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Office of Justice Programs



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BUREAU OF JUSTICE STATISTICS
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IN 2005, LESS THAN 5 PERCENT OF PLAINTIFFS WHO WON IN CIVIL BENCH AND JURY TRIALS RECEIVED DAMAGES EXCEEDING \$1 MILLION

WASHINGTON – Over 14,000 plaintiff winners received monetary damages in civil trials nationwide in 2005, with less than 5 percent receiving damages exceeding \$1 million, the Justice Department's Bureau of Justice Statistics (BJS) announced today. The BJS study is the first nationally representative measure of general civil (that is, tort, contract, and real property) bench and jury trials in state courts of general jurisdiction.

Nationwide, plaintiff winners in civil bench and jury trials were awarded an estimated \$6 billion in compensatory and punitive damages in 2005. The median final damage award (the amount at which half the awards are higher and half are lower) was \$28,000. Over 14 percent of plaintiff winners were awarded damages exceeding \$250,000.

State courts of general jurisdiction in 2005 disposed of approximately 26,950 general civil cases through bench or jury trial. The majority (61 percent) of these trials involved a tort claim—the plaintiff alleged injury, loss, or damage from negligent or intentional acts of the defendant. The most common tort cases involved motor vehicle accidents, which accounted for 35 percent of all civil trials in 2005. The median final award for plaintiff winners in motor vehicle accident cases was \$15,000.

Contract cases—an alleged breach of a contractual agreement—accounted for 33 percent of all civil trials. Contract cases frequently involved businesses as the plaintiff or defendant, as opposed to tort cases in which individuals were the primary litigants.

Judges were significantly more likely than juries to find for the plaintiff over the defendant. Plaintiffs won 68 percent of bench trials compared to 54 percent of jury trials.

Punitive damages were awarded in approximately 5 percent (700) of the over 14,000 bench and jury civil trials with plaintiff winners in 2005. Overall, the median punitive damage award in these trials was \$64,000. Among civil bench and jury trials in which punitive damages were awarded, 26 percent had punitive awards which exceeded compensatory awards by a ratio of four to one or greater.

(MORE)

In the nation's 75 most populous counties, the number of civil trials decreased by 52 percent from 1992 to 2005. Tort cases in these counties had the smallest decrease (down 40 percent), while contract (down 63 percent) and real property (down 77 percent) cases registered the largest declines.

The median final award in jury trials within the nation's 75 most populous counties also decreased from 1992 to 2005. The median jury trial award in the largest counties was \$43,000 in 2005, down 40 percent from 1992 in which the median award was \$72,000. This trend was driven by decreases in awards for motor vehicle tort trials, in which the median jury awards declined from \$41,000 to \$17,000.

Some tort case categories had marked increases in median jury awards. For example, product liability trials had median awards at least 5 times higher in 2005 than in 1992, and in medical malpractice trials median awards more than doubled to \$682,000 in 2005 from \$280,000 in 1992.

The report, *Civil Bench and Jury Trials in State Courts, 2005* (NCJ 223851), was written by BJS statisticians Lynn Langton and Thomas H. Cohen. Following publication, the report can be found at <http://www.ojp.usdoj.gov/bjs/abstract/cbjtsc05.htm>.

For additional information about the Bureau of Justice Statistics' statistical reports and programs, please visit the BJS Web site at <http://www.ojp.usdoj.gov/bjs>.

The Office of Justice Programs (OJP), headed by Assistant Attorney General Jeffrey L. Sedgwick, provides federal leadership in developing the nation's capacity to prevent and control crime, administer justice, and assist victims. OJP has five component bureaus: the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office of Juvenile Justice and Delinquency Prevention; and the Office for Victims of Crime. In addition, OJP has two program offices: the Community Capacity Development Office, which incorporates the Weed and Seed strategy, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office. More information can be found at <http://www.ojp.gov>.

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