

TORT AND MEDICAL MALPRACTICE CASES: A TINY PART OF OUR CIVIL JUSTICE SYSTEM

Many states (but not all) compile annual civil case filing and jury trial statistics, and provide their data to the National Center for State Courts (NCSC). Together, these data present the most accurate overview of our nation's state-based civil justice system. According to averages calculated from the most recent data released by NCSC (2016):

TORT CASES

Tort cases represent 3.98 percent of total state court civil caseloads.¹ This rate is consistent with NCSC data from the previous four years.²

MEDICAL MALPRACTICE CASES

- Medical malpractice cases represent 0.17 percent of all state *civil* caseloads.³ This rate is consistent with NCSC data from the previous four years.⁴
- Medical malpractice cases represent 4.15 percent of the total state *tort* caseloads.⁵ This rate is consistent with NCSC data from the previous four years.⁶

JURY TRIALS

- The percentage of *civil* cases resolved by jury trial in state courts is 0.23 percent.⁷ This rate is consistent with NCSC data from the previous four years.⁸
- The percentage of *tort* cases resolved by jury trial in state courts is 1.48 percent.⁹ This rate is consistent with NCSC data from the previous four years.¹⁰
- The percentage of *medical malpractice* cases resolved through jury trial in state courts is 5.1 percent.¹¹ This rate is consistent with NCSC data from the previous four years.¹²

NOTES

¹ Thirty states plus the District of Columbia and Puerto Rico provided NCSC with state court caseload data related to tort cases as a percentage of total civil caseloads. National Center for State Courts, “2016 Civil Caseloads – Trial Courts: 2016 Statewide Tort Caseloads and Rates,”

http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

² See National Center for State Courts, “2015 Civil Caseloads – Trial Courts: 2015 Statewide Tort Caseloads and Rates” (3.8 percent), “2014 Civil Caseloads – Trial Courts: 2014 Statewide Tort Caseloads and Rates” (3.6 percent), “2013 Civil Caseloads – Trial Courts: 2013 Statewide Tort Caseloads and Rates” (3.5 percent) and “2012 Civil Caseloads – Trial Courts: 2012 Statewide Tort Caseloads and Rates” (3.7 percent),

http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

³ Twenty states plus the District of Columbia and Puerto Rico provided NCSC with state court caseload data related to medical malpractice cases as a percentage of total civil caseloads. National Center for State Courts, “2016 Civil Caseloads – Trial Courts: 2016 Statewide Medical Malpractice Caseloads and Rates,”

http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

⁴ See National Center for State Courts, “2015 Civil Caseloads – Trial Courts: 2015 Statewide Medical Malpractice Caseloads and Rates” (0.16 percent), “2014 Civil Caseloads – Trial Courts: 2014 Statewide Medical Malpractice Caseloads and Rates” (0.14 percent), “2013 Civil Caseloads – Trial Courts: 2013 Statewide Medical Malpractice Caseloads and Rates” (0.14 percent) and “2012 Civil Caseloads – Trial Courts: 2012 Statewide Medical Malpractice Caseloads and Rates” (0.13 percent), http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

⁵ Twenty states plus the District of Columbia and Puerto Rico provided NCSC with state court caseload data related to medical malpractice cases as a percentage of total tort caseloads. National Center for State Courts, “2016 Civil Caseloads – Trial Courts: 2016 Statewide Medical Malpractice Caseloads and Rates,”

http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

⁶ See National Center for State Courts, “2015 Civil Caseloads – Trial Courts: 2015 Statewide Medical Malpractice Caseloads and Rates” (4.6 percent), “2014 Civil Caseloads – Trial Courts: 2014 Statewide Medical Malpractice Caseloads and Rates” (3.9 percent), “2013 Civil Caseloads – Trial Courts: 2013 Statewide Medical Malpractice Caseloads and Rates” (4 percent) and “2012 Civil Caseloads – Trial Courts: 2012 Statewide Medical Malpractice Caseloads and Rates” (3.4 percent), http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

⁷ Twenty-four states provided NCSC with state court caseload data related to the percentage of civil cases resolved by juries. National Center for State Courts, “2016 Civil Caseloads – Trial Courts: 2016 Civil Jury Trials and Rates,”

http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

⁸ See National Center for State Courts, “2015 Civil Caseloads – Trial Courts: 2015 Civil Jury Trials and Rates” (0.26 percent), “2014 Civil Caseloads – Trial Courts: 2014 Civil Jury Trials and Rates” (0.27 percent), “2013 Civil Caseloads – Trial Courts: 2013 Civil Jury Trials and Rates” (0.27 percent) and “2012 Civil Caseloads – Trial Courts: 2012 Civil Jury Trials and Rates” (0.33 percent), http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

⁹ Nineteen states provided NCSC with state court caseload data related to the percentage of tort cases resolved by juries. National Center for State Courts, “2016 Civil Caseloads – Trial Courts: 2016 Tort Jury Trials and Rates,”

http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

¹⁰ See National Center for State Courts, “2015 Civil Caseloads – Trial Courts: 2015 Tort Jury Trials and Rates” (1.7 percent), “2014 Civil Caseloads – Trial Courts: 2014 Tort Jury Trials and Rates” (1.9 percent), “2013 Civil Caseloads – Trial Courts: 2013 Tort Jury Trials and Rates” (2.2 percent) and “2012 Civil Caseloads – Trial Courts: 2012 Tort Jury Trials and Rates” (2.3 percent), http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

¹¹ Sixteen states provided NCSC with state court caseload data related to the percentage of medical malpractice cases resolved by juries. National Center for State Courts, “2016 Civil Caseloads – Trial Courts: 2016 Medical Malpractice Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil

¹² See National Center for State Courts, “2015 Civil Caseloads – Trial Courts: 2015 Medical Malpractice Jury Trials and Rates” (6.4 percent), “2014 Civil Caseloads – Trial Courts: 2014 Medical Malpractice Jury Trials and Rates” (6.1 percent), “2013 Civil Caseloads – Trial Courts: 2013 Medical Malpractice Jury Trials and Rates” (6.1 percent) and “2012 Civil Caseloads – Trial Courts: 2012 Medical Malpractice Jury Trials and Rates” (6.3 percent),

http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil