

***2005 U.S. CHAMBER OF COMMERCE
STATE LIABILITY SYSTEMS
RANKING STUDY***

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MARKET RESEARCH

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INTRODUCTION

The 2005 State Liability Systems Ranking Study was conducted for the U.S. Chamber Institute for Legal Reform among a national sample of in-house general counsel or other senior litigators at public corporations. This study was conducted between November 2004 and February 2005, updating previous research conducted in December 2003 to February 2004, December 2002 to February 2003 and January to February 2002. The goal was to explore how reasonable and fair 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:

- Tort and Contract Litigation
- Treatment of Class Action Suits
- Punitive Damages
- Timeliness of Summary Judgment/Dismissal
- Discovery
- Scientific and Technical Evidence
- Judges' Impartiality and Competence
- Juries' Predictability and Fairness

METHODOLOGICAL OVERVIEW

All interviews for *The 2005 State Liability Systems Ranking Study* were conducted by telephone among a nationally representative sample of senior attorneys at companies with annual revenues of at least \$100 million. Interviews averaging 17 minutes in length were conducted with a total of 1,437 respondents and took place between November 22, 2004 and February 18, 2005. The sample was segmented into two main groups. Of the 1,437 respondents, 80 were from insurance companies, with the remaining 1,357 interviews being conducted among public corporations.

For the past two years we increased the overall number of people interviewed by over 50%. The larger sample sizes have made the survey more reliable, and have helped reduce year-to-year fluctuations that might have been caused by small sample sizes in the past.

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 complete questionnaire is found in Appendix B.

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 4.0 scale where “A” = 4.0, “B” = 3.0, “C” = 2.0, “D” = 1.0, “F” = 0.0. Therefore, the mean score displayed can also be interpreted as a letter grade. For example, a mean score of 1.8 could be seen as roughly a “C-” grade.

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

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

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*; David Krane, Senior Vice President; Regina Corso, Research Director and Anna Welch, Research Associate. We would like to acknowledge Andrew R. Stephens 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

Legal reform is an issue that does not appear to be dissipating. While there has been some recent congressional action on class action lawsuits, tort reform is still being hotly debated. *The 2005 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform among a national sample of in-house general counsel or other senior litigators to explore how reasonable and fair the tort liability system is perceived to be by U.S. business. The 2005 study provides an updated picture of the findings from the previous surveys released in 2004, 2003 and 2002. 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.

Interviews conducted between November 2004 and February 2005 with 1,437 senior corporate attorneys found that some states stand out as leaders in creating a fair and reasonable litigation system, but **the majority (60%) of those surveyed give an overall ranking of fair or poor to the state court liability system in America – compared to 56% in 2004.** Further, and perhaps more importantly, an **overwhelming 81% report that the litigation environment in a state could affect important business decisions** at their company, such as where to locate or do business. [See Tables 1 and 2]

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

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

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

According to the U.S. businesses surveyed, the **states doing the best job of creating a fair and reasonable litigation environment are Delaware, Nebraska, North Dakota, Virginia, and Iowa. In 2004, the top five were Delaware, Nebraska, Virginia, Iowa, and Idaho. The bottom five states today are Mississippi, West Virginia, Alabama, Louisiana, and Illinois – compared to 2004, when the bottom five states were Mississippi, West Virginia, Alabama, Louisiana, and California.** [See Table 3]

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

- For **overall treatment of tort and contract litigation**, today the top five states are: Delaware, Nebraska, North Dakota, Virginia, and Iowa. In 2004, the top five consisted of Delaware, Nebraska, Virginia, Iowa, and Utah. Today the bottom five states are: Mississippi, West Virginia, Alabama, Louisiana, and California. In 2004, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and California. [See Table 7]
- For **treatment of class actions**, this year the top five states are: Delaware, Nebraska, North Dakota, Iowa and South Dakota. In 2004, the top five consisted of Delaware, Iowa, South Dakota, Idaho, and Nebraska. The bottom five states today are: West Virginia, Alabama, Louisiana, Illinois and California. In 2004, the bottom five states were: West Virginia, Alabama, Louisiana, California, and Illinois. [See Table 8]
- For **punitive damages**, today the top five states are: Delaware, North Dakota, Idaho, Indiana and Virginia. In 2004, the top five states consisted of: Delaware, Virginia, Iowa, Indiana, and Idaho. The bottom five states today are: Mississippi, Alabama, West Virginia, Illinois, and California. The bottom five states in 2004 were: Mississippi, Alabama, West Virginia, California, and Illinois. [See Table 9]
- For **timeliness of summary judgment/dismissal**, today the top five states are: Delaware, Nebraska, Virginia, North Dakota, and Idaho. In 2004, the top five states consisted of: Delaware, Virginia, Nebraska, Iowa, and New Hampshire. The bottom five states are: Mississippi, West Virginia, Alabama, Louisiana, and California. In 2004, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and California. [See Table 10]
- For **discovery**, today the top five states are: Delaware, North Dakota, Nebraska, Virginia, and New Hampshire. In 2004, the top five consisted of: Delaware, Virginia, Nebraska, New Hampshire, and Wisconsin. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and California. The bottom five states in 2004 were: Mississippi, West Virginia, Alabama, Louisiana, and California. [See Table 11]

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

- For handling of **scientific and technical evidence**, today the top five states are: Delaware, Washington, Virginia, Nebraska, and Minnesota. In 2004, the top five states consisted of: Delaware, Virginia, New York, Minnesota, and Idaho. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and Arkansas. In 2004, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Arkansas. *[See Table 12]*
- For **judges' impartiality**, this year the top five states are: Delaware, Nebraska, Iowa, North Dakota, and Maine. In 2004, the top five states consisted of: Delaware, Iowa, Nebraska, New Hampshire, and Virginia. The bottom five states today are: Mississippi, West Virginia, Louisiana, Alabama, and Illinois. In 2004, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Texas. *[See Table 13]*
- For **judges' competence**, today the top five states are: Delaware, Virginia, Minnesota, Colorado, Iowa. In 2004, the top five states were: Delaware, Virginia, Minnesota, Iowa, and Utah. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and Illinois. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Montana. *[See Table 14]*
- For **juries' predictability**, today the top five states are: Delaware, Nebraska, North Dakota, Wyoming, and Iowa. In 2004, the top five states were: Nebraska, North Dakota, Delaware, Iowa, and South Dakota. The bottom five states today are: Mississippi, Alabama, Louisiana, West Virginia, and California. In 2004, the bottom five states were: Mississippi, California, West Virginia, Alabama, and Louisiana. *[See Table 15]*
- For **juries' fairness**, today the top five states are: Nebraska, Delaware, North Dakota, South Dakota, and Iowa. In 2004, the top five states were: Iowa, Nebraska, Delaware, North Dakota, and Minnesota. The bottom five states today are: Mississippi, Alabama, West Virginia, Louisiana, and Illinois. In 2004, the bottom five states were: Mississippi, Alabama, West Virginia, Louisiana, and California. *[See Table 16]*

The study also asked respondents to name the most important issue that state policymakers who care about economic development should focus on to improve the litigation environment in their state. This year our top two responses were reversed from last year. Tort reform was cited by 22% of our respondents (as compared to 17% of the respondents in 2004) and 16% of our respondents named punitive damages as the most important issue (as compared to 24% of respondents last year). Other top issues named were limitation of class action lawsuits (named by 6% of respondents this year and in 2004), fairness and impartiality (5% this year as compared to 3% in 2004), and limit liability settlements (4% in 2005 as compared to 3% in 2004). *[See Table 4]*

In order to understand if there are any cities or counties which might impact a state's ranking, respondents were asked which five local jurisdictions have the least fair and reasonable litigation environments, a question first asked in 2004. The worst jurisdiction was Los Angeles, California (mentioned by 17% of the respondents), followed by Texas (various other mentions) which was mentioned by 14% of the respondents. At third worst were the New York Greater Metropolitan Area, San Francisco, California, and Cook County (Chicago), Illinois (each cited by 11% of the respondents), with Madison County in Illinois (cited by 10% of the respondents) coming in next. Other jurisdictions mentioned by the respondents were Dade County (Miami), Florida and Mississippi (various other mentions), each cited by 6% of respondents, and Philadelphia, cited by 5% of respondents. More than one third (37%) mentioned a jurisdiction in California, slightly over one-quarter (27%) mentioned a jurisdiction in Illinois and slightly under one-quarter (24%) mentioned a jurisdiction in Texas. *[See Table 5]*

Also asked were questions about the legislative reforms recently enacted in Mississippi and Texas. These questions were only asked of those respondents who evaluated these two states for the rankings. First, a good number of respondents are aware of these new laws. Over three-quarters (79%) of respondents who ranked Mississippi are aware of that state's new legislative reforms and 63% of Texas respondents are aware of Texas' recent legislation. Among those who are aware of the new laws, almost three-quarters (72%) are familiar with Mississippi's legal changes and 59% are familiar with the changes in Texas. *[See table 17]*

Of those respondents who are familiar with the new laws in Mississippi and Texas, there is some strong optimism that the litigation environment will improve as a result of the reforms. Among Mississippi respondents, almost half (49%) believe the law will lead to a major improvement in the litigation environment and 47% believe it will lead to a moderate improvement. Among those Texas respondents who are familiar with the changes, the optimism is not as strong. About one-third (32%) think the legislative change will lead to a major improvement in the litigation environment and 57% think the effect of the reforms will be a moderate improvement in the litigation environment. *[See Table 17]*

In conclusion, one thing important 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 to be, we may find considerable movement in the rankings in the future. And 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

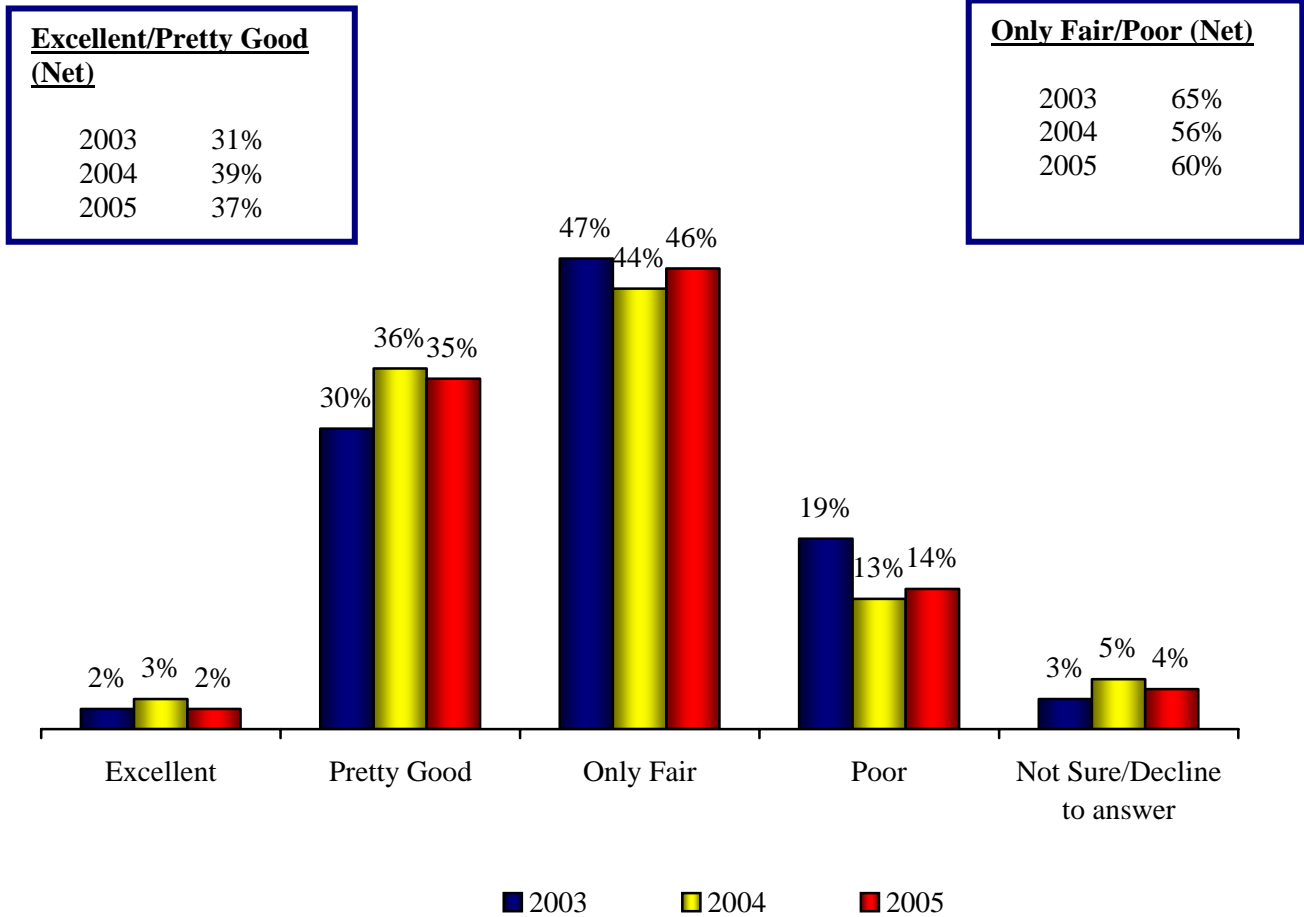


Table 2

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

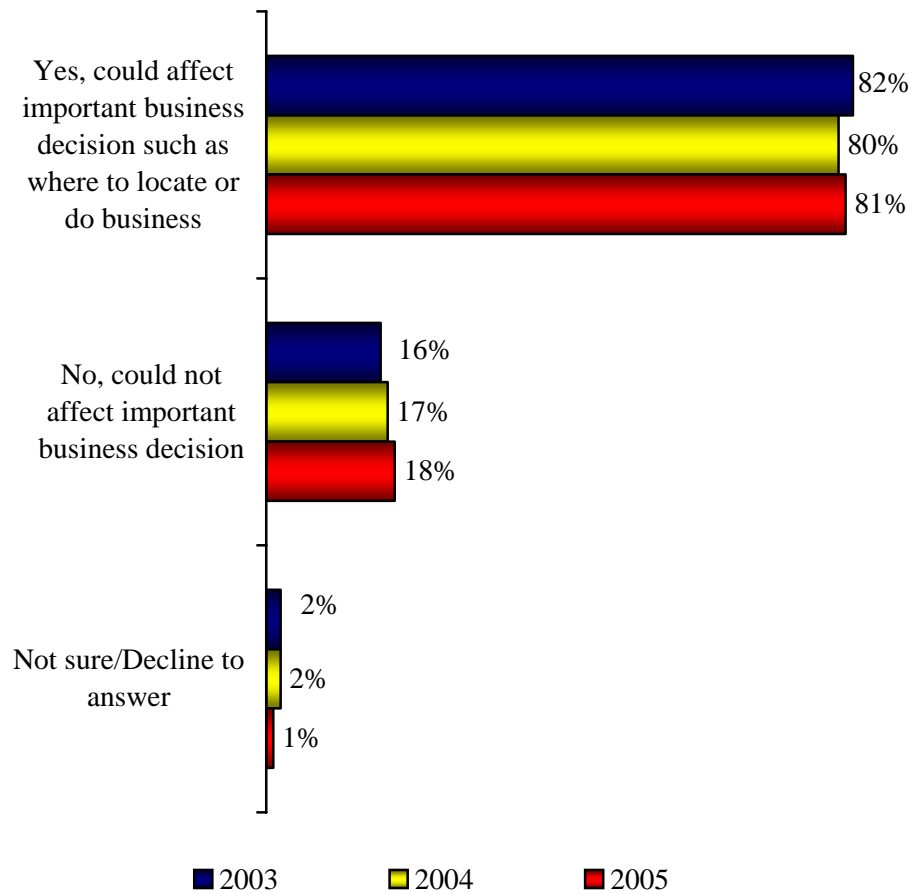


Table 3

Overall Ranking of State Liability Systems

STATE	2005			2004			2003			2002		
	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N
Delaware	1	76.0	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	64.0	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	65.0	177	9	63.5	85	19	61.0	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	58.0	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	61.0	53
New Hampshire	12	64.0	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	61.0	53	4	66.0	63
Wisconsin	17	62.5	143	10	64.4	178	11	62.7	74	15	62.1	66
Connecticut	18	62.0	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	54.0	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	55.0	62
Kentucky	36	54.9	129	35	56.0	178	35	54.0	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	53.0	178	42	48.0	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	52.0	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

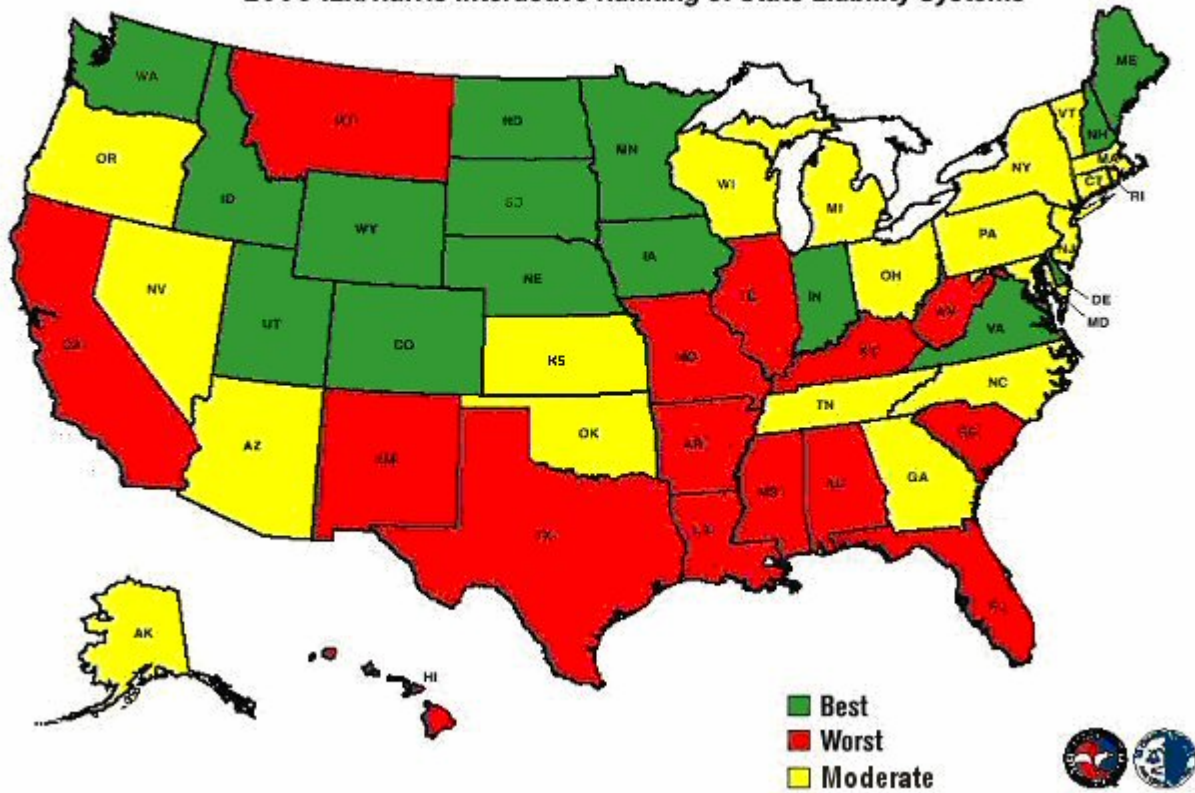
*Note: Scores displayed in this table have been rounded to one decimal point. However, when developing the ranking, scores were evaluated based on two decimal points. The column labeled “N” represents the number of evaluations for a given state.

Table 3A

Map of Overall Ranking of State Liability Systems

Best to Worst Legal Systems in America

2005 ILR/Harris Interactive Ranking of State Liability Systems



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

*Neither Best, nor Worst

Table 4

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

	Total
	%
Tort reform issues	22
Reform punitive damages	16
Limitation of class action suits	6
Fairness and impartiality	5
Limit liability settlements	4
Eliminate unnecessary lawsuits	4
Speeding up the trial process	3
Quality of judges	3
Fairness of regulations	3
Timeliness of decisions	2
Judicial competence	2
Appointment vs. election	2
Jury system reform	2
Attorney/court fees paid by loser	2
Workers' compensation	1
Predictability	1
Limits on discovery	1

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

Table 5

Local Jurisdictions with the Least Fair and Reasonable Litigation Environment*

	Total
	%
Los Angeles, California	17
Texas (various other jurisdictions)**	14
New York, Greater Metropolitan area	11
Cook County (Chicago), Illinois	11
San Francisco, California	11
Madison County, Illinois	10
Dade County (Miami), Florida	6
Mississippi (various other jurisdictions)**	6
Philadelphia, Pennsylvania	5
Houston, Texas	4
California (various other jurisdictions)**	4
New Orleans City/Parish, Louisiana	4
St. Clair County (East St. Louis), Illinois	4
Florida (various other jurisdictions)**	3
Beaumont, Texas	3
Dallas/Ft. Worth, Texas	3
Detroit, Michigan	3
Illinois (various other jurisdictions)**	3
St. Louis, Missouri	3
Jackson, Mississippi	3
Boston, Massachusetts	2
Louisiana (various other jurisdictions)**	2
Newark, New Jersey	1
New Jersey (various other jurisdictions)**	1
Missouri (various other jurisdictions)**	1
	Total
	%
California (sum of all mentions)	37
Illinois (sum of all mentions)	27
Texas (sum of all mentions)	24

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

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

Table 6

Summary of Top/Bottom 5 States By Key Elements

Treatment of Tort and Contract Litigation

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

Treatment of Class Action Suits

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

Punitive Damages

BEST	WORST
Delaware	Mississippi
North Dakota	Alabama
Idaho	West Virginia
Indiana	Illinois
Virginia	California

Timeliness of Summary Judgment/Dismissal

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

Discovery

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

Table 6 (Cont'd)

Summary of Top/Bottom 5 States By Key Elements

Scientific and Technical Evidence

BEST	WORST
Delaware	Mississippi
Washington	West Virginia
Virginia	Alabama
Nebraska	Louisiana
Minnesota	Arkansas

Judges' Impartiality

BEST	WORST
Delaware	Mississippi
Nebraska	West Virginia
Iowa	Louisiana
North Dakota	Alabama
Maine	Illinois

Judge's Competence

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
Minnesota	Alabama
Colorado	Louisiana
Iowa	Illinois

Juries' Predictability

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

Juries' Fairness

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

STATE RANKINGS BY KEY ELEMENTS

Table 7

State Rankings for Overall Treatment of Tort and Contract Litigation

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

Table 8
Treatment of Class Action Suits

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

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

Table 9
Punitive Damages

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

Table 10

Timeliness of Summary Judgment/Dismissal

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

Table 11

Discovery

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

Table 12
Scientific and Technical Evidence

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

Table 13
Judges' Impartiality

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

Table 14
Judges' Competence

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

Table 15

Juries' Predictability

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

Table 16

Juries' Fairness

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

Table 17

Recent Reforms in Mississippi and Texas

Awareness Of Recent Legislative Reforms on Litigation Environment

	Mississippi	Texas
Base size:	101	200
	%	%
Yes	79	63
No	21	37
Decline To Answer	-	-

Familiarity of Changes in the Legislative Reforms

	Mississippi	Texas
Base size:	80	126
	%	%
Very Familiar	28	15
Familiar	44	44
Not Very Familiar	28	38
Not at all Familiar	1	2
Decline To Answer	-	-

Effect of Legislative Reforms

	Mississippi	Texas
Base size:	57	75
	%	%
Major Improvement in Litigation Environment	49	32
Moderate Improvement in Litigation Environment	47	57
No effect on Litigation Environment	4	9
Slightly Worse Litigation Environment	-	1
Significantly Worse Litigation Environment	-	-
Not Sure/Decline To Answer	-	-

INDIVIDUAL STATE RANKINGS

(IN ALPHABETICAL ORDER)

Notes on reading the tables:

The following tables show the individual state rankings. For each state, the 2005 overall state ranking is shown. Also displayed is the number of evaluations of each state (shown as the “N=xxx”). For comparison, we have also included each state’s overall ranking from the previous three years.

Respondents who evaluated each state were first asked to rate the following elements of a state liability system: tort and contract litigation, treatment of class action suits, punitive damages, timeliness of summary judgment/dismissal, discovery, scientific and technical evidence, judges’ impartiality and competence, and juries’ predictability and fairness.

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 top five responses shown are labeled as “Additional Volunteered Items” on each individual state table on the following pages. The number of people who provided volunteer responses is very small (less than 50) 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 18

Alabama

2005 Overall Ranking: 48

Ratings on Key Elements of State Liability Systems (n=157)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	11	31	30	23	2.3	48
Treatment of Class Action Suits	%	-	9	22	25	29	2.1	47
Punitive Damages	%	1	8	19	24	41	2.0	43
Timeliness of Summary Judgment/Dismissal	%	1	11	38	26	18	2.5	48
Discovery	%	1	18	41	18	14	2.7	48
Scientific and Technical Evidence	%	1	13	32	23	14	2.5	48
Judges' Impartiality	%	2	11	35	28	16	2.5	47
Judges' Competence	%	1	14	43	26	9	2.7	48
Juries' Predictability	%	4	11	32	26	20	2.5	49
Juries' Fairness	%	1	11	24	32	25	2.2	49
OVERALL STATE GRADE	%	-	10	30	42	16	2.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=30

	%
Supreme court decisions	10
Appellate court issues	10
Class action issues	10
Tort reform legislation	10
Appointment vs. elections	10

Overall Ranking for Past Years

2004 = 48

2003 = 48

2002 = 48

Table 19

Alaska

2005 Overall Ranking: 33

Ratings on Key Elements of State Liability Systems (n=64)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	30	40	13	3	3.3	31
Treatment of Class Action Suits	%	6	21	37	7	4	3.2	22
Punitive Damages	%	4	21	31	16	9	3.0	34
Timeliness of Summary Judgment/Dismissal	%	9	23	39	11	6	3.2	29
Discovery	%	7	31	39	10	1	3.4	31
Scientific and Technical Evidence	%	6	30	31	9	1	3.4	30
Judges' Impartiality	%	7	37	29	16	1	3.4	36
Judges' Competence	%	6	36	36	9	3	3.4	37
Juries' Predictability	%	7	20	39	16	3	3.2	32
Juries' Fairness	%	6	20	40	16	4	3.1	38
OVERALL STATE GRADE	%	6	26	47	11	1	3.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=7

	%
Local/state issues/location driven	29
Number of environmental cases	14
The nature of the case	14
Fairness (i.e., court, laws, judges)	14

Overall Ranking for Past Years

2004 = 33

2003 = 32

2002 = 37

Table 20

Arizona

2005 Overall Ranking: 19

Ratings on Key Elements of State Liability Systems (n=95)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	-	50	42	2	2	3.5	19
Treatment of Class Action Suits	%	-	30	37	6	3	3.2	21
Punitive Damages	%	-	34	48	7	-	3.3	16
Timeliness of Summary Judgment/Dismissal	%	3	43	32	10	1	3.4	18
Discovery	%	4	44	37	9	-	3.5	24
Scientific and Technical Evidence	%	2	45	26	5	2	3.5	20
Judges' Impartiality	%	7	51	29	5	1	3.6	20
Judges' Competence	%	5	52	32	6	1	3.6	28
Juries' Predictability	%	1	32	44	9	3	3.2	24
Juries' Fairness	%	3	35	44	7	1	3.4	24
OVERALL STATE GRADE	%	-	55	38	3	1	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=10

	%
Tort reform legislation	20
Lawyer/judge competency	10
Local/state issues/location driven	10
Joint and several liability rules	10

Overall Ranking for Past Years

2004 = 14

2003 = 18

2002 = 11

Table 21

Arkansas

2005 Overall Ranking: 43

Ratings on Key Elements of State Liability Systems (n=169)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	24	40	20	5	3.0	41
Treatment of Class Action Suits	%	1	12	36	19	7	2.7	43
Punitive Damages	%	1	21	36	20	5	2.9	35
Timeliness of Summary Judgment/Dismissal	%	2	25	40	19	4	3.0	39
Discovery	%	2	29	43	12	3	3.2	42
Scientific and Technical Evidence	%	2	15	45	14	4	3.0	46
Judges' Impartiality	%	3	29	40	11	6	3.1	44
Judges' Competence	%	2	31	39	15	4	3.1	44
Juries' Predictability	%	1	20	38	19	6	2.9	43
Juries' Fairness	%	2	23	35	18	6	3.0	41
OVERALL STATE GRADE	%	1	25	46	18	3	3.0	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=6

	%
Tort reform legislation	33
Legislature	17
Appellate court issues	17
Quality of juries/juror pool	17
The nature of the case	17

Overall Ranking for Past Years

2004 = 42

2003 = 45

2002 = 44

Table 22

California

2005 Overall Ranking: 45

Ratings on Key Elements of State Liability Systems (n=351)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	18	34	28	14	2.6	46
Treatment of Class Action Suits	%	3	15	21	26	23	2.4	44
Punitive Damages	%	2	12	24	32	22	2.3	40
Timeliness of Summary Judgment/Dismissal	%	2	22	34	25	11	2.8	46
Discovery	%	4	27	36	17	9	3.0	46
Scientific and Technical Evidence	%	6	31	29	11	6	3.3	34
Judges' Impartiality	%	6	33	31	16	7	3.2	43
Judges' Competence	%	4	39	35	12	4	3.3	41
Juries' Predictability	%	2	15	38	21	13	2.7	46
Juries' Fairness	%	2	19	36	21	13	2.7	45
OVERALL STATE GRADE	%	2	18	39	28	11	2.7	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=84

	%
Legislature	21
Tort reform legislation	14
Business disputes/environment	10
Favor plaintiffs	5
Reform punitive damages	4

Overall Ranking for Past Years

2004 = 46

2003 = 44

2002 = 45

Table 23

Colorado

2005 Overall Ranking: 13

Ratings on Key Elements of State Liability Systems (n=93)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	51	30	6	1	3.6	10
Treatment of Class Action Suits	%	2	26	36	5	2	3.3	17
Punitive Damages	%	4	27	39	11	-	3.3	18
Timeliness of Summary Judgment/Dismissal	%	6	40	33	9	2	3.4	15
Discovery	%	4	53	34	-	1	3.6	9
Scientific and Technical Evidence	%	4	42	36	2	-	3.6	11
Judges' Impartiality	%	8	64	20	4	-	3.8	12
Judges' Competence	%	10	60	24	2	-	3.8	4
Juries' Predictability	%	1	33	38	9	1	3.3	19
Juries' Fairness	%	3	44	30	4	1	3.5	14
OVERALL STATE GRADE	%	2	55	37	2	-	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=12

	%
Legislature	17
Tort reform legislation	17
Favor plaintiffs	8
Business disputes/environment	8
Supreme court decisions	8

Overall Ranking for Past Years

2004 = 13

2003 = 12

2002 = 7

Table 24

Connecticut

2005 Overall Ranking: 18

Ratings on Key Elements of State Liability Systems (n=131)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	37	39	8	-	3.4	21
Treatment of Class Action Suits	%	2	27	33	6	-	3.4	12
Punitive Damages	%	5	27	36	8	-	3.4	12
Timeliness of Summary Judgment/Dismissal	%	4	29	37	13	2	3.2	26
Discovery	%	3	46	30	6	1	3.5	21
Scientific and Technical Evidence	%	4	38	27	3	-	3.6	9
Judges' Impartiality	%	10	52	25	2	1	3.8	14
Judges' Competence	%	7	57	25	2	-	3.8	9
Juries' Predictability	%	1	27	44	9	-	3.3	21
Juries' Fairness	%	3	37	35	6	-	3.5	17
OVERALL STATE GRADE	%	2	44	40	5	1	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=8

	%
Legislature	38
Reform punitive damages	13
Timeliness for trial	13
Discovery issues	13
Fairness (i.e., court, laws, judges)	13

Overall Ranking for Past Years

2004 = 18

2003 = 17

2002 = 10

Table 25

Delaware

2005 Overall Ranking: 1

Ratings on Key Elements of State Liability Systems (n=128)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	25	61	8	1	1	4.1	1
Treatment of Class Action Suits	%	26	47	13	2	1	4.1	1
Punitive Damages	%	19	47	16	2	1	4.0	1
Timeliness of Summary Judgment/Dismissal	%	20	48	20	4	1	3.9	1
Discovery	%	19	52	15	3	1	3.9	1
Scientific and Technical Evidence	%	16	44	17	-	1	4.0	1
Judges' Impartiality	%	37	50	6	1	1	4.3	1
Judges' Competence	%	44	44	5	2	-	4.4	1
Juries' Predictability	%	8	42	25	2	1	3.7	1
Juries' Fairness	%	7	53	20	1	1	3.8	2
OVERALL STATE GRADE	%	24	61	10	1	1	4.1	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=15

	%
Business dispute/environment	53
Timeliness for trial	13
Lawyer/judge competency	13
Legislature	13

Overall Ranking for Past Years

2004 = 1

2003 = 1

2002 = 1

Table 26

Florida

2005 Overall Ranking: 42

Ratings on Key Elements of State Liability Systems (n=288)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	26	44	18	7	3.0	40
Treatment of Class Action Suits	%	2	19	33	22	7	2.8	40
Punitive Damages	%	2	20	39	19	9	2.9	37
Timeliness of Summary Judgment/Dismissal	%	2	21	39	25	6	2.9	44
Discovery	%	2	32	42	13	3	3.2	41
Scientific and Technical Evidence	%	2	23	39	12	1	3.2	39
Judges' Impartiality	%	4	35	34	16	5	3.2	42
Judges' Competence	%	3	34	40	15	3	3.2	43
Juries' Predictability	%	2	19	42	17	6	2.9	42
Juries' Fairness	%	2	18	48	15	6	2.9	42
OVERALL STATE GRADE	%	2	26	48	16	5	3.0	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=38

	%
Tort reform legislation	21
Local/state issues/location driven	11
Legislature	8
The workers' comp shield	8
Statute issues	8

Overall Ranking for Past Years

2004 = 38

2003 = 40

2002 = 33

Table 27

Georgia

2005 Overall Ranking: 28

Ratings on Key Elements of State Liability Systems (n=170)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	37	38	14	1	3.3	27
Treatment of Class Action Suits	%	3	27	34	12	2	3.2	23
Punitive Damages	%	2	31	37	11	5	3.2	24
Timeliness of Summary Judgment/Dismissal	%	5	27	42	10	5	3.2	27
Discovery	%	9	39	33	8	1	3.5	18
Scientific and Technical Evidence	%	6	38	31	5	1	3.5	14
Judges' Impartiality	%	10	40	33	10	1	3.5	30
Judges' Competence	%	7	45	31	11	-	3.5	30
Juries' Predictability	%	2	24	40	16	3	3.1	38
Juries' Fairness	%	5	30	34	12	3	3.2	31
OVERALL STATE GRADE	%	2	41	42	10	1	3.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=12

	%
Tort reform legislation	33
Class action issues	17
Lawyer/judge competency	8
Business disputes/environment	8
Timeliness for trial	8

Overall Ranking for Past Years

2004 = 29

2003 = 39

2002 = 23

Table 28

Hawaii

2005 Overall Ranking: 41

Ratings on Key Elements of State Liability Systems (n=81)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	17	47	17	7	2.9	44
Treatment of Class Action Suits	%	1	11	36	14	6	2.8	41
Punitive Damages	%	2	13	39	19	8	2.8	38
Timeliness of Summary Judgment/Dismissal	%	3	20	40	17	8	2.9	43
Discovery	%	3	30	38	12	3	3.2	39
Scientific and Technical Evidence	%	3	20	44	8	4	3.1	42
Judges' Impartiality	%	6	30	32	14	4	3.2	40
Judges' Competence	%	3	34	36	12	2	3.3	40
Juries' Predictability	%	1	17	48	16	2	3.0	40
Juries' Fairness	%	1	22	36	21	4	2.9	43
OVERALL STATE GRADE	%	2	21	47	14	6	3.0	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=3

Favor plaintiffs

%

33

The nature of the case

33

Overall Ranking for Past Years

2004 = 39

2003 = 43

2002 = 40

Table 29

Idaho

2005 Overall Ranking: 10

Ratings on Key Elements of State Liability Systems (n=61)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	49	32	7	-	3.5	18
Treatment of Class Action Suits	%	3	38	26	10	3	3.3	15
Punitive Damages	%	10	37	31	6	-	3.6	3
Timeliness of Summary Judgment/Dismissal	%	10	38	24	6	3	3.6	5
Discovery	%	6	49	25	7	-	3.6	12
Scientific and Technical Evidence	%	4	35	29	7	-	3.5	22
Judges' Impartiality	%	15	43	22	4	-	3.8	11
Judges' Competence	%	12	44	24	4	1	3.7	14
Juries' Predictability	%	6	40	31	7	-	3.5	8
Juries' Fairness	%	12	32	34	4	1	3.6	12
OVERALL STATE GRADE	%	6	50	29	3	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=7

	%
Local/state issues/location driven	29
Timeliness for trial	14
Business disputes/environment	14
The nature of the case	14

Overall Ranking for Past Years

2004 = 5

2003 = 13

2002 = 14

Table 30

Illinois

2005 Overall Ranking: 46

Ratings on Key Elements of State Liability Systems (n=285)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	20	36	21	17	2.7	45
Treatment of Class Action Suits	%	2	14	26	18	24	2.4	45
Punitive Damages	%	1	11	25	28	23	2.3	41
Timeliness of Summary Judgment/Dismissal	%	3	17	40	22	9	2.8	45
Discovery	%	3	26	40	16	8	3.0	45
Scientific and Technical Evidence	%	2	25	34	14	9	3.0	45
Judges' Impartiality	%	3	27	31	18	15	2.8	46
Judges' Competence	%	4	27	37	17	8	3.0	46
Juries' Predictability	%	3	16	42	17	10	2.8	45
Juries' Fairness	%	3	15	38	19	15	2.7	46
OVERALL STATE GRADE	%	1	23	35	25	14	2.7	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=68

	%
Local/state issues/location driven	40
Tort reform legislation	9
Appointment vs. elections	9
Class action issues	6
Favor plaintiffs	4

Overall Ranking for Past Years

2004 = 44

2003 = 38

2002 = 34

Table 31

Indiana

2005 Overall Ranking: 6

Ratings on Key Elements of State Liability Systems (n=119)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	8	52	31	2	2	3.7	6
Treatment of Class Action Suits	%	4	35	28	6	2	3.4	6
Punitive Damages	%	10	40	31	6	2	3.6	4
Timeliness of Summary Judgment/Dismissal	%	6	43	33	3	4	3.5	9
Discovery	%	5	51	35	2	1	3.6	13
Scientific and Technical Evidence	%	4	38	35	3	-	3.5	17
Judges' Impartiality	%	11	58	20	3	-	3.8	8
Judges' Competence	%	10	53	23	4	1	3.7	10
Juries' Predictability	%	4	43	39	4	-	3.5	9
Juries' Fairness	%	6	51	31	3	-	3.7	8
OVERALL STATE GRADE	%	6	57	28	4	1	3.7	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=11

	%
Tort reform legislation	27
Timeliness for trial	18
Appellate court issues	9
Local/state issues/location driven	9
Reform punitive damages	9

Overall Ranking for Past Years

2004 = 11

2003 = 5

2002 = 12

Table 32

Iowa

2005 Overall Ranking: 5

Ratings on Key Elements of State Liability Systems (n=155)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	54	28	3	1	3.7	5
Treatment of Class Action Suits	%	6	34	31	3	2	3.5	4
Punitive Damages	%	7	35	34	5	1	3.5	8
Timeliness of Summary Judgment/Dismissal	%	6	40	34	7	-	3.5	7
Discovery	%	5	55	26	3	2	3.6	8
Scientific and Technical Evidence	%	4	48	25	3	1	3.6	8
Judges' Impartiality	%	14	58	18	2	1	3.9	3
Judges' Competence	%	10	59	20	1	1	3.8	5
Juries' Predictability	%	5	47	31	4	2	3.6	5
Juries' Fairness	%	8	52	26	4	-	3.7	5
OVERALL STATE GRADE	%	5	59	27	2	1	3.7	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=13

	%
Tort reform legislation	15
Timeliness for trial	8
Local/state issues/location driven	8
Reform punitive damages	8
Control frivolous lawsuits	8

Overall Ranking for Past Years

2004 = 4

2003 = 3

2002 = 5

Table 33

Kansas

2005 Overall Ranking: 16

Ratings on Key Elements of State Liability Systems (n=148)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	47	34	4	2	3.5	15
Treatment of Class Action Suits	%	6	29	31	6	2	3.4	8
Punitive Damages	%	5	34	35	6	2	3.4	11
Timeliness of Summary Judgment/Dismissal	%	6	38	34	7	4	3.4	19
Discovery	%	6	45	33	4	2	3.5	17
Scientific and Technical Evidence	%	4	34	35	1	4	3.4	27
Judges' Impartiality	%	12	48	22	5	2	3.7	16
Judges' Competence	%	7	50	27	4	1	3.6	20
Juries' Predictability	%	4	39	34	4	3	3.4	12
Juries' Fairness	%	3	42	34	2	2	3.5	16
OVERALL STATE GRADE	%	3	52	32	4	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**
 N=13

	%
Reform punitive damages	23
Tort reform legislation	15
Timeliness for trial	8
Comparative negligence	8
Legislature	8

Overall Ranking for Past Years

2004 = 9
2003 = 15
2002 = 4

Table 34

Kentucky

2005 Overall Ranking: 36

Ratings on Key Elements of State Liability Systems (n=129)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	34	41	14	1	3.2	32
Treatment of Class Action Suits	%	2	18	45	12	3	3.1	34
Punitive Damages	%	3	22	41	14	5	3.0	28
Timeliness of Summary Judgment/Dismissal	%	4	23	43	16	6	3.1	35
Discovery	%	4	35	42	7	2	3.3	33
Scientific and Technical Evidence	%	1	20	47	12	3	3.1	44
Judges' Impartiality	%	7	36	36	12	1	3.4	35
Judges' Competence	%	4	36	40	11	1	3.3	39
Juries' Predictability	%	4	22	46	10	4	3.1	33
Juries' Fairness	%	5	25	43	9	3	3.2	30
OVERALL STATE GRADE	%	1	31	50	9	2	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**
 N=10

	%
Tort reform legislation	20
Timeliness for trial	10
Local/state issues/location driven	10
Reform punitive damages	10
Class action issues	10

Overall Ranking for Past Years

2004 = 35
2003 = 35
2002 = 38

Table 35

Louisiana

2005 Overall Ranking: 47

Ratings on Key Elements of State Liability Systems (n=146)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	11	39	32	14	2.5	47
Treatment of Class Action Suits	%	1	13	26	25	19	2.4	46
Punitive Damages	%	Louisiana does not allow punitive damages in general						
Timeliness of Summary Judgment/Dismissal	%	1	16	33	27	16	2.5	47
Discovery	%	2	16	41	24	8	2.8	47
Scientific and Technical Evidence	%	-	13	38	23	13	2.6	47
Judges' Impartiality	%	1	14	31	30	18	2.5	48
Judges' Competence	%	1	16	44	26	8	2.7	47
Juries' Predictability	%	4	12	36	30	13	2.6	48
Juries' Fairness	%	-	11	38	28	16	2.5	47
OVERALL STATE GRADE	%	-	11	38	35	12	2.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**
 N=32

	%
Political influence/interference	16
Tort reform legislation	16
Local/state issues/location driven	13
Legislature	9
Appointment vs. elections	9

Overall Ranking for Past Years

2004 = 47
2003 = 47
2002 = 47

Table 36

Maine

2005 Overall Ranking: 11

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

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	8	41	29	6	2	3.5	13
Treatment of Class Action Suits	%	4	30	27	9	1	3.4	11
Punitive Damages	%	9	27	31	7	1	3.5	9
Timeliness of Summary Judgment/Dismissal	%	9	31	26	11	1	3.5	13
Discovery	%	8	40	29	4	-	3.6	10
Scientific and Technical Evidence	%	8	29	37	6	-	3.5	21
Judges' Impartiality	%	17	46	20	3	-	3.9	5
Judges' Competence	%	11	41	29	2	-	3.7	11
Juries' Predictability	%	4	31	36	8	1	3.4	15
Juries' Fairness	%	11	36	29	7	-	3.6	9
OVERALL STATE GRADE	%	6	48	30	4	-	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=7

	%
Legislature	29
Lawyer/judge competency	14
Tort reform legislation	14
The nature of the case	14

Overall Ranking for Past Years

2004 = 12

2003 = 16

2002 = 18

Table 37

Maryland

2005 Overall Ranking: 23

Ratings on Key Elements of State Liability Systems (n=95)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	36	43	7	3	3.3	26
Treatment of Class Action Suits	%	2	22	42	8	2	3.2	29
Punitive Damages	%	2	33	31	15	4	3.2	23
Timeliness of Summary Judgment/Dismissal	%	4	36	42	8	3	3.3	23
Discovery	%	5	44	35	6	3	3.5	26
Scientific and Technical Evidence	%	3	37	36	5	1	3.4	26
Judges' Impartiality	%	9	48	29	6	1	3.6	21
Judges' Competence	%	4	53	29	5	1	3.6	25
Juries' Predictability	%	4	30	42	7	3	3.3	18
Juries' Fairness	%	5	36	33	8	4	3.3	25
OVERALL STATE GRADE	%	2	41	42	10	-	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=8

	%
Tort reform legislation	63
Statute issues	13
Legislature	13
Timeliness for trial	13

Overall Ranking for Past Years

2004 = 21

2003 = 23

2002 = 22

Table 38

Massachusetts

2005 Overall Ranking: 31

Ratings on Key Elements of State Liability Systems (n=144)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element	
Overall Treatment of Tort and Contract Litigation	%	5	30	39	17	1	3.2	33	
Treatment of Class Action Suits	%	5	18	33	15	3	3.1	33	
Punitive Damages	%	Massachusetts does not allow punitive damages in general							
Timeliness of Summary Judgment/Dismissal	%	2	21	43	16	7	2.9	42	
Discovery	%	3	37	41	11	1	3.3	34	
Scientific and Technical Evidence	%	9	40	25	9	1	3.6	12	
Judges' Impartiality	%	13	41	27	11	2	3.6	26	
Judges' Competence	%	14	46	23	11	1	3.6	18	
Juries' Predictability	%	1	26	43	11	1	3.2	31	
Juries' Fairness	%	3	33	33	15	-	3.3	29	
OVERALL STATE GRADE	%	4	41	39	13	-	3.4		

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=14

	%
Timeliness for trial	29
Legislature	14
Composition of juries	7
Appellate court issues	7
Reform punitive damages	7

Overall Ranking for Past Years

2004 = 28

2003 = 22

2002 = 36

Table 39

Michigan

2005 Overall Ranking: 24

Ratings on Key Elements of State Liability Systems (n=135)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	41	40	8	1	3.4	22
Treatment of Class Action Suits	%	3	24	41	10	2	3.2	26
Punitive Damages	%	6	30	36	10	3	3.3	17
Timeliness of Summary Judgment/Dismissal	%	3	37	38	11	1	3.3	21
Discovery	%	5	41	40	4	1	3.5	20
Scientific and Technical Evidence	%	3	36	38	3	1	3.4	25
Judges' Impartiality	%	6	44	36	5	1	3.5	29
Judges' Competence	%	8	49	34	1	-	3.7	15
Juries' Predictability	%	-	32	44	13	1	3.2	27
Juries' Fairness	%	2	38	37	12	1	3.3	27
OVERALL STATE GRADE	%	3	38	48	6	1	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=14

	%
Legislature	21
Control frivolous lawsuits	14
Statute issues	14
Reform punitive damages	14
Use of mediation	7

Overall Ranking for Past Years

2004 = 23

2003 = 29

2002 = 28

Table 40

Minnesota

2005 Overall Ranking: 7

Ratings on Key Elements of State Liability Systems (n=77)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	50	31	7	-	3.5	12
Treatment of Class Action Suits	%	2	33	37	5	1	3.4	10
Punitive Damages	%	7	29	38	8	-	3.4	10
Timeliness of Summary Judgment/Dismissal	%	10	40	31	10	-	3.6	6
Discovery	%	7	45	32	2	-	3.7	6
Scientific and Technical Evidence	%	10	39	26	4	-	3.7	5
Judges' Impartiality	%	17	46	21	6	-	3.8	9
Judges' Competence	%	17	50	18	5	-	3.9	3
Juries' Predictability	%	7	40	26	10	-	3.5	6
Juries' Fairness	%	13	40	23	10	-	3.7	7
OVERALL STATE GRADE	%	4	51	31	6	-	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=3

%

Joint and several liability rules

33

Control frivolous lawsuits

33

Overall Ranking for Past Years

2004 = 8

2003 = 9

2002 = 19

Table 41

Mississippi

2005 Overall Ranking: 50

Ratings on Key Elements of State Liability Systems (n=164)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	8	20	33	31	2.1	50
Treatment of Class Action Suits	%	Mississippi does not have class actions						
Punitive Damages	%	1	7	13	28	42	1.9	44
Timeliness of Summary Judgment/Dismissal	%	2	6	28	28	23	2.3	50
Discovery	%	1	9	34	20	19	2.4	50
Scientific and Technical Evidence	%	1	8	23	27	22	2.2	50
Judges' Impartiality	%	1	11	21	31	24	2.3	50
Judges' Competence	%	1	9	38	25	17	2.5	50
Juries' Predictability	%	5	12	27	23	23	2.5	50
Juries' Fairness	%	1	5	16	29	40	1.9	50
OVERALL STATE GRADE	%	1	8	20	40	25	2.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**
 N=41

	%
Tort reform legislation	39
Local/state issues/location driven	12
Supreme court decisions	10
Appellate court issues	7
Legislature	5

Overall Ranking for Past Years

2004 = 50
2003 = 50
2002 = 50

Table 42

Missouri

2005 Overall Ranking: 40

Ratings on Key Elements of State Liability Systems (n=121)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	-	28	41	15	8	3.0	42
Treatment of Class Action Suits	%	-	22	33	14	6	2.9	38
Punitive Damages	%	2	21	38	20	5	2.9	36
Timeliness of Summary Judgment/Dismissal	%	-	22	45	15	5	3.0	41
Discovery	%	1	36	36	12	4	3.2	40
Scientific and Technical Evidence	%	5	22	32	14	5	3.1	43
Judges' Impartiality	%	3	34	37	11	6	3.2	41
Judges' Competence	%	2	36	40	8	5	3.2	42
Juries' Predictability	%	2	22	46	11	3	3.1	34
Juries' Fairness	%	1	27	40	13	5	3.1	40
OVERALL STATE GRADE	%	-	27	47	14	5	3.0	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=16

	%
Tort reform legislation	19
Local/state issues/location driven	13
Timeliness for trial	13
Reform punitive damages	6
Business disputes/environment	6

Overall Ranking for Past Years

2004 = 41

2003 = 33

2002 = 29

Table 43

Montana

2005 Overall Ranking: 37

Ratings on Key Elements of State Liability Systems (n=70)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	32	37	18	3	3.1	38
Treatment of Class Action Suits	%	3	21	34	11	7	3.0	36
Punitive Damages	%	4	17	38	18	4	3.0	33
Timeliness of Summary Judgment/Dismissal	%	4	26	38	17	-	3.2	28
Discovery	%	3	37	37	12	1	3.3	35
Scientific and Technical Evidence	%	3	24	39	12	3	3.1	40
Judges' Impartiality	%	8	38	28	9	7	3.4	38
Judges' Competence	%	3	42	32	13	1	3.3	38
Juries' Predictability	%	3	33	38	11	4	3.2	22
Juries' Fairness	%	4	30	37	16	3	3.2	35
OVERALL STATE GRADE	%	1	30	42	14	4	3.1	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=5

%

Local/state issues/location driven

20

Statute issues

20

Appointment vs. elections

20

Overall Ranking for Past Years

2004 = 43

2003 = 28

2002 = 43

Table 44

Nebraska

2005 Overall Ranking: 2

Ratings on Key Elements of State Liability Systems (n=98)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element	
Overall Treatment of Tort and Contract Litigation	%	10	57	19	2	-	3.9	2	
Treatment of Class Action Suits	%	10	35	25	5	-	3.7	2	
Punitive Damages	%	Nebraska does not allow punitive damages in general							
Timeliness of Summary Judgment/Dismissal	%	12	45	22	6	1	3.7	2	
Discovery	%	11	46	26	3	-	3.8	3	
Scientific and Technical Evidence	%	7	46	26	3	-	3.7	4	
Judges' Impartiality	%	20	47	18	3	1	3.9	2	
Judges' Competence	%	11	54	21	2	1	3.8	6	
Juries' Predictability	%	9	47	24	2	3	3.7	2	
Juries' Fairness	%	13	52	18	2	1	3.9	1	
OVERALL STATE GRADE	%	10	59	20	1	-	3.9		

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=8

	%
Reform punitive damages	25
Local/state issues/location driven	13
Timeliness for trial	13
The nature of the case	13

Overall Ranking for Past Years

2004 = 2

2003 = 2

2002 = 6

Table 45

Nevada

2005 Overall Ranking: 29

Ratings on Key Elements of State Liability Systems (n=109)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	32	44	11	2	3.3	30
Treatment of Class Action Suits	%	4	23	37	5	4	3.2	20
Punitive Damages	%	3	22	43	3	6	3.2	22
Timeliness of Summary Judgment/Dismissal	%	4	30	37	9	4	3.2	25
Discovery	%	4	36	42	5	1	3.4	27
Scientific and Technical Evidence	%	4	27	39	7	1	3.3	33
Judges' Impartiality	%	6	39	33	9	1	3.5	33
Judges' Competence	%	4	43	32	7	2	3.5	32
Juries' Predictability	%	2	23	40	14	3	3.1	36
Juries' Fairness	%	3	33	31	10	3	3.3	28
OVERALL STATE GRADE	%	2	40	42	8	1	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=9

	%
Business disputes/environment	22
Appellate court issues	11
Reform punitive damages	11
Class action issues	11
Lawyer/judge competency	11

Overall Ranking for Past Years

2004 = 34

2003 = 34

2002 = 30

Table 46

New Hampshire

2005 Overall Ranking: 12

Ratings on Key Elements of State Liability Systems (n=95)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	8	39	37	5	-	3.6	11
Treatment of Class Action Suits	%	6	24	33	8	1	3.4	13
Punitive Damages	%	New Hampshire does not allow punitive damages in general						
Timeliness of Summary Judgment/Dismissal	%	8	38	29	9	1	3.5	8
Discovery	%	9	41	34	2	-	3.7	5
Scientific and Technical Evidence	%	7	37	30	3	1	3.6	10
Judges' Impartiality	%	15	43	26	1	-	3.9	7
Judges' Competence	%	11	44	25	5	-	3.7	13
Juries' Predictability	%	3	34	38	6	1	3.4	13
Juries' Fairness	%	9	36	35	3	-	3.6	10
OVERALL STATE GRADE	%	9	44	34	5	-	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=7

	%
Local/state issues/location driven	29
Appellate court issues	14
Timeliness for trial	14
Legislature	14
Tort reform legislation	14

Overall Ranking for Past Years

2004 = 7

2003 = 10

2002 = 17

Table 47

New Jersey

2005 Overall Ranking: 30

Ratings on Key Elements of State Liability Systems (n=194)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element	
Overall Treatment of Tort and Contract Litigation	%	3	35	39	14	5	3.2	35	
Treatment of Class Action Suits	%	4	31	28	15	5	3.2	30	
Punitive Damages	%	New Jersey does not allow punitive damages in general							
Timeliness of Summary Judgment/Dismissal	%	5	29	41	13	5	3.2	32	
Discovery	%	3	45	38	8	2	3.4	30	
Scientific and Technical Evidence	%	6	38	32	5	3	3.5	23	
Judges' Impartiality	%	10	47	30	8	4	3.5	28	
Judges' Competence	%	8	51	29	7	2	3.6	27	
Juries' Predictability	%	2	27	47	10	3	3.2	29	
Juries' Fairness	%	3	31	42	13	3	3.2	33	
OVERALL STATE GRADE	%	2	44	38	12	2	3.3		

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=19

	%
Tort reform legislation	16
Political influence/interference	11
Appellate court issues	11
Timeliness for trial	11
Fairness (i.e., court, laws, judges)	11

Overall Ranking for Past Years

2004 = 26

2003 = 30

2002 = 32

Table 48

New Mexico

2005 Overall Ranking: 38

Ratings on Key Elements of State Liability Systems (n=155)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	34	34	16	4	3.2	34
Treatment of Class Action Suits	%	2	19	30	14	7	2.9	39
Punitive Damages	%	2	21	38	16	4	3.0	29
Timeliness of Summary Judgment/Dismissal	%	2	27	39	13	7	3.1	34
Discovery	%	1	36	40	9	2	3.3	38
Scientific and Technical Evidence	%	1	30	31	11	3	3.2	36
Judges' Impartiality	%	6	39	31	11	3	3.4	34
Judges' Competence	%	5	40	31	11	2	3.4	36
Juries' Predictability	%	2	22	37	19	5	3.0	41
Juries' Fairness	%	2	29	33	29	6	3.1	36
OVERALL STATE GRADE	%	4	32	39	17	2	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=16

	%
Joint and several liability rules	19
Tort reform legislation	13
Political influence/interference	6
Appellate court issues	6
Reform punitive damages	6

Overall Ranking for Past Years

2004 = 37

2003 = 41

2002 = 39

Table 49

New York

2005 Overall Ranking: 27

Ratings on Key Elements of State Liability Systems (n=256)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	9	38	34	12	3	3.4	23
Treatment of Class Action Suits	%	8	25	36	11	6	3.2	24
Punitive Damages	%	5	28	32	17	5	3.1	25
Timeliness of Summary Judgment/Dismissal	%	4	24	43	18	5	3.0	37
Discovery	%	9	39	32	11	3	3.4	28
Scientific and Technical Evidence	%	11	41	23	5	2	3.7	6
Judges' Impartiality	%	9	48	29	6	2	3.6	22
Judges' Competence	%	12	52	25	5	1	3.7	12
Juries' Predictability	%	3	23	44	16	3	3.1	35
Juries' Fairness	%	4	29	43	11	4	3.2	34
OVERALL STATE GRADE	%	4	41	39	11	1	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=36

	%
Business disputes/environment	14
Tort reform legislation	14
Timeliness for trial	11
Legislature	8
Court resources/funding/staffing	8

Overall Ranking for Past Years

2004 = 22

2003 = 27

2002 = 27

Table 50

North Carolina

2005 Overall Ranking: 20

Ratings on Key Elements of State Liability Systems (n=114)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	44	36	7	1	3.5	17
Treatment of Class Action Suits	%	6	25	34	8	2	3.4	14
Punitive Damages	%	5	31	33	12	2	3.3	15
Timeliness of Summary Judgment/Dismissal	%	4	32	47	7	2	3.3	22
Discovery	%	4	42	42	3	1	3.5	22
Scientific and Technical Evidence	%	3	32	43	4	1	3.4	29
Judges' Impartiality	%	10	42	34	8	-	3.6	24
Judges' Competence	%	9	46	35	4	-	3.6	19
Juries' Predictability	%	2	34	37	9	5	3.2	25
Juries' Fairness	%	6	31	44	6	3	3.4	23
OVERALL STATE GRADE	%	3	45	42	4	2	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=9

	%
Business disputes/environment	22
Tort reform legislation	22
Joint and several liability rules	11
Reform punitive damages	11
Venue selection	11

Overall Ranking for Past Years

2004 = 19

2003 = 20

2002 = 16

Table 51

North Dakota

2005 Overall Ranking: 3

Ratings on Key Elements of State Liability Systems (n=57)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	11	57	18	5	-	3.8	3
Treatment of Class Action Suits	%	5	36	26	3	-	3.6	3
Punitive Damages	%	11	30	31	5	-	3.6	2
Timeliness of Summary Judgment/Dismissal	%	15	38	26	10	2	3.6	4
Discovery	%	15	46	28	3	-	3.8	2
Scientific and Technical Evidence	%	8	38	30	5	-	3.6	7
Judges' Impartiality	%	18	49	21	3	-	3.9	4
Judges' Competence	%	10	57	20	5	-	3.8	7
Juries' Predictability	%	10	36	34	3	2	3.6	3
Juries' Fairness	%	13	46	25	5	-	3.8	3
OVERALL STATE GRADE	%	11	52	25	3	-	3.8	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=2

%

Joint and several liability rules
Legislature

50

50

Overall Ranking for Past Years

2004 = 16

2003 = 6

2002 = 25

Table 52

Ohio

2005 Overall Ranking: 26

Ratings on Key Elements of State Liability Systems (n=178)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	34	47	8	1	3.4	24
Treatment of Class Action Suits	%	3	30	37	9	1	3.3	16
Punitive Damages	%	3	26	46	10	2	3.2	21
Timeliness of Summary Judgment/Dismissal	%	5	25	45	15	2	3.2	31
Discovery	%	4	42	43	3	1	3.5	23
Scientific and Technical Evidence	%	3	34	43	4	1	3.4	28
Judges' Impartiality	%	7	52	27	9	2	3.6	27
Judges' Competence	%	8	49	33	7	1	3.6	26
Juries' Predictability	%	2	25	55	9	1	3.2	26
Juries' Fairness	%	2	38	48	5	-	3.4	20
OVERALL STATE GRADE	%	2	39	51	4	1	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**
 N=30

	%
Tort reform legislation	30
Reform punitive damages	17
Supreme court decisions	13
Legislature	10
Local/state issues/location driven	7

Overall Ranking for Past Years

2004 = 32
2003 = 24
2002 = 26

Table 53

Oklahoma

2005 Overall Ranking: 32

Ratings on Key Elements of State Liability Systems (n=132)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	39	35	11	4	3.3	29
Treatment of Class Action Suits	%	4	21	35	16	5	3.0	35
Punitive Damages	%	3	27	37	12	5	3.1	26
Timeliness of Summary Judgment/Dismissal	%	2	30	42	13	2	3.2	30
Discovery	%	4	37	38	7	3	3.4	32
Scientific and Technical Evidence	%	1	25	41	13	2	3.1	41
Judges' Impartiality	%	7	44	29	8	4	3.5	31
Judges' Competence	%	4	41	36	6	4	3.4	35
Juries' Predictability	%	4	31	37	10	6	3.2	30
Juries' Fairness	%	4	39	31	11	3	3.3	26
OVERALL STATE GRADE	%	1	39	39	10	3	3.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**
 N=13

	%
Joint and several liability rules	15
Statute issues	15
Tort reform legislation	15
Legislature	8
The workers' comp shield	8

Overall Ranking for Past Years

2004 = 31
2003 = 36
2002 = 41

Table 54

Oregon

2005 Overall Ranking: 25

Ratings on Key Elements of State Liability Systems (n=115)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	37	33	11	2	3.3	25
Treatment of Class Action Suits	%	2	24	33	10	2	3.2	25
Punitive Damages	%	4	22	32	13	5	3.1	27
Timeliness of Summary Judgment/Dismissal	%	5	36	27	9	2	3.4	16
Discovery	%	3	43	26	7	4	3.4	29
Scientific and Technical Evidence	%	9	28	28	6	2	3.5	19
Judges' Impartiality	%	11	41	26	6	2	3.6	19
Judges' Competence	%	8	48	26	3	2	3.7	16
Juries' Predictability	%	2	27	40	10	2	3.2	23
Juries' Fairness	%	6	31	36	9	2	3.4	21
OVERALL STATE GRADE	%	3	38	42	5	5	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=12

	%
Joint and several liability rules	8
Timeliness for trial	8
Local/state issues/location driven	8
Reform punitive damages	8
Statute issues	8

Overall Ranking for Past Years

2004 = 27

2003 = 14

2002 = 13

Table 55

Pennsylvania

2005 Overall Ranking: 34

Ratings on Key Elements of State Liability Systems (n=204)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	36	37	16	4	3.2	37
Treatment of Class Action Suits	%	1	26	37	16	1	3.1	31
Punitive Damages	%	2	22	41	15	6	3.0	30
Timeliness of Summary Judgment/Dismissal	%	2	28	42	18	5	3.0	36
Discovery	%	2	35	44	9	2	3.3	36
Scientific and Technical Evidence	%	4	36	35	9	1	3.4	31
Judges' Impartiality	%	6	44	35	9	1	3.5	32
Judges' Competence	%	5	42	40	7	*	3.5	33
Juries' Predictability	%	1	30	46	13	1	3.2	28
Juries' Fairness	%	3	31	42	14	2	3.2	32
OVERALL STATE GRADE	%	*	36	44	14	2	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**
 N=29

	%
Tort reform legislation	31
Local/state issues/location driven	24
Timeliness for trial	7
Appointment vs. elections	7
Favor plaintiffs	3

Overall Ranking for Past Years

2004 = 30
2003 = 31
2002 = 31

Table 56

Rhode Island

2005 Overall Ranking: 35

Ratings on Key Elements of State Liability Systems (n=92)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	-	29	46	11	3	3.1	39
Treatment of Class Action Suits	%	3	17	39	8	4	3.1	32
Punitive Damages	%	3	17	42	14	5	3.0	32
Timeliness of Summary Judgment/Dismissal	%	2	26	44	11	4	3.1	33
Discovery	%	4	28	44	9	2	3.3	37
Scientific and Technical Evidence	%	4	33	35	6	3	3.4	32
Judges' Impartiality	%	6	34	34	11	4	3.3	39
Judges' Competence	%	5	40	36	8	-	3.5	31
Juries' Predictability	%	1	21	51	13	2	3.1	37
Juries' Fairness	%	1	25	46	12	3	3.1	37
OVERALL STATE GRADE	%	30	46	14	11	3	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=10

	%
Reform punitive damages	20
Local/state issues/location driven	10
Joint and several liability rules	10
Favor plaintiffs	10
Statute issues	10

Overall Ranking for Past Years

2004 = 36

2003 = 37

2002 = 35

Table 57

South Carolina

2005 Overall Ranking: 39

Ratings on Key Elements of State Liability Systems (n=101)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	33	42	17	1	3.2	36
Treatment of Class Action Suits	%	2	17	39	13	5	3.0	37
Punitive Damages	%	2	22	42	19	4	3.0	31
Timeliness of Summary Judgment/Dismissal	%	4	23	42	17	6	3.0	38
Discovery	%	3	31	39	17	3	3.2	44
Scientific and Technical Evidence	%	2	25	39	12	2	3.2	38
Judges' Impartiality	%	9	34	36	16	1	3.4	37
Judges' Competence	%	7	39	38	12	1	3.4	34
Juries' Predictability	%	3	25	38	16	5	3.1	39
Juries' Fairness	%	3	23	46	14	4	3.1	39
OVERALL STATE GRADE	%	2	29	51	15	2	3.1	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=13

	%
Joint and several liability rules	23
Tort reform legislation	15
Timeliness for trial	8
Local/state issues/location driven	8
Reform punitive damages	8

Overall Ranking for Past Years

2004 = 40

2003 = 42

2002 = 42

Table 58

South Dakota

2005 Overall Ranking: 8

Ratings on Key Elements of State Liability Systems (n=70)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	8	49	28	7	1	3.6	9
Treatment of Class Action Suits	%	7	32	25	7	3	3.5	5
Punitive Damages	%	7	43	27	8	1	3.5	7
Timeliness of Summary Judgment/Dismissal	%	9	41	23	15	1	3.5	11
Discovery	%	8	44	28	7	1	3.6	14
Scientific and Technical Evidence	%	5	36	27	5	1	3.5	18
Judges' Impartiality	%	13	52	20	5	-	3.8	10
Judges' Competence	%	7	49	29	5	-	3.6	21
Juries' Predictability	%	9	37	28	8	3	3.5	10
Juries' Fairness	%	11	48	21	4	1	3.7	4
OVERALL STATE GRADE	%	8	55	24	5	1	3.7	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=3

	%
Joint and several liability rules	33
Local/state issues/location driven	33
The nature of the case	33

Overall Ranking for Past Years

2004 = 17

2003 = 4

2002 = 9

Table 59

Tennessee

2005 Overall Ranking: 22

Ratings on Key Elements of State Liability Systems (n=102)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	8	39	35	9	2	3.5	20
Treatment of Class Action Suits	%	2	30	30	10	5	3.2	28
Punitive Damages	%	6	30	32	11	3	3.3	14
Timeliness of Summary Judgment/Dismissal	%	10	24	39	11	6	3.2	24
Discovery	%	7	39	35	6	4	3.5	25
Scientific and Technical Evidence	%	5	25	42	7	3	3.3	35
Judges' Impartiality	%	11	42	33	6	2	3.6	23
Judges' Competence	%	8	48	29	7	1	3.6	24
Juries' Predictability	%	6	31	40	12	2	3.3	17
Juries' Fairness	%	6	40	35	9	1	3.5	18
OVERALL STATE GRADE	%	5	41	40	6	2	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=7

	%
Tort reform legislation	43
Local/state issues/location driven	14
Reform punitive damages	14
Statute issues	14
Lawyer/judge competency	14

Overall Ranking for Past Years

2004 = 25

2003 = 26

2002 = 24

Table 60

Texas

2005 Overall Ranking: 44

Ratings on Key Elements of State Liability Systems (n=287)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	29	32	25	7	3.0	43
Treatment of Class Action Suits	%	3	20	26	20	12	2.8	42
Punitive Damages	%	5	19	30	22	14	2.8	39
Timeliness of Summary Judgment/Dismissal	%	2	26	41	17	6	3.0	40
Discovery	%	3	32	37	16	3	3.2	43
Scientific and Technical Evidence	%	3	29	35	10	5	3.2	37
Judges' Impartiality	%	4	28	29	22	9	3.0	45
Judges' Competence	%	3	29	41	16	5	3.1	45
Juries' Predictability	%	2	21	38	21	8	2.9	44
Juries' Fairness	%	2	19	36	22	11	2.8	44
OVERALL STATE GRADE	%	1	31	37	20	7	3.0	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=60

	%
Tort reform legislation	22
Local/state issues/location driven	15
Appointment vs. elections	13
Legislature	10
Lawyer/judge competency	5

Overall Ranking for Past Years

2004 = 45

2003 = 46

2002 = 46

Table 61

Utah

2005 Overall Ranking: 14

Ratings on Key Elements of State Liability Systems (n=144)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	9	44	34	5	1	3.6	8
Treatment of Class Action Suits	%	5	34	26	7	3	3.4	7
Punitive Damages	%	5	32	31	8	3	3.4	13
Timeliness of Summary Judgment/Dismissal	%	5	40	36	6	1	3.5	10
Discovery	%	6	44	32	6	1	3.5	16
Scientific and Technical Evidence	%	7	34	34	4	1	3.5	15
Judges' Impartiality	%	10	45	27	5	2	3.6	18
Judges' Competence	%	7	49	28	3	2	3.6	22
Juries' Predictability	%	7	42	27	6	2	3.5	7
Juries' Fairness	%	9	37	31	6	1	3.5	13
OVERALL STATE GRADE	%	7	42	39	4	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**
 N=14

	%
Timeliness for trial	14
Local/state issues/location driven	14
Legislature	14
Tort reform legislation	14
Prejudice issues	7

Overall Ranking for Past Years

2004 = 6
2003 = 7
2002 = 8

Table 62

Vermont

2005 Overall Ranking: 21

Ratings on Key Elements of State Liability Systems (n=73)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	40	32	12	4	3.3	28
Treatment of Class Action Suits	%	5	23	36	9	3	3.3	19
Punitive Damages	%	8	29	23	13	5	3.3	19
Timeliness of Summary Judgment/Dismissal	%	10	35	36	5	4	3.5	12
Discovery	%	10	44	28	6	1	3.6	11
Scientific and Technical Evidence		6	37	31	6	3	3.5	24
Judges' Impartiality	%	18	31	32	8	4	3.6	25
Judges' Competence	%	12	42	28	6	3	3.6	23
Juries' Predictability	%	4	32	37	10	3	3.3	20
Juries' Fairness	%	8	31	36	12	1	3.4	22
OVERALL STATE GRADE	%	4	44	36	6	4	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=9

	%
Lawyer/judge competency	22
Legislature	22
Timeliness for trial	11
Prejudice issues	11
Joint and several liability rules	11

Overall Ranking for Past Years

2004 = 20

2003 = 19

2002 = 21

Table 63

Virginia

2005 Overall Ranking: 4

Ratings on Key Elements of State Liability Systems (n=136)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	13	46	32	4	1	3.7	4
Treatment of Class Action Suits	%	Virginia does not have class actions						
Punitive Damages	%	9	36	38	5	-	3.6	5
Timeliness of Summary Judgment/Dismissal	%	15	38	35	6	-	3.7	3
Discovery	%	11	49	28	5	-	3.7	4
Scientific and Technical Evidence	%	11	46	24	1	1	3.8	3
Judges' Impartiality	%	18	50	24	2	1	3.9	6
Judges' Competence	%	18	55	19	2	-	3.9	2
Juries' Predictability	%	4	38	40	4	1	3.5	11
Juries' Fairness	%	6	46	33	4	-	3.6	11
OVERALL STATE GRADE	%	9	60	24	3	1	3.8	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=11

	%
Timeliness for trial	18
Tort reform legislation	18
Appellate court issues	9
Local/state issues/location driven	9
Legislature	9

Overall Ranking for Past Years

2004 = 3

2003 = 8

2002 = 2

Table 64

Washington

2005 Overall Ranking: 15

Ratings on Key Elements of State Liability Systems (n=94)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	42	35	4	2	3.5	14
Treatment of Class Action Suits	%	2	26	31	9	4	3.2	27
Punitive Damages	%	Washington does not allow punitive damages in general						
Timeliness of Summary Judgment/Dismissal	%	4	36	40	4	2	3.4	17
Discovery	%	3	44	39	3	1	3.5	19
Scientific and Technical Evidence	%	11	45	22	2	-	3.8	2
Judges' Impartiality	%	13	46	26	3	1	3.8	13
Judges' Competence	%	12	45	31	1	1	3.7	8
Juries' Predictability	%	4	30	39	8	1	3.3	16
Juries' Fairness	%	3	33	42	4	1	3.4	19
OVERALL STATE GRADE	%	5	44	35	5	2	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=6

	%
Local/state issues/location driven	33
Legislature	17
Court resources/funding/staffing	17

Overall Ranking for Past Years

2004 = 24

2003 = 21

2002 = 3

Table 65

West Virginia

2005 Overall Ranking: 49

Ratings on Key Elements of State Liability Systems (n=107)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	15	18	23	40	2.1	49
Treatment of Class Action Suits	%	1	5	13	28	34	1.9	48
Punitive Damages	%	3	9	15	23	43	2.0	42
Timeliness of Summary Judgment/Dismissal	%	1	10	23	36	24	2.2	49
Discovery	%	2	14	32	32	13	2.6	49
Scientific and Technical Evidence	%	-	13	24	25	23	2.3	49
Judges' Impartiality	%	5	11	24	26	29	2.3	49
Judges' Competence	%	3	14	32	30	16	2.6	49
Juries' Predictability	%	1	17	34	25	13	2.7	47
Juries' Fairness	%	1	7	28	32	23	2.2	48
OVERALL STATE GRADE	%	2	11	17	37	29	2.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=25

	%
Local/state issues/location driven	16
Tort reform legislation	12
Favor plaintiffs	8
The workers' comp shield	8
Joint and several liability rules	8

Overall Ranking for Past Years

2004 = 49

2003 = 49

2002 = 49

Table 66

Wisconsin

2005 Overall Ranking: 17

Ratings on Key Elements of State Liability Systems (n=143)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	48	31	8	1	3.5	16
Treatment of Class Action Suits	%	3	24	37	8	1	3.3	18
Punitive Damages	%	4	30	37	11	2	3.3	20
Timeliness of Summary Judgment/Dismissal	%	5	37	35	10	2	3.4	20
Discovery	%	5	44	34	6	-	3.5	15
Scientific and Technical Evidence	%	4	42	26	5	1	3.5	16
Judges' Impartiality	%	11	48	26	4	1	3.7	15
Judges' Competence	%	7	50	29	3	1	3.7	17
Juries' Predictability	%	3	37	37	7	1	3.4	14
Juries' Fairness	%	5	44	32	6	1	3.5	15
OVERALL STATE GRADE	%	3	55	30	5	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=11

	%
Tort reform legislation	27
Statute issues	18
Legislature	18
Joint and several liability rules	18
Political influence/interference	18

Overall Ranking for Past Years

2004 = 10

2003 = 11

2002 = 15

Table 67

Wyoming

2005 Overall Ranking: 9

Ratings on Key Elements of State Liability Systems (n=85)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	13	42	28	7	1	3.6	7
Treatment of Class Action Suits	%	7	26	35	7	1	3.4	9
Punitive Damages	%	13	33	28	11	1	3.5	6
Timeliness of Summary Judgment/Dismissal	%	7	38	33	9	1	3.5	14
Discovery	%	14	33	39	4	-	3.6	7
Scientific and Technical Evidence	%	6	34	36	2	-	3.6	13
Judges' Impartiality	%	11	49	20	12	-	3.6	17
Judges' Competence	%	6	46	31	8	-	3.5	29
Juries' Predictability	%	11	34	39	6	-	3.6	4
Juries' Fairness	%	13	39	33	5	-	3.7	6
OVERALL STATE GRADE	%	9	47	29	6	-	3.7	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=6

	%
Joint and several liability	33
Supreme court decisions	17
Appellate court issues	17

Overall Ranking for Past Years

2004 = 15

2003 = 25

2002 = 20

APPENDIX A: METHODOLOGY

METHODOLOGY

AN OVERVIEW

The 2005 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 1,437 in-house general counsel attorneys or other senior litigators at companies with annual revenues of at least \$100 million. Interviews averaging 17 minutes in length were conducted by telephone and took place between November 21, 2004 and February 18, 2005.

SAMPLE DESIGN

A representative sample of companies with annual revenues of at least \$100 million annually was drawn using IdExec and alert letters were sent to the general counsel at each company. In order to reach the desired number of final interviews, more letters were sent out to potential participants than the final number of completed interviews. 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 this letter appears in Appendix B.

The sample was segmented into two main groups. Of the 1,437 respondents, 80 were from insurance companies, with the remaining 1,357 interviews being conducted among public corporations. The proportion of interviews with insurance companies represents 6% 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 18.7 years of relevant legal experience (including their current position), had been with their company an average of 10.4 years, and had been in their current position an average of 6.7 years.

TELEPHONE INTERVIEWING PROCEDURES

The 2005 State Liability Systems Ranking Study utilized Harris' computer-assisted telephone interviewing (CATI) system. 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 adhered to. 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 letter, numerous telephone callbacks were made in order to reach the respondent and conduct the interview at a convenient time.

Once a qualified respondent was identified, the respondent was first asked about their familiarity with several states. First, 24 states out of the list of 50 possible states were presented to the respondent. Within these 24 states, 17 states presented were the following: Alaska, Arkansas, Hawaii, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, 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 left over states not mentioned above.

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

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 respondent had the opportunity to evaluate up to 15 states. If the respondent was familiar with any state from the list of 17 mentioned above, then that state was automatically included. If this number was less than 15, then the balance was randomly selected from the remaining group of states with which the respondent was very or somewhat familiar.

On average, each respondent evaluated 5 states.

CHANGES IN RANKINGS

Overall, the big picture has not changed since last year. Most states' rankings have changed at least somewhat; however, some changes are more significant than others. Delaware and Nebraska continue to be ranked number one and two, and the bottom four states (Mississippi, West Virginia, Alabama, and Louisiana) remain the same.

Changes in rank may reflect a variety of factors. First, the litigation environment in the state may have improved or worsened due to such factors as legal rulings, changes in the composition of the bench, or legislative or rulemaking changes that affect litigation. Second, perceptions of the litigation environment in each state may be driven by a variety of subjective assessments such as the reputation of the courts and interviewees' experiences with individual litigation matters. Third, the score may have been affected by changes in sample size. This year, we kept our overall number of people interviewed the same as last year. While the overall sample size for each state has remained close, there are some states that have some fluctuations. Much of this is due to overall knowledge of the state due to similar factors as those mentioned previously in this paragraph. Factors such as legal rulings or prominent court cases may have brought attention to certain states at the expense of others. This will have an impact on the states each of our respondents rank.

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 B-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 B-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%
900	2	3	3	3	3
800	2	3	3	3	3
700	2	3	3	4	4
600	2	3	4	4	4
500	3	4	4	4	4
400	3	4	4	5	5
300	3	5	5	6	6
200	4	6	6	7	7
100	6	8	9	10	10
50	8	11	13	14	14

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 B-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 B-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%
900 v. 900	3	4	4	5	5
500	3	4	5	5	6
300	4	5	6	7	7
200	5	6	7	8	8
100	6	8	10	10	10
50	9	11	13	14	14
500 v. 500	4	4	6	6	6
300	4	6	7	7	7
200	6	7	8	8	8
100	7	9	10	11	11
50	9	12	13	14	15
300 v. 300	5	6	7	8	8
200	5	7	8	9	9
100	7	9	10	11	11
50	9	12	14	15	15
200 v. 200	6	8	9	10	10
100	7	10	11	12	12
50	9	12	14	15	15
100 v. 100	8	11	13	14	14
50	10	14	16	17	17
50 v. 50	12	16	18	19	20

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: ALERT LETTER AND QUESTIONNAIRE

November 16, 2004

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

Dear [NAME]:

The U.S. Chamber Institute for Legal Reform has asked Harris Interactive, an independent survey research firm, 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. Within the next few days, you will be contacted for an opportunity to participate in this important study and we would appreciate your taking a few minutes to respond.

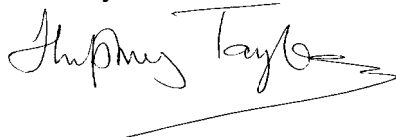
The purpose of this study is to see how state civil justice systems across America are perceived by corporate decision-makers, such as you, in terms of their reasonableness, fairness and predictability. As in previous years, the results of this research will be shared with key state policy makers and 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.*

We will be calling you within the next few days, but in the meantime, if you have any questions or would like to schedule a time to speak with us, please feel free to call us at 1-800-716-0694 with the reference number that appears at the bottom of this letter. Thank you.

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,



Humphrey Taylor
Chairman
The Harris Poll
Reference #: [SAMPLE_ID]

HARRIS INTERACTIVE INC.
111 Fifth Avenue
New York, New York 10003

J22550

January 5, 2005

LIABILITY SYSTEMS RANKING SURVEY
US CHAMBER OF COMMERCE

Field Period: November 22, 2004 – February 17, 2005

J:\US\NYC\22xxx\225xx\22550 US State Rankings 2005\Edit Master\22550_QA(rev5).doc

SUBJECTS FOR QUESTIONNAIRE

SECTION 200: INTRODUCTION/SCREENING QUESTIONS
SECTION 300: STATE FAMILIARITY ASSESSMENT
SECTION 400: STATE EVALUATIONS
SECTION 100: DEMOGRAPHICS

Template: HI

[PROGRAMMER NOTE: PLEASE ENSURE (V) THAT ALL MISSING DATA IS REPRESENTED IN SPSS DATA SET AS OUT OF RANGE NEGATIVE NUMBERS]

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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.]
(1814)

- | | | |
|---|-----------------------|-------------|
| 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 10 minutes of your time. 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.)

(1816)

- | | | |
|---|---|----------------|
| 1 | Yes convenient, continue | [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)

1 **Q105NEW** What is your job title? (DO NOT READ LIST)

(2904,2905)

- | | | |
|----|--------------------------|----------------|
| 01 | General Counsel | [JUMP TO Q110] |
| 02 | Head of Litigation | [JUMP TO Q110] |
| 03 | Senior counsel/litigator | [JUMP TO Q110] |
| 96 | Other [SPECIFY AT Q107] | [ASK Q107] |
| 98 | Not sure (v) | [JUMP TO Q110] |
| 99 | Decline to answer (v) | [JUMP TO Q110] |

BASE: GAVE OTHER JOB TITLE (Q105/96)

2 **Q107NEW** (ENTER OTHER JOB TITLE)

[TEXT BOX]

[INTERVIEWER NOTE: IF Q107NEW IS PARALEGAL, LEGAL SECRETARY OR LEGAL ASSISTANT, CODE AS A REF THANK AND TERMINATE]

[ALLOW FOR REF] [THANK AND TERMINATE]

BASE: IF Q105NEW=96 AND Q107NEW DOES NOT EQUAL REF

Q108 ARE YOU AWARE OF THE PERTINENT LEGAL ISSUES YOUR COMPANY, ON A WHOLE, IS INVOLVED IN?

- | | |
|---------------------|----------------|
| 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

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.”)

(2908,2909)

[RANGE: 0-50, 98, 99]

BASE: ALL CONTINUING RESPONDENTS

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.”)

(2911,2912)

[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 DK/REF)

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

(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.)

(1817)

- | | |
|-------------------------|-----------------|
| 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?

(1818)

- | | |
|-------------------------|-----------------|
| 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.]

PROGRAMMER NOTE: ANYONE WHO AGREES TO CONTINUE IN Q205/1 IS A QUALIFIED RESPONDENT

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?

(1901)

- 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 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?

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

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

1	Alabama	2170
2	Alaska	2102
3	Arizona	2174
4	Arkansas	2106
5	California	2178
6	Colorado	2182
7	Connecticut	2186
8	Delaware	2190
9	Florida	2194
10	Georgia	2198
11	Hawaii	2110
12	Idaho	2114
13	Illinois	2202
14	Indiana	2206
15	Iowa	2118
16	Kansas	2122
17	Kentucky	2210
18	Louisiana	2214
19	Maine	2126
20	Maryland	2218
21	Massachusetts	2222
22	Michigan	2226
23	Minnesota	2230
24	Mississippi	2234
25	Missouri	2238
26	Montana	2130
27	Nebraska	2134
28	Nevada	2242
29	New Hampshire	2138
30	New Jersey	2246
31	New Mexico	2142
32	New York	2250

33	North Carolina	2254
34	North Dakota	2146
35	Ohio	2258
36	Oklahoma	2262
37	Oregon	2266
38	Pennsylvania	2270
39	Rhode Island	2150
40	South Carolina	2274
41	South Dakota	2154
42	Tennessee	2278
43	Texas	2282
44	Utah	2158
45	Vermont	2162
46	Virginia	2286
47	Washington	2290
48	West Virginia	2294
49	Wisconsin	2298
50	Wyoming	2166

BASE: ALL QUALIFIED RESPONDENTS

Q305 Besides those we just asked about, are you very or somewhat familiar with the state court system in Connecticut, Kentucky, Nevada, Oklahoma, Oregon or Wisconsin? What others? (DO NOT READ LIST)

(INTERVIEWER NOTE: PROBE FOR ALL STATES [EXCLUDING CA, NY AND TX] 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
- 97 None of these (v) E
- 98 Not sure (v) E
- 99 Decline to answer (v) E

[FROM ALL STATES THAT RESPONDENT IS VERY OR SOMEWHAT FAMILIAR WITH [Q300/1-50 AND Q301/1,2) AND/OR (Q305/1-50)], PRIORITY SELECT UP TO 15 STATES WITH LOWEST COUNTS TO DATE FOR EVALUATION IN SECTION 400. IN THIS SELECTION, ALL SMALL STATES – THOSE LISTED IN PROGRAMMER NOTE ABOVE Q300 – SHOULD BE INCLUDED IN THIS PRIORITY SELECT. THE REMAINING STATES NEEDED TO TOTAL TO 15 SHOULD BE RANDOMLY SELECTED FROM THE STATES LEFTOVER AFTER THE SMALL STATES HAVE BEEN INCLUDED IF VERY OR SOMEWHAT FAMILIAR WITH ANY STATE

SECTION 400: STATE EVALUATIONS

[PN: CA, NY AND TX QUOTAS WILL BE SHUT DOWN COMPLETELY]

[PROGRAMMER NOTE: ASK Q400-420 UP TO 15 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 1ST 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)

Q401	1	2	3	4	7	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 Overall treatment of tort and contract litigation
- 2 Treatment of class action suits
- 3 Punitive damages
- 4 Timeliness of summary judgment/Dismissal
- 5 Discovery
- 6 Scientific and technical evidence

Q401	1	2	3	4	5	6	7	8	9	10	11	12
	1 2654	2671	2688	2705	2722	2739	2756	2773	2790	2807	2824	2841
	2 2655	2672	2689	2706	2723	2740	2757	2774	2791	2808	2825	2842
	3 2656	2673	2690	2707	2724	2741	2758	2775	2792	2809	2826	2843
	4 2657	2674	2691	2708	2725	2742	2759	2776	2793	2810	2827	2844
	5 2658	2675	2692	2709	2726	2743	2760	2777	2794	2811	2828	2845
	6 2659	2676	2693	2710	2727	2744	2761	2778	2795	2812	2829	2846

12 states	A1	A2	A3	A4	A5	A6
	2624,2625	2626,2627	2628,2629	2630,2631	2632,2633	2634,2635
	A7	A8	A9	A10	A11	A12
	2636,2637	2638,2639	2640,2641	2642,2643	2644,2645	2646,2647

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 1ST STATE]

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

(INTERVIEWER READ FOR 1ST 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”?)

Q406	1	2	3	4	7	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 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?

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

- 1 "A"
- 2 "B"
- 3 "C"
- 4 "D"
- 7 "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]?

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

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

BASE: ALL QUALIFIED RESPONDENTS

Q425 Thinking of the country as a whole, which 5 states do you think have the MOST fair and reasonable litigation environments for both defendants and plaintiffs? (DO NOT READ LIST) (PROBE FOR UP TO FIVE STATES)

[MULTIPLE RECORD UP TO FIVE EXCLUDING CA, NY AND TX]

(2857,2858) (2859,2860) (2861,2862) (2863,2864) (2865,2866)

- 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
- 97 None (v) E
- 98 Not sure (v) E
- 99 Decline to answer (v) E

BASE: ALL QUALIFIED RESPONDENTS

Q430 Thinking of the country as a whole, which 5 states do you think have the LEAST fair and reasonable litigation environments for both defendants and plaintiffs? (DO NOT READ LIST) (PROBE FOR UP TO FIVE STATES)

[MULTIPLE RECORD UP TO FIVE EXCLUDING CA, NY AND TX]

(2867,2868) (2869,2870) (2871,2872) (2873,2874) (2875,2876)

- 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
- 97 None (v) E
- 98 Not sure (v) E
- 99 Decline to answer (v) E

BASE: ALL QUALIFIED RESPONDENTS

Q435 What do you think is the SINGLE MOST IMPORTANT ISSUE that state policy makers who care about economic development should focus on to improve the litigation environment in their states?

[TEXT BOX].

BASE: ALL QUALIFIED RESPONDENTS

Q440 Could it ever happen that the litigation environment in a state could affect an important business decision at your company, such as where to locate or do business? (DO NOT READ LIST)

(2879)

- 1 Yes, could affect important business decision
- 2 No, could not affect important business decision
- 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: 1ST MENTION] (2880,2881)

[TEXT BOX: 2ND MENTION] (2882,2883)

[TEXT BOX: 3RD MENTION] (2884,2885)

[TEXT BOX: 4TH MENTION] (2886,2887)

[TEXT BOX: 5TH MENTION] (2888,2889)

[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)

[PROGRAMMER NOTE: THE FOLLOWING QUESTIONS Q450, Q455, AND Q460 ARE ONLY ASKED OF RESPONDENTS WHO WERE GIVEN THE OPPORTUNITY TO EVALUATE MISSISSIPPI. QUESTIONS Q465, Q467, Q470, Q475, AND Q477 ARE ONLY ASKED OF RESPONDENTS WHO WERE GIVEN THE OPPORTUNITY TO EVALUATE TEXAS. ALL OTHER RESPONDENTS SHOULD BE SKIPPED TO Q100.]

1

BASE: RESPONDENTS WHO HAVE EVALUATED MISSISSIPPI (Q300/24 AND Q301/1, 2 OR Q305/24)

Q450 Were you involved in or very familiar with litigation in Mississippi in the last year?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED (v.)

BASE: RESPONDENTS WHO WERE INVOLVED OR VERY FAMILIAR WITH LITIGATION IN MISSISSIPPI (Q450/1)

Q452 Are you aware of the Mississippi Tort Reform Act of 2004 and the state Supreme Court's changes in joinder rules?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED (v.)

BASE: RESPONDENTS WHO ARE AWARE OF THE MISSISSIPPI TORT REFORM ACT (Q452/1)

Q455 How familiar are you with these changes?

- 1 Very familiar
- 2 Familiar
- 3 Not very familiar
- 4 Not at all familiar
- 5 DON'T KNOW/REFUSED (v)

BASE: VERY/FAMILIAR WITH CHANGES IN LAW IN MISSISSIPPI (Q455/1, 2)(Q455/1,2)

Q457 What effect do you think these changes have had or will have in the litigation environment in Mississippi, assuming they are implemented as intended – a major improvement, a moderate improvement, no effect on the litigation environment, a slightly worse litigation environment or a significantly worse litigation environment?

- 1 Major improvement in the litigation environment
- 2 A Moderate improvement in the litigation environment
- 3 No effect on the litigation environment
- 4 A slightly worse litigation environment
- 5 A significantly worse litigation environment
- 8 Not sure (v)
- 9 Decline to answer (v)

BASE: THOSE WHO BELIEVE NO EFFECT OR WORSE LITIGATION ENVIRONMENT (Q457/3,4,5)

Q460 Why do you think that is? (Record response)

BASE: RESPONDENTS WHO HAVE EVALUATED TEXAS (Q300/43 AND Q301/1, 2 OR Q305/43)

Q465 Were you involved in or very familiar with litigation in Texas in the last year?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED (V)

BASE: RESPONDENTS WHO WERE INVOLVED OR VERY FAMILIAR WITH LITIGATION IN TEXAS (Q465/1)

Q467 Are you aware of the Texas legal reforms enacted in 2003?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED (v.)

BASE: RESPONDENTS WHO ARE AWARE OF THE TEXAS TORT REFORM ACT (Q467/1)

Q470 How familiar are you with these changes?

- 1 Very familiar
- 2 Familiar
- 3 Not very familiar
- 4 Not at all familiar
- 5 DON'T KNOW/REFUSED (v)

BASE: VERY/FAMILIAR WITH CHANGES IN LAW IN TEXAS (Q470/1,2)

Q472 What effect do you think these changes have had or will have in the litigation environment in Texas, assuming they are implemented as intended – a major improvement, a moderate improvement, no effect on the litigation environment, a slightly worse litigation environment or a significantly worse litigation environment?

- 1 Major improvement in the litigation environment
- 2 A Moderate improvement in the litigation environment
- 3 No effect on the litigation environment
- 4 A slightly worse litigation environment
- 5 A significantly worse litigation environment
- 8 Not sure (v)
- 9 Decline to answer (v)

BASE: THOSE WHO BELIEVE NO EFFECT OR WORSE LITIGATION ENVIRONMENT (Q472/3,4,5)

Q475 Why do you think that is? (Record response)

SECTION 100: DEMOGRAPHICS

BASE: ALL QUALIFIED RESPONDENTS

2 **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.”)
(2899,2900)
|_|_| [RANGE: 0-50, 98, 99]

BASE: ALL QUALIFIED RESPONDENTS

Q103 What is your company's primary industry? (DO NOT READ LIST)
(2901,2902)

- 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
- 96 Other
- 98 Not sure (v)
- 99 Decline to answer (v)

MOVED Q105 – Q115 TO FRONT

BASE: ALL QUALIFIED RESPONDENTS

3 **Q120** What is your company's principal place of business?
[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?

(2915)

- 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)

4 **Q122** The executive summary will be available after the completion of the study. In order to send it to you, I'd like to confirm your address. (READ AND CONFIRM ADDRESS BELOW) Is this correct?

[DISPLAY ADDRESS FROM SAMPLE]

(2916)

- | | | |
|---|-----------------------|----------------|
| 1 | Yes, address correct | [JUMP TO Q125] |
| 2 | No, not correct | [ASK Q123] |
| 8 | Not sure (v) | [JUMP TO Q125] |
| 9 | Decline to answer (v) | [JUMP TO Q125] |

BASE: ADDRESS NOT CORRECT (Q122/2)

5 **Q123** May I please have your correct mailing address?

ADDRESS LINE 1: [TEXT BOX]

ADDRESS LINE 2: [TEXT BOX]

CITY: [TEXT BOX]

STATE: [TEXT BOX]

ZIP: [TEXT BOX]

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