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CENTER FOR JUSTICE & DEMOCRACY RELEASES NEW BRIEFING BOOK: *TORT LITIGATION- BY THE NUMBERS*

The Center for Justice & Democracy at New York Law School today released its new briefing book, *TORT LITIGATION: BY THE NUMBERS*. The book highlights the latest information and statistics on tort (personal injury) suits across the country, based largely on recent statistics from the National Center for State Courts (NCSC),¹ the U.S. Department of Justice and other research institutions. Principal authors of the briefing book are Emily Gottlieb, CJ&D's Deputy Director for Law and Policy, and Joanne Doroshow, CJ&D Executive Director. Said Doroshow, "This briefing book shows that injured Americans hardly ever sue wrongdoers for their injuries, and when they do, their recoveries are extremely modest. Personal injury or 'tort' lawsuits comprise only a tiny percentage of civil cases. The only 'sue-happy' entities in this country are banks and debt collectors."

Among the many research findings in this volume are:

- Tort suits represent only seven percent (7%) of all civil cases in state courts. The biggest chunk of those (40%) are car accidents. Judges and juries dispose of only 15 percent of tort cases.
- 80% of civil cases involve contracts and small claims. But harmed consumers aren't bringing these cases - they're the ones *being* sued. Specifically, contract caseloads consist "primarily of debt collection (37%), landlord/tenant (29%), and foreclosure (17%) cases." And these cases are increasing while tort filings *are falling!*
- 75% of tort judgments are less than \$12,200. As to juries specifically, NCSC found that "50 percent of jury awards in tort cases were \$30,000 or less, and 75 percent of jury awards in tort cases were less than \$152,000. Jury awards exceeded \$500,000 in only 17 cases (3% of cases in which judgment exceeded zero), and exceeded \$1 million in only 13 cases (2%)."

¹ See, e.g., National Center for State Courts, *The Landscape of Civil Litigation in State Courts* (November 2015), <http://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>.

- High profile medical malpractice and product liability cases “often generate a great deal of attention and criticism, they comprise...less than 1% of the total civil caseload...”

In addition, notes NSCS, among the “more likely explanation[s]” for our distorted perceptions of the tort system “is the focus on high-value and complex litigation by the media (especially business reports), much of which is filed in federal rather than state courts. Lower-value debt collections, landlord/tenant cases, and automobile torts involving property damage and soft-tissue injuries are rarely newsworthy.”

A copy of the full briefing book, *TORT LITIGATION: BY THE NUMBERS*, can be found here: <https://www.centerjd.org/content/briefing-book-tort-litigation-numbers>

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