

U.S. CHAMBER OF COMMERCE
STATE LIABILITY SYSTEMS
RANKING STUDY

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INTRODUCTION

The State Liability Systems Ranking Study was conducted for the United States Chamber of Commerce among a national sample of in house general counsel or other senior litigators at public corporations. This survey sought to explore how reasonable and fair the tort liability system is perceived to be by Corporate America. Broadly the survey focused on the attitudes and perceptions of the state liability systems in the following areas:

- Tort and Contract Litigation
- Treatment of Class Action Suits
- Punitive Damages
- Timeliness of Summary Judgement/Dismissal
- Discovery
- Scientific and Technical Evidence
- Judges' Impartiality and Competence
- Juries' Predictability and Fairness

METHODOLOGICAL OVERVIEW

All interviews for *The State Liability Systems Ranking Study* were conducted by telephone among a nationally representative sample of senior attorneys at companies with annual revenues of at least \$100 million. Of this sample, 44% of respondents were from companies with annual revenues of \$1 billion and over. Interviews averaging 15 minutes in length were conducted with a total of 824 respondents and took place between November 7 and December 11, 2001. The sample was segmented into two main groups. Of the 824 respondents, 86 were from insurance companies with the remaining 738 interviews being conducted among public corporations.

A detailed survey methodology including a description of the sampling and survey administration procedures as well as further respondent profile information is contained in Appendix A. The complete questionnaire is found in Appendix B.

NOTES ON READING TABLES

The base on each question is the total number of respondents answering that question. An asterisk (*) on a table signifies a value of less than one-half percent (0.5%). A dash represents a value of zero. Percentages may not always add up to 100% because of computer rounding or the acceptance of multiple answers from respondents answering that question. Note that in some cases results may be based on small sample sizes. Caution should be used in drawing any conclusion from results based on these small samples.

States were given a grade (“A”, “B”, “C”, “D”, “F”) by respondents for each of the key elements of their liability systems. Tables showing the ratings of the states these grades display the percentage of respondents giving each grade and the mean grade for each element. The mean grade was calculated by converting the letter grade using a 4.0 scale - “A” = 4.0, “B” = 3.0, “C” = 2.0, “D” = 1.0, “F” = 0.0. Therefore the mean score displayed can be interpreted also as a letter grade. For example, a mean score of 1.8 could be roughly seen as a “C-“ grade.

For the “Ranking on Key Elements” tables, the grades given to each state were used to rank them by looking at the mean grade on that element. Ties between states with matching mean grades were ranked by looking at the percentage of “A” grades, etc.

The “Overall Ranking of State Liability Systems” table was calculated by creating an index using the scores given on each of the key elements. All of the key element items were highly correlated with one another and with overall performance. The differences in the relationship between each item and overall performance were trivial, so it was determined that each item should contribute equally to the index score. The index was created from the mean across the 10 items which was rescaled from 0 to 100 prior to averaging them together.

PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS

The Harris team responsible for the design and analysis of *The State Liability Systems Ranking Study* included Humphrey Taylor, Chairman *The Harris Poll*, David Krane, Senior Vice President and Amy Cottreau, Project Manager. We would like to acknowledge Judyth Pendell, Pendell Consulting, LLC, for her invaluable contribution to the design, content, focus and analysis of the project. Harris Interactive is responsible for the final determination of topics, question wording, collection of the data, statistical analysis and interpretation in the report.

PUBLIC RELEASE OF SURVEY FINDINGS

All Harris surveys are designed to comply with the code and standards of the Council of American Survey Research Organizations (CASRO) and the code of the National Council of Public Polls (NCPD). Should data from the survey be released to the public, any release must stipulate that the complete report is also available.

EXECUTIVE SUMMARY

Stories of excessive or frivolous litigation appear frequently in the popular press and Congressional debates have been ongoing for years on issues surrounding legal reform. However, information about Corporate America's views and impressions of the nation's civil justice system and what impact these have on business decision-making has been largely anecdotal. *The State Liability Systems Ranking Study* was conducted for the United States Chamber of Commerce among a national sample of in house general counsel or other senior litigators at public corporations and sought to explore how reasonable and fair the tort liability system is perceived to be by Corporate America.

Interviews conducted in between November 7 and December 11, 2001 with 824 senior corporate attorneys found that while some states clearly stand out as leaders in the area of creating a fair and reasonable litigation system, when looking more broadly at the nation as a whole, **the majority (57%) of those surveyed give an overall ranking of only fair or poor to the state court liability system in America.** Further, and perhaps more importantly, an **overwhelming 78% report that the litigation environment in a state could affect important business decisions** at their company such as where to locate or do business. [See Tables 1 and 2]

Respondents were screened for their familiarity with states and those who were very or somewhat familiar with the litigation environment in a given state were asked to evaluate that state. It is important to remember that **within states there is a often a great deal of variability -- from region to region, across courts, and across judges there may be areas of excellence and efficiency as well as problems – however respondents had to evaluate the state as a whole.** To explore the detailed nuances within states would have required extensive questioning for each state and was beyond the scope and purpose of this study.

Time constraints of the interview length limited the depth of material covered, however respondents were asked to give the state a grade (“A”, “B”, “C”, “D” or “F”) based on how well they felt they were doing in creating a fair and reasonable litigation environment in each of the following areas: tort and contract litigation, treatment of class action suits, punitive damages, timeliness of summary judgement/dismissal, discovery, scientific and technical evidence, judges' impartiality and competence, and juries' predictability and fairness.

Information collected on each state was then evaluated to create an **overall ranking of state liability systems.**¹

¹ The “Overall Ranking of State Liability Systems” table was calculated by creating an index using the scores given on each of the key elements. All of the key element items were highly correlated with one another and with overall performance. The differences in the relationship between each item and overall performance were trivial, so it was determined that each item should contribute equally to the index score. The index was created from the mean across the 10 items which was rescaled from 0 to 100 prior to averaging them together.

This evaluation shows that the **top five states as evaluated by corporate America at doing the best job at creating a fair and reasonable litigation environment are: Delaware, Virginia, Washington, Kansas, and Iowa. The worst perceived states are: Mississippi, West Virginia, Alabama, Louisiana, and Texas.** [See Table 3]

States were also ranked by each of the key elements that they had been graded on.² While some states remained leaders across the elements, some states stood out as getting particularly high or low ratings on certain elements.

- In the area of **overall treatment of tort and contract litigation**, the top five states are: Delaware, Virginia, Nebraska, Washington, and Iowa. The worst perceived states are: Mississippi, West Virginia, Alabama, Louisiana, and Texas. [See Table 6]
- In the area of **treatment of class actions**, the top five states are: Delaware, Washington, North Carolina, Nebraska, and Iowa. The worst perceived states are: West Virginia, Alabama, Louisiana, Oklahoma, and Texas. [See Table 7]
- In the area of **punitive damages**, the top five states are: Delaware, Kansas, Virginia, North Carolina, and South Dakota. The worst perceived states are: Mississippi, West Virginia, Alabama, Texas, and California. [See Table 8]
- In the area of **timeliness of summary judgement/dismissal**, the top five states are: Delaware, South Dakota, Virginia, Utah, and Iowa. The worst perceived states are: Mississippi, West Virginia, Louisiana, Alabama, and Kentucky. [See Table 9]
- In the area of **discovery**, the top five states are: Delaware, Virginia, Arizona, Washington, and South Dakota. The worst perceived states are: West Virginia, Mississippi, Alabama, Louisiana, and Texas. [See Table 10]
- In the area of **scientific and technical evidence**, the top five states are: Delaware, Virginia, Washington, New York, and Colorado. The worst perceived states are: Mississippi, West Virginia, Louisiana, Alabama, and Arkansas. [See Table 11]
- In the area of **judges' impartiality**, the top five states are: Delaware, Colorado, Washington, Iowa, and Wisconsin. The worst perceived states are: Mississippi, Louisiana, West Virginia, Alabama, and Texas. [See Table 12]
- In the area of **judges' competence**, the top five states are: Delaware, Washington, Virginia, Iowa, and Minnesota. The worst perceived states are: Mississippi, Alabama, Louisiana, West Virginia, and Montana. [See Table 13]

² “Ranking on Key Elements” tables, the grades given to each state were used to rank them by looking at the mean grade on that element. Ties between states with matching mean grades were ranked by looking at the percentage of “A” grades, etc.

- In the area of **juries' predictability**, the top five states are: Delaware, Kansas, Nebraska, Wisconsin, and Minnesota. The worst perceived states are: Mississippi, Alabama, California, West Virginia, and Montana. *[See Table 14]*
- Lastly, in the area of **juries' fairness**, the top five states are: Delaware, Kansas, North Dakota, Utah, and Washington. The worst perceived states are: Mississippi, Alabama, West Virginia, Louisiana, and Texas. *[See Table 15]*

Beyond gathering state evaluations, the study also explored what these senior attorneys felt was the most important issue that state policy makers who care about economic development should focus on to improve the litigation environment in their state. The leading two issues named were tort reform (cited by 18% of respondents) and punitive damages (17%). Also noted by many were judicial competence (6%), the selection of judges (5%), the specific issue of judicial appointment versus election (5%), speeding up the trial process (4%), the limitation of class action suits (4%), putting a ceiling on damages (4%) and the elimination of unnecessary lawsuits (3%). *[See Table 4]*

In summary, it seems that given the earlier noted finding on the potential influence of these perceptions on business decision-making, the impact of these perceptions on state economic development could be significant. While these findings only reflect the perceptions of in house general counsel or other senior litigators from corporate America, and some states may have better litigation environments than they are perceived to have, W. I. Thomas once noted that, "Those things that are believed to be real are real in their consequences." The challenge for states may not only be what issues policy makers should focus on to improve their litigation environment, but also one of effective communication on these issues with corporate America.

DETAILED TABLES OF RESULTS

Table 1
Overall Rating of State Court Liability Systems in America

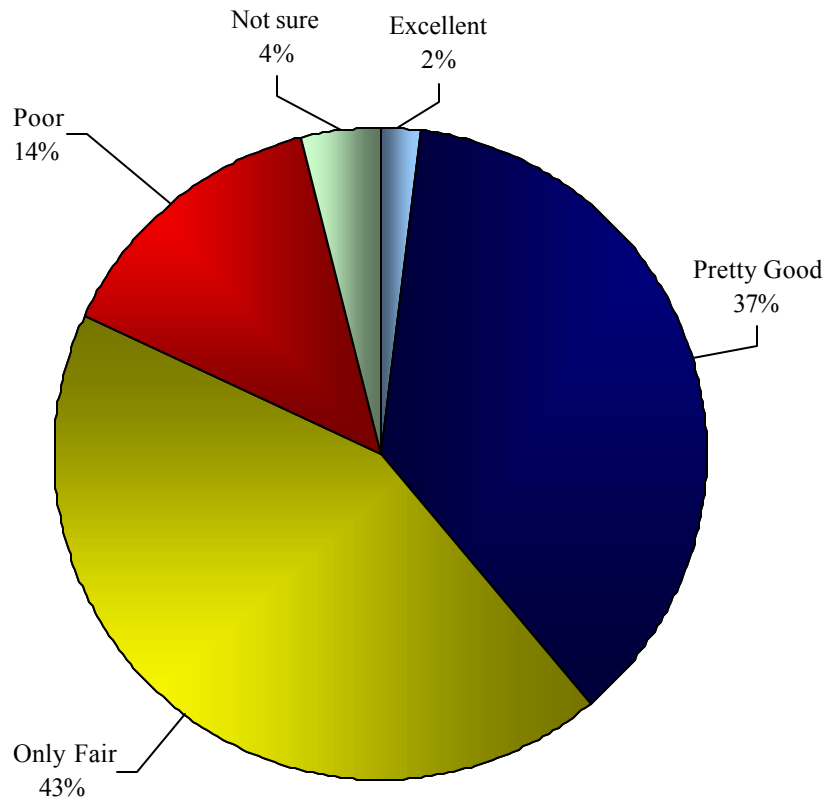


Table 2

**Impact of Litigation Environment on Important Business Decisions
Such as Where to Locate or do Business**

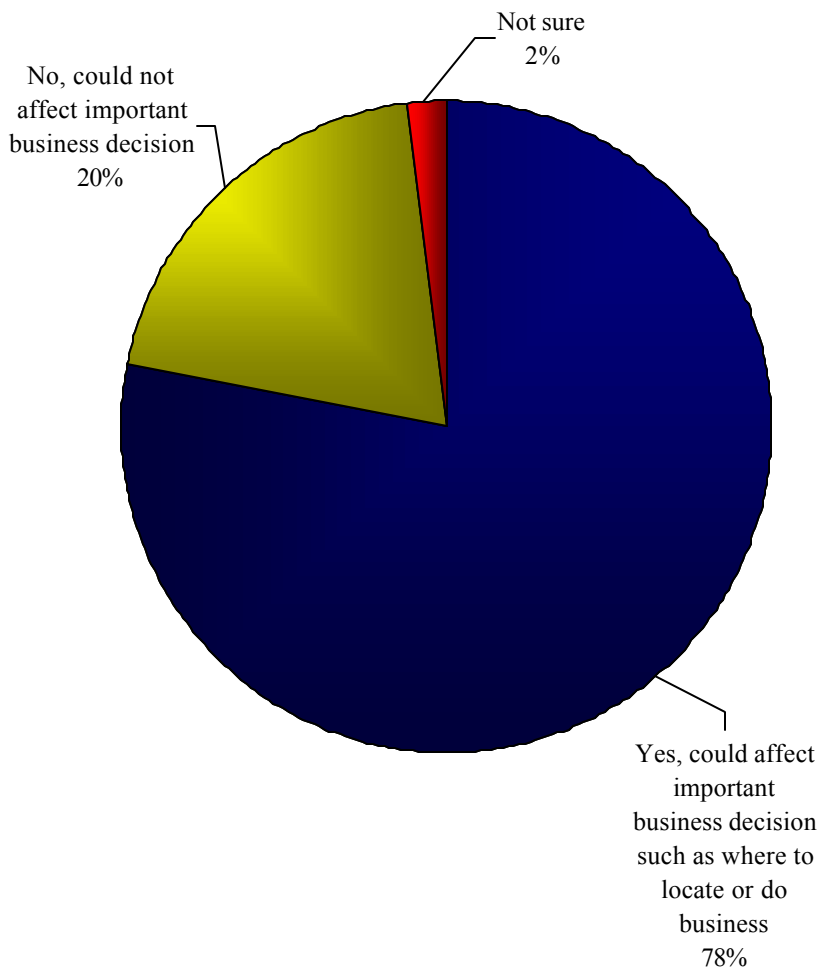


Table 3
Overall Ranking of State Liability Systems

STATE	OVERALL RANKING	STATE	OVERALL RANKING
Delaware	1	Ohio	26
Virginia	2	New York	27
Washington	3	Michigan	28
Kansas	4	Missouri	29
Iowa	5	Nevada	30
Nebraska	6	Pennsylvania	31
Colorado	7	New Jersey	32
Utah	8	Florida	33
South Dakota	9	Illinois	34
Connecticut	10	Rhode Island	35
Arizona	11	Massachusetts	36
Indiana	12	Alaska	37
Oregon	13	Kentucky	38
Idaho	14	New Mexico	39
Wisconsin	15	Hawaii	40
North Carolina	16	Oklahoma	41
New Hampshire	17	South Carolina	42
Maine	18	Montana	43
Minnesota	19	Arkansas	44
Wyoming	20	California	45
Vermont	21	Texas	46
Maryland	22	Louisiana	47
Georgia	23	Alabama	48
Tennessee	24	West Virginia	49
North Dakota	25	Mississippi	50

Table 4

Most Important Issues for State Policymakers Who Care About Economic Development to Focus on to Improve Litigation Environment

	Total
	%
Tort Reform Issue	18
Punitive Damages	17
Judicial Competence	6
Selection of Judges	6
Appointment vs. Election	5
Speeding up the trial process	4
Limitation of Class Action Suits	4
Should have ceiling on damages	4
Fairness and Impartiality	4
Eliminate Unnecessary Lawsuits	3
Timeliness of Decisions	2
Attorney fees should be paid for by the loser	2
Jury System Reform	2
Limit Liability Settlements	1
State/Local Issues	1
Product Liability Issues	1
Joint and Several Liability	1
Higher pay for Judges	1
Alternative Dispute Resolution	1
Adopt Appropriate Legislation	1
Environmental Regulations	1
Limiting Attorney Fees	1
Other Fee Issues	1

Table 5
Summary of Top/Bottom 5 States By Key Elements

Treatment of Tort and Contract Litigation

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
Nebraska	Alabama
Washington	Louisiana
Iowa	Texas

Treatment of Class Action Suits

BEST	WORST
Delaware	West Virginia
Washington	Alabama
North Carolina	Louisiana
Nebraska	Oklahoma
Iowa	California

Punitive Damages

BEST	WORST
Delaware	Mississippi
Kansas	West Virginia
Virginia	Alabama
North Carolina	Texas
South Dakota	California

Timeliness of Summary Judgement/Dismissal

BEST	WORST
Delaware	Mississippi
South Dakota	West Virginia
Virginia	Louisiana
Utah	Alabama
Iowa	Kentucky

Discovery

BEST	WORST
Delaware	West Virginia
Virginia	Mississippi
Arizona	Alabama
Washington	Louisiana
South Dakota	Texas

Table 5 (Cont'd)

Summary of Top/Bottom 5 States By Key Elements

Scientific and Technical Evidence

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
Washington	Louisiana
New York	Alabama
Colorado	Arkansas

Judges' Impartiality

BEST	WORST
Delaware	Mississippi
Colorado	Louisiana
Washington	West Virginia
Iowa	Alabama
Wisconsin	Texas

Judge's Competence

BEST	WORST
Delaware	Mississippi
Washington	Alabama
Virginia	Louisiana
Iowa	West Virginia
Minnesota	Montana

Juries' Predictability

BEST	WORST
Delaware	Mississippi
Kansas	Alabama
Nebraska	California
Wisconsin	West Virginia
Minnesota	Montana

Juries' Fairness

BEST	WORST
Delaware	Mississippi
Kansas	Alabama
North Dakota	West Virginia
Utah	Louisiana
Washington	Texas

STATE RANKINGS BY KEY ELEMENTS

Table 6**State Rankings for Overall Treatment of Tort and Contract Litigation**

STATE	OVERALL RANKING	STATE	OVERALL RANKING
1. Delaware	1	26. New Hampshire	17
2. Virginia	2	27. Pennsylvania	31
3. Nebraska	6	28. Missouri	29
4. Washington	3	29. Illinois	34
5. Iowa	5	30. Nevada	30
6. Colorado	7	31. Ohio	26
7. Indiana	12	32. Maine	18
8. Idaho	14	33. Florida	33
9. Utah	8	34. New Jersey	32
10. South Dakota	9	35. New Mexico	39
11. Kansas	4	36. Alaska	37
12. North Carolina	16	37. Rhode Island	35
13. North Dakota	25	38. South Carolina	42
14. Wisconsin	15	39. Kentucky	38
15. Michigan	28	40. Oklahoma	41
16. Connecticut	10	41. Arkansas	44
17. Arizona	11	42. Massachusetts	36
18. Tennessee	24	43. Hawaii	40
19. Vermont	21	44. California	45
20. New York	27	45. Montana	43
21. Wyoming	20	46. Texas	46
22. Minnesota	19	47. Louisiana	47
23. Oregon	13	48. Alabama	48
24. Georgia	23	49. West Virginia	49
25. Maryland	22	50. Mississippi	50

Table 7
Treatment of Class Action Suits

STATE	OVERALL RANKING	STATE	OVERALL RANKING
1. Delaware	1	26. North Dakota	25
2. Washington	3	27. Vermont	21
3. North Carolina	16	28. Kentucky	38
4. Nebraska	6	29. Nevada	30
5. Iowa	5	30. New Jersey	32
6. Colorado	7	31. Illinois	34
7. Connecticut	10	32. Wisconsin	15
8. Kansas	4	33. Hawaii	40
9. Oregon	13	34. Pennsylvania	31
10. Georgia	23	35. Rhode Island	35
11. Utah	8	36. Michigan	28
12. New York	27	37. Massachusetts	36
13. Maryland	22	38. Alaska	37
14. New Hampshire	17	39. South Carolina	42
15. Idaho	14	40. New Mexico	39
16. Tennessee	24	41. Montana	43
17. Ohio	26	42. Texas	46
18. South Dakota	9	43. Arkansas	44
19. Missouri	29	44. California	45
20. Indiana	12	45. Oklahoma	41
21. Florida	33	46. Louisiana	47
22. Maine	18	47. Alabama	48
23. Minnesota	19	48. West Virginia	49
24. Wyoming	20		
25. Arizona	11		

* Virginia and Mississippi not included because they do not have class actions

Table 8
Punitive Damages

STATE	OVERALL RANKING	STATE	OVERALL RANKING
1. Delaware	1	26. Rhode Island	35
2. Kansas	4	27. Wisconsin	15
3. Virginia	2	28. Missouri	29
4. North Carolina	16	29. New Mexico	39
5. South Dakota	9	30. Kentucky	38
6. Indiana	12	31. Wyoming	20
7. Connecticut	10	32. Arkansas	44
8. Colorado	7	33. Pennsylvania	31
9. Idaho	14	34. Illinois	34
10. Iowa	5	35. Hawaii	40
11. North Dakota	25	36. Florida	33
12. Tennessee	24	37. South Carolina	42
13. Michigan	28	38. Alaska	37
14. New Hampshire	17	39. Oklahoma	41
15. Maryland	22	40. Montana	43
16. Utah	8	41. California	45
17. Maine	18	42. Texas	46
18. Vermont	21	43. Alabama	48
19. Georgia	23	44. West Virginia	49
20. Minnesota	19	45. Mississippi	50
21. Oregon	13		
22. Ohio	26		
23. New York	27		
24. Nevada	30		
25. Arizona	11		

*Louisiana, Massachusetts, Nebraska, New Jersey, & Washington not included because they do not allow punitive damages in general

Table 9

Timeliness of Summary Judgement/Dismissal

STATE		OVERALL RANKING	STATE		OVERALL RANKING
1.	Delaware	1	26.	Minnesota	19
2.	South Dakota	9	27.	Michigan	28
3.	Virginia	2	28.	Montana	43
4.	Utah	8	29.	Illinois	34
5.	Iowa	5	30.	Missouri	29
6.	Oregon	13	31.	Nevada	30
7.	Nebraska	6	32.	Rhode Island	35
8.	North Dakota	25	33.	Arkansas	44
9.	Wyoming	20	34.	South Carolina	42
10.	Maine	18	35.	New Jersey	32
11.	Washington	3	36.	Pennsylvania	31
12.	Wisconsin	15	37.	New Mexico	39
13.	Idaho	14	38.	Alaska	37
14.	Connecticut	10	39.	Florida	33
15.	Kansas	4	40.	Hawaii	40
16.	New Hampshire	17	41.	New York	27
17.	Arizona	11	42.	California	45
18.	Vermont	21	43.	Texas	46
19.	Indiana	12	44.	Oklahoma	41
20.	Maryland	22	45.	Massachusetts	36
21.	Tennessee	24	46.	Kentucky	38
22.	Ohio	26	47.	Alabama	48
23.	Colorado	7	48.	Louisiana	47
24.	Georgia	23	49.	West Virginia	49
25.	North Carolina	16	50.	Mississippi	50

Table 10

Discovery

STATE		OVERALL RANKING	STATE		OVERALL RANKING
1.	Delaware	1	26.	Florida	33
2.	Virginia	2	27.	Illinois	34
3.	Arizona	11	28.	Maryland	22
4.	Washington	3	29.	Pennsylvania	31
5.	South Dakota	9	30.	Kentucky	38
6.	Iowa	5	31.	New Hampshire	17
7.	Kansas	4	32.	Vermont	21
8.	Wisconsin	15	33.	New York	27
9.	Colorado	7	34.	Nevada	30
10.	North Dakota	25	35.	Oklahoma	41
11.	Wyoming	20	36.	Montana	43
12.	Idaho	14	37.	Hawaii	40
13.	Indiana	12	38.	New Mexico	39
14.	Connecticut	10	39.	Massachusetts	36
15.	Minnesota	19	40.	New Jersey	32
16.	Missouri	29	41.	South Carolina	42
17.	Michigan	28	42.	Arkansas	44
18.	Georgia	23	43.	Rhode Island	35
19.	Oregon	13	44.	California	45
20.	Maine	18	45.	Alaska	37
21.	Tennessee	24	46.	Texas	46
22.	North Carolina	16	47.	Louisiana	47
23.	Utah	8	48.	Alabama	48
24.	Nebraska	6	49.	Mississippi	50
25.	Ohio	26	50.	West Virginia	49

Table 11
Scientific and Technical Evidence

STATE		OVERALL RANKING	STATE		OVERALL RANKING
1.	Delaware	1	26.	Vermont	21
2.	Virginia	2	27.	North Carolina	16
3.	Washington	3	28.	Utah	8
4.	New York	27	29.	California	45
5.	Colorado	8	30.	New Jersey	32
6.	Wisconsin	15	31.	Rhode Island	35
7.	Minnesota	19	32.	North Dakota	25
8.	Ohio	26	33.	Kentucky	38
9.	Connecticut	10	34.	Wyoming	20
10.	South Dakota	9	35.	Massachusetts	36
11.	New Hampshire	17	36.	Tennessee	24
12.	Kansas	4	37.	Maine	18
13.	Oregon	13	38.	Alaska	37
14.	Iowa	5	39.	Nevada	30
15.	Indiana	12	40.	Hawaii	40
16.	Arizona	11	41.	New Mexico	39
17.	Michigan	28	42.	Oklahoma	41
18.	Idaho	14	43.	Montana	43
19.	Maryland	22	44.	South Carolina	42
20.	Florida	33	45.	Texas	46
21.	Georgia	23	46.	Arkansas	44
22.	Pennsylvania	31	47.	Alabama	48
23.	Nebraska	6	48.	Louisiana	47
24.	Illinois	34	49.	West Virginia	49
25.	Missouri	29	50.	Mississippi	50

Table 12
Judges' Impartiality

STATE		OVERALL RANKING	STATE		OVERALL RANKING
1.	Delaware	1	26.	Vermont	21
2.	Colorado	7	27.	Maine	18
3.	Washington	3	28.	Michigan	28
4.	Iowa	5	29.	Ohio	26
5.	Wisconsin	15	30.	Massachusetts	36
6.	Connecticut	10	31.	Pennsylvania	31
7.	Nebraska	6	32.	Missouri	29
8.	Oregon	13	33.	Florida	33
9.	Virginia	2	34.	California	45
10.	Minnesota	19	35.	Alaska	37
11.	Maryland	22	36.	Nevada	30
12.	Idaho	14	37.	Rhode Island	35
13.	South Dakota	9	38.	Illinois	34
14.	Kansas	4	39.	Oklahoma	41
15.	Arizona	11	40.	Kentucky	38
16.	North Dakota	25	41.	Arkansas	44
17.	Georgia	23	42.	South Carolina	42
18.	Utah	8	43.	Hawaii	40
19.	New York	27	44.	New Mexico	39
20.	Indiana	12	45.	Montana	43
21.	North Carolina	16	46.	Texas	46
22.	New Hampshire	17	47.	Alabama	48
23.	Tennessee	24	48.	West Virginia	49
24.	New Jersey	32	49.	Louisiana	47
25.	Wyoming	20	50.	Mississippi	50

Table 13
Judges' Competence

STATE		OVERALL RANKING	STATE		OVERALL RANKING
1.	Delaware	1	26.	Indiana	12
2.	Washington	3	27.	Missouri	29
3.	Virginia	2	28.	California	45
4.	Iowa	5	29.	Massachusetts	36
5.	Minnesota	19	30.	Nevada	30
6.	Colorado	7	31.	Michigan	28
7.	Arizona	11	32.	Pennsylvania	31
8.	Connecticut	10	33.	Tennessee	24
9.	New York	27	34.	Ohio	26
10.	Wisconsin	15	35.	Florida	33
11.	North Dakota	25	36.	Alaska	37
12.	Maryland	22	37.	Rhode Island	35
13.	Oregon	13	38.	New Mexico	39
14.	Kansas	4	39.	Illinois	34
15.	South Dakota	9	40.	Oklahoma	41
16.	Nebraska	6	41.	South Carolina	42
17.	Utah	8	42.	Kentucky	38
18.	Idaho	14	43.	Hawaii	40
19.	Wyoming	20	44.	Arkansas	44
20.	Georgia	23	45.	Texas	46
21.	Vermont	21	46.	Montana	43
22.	North Carolina	16	47.	West Virginia	49
23.	New Hampshire	17	48.	Louisiana	47
24.	New Jersey	32	49.	Alabama	48
25.	Maine	18	50.	Mississippi	50

Table 14
Juries' Predictability

STATE		OVERALL RANKING	STATE		OVERALL RANKING
1.	Delaware	1	26.	Maryland	22
2.	Kansas	4	27.	Rhode Island	35
3.	Nebraska	6	28.	Missouri	29
4.	Wisconsin	15	29.	New York	27
5.	Minnesota	19	30.	Kentucky	38
6.	New Hampshire	17	31.	Oregon	13
7.	Utah	8	32.	Hawaii	40
8.	Iowa	5	33.	Nevada	30
9.	South Dakota	9	34.	New Jersey	32
10.	Maine	18	35.	Pennsylvania	31
11.	Vermont	21	36.	Oklahoma	41
12.	Washington	3	37.	Alaska	37
13.	Colorado	7	38.	Florida	33
14.	Connecticut	10	39.	New Mexico	39
15.	North Dakota	25	40.	Illinois	34
16.	Arizona	11	41.	Louisiana	47
17.	Indiana	12	42.	Texas	46
18.	Idaho	14	43.	South Carolina	42
19.	Virginia	2	44.	Massachusetts	36
20.	Michigan	28	45.	Arkansas	44
21.	Tennessee	24	46.	Montana	43
22.	Georgia	23	47.	West Virginia	49
23.	Ohio	26	48.	California	45
24.	North Carolina	16	49.	Alabama	48
25.	Wyoming	20	50.	Mississippi	50

Table 15
Juries' Fairness

STATE		OVERALL RANKING	STATE		OVERALL RANKING
1.	Delaware	1	26.	Michigan	28
2.	Kansas	4	27.	New York	27
3.	North Dakota	25	28.	Maryland	22
4.	Utah	8	29.	Georgia	23
5.	Washington	3	30.	Missouri	29
6.	Nebraska	6	31.	Florida	33
7.	Colorado	7	32.	New Mexico	39
8.	South Dakota	9	33.	New Jersey	32
9.	Wisconsin	15	34.	Massachusetts	36
10.	Maine	18	35.	Pennsylvania	31
11.	Iowa	5	36.	Oklahoma	41
12.	New Hampshire	17	37.	Rhode Island	35
13.	Wyoming	20	38.	Alaska	37
14.	Idaho	14	39.	Kentucky	38
15.	Virginia	2	40.	Illinois	34
16.	Vermont	21	41.	Arkansas	44
17.	Indiana	12	42.	South Carolina	42
18.	Connecticut	10	43.	Hawaii	40
19.	Oregon	13	44.	Montana	43
20.	Nevada	30	45.	California	45
21.	Minnesota	19	46.	Texas	46
22.	Ohio	26	47.	Louisiana	47
23.	Tennessee	24	48.	West Virginia	49
24.	Arizona	11	49.	Alabama	48
25.	North Carolina	16	50.	Mississippi	50

INDIVIDUAL STATE RATINGS
(IN ALPHABETICAL ORDER)

Table 16

Alabama

Overall Ranking: 48

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	20	20	38	20	1.4	48
Treatment of Class Action Suits	%	1	14	24	31	29	1.3	47
Punitive Damages	%	-	14	17	27	42	1.0	43
Timeliness of Summary Judgement/Dismissal	%	-	12	46	28	14	1.6	47
Discovery	%	1	20	49	23	8	1.8	48
Scientific and Technical Evidence	%	-	15	46	29	9	1.7	47
Judges' Impartiality	%	1	18	37	30	14	1.6	47
Judges' Competence	%	-	20	42	29	8	1.7	49
Juries' Predictability	%	1	19	34	28	19	1.6	49
Juries' Fairness	%	-	10	26	32	32	1.1	49
OVERALL STATE GRADE	%	-	16	24	44	15	1.4	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Supreme Court decisions (n=2)	3.5
Lawyer/Judge competency (n=2)	2.5
Political influence/ interference (n=1)	4.0
Favor plaintiffs (n=1)	2.0
Business disputes (n=1)	2.0
Amount awarded for punitive damages (n=1)	1.0
Local/state issues/location driven (n=1)	0.0
Appointment vs. elections (n=1)	-

Table 17

Alaska

Overall Ranking: 37

Ratings on Key Elements of State Liability Systems (n=63)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	35	37	17	7	2.1	36
Treatment of Class Action Suits	%	3	26	29	35	6	1.8	38
Punitive Damages	%	2	26	33	20	20	1.7	38
Timeliness of Summary Judgement/Dismissal	%	9	30	28	22	11	2.0	38
Discovery	%	6	29	38	19	8	2.1	45
Scientific and Technical Evidence	%	9	28	44	14	5	2.2	38
Judges' Impartiality	%	9	40	30	15	6	2.3	35
Judges' Competence	%	6	37	41	12	4	2.3	36
Juries' Predictability	%	2	24	53	13	7	2.0	37
Juries' Fairness	%	4	29	38	23	6	2.0	38
OVERALL STATE GRADE	%	4	37	35	19	6	2.1	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Tort reform legislation (n=1)	3.0
Appellate court issues (n=1)	2.0
Local/state issues/location driven (n=1)	2.0

Table 18

Arizona

Overall Ranking: 11

Ratings on Key Elements of State Liability Systems (n=78)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	49	39	6	1	2.5	17
Treatment of Class Action Suits	%	5	30	51	9	5	2.2	25
Punitive Damages	%	2	33	47	12	6	2.1	25
Timeliness of Summary Judgement/Dismissal	%	5	42	42	9	2	2.4	17
Discovery	%	14	50	31	4	-	2.7	3
Scientific and Technical Evidence	%	7	48	33	11	-	2.5	16
Judges' Impartiality	%	7	58	27	7	-	2.7	15
Judges' Competence	%	13	52	33	1	-	2.8	7
Juries' Predictability	%	2	43	44	11	-	2.3	16
Juries' Fairness	%	3	48	40	10	-	2.4	24
OVERALL STATE GRADE	%	4	52	37	7	-	2.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Timeliness for trial (n=1)	4.0
Lawyer/judge competency (n=1)	3.0
Local/state issues/location driven (n=1)	1.0
Tort reform legislation (n=1)	0.0
Liability reform (n=1)	-

Table 19

Arkansas

Overall Ranking: 44

Ratings on Key Elements of State Liability Systems (n=63)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	18	56	16	5	2.0	41
Treatment of Class Action Suits	%	-	20	44	24	11	1.7	43
Punitive Damages	%	4	28	32	28	8	1.9	32
Timeliness of Summary Judgement/Dismissal	%	4	32	43	15	6	2.1	33
Discovery	%	2	36	46	13	4	2.2	42
Scientific and Technical Evidence	%	2	16	38	40	4	1.7	46
Judges' Impartiality	%	-	30	60	7	4	2.2	41
Judges' Competence	%	-	34	50	13	4	2.1	44
Juries' Predictability	%	-	17	57	23	4	1.9	45
Juries' Fairness	%	2	20	50	20	7	1.9	41
OVERALL STATE GRADE	%	2	25	48	18	7	2.0	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Appellate Court Issues (n=1)	3.0
Legislature (n=1)	2.0
Lawyer/judge competency (n=1)	2.0
Jury Fairness (n=1)	0.0

Table 20
California
Overall Ranking: 45

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	22	37	32	5	1.9	44
Treatment of Class Action Suits	%	1	22	29	27	21	1.6	44
Punitive Damages	%	3	15	30	28	24	1.5	41
Timeliness of Summary Judgement/Dismissal	%	5	23	41	18	12	1.9	42
Discovery	%	8	25	40	25	2	2.1	44
Scientific and Technical Evidence	%	8	35	36	17	4	2.3	29
Judges' Impartiality	%	9	41	32	11	7	2.3	34
Judges' Competence	%	8	45	28	14	5	2.4	28
Juries' Predictability	%	1	17	42	27	13	1.7	48
Juries' Fairness	%	4	19	40	24	12	1.8	45
OVERALL STATE GRADE	%	3	29	36	23	9	1.9	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Timeliness for Trial (n=2)	1.0
Class Action Issues (n=2)	0.5
Jury Fairness (n=1)	1.0
Liability Reform (n=1)	0.0

Table 21**Colorado****Overall Ranking: 7****Ratings on Key Elements of State Liability Systems (n=73)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	10	48	35	7	-	2.6	6
Treatment of Class Action Suits	%	2	51	39	7	-	2.5	6
Punitive Damages	%	12	40	33	13	2	2.5	8
Timeliness of Summary Judgement/Dismissal	%	5	37	46	9	3	2.3	23
Discovery	%	9	55	28	7	1	2.6	9
Scientific and Technical Evidence	%	6	62	30	-	2	2.7	5
Judges' Impartiality	%	18	58	21	3	-	2.9	2
Judges' Competence	%	13	60	22	3	1	2.8	6
Juries' Predictability	%	-	55	27	18	-	2.4	13
Juries' Fairness	%	9	52	29	10	-	2.6	7
OVERALL STATE GRADE	%	7	55	34	4	-	2.6	

ADDITIONAL VOLUNTEERED ITEMS**MEAN GRADE**

Lawyer/Judge Competency (n=1)	3.0
Tort Reform Legislation (n=1)	2.0
Supreme Court Decisions (n=1)	1.0
Amount awarded for punitive damages (n=1)	0.0
Jury Fairness (n=1)	-

Table 22
Connecticut
Overall Ranking: 10

Ratings on Key Elements of State Liability Systems (n=68)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	50	39	5	2	2.5	16
Treatment of Class Action Suits	%	11	43	30	11	5	2.4	7
Punitive Damages	%	12	51	19	14	5	2.5	7
Timeliness of Summary Judgement/Dismissal	%	7	39	46	7	2	2.4	14
Discovery	%	3	59	36	2	-	2.6	14
Scientific and Technical Evidence	%	6	51	34	9	-	2.6	9
Judges' Impartiality	%	13	61	19	6	-	2.8	6
Judges' Competence	%	11	58	27	3	-	2.8	8
Juries' Predictability	%	-	45	47	6	2	2.4	14
Juries' Fairness	%	2	57	37	2	2	2.5	18
OVERALL STATE GRADE	%	3	58	36	3	-	2.6	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Lawyer/Judge Competency (n=1)	3.0
Appellate Court Issues (n=1)	3.0
Business Disputes (n=1)	2.0
Appointment vs. Elections (n=1)	1.0
Amount awarded for punitive damages (n=1)	0.0
The Workers' Comp Shield (n=1)	0.0

Table 23

Delaware

Overall Ranking: 1

Ratings on Key Elements of State Liability Systems (n=75)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	34	49	14	3	-	3.1	1
Treatment of Class Action Suits	%	51	41	6	2	-	3.4	1
Punitive Damages	%	30	48	20	2	-	3.1	1
Timeliness of Summary Judgement/Dismissal	%	31	46	19	5	-	3.0	1
Discovery	%	35	49	14	2	-	3.2	1
Scientific and Technical Evidence	%	25	58	17	-	-	3.1	1
Judges' Impartiality	%	54	38	6	2	-	3.4	1
Judges' Competence	%	53	41	5	2	-	3.5	1
Juries' Predictability	%	11	51	32	6	-	2.7	1
Juries' Fairness	%	14	68	16	2	-	2.9	1
OVERALL STATE GRADE	%	36	49	13	1	-	3.2	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Commercial Sophistication (n=1)	4.0
Lawyer/Judge Competency (n=1)	4.0
Timeliness for Trial (n=1)	4.0
Local/State issues/location driven (n=1)	4.0
Business Disputes (n=1)	4.0
Supreme Court Decisions (n=1)	3.0

Table 24

Florida

Overall Ranking: 33

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	32	48	13	3	2.2	33
Treatment of Class Action Suits	%	10	20	50	15	5	2.2	21
Punitive Damages	%	1	27	43	24	5	1.9	36
Timeliness of Summary Judgement/Dismissal	%	4	22	49	23	2	2.0	39
Discovery	%	8	35	49	5	2	2.4	26
Scientific and Technical Evidence	%	6	37	50	4	3	2.4	20
Judges' Impartiality	%	10	33	40	12	4	2.3	33
Judges' Competence	%	6	38	45	8	3	2.3	35
Juries' Predictability	%	1	22	53	19	5	2.0	38
Juries' Fairness	%	4	29	49	13	6	2.1	31
OVERALL STATE GRADE	%	3	29	51	14	3	2.2	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Appointment vs. Elections (n=3)	1.0
Tort Reform Legislation (n=2)	1.0
Use of Mediation (n=1)	4.0
Lawyer/Judge Competency (n=1)	1.0
Business Disputes (n=1)	1.0
Control Frivolous Lawsuits (n=1)	1.0
Local/State issues/location driven (n=1)	0.0
Amount awarded for punitive damages (n=1)	0.0
Statute Issues (n=1)	0.0

Table 25

Georgia

Overall Ranking: 23

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking With Element
Overall Treatment of Tort and Contract Litigation	%	3	49	37	7	3	2.4	24
Treatment of Class Action Suits	%	3	50	34	11	2	2.4	10
Punitive Damages	%	3	44	36	13	5	2.3	19
Timeliness of Summary Judgement/Dismissal	%	3	38	45	13	1	2.3	24
Discovery	%	7	50	31	11	1	2.5	18
Scientific and Technical Evidence	%	5	46	38	9	1	2.4	21
Judges' Impartiality	%	12	48	29	10	1	2.6	17
Judges' Competence	%	8	55	32	3	2	2.6	20
Juries' Predictability	%	2	37	47	9	5	2.2	22
Juries' Fairness	%	3	34	44	16	2	2.2	29
OVERALL STATE GRADE	%	3	53	35	8	1	2.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Comparative Negligence (n=1)	3.0
Lawyer/Judge Competency (n=1)	3.0
Timeliness for Trial (n=1)	3.0
Local/State issues/location driven (n=1)	3.0
Business Disputes (n=1)	3.0
Legislature (n=1)	2.0
The Workers' Comp Shield (n=1)	1.0

Table 26

Hawaii

Overall Ranking: 40

Ratings on Key Elements of State Liability Systems (n=62)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	-	25	51	22	2	2.0	43
Treatment of Class Action Suits	%	-	31	49	14	6	2.1	33
Punitive Damages	%	2	24	33	38	2	1.9	35
Timeliness of Summary Judgement/Dismissal	%	-	27	44	27	2	2.0	40
Discovery	%	-	35	56	10	-	2.3	37
Scientific and Technical Evidence	%	-	28	62	10	-	2.2	40
Judges' Impartiality	%	2	35	44	16	4	2.1	43
Judges' Competence	%	2	37	41	19	2	2.2	43
Juries' Predictability	%	2	27	46	25	-	2.1	32
Juries' Fairness	%	-	29	39	29	4	1.9	43
OVERALL STATE GRADE	%	2	29	48	20	2	2.1	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Alternative Dispute Resolution (n=1)	3.0
Legislature (n=1)	3.0
Appellate Court Issues (n=1)	2.0
Supreme Court Decisions (n=1)	1.0
The laws are clear/in place (n=1)	1.0
Appointment vs. Elections (n=1)	1.0

Table 27

Idaho

Overall Ranking: 14

Ratings on Key Elements of State Liability Systems (n=53)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	8	46	40	6	-	2.6	8
Treatment of Class Action Suits	%	7	33	40	20	-	2.3	15
Punitive Damages	%	10	38	41	8	3	2.5	9
Timeliness of Summary Judgement/Dismissal	%	7	40	44	7	2	2.4	13
Discovery	%	7	47	42	5	-	2.6	12
Scientific and Technical Evidence	%	5	41	51	3	-	2.5	18
Judges' Impartiality	%	13	53	28	6	-	2.7	12
Judges' Competence	%	11	45	40	4	-	2.6	18
Juries' Predictability	%	-	44	46	5	5	2.3	18
Juries' Fairness	%	7	41	46	5	-	2.5	14
OVERALL STATE GRADE	%	4	50	42	4	-	2.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Hard to get a dismissal (n=1)

2.0

Table 28

Illinois

Overall Ranking: 34

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	45	32	16	3	2.3	29
Treatment of Class Action Suits	%	3	33	41	15	8	2.1	31
Punitive Damages	%	4	25	38	26	8	1.9	34
Timeliness of Summary Judgement/Dismissal	%	7	29	42	18	3	2.2	29
Discovery	%	6	43	39	9	3	2.4	27
Scientific and Technical Evidence	%	4	48	39	5	4	2.4	24
Judges' Impartiality	%	3	39	39	15	4	2.2	38
Judges' Competence	%	3	43	40	11	3	2.3	39
Juries' Predictability	%	-	25	53	15	7	2.0	40
Juries' Fairness	%	1	29	44	21	4	2.0	40
OVERALL STATE GRADE	%	3	36	46	12	2	2.3	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Tort Reform Legislation (n=2)	1.5
Class Action Issues (n=1)	2.0
The Workers' Comp Shield (n=1)	2.0
Jury Fairness (n=1)	1.0
Business Disputes (n=1)	1.0
Appointment vs. Elections (n=1)	1.0
Statutes of Repose Issues (n=1)	0.0

Table 29

Indiana

Overall Ranking: 12

Ratings on Key Elements of State Liability Systems (n=70)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	8	58	20	11	3	2.6	7
Treatment of Class Action Suits	%	3	46	36	10	5	2.3	20
Punitive Damages	%	15	47	24	7	7	2.5	6
Timeliness of Summary Judgement/Dismissal	%	3	54	29	8	5	2.4	19
Discovery	%	3	62	29	5	2	2.6	13
Scientific and Technical Evidence	%	9	39	43	7	2	2.5	15
Judges' Impartiality	%	8	61	21	6	3	2.6	20
Judges' Competence	%	3	56	30	8	3	2.5	26
Juries' Predictability	%	2	40	50	7	2	2.3	17
Juries' Fairness	%	2	57	37	3	2	2.5	17
OVERALL STATE GRADE	%	2	62	25	11	2	2.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Tort Reform Legislation (n=2)	1.0
Comparative Negligence (n=1)	3.0
Joint & Several Liability Rules (n=1)	0.0

Table 30

Iowa

Overall Ranking: 5

Ratings on Key Elements of State Liability Systems (n=63)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	69	20	7	-	2.7	5
Treatment of Class Action Suits	%	10	42	35	10	3	2.5	5
Punitive Damages	%	9	48	30	11	2	2.5	10
Timeliness of Summary Judgement/Dismissal	%	4	64	25	6	2	2.6	5
Discovery	%	5	62	31	2	-	2.7	6
Scientific and Technical Evidence	%	9	48	30	11	2	2.5	14
Judges' Impartiality	%	7	71	22	-	-	2.9	4
Judges' Competence	%	9	74	18	-	-	2.9	4
Juries' Predictability	%	-	53	43	2	2	2.5	8
Juries' Fairness	%	4	62	28	4	2	2.6	11
OVERALL STATE GRADE	%	2	67	27	2	3	2.6	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Political Influence/Interference (n=1)	4.0
Appointment vs. Elections (n=1)	4.0
Timeliness for Trial (n=1)	1.0
Liability Reform (n=1)	0.0
The Workers' Comp Shield (n=1)	0.0

Table 31

Kansas

Overall Ranking: 4

Ratings on Key Elements of State Liability Systems (n=63)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	65	22	9	-	2.6	11
Treatment of Class Action Suits	%	7	52	24	14	3	2.4	8
Punitive Damages	%	15	53	23	8	3	2.7	2
Timeliness of Summary Judgement/Dismissal	%	6	43	39	10	2	2.4	15
Discovery	%	4	65	23	8	-	2.7	7
Scientific and Technical Evidence	%	5	51	41	3	-	2.6	12
Judges' Impartiality	%	9	61	22	7	-	2.7	14
Judges' Competence	%	8	57	32	4	-	2.7	14
Juries' Predictability	%	2	65	25	6	2	2.6	2
Juries' Fairness	%	10	67	19	4	-	2.8	2
OVERALL STATE GRADE	%	2	66	30	2	-	2.7	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Comparative Negligence (n=1)

4.0

Control Frivolous Lawsuits (n=1)

2.0

Table 32

Kentucky

Overall Ranking: 38

Ratings on Key Elements of State Liability Systems (n=67)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	24	60	10	3	2.1	39
Treatment of Class Action Suits	%	3	27	55	12	3	2.2	28
Punitive Damages	%	4	24	47	20	4	2.0	30
Timeliness of Summary Judgement/Dismissal	%	2	23	41	25	9	1.8	46
Discovery	%	3	43	46	5	3	2.4	30
Scientific and Technical Evidence	%	4	36	43	15	2	2.3	33
Judges' Impartiality	%	2	42	39	10	7	2.2	40
Judges' Competence	%	2	37	47	12	3	2.2	42
Juries' Predictability	%	4	25	51	16	4	2.1	30
Juries' Fairness	%	4	27	43	20	6	2.0	39
OVERALL STATE GRADE	%	3	27	57	11	2	2.2	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Hard to get a dismissal (n=1)	2.0
Class Action Issues (n=1)	2.0
Business Disputes (n=1)	2.0
Appointment vs. Elections (n=1)	2.0
Joint & Several Liability Rules (n=1)	1.0

Table 33

Louisiana

Overall Ranking: 47

Ratings on Key Elements of State Liability Systems (n=94)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	16	36	33	14	1.6	47
Treatment of Class Action Suits	%	3	8	33	34	22	1.4	46
Punitive Damages	Louisiana does not allow punitive damages in general							
Timeliness of Summary Judgement/Dismissal	%	-	19	31	30	20	1.5	48
Discovery	%	1	27	43	19	9	1.9	47
Scientific and Technical Evidence	%	3	16	38	28	16	1.6	48
Judges' Impartiality	%	1	16	34	34	15	1.5	49
Judges' Competence	%	1	14	50	23	13	1.7	48
Juries' Predictability	%	6	27	33	20	15	1.9	41
Juries' Fairness	%	1	17	28	31	23	1.4	47
OVERALL STATE GRADE	%	-	14	41	27	18	1.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Appointment vs. Elections (n=3)	1.0
Lawyer/Judge Competency (n=2)	2.0
Amount Awarded for Punitive Damages (n=2)	0.0
Statute Issues (n=1)	3.0
Business Disputes (n=1)	2.0
Legislature (n=1)	1.0
Statutes of Repose Issues (n=1)	0.0

Table 34

Maine

Overall Ranking: 18

Ratings on Key Elements of State Liability Systems (n=53)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	-	45	45	10	-	2.3	32
Treatment of Class Action Suits	%	8	35	42	4	12	2.2	22
Punitive Damages	%	6	41	38	9	6	2.3	17
Timeliness of Summary Judgement/Dismissal	%	3	53	35	6	3	2.5	10
Discovery	%	6	51	34	9	-	2.5	20
Scientific and Technical Evidence	%	-	40	50	7	3	2.3	37
Judges' Impartiality	%	5	55	30	10	-	2.5	27
Judges' Competence	%	5	53	35	8	-	2.5	25
Juries' Predictability	%	6	40	46	6	3	2.4	10
Juries' Fairness	%	5	50	42	3	-	2.6	10
OVERALL STATE GRADE	%	2	44	47	7	-	2.4	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

None

Table 35

Maryland

Overall Ranking: 22

Ratings on Key Elements of State Liability Systems (n=67)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	50	34	13	2	2.4	25
Treatment of Class Action Suits	%	8	41	33	10	8	2.3	13
Punitive Damages	%	8	40	33	10	8	2.3	15
Timeliness of Summary Judgement/Dismissal	%	6	43	31	15	6	2.3	20
Discovery	%	5	46	37	11	2	2.4	28
Scientific and Technical Evidence	%	4	63	15	15	4	2.5	19
Judges' Impartiality	%	15	55	20	7	3	2.7	11
Judges' Competence	%	8	62	23	5	2	2.7	12
Juries' Predictability	%	-	37	54	4	6	2.2	26
Juries' Fairness	%	4	33	50	10	4	2.2	28
OVERALL STATE GRADE	%	3	48	38	8	2	2.4	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Appointment vs. Elections (n=2)	1.5
Legislature (n=1)	3.0
Timeliness for Trial (n=1)	2.0

Table 36

Massachusetts

Overall Ranking: 36

Ratings on Key Elements of State Liability Systems (n=66)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	29	37	27	5	2.0	42
Treatment of Class Action Suits	%	-	35	28	33	5	1.9	37
Punitive Damages	Massachusetts does not allow punitive damages in general							
Timeliness of Summary Judgement/Dismissal	%	-	27	39	29	5	1.9	45
Discovery	%	5	32	47	14	2	2.2	39
Scientific and Technical Evidence	%	2	44	34	17	2	2.3	35
Judges' Impartiality	%	7	40	38	13	2	2.4	30
Judges' Competence	%	7	46	34	11	2	2.4	29
Juries' Predictability	%	-	27	44	22	7	1.9	44
Juries' Fairness	%	2	33	37	24	4	2.1	34
OVERALL STATE GRADE	%	2	31	47	19	2	2.1	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Tort Reform Legislation (n=1)

1.0

Joint & Several Liability Rules (n=1)

0.0

Table 37

Michigan

Overall Ranking: 28

Ratings on Key Elements of State Liability Systems (n=83)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	7	44	38	10	-	2.5	15
Treatment of Class Action Suits	%	-	29	47	22	2	2.0	36
Punitive Damages	%	14	35	32	16	3	2.4	13
Timeliness of Summary Judgement/Dismissal	%	8	37	29	24	3	2.2	27
Discovery	%	8	44	36	13	-	2.5	17
Scientific and Technical Evidence	%	7	46	41	6	-	2.5	17
Judges' Impartiality	%	5	51	33	7	4	2.5	28
Judges' Competence	%	5	43	41	10	1	2.4	31
Juries' Predictability	%	3	35	43	15	4	2.2	20
Juries' Fairness	%	7	29	47	13	4	2.2	26
OVERALL STATE GRADE	%	5	43	43	9	1	2.4	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Use of Mediation (n=2)	2.0
Appellate Court Issues (n=1)	4.0
No Fault (n=1)	3.0
Availability of Sanctions (n=1)	2.0
Business Disputes (n=1)	2.0

Table 38

Minnesota

Overall Ranking: 19

Ratings on Key Elements of State Liability Systems (n=66)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	49	27	14	3	2.4	22
Treatment of Class Action Suits	%	7	43	25	11	14	2.2	23
Punitive Damages	%	10	25	44	12	8	2.2	20
Timeliness of Summary Judgement/Dismissal	%	10	31	37	15	7	2.2	26
Discovery	%	10	43	35	12	-	2.5	15
Scientific and Technical Evidence	%	11	50	31	6	2	2.6	7
Judges' Impartiality	%	19	44	29	5	3	2.7	10
Judges' Competence	%	16	54	27	2	2	2.8	5
Juries' Predictability	%	5	48	38	8	2	2.5	5
Juries' Fairness	%	5	48	33	12	2	2.4	21
OVERALL STATE GRADE	%	6	47	36	9	2	2.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Liability Reform (n=2)

2.5

Tort Reform Legislation (n=1)

1.0

Table 39
Mississippi
Overall Ranking: 50

Ratings on Key Elements of State Liability Systems (n=96)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	3	26	23	47	0.9	50
Treatment of Class Action Suits	Mississippi does not have class actions							
Punitive Damages	%	-	1	16	19	64	0.5	45
Timeliness of Summary Judgement/Dismissal	%	1	12	31	30	26	1.3	50
Discovery	%	1	17	33	25	24	1.5	49
Scientific and Technical Evidence	%	-	7	37	32	25	1.3	50
Judges' Impartiality	%	-	13	25	31	32	1.2	50
Judges' Competence	%	2	10	32	32	23	1.4	50
Juries' Predictability	%	2	18	27	19	34	1.4	50
Juries' Fairness	%	-	2	21	31	45	0.8	50
OVERALL STATE GRADE	%	-	1	26	30	43	0.8	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Lawyer/Judge Competency (n=2)	2.0
Jury Fairness (n=2)	0.5
Local/State Issues/Location Driven (n=2)	0.0
Supreme Court Decisions (n=1)	2.0
Amount Awarded for Punitive Damages (n=1)	0.0
Class Action Issues (n=1)	0.0
Statute Issues (n=1)	0.0
Favor Plaintiffs (n=1)	-

Table 40

Missouri

Overall Ranking: 29

Ratings on Key Elements of State Liability Systems (n=75)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	35	44	15	1	2.3	28
Treatment of Class Action Suits	%	4	35	50	6	4	2.3	19
Punitive Damages	%	6	25	37	24	8	2.0	28
Timeliness of Summary Judgement/Dismissal	%	4	35	42	14	4	2.2	30
Discovery	%	9	37	50	3	1	2.5	16
Scientific and Technical Evidence	%	4	44	44	5	4	2.4	25
Judges' Impartiality	%	4	49	32	12	3	2.4	32
Judges' Competence	%	1	52	41	4	1	2.5	27
Juries' Predictability	%	6	28	45	14	6	2.1	28
Juries' Fairness	%	6	22	51	15	6	2.1	30
OVERALL STATE GRADE	%	3	38	48	10	1	2.3	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Timeliness for Trial (n=1)	3.0
Legislature (n=1)	2.0
Wrongful Death Issue (n=1)	0.0

Table 41

Montana

Overall Ranking: 43

Ratings on Key Elements of State Liability Systems (n=62)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	-	28	42	23	8	1.9	45
Treatment of Class Action Suits	%	-	22	52	13	13	1.8	41
Punitive Damages	%	3	15	40	25	18	1.6	40
Timeliness of Summary Judgement/Dismissal	%	7	29	43	19	2	2.2	28
Discovery	%	2	37	49	10	2	2.5	36
Scientific and Technical Evidence	%	5	26	40	21	7	2.0	43
Judges' Impartiality	%	-	29	49	16	6	2.0	45
Judges' Competence	%	2	21	54	21	2	2.0	46
Juries' Predictability	%	-	25	36	32	7	1.8	46
Juries' Fairness	%	-	25	39	36	-	1.9	44
OVERALL STATE GRADE	%	-	28	48	20	4	2.0	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

None

Table 42

Nebraska

Overall Ranking: 6

Ratings on Key Elements of State Liability Systems (n=61)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	9	53	36	-	2	2.7	3
Treatment of Class Action Suits	%	12	28	56	4	-	2.5	4
Punitive Damages	Nebraska does not allow punitive damages in general							
Timeliness of Summary Judgement/Dismissal	%	2	62	28	6	2	2.6	7
Discovery	%	2	59	29	10	-	2.5	24
Scientific and Technical Evidence	%	5	37	55	-	3	2.4	23
Judges' Impartiality	%	12	57	29	2	-	2.8	7
Judges' Competence	%	6	63	29	-	2	2.7	16
Juries' Predictability	%	-	57	41	2	-	2.6	3
Juries' Fairness	%	2	69	25	2	2	2.7	6
OVERALL STATE GRADE	%	4	64	30	2	-	2.7	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Appellate Court Issues (n=1)

3.0

Hard to get a dismissal (n=1)

2.0

Table 43

Nevada

Overall Ranking: 30

Ratings on Key Elements of State Liability Systems (n=63)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	45	39	13	2	2.3	30
Treatment of Class Action Suits	%	9	23	49	14	6	2.1	29
Punitive Damages	%	6	27	41	20	6	2.1	24
Timeliness of Summary Judgement/Dismissal	%	4	34	46	14	2	2.2	31
Discovery	%	6	30	59	4	2	2.3	34
Scientific and Technical Evidence	%	2	29	60	10	-	2.2	39
Judges' Impartiality	%	4	43	35	17	2	2.3	36
Judges' Competence	%	6	41	39	13	2	2.4	30
Juries' Predictability	%	2	24	59	11	4	2.1	33
Juries' Fairness	%	6	31	54	8	-	2.4	20
OVERALL STATE GRADE	%	3	35	50	8	3	2.3	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Prejudice Issues (n=1)

1.0

Appointment vs. Elections (n=1)

0.0

Table 44

New Hampshire

Overall Ranking: 17

Ratings on Key Elements of State Liability Systems (n=63)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	49	38	11	-	2.4	26
Treatment of Class Action Suits	%	7	45	28	17	3	2.3	14
Punitive Damages	%	11	34	42	11	3	2.4	14
Timeliness of Summary Judgement/Dismissal	%	5	43	39	14	-	2.4	16
Discovery	%	2	51	36	11	-	2.4	31
Scientific and Technical Evidence	%	5	53	34	8	-	2.6	11
Judges' Impartiality	%	8	51	31	10	-	2.6	22
Judges' Competence	%	8	43	43	6	-	2.5	23
Juries' Predictability	%	3	50	42	3	3	2.5	6
Juries' Fairness	%	10	45	28	15	3	2.5	12
OVERALL STATE GRADE	%	4	49	36	11	-	2.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Prejudice Issues (n=1)

3.0

Table 45
New Jersey
Overall Ranking: 32

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	37	39	16	5	2.2	34
Treatment of Class Action Suits	%	7	25	42	16	9	2.1	30
Punitive Damages	New Jersey does not allow punitive damages in general							
Timeliness of Summary Judgement/Dismissal	%	2	34	40	16	8	2.1	35
Discovery	%	3	32	45	16	3	2.2	40
Scientific and Technical Evidence	%	7	43	33	13	4	2.3	30
Judges' Impartiality	%	10	47	26	12	4	2.5	24
Judges' Competence	%	8	43	37	11	1	2.5	24
Juries' Predictability	%	1	34	44	16	4	2.1	34
Juries' Fairness	%	3	34	38	20	5	2.1	33
OVERALL STATE GRADE	%	3	44	35	15	3	2.3	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Need to use an Intermediate Court of Appeals (n=1)	1.0
Statutes of Repose Issues (n=1)	1.0
Joint & Several Liability Rules (n=1)	0.0
Appellate Court Issues (n=1)	0.0

Table 46
New Mexico
Overall Ranking: 39

Ratings on Key Elements of State Liability Systems (n=63)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	34	41	20	2	2.2	35
Treatment of Class Action Suits	%	-	24	47	18	11	1.8	40
Punitive Damages	%	4	29	37	25	4	2.0	29
Timeliness of Summary Judgement/Dismissal	%	2	23	54	21	-	2.1	37
Discovery	%	5	36	40	16	3	2.2	38
Scientific and Technical Evidence	%	2	31	48	14	5	2.1	41
Judges' Impartiality	%	4	31	35	27	4	2.0	44
Judges' Competence	%	4	34	50	11	2	2.3	38
Juries' Predictability	%	-	29	43	27	-	2.0	39
Juries' Fairness	%	4	27	43	25	-	2.1	32
OVERALL STATE GRADE	%	2	37	42	17	2	2.2	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Lawyer/Judge Competency (n=1)	3.0
Need to use an Intermediate Court of Appeals (n=1)	3.0
Appointment vs. Elections (n=1)	2.0
Timeliness for Trial (n=1)	1.0
Amount Awarded for Punitive Damages (n=1)	1.0

Table 47
New York
Overall Ranking: 27

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	10	40	34	12	4	2.4	20
Treatment of Class Action Suits	%	9	40	32	12	6	2.3	12
Punitive Damages	%	7	36	31	15	12	2.1	23
Timeliness of Summary Judgement/Dismissal	%	6	23	39	23	10	1.9	41
Discovery	%	8	39	34	14	4	2.3	33
Scientific and Technical Evidence	%	23	38	28	7	4	2.7	4
Judges' Impartiality	%	9	52	32	7	1	2.6	19
Judges' Competence	%	14	49	30	5	1	2.7	9
Juries' Predictability	%	4	28	49	14	5	2.1	29
Juries' Fairness	%	4	36	40	13	8	2.2	27
OVERALL STATE GRADE	%	5	45	35	12	3	2.4	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Local/State Issues/Location Driven (n=2)	2.5
Appointment vs. Elections (n=2)	1.5
Timeliness for Trial (n=2)	0.5
Commercial Sophistication (n=1)	4.0
Use of Mediation (n=1)	3.0
Amount Awarded for Punitive Damages (n=1)	1.0
Insurance Doesn't Pay Out Fair (n=1)	0.0

Table 48
North Carolina
Overall Ranking: 16

Ratings on Key Elements of State Liability Systems (n=74)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	59	28	10	-	2.6	12
Treatment of Class Action Suits	%	15	40	27	17	2	2.5	3
Punitive Damages	%	18	39	32	11	-	2.6	4
Timeliness of Summary Judgement/Dismissal	%	-	42	45	8	5	2.3	25
Discovery	%	3	50	41	4	1	2.5	22
Scientific and Technical Evidence	%	2	48	43	5	2	2.4	27
Judges' Impartiality	%	8	52	36	3	2	2.6	21
Judges' Competence	%	6	49	40	3	2	2.6	22
Juries' Predictability	%	-	44	41	8	7	2.2	24
Juries' Fairness	%	3	37	47	8	3	2.3	25
OVERALL STATE GRADE	%	-	60	31	7	1	2.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Lawyer/Judge Competency (n=3)	1.7
Alternative Dispute Resolution (n=1)	4.0
Legislature (n=1)	2.0
Timeliness for Trial (n=1)	1.0

Table 49
North Dakota
Overall Ranking: 25

Ratings on Key Elements of State Liability Systems (n=50)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	12	40	40	5	5	2.5	13
Treatment of Class Action Suits	%	4	38	42	4	13	2.2	26
Punitive Damages	%	9	48	27	9	6	2.5	11
Timeliness of Summary Judgement/Dismissal	%	11	46	26	14	3	2.5	8
Discovery	%	8	48	43	-	3	2.6	10
Scientific and Technical Evidence	%	6	29	53	9	3	2.3	32
Judges' Impartiality	%	12	54	22	7	5	2.6	16
Judges' Competence	%	10	60	20	5	5	2.7	11
Juries' Predictability	%	5	40	40	13	3	2.3	15
Juries' Fairness	%	8	62	23	5	3	2.7	3
OVERALL STATE GRADE	%	7	47	40	2	4	2.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Appellate Court Issues (n=1)

1.0

Table 50

Ohio

Overall Ranking: 26

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	46	36	13	3	2.3	31
Treatment of Class Action Suits	%	4	44	31	15	6	2.3	17
Punitive Damages	%	8	29	39	15	9	2.1	22
Timeliness of Summary Judgement/Dismissal	%	5	38	41	14	2	2.3	22
Discovery	%	2	55	38	3	2	2.5	25
Scientific and Technical Evidence	%	10	47	33	8	1	2.6	8
Judges' Impartiality	%	7	44	34	9	5	2.4	29
Judges' Competence	%	3	47	36	11	3	2.4	34
Juries' Predictability	%	1	34	50	14	1	2.2	23
Juries' Fairness	%	4	41	47	7	1	2.4	22
OVERALL STATE GRADE	%	2	41	45	8	4	2.3	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Local/State Issues/Location Driven (n=2)	0.5
Need to use an Intermediate Court of Appeals (n=1)	4.0
Jury Fairness (n=1)	3.0
Liability Reform (n=1)	2.0
Legislature (n=1)	2.0
Tort Reform Legislation (n=1)	2.0
Supreme Court Decisions (n=1)	1.0
Business Disputes (n=1)	1.0
The Workers' Comp Shield (n=1)	0.0

Table 51
Oklahoma
Overall Ranking: 41

Ratings on Key Elements of State Liability Systems (n=62)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	38	33	23	5	2.1	40
Treatment of Class Action Suits	%	-	13	49	23	15	1.6	45
Punitive Damages	%	-	33	22	26	19	1.7	39
Timeliness of Summary Judgement/Dismissal	%	2	18	54	21	5	1.9	44
Discovery	%	2	47	34	14	3	2.3	35
Scientific and Technical Evidence	%	-	29	56	13	2	2.1	42
Judges' Impartiality	%	2	44	34	15	5	2.2	39
Judges' Competence	%	2	41	44	10	3	2.3	40
Juries' Predictability	%	2	30	43	19	6	2.0	36
Juries' Fairness	%	-	44	31	16	9	2.1	36
OVERALL STATE GRADE	%	-	38	38	18	7	2.1	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Lawyer/Judge Competency (n=1)	2.0
Timeliness for Trial (n=1)	2.0
Supreme Court Decisions (n=1)	1.0

Table 52

Oregon

Overall Ranking: 13

Ratings on Key Elements of State Liability Systems (n=62)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	51	32	14	-	2.4	23
Treatment of Class Action Suits	%	4	50	36	7	4	2.4	9
Punitive Damages	%	5	25	55	10	5	2.2	21
Timeliness of Summary Judgement/Dismissal	%	2	64	26	9	-	2.6	6
Discovery	%	6	52	28	13	2	2.5	19
Scientific and Technical Evidence	%	2	59	32	7	-	2.6	13
Judges' Impartiality	%	11	62	23	4	-	2.8	8
Judges' Competence	%	8	60	31	2	-	2.7	13
Juries' Predictability	%	3	28	55	8	8	2.1	31
Juries' Fairness	%	7	42	35	14	2	2.4	19
OVERALL STATE GRADE	%	2	64	27	5	2	2.6	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Liability Reform (n=1)	3.0
Alternative Dispute Resolution (n=1)	3.0
Legislature (n=1)	3.0
Insurance doesn't pay out fair (n=1)	1.0

Table 53
Pennsylvania
Overall Ranking: 31

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	42	35	13	5	2.3	27
Treatment of Class Action Suits	%	3	26	44	25	2	2.0	34
Punitive Damages	%	4	26	38	20	12	1.9	33
Timeliness of Summary Judgement/Dismissal	%	2	28	45	22	2	2.1	36
Discovery	%	5	41	42	12	-	2.4	29
Scientific and Technical Evidence	%	5	43	41	9	1	2.4	22
Judges' Impartiality	%	5	51	26	15	2	2.4	31
Judges' Competence	%	3	48	37	11	1	2.4	32
Juries' Predictability	%	1	32	46	14	7	2.1	35
Juries' Fairness	%	2	32	45	15	6	2.1	35
OVERALL STATE GRADE	%	4	35	44	16	1	2.3	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Appointment vs. Elections (n=2)	0.0
Joint & Several Liability Rules (n=1)	4.0
Timeliness for Trial (n=1)	3.0
Supreme Court Decisions (n=1)	0.0
The Workers' Comp Shield (n=1)	0.0

Table 54

Rhode Island

Overall Ranking: 35

Ratings on Key Elements of State Liability Systems (n=62)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	29	43	18	6	2.1	37
Treatment of Class Action Suits	%	-	30	43	20	7	2.0	35
Punitive Damages	%	-	33	50	10	7	2.1	26
Timeliness of Summary Judgement/Dismissal	%	2	26	60	10	2	2.2	32
Discovery	%	-	39	41	15	4	2.2	43
Scientific and Technical Evidence	%	6	34	54	-	6	2.3	31
Judges' Impartiality	%	4	39	37	18	2	2.2	37
Judges' Competence	%	4	43	39	12	2	2.3	37
Juries' Predictability	%	-	30	59	7	4	2.2	27
Juries' Fairness	%	-	22	67	11	-	2.1	37
OVERALL STATE GRADE	%	2	31	52	13	2	2.2	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

None

Table 55

South Carolina

Overall Ranking: 42

Ratings on Key Elements of State Liability Systems (n=66)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	37	37	19	5	2.1	38
Treatment of Class Action Suits	%	3	13	50	30	5	1.8	39
Punitive Damages	%	4	19	35	28	15	1.7	37
Timeliness of Summary Judgement/Dismissal	%	2	37	32	24	5	2.1	34
Discovery	%	2	40	44	10	5	2.2	41
Scientific and Technical Evidence	%	2	27	50	13	8	2.0	44
Judges' Impartiality	%	7	23	48	16	7	2.1	42
Judges' Competence	%	5	32	48	8	6	2.2	41
Juries' Predictability	%	2	21	43	30	4	1.9	43
Juries' Fairness	%	2	16	56	23	4	1.9	42
OVERALL STATE GRADE	%	3	25	53	14	5	2.1	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Local/State Issues/Location Driven (n=2)	2.5
Tort Reform Legislation (n=2)	2.0
Use of Mediation (n=1)	3.0
Lawyer/Judge Competency (n=1)	2.0
Legislature (n=1)	2.0

Table 56

South Dakota

Overall Ranking: 9

Ratings on Key Elements of State Liability Systems (n=47)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	7	52	33	7	-	2.6	10
Treatment of Class Action Suits	%	4	36	48	8	4	2.3	18
Punitive Damages	%	15	38	41	3	3	2.6	5
Timeliness of Summary Judgement/Dismissal	%	12	64	12	12	-	2.8	2
Discovery	%	8	62	24	5	-	2.7	5
Scientific and Technical Evidence	%	6	48	42	3	-	2.6	10
Judges' Impartiality	%	12	51	34	2	-	2.7	13
Judges' Competence	%	8	51	41	-	-	2.7	15
Juries' Predictability	%	6	41	41	9	3	2.4	9
Juries' Fairness	%	9	49	37	6	-	2.6	8
OVERALL STATE GRADE	%	2	59	34	2	2	2.6	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Comparative Negligence (n=2)	3.0
Appellate Court Issues (n=1)	3.0
Local/State Issues/Location Driven (n=1)	2.0

Table 57

Tennessee

Overall Ranking: 24

Ratings on Key Elements of State Liability Systems (n=66)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	54	33	8	2	2.5	18
Treatment of Class Action Suits	%	5	33	50	7	5	2.3	16
Punitive Damages	%	2	56	35	4	4	2.5	12
Timeliness of Summary Judgement/Dismissal	%	5	39	41	8	7	2.3	21
Discovery	%	3	50	43	2	2	2.5	21
Scientific and Technical Evidence	%	2	38	50	8	2	2.3	36
Judges' Impartiality	%	14	34	44	7	2	2.5	23
Judges' Competence	%	3	47	39	8	2	2.4	33
Juries' Predictability	%	2	39	43	11	6	2.2	21
Juries' Fairness	%	4	39	49	7	2	2.4	23
OVERALL STATE GRADE	%	3	49	40	5	3	2.4	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Timeliness for Trial (n=2)	1.5
Business Disputes (n=1)	3.0
Lawyer/Judge Competency (n=1)	2.0
Hard to get a dismissal (n=1)	2.0
Tort Reform Legislation (n=1)	2.0

Table 58

Texas

Overall Ranking: 46

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	18	35	33	11	1.7	46
Treatment of Class Action Suits	%	3	14	42	31	11	1.7	42
Punitive Damages	%	2	11	23	38	26	1.3	42
Timeliness of Summary Judgement/Dismissal	%	2	23	45	22	8	1.9	43
Discovery	%	4	28	46	18	3	2.1	46
Scientific and Technical Evidence	%	1	31	44	13	11	2.0	45
Judges' Impartiality	%	3	25	38	27	7	1.9	46
Judges' Competence	%	3	24	46	24	2	2.0	45
Juries' Predictability	%	4	20	45	25	5	1.9	42
Juries' Fairness	%	3	15	40	31	11	1.7	46
OVERALL STATE GRADE	%	1	19	38	37	4	1.8	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Appointment vs. Elections (n=3)	0.3
Tort Reform Legislation (n=2)	2.0
Local/State Issues/Location Driven (n=2)	0.5
Statute Issues (n=1)	3.0
The Workers' Comp Shield (n=1)	1.0
Jury Fairness (n=1)	0.0
Political Influence/Interference (n=1)	0.0

Table 59

Utah

Overall Ranking: 8

Ratings on Key Elements of State Liability Systems (n=62)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	7	58	27	4	4	2.6	9
Treatment of Class Action Suits	%	9	41	34	6	9	2.3	11
Punitive Damages	%	7	35	42	9	7	2.3	16
Timeliness of Summary Judgement/Dismissal	%	9	51	31	7	2	2.6	4
Discovery	%	2	67	22	2	7	2.5	23
Scientific and Technical Evidence	%	2	46	46	2	2	2.4	28
Judges' Impartiality	%	11	50	32	5	2	2.6	18
Judges' Competence	%	4	65	27	-	4	2.7	17
Juries' Predictability	%	2	55	39	2	2	2.5	7
Juries' Fairness	%	6	64	26	2	2	2.7	4
OVERALL STATE GRADE	%	2	67	28	2	2	2.6	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Lawyer/Judge Competency (n=2)	3.0
Supreme Court Decisions (n=1)	4.0
Appellate Court Issues (n=1)	3.0
Alternative Dispute Resolutions (n=1)	3.0
Amount Awarded for Punitive Damages (n=1)	2.0

Table 60

Vermont

Overall Ranking: 21

Ratings on Key Elements of State Liability Systems (n=62)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	49	45	4	-	2.5	19
Treatment of Class Action Suits	%	3	38	45	7	7	2.2	27
Punitive Damages	%	6	29	57	9	-	2.3	18
Timeliness of Summary Judgement/Dismissal	%	5	39	46	10	-	2.4	18
Discovery	%	2	38	57	2	-	2.4	32
Scientific and Technical Evidence		3	38	54	5	-	2.4	26
Judges' Impartiality	%	6	47	41	6	-	2.5	26
Judges' Competence	%	6	50	42	2	-	2.6	21
Juries' Predictability	%	3	48	43	5	3	2.4	11
Juries' Fairness	%	5	52	33	10	-	2.5	16
OVERALL STATE GRADE	%	2	40	58	-	-	2.4	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Appointment vs. Elections (n=1)	3.0
Hard to get a dismissal (n=1)	2.0
Alternative Dispute Resolution (n=1)	2.0

Table 61

Virginia

Overall Ranking: 2

Ratings on Key Elements of State Liability Systems (n=81)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	15	58	23	4	-	2.8	2
Treatment of Class Action Suits	Virginia does not have class actions							
Punitive Damages	%	15	52	29	3	2	2.7	3
Timeliness of Summary Judgement/Dismissal	%	14	49	27	6	4	2.6	3
Discovery	%	12	57	27	4	-	2.8	2
Scientific and Technical Evidence	%	15	58	27	-	-	2.9	2
Judges' Impartiality	%	10	63	23	4	-	2.8	9
Judges' Competence	%	14	65	21	-	-	2.9	3
Juries' Predictability	%	-	41	48	10	2	2.3	19
Juries' Fairness	%	6	48	35	8	2	2.5	15
OVERALL STATE GRADE	%	11	62	26	1	-	2.8	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Tort Reform Legislation (n=1)	4.0
Local/State Issues/Location Driven (n=1)	3.0
Business Disputes (n=1)	3.0
Alternative Dispute Resolution (n=1)	3.0
Amount Awarded for Punitive Damages (n=1)	0.0

Table 62

Washington

Overall Ranking: 3

Ratings on Key Elements of State Liability Systems (n=71)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	62	26	6	-	2.7	4
Treatment of Class Action Suits	%	5	56	33	3	3	2.6	2
Punitive Damages	Washington does not allow punitive damages in general							
Timeliness of Summary Judgement/Dismissal	%	3	50	40	7	-	2.5	11
Discovery	%	9	61	20	8	2	2.7	4
Scientific and Technical Evidence	%	12	55	29	4	-	2.8	3
Judges' Impartiality	%	13	66	16	5	-	2.9	3
Judges' Competence	%	15	64	16	5	-	2.9	2
Juries' Predictability	%	2	43	47	8	-	2.4	12
Juries' Fairness	%	6	60	34	-	-	2.7	5
OVERALL STATE GRADE	%	5	68	21	6	-	2.7	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Timeliness for Trial (n=3)

1.0

Legislature (n=1)

3.0

Table 63
West Virginia
Overall Ranking: 49

Ratings on Key Elements of State Liability Systems (n=65)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	-	9	25	46	21	1.2	49
Treatment of Class Action Suits	%	-	11	11	42	36	1.0	48
Punitive Damages	%	-	8	25	27	40	1.0	44
Timeliness of Summary Judgement/Dismissal	%	-	13	48	21	19	1.5	49
Discovery	%	-	15	37	35	13	1.5	50
Scientific and Technical Evidence	%	-	11	44	22	22	1.4	49
Judges' Impartiality	%	-	18	32	42	9	1.6	48
Judges' Competence	%	-	17	54	21	8	1.8	47
Juries' Predictability	%	2	14	43	31	10	1.7	47
Juries' Fairness	%	-	13	26	43	17	1.4	48
OVERALL STATE GRADE	%	-	3	33	48	16	1.2	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Lawyer/Judge Competency (n=1)	2.0
Appellate Court Issues (n=1)	1.0
Need to use an Intermediate Court of Appeals (n=1)	0.0
Statute Issues (n=1)	0.0

Table 64

Wisconsin

Overall Ranking: 15

Ratings on Key Elements of State Liability Systems (n=66)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	9	50	27	11	3	2.5	14
Treatment of Class Action Suits	%	-	39	33	22	6	2.1	32
Punitive Damages	%	7	28	30	26	9	2.0	27
Timeliness of Summary Judgement/Dismissal	%	9	41	31	15	4	2.4	12
Discovery	%	10	44	37	8	-	2.6	8
Scientific and Technical Evidence	%	14	49	24	8	4	2.6	6
Judges' Impartiality	%	18	50	23	7	2	2.8	5
Judges' Competence	%	11	52	30	7	-	2.7	10
Juries' Predictability	%	6	45	42	8	-	2.5	4
Juries' Fairness	%	8	57	25	8	4	2.6	9
OVERALL STATE GRADE	%	6	52	34	5	3	2.5	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Tort Reform Legislation (n=1)

1.0

Table 65

Wyoming

Overall Ranking: 20

Ratings on Key Elements of State Liability Systems (n=45)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	8	33	53	8	-	2.4	21
Treatment of Class Action Suits	%	6	28	50	11	6	2.2	24
Punitive Damages	%	7	14	48	24	7	1.9	31
Timeliness of Summary Judgement/Dismissal	%	9	46	37	9	-	2.5	9
Discovery	%	8	46	44	3	-	2.6	11
Scientific and Technical Evidence	%	3	34	53	9	-	2.3	34
Judges' Impartiality	%	10	45	33	13	-	2.5	25
Judges' Competence	%	10	38	49	3	-	2.6	19
Juries' Predictability	%	-	43	40	14	3	2.2	25
Juries' Fairness	%	9	40	43	9	-	2.5	13
OVERALL STATE GRADE	%	5	41	46	7	-	2.4	

ADDITIONAL VOLUNTEERED ITEMS

MEAN GRADE

Alternative Dispute Resolution (n=1)

2.0

APPENDIX A: METHODOLOGY

METHODOLOGY

AN OVERVIEW

The State Liability Systems Ranking Study was conducted for the United States Chamber of Commerce by Harris Interactive Inc. The final results are based on interviews with a nationally representative sample of 824 in house general counsel attorneys or other senior litigators at companies with annual revenues of at least \$100 million. Interviews averaging 15 minutes in length were conducted by telephone and took place between November 7 and December 11, 2001.

SAMPLE DESIGN

A representative sample of companies with annual revenues of at least \$100 annually was drawn using IdExec and alert letters were sent to the general counsel at each company. In order to reach the desired number of final interviews, more letters were sent out to potential participants than the final number of completed interviews. These letters provided general information about the study, notified them that an interviewer from Harris would be contacting them and requested their participation. A copy of this letter appears in Appendix C.

The sample was segmented into two main groups. Of the 824 respondents, 86 were from insurance companies with the remaining 738 interviews being conducted among public corporations. This reflects an oversampling of insurance companies who represented 6% of the sample universe.

Respondents had an average of 21 years of relevant legal experience (including their current position), had been with their company an average of 12 years and had been in their current position an average of 7.5 years.

TELEPHONE INTERVIEWING PROCEDURES

The State Liability Systems Ranking Study utilized Harris' computer-assisted telephone interviewing (CATI) system. This system greatly enhances reporting reliability. It reduces clerical error by eliminating the need for keypunching, since interviewers enter respondent answers directly into a computer terminal during the interview itself. This data entry program does not permit interviewers to inadvertently skip questions, since each question must be answered before the computer moves on to the next question. The data entry program also ensures that all skip patterns are correctly adhered to. The on-line data editing system refuses to accept punches that are out-of-range, it demands confirmation of responses that exceed expected ranges, and asks for explanations for inconsistencies between certain key responses.

In order to achieve high respondent participation, in addition to the alert letter, numerous telephone callbacks were made in order to reach the respondent and conduct the interview at a convenient time.

SIGNIFICANCE TESTING

Reliability of Survey Percentages

It is important to bear in mind that the results from any sample survey are subject to sampling variation. The magnitude of this variation (or error) is affected both by the number of interviews—the base size—and by the level of the percentages expressed in the results.

Table B-1 shows the possible sample variation that applies to percentage results for this survey. The chances are 95 in 100 that a survey result does not vary, plus or minus, by more than the indicated number of percentage points from the result that would have been obtained if interviews were conducted with all persons in the universe represented by the sample. For example, if the response for a sample size of 300 is 30%, then in 95 cases out of 100, the response in the total population would have been between 25% and 35% (+/-5%). Note that survey results based on subgroups of small size can be subject to large sampling error.

**Table B-1
Recommended Allowance for Sampling Error of Proportions (Plus or Minus)**

Sample Size	Survey Percentage Result				
	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
800	2	3	3	3	3
700	2	3	3	4	4
600	2	3	4	4	4
500	3	4	4	4	4
400	3	4	4	5	5
300	3	5	5	6	6
200	4	6	6	7	7
100	6	8	9	10	10
50	8	11	13	14	14

Significance of Differences Between Proportions

Sampling tolerances are also involved in the comparison of results from different surveys or from different parts of a sample from the same survey (subgroup analysis). Table B-2 shows the percentage difference that must be obtained before a difference can be considered statistically significant. These figures, too, represent the 95% confidence level.

To illustrate, suppose the two percentages in question are 34% and 25%. More specifically, suppose that one group of 300 has a response of 34% “yes” to a question, and an independent group has a response of 25% to the same question, for an observed difference of 9 percentage points. According to the table, this difference is subject to a potential sampling error of 6-7 percentage points. Since the observed difference is greater than the sampling error, the observed difference is significant.

Table B-2
Sampling Error of Difference Between Proportions
 Approximate Sampling Tolerances (at 95% Confidence Level)
 To Use in Evaluating Differences Between Two Percentage Results

Sample Sizes	Survey Percentage Result				
	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
800 v. 800	3	4	4	5	5
500	3	4	5	5	6
300	4	5	6	7	7
200	5	6	7	8	8
100	6	8	10	10	10
50	9	11	13	14	14
500 v. 500	4	4	6	6	6
300	4	6	7	7	7
200	6	7	8	8	8
100	7	9	10	11	11
50	9	12	13	14	15
300 v. 300	5	6	7	8	8
200	5	7	8	9	9
100	7	9	10	11	11
50	9	12	14	15	15
200 v. 200	6	8	9	10	10
100	7	10	11	12	12
50	9	12	14	15	15
100 v. 100	8	11	13	14	14
50	10	14	16	17	17
50 v. 50	12	16	18	19	20

Sampling error of the type so far discussed is only one type of error. Survey research is also susceptible to other types of error, such as refusals to be interviewed (non-response error), question wording and question order, interviewer error, and weighting by demographic control data. Although difficult or impossible to quantify these types of error, the procedures followed by Harris Interactive, Inc. keep errors of these types to a minimum.

APPENDIX B: ALERT LETTER AND QUESTIONNAIRE

INSERT NAME
INSERT TITLE
INSERT ADDRESS

Dear INSERT MR/MS LAST NAME:

Your opinion is vital to us. Within the next few days, you will be contacted to participate in a groundbreaking *Harris Poll*. Harris Interactive, an independent survey research firm, has been commissioned by the United States Chamber of Commerce to conduct an important study examining state liability systems across America. We would appreciate your taking a few minutes to respond to the survey.

The purpose of this study is to see how state civil justice systems across America are perceived by corporate decision-makers, such as yourself, in terms of their reasonableness, fairness and predictability. The results of this research will be shared with key state policy makers and those who care about economic development in their state to help inform them about how they are viewed in relation to other states. The survey will be used to stimulate discussion on how states might improve their litigation environments.

Because only a small sample of attorneys have been selected, your reply is most important to the success of this survey. Your answers will be kept confidential and will be used only in combination with those of other survey participants. *To thank you for your participation, we will be sharing an executive summary of the findings with survey respondents.*

We will be calling you within the next few days, but in the meantime, if you have any questions or would like to schedule a time to speak with us, please feel free to contact Candice Wells at 1-877-812-6118. Thank you.

Sincerely,

Humphrey Taylor
Chairman
The Harris Poll

Reference #:

HARRIS INTERACTIVE INC.
111 Fifth Avenue
New York, New York 10003

J14966

October 15, 2001

ID (1-6)
CN (7-8)
[DATA LOCATIONS SHOW CARD
NUMBER FOLLOWED BY COLUMN
NUMBER, e.g., (109) IS CARD ONE,
COLUMN 9]

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LIABILITY SYSTEMS RANKING SURVEY
US CHAMBER OF COMMERCE

Project Manager: Amy Cottreau
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Projected Field Period: October, 2001

SUBJECTS FOR QUESTIONNAIRE

SECTION 200: INTRODUCTION/SCREENING QUESTIONS
SECTION 300: STATE FAMILIARITY ASSESMENT
SECTION 400: STATE EVALUATIONS
SECTION 100: DEMOGRAPHICS

Template: HI

[PROGRAMMER NOTE: PLEASE ENSURE (V) THAT ALL MISSING DATA IS REPRESENTED IN SPSS DATA SET AS OUT OF RANGE NEGATIVE NUMBERS]

SECTION 200: INTRODUCTION/SCREENING QUESTIONS

BASE: ALL RESPONDENTS

Q200 Hello, may I please speak to _____?

[PROGRAMMER NOTE: REFERENCE ABOVE NAME FROM SAMPLE OR FROM Q211.]

- | | |
|-------------------------|-------------|
| 1 Continue | ASK Q205 |
| 2 Not available | [CALL BACK] |
| 8 Not Sure (v) | [CALL BACK] |
| 9 Decline to answer (v) | [REFUSAL] |

BASE: ALL RESPONDENTS

Q205 Hello, I'm _____ from *The Harris Poll*. We have been commissioned by the United States Chamber of Commerce to conduct a survey among attorneys and would like to include your opinions. This study will examine state liability systems and will take about 10 minutes of your time. Is this a convenient time for you? If not, we'd be glad to call you back at another time.

(INTERVIEWER NOTE: IF RESPONDENT SAYS NOW IS NOT CONVEINENT, ASK: "WOULD YOU LIKE TO SET UP ANOTHER TIME OR IF YOU PREFER YOU CAN CALL US WHEN YOU WOULD LIKE TO COMPLETE THE SURVEY?")

(INTERVIEWER NOTE: IF NECESSARY SAY, BECAUSE ONLY A SMALL SAMPLE OF SENIOR CORPORATE COUNSEL HAVE BEEN SELECTED, YOUR REPLY IS MOST IMPORTANT TO THE SUCCESS OF THIS SURVEY. YOUR ANSWERS WILL BE KEPT CONFIDENTIAL AND WILL BE USED ONLY IN AGGREGATE WITH THOSE OF OTHER SURVEY PARTICIPANTS.)

(INTERVIEWER NOTE: IF NECESSARY SAY, "WE RECENTLY SENT YOU AN ALERT LETTER ABOUT THE SURVEY." IF REQUESTED, THE LETTER CAN BE EMAILED OR FAXED TO RESPONDENT.)

- | | |
|---|----------------|
| 1 Yes convenient, continue | [JUMP TO Q215] |
| 2 No, not convenient now | [CALL BACK] |
| 8 Not Sure (v) | [CALL BACK] |
| 9 Don't want to participate/Decline to Answer (v) | [JUMP TO Q210] |

BASE: DOES NOT WANT TO TAKE SURVEY(Q205/9)

Q210 Can you connect me to an attorney in your company who might be interested in completing the survey?

(INTERVIEWER NOTE: SCREEN FOR THE FOLLOWING JOB DESCRIPTIONS FOR ATTORNEYS: GENERAL COUNSEL, HEAD OF LITIGATION, OR A SENIOR, EXPERIENCED LITIGATOR, BUT YOU MAY ACCEPT OTHER SENIOR LEVEL TITLES.)

- | | |
|-------------------------|-----------------|
| 1 Yes | [JUMP TO Q212] |
| 2 No | [END INTERVIEW] |
| 8 Not sure (v) | [ASK Q211] |
| 9 Decline to answer (v) | [REFUSAL] |

BASE: NOT SURE WHO TO REFER TO (Q211/8)

Q211 Can you connect me to an someone in your company who might know who would be interested in completing the survey?

- | | | |
|---|-----------------------|-----------------|
| 1 | Yes | [JUMP TO Q205] |
| 2 | No | [END INTERVIEW] |
| 8 | Not sure (v) | [END INTERVIEW] |
| 9 | Decline to answer (v) | [REFUSAL] |

BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q205/9, Q210/1)

Q212 May I please have this attorney's name and title?

NAME: [TEXT BOX]

(INTERVIEWER NOTE: SCREEN FOR THE FOLLOWING JOB DESCRIPTIONS FOR ATTORNEYS: GENERAL COUNSEL, HEAD OF LITIGATION, OR A SENIOR, EXPERIENCED LITIGATOR)

Q213 TITLE: [TEXT BOX]

BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q205/9, Q210/1)

Q214 Thank you for your assistance.

(INTERVIEWER NOTE: UNLESS ORIGINAL RESPONDENT OFFERS TO CONNECT YOU, HANG UP AND CALL BACK, ASKING FOR NEW RESPONDENT BY NAME.)

[JUMP TO Q200.]

PROGRAMMER NOTE: ANYONE WHO AGREES TO CONTINUE IN Q205/1 IS A QUALIFIED RESPONDENT
--

BASE: ALL QUALIFIED RESPONDENTS

Q215 Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor?

- 1 Excellent
- 2 Pretty good
- 3 Only Fair
- 4 Poor
- 8 Not sure (v)
- 9 Decline to answer (v)

SECTION 300: STATE FAMILIARITY ASSESSMENT

BASE: ALL QUALIFIED RESPONDENTS

Q300 Thinking about the state court system, how familiar are you with the litigation environment in [INSERT STATE RANDOMLY SELECTED FROM 1-50 BELOW]? Would you say you are very familiar, somewhat familiar, not very familiar or not at all familiar?

Q301	1	2	3	4	8	9
			Not	Not		
	Very	Somewhat	Very	At All	Not	Decline to
	<u>Familiar</u>	<u>Familiar</u>	<u>Familiar</u>	<u>Familiar</u>	<u>Sure (v)</u>	<u>Answer (v)</u>

[PRIORITY SELECT 14 STATES CHOOSING THOSE WITH LOWEST COUNTS TO DATE AND ASK Q300 FOR EACH ONE]

- 1 Alabama
- 2 Alaska
- 3 Arizona
- 4 Arkansas
- 5 California
- 6 Colorado
- 7 Connecticut
- 8 Delaware
- 9 Florida
- 10 Georgia
- 11 Hawaii
- 12 Idaho
- 13 Illinois
- 14 Indiana
- 15 Iowa
- 16 Kansas
- 17 Kentucky
- 18 Louisiana
- 19 Maine
- 20 Maryland
- 21 Massachusetts
- 22 Michigan
- 23 Minnesota
- 24 Mississippi
- 25 Missouri
- 26 Montana
- 27 Nebraska
- 28 Nevada
- 29 New Hampshire
- 30 New Jersey
- 31 New Mexico
- 32 New York
- 33 North Carolina
- 34 North Dakota
- 35 Ohio
- 36 Oklahoma
- 37 Oregon
- 38 Pennsylvania
- 39 Rhode Island
- 40 South Carolina
- 41 South Dakota
- 42 Tennessee
- 43 Texas
- 44 Utah
- 45 Vermont
- 46 Virginia
- 47 Washington
- 48 West Virginia
- 49 Wisconsin
- 50 Wyoming

BASE: ALL QUALIFIED RESPONDENTS

Q305 Besides those we just asked about, with which other state court systems are you very or somewhat familiar? (DO NOT READ LIST)

(INTERVIEWER NOTE: PROBE FOR ALL STATES THEY ARE VERY OR SOMEWHAT FAMILIAR WITH)

[PROGRAMMER NOTE: DO NOT DISPLAY 14 SELECTED STATES FROM Q300.]
[MULTIPLE RECORD]

- 1 Alabama
- 2 Alaska
- 3 Arizona
- 4 Arkansas
- 5 California
- 6 Colorado
- 7 Connecticut
- 8 Delaware
- 9 Florida
- 10 Georgia
- 11 Hawaii
- 12 Idaho
- 13 Illinois
- 14 Indiana
- 15 Iowa
- 16 Kansas
- 17 Kentucky
- 18 Louisiana
- 19 Maine
- 20 Maryland
- 21 Massachusetts
- 22 Michigan
- 23 Minnesota
- 24 Mississippi
- 25 Missouri
- 26 Montana
- 27 Nebraska
- 28 Nevada
- 29 New Hampshire
- 30 New Jersey
- 31 New Mexico
- 32 New York
- 33 North Carolina
- 34 North Dakota
- 35 Ohio
- 36 Oklahoma
- 37 Oregon
- 38 Pennsylvania
- 39 Rhode Island
- 40 South Carolina
- 41 South Dakota
- 42 Tennessee
- 43 Texas
- 44 Utah
- 45 Vermont
- 46 Virginia
- 47 Washington
- 48 West Virginia
- 49 Wisconsin
- 50 Wyoming
- 97 None of these (v) E
- 98 Not sure (v) E
- 99 Decline to answer (v) E

Ha

[FROM ALL STATES THAT RESPONDENT IS VERY OR SOMEWHAT FAMILIAR WITH [Q3001/1-50 AND Q301/1,2) AND/OR (Q305/1-50)], PRIORITY SELECT UP TO 10 STATES WITH LOWEST COUNTS TO DATE FOR EVALUATION IN SECTION 400. IF VERY OR SOMEWHAT FAMILIAR WITH ANY STATE (Q305/ANY FROM 1-50) OR (Q300 ANY FROM 1-50 & Q301/1.2) ASK O400. OTHERS JUMP TO O425.]

SECTION 400: STATE EVALUATIONS

[PROGRAMMER NOTE: ASK Q400-420 UP TO 10 TIMES FOR EACH STATE PRIORITY SELECTED FROM (Q300/1-50 & Q301/1,2) & Q305/1-50.]

BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))

Q400 Now I'd like to ask for your opinions about [IF VERY OR SOMEWHAT FAMILIAR WITH ONLY ONE STATE SHOW "the state"; OTHERWISE SHOW "some of the states"] with which you are familiar. I'm going to read a number of key elements of state liability systems. For each item, I'd like you to grade [INSERT STATE] on how well you think they are doing.

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1ST STATE; FOR EACH SUBSEQUENT STATE SHOW: "Now, I'd like you to grade [INSERT STATE] on how well you think

An "A" means they are doing "an excellent job at creating a fair and reasonable litigation environment" and an "F" means that they are doing "a failing job at creating a fair and reasonable environment". How would you grade [INSERT STATE] on (READ EACH ITEM) . . . "A", "B", "C", "D", or "F"?

(INTERVIEWER NOTE: READ ABOVE SCALE, THAT IS THE PARAGRAPH ABOVE, ONLY AS MANY TIMES AS NECESSARY)

Q401	1	2	3	4	7	8	9
	<u>"A"</u>	<u>"B"</u>	<u>"C"</u>	<u>"D"</u>	<u>"F"</u>	Not Sure (v)	Decline to Answer (v)

[RANDOMIZE]

- 1 Overall Treatment of Tort and Contract Litigation
- 2 Treatment of Class Action Suits
- 3 Punitive Damages
- 4 Timeliness of Summary Judgement/Dismissal
- 5 Discovery
- 6 Scientific and Technical Evidence

BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))

Q405 Using the same scale, I'd like you to think now about the effectiveness of some key people who implement this system.

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1ST STATE]

How would you grade [INSERT STATE] on (READ EACH ITEM) . . . “A”, “B”, “C”, “D”, or “F”?

(INTERVIEWER READ FOR 1ST STATE . FOR ADDITIONAL STATES READ ONLY IF NECESSARY:
Again, an “A” means they are doing “an excellent job at creating a fair and reasonable litigation environment” and an “F” means that they are doing “a failing job at creating a fair and reasonable environment.” How would you grade [INSERT STATE] on (READ EACH ITEM) . . . “A”, “B”, “C”, “D”, or “F”?)

Q406	1	2	3	4	7	8	9
	<u>“A”</u>	<u>“B”</u>	<u>“C”</u>	<u>“D”</u>	<u>“F”</u>	Not Sure (v)	Decline to Answer (v)
[RANDOMIZE]							
1	Judges’ Impartiality						
2	Judges’ Competence						
3	Juries’ Predictability						
4	Juries’ Fairness						

BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))

Q410 Is there any other key element that you think is critical to [INSERT STATE]’s liability system?

- 1 Yes [ASK Q412]
- 2 No [JUMP TO Q420]
- 8 Not sure (v) [JUMP TO Q420]
- 9 Decline to answer (v) [JUMP TO Q420]

BASE: GAVE OTHER KEY ELEMENT (Q410/1)

Q412 What is that other element critical to [INSERT STATE]’s liability system?

[TEXT BOX]

BASE: GAVE OTHER KEY ELEMENT (Q410/1)

Q415 What grade would you give them on this element?

- 1 “A”
- 2 “B”
- 3 “C”
- 4 “D”
- 5 “F”
- 8 Not sure (v)
- 9 Decline to answer (v)

BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))

Q420 Overall, what grade would you give [INSERT STATE]?

- 1 “A”
- 2 “B”
- 3 “C”
- 4 “D”
- 5 “F”
- 8 Not sure (v)
- 9 Decline to answer (v)

BASE: ALL QUALIFIED RESPONDENTS

Q425 Thinking of the country as a whole, which 5 states do you think have the most fair and reasonable litigation environments for both defendants and plaintiffs? (DO NOT READ LIST) (PROBE FOR UP TO FIVE STATES)

[MULTIPLE RECORD UP TO FIVE]

- 1 Alabama
- 2 Alaska
- 3 Arizona
- 4 Arkansas
- 5 California
- 6 Colorado
- 7 Connecticut
- 8 Delaware
- 9 Florida
- 10 Georgia
- 11 Hawaii
- 12 Idaho
- 13 Illinois
- 14 Indiana
- 15 Iowa
- 16 Kansas
- 17 Kentucky
- 18 Louisiana
- 19 Maine
- 20 Maryland
- 21 Massachusetts
- 22 Michigan
- 23 Minnesota
- 24 Mississippi
- 25 Missouri
- 26 Montana
- 27 Nebraska
- 28 Nevada
- 29 New Hampshire
- 30 New Jersey
- 31 New Mexico
- 32 New York
- 33 North Carolina
- 34 North Dakota
- 35 Ohio
- 36 Oklahoma
- 37 Oregon
- 38 Pennsylvania
- 39 Rhode Island
- 40 South Carolina
- 41 South Dakota
- 42 Tennessee
- 43 Texas
- 44 Utah
- 45 Vermont
- 46 Virginia
- 47 Washington
- 48 West Virginia
- 49 Wisconsin
- 50 Wyoming
- 97 None (v) E
- 98 Not sure (v) E
- 99 Decline to answer (v) E

BASE: ALL QUALIFIED RESPONDENTS

Q430 Thinking of the country as a whole, which 5 states do you think have the least fair and reasonable litigation environments for both defendants and plaintiffs? (DO NOT READ LIST) (PROBE FOR UP TO FIVE STATES)

[MULTIPLE RECORD UP TO FIVE]

- 1 Alabama
- 2 Alaska
- 3 Arizona
- 4 Arkansas
- 5 California
- 6 Colorado
- 7 Connecticut
- 8 Delaware
- 9 Florida
- 10 Georgia
- 11 Hawaii
- 12 Idaho
- 13 Illinois
- 14 Indiana
- 15 Iowa
- 16 Kansas
- 17 Kentucky
- 18 Louisiana
- 19 Maine
- 20 Maryland
- 21 Massachusetts
- 22 Michigan
- 23 Minnesota
- 24 Mississippi
- 25 Missouri
- 26 Montana
- 27 Nebraska
- 28 Nevada
- 29 New Hampshire
- 30 New Jersey
- 31 New Mexico
- 32 New York
- 33 North Carolina
- 34 North Dakota
- 35 Ohio
- 36 Oklahoma
- 37 Oregon
- 38 Pennsylvania
- 39 Rhode Island
- 40 South Carolina
- 41 South Dakota
- 42 Tennessee
- 43 Texas
- 44 Utah
- 45 Vermont
- 46 Virginia
- 47 Washington
- 48 West Virginia
- 49 Wisconsin
- 50 Wyoming
- 97 None (v) E
- 98 Not sure (v) E
- 99 Decline to answer (v) E

BASE: ALL QUALIFIED RESPONDENTS

Q435 What do you think is the single most important issue that state policy makers who care about economic development should focus on to improve the litigation environment in their states?

[TEXT BOX].

BASE: ALL QUALIFIED RESPONDENTS

Q440 Could it ever happen that the litigation environment in a state could affect an important business decision at your company, such as where to locate or do business? (DO NOT READ LIST)

- 1 Yes, could affect important business decision
- 2 No, could not affect important business decision
- 8 Not sure (v)
- 9 Decline to answer (v)

SECTION 100: DEMOGRAPHICS

BASE: ALL QUALIFIED RESPONDENTS

Q100 Lastly, I have a few questions to help us classify your responses. How many years have you been with your company? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR “NOT SURE (V)” AND 99 FOR “DECLINE TO ANSWER.”)

[RANGE: 0-50, 98, 99]

□□□

BASE: ALL QUALIFIED RESPONDENTS

Q105 What is your job title? (DO NOT READ LIST)

- | | |
|-----------------------------|-----------------|
| 01 General Counsel | [JUMP TO Q110] |
| 02 Head of Litigation | [JUMP TO Q110] |
| 03 Senior counsel/litigator | [JUMP TO Q110] |
| 96 Other [SPECIFY AT Q107] | [ASK Q107] |
| 98 Not sure (v) | [JUMP TO Q110] |
| 99 Decline to answer (v) | [JUMP TO Q110] |

BASE: GAVE OTHER JOB TITLE (Q105/6)

Q107 (ENTER OTHER JOB TITLE)

[TEXT BOX]

BASE: ALL QUALIFIED RESPONDENTS

Q110 How long have you been in your current position? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR “NOT SURE (V)” AND 99 FOR “DECLINE TO ANSWER.”)

[RANGE: 0-50, 98, 99]

□□□

BASE: ALL QUALIFIED RESPONDENTS

Q115 Including your current position, how many years of relevant legal experience do you have? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR “NOT SURE (V)” AND 99 FOR “DECLINE TO ANSWER.”)

[RANGE: 0-50, 98, 99]

□□□

BASE: ALL QUALIFIED RESPONDENTS

Q120 What is your company's principal place of business?

[TEXT BOX]

BASE: ALL QUALIFIED RESPONDENTS

Q121 To thank you for your participation in this survey, we are sharing an executive summary of the key findings with interested respondents. Would you like us to send this to you?

- 1 Yes, would like to get executive summary [ASK Q122]
- 2 No, do not want to get executive summary [JUMP TO Q125]
- 8 Not sure (v) [JUMP TO Q125]
- 9 Decline to answer (v) [JUMP TO Q125]

BASE: WOULD LIKE EXECUTIVE SUMMARY (Q121/1)

Q122 The executive summary will be available early next year. In order to send it to you, I'd like to confirm your address. (READ AND CONFIRM ADDRESS BELOW) Is this correct?

[DISPLAY ADDRESS FROM SAMPLE]

- 1 Yes, address correct [JUMP TO Q125]
- 2 No, not correct [ASK Q123]
- 8 Not sure (v) [JUMP TO Q125]
- 9 Decline to answer (v) [JUMP TO Q125]

BASE: ADDRESS NOT CORRECT (Q122/2)

Q123 May I please have your correct mailing address?

ADDRESS LINE 1: [TEXT BOX]

ADDRESS LINE 2: [TEXT BOX]

CITY: [TEXT BOX]

STATE: [TEXT BOX]

ZIP: [TEXT BOX]

BASE: ALL QUALIFIED RESPONDENTS

Q125 Thank you very much for your participation in this Harris Poll. We appreciate your sharing your perspective with us.

BASE: ALL RESPONDENTS

Q60 [HIDDEN QUESTION-NOT SEEN ON SCREEN]

[QUALIFIED RESPONDENT MUST BE SOMEONE WHO AGREED TO CONTINUE AT Q205/1]

- 1 Qualified Complete
- 2 Non-qualified Complete