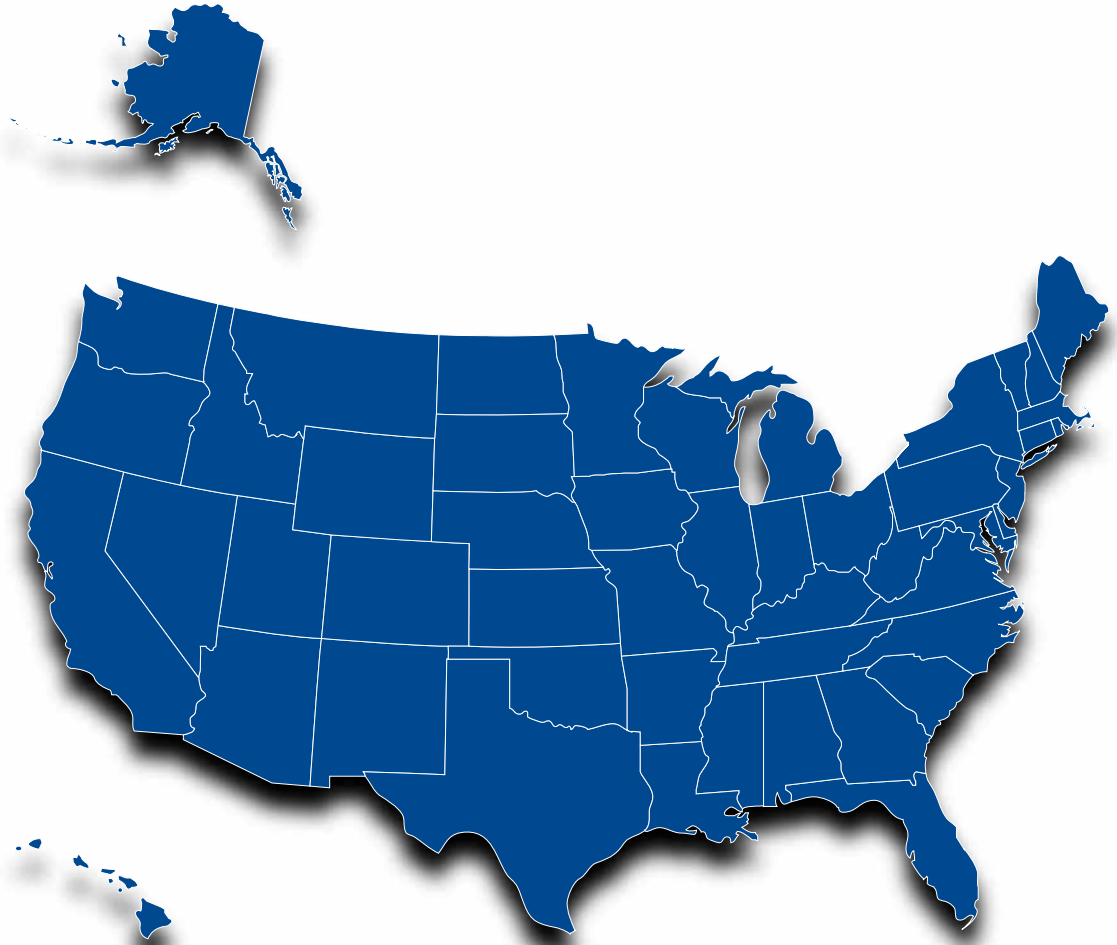




2005 STATE LIABILITY SYSTEMS RANKING STUDY



*Conducted for the U.S. Chamber Institute for Legal Reform by
Harris Interactive Inc.*



2005 STATE LIABILITY SYSTEMS RANKING STUDY

HARRIS INTERACTIVE INC.

EXECUTIVE SUMMARY

Legal reform is an issue that does not appear to be dissipating. While there has been some recent congressional action on class action lawsuits, tort reform is still being hotly debated. The *2005 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform among a national sample of in-house general counsel or other senior litigators to explore how reasonable and fair the tort liability system is perceived to be by U.S. business. The 2005 study provides an updated picture of the findings from the previous surveys released in 2004, 2003 and 2002. Prior to these rankings, information regarding the attitudes of the business world towards the legal systems in each of the states had been largely anecdotal. The State Liability Systems Ranking Study aims to quantify how corporate attorneys view the state systems.

Interviews conducted between November 2004 and February 2005 with 1,437 senior corporate attorneys found that some states stand out as leaders in creating a fair and reasonable litigation system, but the majority (60%) of those surveyed give an overall ranking of fair or poor to the state court liability system in America – compared to 56% in 2004. Further, and perhaps more importantly, an overwhelming 81% report that the litigation environment in a state could affect important business decisions at their company, such as where to locate or do business.

Respondents were first screened for their familiarity with states, and those who were very or somewhat familiar with the litigation

2005 OVERALL RANKING

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



2005 STATE LIABILITY SYSTEMS RANKING STUDY

HARRIS INTERACTIVE INC.

environment in a given state were then asked to evaluate that state. It is important to remember that courts and localities within a state may vary a great deal in fairness and efficiency. However, respondents had to evaluate the state as a whole. To explore the detailed nuances within each state would have required extensive questioning for each state and was beyond the scope and purpose of this study. However, other studies have demonstrated this variability within a state. For example, several studies have documented very high class-action activity in certain county courts such as Madison County, Illinois and Jefferson County, Texas, revealing that these counties have “magnet courts” that are extremely hospitable to plaintiffs. Thus, it is possible that some states received low grades due to the negative reputation of one of their counties or jurisdictions.

Respondents were asked to give states a grade (“A”, “B”, “C”, “D” or “F”) in each of the following areas: tort and contract litigation, treatment of class action suits, punitive damages, timeliness of summary judgment/dismissal, discovery, scientific and technical evidence, judges’ impartiality and competence, and juries’ predictability and fairness. These grades were combined to create an overall ranking of state liability systems.¹

According to the U.S. businesses surveyed, the states doing the best job of creating a fair and reasonable litigation environment are Delaware, Nebraska, North Dakota, Virginia, and Iowa. In 2004, the top five were Delaware, Nebraska, Virginia, Iowa, and Idaho. The bottom five states today are Mississippi, West Virginia, Alabama, Louisiana, and Illinois – compared to 2004, when the bottom five states were Mississippi, West Virginia, Alabama, Louisiana, and California.

States were also ranked by each of the key elements making up the overall grade.² While some states remained leaders across the elements, some states stood out as getting particularly high or low ratings on certain elements.

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.

2 For the “Ranking on Key Elements” tables, states were ranked by their mean grades on that element. Ties between states with matching mean grades were resolved by looking at the percentage of “A” grades.

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- For overall treatment of tort and contract litigation, today the top five states are: Delaware, Nebraska, North Dakota, Virginia, and Iowa. In 2004, the top five consisted of Delaware, Nebraska, Virginia, Iowa, and Utah. Today the bottom five states are: Mississippi, West Virginia, Alabama, Louisiana, and California. In 2004, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and California.
 - For treatment of class actions, this year the top five states are: Delaware, Nebraska, North Dakota, Iowa and South Dakota. In 2004, the top five consisted of Delaware, Iowa, South Dakota, Idaho, and Nebraska. The bottom five states today are: West Virginia, Alabama, Louisiana, Illinois and California. In 2004, the bottom five states were: West Virginia, Alabama, Louisiana, California, and Illinois.
 - For punitive damages, today the top five states are: Delaware, North Dakota, Idaho, Indiana and Virginia. In 2004, the top five states consisted of: Delaware, Virginia, Iowa, Indiana, and Idaho. The bottom five states today are: Mississippi, Alabama, West Virginia, Illinois, and California. The bottom five states in 2004 were: Mississippi, Alabama, West Virginia, California, and Illinois.
 - For timeliness of summary judgment/dismissal, today the top five states are: Delaware, Nebraska, Virginia, North Dakota, and Idaho. In 2004, the top five states consisted of: Delaware, Virginia, Nebraska, Iowa, and New Hampshire. The bottom five states are: Mississippi, West Virginia, Alabama, Louisiana, and California. In 2004, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and California.
 - For discovery, today the top five states are: Delaware, North Dakota, Nebraska, Virginia, and New Hampshire. In 2004, the top five consisted of: Delaware, Virginia, Nebraska, New Hampshire, and Wisconsin. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and California. The bottom five states in 2004 were: Mississippi, West Virginia, Alabama, Louisiana, and California.



2005 STATE LIABILITY SYSTEMS RANKING STUDY

HARRIS INTERACTIVE INC.

- For handling of scientific and technical evidence, today the top five states are: Delaware, Washington, Virginia, Nebraska, and Minnesota. In 2004, the top five states consisted of: Delaware, Virginia, New York, Minnesota, and Idaho. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and Arkansas. In 2004, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Arkansas.
- For judges' impartiality, this year the top five states are: Delaware, Nebraska, Iowa, North Dakota, and Maine. In 2004, the top five states consisted of: Delaware, Iowa, Nebraska, New Hampshire, and Virginia. The bottom five states today are: Mississippi, West Virginia, Louisiana, Alabama, and Illinois. In 2004, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Texas.
- For judges' competence, today the top five states are: Delaware, Virginia, Minnesota, Colorado, Iowa. In 2004, the top five states were: Delaware, Virginia, Minnesota, Iowa, and Utah. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and Illinois. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Montana.
- For juries' predictability, today the top five states are: Delaware, Nebraska, North Dakota, Wyoming, and Iowa. In 2004, the top five states were: Nebraska, North Dakota, Delaware, Iowa, and South Dakota. The bottom five states today are: Mississippi, Alabama, Louisiana, West Virginia, and California. In 2004, the bottom five states were: Mississippi, California, West Virginia, Alabama, and Louisiana.
- For juries' fairness, today the top five states are: Nebraska, Delaware, North Dakota, South Dakota, and Iowa. In 2004, the top five states were: Iowa, Nebraska, Delaware, North Dakota, and Minnesota. The bottom five states today are: Mississippi, Alabama, West Virginia, Louisiana, and Illinois. In 2004, the bottom five states were: Mississippi, Alabama, West Virginia, Louisiana, and California.

The study also asked respondents to name the most important issue that state policymakers who care about economic development should focus on to improve the litigation environment in their state. This year our top two responses were reversed from last year. Tort reform was cited by 22% of our respondents (as compared to 17% of the respondents in 2004) and 16% of our respondents named punitive damages as the most important issue (as compared to 24% of respondents last year). Other top issues named were limitation of class action lawsuits (named by 6% of respondents this year and in 2004), fairness and impartiality (5% this year as compared to 3% in 2004), and limit liability settlements (4% in 2005 as compared to 3% in 2004). *[See Table 5]*

In order to understand if there are any cities or counties which might impact a state's ranking, respondents were asked which five local jurisdictions have the least fair and reasonable litigation environments, a question first asked in 2004. The worst jurisdiction was Los Angeles, California (mentioned by 17% of the respondents), followed by Texas (various jurisdictions) which was mentioned by 14% of the respondents. At third worst were the New York Greater Metropolitan Area, San Francisco, California, and Cook County (Chicago), Illinois (each cited by 11% of the respondents), with Madison County in Illinois (cited by 10% of the respondents) coming in next. Other jurisdictions mentioned by the respondents were Dade County (Miami), Florida and Mississippi (various jurisdictions), each cited by 6% of respondents, and Philadelphia, cited by 5% of respondents. More than one third (37%) mentioned a jurisdiction in California, slightly over one-quarter (27%) mentioned a jurisdiction in Illinois and slightly under one-quarter (24%) mentioned a jurisdiction in Texas. *[See Table 6]*

Also asked were questions about the legislative reforms recently enacted in Mississippi and Texas. These questions were only asked of those respondents who evaluated these two states for the rankings. First, a good number of respondents are aware of these new laws. Over three-quarters (79%) of respondents who ranked Mississippi are aware of that state's new legislative reforms and 63% of Texas respondents are aware of Texas' recent legislation. Among those who are aware of



2005 STATE LIABILITY SYSTEMS RANKING STUDY

HARRIS INTERACTIVE INC.

the new laws, almost three-quarters (72%) are familiar with Mississippi's legal changes and 59% are familiar with the changes in Texas. *[See Table 18]*

Of those respondents who are familiar with the new laws in Mississippi and Texas, there is some strong optimism that the litigation environment will improve as a result of the reforms. Among Mississippi respondents, almost half (49%) believe the law will lead to a major improvement in the litigation environment and 47% believe it will lead to a moderate improvement. Among those Texas respondents who are familiar with the changes, the optimism is not as strong. About one-third (32%) think the legislative change will lead to a major improvement in the litigation environment and 57% think the effect of the reforms will be a moderate improvement in the litigation environment. *[See Table 18]*

In conclusion, one thing important to note is that these rankings and results are based on the perceptions of these senior corporate attorneys. It is also important to realize that the perceptions may be based on certain cities or counties within the state. But, as we have noted in the past, perception does become linked with reality. If the states can change the way litigators and others perceive their liability systems to be, we may find considerable movement in the rankings in the future. And once these perceptions change, the overall business environment may be deemed more hospitable as well.

For the complete results for each state, see the full report available at www.instituteforlegalreform.org.

Table 1

Overall Ranking of State Liability Systems

STATE	2005			2004			STATE	2005			2004		
	RANK	SCORE	N	RANK	SCORE	N		RANK	SCORE	N	RANK	SCORE	N
Delaware	1	76.0	128	1	74.4	178	Ohio	26	59.5	178	32	57.2	187
Nebraska	2	69.7	98	2	69.1	81	New York	27	58.8	256	22	61.4	200
North Dakota	3	68.5	57	16	63.8	72	Georgia	28	58.4	170	29	57.6	180
Virginia	4	67.1	136	3	68.7	179	Nevada	29	58.4	109	34	56.4	176
Iowa	5	66.3	155	4	68.6	80	New Jersey	30	57.8	194	26	60.2	185
Indiana	6	65.5	119	11	64.4	178	Massachusetts	31	57.8	144	28	57.7	180
Minnesota	7	65.2	77	8	65.0	177	Oklahoma	32	56.5	132	31	57.5	179
South Dakota	8	64.9	70	17	63.6	73	Alaska	33	56.4	64	33	56.5	77
Wyoming	9	64.7	85	15	63.8	77	Pennsylvania	34	55.5	204	30	57.5	200
Idaho	10	64.2	61	5	66.2	81	Rhode Island	35	55.4	92	36	55.7	83
Maine	11	64.2	80	12	64.1	79	Kentucky	36	54.9	129	35	56.0	178
New Hampshire	12	64.0	95	7	65.2	80	Montana	37	54.8	70	43	51.7	80
Colorado	13	63.6	93	13	63.9	179	New Mexico	38	54.5	155	37	55.1	81
Utah	14	63.3	144	6	65.8	82	South Carolina	39	54.2	101	40	53.0	178
Washington	15	63.1	94	24	60.7	178	Missouri	40	51.9	121	41	52.9	178
Kansas	16	62.6	148	9	64.4	81	Hawaii	41	51.5	81	39	53.7	80
Wisconsin	17	62.5	143	10	64.4	178	Florida	42	50.9	288	38	54.1	200
Connecticut	18	62.0	131	18	62.5	179	Arkansas	43	50.2	169	42	52.5	82
Arizona	19	60.9	95	14	63.8	177	Texas	44	49.2	287	45	49.9	200
North Carolina	20	60.3	114	19	61.9	178	California	45	45.5	351	46	45.2	205
Vermont	21	60.3	73	20	61.5	71	Illinois	46	44.1	285	44	50.5	201
Tennessee	22	59.9	102	25	60.7	176	Louisiana	47	39.1	146	47	40.5	182
Maryland	23	59.8	95	21	61.4	178	Alabama	48	35.9	157	48	34.3	183
Michigan	24	59.6	135	23	61.3	179	West Virginia	49	33.2	107	49	31.9	176
Oregon	25	59.6	115	27	58.4	173	Mississippi	50	30.7	164	50	25.7	182

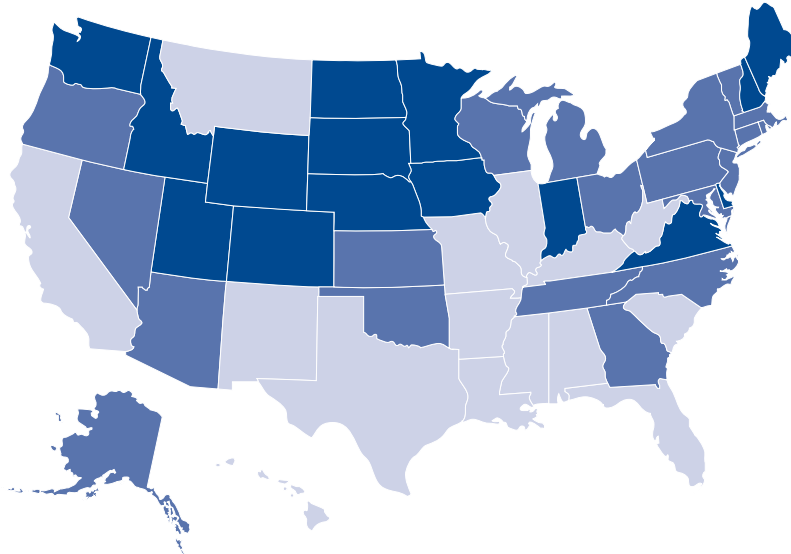
* Note: Scores displayed in this table have been rounded to one decimal point. However, when developing the ranking, scores were evaluated based on two decimal points. The column labeled "N" represents the number of evaluations for a given state.



2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 2

Map of Overall Ranking of State Liability Systems



Best

1. Delaware
2. Nebraska
3. North Dakota
4. Virginia
5. Iowa
6. Indiana
7. Minnesota
8. South Dakota
9. Wyoming
10. Idaho
11. Maine
12. New Hampshire
13. Colorado
14. Utah
15. Washington

Moderate*

16. Kansas
17. Wisconsin
18. Connecticut
19. Arizona
20. North Carolina
21. Vermont
22. Tennessee
23. Maryland
24. Michigan
25. Oregon

Worst

26. Ohio
27. New York
28. Georgia
29. Nevada
30. New Jersey
31. Massachusetts
32. Oklahoma
33. Alaska
34. Pennsylvania
35. Rhode Island
36. Kentucky
37. Montana
38. New Mexico
39. South Carolina
40. Missouri
41. Hawaii
42. Florida
43. Arkansas
44. Texas
45. California
46. Illinois
47. Louisiana
48. Alabama
49. West Virginia
50. Mississippi

* Neither Best, nor Worst

Table 3

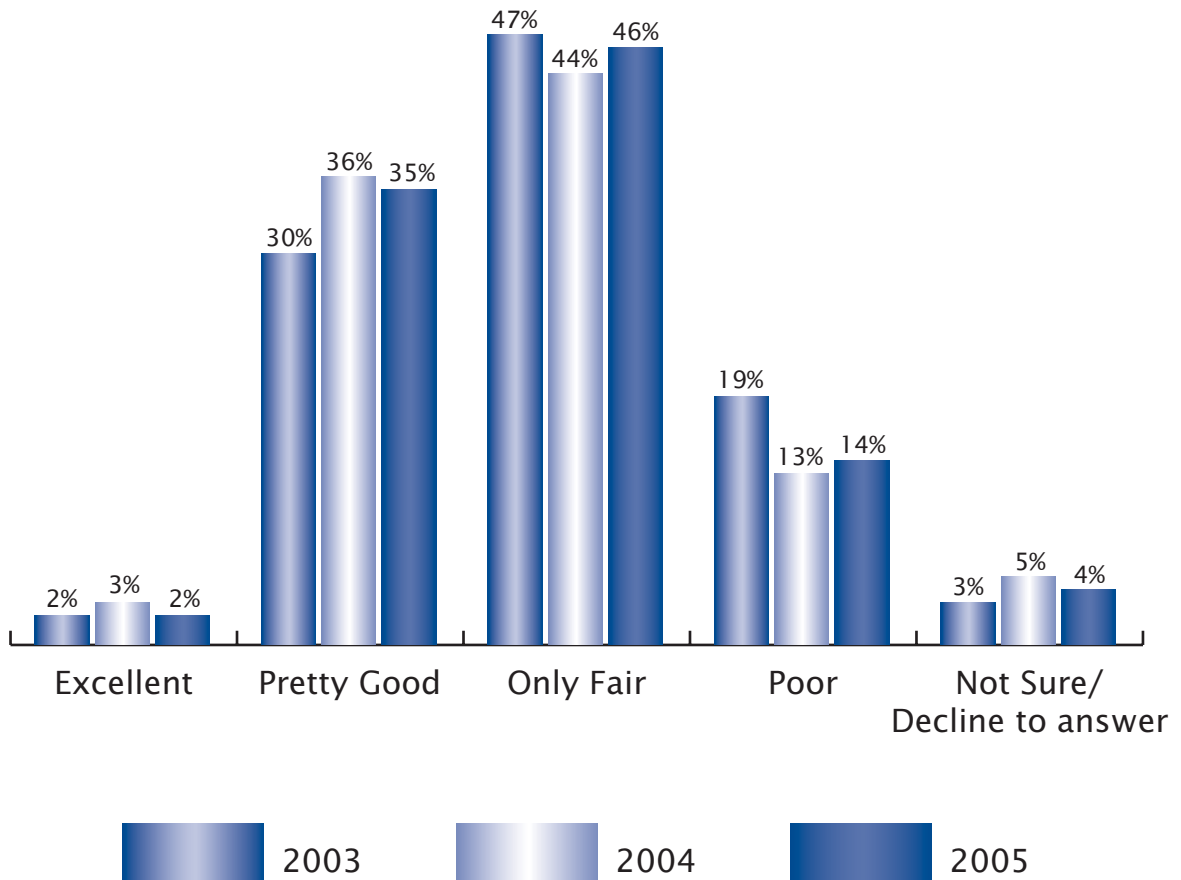
Overall Rating of State Court Liability Systems in America

Excellent/Pretty Good (NET)

2003	31%
2004	39%
2005	37%

Only Fair/Poor (Net)

2003	65%
2004	56%
2005	60%





2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 4

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

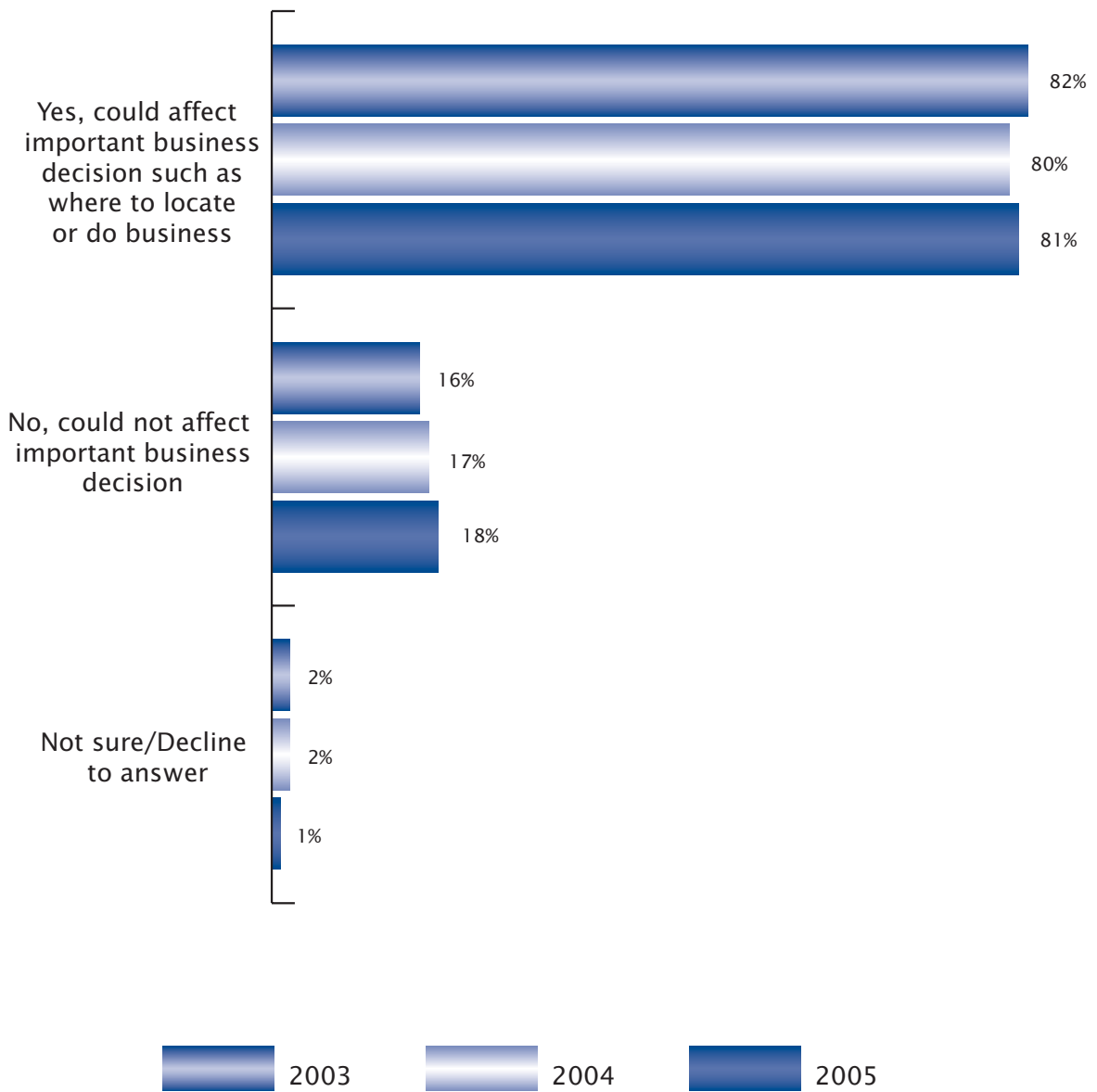


Table 5

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

	Total
	%
Tort reform issues	22
Reform punitive damages	16
Limitation of class action suits	6
Fairness and impartiality	5
Limit liability settlements	4
Eliminate unnecessary lawsuits	4
Speeding up the trial process	3
Quality of judges	3
Fairness of regulations	3
Timeliness of decisions	2
Judicial competence	2
Appointment vs. election	2
Jury system reform	2
Attorney/court fees paid by loser	2
Workers' compensation	1
Predictability	1
Limits on discovery	1

* Note: The responses displayed in this table were volunteered by the respondents.



2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 6

Local Jurisdictions with the Least Fair and Reasonable Litigation Environment*

	Total
	%
Los Angeles, California	17
Texas (various jurisdictions)**	14
New York, Greater Metropolitan area	11
Cook County (Chicago), Illinois	11
San Francisco, California	11
Madison County, Illinois	10
Dade County (Miami), Florida	6
Mississippi (various jurisdictions)**	6
Philadelphia, Pennsylvania	5
Houston, Texas	4
California (various jurisdictions)**	4
New Orleans City/Parish, Louisiana	4
St. Clair County (East St. Louis), Illinois	4
Florida (various jurisdictions)**	3
Beaumont, Texas	3
Dallas/Ft. Worth, Texas	3
Detroit, Michigan	3
Illinois (various jurisdictions)**	3
St. Louis, Missouri	3
Jackson, Mississippi	3
Boston, Massachusetts	2
Louisiana (various jurisdictions)**	2
Newark, New Jersey	1
New Jersey (various jurisdictions)**	1
Missouri (various jurisdictions)**	1
	Total
	%
California (sum of all mentions)	37
Illinois (sum of all mentions)	27
Texas (sum of all mentions)	24

* Note: The responses displayed in this table were volunteered by the respondents.

** Note: Respondents mentioned a wide variety of other jurisdictions in the following states: California, Florida, Illinois, Louisiana, Mississippi, Missouri, New Jersey, and Texas. Because no single jurisdiction predominated within these states, these responses are listed as "[state name] (various jurisdictions)".

Table 7

Summary of Top/Bottom 5 States By Key Elements

Treatment of Tort and Contract Litigation

BEST	WORST
Delaware	Mississippi
Nebraska	West Virginia
North Dakota	Alabama
Virginia	Louisiana
Iowa	California

Treatment of Class Action Suits

BEST	WORST
Delaware	West Virginia
Nebraska	Alabama
North Dakota	Louisiana
Iowa	Illinois
South Dakota	California

Punitive Damages

BEST	WORST
Delaware	Mississippi
North Dakota	Alabama
Idaho	West Virginia
Indiana	Illinois
Virginia	California

Timeliness of Summary Judgment/Dismissal

BEST	WORST
Delaware	Mississippi
Nebraska	West Virginia
Virginia	Alabama
North Dakota	Louisiana
Idaho	California



2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 7 (cont'd)

Summary of Top/Bottom 5 States By Key Elements

Discovery

BEST	WORST
Delaware	Mississippi
North Dakota	West Virginia
Nebraska	Alabama
Virginia	Louisiana
New Hampshire	California

Scientific and Technical Evidence

BEST	WORST
Delaware	Mississippi
Washington	West Virginia
Virginia	Alabama
Nebraska	Louisiana
Minnesota	Arkansas

Judges' Impartiality

BEST	WORST
Delaware	Mississippi
Nebraska	West Virginia
Iowa	Louisiana
North Dakota	Alabama
Maine	Illinois

Judges' Competence

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
Minnesota	Alabama
Colorado	Louisiana
Iowa	Illinois

Table 7 (cont'd)

Summary of Top/Bottom 5 States By Key Elements

Juries' Predictability

BEST	WORST
Delaware	Mississippi
Nebraska	Alabama
North Dakota	Louisiana
Wyoming	West Virginia
Iowa	California

Juries' Fairness

BEST	WORST
Nebraska	Mississippi
Delaware	Alabama
North Dakota	West Virginia
South Dakota	Louisiana
Iowa	Illinois



2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 8

Overall Treatment of Tort and Contract Litigation

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

Table 9

Treatment of Class Action Suits

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

* Mississippi and Virginia are not included because they do not have class actions (source: U.S. Chamber Institute for Legal Reform)



2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 10

Punitive Damages

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

* Louisiana, Massachusetts, Nebraska, New Hampshire, New Jersey, and Washington are not included because they do not allow punitive damages in general (source: U.S. Chamber Institute for Legal Reform)

Table 11

Timeliness of Summary Judgment/Dismissal

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



2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 12

Discovery

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

Table 13

Scientific and Technical Evidence

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



2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 14

Judges' Impartiality

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

Table 15

Judges' Competence

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



2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 16

Juries' Predictability

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

Table 17

Juries' Fairness

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



2005 STATE LIABILITY SYSTEMS RANKING STUDY

Table 18

Recent Reforms in Mississippi and Texas

Awareness of Recent Legislative Reforms

	Mississippi	Texas
Base size:	101	200
	%	%
Yes	79	63
No	21	37
Decline To Answer	-	-

Familiarity with Changes Made by the Legislative Reforms

	Mississippi	Texas
Base size:	80	126
	%	%
Very Familiar	28	15
Familiar	44	44
Not Very Familiar	28	38
Not at all Familiar	1	2
Decline To Answer	-	-

Current or Future Effect of Legislative Reforms

	Mississippi	Texas
Base size:	57	75
	%	%
Major Improvement in Litigation Environment	49	32
Moderate Improvement in Litigation Environment	47	57
No Effect on Litigation Environment	4	9
Slightly Worse Litigation Environment	-	1
Significantly Worse Litigation Environment	-	-
Not Sure/Decline to Answer	-	-

About the Institute for Legal Reform

Founded in 1998, the U.S. Chamber Institute for Legal Reform (ILR) is a 501 (c) (6) tax-exempt, separately incorporated affiliate of the U.S. Chamber of Commerce. The mission of ILR is simple: to make America's legal system simpler, fairer and faster for everyone. ILR's multifaceted program seeks to promote civil justice reform through legislative, political, judicial and educational activities at the national, state and local levels.



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