



## Bureau of Justice Statistics Special Report

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### *Civil Justice Survey of State Courts, 1992*

# Tort Cases in Large Counties

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During a 1-year period ending in 1992, State courts of general jurisdiction in the Nation's 75 largest counties disposed an estimated 378,000 tort cases involving 1.4 million plaintiffs and defendants. Individuals suing businesses accounted for a third of all cases. The average time courts took to dispose a tort case was just over 1½ years. Trial verdicts accounted for 3% of all tort cases disposed.

These are some of the results from a study of tort cases in State courts. The basis is a representative sample of the 75 courts where nearly half of all tort cases nationwide are handled, making this the closest that exists to a tort study national in scope. These survey data establish a benchmark against which future tort reforms can be evaluated. Moreover, survey results provide a baseline that individual courts can use for comparison.

#### *The sample*

The estimated 378,000 tort cases were disposed from July 1, 1991, to June 30, 1992, in State general jurisdiction courts. A representative sample of

18,000 tort cases was drawn from court files in 45 of the Nation's 75 largest counties. The 45 are located in 21 States (appendix table 1).

The sample excluded Federal courts, which account for about 4% of all tort cases, and State courts outside the 75 largest counties.<sup>1</sup> Also excluded were tort cases disposed in States' limited jurisdiction courts.

<sup>1</sup>Federal tort case jurisdiction is limited to claims that involve more than \$50,000 in damages and in which plaintiffs and defendants are from different States. About a third of tort cases disposed in Federal courts in 1992 involved product liability.

<sup>2</sup>Limited jurisdiction courts have jurisdiction over cases in which the financial amount at stake is below a certain threshold.

#### *Types of tort cases*

In tort cases, plaintiffs allege injury, loss, or damage from negligent or intentional acts of the defendants. The types of cases vary. Over the 1-year period, the two most frequent kinds disposed were automobile accident cases (60%) and premises liability cases alleging harm from inadequately maintained or dangerous property (17%) (table 1).

Other types of cases included those that are a primary focus of current tort reform activity: product liability (3%), toxic substance (2%), and medical malpractice (5%) cases.

## Highlights

- The majority of cases disposed were auto torts (complaints charging damage caused by a motor vehicle).
  - Complex cases involving medical malpractice, product liability, or toxic substance together made up about 10% of all tort cases.
  - About 75% of the cases were disposed through an agreed settlement or voluntary dismissal; 3% by a trial verdict.
  - Twenty-eight percent of the approximately 378,000 tort cases were un-
- contested (the defendant did not file an answer to the complaint).
- Half the tort cases were disposed within 14 months.
  - Auto tort cases were settled in a shorter period than all other cases.
  - Tort cases involved primarily individuals suing other individuals.
  - Half of all the tort cases involved three or more litigants.

In 92% of tort cases, the plaintiff cited personal injury as the type of harm involved. Property damage was cited in 5%. The majority of tort cases involving personal injury (64%) or property damage (60%) were auto torts.

**Table 1. Types of tort cases in State courts in the Nation's 75 largest counties, 1992**

Primary case type	Number	Percent
All tort cases	378,314	100.0%
Auto	227,515	60.1
Premises liability	65,492	17.3
Product liability	12,857	3.4
Intentional injury	10,879	2.9
Malpractice		
Medical	18,452	4.9
Nonmedical	6,860	1.8
Slander/libel	3,159	.8
Toxic substance*	6,045	1.6
Unknown tort	4,708	1.2
Other negligence	22,347	5.9

Note: See page 6 for a detailed description of case types. Detail may not sum to 100% because of rounding.

\*Toxic substance cases, a type of product liability case, were collected and reported as a separate category.

### Types of tort case dispositions

The most common method of tort case disposition was an agreed settlement (73%) (table 2). (For definitions of terms related to torts, see page 6.) About 10% of the cases were dismissed for lack of prosecution or failure to serve the complaint on the defendant.

In the vast majority of tort cases, litigants settled the complaint without going to trial. Therefore, details of tort settlements are unknown. Very few systematic data are available regarding why cases are settled or the cost of settlement for either party.

A jury (2%) or bench (1%) trial verdict disposed relatively few cases. Medical malpractice claims (7%) were more likely than product or premises liability, auto, or toxic substance cases to be disposed by a jury or bench trial.

### Legal counsel

Most tort litigants had an attorney represent them; 3% of the cases involved a pro se litigant who represented himself or herself.

### Uncontested tort cases

In 28% of tort cases, the defendant failed to file an answer to the complaint. Failure to answer in a timely manner (usually within 30 to 45 days) gives the plaintiff the right to file a motion for a default judgment. Such uncontested tort cases comprised 81% of all cases disposed by default judgments. Most uncontested cases were disposed by agreed settlement (65%) or dismissed for lack of prosecution or failure to serve the complaint on the defendant (23%).

## Tort filings

In 1993 domestic relations cases (for example, divorce and child custody) accounted for about 4 in 10 civil filings in the courts of general jurisdiction, according to the most complete data source covering 29 States.

### Torts contributed about 10% of all civil case filings in general jurisdiction courts in 29 States, 1993

Case type	Total	Percent
Total number	5,929,537	100%
Domestic relations	2,448,150	41
Small claims	732,977	12
Contracts	639,783	11
Torts	572,041	10
Real property rights	439,947	7
Estates	606,722	10
Mental health	90,608	2
Civil appeals	93,339	2
Other	305,970	5

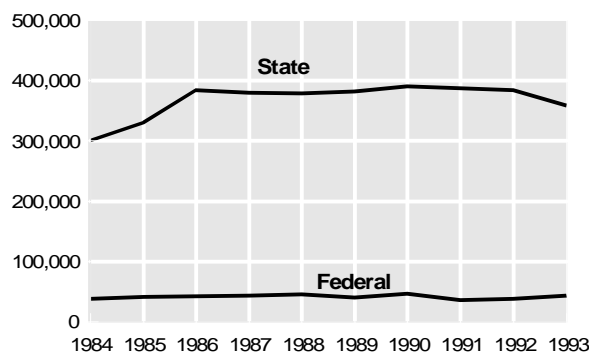
States include: AK, AZ, CA, CO, CT, FL, HI, ID, IN, KS, ME, MD, MA, MI, MN, MO, NV, NJ, NM, NY, ND, OH, OR, TN, TX, UT, WA, WI, WY.

Source: Court Statistics Project, National Center for State Courts, 1995.

The number of tort case filings has remained stable since 1986, according to the most extensive existing data from 22 States. Federal tort case loads have also remained fairly constant over the past 8 years. The consistent level in State courts may

be related to the various reforms that many States have implemented to some extent since 1984. One common change has been to abolish or modify the liability that makes multiple defendants financially accountable for the entire judgment ("joint and several" liability). Another factor may have been the trend away from costly formal litigation toward compulsory arbitration. To achieve speed in complex or technical cases, some businesses are also turning to private judging (for example, retaining a retired judge to resolve a dispute).

**Tort filings in State and Federal district courts**



States include: AK, AZ, AR, CA, CO, CT, FL, HI, ID, KS, ME, MD, MI, MN, NC, ND, OH, PR, TN, TX, UT, WA.

Sources: Court Statistics Project, National Center for State Courts, 1995. Data on number of tort cases commenced in Federal district court came from the Annual Reports of the Administrative Office of the U.S. Courts.

**Case processing time**

Mean case processing time from filing to disposition was 19.3 months, and the median was 13.7 months (table 3). Within 1 year, 44% of all tort cases were disposed, and within 2 years, 74%.

Case processing was most rapid for auto torts (median of 1 year). One reason for the relatively short processing time was that auto tort cases were among the types with the fewest number of litigants (median of 3). Also, compared to all other types, auto torts were the most likely to have an individ-

ual (rather than a business, hospital or government agency) as the defendant.

Product liability and medical malpractice cases had a mean processing time of about 2 years. Toxic substance cases took on average 3.5 years from filing to disposition.

**Table 2. Types of civil judgment, by selected types of tort cases in the Nation's 75 largest counties, 1992**

Selected case type	Total	Percent of cases, by type of judgment							
		Trial verdict	Agreed settlement <sup>a</sup>	Summary judgment	Default judgment	Dismissed <sup>b</sup>	Arbitration award	Transfer	Other disposition <sup>c</sup>
All tort cases	100%	2.9%	73.4%	1.7%	3.1%	9.5%	3.5%	5.1%	.7%
Auto	100	2.0	74.6	1.0	4.2	9.4	4.0	4.4	.5
Premises liability	100	3.8	76.1	2.3	.9	7.4	3.3	4.8	1.3
Product liability	100	3.3	76.5	4.5	.5	6.0	2.7	6.1	.3
Intentional injury	100	4.1	65.8	2.6	3.6	17.5	2.8	3.4	.3
Malpractice									
Medical	100	6.9	69.4	3.3	.8	12.9	1.4	3.5	1.8
Nonmedical	100	4.8	66.9	2.5	3.9	14.4	2.8	3.8	.8
Toxic substance	100	3.0	83.2	2.7	0	2.3	.2	4.2	4.2

Note: Data on case type and type of judgment were available for 99.8% of all cases. Zero indicates no cases in the sample. Detail may not sum to 100% because of rounding.

<sup>a</sup>Includes voluntary dismissal.

<sup>b</sup>Includes those dismissed for lack of prosecution or failure to serve the complaint on the defendant.

<sup>c</sup>Includes directed verdict and cases that were settled after a trial started or after a jury or bench verdict was entered.

**Table 3. Case processing time, by selected types of tort cases in the Nation's 75 largest counties, 1992**

Selected case type	Number of cases	Mean (months)	Median (months)	Case processing time for tort cases				
				Percent of tort cases disposed				
				Less than 1 year	1 year to less than 2 years	2 years to less than 3 years	3 years to less than 4 years	4 or more years
All tort cases	378,313	19.3 mo	13.7 mo	43.7%	30.1%	12.2%	5.8%	8.2%
Auto	227,515	16.7	12.4	48.4	31.0	10.8	4.6	5.3
Premises liability	65,492	22.0	16.5	34.8	31.2	15.9	8.4	9.7
Product liability	12,857	25.0	17.2	38.0	26.0	13.6	5.2	17.2
Medical malpractice	18,452	26.4	20.5	27.5	29.4	17.7	9.4	16.0
Toxic substance	6,045	36.5	29.4	36.5	8.9	10.5	11.3	32.7
Other*	47,952	21.2	14.5	42.0	28.5	11.7	6.2	11.6

Note: Differences in case processing time among nonauto cases were not statistically significant. Detail may not sum to 100% because of rounding.

\*Includes nonmedical malpractice, intentional injury, slander/libel, and torts of unknown specificity.

Tort cases disposed by a jury or bench trial had a median case processing time of nearly 2 years (table 4).

The longest processing time for a sampled case was 14 years and 5 months. This case of negligence involved 3 individuals who named 14 defendants (individuals, businesses, and a government agency). It was disposed by an agreed settlement.

*Types of litigants: plaintiffs*

Because tort litigation primarily involves claims or damages related to

personal injury, the vast majority (94%) of cases had an individual as the plaintiff (table 5). Businesses were the plaintiff in 6% of all tort cases, and hospitals and government agencies each were in less than 1%. Businesses were the plaintiff in 21% of nonmedical professional malpractice cases, 15% of slander libel cases, and 12% of product liability cases.

*Types of litigants: defendants*

The composition of defendants in tort cases differed from that of the plaintiffs. While in more than 9 in 10 tort cases

the plaintiff was an individual, half the cases had an individual as the *defendant*. Approximately 40% of the tort cases had a business as the defendant.

A majority (70%) of auto cases named an individual as the defendant. In three-quarters or more of premises liability cases (75%), product liability cases (93%), and toxic substance cases (96%), a business was the defendant. Among medical malpractice cases, hospitals comprised 72% of the defendants.

**Table 4. Case processing time, by types of tort disposition in the Nation's 75 largest counties, 1992**

Disposition type	Tort cases			
	Number of cases	Percent	Case processing time (months)	
			Mean	Median
All tort cases	377,422	100.0%	19.3 mo	13.7 mo
Judgment				
Agreed	277,168	73.4	18.2	13.3
Default	11,799	3.1	11.3	6.9
Summary	6,504	1.7	23.7	18.9
Dismissed	35,604	9.4	27.0	16.8
Transfer	19,295	5.1	17.5	11.4
Arbitration award	13,161	3.5	15.8	11.9
Trial				
Bench	2,211	.6	31.0	22.4
Jury	8,852	2.3	29.5	24.2
Other*	2,828	.7	37.7	32.7

Note: Data on disposition type and case processing time were available for 99.8% of all cases. Detail may not sum to 100% because of rounding.  
\*Includes directed verdict and cases that were settled after a trial started or after a jury or bench verdict was entered.

**Table 5. Types of plaintiffs or defendants, by types of tort cases in the Nation's 75 largest counties, 1992**

Selected case type	Plaintiffs				
	Total	Individual	Government	Business <sup>a</sup>	Hospital <sup>b</sup>
All tort cases	100%	93.6%	.3%	6.0%	.1%
Auto	100	94.2	.3	5.4	0
Premises liability	100	96.5	.2	3.2	0
Product liability	100	86.8	.9	12.3	0
Intentional injury	100	94.9	.1	5.0	.1
Malpractice					
Medical	100	99.5	0	.5	0
Nonmedical	100	77.0	1.3	20.6	1.0
Slander/libel	100	84.2	.6	15.2	0
Toxic substance	100	97.3	.7	2.0	0
	Defendants				
All tort cases	100%	50.5%	5.4%	39.6%	4.6%
Auto	100	69.8	3.9	25.9	.4
Premises liability	100	13.5	9.7	74.8	2.0
Product liability	100	.4	1.0	93.2	5.3
Intentional injury	100	44.4	16.0	38.1	1.4
Malpractice					
Medical	100	26.5	1.3	.5	71.8
Nonmedical	100	37.8	4.0	53.4	4.8
Slander/libel	100	50.1	4.9	43.9	1.1
Toxic substance	100	3.6	.1	96.3	0

Note: Each case, regardless of number or types of plaintiffs, was given one plaintiff designation from the following hierarchy: hospital, business, government, or individual. Similarly, each was also given a single defendant designation. A case with multiple types of plaintiffs or defendants was assigned the designation of whichever type appears first in the above hierarchy. For example, any case involving a hospital defendant is categorized as a hospital even if there were also business, individual, or government defendants in the case. Zero indicates no cases in the sample. Detail may not sum to 100% because of rounding.

<sup>a</sup>Includes insurance companies and other businesses and other organizations.

<sup>b</sup>Includes medical companies.

### Who sues whom?

The most common type of tort case involved an individual suing an individual (47% of all torts) (table 6). The next most common type was an individual suing a business (37%). About 5% were cases in which an individual sued a government agency or hospital.

#### Multiple plaintiffs or defendants

The estimated 378,000 tort cases disposed in 1992 involved approximately 1.4 million litigants. The median number of litigants per case was 3. On average, toxic substance (primarily asbestos) cases had 14 litigants per case, more than any other tort cases.

However, for toxic cases involving multiple plaintiffs, the manner of filing could differ among jurisdictions. For example, a toxic substance case in Dade County, Fla., involved more than 60 individual plaintiffs, each filing separate complaints. By contrast, a toxic substance case in Alameda County, Calif., which involved nearly 200 plaintiffs, was consolidated as a single case.

Auto torts were primarily individual versus individual; medical malpractice cases, individual versus hospital; and toxic substance and product liability cases, individual versus business.

#### County specific data

The volume and composition of tort cases disposed, their average case processing time, and the types of litigants involved varied across the indi-

vidual State courts sampled in this project (appendix tables 1-3). Many factors can contribute to these differences, including the types of commercial enterprises located in the jurisdiction and the demographic characteristics of the residents. The presence of no-fault auto insurance and laws addressing the plaintiff's role in contributory negligence can also affect tort caseload. States vary in the

#### Trial verdicts

Few tort cases go to jury or bench trial for disposition. In the 3% of cases which did receive a trial verdict, the plaintiff was the winner in about half the cases. Among types of cases with sufficient data to permit estimation, outcome varied considerably by type of case. Physicians, hospitals, and other medical service defendants won 74% of medical malpractice cases, but plaintiffs in automobile accident cases won 60% of the cases.

Winner	Percent of trial verdicts in favor of plaintiffs or defendants			
	All cases*	Auto	Medical malpractice	Premises liability
Plaintiff	53%	60%	26%	52%
Defendant	45	36	74	47
Mixed	2	5	0	1
Number of cases	9,553	4,162	1,148	2,212

Note: Data were available for 86.4% of tort cases that went to trial. Zero indicates no cases in the sample. Detail may not sum to 100% because of rounding.

\*Includes product liability, toxic substance, and intentional injury cases that could not be estimated separately because of too few sample cases.

**Table 6. Pairings of primary litigants in tort cases, 1992**

Plaintiff versus primary defendant	All tort cases		Auto		Medical malpractice		Toxic substance <sup>a</sup>		Product liability		Premises liability	
	Number of cases	Percent	Number of cases	Percent	Number of cases	Percent	Number of cases	Percent	Number of cases	Percent	Number of cases	Percent
All tort cases	376,789	100.0%	226,596	100.0%	18,388	100.0%	5,938	100.0%	12,804	100.0%	65,329	100.0%
Individual versus:												
Individual	176,815	46.9%	147,905	65.3%	4,814	26.2%	96	1.6%	0	0	8,447	12.9%
Government	19,483	5.2	8,533	3.8	232	1.3	8	.1	134	1.0	6,290	9.6
Business <sup>b</sup>	139,156	36.9	56,324	24.9	84	.5	5,661	95.3	10,310	80.5	46,986	71.9
Hospital <sup>c</sup>	17,103	4.5	808	.4	13,172	71.6	0	0	682	5.3	1,320	2.0
Individual and nonindividual versus:												
Individual	5,005	1.3%	4,219	1.9%	11	.1%	0	0	0	0	89	.1%
Government	325	.1	222	.1	0	0	0	0	0	0	13	0
Business <sup>b</sup>	4,455	1.2	1,589	.7	0	0	74	1.2	446	3.5	1,162	1.8
Hospital <sup>c</sup>	131	0	22	0	76	.4	0	0	0	0	0	0
Nonindividual versus:												
Individual	7,527	2.0%	5,790	2.6%	0	0	15	.2%	0	0	153	.2%
Government	444	.1	137	.1	0	0	0	0	0	0	58	.1
Business <sup>b</sup>	6,326	1.7	1,048	.5	0	0	85	1.4	1,231	9.6	811	1.2
Hospital <sup>c</sup>	19	0	0	0	0	0	0	0	0	0	0	0

Note: Data on litigant pairings were available for 99.6% of all cases. See note on table 5. Zero indicates no cases in the sample. Detail may not sum to 100% because of rounding.

<sup>a</sup>Includes primarily asbestos cases, but also lead poisoning

damages arising from the illegal dumping of hazardous waste.

<sup>b</sup>Includes "other organizations."

<sup>c</sup>Includes medical companies.

minimum amount of money that must be involved for a civil case to be filed in general jurisdiction courts. The threshold can range from \$25,000 in California to \$2,000 in Connecticut.

## Methodology

### Sample

The Civil Trial Court Network Project sample is a 2-stage stratified sample with 45 of the 75 most populous counties selected at the first stage. The 75 counties were divided into 4 strata based on aggregate civil disposition data for 1990 obtained through telephone interviews with court staffs in the general jurisdiction trial courts. For stratum 1 (14 counties with the largest number of civil case dispositions), every county was selected. Stratum 2 consisted of 15 counties, with 12 chosen randomly. From stratum 3, 10 of the 20 counties were selected. From stratum 4, 9 of the 26 counties were included.

At the second stage, either an interval or a random sample of 400-450 tort cases disposed between July 1, 1991, and June 30, 1992, was selected within the State general jurisdiction trial court of each county. Data on 18,178 tort cases were collected.

The estimate that the Nation's 75 largest counties comprise half of the Nation's tort caseload is derived from comparing the relationship between jurisdiction population size and tort caseload in the 16 States with available data.

### Data recording and unobtainable information

For each sampled case, a standard coding form was manually completed by staff on-site to record information about the litigants, case type, disposition type, processing time, and case outcome.

Information for which data were not available included the cost of litigation for the parties involved, as well as for others, and the results of settlement.

### Tort case type definitions

**Torts** — Claims arising from personal injury or property damage caused by the negligent or intentional act of another person or business.

Specific tort case types include *automobile accident*; *premises liability* (injury caused by the dangerous condition of residential or commercial property); *medical malpractice* (by doctor, dentist, or medical professional); *other professional malpractice* (as by engineers or architects); *product liability* (injury or damage caused by defective products); *toxic substance* (injury caused by toxic substances, primarily asbestos in this study); *libel/slander* (injury to reputation); *intentional tort* (such as vandalism and intentional personal injury); and *other negligent acts*.

### Tort case disposition definitions

**Default judgment** — Occurs when a litigant has failed to file an answer to a complaint or failed to appear at a scheduled hearing.

**Dismissal for lack of service or prosecution** — Failure to obtain legal service of the complaint can lead to a dismissal after a stated period; most courts can also dismiss a case for the plaintiff's failure to prosecute after a case has been inactive for 18 to 24 months.

**Summary judgment** — Entered by a judge after considering evidence submitted by both parties and determining that no controversy exists about the facts in the case; the only issue is application of the law to the facts.

**Other dispositions** — Includes cases settled after a jury or bench trial started, settled after a jury or bench trial verdict was entered, or concluded with a directed verdict (a verdict that the jury returned at the direction of the court or that the court entered on the record after dismissal of the jury because the court found the evidence to be insufficient to support the jury's decision).

**Arbitration award** — Typically entered without appeal in jurisdictions with arbitration programs associated with the court.

**Agreed settlement/voluntary dismissal** — Primarily cases settled and dismissed and some cases voluntarily dismissed by plaintiffs without a settlement. Types of dismissals were not identified by many courts; it could also include dismissals for lack of jurisdiction.

**Trial verdict** — Rendered by jury or bench (judge) trial.

### Sampling error

Since the data in this report came from a sample, a sampling error (standard error) is associated with each reported number. In general, if the difference between two numbers is greater than twice the standard error for that difference, there is 95% confidence of a real difference and that the apparent difference is not simply the result of using a sample rather than the entire population. All differences discussed in this report were statistically significant at or above the 95% confidence level. The 75 counties' estimate of 378,000 torts had a coefficient of variation of 4%. Variation took into account the survey sample design features.

Steven K. Smith, Carol J. DeFrances, Patrick A. Langan, and John Goerd, project director for the Civil Trial Court Network, National Center for State Courts (NCSC), wrote this report. Carma Hogue at the Bureau of the Census designed the sample. Data collection was carried out by the NCSC, the Bureau of the Census (under the direction of Stephanie Brown), and Mark Cunniff of the National Association of Criminal Justice Planners. Also Brian Ostrom, David Rottman, and Neil LaFountain of NCSC assisted in this project. Tom Hester and Priscilla Middleton edited the report. Marilyn Marbrook, assisted by Jayne Robinson and Yvonne Boston, administered production.

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**Appendix table 1. Types of tort cases disposed in State courts, by sampled counties, 1992**

County	1992 population	Total tort cases per 100,000 population	All torts	Auto	Premises liability	Product liability	Medical malpractice	Toxic substance
Maricopa, AZ	2,209,567	449	9,914	7,772	1,085	147	29	0
Pima, AZ	690,202	485	3,346	2,387	411	48	65	8
Alameda, CA	1,307,572	249	3,258	1,731	467	85	204	76
Contra Costa, CA	840,585	294	2,469	1,456	408	70	120	35
Fresno, CA	705,613	335	2,364	1,528	267	108	118	15
Los Angeles, CA <sup>a</sup>	3,485,398	242	21,954	16,436	2,529	172	977	0
Orange, CA	2,484,789	736	18,297	12,515	2,415	512	476	37
San Bernadino, CA	1,534,343	494	7,583	4,682	1,600	135	299	15
San Francisco, CA	728,921	476	3,467	1,924	572	95	147	191
Santa Clara, CA	1,528,527	337	5,148	3,389	912	55	129	0
Ventura, CA	686,560	279	1,917	1,300	328	35	43	0
Fairfield, CT <sup>b</sup>	267,099	862	2,303	1,512	344	108	59	43
Hartford, CT <sup>b</sup>	858,831	487	4,184	3,018	627	39	87	19
Dade, FL	2,007,972	355	7,122	3,461	849	216	216	1,315
Orange, FL	714,579	238	1,700	983	439	33	62	0
Palm Beach, FL	900,655	466	4,194	2,668	608	136	149	0
Fulton, GA	665,765	221	1,470	762	223	89	89	9
Honolulu, HI	863,117	208	1,795	1,133	301	42	38	59
Cook, IL	5,139,341	400	20,573	11,021	5,143	908	1,297	43
DuPage, IL	816,116	231	1,884	1,226	293	29	87	10
Marion, IN	812,835	212	1,725	1,121	199	49	119	0
Jefferson, KY	670,837	230	1,543	939	239	46	137	8
Essex, MA	669,984	275	1,843	992	292	64	77	37
Middlesex, MA	1,394,408	411	5,735	2,723	1,410	263	263	28
Norfolk, MA	620,957	279	1,733	903	322	59	87	6
Suffolk, MA	639,192	786	5,023	2,012	1,389	143	454	13
Worcester, MA	708,164	236	1,673	911	311	77	108	9
Oakland, MI	1,118,611	472	5,279	2,359	941	334	548	0
Wayne, MI	2,096,179	799	16,739	7,370	2,930	888	1,865	355
Hennepin, MN	1,041,332	239	2,485	1,390	288	112	183	0
St. Louis, MO	1,000,690	168	1,684	994	211	57	195	0
Bergen, NJ	834,983	818	6,830	4,292	1,507	180	180	16
Essex, NJ	773,420	1,363	10,544	7,651	2,439	120	120	24
Middlesex, NJ	684,456	1,034	7,080	4,840	1,308	229	229	180
New York, NY	1,489,066	614	9,150	3,225	3,566	52	1,049	577
Cuyahoga, OH	1,411,209	679	9,589	5,856	1,074	946	665	51
Franklin, OH	992,095	398	3,951	2,182	513	472	191	101
Allegheny, PA	1,334,396	407	5,430	3,058	1,279	218	343	187
Philadelphia, PA	1,552,572	1,178	18,283	10,970	3,456	150	551	852
Bexar, TX	1,233,096	250	3,087	1,898	681	125	153	19
Dallas, TX	1,913,395	335	6,411	3,213	1,045	277	323	61
Harris, TX	2,971,755	386	11,483	5,709	2,854	427	558	164
Fairfax, VA	877,531	384	3,370	2,597	224	56	112	11
King, WA	1,557,537	325	5,057	3,249	532	118	224	71
Milwaukee, WI	951,884	340	3,234	2,393	477	61	104	0

<sup>a</sup>1992 population figure includes only the central district of the Los Angeles County Superior Court. Los Angeles suburban courts are not included.

<sup>b</sup>Population figures for Fairfield and Hartford Counties are 1990 estimations for the population served by the Fairfield and Hartford/New Britain judicial districts.

Source of 1992 population: U.S. Bureau of the Census, *County and City Data Book, 1994*.

**Appendix table 2. Case processing time for tort cases in State courts, by sampled counties, 1992**

County	Mean (months)	Less than 1 year	1 year to less than 2 years	2 years to less than 3 years	3 years to less than 4 years	4 or more years
Maricopa, AZ	11 mo	55%	40%	4%	1%	0%
Pima, AZ	17	41	41	13	4	1
Alameda, CA	22	39	28	15	4	14
Contra Costa, CA	15	62	24	4	3	7
Fresno, CA	42	27	23	5	3	42
Los Angeles, CA*	12	49	45	5	2	0
Orange, CA	21	44	23	14	9	10
San Bernadino, CA	30	29	16	11	25	19
San Francisco, CA	21	36	27	17	15	6
Santa Clara, CA	20	38	29	16	9	8
Ventura, CA	22	34	28	18	10	11
Fairfield, CT	23	35	27	13	9	15
Hartford, CT	19	40	29	19	8	4
Dade, FL	13	56	30	9	3	2
Orange, FL	15	50	34	10	3	3
Palm Beach, FL	14	51	36	9	4	0
Fulton, GA	13	58	29	10	2	2
Honolulu, HI	16	47	33	14	5	1
Cook, IL	34	25	16	22	5	33
DuPage, IL	16	38	43	16	2	1
Marion, IN	14	53	28	13	6	1
Jefferson, KY	14	50	34	12	3	0
Essex, MA	28	31	29	14	5	21
Middlesex, MA	27	29	32	16	6	18
Norfolk, MA	19	46	30	7	5	11
Suffolk, MA	22	35	37	9	7	12
Worcester, MA	24	40	26	19	4	12
Oakland, MI	12	68	26	4	1	0
Wayne, MI	12	59	34	6	2	0
Hennepin, MN	13	51	38	8	1	1
St. Louis, MO	21	29	32	26	9	3
Bergen, NJ	20	24	41	28	6	1
Essex, NJ	21	29	38	13	17	2
Middlesex, NJ	19	28	42	21	7	2
New York, NY	25	28	30	20	10	13
Cuyahoga, OH	12	64	27	7	1	1
Franklin, OH	16	51	33	9	2	6
Allegheny, PA	20	47	24	13	6	11
Philadelphia, PA	24	48	17	11	5	19
Bexar, TX	18	30	46	17	4	3
Dallas, TX	13	57	30	9	3	1
Harris, TX	23	28	34	21	8	9
Fairfax, VA	16	43	37	15	3	2
King, WA	13	56	36	5	1	2
Milwaukee, WI	10	66	24	7	2	1

Note: Zero indicates no cases in the sample. Detail may not sum to 100% because of rounding.

\*Includes only the central district of the Los Angeles County Superior Court. Los Angeles suburban courts are not included.



**Appendix table 3. Primary plaintiff or defendant in tort cases in State courts, by sampled counties, 1992**

County	Primary plaintiff <sup>a</sup>				Primary defendant <sup>a</sup>			
	Individual	Government	Business <sup>b</sup>	Hospital	Individual	Government	Business <sup>b</sup>	Hospital
Maricopa, AZ	84%	2%	14%	0%	71%	6%	23%	1%
Pima, AZ	94	0	6	0	70	4	24	2
Alameda, CA	94	0	6	0	51	7	37	5
Contra Costa, CA	97	0	2	0	50	6	39	5
Fresno, CA	94	1	5	0	59	6	32	3
Los Angeles, CA <sup>c</sup>	99	0	1	0	61	4	30	5
Orange, CA	98	0	1	0	58	3	35	4
San Bernadino, CA	97	0	3	0	50	7	40	3
San Francisco, CA	96	0	3	0	45	7	44	3
Santa Clara, CA	97	0	3	0	64	4	30	2
Ventura, CA	95	1	4	0	60	5	33	2
Fairfield, CT	95	0	5	0	61	5	33	2
Hartford, CT	78	0	22	0	61	0	37	2
Dade, FL	92	0	8	0	36	3	59	2
Orange, FL	89	0	11	0	43	2	51	3
Palm Beach, FL	90	0	9	0	44	3	49	4
Fulton, GA	96	0	4	0	35	5	55	5
Honolulu, HI	95	0	4	0	53	5	41	1
Cook, IL	93	0	7	0	44	10	40	6
DuPage, IL	96	0	3	0	59	1	35	5
Marion, IN	94	0	6	0	59	3	32	6
Jefferson, KY	72	1	27	0	47	4	45	4
Essex, MA	97	0	3	0	54	6	37	3
Middlesex, MA	97	0	3	0	46	5	46	3
Norfolk, MA	95	0	5	0	49	5	43	3
Suffolk, MA	92	0	8	0	30	11	53	6
Worcester, MA	95	0	4	0	50	3	42	4
Oakland, MI	97	0	3	0	37	2	51	9
Wayne, MI	97	0	3	0	35	10	43	12
Hennepin, MN	95	0	5	0	50	5	38	7
St. Louis, MO	97	0	3	0	61	1	28	9
Bergen, NJ	93	0	6	0	53	3	42	2
Essex, NJ	96	0	4	0	47	4	47	2
Middlesex, NJ	97	0	3	0	59	4	36	1
New York, NY	96	0	4	0	22	13	55	10
Cuyahoga, OH	85	1	13	1	55	5	33	7
Franklin, OH	93	0	7	0	56	5	35	4
Allegheny, PA	94	0	6	0	50	2	44	5
Philadelphia, PA	98	0	2	0	45	13	38	3
Bexar, TX	98	0	2	0	45	3	46	6
Dallas, TX	89	0	11	0	48	2	45	4
Harris, TX	95	1	4	0	37	3	55	5
Fairfax, VA	96	0	4	0	70	1	27	2
King, WA	93	1	6	0	61	6	29	4
Milwaukee, WI	55	4	40	1	40	1	54	5

Note: Detail may not sum to 100% because of rounding. Zero indicates no cases in the sample.

<sup>a</sup>See note on table 5.

<sup>b</sup>Includes insurance companies, corporations, and "other organizations."

<sup>c</sup>Includes only the central district of the Los Angeles County Superior Court. Los Angeles suburban courts are not included.