



Center for Justice & Democracy
90 Broad Street, Suite 401
New York, NY 10004
Tel: 212.267.2801
centerjd@centerjd.org
<http://centerjd.org>

MYTHBUSTER!

ASBESTOS CASES ARE NOT OVERWHELMING OUR COURTS

According to the most recent national data from the U.S. Department of Justice (DOJ), in 2005:

- Only .5 percent of all tort cases tried in state courts were asbestos cases.¹
- Juries decided 83 asbestos claims.²
- Plaintiffs prevailed in 45 asbestos trials.³
- Plaintiffs succeeded in roughly half of jury-decided asbestos cases.⁴
- Asbestos plaintiff award winners constituted less than .6 percent of plaintiff award winners in all state tort trials.⁵
- The median damage award in asbestos cases was \$682,000. However, it is important to note that DOJ award data do not take into account post-trial activity (such as award modifications) and appeals.⁶

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NOTES

¹ U.S. Department of Justice, Bureau of Justice Statistics, "Tort Bench and Jury Trials in State Courts, 2005," NCJ 228129 (November 2009) at 2 (Table 1), found at <http://bjs.ojp.usdoj.gov/content/pub/pdf/tbjtsc05.pdf>.

² *Ibid.*

³ *Id.* at 4 (Table 4).

⁴ *Ibid.*

⁵ *Id.* at 5 (Table 5).

⁶ *Ibid.*