

FACT SHEET ABOUT CIVIL, TORT AND MEDICAL MALPRACTICE CASELOADS

TORT CASES REPRESENT A SMALL PERCENTAGE OF CIVIL CASELOADS

According to the most recent National Center for State Courts (NCSC) data,¹ in 2014:

- Tort cases represented less than 3 percent of the total civil caseload in 13 of 26 states reporting.
- Tort cases represented from 3 to 5 percent of the total civil caseload in eight states reporting.
- Tort cases represented over 5 percent but not more than 8.2 percent of the total civil caseload in five states reporting.
- These rates are consistent with NCSC data from the previous two years.²

MEDICAL MALPRACTICE CASES REPRESENT LESS THAN ONE PERCENT OF CIVIL CASELOADS

NCSC data from 2014 show that med mal cases ranged from 0.02 percent to 0.21 percent of the total civil caseload in 14 of 15 states reporting.³ The highest rate was 0.34 percent in one state reporting. These rates are consistent with NCSC data from the previous two years.⁴

LESS THAN ONE PERCENT OF CIVIL CASES ARE RESOLVED BY JURIES

In 2014, civil jury trial rates ranged from 0.06 percent to 0.55 percent in 20 of 21 states reporting.⁵ These rates are consistent with NCSC data from the previous two years.⁶

THE VAST MAJORITY OF TORT CASES ARE NOT RESOLVED BY JURIES

In 2014, the percentage of tort cases resolved by jury trial was extremely low in all 16 states reporting.⁷ More specifically,

- The tort jury trial rate totaled less than 2 percent in ten states reporting.
- The tort jury trial rate totaled from 2 to 3 percent in five states reporting.
- The highest tort jury trial rate was 4.3 percent in one state reporting.

- These rates are consistent with NCSC data from the previous two years.⁸

THE VAST MAJORITY OF MEDICAL MALPRACTICE CASES ARE NOT RESOLVED BY JURIES

In 2014, the percentage of med mal cases resolved through jury trial was low in 12 of 13 states reporting.⁹ More specifically,

- The med mal jury trial rate totaled less than 3 percent in two states reporting.
- The med mal jury trial rate totaled from 3 to 6 percent in six states reporting.
- The med mal jury trial rate totaled between 6 and 9 percent in four states reporting.
- Only one state reported a med mal jury trial rate above 9 percent.
- These rates are consistent with NCSC data from the previous two years.¹⁰

¹ National Center for State Courts, “2014 Civil Caseloads – Trial Courts: 2014 Statewide Tort Caseloads and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016).

² See National Center for State Courts, “2013 Civil Caseloads – Trial Courts: 2013 Statewide Tort Caseloads and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016); National Center for State Courts, “2012 Civil Caseloads – Trial Courts: 2012 Statewide Tort Caseloads and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016).

³ National Center for State Courts, “2014 Civil Caseloads – Trial Courts: 2014 Statewide Medical Malpractice Caseloads and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016).

⁴ See National Center for State Courts, “2013 Civil Caseloads – Trial Courts: 2013 Statewide Medical Malpractice Caseloads and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016); National Center for State Courts, “2012 Civil Caseloads – Trial Courts: 2012 Statewide Medical Malpractice Caseloads and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016).

⁵ National Center for State Courts, “2014 Civil Caseloads – Trial Courts: 2014 Civil Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016). Only one state reported a civil jury trial rate above 0.55 percent.

⁶ See National Center for State Courts, “2013 Civil Caseloads – Trial Courts: 2013 Civil Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016); National Center for State Courts, “2012 Civil Caseloads – Trial Courts: 2012 Civil Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016).

⁷ National Center for State Courts, “2014 Civil Caseloads – Trial Courts: 2014 Tort Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016).

⁸ See National Center for State Courts, “2013 Civil Caseloads – Trial Courts: 2013 Tort Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016); National Center for State Courts, “2012 Civil Caseloads – Trial Courts: 2012 Tort Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016).

⁹ National Center for State Courts, “2014 Civil Caseloads – Trial Courts: 2014 Medical Malpractice Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016).

¹⁰ See National Center for State Courts, “2013 Civil Caseloads – Trial Courts: 2013 Medical Malpractice Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016); National Center for State Courts, “2012 Civil Caseloads – Trial Courts: 2012 Medical Malpractice Jury Trials and Rates,” http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Civil (viewed April 4, 2016).