

***2004 U.S. CHAMBER OF COMMERCE
STATE LIABILITY SYSTEMS
RANKING STUDY***

Final Report

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MARKET RESEARCH

The Harris Poll[®] PEOPLE

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INTRODUCTION

The 2004 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 at public corporations. This study was conducted between December 2003 and February 2004, updating previous research conducted in December 2002 to February 2003 and January to February 2002. The goal was to explore how reasonable and fair the tort liability system is perceived to be by U.S. business. Broadly, the survey focused on perceptions of state liability systems in 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
- Juries' Predictability and Fairness

METHODOLOGICAL OVERVIEW

All interviews for *The 2004 State Liability Systems Ranking Study* were conducted by telephone among a nationally representative sample of senior attorneys at companies with annual revenues of at least \$100 million. Interviews averaging 18 minutes in length were conducted with a total of 1,402 respondents and took place between December 5, 2003 and February 5, 2004. The sample was segmented into two main groups. Of the 1,402 respondents, 141 were from insurance companies, with the remaining 1,261 interviews being conducted among public corporations.

This year we increased the overall number of people interviewed by over 50% as compared to last year's sample (n=928). The larger sample sizes have made the survey more reliable, and have reduced year-to-year fluctuations that might have been caused by small sample sizes in the past.

A detailed survey methodology including a description of the sampling and survey administration procedures as well as further respondent profile information is contained in Appendix A. The complete questionnaire is found in Appendix B.

NOTES ON READING TABLES

The base (“N”) on each question is the total number of respondents answering that question. An asterisk (*) on a table signifies a value of less than one-half percent (0.5%). A dash represents a value of zero. Percentages may not always add up to 100% because of computer rounding or the acceptance of multiple answers from respondents answering that question. Note that in some cases results may be based on small sample sizes. Caution should be used in drawing any conclusion from results based on these small samples.

States were given a grade (“A”, “B”, “C”, “D”, “F”) by respondents for each of the key elements of their liability systems. Tables show the ratings of the states by these grades, the percentage of respondents giving each grade, and the mean grade for each element. The mean grade was calculated by converting the letter grade using a 4.0 scale where “A” = 4.0, “B” = 3.0, “C” = 2.0, “D” = 1.0, “F” = 0.0. Therefore, the mean score displayed can also be interpreted as a letter grade. For example, a mean score of 1.8 could be seen as roughly a “C-” grade.

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 ranked by looking at the percentage of “A” grades.

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.

PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS

The Harris team responsible for the design and analysis of *The State Liability Systems Ranking Study* included Humphrey Taylor, Chairman, *The Harris Poll*, David Krane, Senior Vice President, and Diana Gravitch, Research Manager. We would like to acknowledge Andrew R. Stephens from the U.S. Chamber Institute for Legal Reform and Judyth Pendell of Pendell Consulting, LLC, for their invaluable contributions to the design, content, focus and analysis of the project. Harris Interactive is responsible for the final determination of topics, question wording, collection of the data, statistical analysis and interpretation in the report.

PUBLIC RELEASE OF SURVEY FINDINGS

All Harris surveys are designed to comply with the code and standards of the Council of American Survey Research Organizations (CASRO) and the code of the National Council of Public Polls (NCPP). Should data from the survey be released to the public, any release must stipulate that the complete report is also available.

EXECUTIVE SUMMARY

Stories of excessive or frivolous litigation appear frequently in the popular press, and Congressional debates have been ongoing for years on issues surrounding legal reform. However, information about business views and impressions of the nation's civil justice system and what impact these have on decision-making has been largely anecdotal. *The 2004 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 2004 study provides an updated picture of the findings from the last surveys released in 2003 and 2002.

Interviews conducted between December 5, 2003 and February 5, 2004 with 1,402 senior corporate attorneys found that some states stand out as leaders in creating a fair and reasonable litigation system, but **the majority (56%) of those surveyed give an overall ranking of fair or poor to the state court liability system in America – compared to 65% in 2003.** Further, and perhaps more importantly, an **overwhelming 80% report that the litigation environment in a state could affect important business decisions** at their company, such as where to locate or do business. [See Tables 1 and 2]

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

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.

According to the U.S. businesses surveyed, the **states doing the best job of creating a fair and reasonable litigation environment are Delaware, Nebraska, Virginia, Iowa, and Idaho. In 2003, the top five were Delaware, Nebraska, Iowa, South Dakota, and Indiana. The bottom five states today are Mississippi, West Virginia, Alabama, Louisiana, and California – compared to 2003, when the bottom five states were Mississippi, West Virginia, Alabama, Louisiana, and Texas.** [See Table 3]

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.

- For **overall treatment of tort and contract litigation**, today the top five states are: Delaware, Nebraska, Virginia, Iowa, and Utah. In 2003, the top five consisted of Delaware, Iowa, Nebraska, North Dakota, and South Dakota. Today the bottom five states are: Mississippi, West Virginia, Alabama, Louisiana, and California. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Texas. [See Table 7]
- For **treatment of class actions**, today the top five states are: Delaware, Iowa, South Dakota, Idaho, and Nebraska. In 2003, the top five consisted of Delaware, Nebraska, Iowa, Indiana, and South Dakota. The bottom five states today are: West Virginia, Alabama, Louisiana, California, and Illinois. In 2003, the bottom five states were: West Virginia, Alabama, Louisiana, Texas, and California. [See Table 8]
- For **punitive damages**, today the top five states are: Delaware, Virginia, Iowa, Indiana, and Idaho. In 2003, the top five states consisted of: Delaware, Iowa, North Dakota, Virginia, and New Hampshire. The bottom five states today are: Mississippi, Alabama, West Virginia, California, and Illinois. The bottom five states in 2003 were: Mississippi, West Virginia, Alabama, Texas, and California. [See Table 9]
- For **timeliness of summary judgment/dismissal**, today the top five states are: Delaware, Virginia, Nebraska, Iowa and New Hampshire. In 2003, the top five states consisted of: Delaware, Iowa, South Dakota, Nebraska, and Utah. The bottom five states are: Mississippi, West Virginia, Alabama, Louisiana, and California. In 2003, the bottom five states were: Mississippi, West Virginia, Louisiana, Alabama, and Hawaii. [See Table 10]
- For **discovery**, today the top five states are: Delaware, Virginia, Nebraska, New Hampshire, and Wisconsin. In 2003, the top five consisted of: Delaware, Nebraska, Iowa, North Dakota, and Indiana. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and

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.

California. The bottom five states in 2003 were: Mississippi, West Virginia, Louisiana, Alabama, and Hawaii. *[See Table 11]*

- For handling of **scientific and technical evidence**, today the top five states are: Delaware, Virginia, New York, Minnesota, and Idaho. In 2003, the top five states consisted of: Delaware, Minnesota, New York, Utah, and Virginia. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and Arkansas. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Arkansas. *[See Table 12]*
- For **judges' impartiality**, today the top five states are: Delaware, Iowa, Nebraska, New Hampshire, and Virginia. In 2003, the top five states consisted of: Delaware, Nebraska, Iowa, Connecticut, and South Dakota. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and Texas. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Texas. *[See Table 13]*
- For **judges' competence**, today the top five states are: Delaware, Virginia, Minnesota, Iowa, and Utah. In 2003, the top five states were: Delaware, Minnesota, Iowa, Nebraska, and Wisconsin. The bottom five states today are: Mississippi, West Virginia, Alabama, Louisiana, and Montana. In 2003, the bottom five states were: Mississippi, West Virginia, Louisiana, Alabama, and Texas. *[See Table 14]*
- For **juries' predictability**, today the top five states are: Nebraska, North Dakota, Delaware, Iowa and South Dakota. In 2003, the top five states were: Nebraska, Iowa, North Dakota, Wisconsin, and Utah. The bottom five states today are: Mississippi, California, West Virginia, Alabama, and Louisiana. In 2003, the bottom five states were: Alabama, Mississippi, California, Louisiana, and West Virginia. *[See Table 15]*
- For **juries' fairness**, today the top five states are: Iowa, Nebraska, Delaware, North Dakota, and Minnesota. In 2003, the top five states were: North Dakota, Iowa, Nebraska, Delaware, and South Dakota. The bottom five states today are: Mississippi, Alabama, West Virginia, Louisiana, and California. In 2003, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Texas. *[See Table 16]*

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. The leading two issues named were reforming punitive damages (cited by 24% of respondents in 2004, compared to 33% of respondents in 2003) and tort reform (cited by 17% of respondents in 2004, compared to 19% of respondents in 2003). Other top issues were limitation of class action suits (cited by 6% of respondents in 2004, compared to 3% in 2003), speeding up the trial process (cited by 3% of respondents in 2004, compared to 2% of respondents in 2003), judicial competence (cited by 3% in 2004, compared to 5% in 2003), limitation of liability settlements

(cited by 3% in 2004, compared to 5% in 2003), the elimination of unnecessary lawsuits (3% both today and in 2003), and the issue of fairness and impartiality (cited by 3% in both 2004 and 2003). [See Table 4]

In the 2004 survey the respondents were asked for the first time which five local jurisdictions have the least fair and reasonable litigation environments. The worst jurisdiction was Los Angeles, California (mentioned by 16% of the attorneys), followed by the New York Greater Metropolitan Area, Madison County in Illinois, and San Francisco, California (each cited by 9% of the respondents), and Cook County (Chicago) in Illinois (cited by 6% of the respondents). Other jurisdictions mentioned by the respondents were California (various other jurisdictions)³, New Orleans City/Parish in Louisiana, and Dade County (Miami) in Florida (each cited by 5% of the respondents). Three out of ten (29%) mentioned a jurisdiction in California and 16% mentioned a jurisdiction in Illinois. [See Table 5]

Also asked for the first time in the 2004 survey were questions about the legislative reforms recently enacted in Mississippi, West Virginia, and Texas. Over half of the respondents who evaluated Mississippi and Texas thought that the new laws, if implemented as intended, are likely to improve the litigation environment (53% of the attorneys who evaluated Mississippi and 52% of the attorneys who evaluated Texas). In contrast, almost half of the respondents who evaluated West Virginia (47%) reported that they are not sure whether the legislative reforms recently enacted there will have an impact on the litigation environment in the state. [See table 17]

Of those attorneys who expect the litigation environment in Mississippi and Texas to improve as a result of the reforms, pluralities have seen only moderate improvement so far (38% of the respondents who evaluated Mississippi and 41% of the respondents who evaluated Texas). Of the same group, 60% expect meaningful or major improvement in Texas, 51% expect meaningful or major improvement in Mississippi, and only 45% expect meaningful or major improvement in West Virginia. [See Table 17]

In summary, it seems that given the earlier noted finding on the potential influence of these perceptions on business decision-making, the impact of these perceptions on state economic development could be significant. While these findings only reflect the perceptions of in-house general counsel or other senior corporate litigators, and some states may have better litigation environments than they are perceived to have, W. I. Thomas once noted that, “Those things that are believed to be real are real in their consequences.”

³ *Note: Respondents mentioned a wide variety of other jurisdictions in California, but no single jurisdiction predominated, so these responses are listed as “California (various other jurisdictions)”.

DETAILED TABLES OF RESULTS

Table 1

Overall Rating of State Court Liability Systems in America

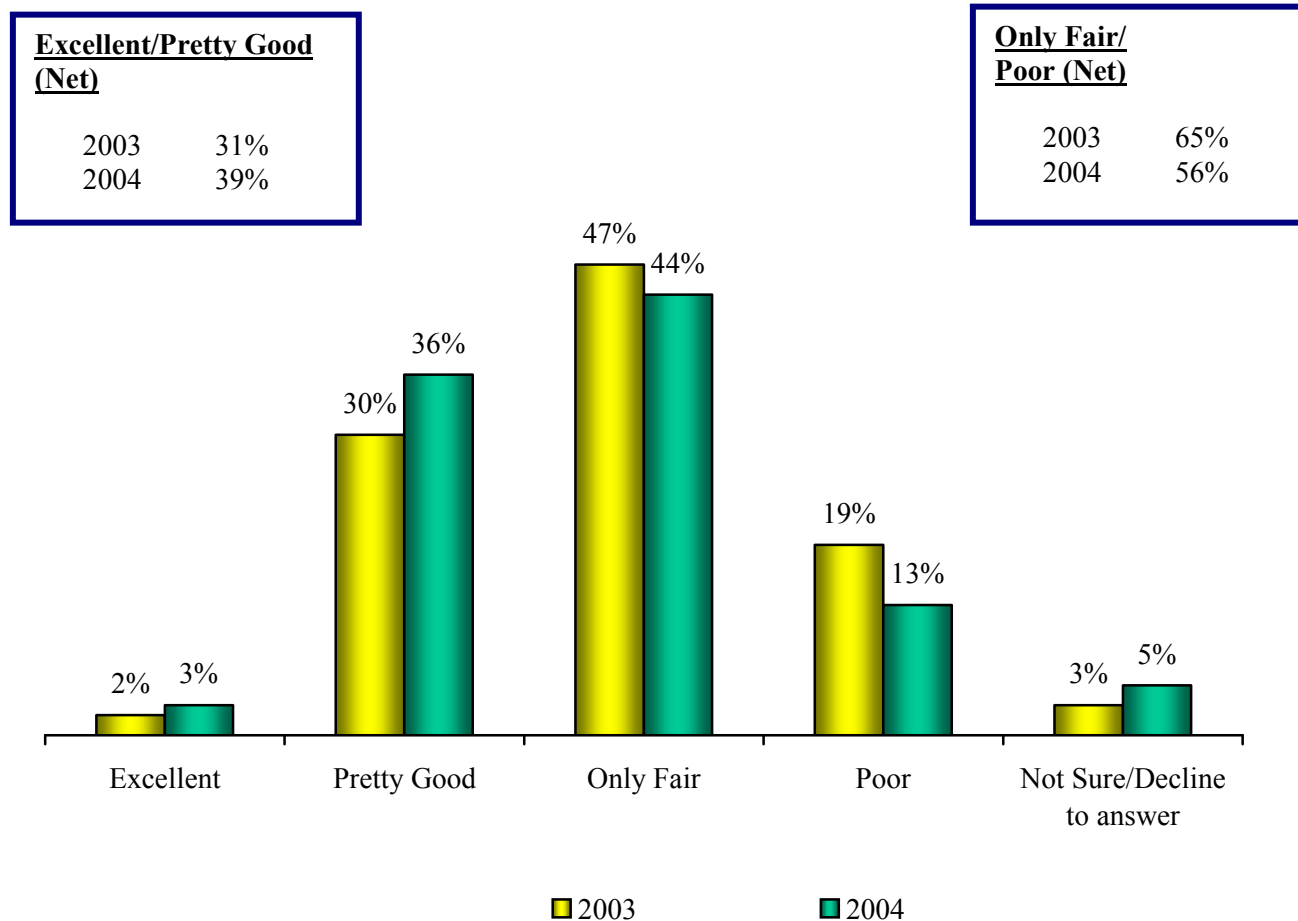


Table 2

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

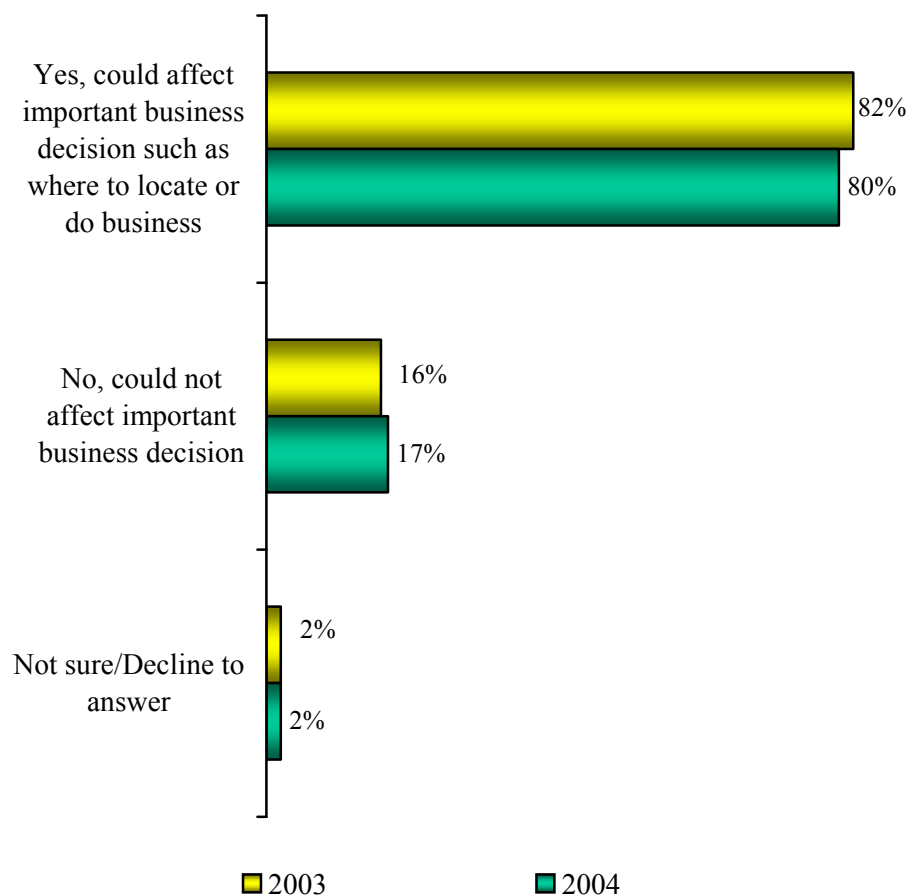


Table 3
Overall Ranking of State Liability Systems

STATE	2004			2003			2002		
	N	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE
Delaware	178	1	74.4	96	1	74.5	75	1	78.6
Nebraska	81	2	69.1	44	2	69.3	61	6	65.4
Virginia	179	3	68.7	95	8	64.0	81	2	67.9
Iowa	80	4	68.6	61	3	68.8	63	5	65.8
Idaho	81	5	66.2	37	13	61.8	53	14	62.4
Utah	82	6	65.8	55	7	64.5	62	8	64.2
New Hampshire	80	7	65.2	39	10	63.2	63	17	61.9
Minnesota	177	8	65.0	85	9	63.5	66	19	61.0
Kansas	81	9	64.4	53	15	61.0	63	4	66.0
Wisconsin	178	10	64.4	74	11	62.7	66	15	62.1
Indiana	178	11	64.4	86	5	65.1	70	12	62.8
Maine	79	12	64.1	39	16	60.9	53	18	61.0
Colorado	179	13	63.9	78	12	62.3	73	7	65.3
Arizona	177	14	63.8	92	18	59.7	78	11	63.2
Wyoming	77	15	63.8	37	25	58.0	45	20	60.7
North Dakota	72	16	63.8	37	6	65.1	50	25	59.4
South Dakota	73	17	63.6	38	4	66.5	47	9	63.9
Connecticut	179	18	62.5	81	17	60.3	68	10	63.4
North Carolina	178	19	61.9	84	20	59.5	74	16	61.9
Vermont	71	20	61.5	36	19	59.6	62	21	60.6
Maryland	178	21	61.4	76	23	58.8	67	22	60.6
New York	200	22	61.4	96	27	57.2	100	27	58.9
Michigan	179	23	61.3	97	29	56.3	83	28	58.2
Washington	178	24	60.7	85	21	59.4	71	3	66.6
Tennessee	176	25	60.7	76	26	57.7	66	24	59.9
New Jersey	185	26	60.2	98	30	56.1	100	32	55.4
Oregon	173	27	58.4	69	14	61.2	62	13	62.5
Massachusetts	180	28	57.7	93	22	59.1	66	36	54.0
Georgia	180	29	57.6	93	39	52.7	100	23	59.9
Pennsylvania	200	30	57.5	95	31	55.9	100	31	56.2
Oklahoma	179	31	57.5	71	36	53.9	62	41	51.2
Ohio	187	32	57.2	98	24	58.6	100	26	59.4
Alaska	77	33	56.5	39	32	55.8	63	37	53.8
Nevada	176	34	56.4	66	34	54.1	63	30	56.7
Kentucky	178	35	56.0	73	35	54.0	67	38	53.5
Rhode Island	83	36	55.7	42	37	53.2	62	35	55.0
New Mexico	81	37	55.1	56	41	48.6	63	39	52.8
Florida	200	38	54.1	96	40	48.6	100	33	55.2
Hawaii	80	39	53.7	37	43	47.8	62	40	52.0
South Carolina	178	40	53.0	77	42	48.0	66	42	50.9
Missouri	178	41	52.9	89	33	55.4	75	29	56.8
Arkansas	82	42	52.5	57	45	44.9	63	44	49.3
Montana	80	43	51.7	40	28	56.4	62	43	49.6
Illinois	201	44	50.5	97	38	53.1	100	34	55.1
Texas	200	45	49.9	97	46	41.1	100	46	45.2
California	205	46	45.2	100	44	45.6	100	45	48.6
Louisiana	182	47	40.5	98	47	37.3	94	47	41.3
Alabama	183	48	34.3	97	48	31.6	100	48	37.8
West Virginia	176	49	31.9	79	49	30.9	65	49	35.6
Mississippi	182	50	25.7	99	50	24.8	96	50	28.4

*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.

Table 3A

Map of Overall Ranking of State Liability Systems



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

*Neither Best, nor Worst

Table 4

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

	Total
	%
Reform punitive damages	24
Tort reform issues	17
Limitation of class action suits	6
Speeding up the trial process	3
Judicial competence	3
Limit liability settlements	3
Eliminate unnecessary lawsuits	3
Fairness and impartiality	3
Appointment vs. election	2
Selection of judges	2
Timeliness of decisions	2
Jury system reform	2
Workers' compensation	1
Product liability issues	1
Predictability	1
Limits on discovery	1
Attorney/Court fees paid by the loser	1
Alternative dispute resolution	1
Other fee issues	1
Adopt appropriate legislation	1
State/local issues	1

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

Table 5

Local Jurisdictions with the Least Fair and Reasonable Litigation Environment

	Total
	%
Los Angeles, California	16
New York Greater Metropolitan Area	9
Madison County, Illinois	9
San Francisco, California	9
Cook County (Chicago), Illinois	6
California (various other jurisdictions)*	5
New Orleans City/Parish, Louisiana	5
Dade County (Miami), Florida	5
Louisiana (various other jurisdictions)*	3
Florida (various other jurisdictions)*	3
Philadelphia, Pennsylvania	3
St. Clair County (East St. Louis), Illinois	3
Illinois (various other jurisdictions)*	2
St. Louis, Missouri	2
Newark, New Jersey	1
New Jersey (various other jurisdictions)*	1
San Diego, California	1
Orange County, California	1
Alameda County	1
Sacramento, California	1
Oakland, California	1
Baton Rouge, Louisiana	1
Pennsylvania (various other jurisdictions)*	1
Missouri (various other jurisdictions)*	1
Boston, Massachusetts	1
	Total
	%
California (sum of all mentions)	29
Illinois (sum of all mentions)	16

*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, Louisiana, Florida, New Jersey, Pennsylvania and Missouri. Because no single jurisdiction predominated within these states, these responses are listed as "[state name] (various other jurisdictions)".

Table 6**Summary of Top/Bottom 5 States By Key Elements****Treatment of Tort and Contract Litigation**

BEST	WORST
Delaware	Mississippi
Nebraska	West Virginia
Virginia	Alabama
Iowa	Louisiana
Utah	California

Treatment of Class Action Suits

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

Punitive Damages

BEST	WORST
Delaware	Mississippi
Virginia	Alabama
Iowa	West Virginia
Indiana	California
Idaho	Illinois

Timeliness of Summary Judgment/Dismissal

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

Discovery

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

Table 6 (Cont'd)**Summary of Top/Bottom 5 States By Key Elements****Scientific and Technical Evidence**

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
New York	Alabama
Minnesota	Louisiana
Idaho	Arkansas

Judges' Impartiality

BEST	WORST
Delaware	Mississippi
Iowa	West Virginia
Nebraska	Alabama
New Hampshire	Louisiana
Virginia	Texas

Judge's Competence

BEST	WORST
Delaware	Mississippi
Virginia	West Virginia
Minnesota	Alabama
Iowa	Louisiana
Utah	Montana

Juries' Predictability

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

Juries' Fairness

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

STATE RANKINGS BY KEY ELEMENTS

Table 7**State Rankings for Overall Treatment of Tort and Contract Litigation**

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

Table 8
Treatment of Class Action Suits

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

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

Table 9**Punitive Damages**

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

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

Table 10
Timeliness of Summary Judgment/Dismissal

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

Table 11**Discovery**

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

Table 12
Scientific and Technical Evidence

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

Table 13
Judges' Impartiality

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

Table 14
Judges' Competence

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

Table 15
Juries' Predictability

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

Table 16
Juries' Fairness

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

Table 17**Recent Reforms in Mississippi, West Virginia, and Texas****Impact Of Recent Legislative Reforms on Litigation Environment**

	Mississippi	West Virginia	Texas
Base size:	185	175	200
	%	%	%
An Improved Litigation Environment	53	24	52
A Worsened Litigation Environment	2	1	4
No Effect On Litigation Environment	12	23	14
Not Sure	31	47	29
Decline To Answer	3	6	3

Level Of Improvement Observed Since Legislative Reforms Were Implemented

	Mississippi	West Virginia	Texas
Base size:	98	42	103
	%	%	%
Major Improvement	-	2	8
Meaningful Improvement, But Not Major	10	12	17
Moderate Improvement	38	29	41
Very Little Improvement	29	36	12
Not Sure	21	21	22
Decline To Answer	2	-	1

Level Of Improvement Expected in the Future from Legislative Reforms

	Mississippi	West Virginia	Texas
Base size:	98	42	103
	%	%	%
Major Improvement	7	7	16
Meaningful Improvement, But Not Major	45	38	44
Moderate Improvement	42	50	31
Very Little Improvement	3	5	2
Not Sure	3	-	8
Decline To Answer	-	-	-

INDIVIDUAL STATE RANKINGS

(IN ALPHABETICAL ORDER)

Notes on reading the tables:

The following tables show the individual state rankings. For each state, the 2004 overall state ranking is shown. Also displayed is the number of evaluations of each state (shown as the “N=xxx”).

Respondents who evaluated each state were first asked to rate the following elements of a state liability system: 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.

Then, respondents were asked whether there was any other element that is critical to the liability system of the state they were evaluating. If respondents could identify another element, this response was recorded along with the number of respondents (N) who provided this response. The top five responses shown are labeled as “Additional Volunteered Items” on each individual state table on the following pages. The number of people who provided volunteer responses is very small (less than 50) and therefore caution should be exercised when interpreting the findings from these items.

An asterisk (*) on a table signifies a value of less than one-half percent (0.5%). A dash represents a value of zero. Percentages may not always add up to 100% because of computer rounding or the acceptance of multiple answers from respondents answering that question. Note that in some cases results may be based on small sample sizes. Caution should be used in drawing any conclusion from results based on these small samples.

Table 18**Alabama****2004 Overall Ranking: 48****Ratings on Key Elements of State Liability Systems (n=184)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	9	26	36	26	2.2	48
Treatment of Class Action Suits	%	2	5	18	24	31	2.0	47
Punitive Damages	%	1	5	14	30	43	1.8	43
Timeliness of Summary Judgment/Dismissal	%	2	10	28	32	14	2.4	48
Discovery	%	2	14	43	21	10	2.7	48
Scientific and Technical Evidence	%	1	10	30	23	12	2.5	48
Judges' Impartiality	%	1	11	32	33	17	2.4	48
Judges' Competence	%	2	17	35	27	13	2.7	48
Juries' Predictability	%	4	16	25	31	16	2.6	47
Juries' Fairness	%	2	5	23	36	27	2.1	49
OVERALL STATE GRADE	%	2	10	24	42	20	2.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	38
	%
Appointment vs. Elections	16
Local/state issues/location driven	11
Reform punitive damages	11
Legislature	11
Supreme Court decisions	11

Table 19**Alaska****2004 Overall Ranking: 33****Ratings on Key Elements of State Liability Systems (n=77)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	38	35	14	6	3.2	36
Treatment of Class Action Suits	%	4	16	23	9	3	3.2	26
Punitive Damages	%	3	21	22	17	13	2.8	38
Timeliness of Summary Judgment/Dismissal	%	8	21	31	13	5	3.2	31
Discovery	%	4	45	36	5	4	3.4	31
Scientific and Technical Evidence	%	5	23	34	4	5	3.3	33
Judges' Impartiality	%	13	36	31	6	5	3.5	32
Judges' Competence	%	6	42	32	10	3	3.4	34
Juries' Predictability	%	-	26	32	12	9	3.0	44
Juries' Fairness	%	1	34	30	9	8	3.1	38
OVERALL STATE GRADE	%	3	42	36	13	5	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	17
	%
Legislature	18
Fee issues	18
Tort reform legislation	12
Appellate Court issues	12
Reform punitive damages	6

Table 20**Arizona****2004 Overall Ranking: 14****Ratings on Key Elements of State Liability Systems (n=179)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	52	30	3	2	3.6	11
Treatment of Class Action Suits	%	1	21	20	5	1	3.4	15
Punitive Damages	%	4	30	25	11	1	3.4	14
Timeliness of Summary Judgment/Dismissal	%	6	36	28	8	2	3.4	13
Discovery	%	6	49	26	4	1	3.6	6
Scientific and Technical Evidence	%	4	35	23	2	-	3.6	10
Judges' Impartiality	%	9	59	19	3	-	3.8	9
Judges' Competence	%	8	51	25	4	-	3.7	15
Juries' Predictability	%	1	35	37	4	1	3.4	17
Juries' Fairness	%	3	38	32	4	-	3.5	18
OVERALL STATE GRADE	%	4	53	32	5	-	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	17
	%
Tort reform legislation	18
Appellate Court issues	12
Reform punitive damages	12
Supreme Court decisions	12
Appointment vs. Elections	12

Table 21**Arkansas****2004 Overall Ranking: 42****Ratings on Key Elements of State Liability Systems (n=82)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	30	33	12	10	3.1	39
Treatment of Class Action Suits	%	4	11	26	13	10	2.8	42
Punitive Damages	%	4	24	28	12	12	2.9	31
Timeliness of Summary Judgment/Dismissal	%	4	30	23	20	5	3.1	37
Discovery	%	5	33	35	13	2	3.3	40
Scientific and Technical Evidence	%	2	16	34	18	6	2.9	46
Judges' Impartiality	%	10	35	29	11	5	3.4	36
Judges' Competence	%	6	34	33	9	7	3.3	42
Juries' Predictability	%	1	26	35	10	11	3.0	43
Juries' Fairness	%	4	28	30	15	10	3.0	42
OVERALL STATE GRADE	%	2	30	37	13	11	3.0	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=	7
	%
Lawyer/judge competency	14
Political influence/interference	14
Appellate Court issues	14
Reform punitive damages	14
Control frivolous lawsuits	14

Table 22**California****2004 Overall Ranking: 46****Ratings on Key Elements of State Liability Systems (n=205)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	20	31	32	14	2.6	46
Treatment of Class Action Suits	%	1	10	20	27	20	2.3	45
Punitive Damages	%	1	7	24	33	20	2.3	41
Timeliness of Summary Judgment/Dismissal	%	2	19	40	21	9	2.8	46
Discovery	%	5	30	34	19	6	3.1	46
Scientific and Technical Evidence	%	8	27	21	11	5	3.3	32
Judges' Impartiality	%	3	36	42	9	4	3.3	40
Judges' Competence	%	4	37	40	11	3	3.3	41
Juries' Predictability	%	1	11	34	27	14	2.5	49
Juries' Fairness	%	1	12	35	29	11	2.6	46
OVERALL STATE GRADE	%	1	13	47	27	12	2.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=	49
	%
Legislature	18
Local/state issues/location driven	12
Reform punitive damages	8
Favor plaintiffs	6
Political influence/interference	6

Table 23**Colorado****2004 Overall Ranking: 13****Ratings on Key Elements of State Liability Systems (n=181)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	48	36	6	1	3.6	15
Treatment of Class Action Suits	%	4	22	24	6	1	3.4	13
Punitive Damages	%	6	25	37	4	2	3.4	13
Timeliness of Summary Judgment/Dismissal	%	4	36	38	8	2	3.4	16
Discovery	%	7	47	31	6	1	3.6	16
Scientific and Technical Evidence	%	7	46	18	4	1	3.7	6
Judges' Impartiality	%	10	54	22	7	1	3.7	20
Judges' Competence	%	13	56	19	4	-	3.8	8
Juries' Predictability	%	3	27	43	8	1	3.3	22
Juries' Fairness	%	7	37	33	5	2	3.5	19
OVERALL STATE GRADE	%	4	54	31	5	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	13
	%
Legislature	23
Reform punitive damages	15
Lawyer/judge competency	15
Jury fairness	8
No fault	8

Table 24**Connecticut****2004 Overall Ranking: 18****Ratings on Key Elements of State Liability Systems (n=180)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	43	38	6	3	3.4	22
Treatment of Class Action Suits	%	3	23	28	6	-	3.4	14
Punitive Damages	%	3	31	30	8	4	3.3	19
Timeliness of Summary Judgment/Dismissal	%	5	29	34	10	3	3.3	23
Discovery	%	7	40	32	7	1	3.5	21
Scientific and Technical Evidence	%	7	39	23	3	-	3.7	7
Judges' Impartiality	%	12	51	22	3	1	3.8	12
Judges' Competence	%	13	51	23	3	-	3.8	11
Juries' Predictability	%	3	34	34	6	1	3.4	15
Juries' Fairness	%	4	43	27	5	1	3.6	16
OVERALL STATE GRADE	%	5	47	36	6	1	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	16
	%
Tort reform legislation	19
Political influence/interference	6
Local/state issues/location driven	6
Reform punitive damages	6
Favor plaintiffs	6

Table 25**Delaware****2004 Overall Ranking: 1****Ratings on Key Elements of State Liability Systems (n=178)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	29	51	11	3	1	4.1	1
Treatment of Class Action Suits	%	18	35	16	4	1	3.9	1
Punitive Damages	%	15	39	17	4	-	3.9	1
Timeliness of Summary Judgment/Dismissal	%	19	44	19	3	1	3.9	1
Discovery	%	17	54	16	2	1	4.0	1
Scientific and Technical Evidence	%	19	40	12	2	1	4.0	1
Judges' Impartiality	%	34	51	8	1	1	4.3	1
Judges' Competence	%	44	46	5	-	-	4.4	1
Juries' Predictability	%	8	35	29	3	1	3.6	3
Juries' Fairness	%	10	43	20	2	-	3.8	3
OVERALL STATE GRADE	%	20	64	12	1	-	4.1	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	18
	%
Lawyer/judge competency	28
Local/state issues/location driven	17
Business disputes	11
Statute issues	11
The laws are clear/in place	6

Table 26**Florida****2004 Overall Ranking: 38****Ratings on Key Elements of State Liability Systems (n=201)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	32	44	14	4	3.1	37
Treatment of Class Action Suits	%	2	14	29	13	4	2.9	39
Punitive Damages	%	1	24	31	14	9	2.9	32
Timeliness of Summary Judgment/Dismissal	%	3	20	41	17	6	3.0	42
Discovery	%	6	33	38	10	3	3.3	38
Scientific and Technical Evidence	%	2	22	32	7	3	3.2	41
Judges' Impartiality	%	5	35	34	13	4	3.3	38
Judges' Competence	%	7	32	42	9	2	3.3	39
Juries' Predictability	%	3	16	45	14	2	3.1	37
Juries' Fairness	%	3	21	41	15	3	3.1	40
OVERALL STATE GRADE	%	3	29	49	13	4	3.1	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=	29
	%
Timeliness for trial	10
Reform punitive damages	10
Favor plaintiffs	10
Legislature	10
Tort reform legislation	10

Table 27**Georgia****2004 Overall Ranking: 29****Ratings on Key Elements of State Liability Systems (n=183)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	43	43	8	1	3.4	25
Treatment of Class Action Suits	%	1	18	37	6	4	3.1	31
Punitive Damages	%	4	24	41	15	3	3.1	21
Timeliness of Summary Judgment/Dismissal	%	3	27	42	13	2	3.2	29
Discovery	%	3	39	43	6	-	3.4	32
Scientific and Technical Evidence	%	3	25	41	7	2	3.3	35
Judges' Impartiality	%	6	48	27	10	1	3.5	30
Judges' Competence	%	5	42	36	8	1	3.5	32
Juries' Predictability	%	2	23	44	14	1	3.1	32
Juries' Fairness	%	3	28	40	9	4	3.2	33
OVERALL STATE GRADE	%	2	41	45	8	2	3.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	14
	%
Reform punitive damages	21
Local/state issues/location driven	7
Lawyer/judge competency	7
Favor plaintiffs	7
Control frivolous lawsuits	7

Table 28**Hawaii****2004 Overall Ranking: 39****Ratings on Key Elements of State Liability Systems (n=80)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	23	48	10	10	3.0	43
Treatment of Class Action Suits	%	1	11	26	10	9	2.8	43
Punitive Damages	%	1	16	25	15	9	2.8	37
Timeliness of Summary Judgment/Dismissal	%	3	26	29	18	5	3.0	38
Discovery	%	1	33	38	10	3	3.2	42
Scientific and Technical Evidence	%	4	23	34	9	1	3.3	34
Judges' Impartiality	%	13	33	30	11	1	3.5	31
Judges' Competence	%	5	39	31	13	1	3.4	37
Juries' Predictability	%	4	18	31	15	4	3.0	40
Juries' Fairness	%	5	25	26	14	5	3.2	37
OVERALL STATE GRADE	%	4	26	49	13	3	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=	12
	%
Local/state issues/location driven	33
Supreme Court decisions	8
Political influence/interference	8
Jury fairness	8
Reform punitive damages	8

Table 29**Idaho****2004 Overall Ranking: 5****Ratings on Key Elements of State Liability Systems (n=81)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	9	53	25	7	1	3.6	6
Treatment of Class Action Suits	%	7	22	20	2	1	3.6	4
Punitive Damages	%	6	38	21	5	1	3.6	5
Timeliness of Summary Judgment/Dismissal	%	5	36	37	4	2	3.4	12
Discovery	%	6	51	30	1	2	3.6	7
Scientific and Technical Evidence	%	5	43	15	2	1	3.7	5
Judges' Impartiality	%	19	49	5	5	-	3.9	6
Judges' Competence	%	9	53	23	2	1	3.7	14
Juries' Predictability	%	7	31	30	10	-	3.5	11
Juries' Fairness	%	12	40	17	9	-	3.7	6
OVERALL STATE GRADE	%	9	57	26	5	-	3.7	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	9
	%
Composition of juries	22
Lawyer/judge competency	11
Local/state issues/location driven	11
Reform punitive damages	11
Legislature	11

Table 30**Illinois****2004 Overall Ranking: 44****Ratings on Key Elements of State Liability Systems (n=203)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	31	34	19	9	3.0	44
Treatment of Class Action Suits	%	2	16	25	15	17	2.6	44
Punitive Damages	%	1	19	33	16	15	2.7	40
Timeliness of Summary Judgment/Dismissal	%	3	24	38	19	7	3.0	43
Discovery	%	5	33	42	10	5	3.2	43
Scientific and Technical Evidence	%	4	30	30	8	6	3.2	38
Judges' Impartiality	%	3	35	30	19	7	3.1	44
Judges' Competence	%	4	35	39	12	4	3.2	43
Juries' Predictability	%	1	23	43	12	5	3.0	41
Juries' Fairness	%	1	24	37	15	7	3.0	44
OVERALL STATE GRADE	%	1	26	43	22	6	3.0	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	51
	%
Local/state issues/location driven	16
Legislature	10
Tort reform legislation	10
Appointment vs. Elections	10
Favor plaintiffs	8

Table 31**Indiana****2004 Overall Ranking: 11****Ratings on Key Elements of State Liability Systems (n=180)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	7	51	29	4	1	3.6	8
Treatment of Class Action Suits	%	3	23	22	5	1	3.4	11
Punitive Damages	%	14	27	18	9	1	3.6	4
Timeliness of Summary Judgment/Dismissal	%	3	37	35	10	2	3.4	19
Discovery	%	6	48	29	8	1	3.6	17
Scientific and Technical Evidence	%	3	39	29	3	1	3.5	17
Judges' Impartiality	%	11	56	17	6	1	3.8	11
Judges' Competence	%	9	51	23	5	2	3.7	18
Juries' Predictability	%	4	37	33	6	3	3.4	16
Juries' Fairness	%	6	48	26	3	1	3.6	7
OVERALL STATE GRADE	%	6	56	28	6	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	23
	%
Reform punitive damages	17
Local/state issues/location driven	13
Legislature	13
Control frivolous lawsuits	9
Lawyer/judge competency	9

Table 32**Iowa****2004 Overall Ranking: 4****Ratings on Key Elements of State Liability Systems (n=80)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	14	50	29	5	-	3.7	4
Treatment of Class Action Suits	%	11	25	18	8	-	3.7	2
Punitive Damages	%	10	39	15	8	1	3.7	3
Timeliness of Summary Judgment/Dismissal	%	11	39	25	6	4	3.6	4
Discovery	%	6	51	30	4	1	3.6	10
Scientific and Technical Evidence	%	9	29	23	5	1	3.6	14
Judges' Impartiality	%	24	51	14	5	1	4.0	2
Judges' Competence	%	19	53	15	6	-	3.9	4
Juries' Predictability	%	6	44	31	4	-	3.6	4
Juries' Fairness	%	18	50	18	4	-	3.9	1
OVERALL STATE GRADE	%	13	54	29	4	-	3.8	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	12
	%
Legislature	25
Lawyer/judge competency	17
Local/state issues/location driven	8
Statutes of repose issues	8
Control frivolous lawsuits	8

Table 33**Kansas****2004 Overall Ranking: 9****Ratings on Key Elements of State Liability Systems (n=80)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	55	26	5	5	3.5	16
Treatment of Class Action Suits	%	4	20	19	6	5	3.2	22
Punitive Damages	%	8	35	19	4	5	3.5	7
Timeliness of Summary Judgment/Dismissal	%	6	33	45	5	1	3.4	14
Discovery	%	8	51	30	4	3	3.6	12
Scientific and Technical Evidence	%	5	34	28	4	-	3.6	15
Judges' Impartiality	%	10	55	23	4	3	3.7	19
Judges' Competence	%	13	58	19	4	1	3.8	12
Juries' Predictability	%	9	38	28	10	1	3.5	9
Juries' Fairness	%	10	43	28	4	3	3.6	10
OVERALL STATE GRADE	%	6	58	28	3	3	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	13
	%
Lawyer/judge competency	15
Reform punitive damages	15
Local/state issues/location driven	8
Joint and several liability rules	8
Control frivolous lawsuits	8

Table 34**Kentucky****2004 Overall Ranking: 35****Ratings on Key Elements of State Liability Systems (n=179)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	31	42	14	1	3.2	32
Treatment of Class Action Suits	%	3	11	30	11	3	3.0	34
Punitive Damages	%	4	16	36	15	2	3.1	26
Timeliness of Summary Judgment/Dismissal	%	3	18	37	18	2	3.0	40
Discovery	%	2	40	37	5	1	3.4	28
Scientific and Technical Evidence	%	2	18	36	11	2	3.1	43
Judges' Impartiality	%	6	35	32	13	2	3.3	37
Judges' Competence	%	7	33	40	8	1	3.4	35
Juries' Predictability	%	3	24	43	9	3	3.2	31
Juries' Fairness	%	3	29	39	9	2	3.3	29
OVERALL STATE GRADE	%	2	28	49	12	1	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	19
	%
Tort reform legislation	21
Hard to get a dismissal	11
Jury fairness	5
Supreme Court decisions	5
Composition of juries	5

Table 35**Louisiana****2004 Overall Ranking: 47****Ratings on Key Elements of State Liability Systems (n=184)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	14	31	36	14	2.5	47
Treatment of Class Action Suits	%	1	5	22	22	16	2.3	46
Punitive Damages	%	Louisiana does not allow punitive damages in general						
Timeliness of Summary Judgment/Dismissal	%	2	16	28	32	9	2.6	47
Discovery	%	2	21	47	17	5	3.0	47
Scientific and Technical Evidence	%	2	10	38	23	7	2.7	47
Judges' Impartiality	%	1	13	27	37	16	2.4	47
Judges' Competence	%	1	14	44	29	7	2.7	47
Juries' Predictability	%	3	10	36	29	10	2.6	46
Juries' Fairness	%	2	8	33	36	12	2.5	47
OVERALL STATE GRADE	%	1	8	37	44	7	2.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	29
	%
Local/state issues/location driven	28
Statute issues	7
Legislature	7
Appointment vs. Elections	7
Lawyer/judge competency	3

Table 36**Maine****2004 Overall Ranking: 12****Ratings on Key Elements of State Liability Systems (n=79)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	52	24	6	1	3.6	10
Treatment of Class Action Suits	%	6	22	22	8	1	3.4	10
Punitive Damages	%	9	27	29	3	5	3.4	10
Timeliness of Summary Judgment/Dismissal	%	3	41	29	3	3	3.5	9
Discovery	%	9	42	24	8	1	3.6	14
Scientific and Technical Evidence	%	5	33	25	6	1	3.5	20
Judges' Impartiality	%	11	51	16	5	-	3.8	10
Judges' Competence	%	9	53	20	1	-	3.8	10
Juries' Predictability	%	-	41	29	6	-	3.5	12
Juries' Fairness	%	4	39	32	4	-	3.5	17
OVERALL STATE GRADE	%	3	49	33	4	-	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	8
	%
Legislature	25
Local/state issues/location driven	13
Reform punitive damages	13
Supreme Court decisions	13
The workers' comp shield	13

Table 37**Maryland****2004 Overall Ranking: 21****Ratings on Key Elements of State Liability Systems (n=180)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	42	38	9	2	3.4	23
Treatment of Class Action Suits	%	3	17	29	8	3	3.2	27
Punitive Damages	%	7	16	28	14	4	3.1	25
Timeliness of Summary Judgment/Dismissal	%	5	33	36	8	2	3.4	18
Discovery	%	6	46	33	4	2	3.5	18
Scientific and Technical Evidence	%	6	33	25	6	1	3.5	18
Judges' Impartiality	%	14	47	23	8	1	3.7	18
Judges' Competence	%	11	50	27	2	2	3.7	16
Juries' Predictability	%	4	26	38	9	3	3.2	25
Juries' Fairness	%	6	29	36	8	3	3.3	26
OVERALL STATE GRADE	%	5	44	38	8	1	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	20
	%
Reform punitive damages	20
Local/state issues/location driven	15
Contributory negligence	15
Appellate Court issues	5
Lawyer/judge competency	5

Table 38**Massachusetts****2004 Overall Ranking: 28****Ratings on Key Elements of State Liability Systems (n=183)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	33	34	17	4	3.2	34
Treatment of Class Action Suits	%	3	18	26	11	2	3.1	29
Punitive Damages	%	Massachusetts does not allow punitive damages in general						
Timeliness of Summary Judgment/Dismissal	%	4	23	33	17	5	3.0	39
Discovery	%	4	38	37	9	1	3.4	35
Scientific and Technical Evidence	%	8	36	20	6	2	3.6	12
Judges' Impartiality	%	13	42	28	9	1	3.6	27
Judges' Competence	%	10	48	27	7	1	3.6	22
Juries' Predictability	%	1	25	42	13	3	3.1	36
Juries' Fairness	%	2	33	34	12	2	3.2	31
OVERALL STATE GRADE	%	4	39	38	13	2	3.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	20
	%
Timeliness for trial	15
Political influence/interference	15
Lawyer/judge competency	10
Insurance don't pay out fair	5
Supreme Court decisions	5

Table 39**Michigan****2004 Overall Ranking: 23****Ratings on Key Elements of State Liability Systems (n=179)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	7	44	35	9	2	3.5	21
Treatment of Class Action Suits	%	2	19	27	6	3	3.4	25
Punitive Damages	%	9	22	33	6	3	3.4	15
Timeliness of Summary Judgment/Dismissal	%	3	37	31	10	4	3.3	22
Discovery	%	9	46	31	4	2	3.6	11
Scientific and Technical Evidence	%	6	37	23	4	1	3.6	13
Judges' Impartiality	%	7	51	24	9	1	3.6	26
Judges' Competence	%	7	52	28	6	-	3.6	24
Juries' Predictability	%	2	33	39	9	2	3.3	23
Juries' Fairness	%	2	35	43	6	3	3.3	24
OVERALL STATE GRADE	%	3	49	34	9	1	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	26
	%
Tort reform legislation	15
No fault	12
Legislature	12
Timeliness for trial	12
Appointment vs. Elections	12

Table 40**Minnesota****2004 Overall Ranking: 8****Ratings on Key Elements of State Liability Systems (n=177)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	5	51	27	9	2	3.5	18
Treatment of Class Action Suits	%	3	24	25	6	2	3.3	16
Punitive Damages	%	5	32	24	12	3	3.3	18
Timeliness of Summary Judgment/Dismissal	%	7	40	29	7	2	3.5	8
Discovery	%	5	53	23	6	2	3.6	13
Scientific and Technical Evidence	%	9	41	21	2	1	3.8	4
Judges' Impartiality	%	18	45	21	3	1	3.8	8
Judges' Competence	%	16	55	17	3	-	3.9	3
Juries' Predictability	%	2	42	31	5	1	3.5	10
Juries' Fairness	%	11	46	23	4	1	3.7	5
OVERALL STATE GRADE	%	6	54	30	6	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	23
	%
Legislature	17
Tort reform legislation	13
Lawyer/judge competency	9
Use of mediation	4
Local/state issues/location driven	4

Table 41**Mississippi****2004 Overall Ranking: 50****Ratings on Key Elements of State Liability Systems (n=185)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	4	17	30	44	1.8	50
Treatment of Class Action Suits	%	Mississippi does not have class actions						
Punitive Damages	%	1	4	7	28	52	1.6	44
Timeliness of Summary Judgment/Dismissal	%	1	7	17	28	30	2.0	50
Discovery	%	-	9	29	26	24	2.3	50
Scientific and Technical Evidence	%	-	6	19	24	25	2.1	50
Judges' Impartiality	%	1	5	29	33	25	2.2	50
Judges' Competence	%	-	7	35	30	21	2.3	50
Juries' Predictability	%	4	13	22	25	26	2.4	50
Juries' Fairness	%	-	2	16	29	45	1.7	50
OVERALL STATE GRADE	%	-	2	17	36	41	1.8	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	38
	%
Favor plaintiffs	13
Reform punitive damages	11
Legislature	11
Lawyer/judge competency	8
Tort reform legislation	8

Table 42**Missouri****2004 Overall Ranking: 41****Ratings on Key Elements of State Liability Systems (n=181)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	27	44	13	7	3.0	42
Treatment of Class Action Suits	%	2	15	30	14	3	3.0	36
Punitive Damages	%	2	22	27	21	8	2.9	34
Timeliness of Summary Judgment/Dismissal	%	2	20	41	15	6	2.9	44
Discovery	%	1	33	41	10	3	3.2	44
Scientific and Technical Evidence	%	3	27	33	8	3	3.2	39
Judges' Impartiality	%	3	40	30	13	4	3.3	39
Judges' Competence	%	3	40	34	9	4	3.3	40
Juries' Predictability	%	2	24	38	18	3	3.1	39
Juries' Fairness	%	2	27	35	18	4	3.1	41
OVERALL STATE GRADE	%	1	29	46	14	4	3.1	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	31
	%
Appointment vs. Election	13
Jury fairness	10
Local/state issues/location driven	10
Reform punitive damages	10
Comparative negligence	10

Table 43**Montana****2004 Overall Ranking: 43****Ratings on Key Elements of State Liability Systems (n=80)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	33	25	23	10	2.9	45
Treatment of Class Action Suits	%	4	9	26	9	5	3.0	37
Punitive Damages	%	5	20	18	24	9	2.8	35
Timeliness of Summary Judgment/Dismissal	%	5	15	35	21	6	2.9	45
Discovery	%	4	28	36	14	4	3.2	45
Scientific and Technical Evidence	%	3	21	30	8	6	3.1	44
Judges' Impartiality	%	5	26	29	18	8	3.0	45
Judges' Competence	%	4	33	30	13	8	3.1	46
Juries' Predictability	%	4	25	29	18	3	3.1	35
Juries' Fairness	%	3	25	28	16	4	3.1	39
OVERALL STATE GRADE	%	3	29	39	23	5	3.0	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	13
	%
Lawyer/judge competency	23
Supreme Court decisions	15
Legislature	15
Local/state issues/location driven	8
Reform punitive damages	8

Table 44**Nebraska****2004 Overall Ranking: 2****Ratings on Key Elements of State Liability Systems (n=81)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	12	60	19	-	-	3.9	2
Treatment of Class Action Suits	%	2	32	23	2	-	3.6	5
Punitive Damages	%	Nebraska does not allow punitive damages in general						
Timeliness of Summary Judgment/Dismissal	%	9	40	20	11	-	3.6	3
Discovery	%	6	47	27	-	-	3.7	3
Scientific and Technical Evidence	%	5	37	26	1	-	3.7	8
Judges' Impartiality	%	19	49	15	2	1	3.9	3
Judges' Competence	%	14	48	25	1	-	3.8	6
Juries' Predictability	%	7	43	23	4	-	3.7	1
Juries' Fairness	%	14	51	17	2	-	3.9	2
OVERALL STATE GRADE	%	9	58	27	1	-	3.8	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=	12
	%
Reform punitive damages	25
Legislature	25
Appellate Court issues	17
Jury fairness	8
Control frivolous lawsuits	8

Table 45**Nevada****2004 Overall Ranking: 34****Ratings on Key Elements of State Liability Systems (n=177)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	38	39	12	3	3.2	31
Treatment of Class Action Suits	%	1	17	24	5	2	3.2	24
Punitive Damages	%	3	21	27	10	6	3.1	24
Timeliness of Summary Judgment/Dismissal	%	5	26	34	12	2	3.2	27
Discovery	%	3	41	32	11	2	3.4	36
Scientific and Technical Evidence	%	2	28	26	7	4	3.3	36
Judges' Impartiality	%	7	42	24	9	5	3.4	35
Judges' Competence	%	3	41	35	5	4	3.4	36
Juries' Predictability	%	2	28	37	11	3	3.2	29
Juries' Fairness	%	2	33	32	8	5	3.2	30
OVERALL STATE GRADE	%	2	38	42	9	4	3.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	20
	%
Local/state issues/location driven	15
Reform punitive damages	10
Favor plaintiffs	10
Legislature	10
Tort reform legislation	10

Table 46**New Hampshire****2004 Overall Ranking: 7****Ratings on Key Elements of State Liability Systems (n=80)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	8	46	36	5	-	3.6	13
Treatment of Class Action Suits	%	5	23	21	5	-	3.5	7
Punitive Damages	%	New Hampshire does not allow punitive damages in general						
Timeliness of Summary Judgment/Dismissal	%	6	38	26	4	3	3.5	5
Discovery	%	5	56	23	5	-	3.7	4
Scientific and Technical Evidence	%	3	40	31	5	-	3.5	19
Judges' Impartiality	%	20	44	19	4	-	3.9	4
Judges' Competence	%	15	45	21	4	-	3.8	9
Juries' Predictability	%	1	39	21	9	1	3.4	14
Juries' Fairness	%	5	41	28	3	1	3.6	12
OVERALL STATE GRADE	%	6	46	39	5	-	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=

3

%

Supreme Court decisions

33

Control frivolous lawsuits

33

Statute issues

33

Table 47**New Jersey****2004 Overall Ranking: 26****Ratings on Key Elements of State Liability Systems (n=187)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	43	33	12	3	3.4	24
Treatment of Class Action Suits	%	4	18	24	9	3	3.2	23
Punitive Damages	%	New Jersey does not allow punitive damages in general						
Timeliness of Summary Judgment/Dismissal	%	6	32	37	13	4	3.3	26
Discovery	%	7	47	29	10	3	3.5	25
Scientific and Technical Evidence	%	9	39	27	5	1	3.6	11
Judges' Impartiality	%	14	47	23	9	2	3.7	21
Judges' Competence	%	9	52	24	9	2	3.6	25
Juries' Predictability	%	2	28	36	10	4	3.2	28
Juries' Fairness	%	5	30	32	11	3	3.3	28
OVERALL STATE GRADE	%	7	42	36	12	2	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	24
	%
Legislature	21
Tort reform legislation	13
Alternative dispute resolution	8
Lawyer/judge competency	8
Favor plaintiffs	8

Table 48**New Mexico****2004 Overall Ranking: 37****Ratings on Key Elements of State Liability Systems (n=81)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	41	32	15	6	3.2	33
Treatment of Class Action Suits	%	4	14	20	15	5	2.9	38
Punitive Damages	%	1	23	30	16	4	3.0	28
Timeliness of Summary Judgment/Dismissal	%	6	21	43	14	5	3.1	36
Discovery	%	2	38	38	10	1	3.3	37
Scientific and Technical Evidence	%	2	26	26	10	2	3.2	37
Judges' Impartiality	%	5	36	33	12	5	3.3	42
Judges' Competence	%	5	42	33	9	5	3.4	38
Juries' Predictability	%	-	21	36	16	2	3.0	42
Juries' Fairness	%	-	35	28	12	2	3.2	32
OVERALL STATE GRADE	%	2	33	43	14	5	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	8
	%
Local/state issues/location driven	25
Political influence/interference	13
Appellate Court issues	13
Supreme Court decisions	13
Statute issues	13

Table 49**New York****2004 Overall Ranking: 22****Ratings on Key Elements of State Liability Systems (n=200)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	13	39	33	11	2	3.5	19
Treatment of Class Action Suits	%	10	23	24	8	2	3.5	8
Punitive Damages	%	7	32	25	10	4	3.4	16
Timeliness of Summary Judgment/Dismissal	%	5	30	34	16	4	3.2	28
Discovery	%	10	39	36	8	1	3.5	19
Scientific and Technical Evidence	%	16	38	20	4	-	3.9	3
Judges' Impartiality	%	14	49	24	8	-	3.7	17
Judges' Competence	%	17	45	26	7	-	3.8	13
Juries' Predictability	%	2	21	39	14	4	3.1	13
Juries' Fairness	%	3	29	35	13	4	3.2	38
OVERALL STATE GRADE	%	9	42	37	11	1	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	21
	%
Lawyer/judge competency	19
Reform punitive damages	14
Local/state issues/location driven	10
Commercial sophistication	10
Tort reform legislation	10

Table 50**North Carolina****2004 Overall Ranking: 19****Ratings on Key Elements of State Liability Systems (n=181)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	46	33	6	2	3.5	17
Treatment of Class Action Suits	%	1	23	28	5	2	3.3	18
Punitive Damages	%	6	31	27	9	2	3.4	12
Timeliness of Summary Judgment/Dismissal	%	4	36	32	6	3	3.4	15
Discovery	%	4	49	28	4	-	3.6	9
Scientific and Technical Evidence	%	3	35	24	7	1	3.5	21
Judges' Impartiality	%	6	51	27	4	1	3.6	24
Judges' Competence	%	7	49	30	4	1	3.6	23
Juries' Predictability	%	-	36	41	4	1	3.4	18
Juries' Fairness	%	2	39	35	5	1	3.4	20
OVERALL STATE GRADE	%	2	52	32	6	1	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	16
	%
Favor plaintiffs	19
Control frivolous lawsuits	13
Contributory negligence	13
Comparative negligence	6
Business disputes	6

Table 51**North Dakota****2004 Overall Ranking: 16****Ratings on Key Elements of State Liability Systems (n=72)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	11	40	36	4	-	3.6	7
Treatment of Class Action Suits	%	4	25	24	4	-	3.5	6
Punitive Damages	%	10	26	24	11	-	3.5	8
Timeliness of Summary Judgment/Dismissal	%	13	26	31	8	1	3.5	7
Discovery	%	7	43	29	7	-	3.6	15
Scientific and Technical Evidence	%	-	26	33	10	3	3.2	42
Judges' Impartiality	%	17	42	26	1	-	3.9	7
Judges' Competence	%	8	47	28	6	-	3.7	19
Juries' Predictability	%	11	36	22	7	-	3.7	2
Juries' Fairness	%	14	38	21	7	-	3.7	4
OVERALL STATE GRADE	%	4	40	44	4	-	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	12
	%
Legislature	25
Local/state issues/location driven	17
Joint and several liability rules	8
Reform punitive damages	8
Business disputes	8

Table 52**Ohio****2004 Overall Ranking: 32****Ratings on Key Elements of State Liability Systems (n=186)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	37	36	16	2	3.2	30
Treatment of Class Action Suits	%	4	19	24	10	2	3.2	21
Punitive Damages	%	3	21	38	11	4	3.1	23
Timeliness of Summary Judgment/Dismissal	%	2	28	37	15	3	3.1	34
Discovery	%	3	42	33	9	1	3.4	33
Scientific and Technical Evidence	%	4	31	33	5	1	3.4	23
Judges' Impartiality	%	7	41	31	11	2	3.5	34
Judges' Competence	%	7	41	33	10	1	3.5	31
Juries' Predictability	%	2	26	40	10	3	3.2	30
Juries' Fairness	%	3	36	30	12	2	3.3	25
OVERALL STATE GRADE	%	2	38	40	15	1	3.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	38
	%
Supreme Court decisions	18
Tort reform legislation	16
Legislature	13
Appointment vs. Elections	8
Lawyer/judge competency	5

Table 53**Oklahoma****2004 Overall Ranking: 31****Ratings on Key Elements of State Liability Systems (n=179)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	3	37	37	15	2	3.2	29
Treatment of Class Action Suits	%	2	18	28	12	5	3.0	35
Punitive Damages	%	2	23	28	16	5	3.0	29
Timeliness of Summary Judgment/Dismissal	%	4	25	37	11	4	3.2	30
Discovery	%	5	42	32	7	3	3.4	26
Scientific and Technical Evidence	%	2	33	31	8	2	3.3	31
Judges' Impartiality	%	7	40	32	8	2	3.5	33
Judges' Competence	%	4	45	33	6	2	3.5	29
Juries' Predictability	%	3	29	43	7	1	3.3	20
Juries' Fairness	%	5	35	31	11	3	3.3	23
OVERALL STATE GRADE	%	2	35	47	10	2	3.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	15
	%
Reform punitive damages	20
Statute issues	13
Tort reform legislation	13
Business disputes	7
Control frivolous lawsuits	7

Table 54**Oregon****2004 Overall Ranking: 27****Ratings on Key Elements of State Liability Systems (n=173)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	39	42	13	1	3.3	28
Treatment of Class Action Suits	%	1	17	23	10	3	3.0	33
Punitive Damages	%	1	24	27	16	8	2.9	33
Timeliness of Summary Judgment/Dismissal	%	2	27	43	6	2	3.3	25
Discovery	%	3	43	32	9	2	3.4	34
Scientific and Technical Evidence	%	4	32	25	6	5	3.3	27
Judges' Impartiality	%	7	51	23	8	2	3.6	28
Judges' Competence	%	5	57	24	3	2	3.7	21
Juries' Predictability	%	1	29	42	11	2	3.2	27
Juries' Fairness	%	-	39	32	10	2	3.3	27
OVERALL STATE GRADE	%	1	41	45	10	1	3.3	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	23
	%
Appellate Court issues	13
Legislature	13
Local/state issues/location driven	9
Lawyer/judge competency	9
Tort reform legislation	9

Table 55**Pennsylvania****2004 Overall Ranking: 30****Ratings on Key Elements of State Liability Systems (n=201)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	31	42	16	2	3.2	35
Treatment of Class Action Suits	%	*	19	31	9	1	3.1	28
Punitive Damages	%	1	23	31	13	4	3.1	27
Timeliness of Summary Judgment/Dismissal	%	2	30	37	18	3	3.1	35
Discovery	%	5	38	37	7	1	3.4	29
Scientific and Technical Evidence	%	3	36	31	5	2	3.4	24
Judges' Impartiality	%	6	48	30	8	1	3.5	29
Judges' Competence	%	8	38	38	8	1	3.5	30
Juries' Predictability	%	1	29	38	12	3	3.1	34
Juries' Fairness	%	3	30	39	10	4	3.2	34
OVERALL STATE GRADE	%	3	33	44	14	1	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	26
	%
Tort reform legislation	19
Reform punitive damages	12
Local/state issues/location driven	12
Legislature	8
Timeliness for trial	8

Table 56**Rhode Island****2004 Overall Ranking: 36****Ratings on Key Elements of State Liability Systems (n=83)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	30	43	14	4	3.1	40
Treatment of Class Action Suits	%	-	16	27	7	2	3.1	32
Punitive Damages	%	1	18	37	12	6	3.0	30
Timeliness of Summary Judgment/Dismissal	%	-	33	36	5	8	3.1	33
Discovery	%	2	39	40	4	1	3.4	27
Scientific and Technical Evidence	%	-	30	29	10	2	3.2	40
Judges' Impartiality	%	5	35	31	14	4	3.3	41
Judges' Competence	%	4	42	36	6	2	3.4	33
Juries' Predictability	%	1	27	40	13	-	3.2	26
Juries' Fairness	%	-	29	37	8	4	3.2	36
OVERALL STATE GRADE	%	-	33	47	12	2	3.2	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	17
	%
Lawyer/judge competency	18
Timeliness for trial	12
Political influence/interference	12
Joint and several liability rules	6
Jury fairness	6

Table 57**South Carolina****2004 Overall Ranking: 40****Ratings on Key Elements of State Liability Systems (n=178)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	1	32	43	12	6	3.1	38
Treatment of Class Action Suits	%	-	17	24	12	7	2.9	40
Punitive Damages	%	1	20	26	15	10	2.8	36
Timeliness of Summary Judgment/Dismissal	%	3	38	38	14	3	3.1	32
Discovery	%	2	37	34	10	4	3.3	41
Scientific and Technical Evidence	%	2	17	37	9	4	3.1	45
Judges' Impartiality	%	3	33	34	17	4	3.1	43
Judges' Competence	%	3	33	38	13	3	3.2	44
Juries' Predictability	%	1	26	42	9	3	3.1	33
Juries' Fairness	%	1	22	37	16	4	3.0	43
OVERALL STATE GRADE	%	-	29	46	14	4	3.1	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	17
	%
Tort reform legislation	24
Local/state issues/location driven	12
Venue selection	12
Favor plaintiffs	6
Control frivolous lawsuits	6

Table 58**South Dakota****2004 Overall Ranking: 17****Ratings on Key Elements of State Liability Systems (n=73)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	10	41	34	8	-	3.6	14
Treatment of Class Action Suits	%	8	16	25	1	-	3.6	3
Punitive Damages	%	8	30	25	12	-	3.5	9
Timeliness of Summary Judgment/Dismissal	%	5	37	29	8	1	3.5	11
Discovery	%	5	44	32	8	-	3.5	22
Scientific and Technical Evidence	%	4	29	30	10	1	3.3	29
Judges' Impartiality	%	12	48	18	12	-	3.7	22
Judges' Competence	%	7	49	22	11	-	3.6	28
Juries' Predictability	%	7	45	27	8	-	3.6	5
Juries' Fairness	%	11	37	30	5	1	3.6	13
OVERALL STATE GRADE	%	4	52	27	10	-	3.5	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	6
	%
Local/state issues/location driven	50
Business disputes	17
Legislature	17

Table 59**Tennessee****2004 Overall Ranking: 25****Ratings on Key Elements of State Liability Systems (n=177)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	44	36	8	3	3.4	26
Treatment of Class Action Suits	%	3	23	23	7	3	3.3	20
Punitive Damages	%	3	27	29	12	3	3.2	20
Timeliness of Summary Judgment/Dismissal	%	6	36	27	14	3	3.3	20
Discovery	%	4	44	32	11	1	3.4	30
Scientific and Technical Evidence	%	3	29	28	9	1	3.3	28
Judges' Impartiality	%	9	53	24	8	1	3.6	23
Judges' Competence	%	8	51	27	7	1	3.6	26
Juries' Predictability	%	3	33	38	8	1	3.4	19
Juries' Fairness	%	3	38	34	7	2	3.4	22
OVERALL STATE GRADE	%	2	48	36	8	2	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	14
	%
Lawyer/judge competency	14
Legislature	14
Local/state issues/location driven	7
Reform punitive damages	7
Favor plaintiffs	7

Table 60**Texas****2004 Overall Ranking: 45****Ratings on Key Elements of State Liability Systems (n=200)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	28	40	19	6	3.1	41
Treatment of Class Action Suits	%	4	14	33	19	7	2.8	41
Punitive Damages	%	3	19	29	27	10	2.7	39
Timeliness of Summary Judgment/Dismissal	%	2	24	41	19	5	3.0	41
Discovery	%	7	36	35	13	3	3.3	39
Scientific and Technical Evidence	%	9	30	30	12	1	3.4	25
Judges' Impartiality	%	4	23	36	28	5	2.9	46
Judges' Competence	%	5	31	43	16	2	3.2	45
Juries' Predictability	%	2	17	36	24	9	2.8	45
Juries' Fairness	%	2	17	38	24	9	2.8	45
OVERALL STATE GRADE	%	1	26	46	22	4	3.0	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	33
	%
Local/state issues/location driven	24
Appointment vs. Elections	18
Tort reform legislation	15
Reform punitive damages	9
Legislature	9

Table 61**Utah****2004 Overall Ranking: 6****Ratings on Key Elements of State Liability Systems (n=82)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	4	55	29	4	-	3.6	5
Treatment of Class Action Suits	%	4	23	21	5	1	3.4	9
Punitive Damages	%	6	33	30	2	1	3.5	6
Timeliness of Summary Judgment/Dismissal	%	4	37	28	7	4	3.4	17
Discovery	%	2	54	26	2	1	3.6	8
Scientific and Technical Evidence	%	2	32	34	4	-	3.5	22
Judges' Impartiality	%	12	49	27	4	-	3.8	15
Judges' Competence	%	9	62	20	-	-	3.9	5
Juries' Predictability	%	5	35	26	7	-	3.5	8
Juries' Fairness	%	7	35	28	4	-	3.6	11
OVERALL STATE GRADE	%	4	62	30	-	-	3.7	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	7
	%
Legislature	29
Political influence/interference	14
Statute issues	14
Timeliness for trial	14
Tort reform legislation	14

Table 62**Vermont****2004 Overall Ranking: 20****Ratings on Key Elements of State Liability Systems (n=71)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	6	46	31	7	3	3.5	20
Treatment of Class Action Suits	%	3	21	24	-	6	3.3	17
Punitive Damages	%	4	20	30	8	6	3.1	22
Timeliness of Summary Judgment/Dismissal	%	3	27	27	6	4	3.3	24
Discovery	%	3	39	37	3	-	3.5	23
Scientific and Technical Evidence		4	24	23	4	4	3.3	30
Judges' Impartiality	%	11	48	20	4	1	3.8	16
Judges' Competence	%	8	44	24	4	1	3.7	20
Juries' Predictability	%	4	30	31	8	3	3.3	21
Juries' Fairness	%	10	41	21	7	1	3.6	9
OVERALL STATE GRADE	%	7	48	32	4	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	14
	%
Political influence/interference	14
Local/state issues/location driven	14
Statute issues	14
Use of mediation	7
Supreme Court decisions	7

Table 63**Virginia****2004 Overall Ranking: 3****Ratings on Key Elements of State Liability Systems (n=180)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	16	53	22	3	1	3.8	3
Treatment of Class Action Suits	%	Virginia does not have class actions						
Punitive Damages	%	11	36	26	3	1	3.7	2
Timeliness of Summary Judgment/Dismissal	%	12	42	23	6	5	3.6	2
Discovery	%	14	53	21	3	-	3.9	2
Scientific and Technical Evidence	%	11	47	14	4	-	3.9	2
Judges' Impartiality	%	15	57	17	2	-	3.9	5
Judges' Competence	%	21	53	17	2	1	4.0	2
Juries' Predictability	%	4	42	32	4	1	3.5	6
Juries' Fairness	%	6	49	24	5	1	3.6	8
OVERALL STATE GRADE	%	12	63	21	2	1	3.8	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	26
	%
Local/state issues/location driven	15
Timeliness for trial	12
Reform punitive damages	12
Lawyer/judge competency	8
Class action issues	8

Table 64**Washington****2004 Overall Ranking: 24****Ratings on Key Elements of State Liability Systems (n=178)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	43	35	10	3	3.3	27
Treatment of Class Action Suits	%	2	16	27	8	2	3.1	30
Punitive Damages	%	Washington does not allow punitive damages in general						
Timeliness of Summary Judgment/Dismissal	%	5	31	32	10	3	3.3	21
Discovery	%	4	44	35	4	1	3.5	20
Scientific and Technical Evidence	%	4	38	22	4	1	3.6	16
Judges' Impartiality	%	10	47	23	9	1	3.6	25
Judges' Competence	%	7	51	25	7	1	3.6	27
Juries' Predictability	%	-	31	42	7	2	3.3	24
Juries' Fairness	%	3	38	33	7	1	3.4	21
OVERALL STATE GRADE	%	2	49	32	10	1	3.4	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	19
	%
Legislature	32
Favor plaintiffs	11
Reform punitive damages	11
Tort reform legislation	11
Political influence/interference	5

Table 65**West Virginia****2004 Overall Ranking: 49****Ratings on Key Elements of State Liability Systems (n=175)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	2	9	17	35	31	2.1	49
Treatment of Class Action Suits	%	1	4	11	26	34	1.8	48
Punitive Damages	%	1	2	19	29	39	1.9	42
Timeliness of Summary Judgment/Dismissal	%	1	8	28	28	16	2.4	49
Discovery	%	1	10	34	28	13	2.5	49
Scientific and Technical Evidence	%	-	9	23	31	18	2.3	49
Judges' Impartiality	%	2	11	24	33	22	2.3	49
Judges' Competence	%	2	11	31	30	15	2.5	49
Juries' Predictability	%	5	12	27	27	17	2.5	48
Juries' Fairness	%	1	6	22	37	22	2.2	48
OVERALL STATE GRADE	%	-	7	19	42	27	2.1	

ADDITIONAL ISSUES STATE SHOULD ADDRESS **TOTAL**

N=	45
	%
Political influence/interference	13
Favor plaintiffs	11
Local/state issues/location driven	9
Supreme Court decisions	9
Legislature	7

Table 66**Wisconsin****2004 Overall Ranking: 10****Ratings on Key Elements of State Liability Systems (n=178)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	7	49	29	6	1	3.6	9
Treatment of Class Action Suits	%	3	20	25	8	2	3.3	19
Punitive Damages	%	6	24	31	11	2	3.3	17
Timeliness of Summary Judgment/Dismissal	%	6	38	28	7	3	3.5	10
Discovery	%	6	56	22	4	2	3.7	5
Scientific and Technical Evidence	%	5	40	19	5	-	3.7	9
Judges' Impartiality	%	12	53	21	5	-	3.8	13
Judges' Competence	%	12	56	19	3	-	3.8	7
Juries' Predictability	%	4	34	39	6	1	3.4	13
Juries' Fairness	%	8	38	31	5	1	3.6	15
OVERALL STATE GRADE	%	7	46	35	5	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	21
	%
Legislature	29
Reform punitive damages	10
Statute issues	10
Appellate Court issues	10
The laws are clear/in place	5

Table 67**Wyoming****2004 Overall Ranking: 15****Ratings on Key Elements of State Liability Systems (n=77)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Overall Treatment of Tort and Contract Litigation	%	10	47	26	9	1	3.6	12
Treatment of Class Action Suits	%	8	17	22	8	1	3.4	12
Punitive Damages	%	8	34	19	10	4	3.4	11
Timeliness of Summary Judgment/Dismissal	%	8	39	26	9	1	3.5	6
Discovery	%	8	39	32	8	1	3.5	24
Scientific and Technical Evidence	%	4	29	30	9	-	3.4	26
Judges' Impartiality	%	17	44	18	8	1	3.8	14
Judges' Competence	%	14	44	25	8	-	3.7	17
Juries' Predictability	%	8	39	30	9	-	3.5	7
Juries' Fairness	%	9	44	22	9	1	3.6	14
OVERALL STATE GRADE	%	8	49	25	10	1	3.6	

ADDITIONAL ISSUES STATE SHOULD ADDRESS**TOTAL**

N=	5
	%
Reform punitive damages	20
Control frivolous lawsuits	20
Statute issues	20
Fee issues	20

APPENDIX A: METHODOLOGY

METHODOLOGY

AN OVERVIEW

The 2004 State Liability Systems Ranking Study was conducted for the U.S. Chamber Institute for Legal Reform by Harris Interactive Inc. The final results are based on interviews with a nationally representative sample of 1,402 in-house general counsel attorneys or other senior litigators at companies with annual revenues of at least \$100 million. Interviews averaging 18 minutes in length were conducted by telephone and took place between December 5, 2003 and February 5, 2004.

SAMPLE DESIGN

A representative sample of companies with annual revenues of at least \$100 million annually was drawn using IdExec and alert letters were sent to the general counsel at each company. In order to reach the desired number of final interviews, more letters were sent out to potential participants than the final number of completed interviews. These letters provided general information about the study, notified them that an interviewer from Harris would be contacting them and requested their participation. A copy of this letter appears in Appendix B.

The sample was segmented into two main groups. Of the 1,402 respondents, 141 were from insurance companies, with the remaining 1,261 interviews being conducted among public corporations. The proportion of interviews with insurance companies represents 10% of the total sample. Typically, in the universe of companies with \$100 million or more in revenues, insurance companies represent 6% of this population. Since property casualty insurance companies have extensive experience with state liability systems, for the purposes of this study we increased the number of interviews so that these companies would comprise 10% of our completed interviews.

Respondents had an average of 19.5 years of relevant legal experience (including their current position), had been with their company an average of 10.2 years, and had been in their current position an average of 6.6 years.

TELEPHONE INTERVIEWING PROCEDURES

The 2004 State Liability Systems Ranking Study utilized Harris' computer-assisted telephone interviewing (CATI) system. This system greatly enhances reporting reliability. It reduces clerical error by eliminating the need for keypunching, since interviewers enter respondent answers directly into a computer terminal during the interview itself. This data entry program does not permit interviewers to inadvertently skip questions, since each question must be answered before the computer moves on to the next question. The data entry program also ensures that all skip patterns are correctly adhered to. The on-line data editing system refuses to accept punches that are out-of-range, it demands confirmation of responses that exceed expected ranges, and asks for explanations for inconsistencies between certain key responses.

In order to achieve high respondent participation, in addition to the alert letter, numerous telephone callbacks were made in order to reach the respondent and conduct the interview at a convenient time.

Once a qualified respondent was identified, the respondent was first asked about their familiarity with several states. First, 24 states out of the list of 50 possible states were presented to the respondent. Within these 24 states, 17 states presented were the following: Alaska, Arkansas, Hawaii, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, and Wyoming. These states were prioritized in order to get a sufficient number of evaluations, since in the past years of this study, data for these states were based on fewer evaluations. The remaining 7 states were randomly selected from the left over states not mentioned above.

Respondents were then given the opportunity to name any other state, aside from the states already presented, with which they are very or somewhat familiar.

If the respondent was very or somewhat familiar with a given state, the respondent was then given the opportunity to evaluate that state's liability system. The respondent had the opportunity to evaluate up to 15 states. If the respondent was familiar with any state from the list of 17 mentioned above, then that state was automatically included. If this number was less than 15, then the balance was randomly selected from the remaining group of states with which the respondent was very or somewhat familiar.

On average, each respondent evaluated 5 states.

CHANGES IN RANKINGS

Overall, the big picture has not changed since last year. Most states' rankings have changed at least somewhat; however, some changes are more significant than others. Delaware continues to be ranked number one, and the bottom four states (Mississippi, West Virginia, Alabama, and Louisiana) remain the same.

Changes in rank may reflect a variety of factors. First, the litigation environment in the state may have improved or worsened due to such factors as legal rulings, changes in the composition of the bench, or legislative or rulemaking changes that affect litigation. Second, perceptions of the litigation environment in each state may be driven by a variety of subjective assessments such as the reputation of the courts and interviewees' experiences with individual litigation matters. Third, the score may have been affected by changes in sample size. This year, we increased the overall number of people interviewed by over 50%. In some of the less-populated states (Montana, North Dakota, South Dakota, and Wyoming), the sample size roughly doubled. These states had much smaller sample sizes in 2002 and 2003, because it was difficult to find people familiar enough with those states'

legal environments to provide an evaluation. The larger sample sizes have made the survey more reliable, and have reduced year-to-year fluctuations that might have been caused by small sample sizes in the past.

SIGNIFICANCE TESTING

Reliability of Survey Percentages

It is important to bear in mind that the results from any sample survey are subject to sampling variation. The magnitude of this variation (or error) is affected both by the number of interviews—the base size—and by the level of the percentages expressed in the results.

Table B-1 shows the possible sample variation that applies to percentage results for this survey. The chances are 95 in 100 that a survey result does not vary, plus or minus, by more than the indicated number of percentage points from the result that would have been obtained if interviews were conducted with all persons in the universe represented by the sample. For example, if the response for a sample size of 300 is 30%, then in 95 cases out of 100, the response in the total population would have been between 25% and 35% (+/-5%). Note that survey results based on subgroups of small size can be subject to large sampling error.

Table B-1
Recommended Allowance for Sampling Error of Proportions (Plus or Minus)

	Survey Percentage Result				
Sample Size	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
900	2	3	3	3	3
800	2	3	3	3	3
700	2	3	3	4	4
600	2	3	4	4	4
500	3	4	4	4	4
400	3	4	4	5	5
300	3	5	5	6	6
200	4	6	6	7	7
100	6	8	9	10	10
50	8	11	13	14	14

Significance of Differences Between Proportions

Sampling tolerances are also involved in the comparison of results from different surveys or from different parts of a sample from the same survey (subgroup analysis). Table B-2 shows the percentage difference that must be obtained before a difference can be considered statistically significant. These figures, too, represent the 95% confidence level.

To illustrate, suppose the two percentages in question are 34% and 25%. More specifically, suppose that one group of 300 has a response of 34% “yes” to a question, and an independent group has a response of 25% to the same question, for an observed difference of 9 percentage points. According to the table, this difference is subject to a potential sampling error of 6-7 percentage points. Since the observed difference is greater than the sampling error, the observed difference is significant.

Table B-2
Sampling Error of Difference Between Proportions
 Approximate Sampling Tolerances (at 95% Confidence Level)
 To Use in Evaluating Differences Between Two Percentage Results

Sample Sizes	Survey Percentage Result				
	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
900 v. 900	3	4	4	5	5
500	3	4	5	5	6
300	4	5	6	7	7
200	5	6	7	8	8
100	6	8	10	10	10
50	9	11	13	14	14
500 v. 500	4	4	6	6	6
300	4	6	7	7	7
200	6	7	8	8	8
100	7	9	10	11	11
50	9	12	13	14	15
300 v. 300	5	6	7	8	8
200	5	7	8	9	9
100	7	9	10	11	11
50	9	12	14	15	15
200 v. 200	6	8	9	10	10
100	7	10	11	12	12
50	9	12	14	15	15
100 v. 100	8	11	13	14	14
50	10	14	16	17	17
50 v. 50	12	16	18	19	20

Sampling error of the type so far discussed is only one type of error. Survey research is also susceptible to other types of error, such as refusals to be interviewed (non-response error), question wording and question order, interviewer error, and weighting by demographic control data. Although difficult or impossible to quantify these types of error, the procedures followed by Harris Interactive, Inc. keep errors of these types to a minimum.

APPENDIX B: ALERT LETTER AND QUESTIONNAIRE

INSERT NAME
INSERT TITLE
INSERT ADDRESS

Dear INSERT MR/MS LAST NAME

The U.S. Chamber Institute for Legal Reform has asked Harris Interactive, an independent survey research firm, to repeat an important annual study that examines state liability systems across America. You may have participated in one of the earlier waves. Or, you may have seen some of the substantial media attention about the study in national newspapers and numerous legal journals.

This year your participation is just as critical because we have selected only a small sample of attorneys to share their opinions. Within the next few days, you will be contacted for an opportunity to participate in this important study and we would appreciate your taking a few minutes to respond.

The purpose of this study is to see how state civil justice systems across America are perceived by corporate decision-makers, such as yourself, in terms of their reasonableness, fairness and predictability. As in previous years, the results of this research will be shared with key state policy makers and those who care about economic development in their state to help inform them about how they are viewed in relation to other states. The research has played an important role in encouraging state legislators and judges to re-evaluate the condition of their state liability system and stimulate discussion on how states might improve their litigation environments.

Your answers will be kept confidential and will be used only in combination with those of other survey participants. *To thank you for your participation, we will be sharing an executive summary of the findings with survey respondents.*

We will be calling you within the next few days, but in the meantime, if you have any questions or would like to schedule a time to speak with us, please feel free to call us at 1-800-387-3614 with the reference number that appears at the bottom of this letter. Thank you.

The views, opinions and experiences of attorneys like you have made this study a resounding success in past years. Anticipating your cooperation, I'd like to thank you for your help.

Sincerely,

Humphrey Taylor
Chairman
The Harris Poll

Reference #: [SAMPLE_ID]

HARRIS INTERACTIVE INC.
111 Fifth Avenue
New York, New York 10003

ID (53,62)

J20056

January 28, 2004

LIABILITY SYSTEMS RANKING SURVEY
US CHAMBER OF COMMERCE

Field Period: December 5, 2003 – February 5, 2004

J:\20xxx\200xx\20056 State Liability Ranking\Edit Master\20056 columnized_revJan28.doc

SUBJECTS FOR QUESTIONNAIRE

SECTION 200: INTRODUCTION/SCREENING QUESTIONS
SECTION 300: STATE FAMILIARITY ASSESMENT
SECTION 400: STATE EVALUATIONS
SECTION 100: DEMOGRAPHICS

Template: HI

[PROGRAMMER NOTE: PLEASE ENSURE (V) THAT ALL MISSING DATA IS REPRESENTED IN SPSS DATA SET AS OUT OF RANGE NEGATIVE NUMBERS]

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SECTION 200: INTRODUCTION/SCREENING QUESTIONS
--

BASE: ALL RESPONDENTS

Q200 Hello, may I please speak to _____?

[PROGRAMMER NOTE: REFERENCE ABOVE NAME FROM SAMPLE OR FROM Q211.]
(1814)

- | | | |
|---|-----------------------|-------------|
| 1 | Continue | ASK Q205 |
| 2 | Not available | [CALL BACK] |
| 8 | Not Sure (v) | [CALL BACK] |
| 9 | Decline to answer (v) | [REFUSAL] |

BASE: ALL RESPONDENTS

Q205 Hello, I'm _____ from *The Harris Poll*. We have been commissioned by the United States Chamber of Commerce to conduct a survey among attorneys and would like to include your opinions. This study will examine state liability systems and will take about 10 minutes of your time. To thank you for your qualified participation in this study, we would like to send you an executive summary of the findings. Is this a convenient time for you? If not, we'd be glad to call you back at another time.

(INTERVIEWER NOTE: IF RESPONDENT SAYS NOW IS NOT CONVENIENT, ASK: "WOULD YOU LIKE TO SET UP ANOTHER TIME OR IF YOU PREFER YOU CAN CALL US WHEN YOU WOULD LIKE TO COMPLETE THE SURVEY?")

(INTERVIEWER NOTE: IF NECESSARY SAY, BECAUSE ONLY A SMALL SAMPLE OF SENIOR CORPORATE COUNSEL HAVE BEEN SELECTED, YOUR REPLY IS MOST IMPORTANT TO THE SUCCESS OF THIS SURVEY. YOUR ANSWERS WILL BE KEPT CONFIDENTIAL AND WILL BE USED ONLY IN AGGREGATE WITH THOSE OF OTHER SURVEY PARTICIPANTS.)

(INTERVIEWER NOTE: IF NECESSARY SAY, "WE RECENTLY SENT YOU AN ALERT LETTER ABOUT THE SURVEY." IF REQUESTED, THE LETTER CAN BE EMAILED OR FAXED TO RESPONDENT.)

(1816)

- | | | |
|---|---|----------------|
| 1 | Yes convenient, continue | [JUMP TO Q215] |
| 2 | No, not convenient now | [CALL BACK] |
| 8 | Not Sure (v) | [CALL BACK] |
| 9 | Don't want to participate/Decline to Answer (v) | [JUMP TO Q210] |

BASE: DOES NOT WANT TO TAKE SURVEY(Q205/9)

Q210 Can you connect me to an attorney in your company who might be interested in completing the survey?

(INTERVIEWER NOTE: SCREEN FOR THE FOLLOWING JOB DESCRIPTIONS FOR ATTORNEYS: GENERAL COUNSEL, HEAD OF LITIGATION, OR A SENIOR, EXPERIENCED LITIGATOR, BUT YOU MAY ACCEPT OTHER SENIOR LEVEL TITLES.)

(1817)

- | | | |
|---|-----------------------|-----------------|
| 1 | Yes | [JUMP TO Q212] |
| 2 | No | [END INTERVIEW] |
| 8 | Not sure (v) | [ASK Q211] |
| 9 | Decline to answer (v) | [REFUSAL] |

BASE: NOT SURE WHO TO REFER TO (Q211/8)

Q211 Can you connect me to an someone in your company who might know who would be interested in completing the survey?

(1818)

- | | | |
|---|-----------------------|-----------------|
| 1 | Yes | [JUMP TO Q205] |
| 2 | No | [END INTERVIEW] |
| 8 | Not sure (v) | [END INTERVIEW] |
| 9 | Decline to answer (v) | [REFUSAL] |

BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q205/9, Q210/1)

Q212 May I please have this attorney's name and title?

NAME: [TEXT BOX]

(INTERVIEWER NOTE: SCREEN FOR THE FOLLOWING JOB DESCRIPTIONS FOR ATTORNEYS: GENERAL COUNSEL, HEAD OF LITIGATION, OR A SENIOR, EXPERIENCED LITIGATOR)

Q213 TITLE: [TEXT BOX]

BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q205/9, Q210/1)

Q214 Thank you for your assistance.

(INTERVIEWER NOTE: UNLESS ORIGINAL RESPONDENT OFFERS TO CONNECT YOU, HANG UP AND CALL BACK, ASKING FOR NEW RESPONDENT BY NAME.)

[JUMP TO Q200.]

PROGRAMMER NOTE: ANYONE WHO AGREES TO CONTINUE IN Q205/1 IS A QUALIFIED RESPONDENT
--

BASE: ALL QUALIFIED RESPONDENTS

Q215 Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor?

(1901)

- 1 Excellent
- 2 Pretty good
- 3 Only Fair
- 4 Poor
- 8 Not sure (v)
- 9 Decline to answer (v)

SECTION 300: STATE FAMILIARITY ASSESMENT

BASE: ALL QUALIFIED RESPONDENTS

Q300 Thinking about the state court system, how familiar are you with the litigation environment in [INSERT STATE RANDOMLY SELECTED FROM 1-50 BELOW]? Would you say you are very familiar, somewhat familiar, not very familiar or not at all familiar?

Q301	1	2	3	4	8	9
	Very	Somewhat	Not	Not	Not	Decline to
	<u>Familiar</u>	<u>Familiar</u>	<u>Familiar</u>	<u>Familiar</u>	<u>Sure (v)</u>	<u>Answer (v)</u>

[PRIORITY SELECT 24 STATES USING THE FOLLOWING PROCESS: 17 OF THE STATES SHOULD BE: ALASKA, ARKANSAS, HAWAII, IDAHO, IOWA, KANSAS, MAINE, MONTANA, NEBRASKA, NEW HAMPSHIRE, NEW MEXICO, NORTH DAKOTA, RHODE ISLAND, SOUTH DAKOTA, UTAH, VERMONT, WYOMING. THE OTHER 7 STATES SHOULD BE RANDOMLY SELECTED FROM THE REMAINING STATES.]

1	Alabama	2170
2	Alaska	2102
3	Arizona	2174
4	Arkansas	2106
5	California	2178
6	Colorado	2182
7	Connecticut	2186
8	Delaware	2190
9	Florida	2194
10	Georgia	2198
11	Hawaii	2110
12	Idaho	2114
13	Illinois	2202
14	Indiana	2206
15	Iowa	2118
16	Kansas	2122
17	Kentucky	2210
18	Louisiana	2214
19	Maine	2126
20	Maryland	2218
21	Massachusetts	2222
22	Michigan	2226
23	Minnesota	2230
24	Mississippi	2234
25	Missouri	2238
26	Montana	2130
27	Nebraska	2134
28	Nevada	2242
29	New Hampshire	2138
30	New Jersey	2246
31	New Mexico	2142

32	New York	2250
33	North Carolina	2254
34	North Dakota	2146
35	Ohio	2258
36	Oklahoma	2262
37	Oregon	2266
38	Pennsylvania	2270
39	Rhode Island	2150
40	South Carolina	2274
41	South Dakota	2154
42	Tennessee	2278
43	Texas	2282
44	Utah	2158
45	Vermont	2162
46	Virginia	2286
47	Washington	2290
48	West Virginia	2294
49	Wisconsin	2298
50	Wyoming	2166

BASE: ALL QUALIFIED RESPONDENTS

Q305 Besides those we just asked about, with which other state court systems are you very or somewhat familiar? (DO NOT READ LIST)

(INTERVIEWER NOTE: PROBE FOR ALL STATES THEY ARE VERY OR SOMEWHAT FAMILIAR WITH)

[PROGRAMMER NOTE: DO NOT DISPLAY 24 SELECTED STATES FROM Q300.]

[MULTIPLE RECORD]

(2343,2344) (2345,2346) (2347,2348) (2349,2350) (2351,2352) (2353,2354) (2355,2356) (2357,2358) (2359,2360)
 (2361,2362) (2363,2364) (2365,2366) (2367,2368) (2369,2370) (2371,2372) (2373,2374) (2375,2376) (2377,2378)
 (2379,2380) (2381,2382) (2383,2384) (2385,2386) (2387,2388) (2389,2390) (2391,2392) (2393,2394) (2395,2396)
 (2397,2398) (2399,2400) (2401,2402) (2403,2404) (2405,2406) (2407,2408) (2409,2410) (2411,2412) (2413,2414)
 (2415,2416) (2417,2418) (2419,2420) (2421,2422)

- 1 Alabama
- 2 Alaska
- 3 Arizona
- 4 Arkansas
- 5 California
- 6 Colorado
- 7 Connecticut
- 8 Delaware
- 9 Florida
- 10 Georgia
- 11 Hawaii
- 12 Idaho
- 13 Illinois
- 14 Indiana
- 15 Iowa
- 16 Kansas
- 17 Kentucky
- 18 Louisiana
- 19 Maine
- 20 Maryland
- 21 Massachusetts
- 22 Michigan
- 23 Minnesota

- 24 Mississippi
- 25 Missouri
- 26 Montana
- 27 Nebraska
- 28 Nevada
- 29 New Hampshire
- 30 New Jersey
- 31 New Mexico
- 32 New York
- 33 North Carolina
- 34 North Dakota
- 35 Ohio
- 36 Oklahoma
- 37 Oregon
- 38 Pennsylvania
- 39 Rhode Island
- 40 South Carolina
- 41 South Dakota
- 42 Tennessee
- 43 Texas
- 44 Utah
- 45 Vermont
- 46 Virginia
- 47 Washington
- 48 West Virginia
- 49 Wisconsin
- 50 Wyoming
- 97 None of these (v) E
- 98 Not sure (v) E
- 99 Decline to answer (v) E

**[FROM ALL STATES THAT RESPONDENT IS VERY OR SOMEWHAT FAMILIAR WITH
[Q300/1-50 AND Q301/1,2) AND/OR (Q305/1-50)], PRIORITY SELECT UP TO 15 STATES WITH LOWEST COUNTS TO DATE FOR EVALUATION IN SECTION 400. IN THIS SELECTION, ALL SMALL STATES – THOSE LISTED IN PROGRAMMER NOTE ABOVE Q300 – SHOULD BE INCLUDED IN THIS PRIORITY SELECT. THE REMAINING STATES NEEDED TO TOTAL TO 15 SHOULD BE RANDOMLY SELECTED FROM THE STATES LEFTOVER AFTER THE SMALL STATES HAVE BEEN INCLUDED. IF VERY OR SOMEWHAT FAMILIAR WITH ANY STATE**

SECTION 400: STATE EVALUATIONS

[PROGRAMMER NOTE: ASK Q400-420 UP TO 15 TIMES FOR EACH STATE PRIORITY SELECTED FROM (Q300/1-50 & Q301/1,2) & Q305/1-50.]

BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))

Q400 Now I'd like to ask for your opinions about [IF VERY OR SOMEWHAT FAMILIAR WITH ONLY ONE STATE SHOW "the state"; OTHERWISE SHOW "some of the states"] with which you are familiar. I'm going to read a number of key elements of state liability systems. For each item, I'd like you to grade [INSERT STATE] on how well you think they are doing.

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1ST STATE; FOR EACH SUBSEQUENT STATE SHOW: "Now, I'd like you to grade [INSERT STATE] on how well you think they are doing."

An "A" means they are doing "an excellent job at creating a fair and reasonable litigation environment" and an "F" means that they are doing "a failing job at creating a fair and reasonable environment". How would you grade [INSERT STATE] on (READ EACH ITEM) . . . "A", "B", "C", "D", or "F"?

(INTERVIEWER NOTE: READ ABOVE SCALE, THAT IS THE PARAGRAPH ABOVE, ONLY AS MANY TIMES AS NECESSARY)

Q401	1	2	3	4	7	8	9
	<u>"A"</u>	<u>"B"</u>	<u>"C"</u>	<u>"D"</u>	<u>"F"</u>	Not Sure (v)	Decline to Answer (v)

[RANDOMIZE]

- 1 Overall Treatment of Tort and Contract Litigation
- 2 Treatment of Class Action Suits
- 3 Punitive Damages
- 4 Timeliness of Summary Judgement/Dismissal
- 5 Discovery
- 6 Scientific and Technical Evidence

Q401	1	2	3	4	5	6	7	8	9	10	11	12
	1 2654 2671 2688 2705 2722 2739 2756 2773 2790 2807 2824 2841											
	2 2655 2672 2689 2706 2723 2740 2757 2774 2791 2808 2825 2842											
	3 2656 2673 2690 2707 2724 2741 2758 2775 2792 2809 2826 2843											
	4 2657 2674 2691 2708 2725 2742 2759 2776 2793 2810 2827 2844											
	5 2658 2675 2692 2709 2726 2743 2760 2777 2794 2811 2828 2845											
	6 2659 2676 2693 2710 2727 2744 2761 2778 2795 2812 2829 2846											

12 states	A1	A2	A3	A4	A5	A6
	2624,2625	2626,2627	2628,2629	2630,2631	2632,2633	2634,2635
	A7	A8	A9	A10	A11	A12
	2636,2637	2638,2639	2640,2641	2642,2643	2644,2645	2646,2647

BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))

Q405 Using the same scale, I'd like you to think now about the effectiveness of some key people who implement this system.

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1ST STATE]

How would you grade [INSERT STATE] on (READ EACH ITEM) . . . "A", "B", "C", "D", or "F"?

(INTERVIEWER READ FOR 1ST STATE . FOR ADDITIONAL STATES READ ONLY IF NECESSARY:
Again, an "A" means they are doing "an excellent job at creating a fair and reasonable litigation environment" and an "F" means that they are doing "a failing job at creating a fair and reasonable environment." How would you grade [INSERT STATE] on (READ EACH ITEM) . . . "A", "B", "C", "D", or "F"?)

Q406	1	2	3	4	7	8	9
	"A"	"B"	"C"	"D"	"F"	Not Sure (v)	Decline to Answer (v)

[RANDOMIZE]

- 1 Judges' Impartiality
- 2 Judges' Competence
- 3 Juries' Predictability
- 4 Juries' Fairness

	1	2	3	4	5	6	7	8	9	10	11	12
1	2661	2678	2695	2712	2729	2746	2763	2780	2797	2814	2831	2848
2	2662	2679	2696	2713	2730	2747	2764	2781	2798	2815	2832	2849
3	2663	2680	2697	2714	2731	2748	2765	2782	2799	2816	2833	2850
4	2664	2681	2698	2715	2732	2749	2766	2783	2800	2817	2834	2851

BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))

Q410 Is there any other key element that you think is critical to [INSERT STATE]'s liability system?

1	2	3	4	5	6	7	8	9	10	11	12
2665	2682	2699	2716	2733	2750	2767	2784	2801	2818	2835	2852

- | | | |
|---|-----------------------|----------------|
| 1 | Yes | [ASK Q412] |
| 2 | No | [JUMP TO Q420] |
| 8 | Not sure (v) | [JUMP TO Q420] |
| 9 | Decline to answer (v) | [JUMP TO Q420] |

BASE: GAVE OTHER KEY ELEMENT (Q410/1)

Q412 What is that other element critical to [INSERT STATE]'s liability system?

[TEXT BOX]

BASE: GAVE OTHER KEY ELEMENT (Q410/1)

Q415 What grade would you give them on this element?

1	2	3	4	5	6	7	8	9	10	11	12
2668	2685	2702	2719	2736	2753	2770	2787	2804	2821	2838	2855

- 1 "A"
- 2 "B"
- 3 "C"
- 4 "D"
- 7 "F"
- 8 Not sure (v)
- 9 Decline to answer (v)

BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))

Q420 Overall, what grade would you give [INSERT STATE]?

1	2	3	4	5	6	7	8	9	10	11	12
2669	2686	2703	2720	2737	2754	2771	2788	2805	2822	2839	2856

- 1 "A"
- 2 "B"
- 3 "C"
- 4 "D"
- 7 "F"
- 8 Not sure (v)
- 9 Decline to answer (v)

BASE: ALL QUALIFIED RESPONDENTS

Q425 Thinking of the country as a whole, which 5 states do you think have the most fair and reasonable litigation environments for both defendants and plaintiffs? (DO NOT READ LIST) (PROBE FOR UP TO FIVE STATES)

[MULTIPLE RECORD UP TO FIVE]

(2857,2858) (2859,2860) (2861,2862) (2863,2864) (2865,2866)

- 1 Alabama
- 2 Alaska
- 3 Arizona
- 4 Arkansas
- 5 California
- 6 Colorado
- 7 Connecticut
- 8 Delaware
- 9 Florida
- 10 Georgia
- 11 Hawaii
- 12 Idaho
- 13 Illinois
- 14 Indiana
- 15 Iowa
- 16 Kansas
- 17 Kentucky
- 18 Louisiana
- 19 Maine
- 20 Maryland
- 21 Massachusetts
- 22 Michigan
- 23 Minnesota
- 24 Mississippi
- 25 Missouri
- 26 Montana
- 27 Nebraska
- 28 Nevada
- 29 New Hampshire
- 30 New Jersey
- 31 New Mexico
- 32 New York
- 33 North Carolina
- 34 North Dakota
- 35 Ohio
- 36 Oklahoma
- 37 Oregon
- 38 Pennsylvania
- 39 Rhode Island
- 40 South Carolina
- 41 South Dakota
- 42 Tennessee
- 43 Texas
- 44 Utah
- 45 Vermont
- 46 Virginia
- 47 Washington
- 48 West Virginia
- 49 Wisconsin
- 50 Wyoming
- 97 None (v) E
- 98 Not sure (v) E
- 99 Decline to answer (v) E

BASE: ALL QUALIFIED RESPONDENTS

Q430 Thinking of the country as a whole, which 5 states do you think have the least fair and reasonable litigation environments for both defendants and plaintiffs? (DO NOT READ LIST) (PROBE FOR UP TO FIVE STATES)

[MULTIPLE RECORD UP TO FIVE]

(2867,2868) (2869,2870) (2871,2872) (2873,2874) (2875,2876)

- | | | |
|----|-----------------------|---|
| 1 | Alabama | |
| 2 | Alaska | |
| 3 | Arizona | |
| 4 | Arkansas | |
| 5 | California | |
| 6 | Colorado | |
| 7 | Connecticut | |
| 8 | Delaware | |
| 9 | Florida | |
| 10 | Georgia | |
| 11 | Hawaii | |
| 12 | Idaho | |
| 13 | Illinois | |
| 14 | Indiana | |
| 15 | Iowa | |
| 16 | Kansas | |
| 17 | Kentucky | |
| 18 | Louisiana | |
| 19 | Maine | |
| 20 | Maryland | |
| 21 | Massachusetts | |
| 22 | Michigan | |
| 23 | Minnesota | |
| 24 | Mississippi | |
| 25 | Missouri | |
| 26 | Montana | |
| 27 | Nebraska | |
| 28 | Nevada | |
| 29 | New Hampshire | |
| 30 | New Jersey | |
| 31 | New Mexico | |
| 32 | New York | |
| 33 | North Carolina | |
| 34 | North Dakota | |
| 35 | Ohio | |
| 36 | Oklahoma | |
| 37 | Oregon | |
| 38 | Pennsylvania | |
| 39 | Rhode Island | |
| 40 | South Carolina | |
| 41 | South Dakota | |
| 42 | Tennessee | |
| 43 | Texas | |
| 44 | Utah | |
| 45 | Vermont | |
| 46 | Virginia | |
| 47 | Washington | |
| 48 | West Virginia | |
| 49 | Wisconsin | |
| 50 | Wyoming | |
| 97 | None (v) | E |
| 98 | Not sure (v) | E |
| 99 | Decline to answer (v) | E |

BASE: ALL QUALIFIED RESPONDENTS

Q435 What do you think is the single most important issue that state policy makers who care about economic development should focus on to improve the litigation environment in their states?

[TEXT BOX].

BASE: ALL QUALIFIED RESPONDENTS

Q440 Could it ever happen that the litigation environment in a state could affect an important business decision at your company, such as where to locate or do business? (DO NOT READ LIST)

(2879)

- 1 Yes, could affect important business decision
- 2 No, could not affect important business decision
- 8 Not sure (v)
- 9 Decline to answer (v)

BASE: ALL QUALIFIED RESPONDENTS

Q445 Thinking of the country as a whole, which 5 local jurisdictions do you think have the least fair and reasonable litigation environment for both defendants and plaintiffs? (INTERVIEWER NOTE: IF NECESSARY SAY: A JURISDICTION IS CAN BE DEFINED AS A COUNTY OR CITIES.)

[PROGRAMMER NOTE: CAN ACCEPT UP TO 5 RESPONSES]

[TEXT BOX: 1ST MENTION] (2880,2881)

[TEXT BOX: 2ND MENTION] (2882,2883)

[TEXT BOX: 3RD MENTION] (2884,2885)

[TEXT BOX: 4TH MENTION] (2886,2887)

[TEXT BOX: 5TH MENTION] (2888,2889)

[PROGRAMMER NOTE: THE FOLLOWING QUESTIONS Q450, Q455, AND Q460 ARE ONLY ASKED OF RESPONDENTS WHO WERE GIVEN THE OPPORTUNITY TO EVALUATE MISSISSIPPI, WEST VIRGINIA OR TEXAS. LOOP FOR EACH STATE EVALUATED (ONLY MISSISSIPPI, WEST VIRGINIA & TEXAS) – ASK ALL 3 QUESTIONS FOR 1 STATE, THEN MOVE ON TO NEXT STATE. ALL OTHER RESPONDENTS SHOULD BE SKIPPED TO Q100.]

BASE: RESPONDENTS WHO HAVE EVALUATED MISSISSIPPI/WEST VIRGINIA/TEXAS

Q450 Now we would like to ask you what effect you think the legislative reforms recently passed in (INSERT: Mississippi/ West Virginia/ Texas) have had or likely will have in the future, if they are implemented as intended – would you say the effect is an improved litigation environment, a worsened litigation environment or no effect on the litigation environment?

- | | | | | |
|---|-------------------------------------|-------------|---------------|--------|
| | | Mississippi | West Virginia | Texas |
| | | (2890) | (2893) | (2896) |
| 1 | An improved litigation environment | | | |
| 2 | A worsened litigation environment | | | |
| 3 | No effect on litigation environment | | | |
| 8 | Not sure (v) | | | |
| 9 | Decline to answer (v) | | | |

BASE: IMPROVED LITIGATION ENVIRONMENT IN MISSISSIPPI/WEST VIRGINIA/TEXAS
(Q450/1)

Q455 How much improvement has resulted from the reforms so far in (INSERT: Mississippi/West Virginia/Texas) – a major improvement, a meaningful improvement but not major, a moderate improvement or very little improvement?

		Mississippi (2891)	West Virginia (2894)	Texas (2897)
1	Major improvement			
2	Meaningful improvement, but not major			
3	Moderate improvement			
4	Very little improvement			
8	Not sure (v)			
9	Decline to answer (v)			

BASE: IMPROVED LITIGATION ENVIRONMENT IN MISSISSIPPI/WEST VIRGINIA/TEXAS
(Q450/1)

Q460 How much improvement do you expect in the future if the reforms are implemented as intended in (INSERT Mississippi/West Virginia/Texas) - a major improvement, a meaningful improvement but not major, a moderate improvement or very little improvement?

		Mississippi (2892)	West Virginia (2895)	Texas (2898)
1	Major improvement			
2	Meaningful improvement, but not major			
3	Moderate improvement			
4	Very little improvement			
8	Not sure (v)			
9	Decline to answer (v)			

SECTION 100: DEMOGRAPHICS

BASE: ALL QUALIFIED RESPONDENTS

Q100 Lastly, I have a few questions to help us classify your responses. How many years have you been with your company? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR “NOT SURE (V)” AND 99 FOR “DECLINE TO ANSWER.”)

(2899,2900)

[RANGE: 0-50, 98, 99]

BASE: ALL RESPONDENTS

Q103 What is your company's primary industry? (DO NOT READ LIST)

(2901,2902)

- 1 Agriculture, Forestry & Fishing
- 2 Mining
- 3 Construction
- 4 Manufacturing
- 5 Transportation, Communication, Gas & Sanitary Services
- 6 Wholesale trade
- 7 Retail trade
- 8 Finance
- 9 Insurance
- 10 Real Estate
- 11 Business services
- 12 Professional Services
- 13 Public Administration
- 96 Other
- 98 Not sure (v)
- 99 Decline to answer (v)

BASE: ALL QUALIFIED RESPONDENTS

Q105 What is your job title? (DO NOT READ LIST)

(2904,2905)

- 01 General Counsel [JUMP TO Q110]
- 02 Head of Litigation [JUMP TO Q110]
- 03 Senior counsel/litigator [JUMP TO Q110]
- 96 Other [SPECIFY AT Q107] [ASK Q107]
- 98 Not sure (v) [JUMP TO Q110]
- 99 Decline to answer (v) [JUMP TO Q110]

BASE: GAVE OTHER JOB TITLE (Q105/6)

Q107 (ENTER OTHER JOB TITLE)

[TEXT BOX]

BASE: ALL QUALIFIED RESPONDENTS

Q110 How long have you been in your current position? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR “NOT SURE (V)” AND 99 FOR “DECLINE TO ANSWER.”)

(2908,2909)

[RANGE: 0-50, 98, 99]

BASE: ALL QUALIFIED RESPONDENTS

Q115 Including your current position, how many years of relevant legal experience do you have? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR “NOT SURE (V)” AND 99 FOR “DECLINE TO ANSWER.”)

(2911,2912)

[RANGE: 0-50, 98, 99]

BASE: ALL QUALIFIED RESPONDENTS

Q120 What is your company’s principal place of business?

[TEXT BOX]

BASE: ALL QUALIFIED RESPONDENTS

Q121 To thank you for your participation in this survey, we are sharing an executive summary of the key findings with interested respondents. Would you like us to send this to you?

(2915)

- | | | |
|---|--|----------------|
| 1 | Yes, would like to get executive summary | [ASK Q122] |
| 2 | No, do not want to get executive summary | [JUMP TO Q125] |
| 8 | Not sure (v) | [JUMP TO Q125] |
| 9 | Decline to answer (v) | [JUMP TO Q125] |

BASE: WOULD LIKE EXECUTIVE SUMMARY (Q121/1)

Q122 The executive summary will be available after the completion of the study. In order to send it to you, I'd like to confirm your address. (READ AND CONFIRM ADDRESS BELOW) Is this correct?

[DISPLAY ADDRESS FROM SAMPLE]

(2916)

- | | | |
|---|-----------------------|----------------|
| 1 | Yes, address correct | [JUMP TO Q125] |
| 2 | No, not correct | [ASK Q123] |
| 8 | Not sure (v) | [JUMP TO Q125] |
| 9 | Decline to answer (v) | [JUMP TO Q125] |

BASE: ADDRESS NOT CORRECT (Q122/2)

Q123 May I please have your correct mailing address?

ADDRESS LINE 1: [TEXT BOX]

ADDRESS LINE 2: [TEXT BOX]

CITY: [TEXT BOX]

STATE: [TEXT BOX]

ZIP: [TEXT BOX]

BASE: ALL QUALIFIED RESPONDENTS

Q125 Thank you very much for your participation in this Harris Poll. We appreciate your sharing your perspective with us.

BASE: ALL RESPONDENTS

Q60 [HIDDEN QUESTION-NOT SEEN ON SCREEN]

[QUALIFIED RESPONDENT MUST BE SOMEONE WHO AGREED TO CONTINUE AT Q205/1]

- | | |
|---|------------------------|
| 1 | Qualified Complete |
| 2 | Non-qualified Complete |