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HOW LOW CAN THEY GO?

STATE CIVIL, TORT, MEDICAL MALPRACTICE AND PRODUCTS LIABILITY CASELOADS AND JURY TRIALS

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 calculations of the most recent data released by NCSC:

CIVIL CASES

- Civil cases represented 21 percent of incoming cases in state trial courts in 2019.¹
- Civil caseloads were 5 percent lower in 2019 than they were seven years earlier.²

TORT vs. CONTRACT CASES

- Tort cases have accounted for only 5 percent of incoming state civil court caseloads for the past eight years for which data are available (*i.e.*, 2012-2019).³
- Contract cases have represented over 40 percent of incoming state court civil caseloads for the past eight years for which data are available (*i.e.*, 2012-2019).⁴

MEDICAL MALPRACTICE CASES

- Medical malpractice cases represented a tiny percentage of state *civil* caseloads in 2019, ranging from 0.01 to 0.55 percent.⁵ This range is consistent with NCSC data from the previous seven years.⁶
- Medical malpractice cases accounted for an extremely low percentage of state *tort* caseloads in 2019, ranging from a low of 0.57 percent to a rare high of 8.96 percent.⁷ This range is consistent with NCSC data from the previous seven years.⁸

PRODUCT LIABILITY CASES

- Product liability cases represented a tiny percentage of state *civil* caseloads in 2019, ranging from 0.0 to 0.74 percent (with the exception of one outlier at 10.41 percent).⁹ This range is consistent with NCSC data from the previous seven years.¹⁰
- Product liability cases accounted for an extremely low percentage of state *tort* caseloads in 2019, ranging from 0.0 to 3 percent (with the exception of five outliers at 6.52 percent, 10.11 percent, 10.24 percent, 13.79 percent and 68.51 percent).¹¹ This range is consistent with NCSC data from the previous seven years.¹²

JURY TRIALS

- Juries resolved a tiny percentage of state *civil* cases in 2019, with rates ranging from 0.0 to 0.18 percent (with one outlier at 1.32 percent).¹³ This rate has remained tiny for the past eight years.¹⁴
- Juries resolved an extremely low percentage of state *tort* cases in 2019, with rates ranging from 0.0 to 3.51 percent.¹⁵ This rate has remained extremely low for the past eight years.¹⁶
- Juries resolved a low percentage of *medical malpractice* cases in 2019, with rates ranging from 0.0 to 10.17 percent (with the exception of two outliers at 16.42 percent and 100 percent).¹⁷ This rate has remained low for the past eight years.¹⁸
- Juries resolved a low percentage of *product liability* cases in 2019, with rates ranging from 0.0 to 2.65 percent (with the exception of two outliers at 5 percent and 14.63 percent).¹⁹ This rate has remained extremely low for the past eight years.²⁰

NOTES

¹ This percentage comes from NCSC’s examination of incoming caseload data from state civil trial courts in 33 states plus the District of Columbia. National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Incoming Caseload Composition 2019,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-overview>

² National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Incoming Trends, 2012-2019,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-overview>

³ See “Total Incoming Cases” 2012-2019. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁴ See “Total Incoming Cases” 2012-2019. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁵ Twenty-three states plus the District of Columbia and Puerto Rico reported publishable data for total civil incoming civil and medical malpractice cases in 2019. Their rates were as follows: Alaska (0.17 percent), Arizona (0.12 percent), Connecticut (0.12 percent), Delaware (0.13 percent), District of Columbia (0.25 percent), Georgia (0.07 percent), Hawai'i (0.12 percent), Iowa (0.11 percent), Maine (0.32 percent), Maryland (0.07 percent), Michigan (0.16 percent), Minnesota (0.01 percent), Nebraska (0.12 percent), New Hampshire (0.13 percent), New Jersey (0.15 percent), New Mexico (0.55 percent), North Carolina (0.06 percent), Pennsylvania (0.23 percent), Puerto Rico (0.22 percent), Rhode Island (0.16 percent), South Carolina (0.15 percent), Texas (0.08 percent), Utah (0.16 percent), Vermont (0.08 percent) and Wisconsin (0.05 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁶ See publishable data for total civil incoming cases and medical malpractice cases in 2012-2018. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁷ Twenty-four states plus the District of Columbia and Puerto Rico reported publishable data for total tort incoming cases and medical malpractice cases in 2019. Their rates were as follows: Alaska (3.69 percent), Arizona (3.52 percent), Connecticut (1.59 percent), Delaware (2.16 percent), District of Columbia (4.20 percent), Georgia (2.20 percent), Hawai'i (2.56 percent), Iowa (5.41 percent), Maine (7.65 percent), Maryland (2.57 percent), Michigan (4.33 percent), Minnesota (0.57 percent), Nebraska (6.41 percent), New Hampshire (5.38 percent), New Jersey (2.24 percent), New Mexico (8.96 percent), North Carolina (3.30 percent), Oregon (1.87 percent), Pennsylvania (4.45 percent), Puerto Rico (7.96 percent), Rhode Island (1.04 percent), South Carolina (3.92 percent), Texas (1.89 percent), Utah (7.55 percent), Vermont (3.59 percent) and Wisconsin (1.90 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁸ See publishable data for total tort incoming cases and medical malpractice cases in 2012-2018. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

⁹ Twenty-two states plus the District of Columbia and Puerto Rico reported publishable data for total civil incoming cases and product liability cases in 2019. Their rates were as follows: Alaska (0.06 percent), Arizona (0.04 percent), Connecticut (0.08 percent), Delaware (0.60 percent), District of Columbia (0.01 percent), Georgia (0.03 percent), Iowa (0.02 percent), Maine (0.07 percent), Maryland (0.08 percent), Michigan (0.04 percent), Minnesota (0.21 percent), Missouri (0.74 percent), New Hampshire (0.02 percent), New Jersey (0.10 percent), New Mexico (0.40 percent), North Carolina (0.01 percent), Pennsylvania (0.07 percent), Puerto Rico (0.0 percent), Rhode Island (10.41 percent), South Carolina (0.03 percent), Texas (0.02 percent), Utah (0.05 percent), Vermont (0.0 percent) and Wisconsin (0.02 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹⁰ See publishable data for total civil incoming cases and product liability cases in 2012-2018. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹¹ Twenty-three states plus the District of Columbia and Puerto Rico reported publishable data for total tort incoming cases and product liability cases in 2019. Their rates were as follows: Alaska (1.20 percent), Arizona (1.29 percent), Connecticut (1.0 percent), Delaware (10.24 percent), District of Columbia (0.16 percent), Georgia (1.06 percent), Iowa (0.98 percent), Maine (1.76 percent), Maryland (3.0 percent), Michigan (1.08 percent), Minnesota (10.11 percent), Missouri (13.79 percent), New Hampshire (0.67 percent), New Jersey (1.45 percent), New Mexico (6.52 percent), North Carolina (0.62 percent), Oregon (0.68 percent), Pennsylvania (1.32 percent), Puerto Rico (0.0 percent), Rhode Island (68.51 percent), South Carolina (0.86 percent), Texas (0.59 percent), Utah (2.15 percent), Vermont (0.0 percent) and Wisconsin (0.70 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹² See publishable data for total tort incoming cases and product liability cases in 2012-2018. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil,” December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹³ Nineteen states reported publishable data for total civil dispositions and jury trials in 2019. Their rates were as follows: Alaska (0.0 percent), California (0.18 percent), Florida (0.08 percent), Georgia (1.32 percent), Hawai'i (0.0 percent), Indiana (0.05 percent), Kentucky (0.05 percent), Michigan (0.04 percent), Minnesota (0.11 percent), Missouri (0.09 percent), Nevada (0.09 percent), New Jersey (0.12 percent), New Mexico (0.05 percent), North Carolina (0.03 percent), Ohio (0.09 percent), Rhode Island (0.16 percent), Texas (0.15 percent), Vermont (0.15 percent) and Wisconsin (0.12 percent). National Center for State Courts, "CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil," December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹⁴ See publishable data for total civil dispositions and jury trials in 2012-2019. National Center for State Courts, "CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil," December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹⁵ Twenty states reported publishable data for total tort dispositions and jury trials. Their rates were as follows: Alaska (0.0 percent), Connecticut (2.01 percent), Georgia (3.51 percent), Hawai'i (0.10 percent), Indiana (1.53 percent), Kentucky (0.65 percent), Michigan (0.71 percent), Minnesota (3.26 percent), Missouri (1.23 percent), Nevada (1.20 percent), New Jersey (1.36 percent), New Mexico (0.64 percent), New York (1.85 percent), North Carolina (1.02 percent), Ohio (0.68 percent), Oregon (1.76 percent), Rhode Island (1.79 percent), South Carolina (1.15 percent), Texas (1.95 percent) and Vermont (2.89 percent). National Center for State Courts, "CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil," December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹⁶ See publishable data for total tort dispositions and jury trials in 2012-2019. National Center for State Courts, "CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil," December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹⁷ Eighteen states reported publishable data for medical malpractice dispositions and jury trials. Their rates were as follows: Alaska (0.0 percent), Arkansas (16.42 percent), Connecticut (4.98 percent), Georgia (5.50 percent), Hawai'i (0.0 percent), Michigan (5.06 percent), Minnesota (6.25 percent), Nebraska (5.93 percent), New Jersey (6.0 percent), New Mexico (0.23 percent), North Carolina (2.48 percent), Oregon (6.32 percent), Rhode Island (10.17 percent), South Carolina (2.81 percent), Texas (3.82 percent), Utah (100 percent), Vermont (9.52 percent) and Wisconsin (7.53 percent). All Utah's medical malpractice cases – two total – were resolved by jury trial. National Center for State Courts, "CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil," December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹⁸ See publishable data for medical malpractice dispositions and jury trials in 2012-2019. National Center for State Courts, "CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil," December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

¹⁹ Sixteen states reported publishable for product liability dispositions and jury trials. Their rates were as follows: Alaska (0.0 percent), Arkansas (14.63 percent), Connecticut (0.0 percent), Georgia (2.27 percent), Michigan (0.86 percent), Minnesota (1.68 percent), Missouri (0.84 percent), New Jersey (0.55 percent), New Mexico (2.65 percent), North Carolina (0.0 percent), Oregon (5.0 percent), Rhode Island (0.0 percent), South Carolina (1.03 percent), Texas (0.75 percent), Vermont (0.0 percent) and Wisconsin (2.04 percent). National Center for State Courts, "CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil," December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

²⁰ See publishable data for product liability dispositions and jury trials in 2012-2019. National Center for State Courts, "CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Civil," December 9, 2020, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>