

Court Statistics: There Is No Litigation Explosion

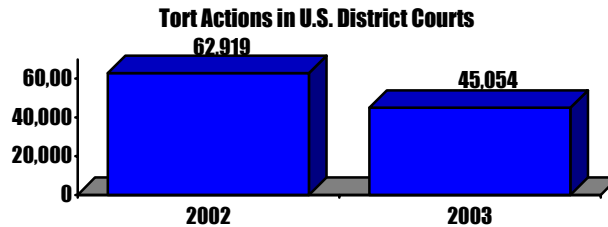
NATIONAL CENTER FOR STATE COURTS: State Tort Litigation Decreasing

Recent analysis from the National Center for State Courts found that:

- Tort filings have declined by 4% since 1993. Contract filings, meanwhile, which are more likely to involve businesses than tort cases, rose by 21% over the same period.¹
- Automobile tort filings, which make up the majority of all tort claims, have fallen by 5% since 1993 and by 14% since their high in 1996.²
- Medical malpractice filings per 100,000 population have fallen by 1% since 1998.³
- In 22 of the 30 states that NCSC examined population-adjusted tort filings declined from 1992 to 2001. The average change in tort filings across all 30 states was a 15% decrease.⁴

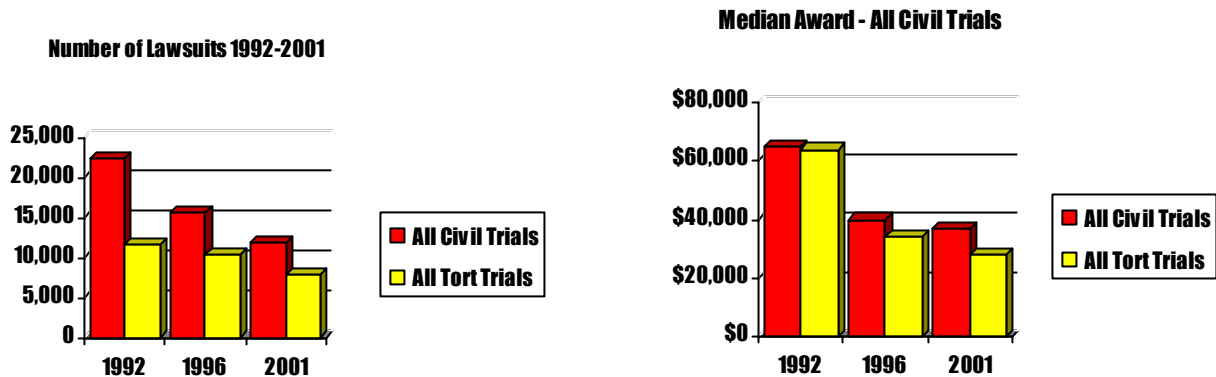
ADMINISTRATIVE OFFICE OF THE U.S. COURTS: Federal Civil Litigation Decreasing

The same holds true in federal courts. According to the Administrative Office of the U.S. Courts, tort actions in U.S. District Courts dropped by 28% from 2002 to 2003.⁵ In addition, over the last five years federal civil filings have not only decreased 8%, but the percentage of civil filings that are personal injury cases has also declined to a mere 18.2%.⁶



BUREAU OF JUSTICE STATISTICS: Frequency and Award Size Down

The Bureau of Justice Statistics, a division of the Department of Justice, found that the number of civil trials dropped by 47% between 1992 and 2001.⁷ The number of tort cases decreased by 31.8% during the same period. The trend in award size was also down. The median inflation-adjusted award in all tort cases dropped 56.3% between 1992 and 2001 to \$28,000.



¹ *Examining the Work of State Courts, 2003*, at 23, National Center for State Courts, 2004.

² *Id.* at 27.

³ *Medical Malpractice Filings per 100,000 Population in 11 and 17 States, 1993-2002*, National Center for State Courts, 2004 (unpublished, on file with author).

⁴ *Examining the Work of State Courts 2002*, at 25, National Center for State Courts, 2003.

⁵ *Judicial Facts and Figures*, Table 2.2, Administrative Office of the U.S. Courts

⁶ *Federal Judicial Caseload Statistics*, Judicial Caseload Indicators, 2002 & 2003, Administrative Office of the U.S. Courts

⁷ *Civil Trial Cases and Verdicts in Large Counties, 2001*, Thomas H. Cohen, Steven K. Smith, Bureau of Justice Statistics, 2004

