20	5	1	3.8	4
Non-economic Damages	%	9	34	30	9	1	3.5	22
Judges' Impartiality	%	22	39	24	5	2	3.8	19
Judges' Competence	%	20	44	25	2	2	3.9	10
Juries' Predictability	%	4	30	43	3	2	3.4	23
Juries' Fairness	%	12	38	28	5	1	3.6	19
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>8</b>	<b>51</b>	<b>33</b>	<b>5</b>	<b>-</b>	<b>3.6</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=15

# of respondents who named each item

Update judicial system	4
Wrongful death issue	3
Reduce fraudulent cases	3
Venue selection	2
The nature of the case	2

**Table 42****Michigan****2007 Overall Ranking: 25****2006 Overall Ranking: 22****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	%	14	46	25	3	-	3.8	22
Overall Treatment of Tort and Contract Litigation	%	7	45	34	8	3	3.5	30
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	32	32	6	2	3.5	17
Punitive Damages	%	17	33	26	6	4	3.6	8
Timeliness of Summary Judgment or Dismissal	%	6	49	26	11	1	3.5	21
Discovery	%	12	49	27	4	2	3.7	16
Scientific and Technical Evidence	%	9	44	29	4	-	3.7	12
Non-economic Damages	%	9	40	29	9	3	3.5	25
Judges' Impartiality	%	10	50	31	4	2	3.6	27
Judges' Competence	%	6	57	29	3	1	3.7	23
Juries' Predictability	%	1	36	45	6	1	3.3	29
Juries' Fairness	%	4	45	36	5	-	3.5	25
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>55</b>	<b>33</b>	<b>5</b>	<b>1</b>	<b>3.5</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=23

# of respondents who named each item

Update judicial system  
 The workers' comp shield  
 Hard to get a dismissal

8  
 3  
 3

**Table 43****Minnesota****2007 Overall Ranking: 2****2006 Overall Ranking: 14****Ratings on Key Elements of State Liability Systems (n=89)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	18	48	13	2	2	3.9	8
Overall Treatment of Tort and Contract Litigation	%	17	49	20	7	-	3.8	5
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	36	22	4	1	3.6	10
Punitive Damages	%	12	42	29	2	1	3.7	2
Timeliness of Summary Judgment or Dismissal	%	16	44	25	4	1	3.8	3
Discovery	%	18	48	20	2	-	3.9	2
Scientific and Technical Evidence	%	13	53	15	1	1	3.9	2
Non-economic Damages	%	9	45	31	4	1	3.6	7
Judges' Impartiality	%	26	51	15	2	-	4.1	3
Judges' Competence	%	21	54	17	-	1	4.0	3
Juries' Predictability	%	2	42	40	2	1	3.5	15
Juries' Fairness	%	19	49	15	2	2	3.9	2
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>13</b>	<b>57</b>	<b>24</b>	<b>2</b>	<b>-</b>	<b>3.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=12

# of respondents who named each item

Wrongful death issue	3
Update judicial system	3
Control frivolous lawsuits	2

**Table 44****Mississippi****2007 Overall Ranking: 49****2006 Overall Ranking: 48****Ratings on Key Elements of State Liability Systems (n=157)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	22	29	17	10	3.2	47
Overall Treatment of Tort and Contract Litigation	%	7	22	30	29	10	2.9	48
Treatment of Class Action Suits and Mass Consolidation Suits	%	12	13	22	23	22	2.7	49
Punitive Damages	%	8	17	17	33	22	2.6	43
Timeliness of Summary Judgment or Dismissal	%	4	22	34	22	7	2.9	49
Discovery	%	8	22	39	18	4	3.1	49
Scientific and Technical Evidence	%	7	20	30	25	10	2.9	49
Non-economic Damages	%	6	16	25	31	15	2.7	49
Judges' Impartiality	%	4	18	40	27	8	2.8	48
Judges' Competence	%	4	20	50	17	6	3.0	48
Juries' Predictability	%	6	18	35	25	8	2.9	47
Juries' Fairness	%	5	13	32	31	15	2.6	49
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>18</b>	<b>34</b>	<b>35</b>	<b>7</b>	<b>2.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=28

# of respondents who named each item

The workers' comp shield  
 Update judicial system  
 Jury awards are too high

8  
 6  
 3

**Table 45****Missouri****2007 Overall Ranking: 34****2006 Overall Ranking: 35****Ratings on Key Elements of State Liability Systems (n=101)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	18	35	37	4	3	3.6	31
Overall Treatment of Tort and Contract Litigation	%	5	38	38	16	2	3.3	39
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	29	42	7	3	3.3	33
Punitive Damages	%	6	21	49	13	3	3.2	33
Timeliness of Summary Judgment or Dismissal	%	6	31	42	16	3	3.2	38
Discovery	%	10	48	31	6	3	3.6	31
Scientific and Technical Evidence	%	7	42	30	11	3	3.4	34
Non-economic Damages	%	5	35	44	9	4	3.3	37
Judges' Impartiality	%	20	36	28	12	2	3.6	28
Judges' Competence	%	15	42	28	10	2	3.6	30
Juries' Predictability	%	2	37	42	10	3	3.3	36
Juries' Fairness	%	8	38	35	11	3	3.4	33
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>8</b>	<b>39</b>	<b>43</b>	<b>9</b>	<b>-</b>	<b>3.5</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=18

# of respondents who named each item

The workers' comp shield  
 Prejudice issues  
 Election of judges  
 Update judicial system  
 Reduce fraudulent cases

6  
 3  
 2  
 2  
 2

**Table 46****Montana****2007 Overall Ranking: 40****2006 Overall Ranking: 39****Ratings on Key Elements of State Liability Systems (n=61)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	33	26	7	3	3.6	35
Overall Treatment of Tort and Contract Litigation	%	8	33	34	8	8	3.3	40
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	21	33	10	5	3.1	40
Punitive Damages	%	10	18	36	13	7	3.1	35
Timeliness of Summary Judgment or Dismissal	%	5	33	31	15	3	3.2	35
Discovery	%	15	31	33	3	5	3.5	33
Scientific and Technical Evidence	%	3	20	38	13	5	3.0	48
Non-economic Damages	%	7	31	33	7	5	3.3	32
Judges' Impartiality	%	13	33	25	11	5	3.4	38
Judges' Competence	%	10	38	31	2	5	3.5	33
Juries' Predictability	%	3	33	38	7	3	3.3	34
Juries' Fairness	%	7	25	36	8	8	3.2	43
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>7</b>	<b>34</b>	<b>36</b>	<b>8</b>	<b>7</b>	<b>3.3</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=11

# of respondents who named each item

Update judicial system	3
Wrongful death issue	2
Insurance issues	2
No fault	2
Quality of trial	2
Cap on damages	2

**Table 47****Nebraska****2007 Overall Ranking: 3****2006 Overall Ranking: 2****Ratings on Key Elements of State Liability Systems (n=68)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	56	15	-	-	4.0	2
Overall Treatment of Tort and Contract Litigation	%	18	51	19	4	-	3.9	2
Treatment of Class Action Suits and Mass Consolidation Suits	%	12	29	28	6	1	3.6	8
Punitive Damages	%	Nebraska does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	10	43	34	1	-	3.7	7
Discovery	%	12	54	16	3	1	3.8	4
Scientific and Technical Evidence	%	10	40	29	3	-	3.7	10
Non-economic Damages	%	16	50	24	-	3	3.8	2
Judges' Impartiality	%	21	57	13	-	1	4.0	4
Judges' Competence	%	15	53	21	3	1	3.8	15
Juries' Predictability	%	9	44	29	1	-	3.7	1
Juries' Fairness	%	15	51	19	-	-	3.9	1
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>10</b>	<b>60</b>	<b>21</b>	<b>1</b>	<b>-</b>	<b>3.9</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=0

# of respondents who named each item



**Table 48****Nevada****2007 Overall Ranking: 28****2006 Overall Ranking: 37****Ratings on Key Elements of State Liability Systems (n=75)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	43	27	7	1	3.6	32
Overall Treatment of Tort and Contract Litigation	%	9	52	21	8	3	3.6	23
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	32	29	5	1	3.5	12
Punitive Damages	%	8	36	21	15	4	3.3	24
Timeliness of Summary Judgment or Dismissal	%	8	36	28	12	3	3.4	24
Discovery	%	17	41	24	8	3	3.7	21
Scientific and Technical Evidence	%	7	37	32	7	3	3.5	32
Non-economic Damages	%	11	40	27	7	4	3.5	19
Judges' Impartiality	%	8	43	28	7	5	3.5	36
Judges' Competence	%	7	47	31	5	3	3.5	34
Juries' Predictability	%	1	39	37	5	4	3.3	30
Juries' Fairness	%	5	44	32	5	1	3.5	24
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>49</b>	<b>25</b>	<b>11</b>	<b>3</b>	<b>3.5</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=11

# of respondents who named each item

Fee issues	2
Quality of juries/juror pool	2

**Table 49****New Hampshire****2007 Overall Ranking: 6****2006 Overall Ranking: 6****Ratings on Key Elements of State Liability Systems (n=64)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	22	39	25	-	-	4.0	5
Overall Treatment of Tort and Contract Litigation	%	14	50	25	2	-	3.8	3
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	28	31	5	-	3.4	27
Punitive Damages	%	New Hampshire does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	13	33	33	3	-	3.7	12
Discovery	%	14	38	34	-	2	3.7	15
Scientific and Technical Evidence	%	5	34	36	5	-	3.5	31
Non-economic Damages	%	11	42	27	2	-	3.8	3
Judges' Impartiality	%	22	50	19	-	-	4.0	5
Judges' Competence	%	16	56	20	-	-	3.9	4
Juries' Predictability	%	5	39	42	3	-	3.5	12
Juries' Fairness	%	13	42	31	2	-	3.8	9
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>11</b>	<b>55</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>3.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=2

# of respondents who named each item

Availability of sanctions  
Composition of juries  
Use of mediation

1  
1  
1

**Table 50****New Jersey****2007 Overall Ranking: 26****2006 Overall Ranking: 25****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	%	10	50	23	3	1	3.7	26
Overall Treatment of Tort and Contract Litigation	%	11	41	34	9	1	3.6	27
Treatment of Class Action Suits and Mass Consolidation Suits	%	12	30	27	6	3	3.5	14
Punitive Damages	%	New Jersey does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	8	36	33	10	3	3.4	26
Discovery	%	12	45	31	6	1	3.6	23
Scientific and Technical Evidence	%	12	40	24	6	1	3.7	13
Non-economic Damages	%	9	33	33	8	3	3.4	27
Judges' Impartiality	%	16	45	27	7	1	3.7	23
Judges' Competence	%	12	46	31	6	-	3.7	24
Juries' Predictability	%	4	34	37	9	2	3.3	28
Juries' Fairness	%	10	32	34	9	1	3.5	27
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>8</b>	<b>47</b>	<b>34</b>	<b>6</b>	<b>-</b>	<b>3.6</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=12

# of respondents who named each item

Timeliness for trial

3

Number of environmental cases

2

**Table 51****New Mexico****2007 Overall Ranking: 39****2006 Overall Ranking: 40****Ratings on Key Elements of State Liability Systems (n=61)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	36	39	2	5	3.5	42
Overall Treatment of Tort and Contract Litigation	%	8	28	41	15	3	3.2	41
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	26	31	13	5	3.2	37
Punitive Damages	%	5	28	43	13	5	3.2	32
Timeliness of Summary Judgment or Dismissal	%	5	28	38	11	7	3.1	41
Discovery	%	10	31	43	10	-	3.4	40
Scientific and Technical Evidence	%	8	26	49	5	2	3.4	37
Non-economic Damages	%	5	30	46	8	7	3.2	42
Judges' Impartiality	%	11	33	38	10	3	3.4	40
Judges' Competence	%	5	46	33	8	3	3.4	41
Juries' Predictability	%	2	48	33	8	-	3.5	16
Juries' Fairness	%	5	31	39	8	7	3.2	42
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>36</b>	<b>41</b>	<b>11</b>	<b>3</b>	<b>3.3</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=3

# of respondents who named each item

Update judicial system	1
Availability of sanctions	1
Laws are clear, in place (positive context)	1
Prejudice issues	1

**Table 52****New York****2007 Overall Ranking: 19****2006 Overall Ranking: 21****Ratings on Key Elements of State Liability Systems (n=202)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	21	50	15	4	1	3.9	7
Overall Treatment of Tort and Contract Litigation	%	13	48	24	8	2	3.6	22
Treatment of Class Action Suits and Mass Consolidation Suits	%	16	31	21	6	3	3.6	3
Punitive Damages	%	10	42	27	5	5	3.5	15
Timeliness of Summary Judgment or Dismissal	%	9	31	36	14	5	3.3	31
Discovery	%	16	42	30	5	2	3.7	19
Scientific and Technical Evidence	%	17	44	17	5	1	3.8	3
Non-economic Damages	%	8	45	28	6	1	3.6	12
Judges' Impartiality	%	24	43	22	5	1	3.9	14
Judges' Competence	%	20	48	22	6	*	3.8	13
Juries' Predictability	%	5	36	36	10	1	3.4	22
Juries' Fairness	%	9	45	27	7	1	3.6	21
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>11</b>	<b>54</b>	<b>26</b>	<b>6</b>	<b>*</b>	<b>3.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=18

# of respondents who named each item

The workers' comp shield	3
Wrongful death issue	3
Composition of juries	2
Class action issues	2
Quality of trial	2

**Table 53****North Carolina****2007 Overall Ranking: 16****2006 Overall Ranking: 10****Ratings on Key Elements of State Liability Systems (n=90)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	47	23	2	1	3.8	18
Overall Treatment of Tort and Contract Litigation	%	12	52	26	6	-	3.7	12
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	34	29	11	1	3.4	30
Punitive Damages	%	13	31	32	10	1	3.5	14
Timeliness of Summary Judgment or Dismissal	%	8	42	33	8	1	3.5	22
Discovery	%	11	53	22	7	-	3.7	13
Scientific and Technical Evidence	%	6	43	30	7	-	3.6	23
Non-economic Damages	%	10	41	31	8	-	3.6	11
Judges' Impartiality	%	17	46	28	4	-	3.8	20
Judges' Competence	%	13	48	29	4	-	3.7	20
Juries' Predictability	%	4	39	37	8	1	3.4	18
Juries' Fairness	%	14	42	28	6	-	3.7	11
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>7</b>	<b>64</b>	<b>21</b>	<b>4</b>	<b>-</b>	<b>3.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=3

# of respondents who named each item

Availability of sanctions	1
Laws are clear, in place (positive context)	1
Prejudice issues	1
Update judicial system	1

**Table 54****North Dakota****2007 Overall Ranking: 20****2006 Overall Ranking: 12****Ratings on Key Elements of State Liability Systems (n=53)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	42	25	-	-	3.9	12
Overall Treatment of Tort and Contract Litigation	%	13	42	30	4	2	3.7	20
Treatment of Class Action Suits and Mass Consolidation Suits	%	11	19	26	8	4	3.4	28
Punitive Damages	%	8	28	26	6	8	3.3	25
Timeliness of Summary Judgment or Dismissal	%	15	38	26	2	2	3.8	5
Discovery	%	11	40	28	2	2	3.7	18
Scientific and Technical Evidence	%	6	32	32	6	2	3.4	33
Non-economic Damages	%	13	30	26	8	2	3.6	16
Judges' Impartiality	%	19	43	21	2	2	3.9	13
Judges' Competence	%	9	49	26	-	2	3.7	21
Juries' Predictability	%	9	38	26	2	6	3.5	9
Juries' Fairness	%	13	30	32	4	2	3.6	20
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>53</b>	<b>23</b>	<b>4</b>	<b>2</b>	<b>3.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=0

# of respondents who named each item

**Table 55****Ohio****2007 Overall Ranking: 24****2006 Overall Ranking: 19****Ratings on Key Elements of State Liability Systems (n=125)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	47	23	3	-	3.8	21
Overall Treatment of Tort and Contract Litigation	%	7	48	35	4	1	3.6	24
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	33	37	7	1	3.4	23
Punitive Damages	%	5	42	32	9	2	3.4	18
Timeliness of Summary Judgment or Dismissal	%	6	30	42	12	2	3.3	30
Discovery	%	13	39	35	6	1	3.6	25
Scientific and Technical Evidence	%	7	42	36	2	-	3.6	18
Non-economic Damages	%	6	42	34	8	1	3.5	23
Judges' Impartiality	%	13	50	26	6	-	3.7	22
Judges' Competence	%	8	46	35	6	-	3.6	29
Juries' Predictability	%	5	40	35	8	-	3.5	14
Juries' Fairness	%	11	46	33	2	-	3.7	10
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>52</b>	<b>39</b>	<b>3</b>	<b>-</b>	<b>3.6</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=17

# of respondents who named each item

Supreme court decisions  
Admissibility of expert testimony

5  
3



**Table 56****Oklahoma****2007 Overall Ranking: 38****2006 Overall Ranking: 33****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	%	14	37	29	8	2	3.6	37
Overall Treatment of Tort and Contract Litigation	%	8	37	37	8	4	3.4	35
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	21	33	12	7	3.1	43
Punitive Damages	%	10	21	38	13	8	3.1	36
Timeliness of Summary Judgment or Dismissal	%	5	33	32	17	4	3.2	40
Discovery	%	10	44	33	4	2	3.6	27
Scientific and Technical Evidence	%	5	31	40	14	2	3.2	43
Non-economic Damages	%	10	29	39	10	5	3.3	35
Judges' Impartiality	%	12	33	40	7	6	3.4	42
Judges' Competence	%	6	42	37	10	4	3.4	44
Juries' Predictability	%	2	40	35	12	5	3.3	37
Juries' Fairness	%	5	37	40	5	8	3.3	39
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>32</b>	<b>48</b>	<b>8</b>	<b>5</b>	<b>3.3</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=15

# of respondents who named each item

Update judicial system	4
The workers' comp shield	3
Election of judges	3
Laws are clear, in place (positive context)	2
Prejudice issues	2

**Table 57****Oregon****2007 Overall Ranking: 17****2006 Overall Ranking: 30****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	%	24	37	21	1	1	4.0	6
Overall Treatment of Tort and Contract Litigation	%	16	44	23	10	1	3.7	19
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	31	33	6	3	3.4	26
Punitive Damages	%	11	29	29	10	9	3.3	26
Timeliness of Summary Judgment or Dismissal	%	20	33	27	7	3	3.7	11
Discovery	%	10	46	31	4	3	3.6	26
Scientific and Technical Evidence	%	16	40	20	4	4	3.7	9
Non-economic Damages	%	13	34	34	6	4	3.5	20
Judges' Impartiality	%	23	43	17	6	1	3.9	10
Judges' Competence	%	20	49	16	3	3	3.9	7
Juries' Predictability	%	7	30	40	6	4	3.3	27
Juries' Fairness	%	13	41	27	4	3	3.6	18
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>13</b>	<b>47</b>	<b>27</b>	<b>6</b>	<b>1</b>	<b>3.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=6

# of respondents who named each item

Reform punitive damages	1
Laws are clear, in place (positive context)	1
The workers' comp shield	1
Fee issues	1
Contributory negligence	1
Rules of evidence	1

**Table 58****Pennsylvania****2007 Overall Ranking: 32****2006 Overall Ranking: 31****Ratings on Key Elements of State Liability Systems (n=148)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	45	24	9	3	3.6	34
Overall Treatment of Tort and Contract Litigation	%	8	40	38	10	1	3.4	31
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	32	33	11	3	3.3	32
Punitive Damages	%	6	30	41	12	3	3.3	27
Timeliness of Summary Judgment or Dismissal	%	4	36	38	13	3	3.3	33
Discovery	%	6	47	36	5	1	3.5	34
Scientific and Technical Evidence	%	7	45	30	5	2	3.5	26
Non-economic Damages	%	5	38	31	14	4	3.3	38
Judges' Impartiality	%	13	48	22	11	2	3.6	30
Judges' Competence	%	7	52	26	9	1	3.6	32
Juries' Predictability	%	4	27	43	12	3	3.2	39
Juries' Fairness	%	10	36	32	11	2	3.5	30
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>49</b>	<b>33</b>	<b>11</b>	<b>1</b>	<b>3.5</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=27

# of respondents who named each item

Update judicial system  
Commercial sophistication  
The workers' comp shield

7  
5  
3

**Table 59****Rhode Island****2007 Overall Ranking: 35****2006 Overall Ranking: 26****Ratings on Key Elements of State Liability Systems (n=75)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	12	31	27	12	-	3.5	39
Overall Treatment of Tort and Contract Litigation	%	9	32	27	19	1	3.3	36
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	19	32	15	1	3.2	35
Punitive Damages	%	5	24	28	17	1	3.2	30
Timeliness of Summary Judgment or Dismissal	%	5	28	41	8	3	3.3	28
Discovery	%	11	28	39	7	1	3.5	39
Scientific and Technical Evidence	%	7	25	39	7	1	3.4	38
Non-economic Damages	%	7	25	37	11	-	3.3	31
Judges' Impartiality	%	7	37	32	9	1	3.4	37
Judges' Competence	%	11	31	36	8	1	3.5	38
Juries' Predictability	%	4	35	31	13	1	3.3	32
Juries' Fairness	%	7	29	37	9	3	3.3	34
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>32</b>	<b>33</b>	<b>16</b>	<b>-</b>	<b>3.4</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=2

# of respondents who named each item

Composition of juries

2

**Table 60****South Carolina****2007 Overall Ranking: 37****2006 Overall Ranking: 42****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	%	10	43	33	6	-	3.6	33
Overall Treatment of Tort and Contract Litigation	%	6	35	47	8	-	3.4	34
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	18	36	18	1	3.1	41
Punitive Damages	%	4	22	55	10	1	3.2	31
Timeliness of Summary Judgment or Dismissal	%	8	25	42	14	2	3.2	34
Discovery	%	8	39	40	7	-	3.5	35
Scientific and Technical Evidence	%	6	25	46	11	-	3.3	40
Non-economic Damages	%	2	27	51	11	-	3.2	41
Judges' Impartiality	%	8	39	37	13	-	3.4	39
Judges' Competence	%	8	43	37	8	-	3.5	35
Juries' Predictability	%	4	29	43	13	1	3.2	38
Juries' Fairness	%	5	33	46	8	-	3.4	36
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>29</b>	<b>52</b>	<b>13</b>	<b>-</b>	<b>3.2</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=21

# of respondents who named each item

Discovery issues	5
Appointment vs. elections	4
Insurance issues	3
Control frivolous lawsuits	3
Lawyer/judge competency	2
Cap on damages	2

**Table 61****South Dakota****2007 Overall Ranking: 11****2006 Overall Ranking: 7****Ratings on Key Elements of State Liability Systems (n=55)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	20	38	20	2	2	3.9	10
Overall Treatment of Tort and Contract Litigation	%	11	45	35	2	-	3.7	13
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	25	35	2	4	3.4	29
Punitive Damages	%	11	29	36	2	4	3.5	16
Timeliness of Summary Judgment or Dismissal	%	20	36	24	2	4	3.8	2
Discovery	%	11	53	20	4	2	3.8	10
Scientific and Technical Evidence	%	9	36	31	2	2	3.6	18
Non-economic Damages	%	11	35	36	4	2	3.6	17
Judges' Impartiality	%	20	44	22	2	2	3.9	12
Judges' Competence	%	9	55	22	4	-	3.8	18
Juries' Predictability	%	11	33	31	5	2	3.6	7
Juries' Fairness	%	16	44	22	2	2	3.8	5
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>11</b>	<b>45</b>	<b>29</b>	<b>4</b>	<b>-</b>	<b>3.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=4

# of respondents who named each item

Joint and several liability rules  
 Legislature  
 Court resources/funding/staffing  
 Cap on damages

1  
 1  
 1  
 1

**Table 62****Tennessee****2007 Overall Ranking: 6****2006 Overall Ranking: 29****Ratings on Key Elements of State Liability Systems (n=104)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	20	52	18	-	1	4.0	3
Overall Treatment of Tort and Contract Litigation	%	13	51	25	5	1	3.7	11
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	29	30	2	1	3.7	2
Punitive Damages	%	13	43	29	4	2	3.7	3
Timeliness of Summary Judgment or Dismissal	%	12	48	25	9	-	3.7	9
Discovery	%	13	46	30	3	-	3.8	7
Scientific and Technical Evidence	%	15	38	29	4	-	3.8	6
Non-economic Damages	%	12	42	36	1	1	3.7	5
Judges' Impartiality	%	17	46	29	3	-	3.8	16
Judges' Competence	%	15	53	28	-	-	3.9	9
Juries' Predictability	%	11	38	35	5	1	3.6	4
Juries' Fairness	%	14	39	34	3	2	3.7	14
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>10</b>	<b>57</b>	<b>29</b>	<b>2</b>	<b>-</b>	<b>3.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=7

# of respondents who named each item

Update judicial system	2
The workers' comp shield	2
Wrongful death issue	1
Prejudice issues	1
Election of judges	1
Reduce fraudulent cases	1

**Table 63****Texas****2007 Overall Ranking: 44****2006 Overall Ranking: 43****Ratings on Key Elements of State Liability Systems (n=214)**

		"A "	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	12	33	30	12	5	3.4	45
Overall Treatment of Tort and Contract Litigation	%	4	34	39	17	4	3.2	43
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	24	34	17	7	3.1	42
Punitive Damages	%	5	26	29	23	8	3.0	38
Timeliness of Summary Judgment or Dismissal	%	3	31	39	15	5	3.1	42
Discovery	%	6	43	33	8	3	3.4	41
Scientific and Technical Evidence	%	7	40	33	5	2	3.5	27
Non-economic Damages	%	6	29	30	22	5	3.1	43
Judges' Impartiality	%	4	32	40	15	6	3.1	46
Judges' Competence	%	5	38	38	13	3	3.3	45
Juries' Predictability	%	3	29	36	20	7	3.0	44
Juries' Fairness	%	4	31	34	18	8	3.1	45
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>35</b>	<b>40</b>	<b>19</b>	<b>2</b>	<b>3.2</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=56

# of respondents who named each item

Update judicial system	9
The workers' comp shield	9
Prejudice issues	7
Jury awards are too high	7
Hard to get a dismissal	6



**Table 64****Utah****2007 Overall Ranking: 9****2006 Overall Ranking: 17****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	%	15	50	20	3	-	3.9	16
Overall Treatment of Tort and Contract Litigation	%	8	56	27	5	1	3.7	18
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	34	26	7	-	3.5	15
Punitive Damages	%	14	38	30	6	1	3.6	5
Timeliness of Summary Judgment or Dismissal	%	8	48	33	5	-	3.6	14
Discovery	%	10	53	27	1	1	3.8	12
Scientific and Technical Evidence	%	6	48	27	5	-	3.6	15
Non-economic Damages	%	6	45	32	5	-	3.6	10
Judges' Impartiality	%	16	48	26	6	-	3.8	21
Judges' Competence	%	15	49	28	2	-	3.8	16
Juries' Predictability	%	8	48	26	5	-	3.7	2
Juries' Fairness	%	11	45	25	6	-	3.7	12
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>8</b>	<b>59</b>	<b>30</b>	<b>1</b>	<b>-</b>	<b>3.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=6

# of respondents who named each item

Update judicial system	2
Composition of juries	1
Hard to get a dismissal	1
Prejudice issues	1
The nature of the case	1
Election of judges	1
Cap on damages	1

**Table 65****Vermont****2007 Overall Ranking: 27****2006 Overall Ranking: 24****Ratings on Key Elements of State Liability Systems (n=53)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	36	21	6	-	3.8	23
Overall Treatment of Tort and Contract Litigation	%	8	42	25	6	2	3.6	25
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	25	17	11	-	3.5	13
Punitive Damages	%	4	32	26	8	2	3.4	21
Timeliness of Summary Judgment or Dismissal	%	6	30	30	9	-	3.4	23
Discovery	%	11	34	28	6	2	3.6	28
Scientific and Technical Evidence	%	9	32	25	9	2	3.5	29
Non-economic Damages	%	9	38	19	8	2	3.6	9
Judges' Impartiality	%	17	42	11	11	6	3.6	29
Judges' Competence	%	13	45	13	8	6	3.6	26
Juries' Predictability	%	2	34	28	13	-	3.3	33
Juries' Fairness	%	8	36	25	9	2	3.5	29
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>45</b>	<b>23</b>	<b>6</b>	<b>2</b>	<b>3.6</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=3

# of respondents who named each item

Update judicial system	3
Hard to get a dismissal	1
Focus on specific local issue	1
Statute of repose issues	1
Cap on damages	1

**Table 66****Virginia****2007 Overall Ranking: 12****2006 Overall Ranking: 3****Ratings on Key Elements of State Liability Systems (n=102)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	49	20	2	-	3.9	9
Overall Treatment of Tort and Contract Litigation	%	13	50	26	6	1	3.7	14
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	35	32	5	2	3.5	16
Punitive Damages	%	10	34	31	10	2	3.5	17
Timeliness of Summary Judgment or Dismissal	%	13	39	29	6	4	3.6	19
Discovery	%	10	51	28	6	-	3.7	20
Scientific and Technical Evidence	%	9	53	25	2	-	3.8	5
Non-economic Damages	%	5	47	31	5	3	3.5	21
Judges' Impartiality	%	15	61	19	4	-	3.9	11
Judges' Competence	%	16	61	21	2	-	3.9	6
Juries' Predictability	%	3	46	32	7	-	3.5	11
Juries' Fairness	%	7	53	24	6	1	3.7	17
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>10</b>	<b>61</b>	<b>26</b>	<b>2</b>	<b>1</b>	<b>3.8</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=14

# of respondents who named each item

Update judicial system	6
Composition of juries	2
Wrongful death issue	2
Number of environmental cases	2
Discovery issues	2

**Table 67****Washington****2007 Overall Ranking: 25****2006 Overall Ranking: 28****Ratings on Key Elements of State Liability Systems (n=130)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	31	26	5	1	3.7	28
Overall Treatment of Tort and Contract Litigation	%	8	37	34	8	1	3.5	29
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	32	28	6	2	3.4	24
Punitive Damages	%	Washington does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	12	37	23	8	2	3.6	15
Discovery	%	8	40	29	6	1	3.6	29
Scientific and Technical Evidence	%	9	36	28	4	-	3.7	14
Non-economic Damages	%	6	32	32	7	2	3.4	29
Judges' Impartiality	%	14	42	22	8	1	3.7	24
Judges' Competence	%	13	47	23	2	2	3.8	17
Juries' Predictability	%	2	29	42	6	2	3.3	35
Juries' Fairness	%	5	35	33	5	1	3.5	26
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>45</b>	<b>32</b>	<b>5</b>	<b>1</b>	<b>3.6</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=9

# of respondents who named each item

Update judicial system	2
Focus on specific local issue	2

**Table 68****West Virginia****2007 Overall Ranking: 50****2006 Overall Ranking: 50****Ratings on Key Elements of State Liability Systems (n=140)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	1	13	31	20	16	2.6	50
Overall Treatment of Tort and Contract Litigation	%	1	9	31	36	16	2.4	50
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	11	21	27	22	2.3	50
Punitive Damages	%	1	8	21	37	24	2.2	44
Timeliness of Summary Judgment or Dismissal	%	3	13	33	28	11	2.6	50
Discovery	%	3	10	44	22	9	2.7	50
Scientific and Technical Evidence	%	1	11	30	33	11	2.5	50
Non-economic Damages	%	1	7	27	33	21	2.3	50
Judges' Impartiality	%	1	11	31	31	16	2.5	50
Judges' Competence	%	1	14	40	29	9	2.7	50
Juries' Predictability	%	1	14	27	32	14	2.5	50
Juries' Fairness	%	-	14	24	35	18	2.4	50
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>9</b>	<b>29</b>	<b>40</b>	<b>16</b>	<b>2.4</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=23

# of respondents who named each item

Update judicial system	9
Laws are clear, in place (positive context)	4
Composition of juries	2
Insurance issues	2
Political influence/interference	2
Class action issues	2
The workers' comp shield	2
The nature of the case	2

**Table 69****Wisconsin****2007 Overall Ranking: 10****2006 Overall Ranking: 23****Ratings on Key Elements of State Liability Systems (n=107)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	21	36	21	7	1	3.8	20
Overall Treatment of Tort and Contract Litigation	%	19	43	23	7	1	3.8	9
Treatment of Class Action Suits and Mass Consolidation Suits	%	10	28	28	2	3	3.6	9
Punitive Damages	%	12	35	28	6	2	3.6	10
Timeliness of Summary Judgment or Dismissal	%	17	41	24	6	1	3.8	4
Discovery	%	19	47	17	4	3	3.8	3
Scientific and Technical Evidence	%	14	35	24	7	3	3.6	22
Non-economic Damages	%	11	36	36	4	1	3.6	8
Judges' Impartiality	%	21	50	16	3	2	3.9	7
Judges' Competence	%	15	55	16	4	2	3.8	12
Juries' Predictability	%	6	37	34	5	1	3.5	10
Juries' Fairness	%	13	49	19	1	1	3.9	3
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>54</b>	<b>26</b>	<b>5</b>	<b>1</b>	<b>3.7</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=18

# of respondents who named each item

Insurance issues	5
Election of judges	4
Wrongful death issue	3
Update judicial system	3
Cap on damages	2

**Table 70****Wyoming****2007 Overall Ranking: 22****2006 Overall Ranking: 16****Ratings on Key Elements of State Liability Systems (n=53)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	38	23	4	2	3.7	27
Overall Treatment of Tort and Contract Litigation	%	13	51	19	2	2	3.8	4
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	25	25	4	-	3.5	11
Punitive Damages	%	11	36	25	4	4	3.6	10
Timeliness of Summary Judgment or Dismissal	%	15	26	28	8	2	3.6	17
Discovery	%	15	36	32	2	-	3.8	9
Scientific and Technical Evidence	%	8	34	28	4	-	3.6	17
Non-economic Damages	%	13	28	26	11	2	3.5	24
Judges' Impartiality	%	9	40	25	8	6	3.5	35
Judges' Competence	%	9	32	34	8	2	3.5	39
Juries' Predictability	%	6	38	26	8	2	3.5	15
Juries' Fairness	%	13	32	25	6	4	3.6	22
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>49</b>	<b>26</b>	<b>4</b>	<b>4</b>	<b>3.6</b>	

**ADDITIONAL VOLUNTEERED ITEMS****TOTAL**

N=10

# of respondents who named each item

Legislature  
Other4  
2

## **Appendix A: Methodology**



## METHODOLOGY

---

### AN OVERVIEW

*The 2007 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform by Harris Interactive, Inc. The final results are based on interviews with a nationally representative sample of 1,599 in-house general counsel or other senior litigators at companies with annual revenues of at least \$100 million. Interviews averaging 22 minutes in length were conducted by telephone and took place between December 27, 2006 and March 2, 2007.

### SAMPLE DESIGN

A representative sample of companies with annual revenues of at least \$100 million annually was drawn using sample from idExec, Dun & Bradstreet, and AMI. Alert letters were sent to the general counsel at each company. These letters provided general information about the study, notified them that an interviewer from Harris Interactive would be contacting them and requested their participation. A copy of both letters appears in Appendix C.

The sample was segmented into two main groups. Of the 1,599 respondents, 77 were from insurance companies, with the remaining 1,522 interviews being conducted among public corporations from other industries. The proportion of interviews with insurance companies represents 5% of the total sample. Typically, in the universe of companies with \$100 million or more in revenues, insurance companies represent 6% of this population. Since property casualty insurance companies have extensive experience with state liability systems, for the purposes of this study we worked to ensure that our proportion of insurance companies matched the overall population.

Respondents had an average of 22 years of relevant legal experience (including their current position), had been with their company an average of 13.8 years, and had been in their current position an average of 11.4 years.

### TELEPHONE INTERVIEWING PROCEDURES

*The 2007 State Liability Systems Ranking Study* utilized Harris' 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 on-line 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.

In order to achieve high respondent participation, in addition to the alert letters, numerous telephone callbacks were made in order to reach the respondent and conduct the interview at a convenient time for the respondent.

Once a qualified respondent was identified, the respondent was first asked about his/her familiarity with several states. First, 24 states out of the list of 50 possible states were presented to the respondent. Within these 24 states, the 17 states presented were the following: Alaska, Hawaii, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, New Hampshire, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, Washington and Wyoming. These states were prioritized in order to get a sufficient number of evaluations, since in the past years of this study, data for these states were based on fewer evaluations. The remaining 7 states were randomly selected from the remaining states not mentioned above.

Respondents were then given the opportunity to name any other state, aside from the states already presented, and specify if they are very or somewhat familiar with that state.

If the respondent was very or somewhat familiar with a given state, the respondent was then given the opportunity to evaluate that state's liability system. The maximum number of states a respondent had the opportunity to evaluate was 10. On average, each respondent evaluated 3 states. This represents a change from 2006 when respondents were given an opportunity to evaluate a maximum of 15 states, evaluating an average of 6 states. This change was made in order to reduce the burden on respondents and increase the likelihood that they were really familiar with the states.

## **SIGNIFICANCE TESTING**

### *Reliability of Survey Percentages*

It is important to bear in mind that the results from any sample survey are subject to sampling variation. The magnitude of this variation (or error) is affected both by the number of interviews—the base size—and by the level of the percentages expressed in the results.

Table A-1 shows the possible sample variation that applies to percentage results for this survey. The chances are 95 in 100 that a survey result does not vary, plus or minus, by more than the indicated number of percentage points from the result that would have been obtained if interviews were conducted with all persons in the universe represented by the sample. For example, if the response for a sample size of 300 is 30%, then in 95 cases out of 100, the response in the total population would have been between 25% and 35% (+/-5%). Note that survey results based on subgroups of small size can be subject to large sampling error.

**Table A-1**  
**Recommended Allowance for Sampling Error of Proportions (Plus or Minus)**

Sample Size	Survey Percentage Result				
	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
<b>1600</b>	2	2	2	2	3
<b>1500</b>	2	2	2	3	3
<b>1400</b>	2	2	2	3	3
<b>900</b>	2	3	3	3	3
<b>800</b>	2	3	3	3	3
<b>700</b>	2	3	3	4	4
<b>600</b>	2	3	4	4	4
<b>500</b>	3	4	4	4	4
<b>400</b>	3	4	4	5	5

### *Significance of Differences Between Proportions*

Sampling tolerances are also involved in the comparison of results from different surveys or from different parts of a sample from the same survey (subgroup analysis). Table A-2 shows the percentage difference that must be obtained before a difference can be considered statistically significant. These figures, too, represent the 95% confidence level.

To illustrate, suppose the two percentages in question are 34% and 25%. More specifically, suppose that one group of 300 has a response of 34% “yes” to a question, and an independent group has a response of 25% to the same question, for an observed difference of 9 percentage points. According to the table, this difference is subject to a potential sampling error of 6-7 percentage points. Since the observed difference is greater than the sampling error, the observed difference is significant.

**Table A-2**  
**Sampling Error of Difference between Proportions**

Approximate Sampling Tolerances (at 95% Confidence Level)  
To Use in Evaluating Differences between Two Percentage Results

Sample Sizes	Survey Percentage Result				
	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
<b>900 v. 900</b>	3	4	4	5	5
<b>500</b>	3	4	5	5	6
<b>300</b>	4	5	6	7	7
<b>200</b>	5	6	7	8	8
<b>100</b>	6	8	10	10	10
<b>50</b>	9	11	13	14	14
<b>500 v. 500</b>	4	4	6	6	6
<b>300</b>	4	6	7	7	7
<b>200</b>	6	7	8	8	8
<b>100</b>	7	9	10	11	11
<b>50</b>	9	12	13	14	15

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

## **APPENDIX B: PAST STATE RANKINGS**

Please note: The past rankings have been included in this report to provide historical information and a contextual basis for the 2007 data. Please note the 2006 and 2007 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 previous years’ rankings to the 2007 and 2006 rankings.

<b>Year</b>	<b>Field Dates</b>
2006	November 2005 to March 2006
2005	November 2004 to February 2005
2004	December 2003 to February 2004
2003	December 2002 to February 2003
2002	January to February 2002

**Table B-1**  
**Overall Ranking of State Liability Systems**

STATE	RANK	2006 SCORE	N
Delaware	1	74.9	108
Nebraska	2	71.5	78
Virginia	3	71.1	121
Iowa	4	68.8	109
Connecticut	5	66.9	90
New Hampshire	6	66	81
South Dakota	7	65.7	56
Colorado	8	65.6	100
Maine	9	65.5	66
North Carolina	10	65.2	98
Indiana	11	65.2	99
North Dakota	12	65.2	51
Arizona	13	65.1	98
Minnesota	14	65	83
Kansas	15	64.5	110
Wyoming	16	64.2	66
Utah	17	64.2	103
Idaho	18	64	70
Ohio	19	63.5	139
Maryland	20	63.4	91
New York	21	63.2	217
Michigan	22	63.1	125
Wisconsin	23	62.6	110
Vermont	24	62.3	61
New Jersey	25	61.4	141
Rhode Island	26	61.1	91
Georgia	27	61	118
Washington	28	60.7	139
Tennessee	29	59.9	109
Oregon	30	59.8	89
Pennsylvania	31	59.3	157
Massachusetts	32	59	125
Oklahoma	33	58.8	100
Kentucky	34	58	101
Missouri	35	57.8	109
Alaska	36	56.2	58
Nevada	37	56	85
Florida	38	55.2	209
Montana	39	54.8	70
New Mexico	40	54.2	96
Arkansas	41	54.1	99
South Carolina	42	53.9	95
Texas	43	52	243
California	44	49.8	317
Illinois	45	49.2	229
Hawaii	46	48	74
Alabama	47	44.4	125
Mississippi	48	39.7	143
Louisiana	49	39	137
West Virginia	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.

	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
Nebraska	2	69.7	98	2	69.1	81	2	69.3	44	6	65.4	61
North Dakota	3	68.5	57	16	63.8	72	6	65.1	37	25	59.4	50
Virginia	4	67.1	136	3	68.7	179	8	64	95	2	67.9	81
Iowa	5	66.3	155	4	68.6	80	3	68.8	61	5	65.8	63
Indiana	6	65.5	119	11	64.4	178	5	65.1	86	12	62.8	70
Minnesota	7	65.2	77	8	65	177	9	63.5	85	19	61	66
South Dakota	8	64.9	70	17	63.6	73	4	66.5	38	9	63.9	47
Wyoming	9	64.7	85	15	63.8	77	25	58	37	20	60.7	45
Idaho	10	64.2	61	5	66.2	81	13	61.8	37	14	62.4	53
Maine	11	64.2	80	12	64.1	79	16	60.9	39	18	61	53
New Hampshire	12	64	95	7	65.2	80	10	63.2	39	17	61.9	63
Colorado	13	63.6	93	13	63.9	179	12	62.3	78	7	65.3	73
Utah	14	63.3	144	6	65.8	82	7	64.5	55	8	64.2	62
Washington	15	63.1	94	24	60.7	178	21	59.4	85	3	66.6	71
Kansas	16	62.6	148	9	64.4	81	15	61	53	4	66	63
Wisconsin	17	62.5	143	10	64.4	178	11	62.7	74	15	62.1	66
Connecticut	18	62	131	18	62.5	179	17	60.3	81	10	63.4	68
Arizona	19	60.9	95	14	63.8	177	18	59.7	92	11	63.2	78
North Carolina	20	60.3	114	19	61.9	178	20	59.5	84	16	61.9	74
Vermont	21	60.3	73	20	61.5	71	19	59.6	36	21	60.6	62
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
Michigan	24	59.6	135	23	61.3	179	29	56.3	97	28	58.2	83
Oregon	25	59.6	115	27	58.4	173	14	61.2	69	13	62.5	62
Ohio	26	59.5	178	32	57.2	187	24	58.6	98	26	59.4	100
New York	27	58.8	256	22	61.4	200	27	57.2	96	27	58.9	100
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
New Jersey	30	57.8	194	26	60.2	185	30	56.1	98	32	55.4	100
Massachusetts	31	57.8	144	28	57.7	180	22	59.1	93	36	54	66
Oklahoma	32	56.5	132	31	57.5	179	36	53.9	71	41	51.2	62
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
Rhode Island	35	55.4	92	36	55.7	83	37	53.2	42	35	55	62
Kentucky	36	54.9	129	35	56	178	35	54	73	38	53.5	67
Montana	37	54.8	70	43	51.7	80	28	56.4	40	43	49.6	62
New Mexico	38	54.5	155	37	55.1	81	41	48.6	56	39	52.8	63
South Carolina	39	54.2	101	40	53	178	42	48	77	42	50.9	66
Missouri	40	51.9	121	41	52.9	178	33	55.4	89	29	56.8	75
Hawaii	41	51.5	81	39	53.7	80	43	47.8	37	40	52	62
Florida	42	50.9	288	38	54.1	200	40	48.6	96	33	55.2	100
Arkansas	43	50.2	169	42	52.5	82	45	44.9	57	44	49.3	63
Texas	44	49.2	287	45	49.9	200	46	41.1	97	46	45.2	100
California	45	45.5	351	46	45.2	205	44	45.6	100	45	48.6	100
Illinois	46	44.1	285	44	50.5	201	38	53.1	97	34	55.1	100
Louisiana	47	39.1	146	47	40.5	182	47	37.3	98	47	41.3	94
Alabama	48	35.9	157	48	34.3	183	48	31.6	97	48	37.8	100
West Virginia	49	33.2	107	49	31.9	176	49	30.9	79	49	35.6	65
Mississippi	50	30.7	164	50	25.7	182	50	24.8	99	50	28.4	96

\*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 B-2

**PRIOR STATE RANKINGS USING PAST YEARS' RANKING SYSTEM**

(NOTE: 2006 DATA CANNOT BE TRENDED TO PREVIOUS YEARS DUE TO THE ADDITION OF NEW ELEMENTS)

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



## **APPENDIX C: ALERT LETTERS**



December 14, 2006

«contact1»  
«company»  
«address1»  
«address2»  
«address3»

Dear «contact1»:

The U.S. Chamber Institute for Legal Reform has asked Harris Interactive, an independent survey research firm and best known for *The Harris Poll*, to repeat an important annual study that examines state liability systems across America. You may have participated in one of the earlier surveys. Or, you may have seen some of the substantial media attention about the study in national newspapers and numerous legal journals.

This year your participation is just as critical because we have selected only a small sample of attorneys to share their opinions. Over the next several weeks, you will be contacted for an opportunity to participate in this important study and we would appreciate your taking a few minutes to respond.

The purpose of this study is to see how state civil justice systems across America are perceived by corporate decision-makers, such as you, in terms of their reasonableness, fairness and predictability. As in previous years, the results of this research will be shared with key state policy makers and those who care about economic development in their state to help inform them about how they are viewed in relation to other states. The research has played an important role in encouraging state legislators and judges to re-evaluate the condition of their state liability system and stimulate discussion on how states might improve their litigation environments.

Your answers will be kept confidential and will be used only in combination with those of other survey participants. *To thank you for your participation, we will be sharing an executive summary of the findings with survey respondents.*

The views, opinions and experiences of attorneys like you have made this study a resounding success in past years. Anticipating your cooperation, I'd like to thank you for your help.

Sincerely,

A handwritten signature in black ink that reads 'Humphrey Taylor' with a stylized flourish at the end.

Humphrey Taylor  
Chairman  
The Harris Poll

Reference #: [SAMPLE\_ID]

## 2007 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 are writing to ask for your help with a very important research project 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*®, to once again conduct its annual State Liability Systems Ranking Study. Now in its sixth year, this study has become the primary benchmark that elected officials, the media and other opinion leaders use to measure their state's legal environment. Each year, the study has played a substantial role in state legislative debates about the need for legal reform.

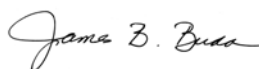
The annual poll has become an important tool to promote balance within our civil justice system. For this reason, we strongly encourage your participation in this year's poll. You should have already received a letter from Humphrey Taylor, Chairman of *The Harris Poll*, asking you to participate in this year's survey. Your participation is critical because Harris has selected only a small sample of in-house general counsel and other senior litigators to participate. It is entirely possible you helped with this study in past years. If so, we thank you and encourage your continued participation. We will be calling you over the next few weeks, but if you would like to schedule a time to speak with us, please feel free to call us at 1-800-364-1372 with the reference number that appears at the bottom of this letter.

If you have any questions regarding this research, please feel free to contact David Krane from Harris Interactive at 1-800-866-7655 or Linda Kelly, Vice President for Policy and Research at the U.S. Chamber Institute for Legal Reform at 1-202-463-5724.

Sincerely,



**Kim M. Brunner**  
*Executive Vice President,  
General Counsel and Secretary*  
State Farm Insurance



**James Buda**  
*Vice President, General Counsel &  
Secretary*  
Caterpillar Inc.



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



**Tom Gottschalk**  
*Executive Vice President, Law &  
Public Policy*  
General Motors Corporation

## **APPENDIX D: QUESTIONNAIRE**

**HARRIS INTERACTIVE INC.**  
161 Sixth Avenue  
New York, New York 10003

J29675

December 19, 2006

**LIABILITY SYSTEMS RANKING SURVEY**  
**US CHAMBER OF COMMERCE**

**Researcher: David Krane/ Chasson Gracie**  
**Email: dkrane@harrisinteractive.com**  
**cgracie@harrisinteractive.com**  
**Phone: (212) 539-9522/(212) 539-9763**

**PC: Kerry Esquivel**  
**Email: kesquivel@harrisinteractive.com**  
**Phone: (801) 226-1524**

**Field Period: December, 2006 – March, 2007**

---

SUBJECTS FOR QUESTIONNAIRE  
SECTION 200: PRELOADS/INTRODUCTION/SCREENING QUESTIONS  
SECTION 300: STATE FAMILIARITY ASSESMENT  
SECTION 400: STATE EVALUATIONS  
SECTION 100: DEMOGRAPHICS

**Template:**

HI

**SECTION 200: INTRODUCTION/SCREENING QUESTIONS**

**BASE: ALL RESPONDENTS**

**Q200** Hello, may I please speak to\_\_\_\_\_?

[PROGRAMMER NOTE: REFERENCE ABOVE NAME FROM SAMPLE OR FROM Q211.]

- |   |                       |             |
|---|-----------------------|-------------|
| 1 | Continue              | ASK Q205    |
| 2 | Not available         | [CALL BACK] |
| 8 | Not Sure (v)          | [CALL BACK] |
| 9 | Decline to answer (v) | [REFUSAL]   |

**BASE: ALL RESPONDENTS**

**Q205** Hello, I'm \_\_\_\_\_ from *The Harris Poll*. We have been commissioned by the United States Chamber of Commerce to conduct a survey among attorneys and would like to include your opinions. This study will examine state liability systems and will take about 15 minutes of your time, depending on your answers. To thank you for your qualified participation in this study, we would like to send you an executive summary of the findings. Is this a convenient time for you? If not, we'd be glad to call you back at another time.

(INTERVIEWER NOTE: IF RESPONDENT SAYS NOW IS NOT CONVENIENT, ASK: "WOULD YOU LIKE TO SET UP ANOTHER TIME, OR IF YOU PREFER, YOU CAN CALL US WHEN YOU WOULD LIKE TO COMPLETE THE SURVEY?")

(INTERVIEWER NOTE: IF NECESSARY SAY, BECAUSE ONLY A SMALL SAMPLE OF SENIOR CORPORATE COUNSEL HAVE BEEN SELECTED, YOUR REPLY IS MOST IMPORTANT TO THE SUCCESS OF THIS SURVEY. YOUR ANSWERS WILL BE KEPT CONFIDENTIAL AND WILL BE USED ONLY IN AGGREGATE WITH THOSE OF OTHER SURVEY PARTICIPANTS.)

(INTERVIEWER NOTE: IF NECESSARY SAY, "WE RECENTLY SENT YOU AN ALERT LETTER ABOUT THE SURVEY." IF REQUESTED, THE LETTER CAN BE EMAILED OR FAXED TO RESPONDENT.)

- |   |   |                |
|---|---|----------------|
| 1 | Yes convenient, continue                        |                |
| 2 | No, not convenient now                          | [CALL BACK]    |
| 8 | Not Sure (v)                                    | [CALL BACK]    |
| 9 | Don't want to participate/Decline to Answer (v) | [JUMP TO Q210] |

**BASE: ALL CONTINUING RESPONDENTS (Q205/1)**

**Q105** What is your job title? (DO NOT READ LIST)

- |    |                          |                |
|----|--------------------------|----------------|
| 01 | General Counsel          | [JUMP TO Q110] |
| 02 | Head of Litigation       | [JUMP TO Q110] |
| 03 | Senior counsel/litigator | [JUMP TO Q110] |
| 04 | Paralegal                | [JUMP TO Q210] |
| 05 | Legal Secretary          | [JUMP TO Q210] |
| 07 | IT                       | [JUMP TO Q210] |
| 08 | HR                       | [JUMP TO Q108] |
| 06 | Other [SPECIFY AT Q107]  | [JUMP TO Q107] |
| 98 | Not sure (v)             | [JUMP TO Q108] |
| 99 | Decline to answer (v)    | [JUMP TO Q108] |

**BASE: GAVE OTHER JOB TITLE (Q105/6)**

1 **Q107** (ENTER OTHER JOB TITLE)

[TEXT BOX]

**BASE: OTHER RELEVANT LEGAL TITLE IN Q107(105/6 OR 8)**

**Q108** Are you aware of the pertinent legal issues your company, on a whole, is involved in?

- |                     |                |
|---------------------|----------------|
| 1 YES, CONTINUE     | [ASK Q1540]    |
| 2 NO                | [JUMP TO Q210] |
| 8 NOT SURE          | [JUMP TO Q210] |
| 9 DECLINE TO ANSWER | [JUMP TO Q210] |

**BASE: AWARE OF PERTINENT LEGAL ISSUES (Q108/1) (NEW)**

**Q1540** Are you knowledgeable about or responsible for litigation matters at your company?

- |                     |                |
|---------------------|----------------|
| 1 YES, CONTINUE     | [ASK Q110]     |
| 2 NO                | [JUMP TO Q210] |
| 8 NOT SURE          | [JUMP TO Q210] |
| 9 DECLINE TO ANSWER | [JUMP TO Q210] |

**BASE: ALL CONTINUING RESPONDENTS (105/1-3 OR 1540/1) [REVISED BASE]**

**Q110** How long have you been in your current position? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR "NOT SURE (V)" AND 99 FOR "DECLINE TO ANSWER.")

|\_|\_| [RANGE: 0-50, 98, 99]

**BASE: ALL CONTINUING RESPONDENTS (105/1-3 OR 1540/1) [REVISED BASE]**

**Q115** Including your current position, how many years of relevant legal experience do you have? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR "NOT SURE (V)" AND 99 FOR "DECLINE TO ANSWER.")

[PROGRAMMER NOTE: CANNOT BE LESS THAN ANSWER IN Q110]

|\_|\_| [RANGE: 0-50, 98, 99]

**BASE: DOES NOT WANT TO TAKE SURVEY OR IS NOT AWARE OF PERTINENT LEGAL ISSUES OF COMPANY (Q205/9 OR Q108/2) OR 1540/2,8 OR 9**

**Q210** Can you connect me to an attorney in your company who might be interested in completing the survey?

IF Q1540/2,8 OR 9: Can you connect me to an attorney in your company who is knowledgeable about or responsible for litigation matters? [NEW]

(INTERVIEWER NOTE: SCREEN FOR THE FOLLOWING JOB DESCRIPTIONS FOR ATTORNEYS: GENERAL COUNSEL, HEAD OF LITIGATION, OR A SENIOR, EXPERIENCED LITIGATOR, BUT YOU MAY ACCEPT OTHER SENIOR LEVEL TITLES.)

- |                         |                 |
|-------------------------|-----------------|
| 1 Yes                   | [JUMP TO Q212]  |
| 2 No                    | [END INTERVIEW] |
| 8 Not sure (v)          | [ASK Q211]      |
| 9 Decline to answer (v) | [REFUSAL]       |

**BASE: NOT SURE WHO TO REFER TO (Q210/8)**

**Q211** Can you connect me to someone in your company who might know who would be interested in completing the survey?

- |                         |                 |
|-------------------------|-----------------|
| 1 Yes                   | [JUMP TO Q205]  |
| 2 No                    | [END INTERVIEW] |
| 8 Not sure (v)          | [END INTERVIEW] |
| 9 Decline to answer (v) | [REFUSAL]       |

**BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q205/9, Q210/1)**

**Q212** May I please have this attorney's name and title?

NAME: [TEXT BOX]

(INTERVIEWER NOTE: SCREEN FOR THE FOLLOWING JOB DESCRIPTIONS FOR ATTORNEYS: GENERAL COUNSEL, HEAD OF LITIGATION, OR A SENIOR, EXPERIENCED LITIGATOR)

**Q213** TITLE: [TEXT BOX]

**BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q205/9, Q210/1)**

**Q214** Thank you for your assistance.

(INTERVIEWER NOTE: UNLESS ORIGINAL RESPONDENT OFFERS TO CONNECT YOU, HANG UP AND CALL BACK, ASKING FOR NEW RESPONDENT BY NAME.)

[JUMP TO Q200.]

NOTE: IF GENERAL COUNSEL, HEAD OF LITIGATION, SENIOR COUNSEL/LITIGATOR OR AN ATTORNEY WHO IS KNOWLEDGEABLE ABOUT OR RESPONSIBLE FOR LITIGATION, THEN THEY ARE A QUALIFIED RESPONDENT. IF NO ONE IN THE COMPANY IS QUALIFIED, THEN TERMINATE.

**BASE: ALL QUALIFIED RESPONDENTS**

**Q215** Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor? [DO NOT READ LIST]

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



**SECTION 300: STATE FAMILIARITY ASSESSMENT****BASE: ALL QUALIFIED RESPONDENTS**

**Q300** Thinking about the state court system, how familiar are you with the CURRENT litigation environment in [INSERT STATE RANDOMLY SELECTED FROM 1-50 BELOW]? Would you say you are very familiar, somewhat familiar, not very familiar or not at all familiar?

<b>Q301</b>	1	2	3	4	8	9
	Very	Somewhat	Not	Not	Not	Decline to
	<u>Familiar</u>	<u>Familiar</u>	<u>Very</u>	<u>At All</u>	<u>Sure (v)</u>	<u>Answer (v)</u>
			<u>Familiar</u>	<u>Familiar</u>		

[PRIORITY SELECT 24 STATES USING THE FOLLOWING PROCESS: 17 OF THE STATES SHOULD BE: ALASKA, HAWAII, IDAHO, IOWA, KANSAS, MAINE, MONTANA, NEBRASKA, NEW HAMPSHIRE, NORTH DAKOTA, RHODE ISLAND, SOUTH DAKOTA, UTAH, VERMONT, WEST VIRGINIA, WASHINGTON, WYOMING. THE OTHER 7 STATES SHOULD BE RANDOMLY SELECTED FROM THE REMAINING STATES.]

[PROGRAMMER NOTE: FOR CALIFORNIA, ILLINOIS, NEW YORK AND TEXAS, QUOTAS HAVE BEEN SET THAT SHOULD BE BASED ON HOW MANY ARE "VERY OR SOMEWHAT FAMILIAR" WITH EACH STATE. ONCE THIS MANY ARE "VERY OR SOMEWHAT FAMILIAR" WITH THAT STATE, THE STATE SHOULD NOT BE SELECTED.]

(845)1	Alabama	2170
(846)2	Alaska	2102
(847)3	Arizona	2174
(848)4	Arkansas	2106
(849)5	California	[QUOTA N=300] 2178
(850)6	Colorado	2182
(851)7	Connecticut	2186
(852)8	Delaware	2190
(853)9	Florida	[QUOTA N=200] 2194
(854)10	Georgia	2198
(855)11	Hawaii	2110
(856)12	Idaho	2114
(857)13	Illinois	[QUOTA N=200] 2202
(858)14	Indiana	2206
(859)15	Iowa	2118
(860)16	Kansas	2122
(861)17	Kentucky	2210
(862)18	Louisiana	2214
(863)19	Maine	2126
(864)20	Maryland	2218
(865)21	Massachusetts	2222
(866)22	Michigan	2226
(867)23	Minnesota	2230
(868)24	Mississippi	2234
(869)25	Missouri	2238
(870)26	Montana	2130
(871)27	Nebraska	2134
(872)28	Nevada	2242
(873)29	New Hampshire	2138
(874)30	New Jersey	2246
(875)31	New Mexico	2142
(876)32	New York	[QUOTA N=200] 2250
(877)33	North Carolina	2254
(878)34	North Dakota	2146

(879)35	Ohio	2258
(880)36	Oklahoma	2262
(908)37	Oregon	2266
(909)38	Pennsylvania [QUOTA N=200]	2270
(910)39	Rhode Island	2150
(911)40	South Carolina	2274
(912)41	South Dakota	2154
(913)42	Tennessee	2278
(914)43	Texas [QUOTA N=200]	2282
(915)44	Utah	2158
(916)45	Vermont	2162
(917)46	Virginia	2286
(918)47	Washington	2290
(919)48	West Virginia	2294
(920)49	Wisconsin	2298
(921)50	Wyoming	2166

**BASE: ALL QUALIFIED RESPONDENTS**

**Q305** Besides those we just asked about, with which other state court systems are you very or somewhat familiar? (DO NOT READ LIST)

(INTERVIEWER NOTE: PROBE FOR ALL STATES THEY ARE VERY OR SOMEWHAT FAMILIAR WITH)

[PROGRAMMER NOTE: DO NOT DISPLAY 24 SELECTED STATES FROM Q300.]

[MULTIPLE RECORD]

(2343,2344) (2345,2346) (2347,2348) (2349,2350) (2351,2352) (2353,2354) (2355,2356) (2357,2358) (2359,2360) (2361,2362)  
 (2363,2364) (2365,2366) (2367,2368) (2369,2370) (2371,2372) (2373,2374) (2375,2376) (2377,2378) (2379,2380) (2381,2382)  
 (2383,2384) (2385,2386) (2387,2388) (2389,2390) (2391,2392) (2393,2394) (2395,2396) (2397,2398) (2399,2400) (2401,2402)  
 (2403,2404) (2405,2406) (2407,2408) (2409,2410) (2411,2412) (2413,2414) (2415,2416) (2417,2418) (2419,2420) (2421,2422)

- 1 Alabama
- 2 Alaska
- 3 Arizona
- 4 Arkansas
- 5 California
- 6 Colorado
- 7 Connecticut
- 8 Delaware
- 9 Florida

- 10 Georgia
- 11 Hawaii
- 12 Idaho
- 13 Illinois
- 14 Indiana
- 15 Iowa
- 16 Kansas
- 17 Kentucky
- 18 Louisiana
- 19 Maine

- 20 Maryland
- 21 Massachusetts
- 22 Michigan
- 23 Minnesota
- 24 Mississippi
- 25 Missouri
- 26 Montana
- 27 Nebraska
- 28 Nevada

29 New Hampshire

30 New Jersey

31 New Mexico

32 New York

33 North Carolina

34 North Dakota

35 Ohio

36 Oklahoma

37 Oregon

38 Pennsylvania

39 Rhode Island

40 South Carolina

41 South Dakota

42 Tennessee

43 Texas

44 Utah

45 Vermont

46 Virginia

47 Washington

48 West Virginia

49 Wisconsin

50 Wyoming

51 None of these (v) E

97 Not sure (v) E

98 Decline to answer (v) E

**BASE: RESPONDENTS WHO MENTION 1 OR MORE STATES IN Q305**

**Q310** And would you say you are very familiar or somewhat familiar with [INSERT FIRST/NEXT STATE MENTIONED IN 305]'s state court systems?

1 Very familiar

2 Somewhat familiar

NOTE: START WITH SELECTING UP TO 10 STATES PER RESPONDENT.

**SECTION 400: STATE EVALUATIONS**

[PROGRAMMER NOTE: ASK Q400-420 UP TO 10 TIMES FOR EACH STATE PRIORITY SELECTED FROM (Q300/1-50 & Q301/1,2) & Q305/1-50.]

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))**

**Q400** Now I'd like to ask for your opinions about [IF VERY OR SOMEWHAT FAMILIAR WITH ONLY ONE STATE SHOW "the state"; OTHERWISE SHOW "some of the states"] with which you are familiar. 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 they are doing.

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

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

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

<b>Q401</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]

- |   |  |
|---|--|
| 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 | Punitive damages   |
| 5 | Timeliness of summary judgment or Dismissal                  |
| 6 | Discovery  |
| 7 | Scientific and technical evidence                            |
| 8 | Non-economic damages   |

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))**

**Q405** Using the same scale, I'd like you to think now about the effectiveness of some key people who implement this system.

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1<sup>ST</sup> STATE]

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

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

<b>Q406</b>	1	2	3	4	5	8	9
	"A"	"B"	"C"	"D"	"F"	Not Sure (v)	Decline to Answer (v)

[RANDOMIZE]

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

	1	2	3	4	5	6	7	8	9	10	11	12
1	2661	2678	2695	2712	2729	2746	2763	2780	2797	2814	2831	2848
2	2662	2679	2696	2713	2730	2747	2764	2781	2798	2815	2832	2849
3	2663	2680	2697	2714	2731	2748	2765	2782	2799	2816	2833	2850
4	2664	2681	2698	2715	2732	2749	2766	2783	2800	2817	2834	2851

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))**

**Q410** Is there any other key element that you think is critical to [INSERT STATE]'s liability system?

1	2	3	4	5	6	7	8	9	10	11	12
2665	2682	2699	2716	2733	2750	2767	2784	2801	2818	2835	2852

- 1 Yes [ASK Q412]
- 2 No [JUMP TO Q420]
- 8 Not sure (v) [JUMP TO Q420]
- 9 Decline to answer (v) [JUMP TO Q420]

**BASE: GAVE OTHER KEY ELEMENT (Q410/1)**

**Q412** What is that other element critical to [INSERT STATE]'s liability system?

[TEXT BOX]

**BASE: GAVE OTHER KEY ELEMENT (Q410/1)**

**Q415** What grade would you give them on this element?

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
2668	2685	2702	2719	2736	2753	2770	2787	2804	2821	2838	2855

- 1 "A"
- 2 "B"
- 3 "C"
- 4 "D"
- 5 "F"
- 8 Not sure (v)
- 9 Decline to answer (v)

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))**

**Q420** Overall, what grade would you give [INSERT STATE]?

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
2669	2686	2703	2720	2737	2754	2771	2788	2805	2822	2839	2856

- 1 "A"
- 2 "B"
- 3 "C"
- 4 "D"
- 5 "F"
- 8 Not sure (v)
- 9 Decline to answer (v)

**BASE: ALL QUALIFIED RESPONDENTS**

**Q435** 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?

[TEXT BOX].

**BASE: ALL QUALIFIED RESPONDENTS**

**Q441** 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? [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**

**Q445** 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? (INTERVIEWER NOTE: IF NECESSARY SAY: A JURISDICTION CAN BE DEFINED AS A COUNTY OR CITIES.)

[PROGRAMMER NOTE: CAN ACCEPT UP TO 5 RESPONSES]

[TEXT BOX: 1<sup>ST</sup> MENTION] ()

[TEXT BOX: 2<sup>ND</sup> MENTION] ()

[TEXT BOX: 3<sup>RD</sup> MENTION] ()

[TEXT BOX: 4<sup>TH</sup> MENTION] ()

[TEXT BOX: 5<sup>TH</sup> MENTION] ()

**BASE: ALL QUALIFIED RESPONDENTS Unless NULL to Q450/1**

**Q446** Why do you say [INSERT 1<sup>ST</sup> MENTION FROM Q445] has the LEAST fair and reasonable litigation environment for both defendants and plaintiffs?

[INTERVIEWER RECORD VERBATIM RESPONSE]

**BASE: ALL QUALIFIED RESPONDENTS [NEW]**

**Q450** Thinking about the entire country, what do you think are the five **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? (INTERVIEWER NOTE: IF NECESSARY SAY: A JURISDICTION CAN BE DEFINED AS A COUNTY OR CITIES.)

[PROGRAMMER NOTE: CAN ACCEPT UP TO 5 RESPONSES]

[TEXT BOX: 1<sup>ST</sup> MENTION]

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

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

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

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

**BASE: ALL QUALIFIED RESPONDENTS Unless NULL to Q450/1**

**Q451** Why do you say [INSERT 1<sup>ST</sup> MENTION FROM Q450] has the MOST fair and reasonable litigation environment for both defendants and plaintiffs?

[INTERVIEWER RECORD VERBATIM RESPONSE]

[PROGRAMMER NOTE: ASK Q447 FOR EACH STATE PRIORITY SELECTED FROM (Q300/1-50 & Q301/1,2) & Q305/1-50 AND ASKED IN Q400 – Q420.]

**BASE: RESPONDENTS WHO HAVE RATED STATES IN Q400 – Q420**

**Q447** When was the last time you were involved in, or very familiar with, litigation in [INSERT EACH STATE PRIORITY SELECTED from (Q300/1-50 & Q301/1,2) & Q305/1-50]

- 1        WITHIN THE PAST 12 MONTHS
- 2        1 – 2 YEARS AGO
- 3        2 – 3 YEARS AGO
- 4        MORE THAN 3 YEARS AGO
- 5        DON'T KNOW/REFUSED (DO NOT READ)



**SECTION 100: DEMOGRAPHICS**

**BASE: ALL QUALIFIED RESPONDENTS**

**Q100** Finally, I have a few questions to help us classify your responses. How many years have you been with your company? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR "NOT SURE (V)" AND 99 FOR "DECLINE TO ANSWER.")

|\_|\_| [RANGE: 0-50, 98, 99]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q103** What is your company's primary industry? (DO NOT READ LIST)

- |    |  |
|----|--|
| 1  | Agriculture, Forestry & Fishing                        |
| 2  | Mining   |
| 3  | Construction   |
| 4  | Manufacturing  |
| 5  | Transportation, Communication, Gas & Sanitary services |
| 6  | Wholesale trade  |
| 7  | Retail trade   |
| 8  | Finance  |
| 9  | Insurance  |
| 10 | Real estate  |
| 11 | Business services                                      |
| 12 | Professional Services                                  |
| 13 | Public administration                                  |
| 14 | Other  |
| 98 | Not sure (v)   |
| 99 | Decline to answer (v)                                  |

**BASE: ALL QUALIFIED RESPONDENTS [NEW]**

**Q104** 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. [if necessary, read: "just your best estimate is fine"] [Do not read list]

1. Under 100
2. 100-499
3. 500-999
4. 1,000 to 4,999
5. 5,000 to 9,999
6. 10K+
7. DK/REF

**BASE: ALL QUALIFIED RESPONDENTS [NEW]**

**Q106** What was your company's total gross revenue (before expenses, taxes, etc.) for 2005? If you are not sure, please give your best estimate.[ DO NOT READ LIST]

1. Under \$100 Million
2. \$100-249 Million
3. \$250-499 Million
4. \$500-749 Million
5. \$750-999 Million
6. \$1 to less than 2 Billion
7. \$2 to less than 3 Billion
8. \$3 to less than 4 Billion
9. \$4+ Billion
10. DK/REF

**BASE: ALL QUALIFIED RESPONDENTS**

**Q120** Where is your company's principal place of business?

[TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q130** Where are YOU primarily located?

[TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q121** To thank you for your participation in this survey, we are sharing an executive summary of the key findings with interested respondents. Would you like us to send this to you?

- |   |  |                |
|---|--|----------------|
| 1 | Yes, would like to get executive summary | [ASK Q122]     |
| 2 | No, do not want to get executive summary | [JUMP TO Q125] |
| 8 | Not sure (v)                             | [JUMP TO Q125] |
| 9 | Decline to answer (v)                    | [JUMP TO Q125] |

**BASE: WOULD LIKE EXECUTIVE SUMMARY (Q121/1) [REVISED]**

**Q122** 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.

RECORD EMAIL ADDRESS NUMBER \_\_\_\_\_  
99999 DK/REF

**BASE: ALL QUALIFIED RESPONDENTS**

**Q125** Thank you very much for your participation in this Harris Poll. We appreciate your sharing your perspective with us.

**BASE: ALL RESPONDENTS**

**Q60** [HIDDEN QUESTION-NOT SEEN ON SCREEN]

[QUALIFIED RESPONDENT MUST BE SOMEONE WHO AGREED TO CONTINUE AT Q205/1]

- 1 Qualified Complete
- 2 Non-qualified Complete