

## DROPPING LIKE A ROCK: TORT LITIGATION IN THE UNITED STATES

In the sensationalized debate over tort (injury) litigation, there is typically little discussion of what U.S. state court data actually show. Fortunately, the National Center for State Courts (NCSC) keeps track. In contradiction to the histrionics regularly coming from the insurance industry and large corporations over tort suits, the data show that the only “sue-happy” people in this country are them.

### TORT CASES

- Tort claims have been dropping since the pandemic, a time that already “represented a historic low for incoming [civil] caseloads.”<sup>1</sup>
- Tort claims are a tiny proportion of the overall civil caseload, “with 40 states reporting 517,800 incoming cases in 2022. This was a one-year drop of 4% and a drop of 10% from 2019. The number of incoming tort cases decreased in most states.”<sup>2</sup>

### TORT vs. CONTRACT CASES

- Contract cases — often brought by businesses against other businesses or against consumers for claims like mortgage foreclosure or debt collection — “made up the largest category of civil cases in 2022, with 39 states reporting 3.6 million incoming cases.” These cases “showed a one year increase of 19% in 2022 but are still down 20% since 2019.”<sup>3</sup>

### TORT and JURIES

- 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>4</sup>

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<sup>1</sup> National Center for State Courts, Court Statistic Project, *2022 Caseload Highlights, Incoming State Trial Court Cases*, January 16, 2024, [https://www.courtstatistics.org/\\_data/assets/pdf\\_file/0026/97514/2022-Caseload-Highlights-Trial.pdf](https://www.courtstatistics.org/_data/assets/pdf_file/0026/97514/2022-Caseload-Highlights-Trial.pdf)

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> National Center for State Courts, Court Statistic Project, “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>