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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 NCSC's data for 2022, the most recent released by NCSC:

#### CIVIL CASES

- Civil cases represented 21 percent of incoming cases in state trial courts in 2022.<sup>1</sup>
- Civil caseloads in state trial courts rose or fell a small amount between 2021 and 2022 – increasing by 3.4 percent<sup>2</sup> or 4 percent<sup>3</sup>, or decreasing by 2 percent<sup>4</sup> – depending on the data source.
- Over a five-year period (2018 to 2022), civil caseloads in state trial courts fell by 17 percent<sup>5</sup>, 17.1 percent<sup>6</sup> or 20.1 percent<sup>7</sup> depending on the data source.

#### TORT CASES

- Between 2021 and 2022, tort caseloads in state trial courts fell by 4.8 percent<sup>8</sup> or 6.7 percent<sup>9</sup> depending on the data source.
- Over a five-year period (2018 to 2022), tort caseloads in state trial courts rose by 6.3 percent<sup>10</sup> or fell by 12.7 percent<sup>11</sup> depending on the data source.

#### TORT vs. CONTRACT CASES

- Tort cases accounted for only 6 percent of incoming state trial court civil caseloads in 2022.<sup>12</sup> This rate has remained low for the past eleven years for which data are available (*i.e.*, 2012-2022).<sup>13</sup>

- Contract cases represented 44 percent of incoming state trial court civil caseloads in 2022.<sup>14</sup> This rate has remained high for the past eleven years for which data are available (*i.e.*, 2012-2022).<sup>15</sup>

## MEDICAL MALPRACTICE CASES

- Medical malpractice cases represented a tiny percentage of state trial court *civil* caseloads in 2022, ranging from 0.02 to 0.56 percent.<sup>16</sup> This range is consistent with NCSC data from the previous ten years.<sup>17</sup>
- Medical malpractice cases accounted for a low percentage of state trial court *tort* caseloads in 2022, ranging from 0.91 to 6.99 percent (with the exception of three outliers at 10.08 percent, 15.94 percent and 18.75 percent).<sup>18</sup> This range is consistent with NCSC data from the previous ten years.<sup>19</sup>

## PRODUCT LIABILITY CASES

- Product liability cases represented a tiny percentage of state trial court *civil* caseloads in 2022, ranging from 0.0 to 0.89 percent (with the exception of two outliers at 3.45 percent and 6.49 percent).<sup>20</sup> This range is consistent with NCSC data from the previous ten years.<sup>21</sup>
- Product liability cases accounted for an extremely low percentage of state trial court *tort* caseloads in 2022, ranging from 0.0 to 3.08 percent (with the exception of seven outliers at 8.04 percent, 12.5 percent, 19.54 percent, 22.49 percent, 26.1 percent, 43.63 percent and 53.3 percent).<sup>22</sup> This range is consistent with NCSC data from the previous ten years.<sup>23</sup>

## JURY TRIALS

- Juries resolved a tiny percentage of state *civil* cases in 2022, with rates ranging from 0.03 to 0.54 percent.<sup>24</sup> This rate has remained tiny for the past eleven years.<sup>25</sup>
- Juries resolved an extremely low percentage of state *tort* cases in 2022, with rates ranging from 0.56 to 2.76 percent (with the exception of two outliers at 4.35 percent and 8.97 percent).<sup>26</sup> This rate has remained extremely low for the past eleven years.<sup>27</sup>
- Juries resolved a low percentage of state *medical malpractice* cases in 2022, with rates ranging from 0.0 to 6.77 percent (with the exception of five outliers at 11.11 percent, 15.38 percent, 15.63 percent, 29.17 percent and 32.92 percent).<sup>28</sup> This rate has remained low for the eleven years for which data are available (*i.e.*, 2012-2022).<sup>29</sup>

- Juries resolved a very low percentage of state *product liability* cases in 2021, with rates ranging from 0.0 to 2.08 percent (with the exception of five outliers at 4.17 percent, 6 percent, 6.98 percent, 13.33 percent and 39.53 percent).<sup>30</sup> This rate has remained low for the eleven years for which data are available (*i.e.*, 2012-2022).<sup>31</sup>

## NOTES

<sup>1</sup> This percentage comes from NCSC’s examination of incoming caseload data from state trial courts in 34 states plus the District of Columbia and Northern Mariana Islands regarding tort, contract, real property, small claims, probate/estate, mental health, civil appeals, “misc. civil” and “appeal from lower court” cases. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Total Civil,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>; National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Incoming Caseload Composition – Overview,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-overview>

<sup>2</sup> This percentage comes from 39 states that were able to provide publishable data across five years, 2018-2022. National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Caseload Detail – Total Civil, Incoming Five-Year Trend, 2018-2022,” October 9, 2023 <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-overview>

<sup>3</sup> National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Incoming Trends, 2012–2022,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-overview>. NCSC includes a disclaimer regarding these data, to wit, “Annual totals for national trend figures...include estimates for those states unable to submit data for one or more years. As such, these values may not match the totals shown in other CSP publications and dashboards.”

<sup>4</sup> This percentage comes from 43 states that provided publishable data for 2022 and 46 states that provided publishable data for 2021. National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Caseload Detail – Total Civil, Single Year Data, State Court Caseloads,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-overview>

<sup>5</sup> This percentage comes from 39 states that were able to provide publishable data across five years, 2018-2022. National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Caseload Detail – Total Civil, Incoming Five-Year Trend, 2018-2022,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-overview>

<sup>6</sup> National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Incoming Trends, 2012–2022,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-overview>. NCSC includes a disclaimer regarding these data, to wit, “Annual totals for national trend figures...include estimates for those states unable to submit data for one or more years. As such, these values may not match the totals shown in other CSP publications and dashboards.”

<sup>7</sup> This percentage comes from 43 states that provided publishable data for 2022 and 46 states that provided publishable data for 2018. National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview, Caseload Detail – Total Civil, Single Year Data, State Court Caseloads,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-overview>

<sup>8</sup> This percentage comes from 38 states that provided publishable data for 2022 and 36 states that provided publishable data for 2021. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Tort, Single Year Data, State Court Caseloads,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>9</sup> This percentage comes from NCSC’s examination of incoming tort caseload data from state trial courts in 31 states that were able to provide publishable data across 2018-2022. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Tort, Incoming Five-Year Trend, 2018-2022,” October 9, 2023,

<https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>10</sup> This percentage comes from 38 states that were able to provide publishable data for 2022 and 36 states that were able to provide publishable data for 2018. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Tort, Single Year Data, State Court Caseloads,” October 9, 2023,

<https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>11</sup> This percentage comes from NCSC’s examination of incoming tort caseload data from state trial courts in 31 states that were able to provide publishable data across 2018-2022. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Tort, Incoming Five-Year Trend, 2018-2022,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>12</sup> National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil, Total Incoming Cases and Composition” October 9, 2023,

<https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>13</sup> 6 percent (2022), 7 percent (2021), 7 percent (2020), 5 percent (2019), 6 percent (2018), 5 percent (2017), 5 percent (2016), 5 percent (2015), 7 percent (2014), 5 percent (2013) and 5 percent (2012). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil, Total Incoming Cases and Composition,” October 9, 2023, <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>14</sup> National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil, Total Incoming Cases and Composition,” October 9, 2023,

<https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>15</sup> 44 percent (2022), 41 percent (2021), 41 percent (2020), 48 percent (2019), 47 percent (2018), 47 percent (2017), 46 percent (2016), 46 percent (2015), 45 percent (2014), 50 percent (2013) and 50 percent (2012). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Incoming Caseload Composition – Civil, Total Incoming Cases and Composition,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>16</sup> Thirty-two states plus the District of Columbia, Northern Mariana Islands and Puerto Rico reported data for total incoming civil and medical malpractice cases in 2022. Their rates were as follows: Alabama (0.13 percent), Alaska (0.1 percent), Arizona (0.12 percent), Arkansas (0.13 percent), Connecticut (0.15 percent), Delaware (0.14 percent), District of Columbia (0.39 percent), Florida (0.11 percent), Georgia (0.06 percent), Hawai’i (0.12 percent), Iowa (0.11 percent), Kentucky (0.15 percent), Maine (0.3 percent), Maryland (0.09 percent), Massachusetts (0.2 percent), Michigan (0.22 percent), Minnesota (0.02 percent), Nebraska (0.11 percent), Nevada (0.11 percent), New Hampshire (0.14 percent), New Jersey (0.15 percent), New York (0.4 percent), Northern Mariana Islands (0.56 percent), North Carolina (0.05 percent), Oregon (0.13 percent), Pennsylvania (0.38 percent), Puerto Rico (0.16 percent), Rhode Island (0.16 percent), South Carolina (0.12 percent), Tennessee (0.55 percent), Texas (0.09 percent), Utah (0.19 percent), Vermont (0.2 percent), Wisconsin (0.06 percent) and Wyoming (0.18 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Malpractice Medical,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Total Civil,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>17</sup> See reported data for total incoming civil and medical malpractice cases from 2012 through 2022. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Malpractice Medical,”

<https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Total Civil,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>18</sup> Thirty-two states plus the District of Columbia, Northern Mariana Islands and Puerto Rico reported data for total incoming tort and medical malpractice cases in 2022. Their rates were as follows: Alabama (2.44 percent), Alaska (2.33 percent), Arizona (3.07 percent), Arkansas (4.15 percent), Connecticut (1.99 percent), Delaware (2.27 percent), District of Columbia (3.9 percent), Florida (2.31 percent), Georgia (1.4 percent), Hawai’i (4.03 percent), Iowa (4.84 percent), Kentucky (4.23 percent), Maine (6.99 percent), Maryland (2.77 percent), Massachusetts (5.97

percent), Michigan (4.9 percent), Minnesota (0.91 percent), Nebraska (6.36 percent), Nevada (2.4 percent), New Hampshire (3.79 percent), New Jersey (2.39 percent), New York (4.77 percent), North Carolina (2.93 percent), Northern Mariana Islands (18.75 percent), Oregon (2.58 percent), Pennsylvania (4.66 percent), Puerto Rico (10.08 percent), Rhode Island (1.29 percent), South Carolina (3.74 percent), Tennessee (3.18 percent), Texas (1.94 percent), Utah (6.63 percent), Vermont (6.73 percent), Wisconsin (1.95 percent) and Wyoming (15.94 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Malpractice Medical,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Total Tort,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>19</sup> See reported data for total incoming tort and medical malpractice cases from 2012 through 2022. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Medical Malpractice,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Total Tort,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>20</sup> Thirty-one states plus the District of Columbia, Northern Mariana Islands and Puerto Rico reported data for total incoming civil and product liability cases in 2022. Their rates were as follows: Alabama (0.09 percent), Alaska (0.04 percent), Arizona (0.03 percent), Arkansas (0.04 percent), Connecticut (0.06 percent), Delaware (0.49 percent), District of Columbia (0.03 percent), Florida (0.06 percent), Georgia (0.82 percent), Hawai’i (0.04 percent), Iowa (0.01 percent), Maine (0.13 percent), Maryland (0.04 percent), Massachusetts (0.89 percent), Michigan (0.05 percent), Minnesota (0.51 percent), Missouri (3.45 percent), Nevada (0.03 percent), New Hampshire (0.03 percent), New Jersey (0.07 percent), New York (0.07 percent), North Carolina (0.01 percent), Northern Mariana Islands (0.37 percent), Ohio (0.02 percent), Oregon (0.04 percent), Pennsylvania (0.17 percent), Puerto Rico (0.0 percent), Rhode Island (6.49 percent), South Carolina (0.02 percent), Texas (0.02 percent), Utah (0.03 percent), Vermont (0.01 percent), Wisconsin (0.02 percent) and Wyoming (0.01 percent). National Center for State Courts “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Product Liability,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Total Civil,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>21</sup> See reported data for total incoming civil and product liability cases from 2012 through 2022. National Center for State Courts “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Product Liability,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Total Civil,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>22</sup> Thirty-one states plus the District of Columbia, Northern Mariana Islands and Puerto Rico reported data for total incoming tort and product liability cases in 2022. Their rates were as follows: Alabama (1.65 percent), Alaska (0.91 percent), Arizona (0.78 percent), Arkansas (1.36 percent), Connecticut (0.78 percent), Delaware (8.04 percent), District of Columbia (0.32 percent), Florida (1.24 percent), Georgia (19.54 percent), Hawai’i (1.17 percent), Iowa (0.35 percent), Maine (3.08 percent), Maryland (1.29 percent), Massachusetts (26.1 percent), Michigan (1.17 percent), Minnesota (22.49 percent), Missouri (43.63 percent), Nevada (0.71 percent), New Hampshire (0.77 percent), New Jersey (1.2 percent), New York (0.8 percent), North Carolina (0.32 percent), Northern Mariana Islands (12.5 percent), Ohio (0.63 percent), Oregon (0.7 percent), Pennsylvania (2.04 percent), Puerto Rico (0.0 percent), Rhode Island (53.3 percent), South Carolina (0.68 percent), Texas (0.45 percent), Utah (1.09 percent), Vermont (0.48 percent), Wisconsin (0.87 percent) and Wyoming (0.8 percent). National Center for State Courts “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Product Liability,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Total Tort,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>23</sup> See reported data for total incoming tort and product liability cases from 2012 through 2022. National Center for State Courts “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Product Liability,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload

Overview, Data Table – Total Tort,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>24</sup> Sixteen states plus the Northern Mariana Islands reported publishable data for total civil dispositions and jury trials in 2022. Their rates were as follows: California (0.09 percent), Florida (0.06 percent), Georgia (0.2 percent), Hawai’i (0.54 percent), Indiana (0.04 percent), Michigan (0.04 percent), Minnesota (0.09 percent), Missouri (0.09 percent), Nevada (0.11 percent), New Jersey (0.07 percent), North Carolina (0.03 percent), Northern Mariana Islands (0.27 percent), Ohio (0.08 percent), Texas (0.13 percent), Utah (0.09 percent), Vermont (0.11 percent) and Wisconsin (0.12 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Total Civil, Single Year Data, State Court Caseloads,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>25</sup> For publishable data on total civil dispositions, jury trials and jury trial rates from 2012 through 2022, *see* National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Total Civil, Single Year Data, State Court Caseloads,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>26</sup> Eighteen states plus the Northern Mariana Islands reported publishable data for total tort dispositions and jury trials in 2022. Their rates were as follows: Connecticut (0.92 percent), Georgia (2.76 percent), Hawai’i (8.97 percent), Indiana (0.88 percent), Michigan (0.56 percent), Minnesota (2.46 percent), Missouri (1.23 percent), Nevada (1.67 percent), New Jersey (0.72 percent), New York (1.05 percent), North Carolina (0.73 percent), Northern Mariana Islands (4.35 percent), Ohio (0.58 percent), Oregon (1.57 percent), Rhode Island (0.61 percent), Texas (1.04 percent), Utah (2.07 percent), Vermont (1.64 percent) and Wisconsin (2.17 percent). National Center for State Courts, “CSP STAT Overview: Trial Court Caseload Overview: Caseload Detail – Tort, Single Year Data, State Court Caseloads,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>

<sup>27</sup> For publishable data on total tort dispositions, jury trials and jury trial rates from 2012 through 2022, *see* National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Caseload Detail – Tort, Single Year Data, State Court Caseloads,” October 9, 2023, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil>.

<sup>28</sup> Nineteen states reported data for total medical malpractice dispositions and jury trials in 2022. Their rates were as follows: Arkansas (32.92 percent), Connecticut (4.64 percent), Florida (2.55 percent), Georgia (11.11 percent), Hawai’i (29.17 percent), Michigan (2.35 percent), Minnesota (15.38 percent), Nebraska (3.38 percent), Nevada (4.71 percent), New Jersey (1.42 percent), New York (4.4 percent), North Carolina (1.85 percent), Oregon (5.88 percent), Rhode Island (5.56 percent), Tennessee (2.8 percent), Texas (3.36 percent), Utah (6.77 percent), Vermont (0.0 percent) and Wisconsin (15.63 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Malpractice Medical, Jury Trial Rate,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023). The five states with outlier percentages resolved the following number of medical malpractice cases by jury trial in 2022: Arkansas (53), Georgia (42), Hawai’i (14), Minnesota (6) and Wisconsin (15). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Malpractice Medical, Jury Trials,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>29</sup> *See* reported total medical malpractice dispositions, jury trials and jury trial rates from 2012 through 2022. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Malpractice Medical, Dispositions,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Malpractice Medical, Jury Trial Rate,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Malpractice Medical, Jury Trials,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>30</sup> Nineteen states plus the Northern Mariana Islands reported data for total product liability dispositions and jury trials in 2022. Their rates were as follows: Arkansas (39.53 percent), Connecticut (0.0 percent), Florida (0.93 percent), Georgia (0.4 percent), Hawai’i (13.33 percent), Michigan (0.0 percent), Minnesota (0.13 percent), Missouri (0.31 percent), Nevada (1.39 percent), New Jersey (0.17 percent), New York (0.86 percent), North Carolina (0.0 percent), Northern Mariana Islands (0.0 percent), Ohio (0.68 percent), Oregon (6 percent), Rhode Island (2.08

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percent), Texas (0.8 percent), Utah (4.17 percent), Vermont (0.0 percent) and Wisconsin (6.98 percent). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Product Liability, Jury Trial Rate,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023). The five states with outlier percentages resolved the following number of product liability cases by jury trial in 2022: Arkansas (17), Hawai’i (2), Oregon (3), Utah (1) and Wisconsin (3). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Product Liability, Jury Trials,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).

<sup>31</sup> See reported total product liability dispositions, jury trials and jury trial rates from 2012 through 2022. National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Product Liability, Dispositions,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023); National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Product Liability, Jury Trial Rate,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023). National Center for State Courts, “CSP STAT Civil: Trial Court Caseload Overview, Data Table – Product Liability, Jury Trials,” <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-civil> (data as of November 18, 2023).