

# ***2008 U.S. CHAMBER OF COMMERCE STATE LIABILITY SYSTEMS RANKING STUDY***

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MARKET RESEARCH

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## Introduction

*The 2008 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 corporate litigators at public and private corporations with annual revenues of at least \$100 million. This study was conducted between December 2007 and March 2008. The previous research was conducted during similar timeframes in the years 2002-2007. The basic structure and analysis remains the same as 2007.

The goal was to explore how reasonable, fair and balanced 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:

- Overall Treatment of Tort and Contract Litigation
- Having and Enforcing Meaningful Venue Requirements
- Treatment of Class Action Suits and Mass Consolidation Suits
- Punitive Damages
- Timeliness of Summary Judgment/Dismissal
- Discovery
- Scientific and Technical Evidence
- Non-economic Damages
- Judges' Impartiality and Competence
- Juries' Predictability and Fairness

## METHODOLOGICAL OVERVIEW

All interviews for *The 2008 State Liability Systems Ranking Study* were conducted by telephone among a nationally representative sample of in-house general counsel, senior litigators and other senior attorneys who are knowledgeable about litigation matters at companies with annual revenues of at least \$100 million. Interviews averaging 23 minutes in length were conducted with a total of 957 respondents and took place between December 18, 2007 and March 19, 2008. The sample was segmented into two main groups. Of the 957 respondents, 6% were from insurance companies, with the remaining 94% of interviews being conducted among public and private corporations from other industries.

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 past years' rankings can be found in Appendix B and the complete questionnaire is found in Appendix D.

## 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 5.0 scale where “A” = 5.0, “B” = 4.0, “C” = 3.0, “D” = 2.0, “F” = 1.0. Therefore, the mean score displayed can also be interpreted as a letter grade. For example, a mean score of 2.8 could be seen as roughly a “C-” grade. Ties between states with matching mean scores were ranked by looking at the percentage of “A” grades, the base sizes and any rounding that may have taken place.

For the “Ranking on Key Elements” tables, states were ranked by their mean grades on that element.

The “Overall Ranking of State Liability Systems” table was calculated by creating an index using the scores given on each of the 12 key elements plus the overall performance score. 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 12 items plus the overall performance score, which was rescaled from 0 to 100 prior to averaging them together.

## **Punitive Damages:**

This year the scores for the five states that have no punitive damages (Louisiana, Massachusetts, Nebraska, New Hampshire and Washington) were calculated in the same way as all previous years. The scores were based on all of the other criteria excluding punitive damages.

#### **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*, Vice President David Krane and Research Associate Kaylan Orkis. We would like to acknowledge Linda Kelly 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

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*The 2008 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 corporate litigators to explore how reasonable and balanced the tort liability system is perceived to be by U.S. business. The 2008 ranking builds on previous years' work<sup>1</sup> where each year all 50 states are ranked by those familiar with the litigation environment in that state. Prior to these rankings, information regarding the attitudes of the business world towards the legal systems in each of the states had been largely anecdotal. The State Liability Systems Ranking Study aims to quantify how corporate attorneys view the state systems. While we can look to the past 6 years' rankings to see general movement, a direct trend can only be made from the previous two years (2006 and 2007). The reason for this is that in 2006 we changed the survey design slightly, adding two elements – *having and enforcing meaningful venue requirements* and *non-economic damages*.

Two in five senior attorneys (41%) view the fairness and reasonableness of state court liability systems in America as excellent or pretty good while just over half (55%) view the systems as only fair or poor. **A majority (63%) report that the litigation environment in a state is likely to impact important business decisions** at their company, such as where to locate or do business, up from 57% in 2007. [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 litigation 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 or two of their counties or jurisdictions.

### **Overall Rankings of States**

Respondents were asked to give states a grade (“A”, “B”, “C”, “D” or “F”) in each of the following areas: *having and enforcing meaningful venue requirements, overall treatment of tort and contract litigation, treatment of class action suits and mass consolidation suits, punitive damages, timeliness of summary judgment or dismissal, discovery, scientific and technical evidence, non-economic damages, judges’ impartiality and competence, and juries’*

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<sup>1</sup> 2007, 2006, 2005, 2004, 2003 and 2002

*predictability* and *fairness*. These grades were combined to create an **overall ranking of state liability systems**.<sup>2</sup>

Further, as the following table highlights, there has been a significant increase in the overall average scores over time.

<b>Year</b>	<b>Average Overall Score among 50 States (weighted by n-size)</b>
2008	59.4
2007	58.1
2006	55.3
2005	52.8
2004	53.2
2003	50.7
2002	52.7

While there continues to be a wide disparity between the states in terms of those that are perceived to be the best and the worst, nonetheless the overall trend is improving.

According to the general counsel and senior litigators, the states doing the best and worst job of “*creating a fair and reasonable litigation environment*” are [See Table 3]

<b>Top 5</b>	<b>Bottom 5</b>
Delaware (#1)	West Virginia (#50)
Nebraska (#2)	Louisiana (#49)
Maine (#3)	Mississippi (#48)
Indiana (#4)	Alabama (#47)
Utah (#5)	Illinois (#46)

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<sup>2</sup> The “Overall Ranking of State Liability Systems” table was calculated by creating an index using the scores given on each of the 12 key elements as well as the overall performance score. 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 12 items plus the overall performance score, which was rescaled from 0 to 100 prior to averaging them together.

### **Most Important Issues to Focus on to Improve Litigation Environment**

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. Speeding up the trial process was cited by 12% of our respondents as the most important issue. Other top issues named were reform of punitive damages (10%), eliminate unnecessary lawsuits (9%), tort reform issues in general (8%), fairness and impartiality (5%) and high litigation costs (5%). *[See Table 4]*

### **Worst Local Jurisdictions**

In order to understand if there are any cities or counties which might impact a state's ranking, respondents were asked which five cities or counties have the least fair and reasonable litigation environments. The worst jurisdiction was Los Angeles, California (mentioned by 14% of the respondents), followed by Chicago/Cook County, Illinois (11%) and various cities and counties in Texas (11%). *[See Table 5]*

In order to understand why respondents feel negatively about particular jurisdictions, a follow-up question was asked to those who cited a jurisdiction. The top reason given as to why a city or county has the least fair and reasonable litigation environment is biased judgment, given by 20% of respondents, and is the number one reason by a large margin. The next tier includes corrupt/unfair system, unfair jury/judges, have read/seen a report on a case and unpredictable jury/judges (each mentioned by 5% of respondents). *[See Table 7]*

### **Conclusion**

In conclusion, one important point to note is that these rankings and results are based on the perceptions of these senior corporate attorneys. It is also important to realize that the perceptions may be heavily influenced by certain individual city or county court jurisdictions within the state. But, as we have noted in the past, perception does become linked with reality. If the states can change the way litigators and others perceive their liability systems, we may find considerable movement in their rankings in the future. Once these perceptions change, the overall business environment may be deemed more hospitable as well.

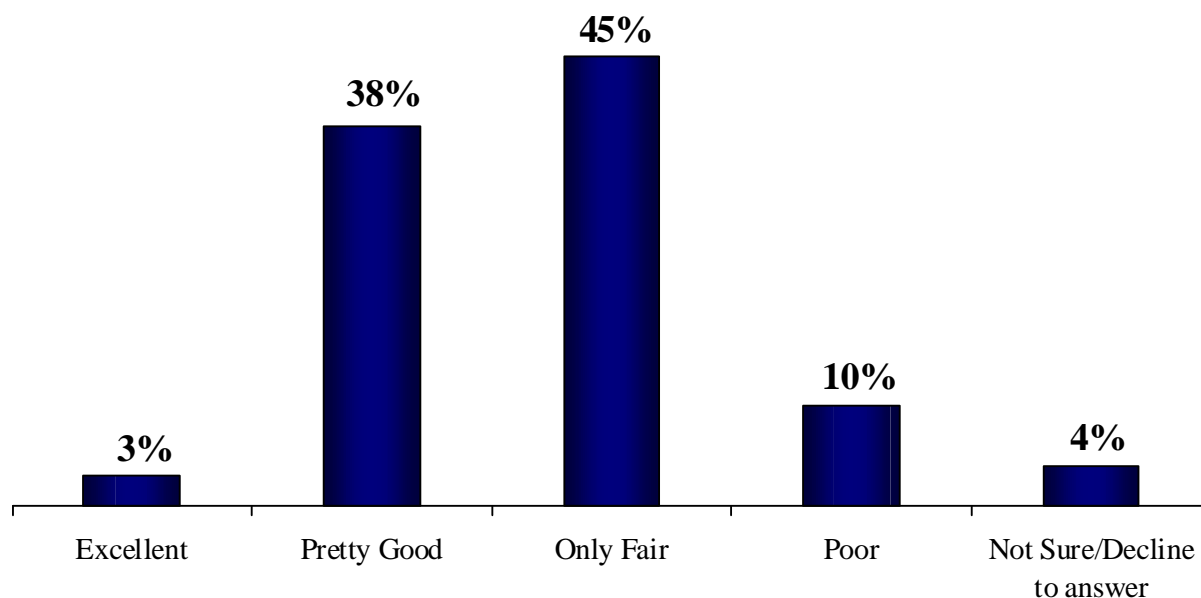
**DETAILED TABLES OF RESULTS**

**Table 1**

**Overall Rating of State Court Liability Systems in America**

**EXCELLENT/PRETTY GOOD**  
**(NET)**  
  
**41%**

**ONLY FAIR/POOR**  
**(NET)**  
  
**55%**

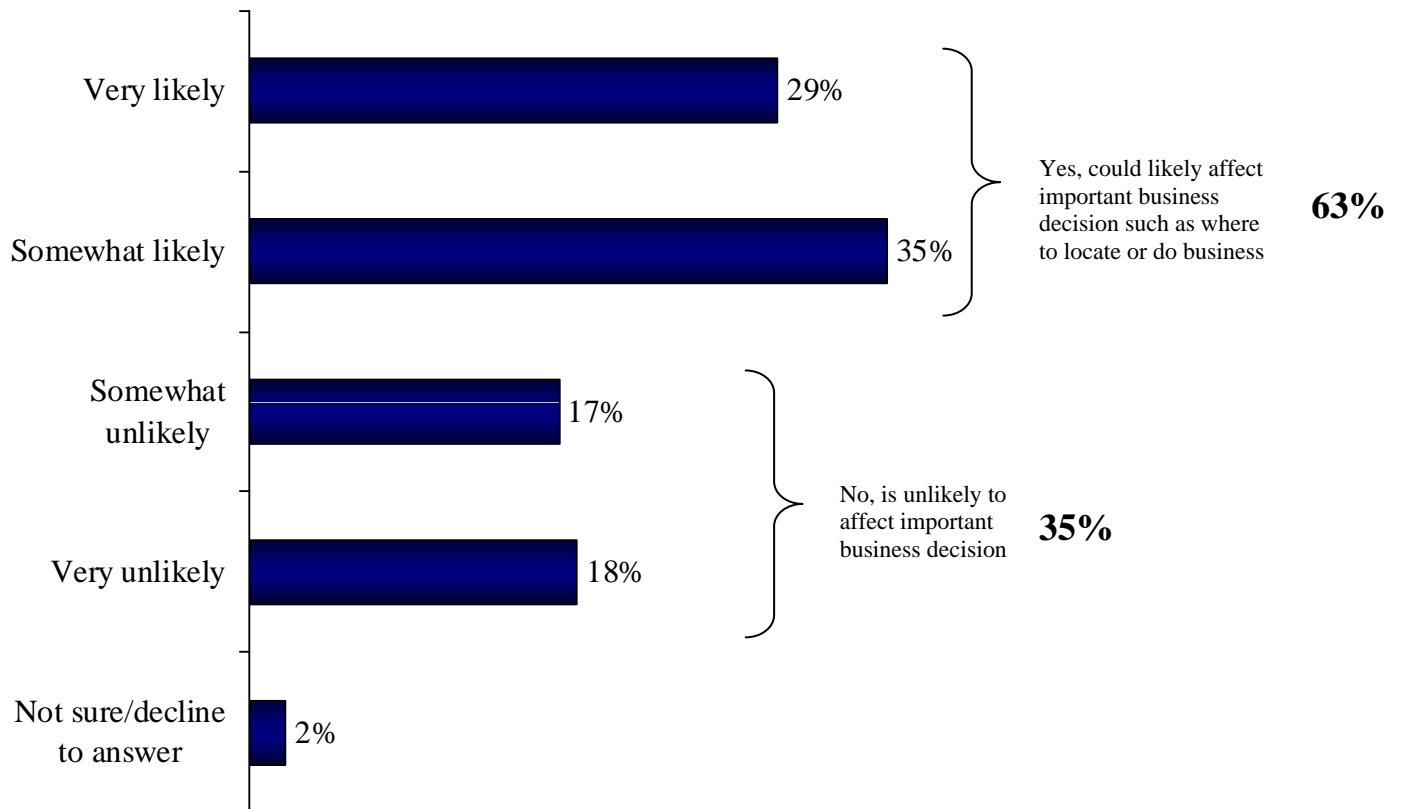


**Base: General Counsel/Senior Litigators (N=957)**

Q470: Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor?

**Table 2**

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



**Base: General Counsel/Senior Litigators (N=957)**

Q630: How likely would you say it is that the litigation environment in a state could affect an important business decision at your company such as where to locate or do business? Would you say very likely, somewhat likely, somewhat unlikely or very unlikely?

**Table 3A**  
**Overall Ranking of State Liability Systems**

State	2008		
	Rank	Score	N
Delaware	1	71.5	92
Nebraska	2	71.3	61
Maine	3	69.3	43
Indiana	4	69.1	57
Utah	5	68.6	74
Virginia	6	68.4	85
Iowa	7	68.0	82
Vermont	8	67.6	38
Colorado	9	67.5	58
Kansas	10	66.7	82
Minnesota	11	66.5	64
South Dakota	12	65.7	42
North Dakota	13	65.6	44
Oregon	14	65.4	36
Arizona	15	65.3	50
New Hampshire	16	64.7	57
Oklahoma	17	64.2	55
Massachusetts	18	63.5	84
Connecticut	19	63.2	55
Alaska	20	62.6	37
North Carolina	21	62.6	56
Tennessee	22	62.3	71
Wyoming	23	62.1	43
Wisconsin	24	61.8	69
New York	25	61.6	134
Idaho	26	61.5	39
Washington	27	61.5	88
Georgia	28	61.4	62
Kentucky	29	61.3	64
Maryland	30	60.6	60
Missouri	31	60.1	61
Ohio	32	60.0	58
Michigan	33	59.7	63
Arkansas	34	58.0	60
New Jersey	35	58.0	70
Pennsylvania	36	57.8	131
New Mexico	37	57.5	49
Montana	38	57.3	42
Rhode Island	39	57.1	66
Nevada	40	56.9	54
Texas	41	56.8	132
Florida	42	54.9	137
South Carolina	43	54.5	48
California	44	51.8	197
Hawaii	45	51.5	40
Illinois	46	51.3	129
Alabama	47	47.5	54
Mississippi	48	43.7	92
Louisiana	49	42.9	100
West Virginia	50	42.4	114

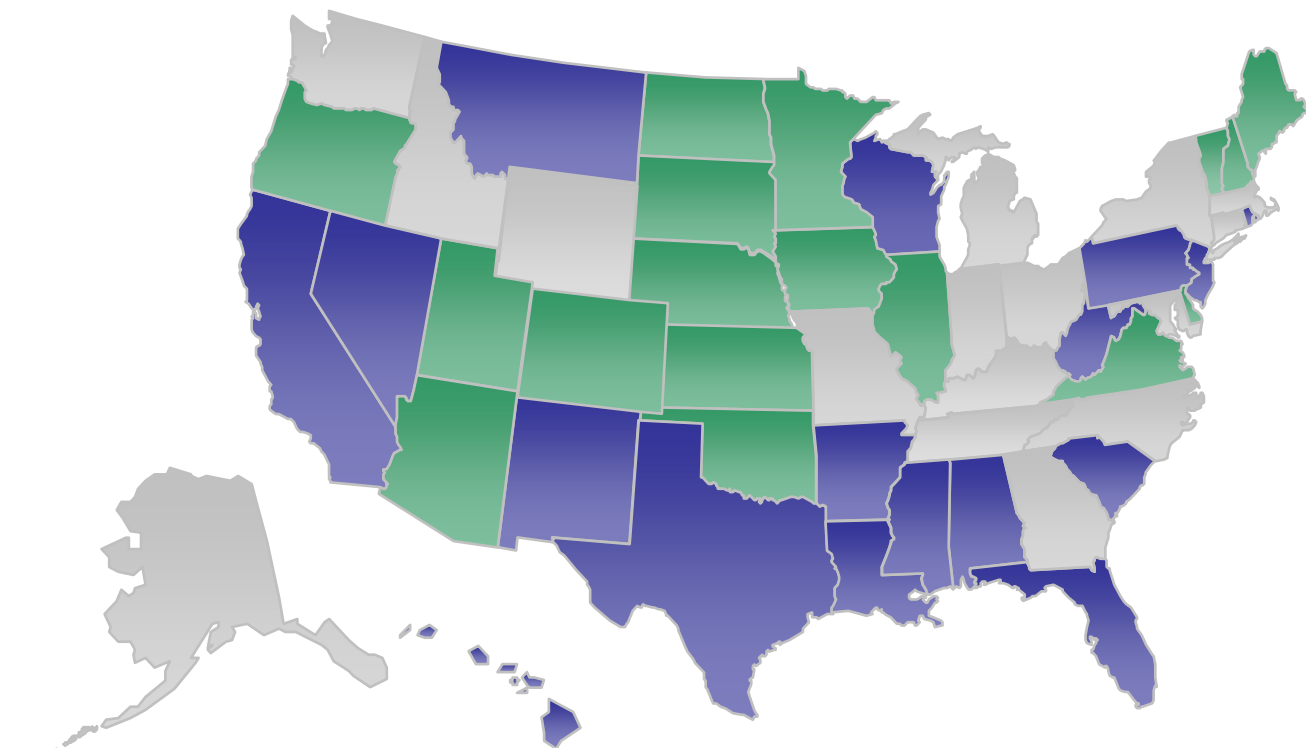
**Base: General Counsel/Senior Litigators (N=957)**

\*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. Therefore, states that appear tied based upon the scores in this table were not tied when two decimal points were taken into consideration (Alaska, 62.64; North Carolina, 62.59; Idaho, 61.53; Washington, 61.46; Arkansas, 58.02; New Jersey, 57.96). The column labeled “N” represents the number of evaluations for a given state.

**Table 3B**

**Map of Overall Ranking of State Liability Systems<sup>3</sup>**

**Best to Worst Legal Systems in America**  
*2008 ILR/Harris Interactive Ranking of State Liability Systems*



**Best**

- 1 Delaware
- 2 Nebraska
- 3 Maine
- 4 Indiana
- 5 Utah
- 6 Virginia
- 7 Iowa
- 8 Vermont
- 9 Colorado
- 10 Kansas
- 11 Minnesota
- 12 South Dakota
- 13 North Dakota
- 14 Oregon
- 15 Arizona
- 16 New Hampshire
- 17 Oklahoma

**Moderate\***

- 18 Massachusetts
- 19 Connecticut
- 20 Alaska
- 21 North Carolina
- 22 Tennessee
- 23 Wyoming
- 24 Wisconsin
- 25 New York
- 26 Idaho
- 27 Washington
- 28 Georgia
- 29 Kentucky
- 30 Maryland
- 31 Missouri
- 32 Ohio
- 33 Michigan

**Worst**

- 34 Arkansas
- 35 New Jersey
- 36 Pennsylvania
- 37 New Mexico
- 38 Montana
- 39 Rhode Island
- 40 Nevada
- 41 Texas
- 42 Florida
- 43 South Carolina
- 44 California
- 45 Hawaii
- 46 Illinois
- 47 Alabama
- 48 Mississippi
- 49 Louisiana
- 50 West Virginia

**Base: General Counsel/Senior Litigators (N=957)**

**\*Neither Best, nor Worst**

<sup>3</sup>States listed as “Best” had a total score exceeding 64.0, those listed as “Moderate” had scores of 64.0 to 59.0, those listed as “Worst” had scores lower than 59.0.



**Table 4****Most Important Issues for State Policymakers Who Care About Economic Development to Focus on to Improve Litigation Environment\***

	<b>Total</b>
<b>Base:</b>	<b>957</b>
	%
Speeding up the trial process	12
Reform of punitive damages	10
Eliminate unnecessary lawsuits	9
Tort reform issues in general	8
High litigation costs	5
Fairness and impartiality	5
Limit liability settlements	4
Timeliness of decisions	3
Caps/limits on non-economic damages	3
Limitation of class action suits	3
Limits on discovery	3
Anti-business environment	3
Appointment vs. election of judges	3
Workers' compensation	3
Caps/limits on jury awards	2
Judicial competence	2
Attorney/court fees paid by the loser	2
Forum shopping/venue selection	2
Quality of judges	2
Summary judgment issues	2
More judges/judicial staffing resources	2

\*Note: The responses displayed in this table were volunteered by the respondents. Mentions by 2% or more are given above.

**Base: General Counsel/Senior Litigators (N=957)**

Q625: What do you think is the single worst aspect of the litigation environment that state policy makers should focus on to improve the business climate in their states?

**Table 5****Cities or Counties with the Least Fair and Reasonable Litigation Environment\***

	<b>Total</b>
<b>Base:</b>	<b>957</b>
	<b>%</b>
Los Angeles, California	14
Chicago/Cook County, Illinois	11
Texas (other mentions**)	11
New York Greater Metropolitan Region	8
Madison County, Illinois	7
Alabama (other mentions)	6
California (other mentions )	6
San Francisco, California	6
New Orleans, Louisiana	5
Miami/Dade County, Florida	5
Philadelphia, Pennsylvania	5
Georgia (other mentions)	3
Houston, Texas	3
Florida (other mentions)	3
Mississippi (other mentions)	3
New York (other mentions)	3
St. Louis, Missouri	3
New Jersey (other mentions)	3
Dallas/Forth Worth, Texas	2
Beaumont, Texas	2
Louisiana (other mentions)	2
Massachusetts (other mentions)	2
Illinois (other mentions)	2
Nevada (other mentions)	2
Detroit, Michigan	2
Washington, D.C.	2

\*Note: The responses displayed in this table were volunteered by the respondents. Mentions by at least 2% given above.

\*\*Note: Each “other mentions” parenthetical denotes miscellaneous cities and counties in that particular state that were mentioned by 1% of respondents or fewer.

**Base: General Counsel/Senior Litigators (N=957)**

Q635: Thinking about the entire country, what do you think are the five worst city or county courts? That is, which city or county courts have the least fair and reasonable litigation environment for both defendants and plaintiffs?

**Table 6****Worst Specific City or County Courts by State\***

	<b>RANKED BY STATE</b>
<b>Base:</b>	<b>957</b>
	%
<u>California (all mentions)</u>	26
Los Angeles	14
San Francisco	6
Other jurisdictions mentioned	6
<u>Illinois (all mentions)</u>	21
Chicago/Cook County	11
Madison County	7
Other jurisdictions mentioned	2
<u>Texas (all mentions)</u>	19
Houston	3
Beaumont	2
Dallas-Ft. Worth	2
Other jurisdictions mentioned	11
<u>New York (all mentions)</u>	11
Greater Metropolitan area	8
Other jurisdictions mentioned	3
<u>Florida (all mentions)</u>	8
Miami-Dade County	5
Other jurisdictions mentioned	3
<u>Louisiana (all mentions)</u>	7
New Orleans Parish	5
Other jurisdictions mentioned	2
<u>Alabama (all mentions)</u>	6
<u>Pennsylvania (all mentions)</u>	6
Philadelphia	5
Other jurisdictions mentioned	1
<u>Missouri (all mentions)</u>	4
St. Louis	3
Other jurisdictions mentioned	1
<u>Michigan (all mentions)</u>	3
Detroit	2
Other jurisdictions mentioned	1
<u>Georgia (all mentions)</u>	3
<u>Mississippi (all mentions)</u>	3
<u>New Jersey (all mentions)</u>	3

\*Note: The responses displayed in this table were volunteered by the respondents. Mentions by at least 3% for entire state given above.

**Base: General Counsel/Senior Litigators (N=957)**

Q635: Thinking about the entire country, what do you think are the five worst city or county courts? That is, which city or county courts have the least fair and reasonable litigation environment for both defendants and plaintiffs?

TABLE 7

## Top Issues Mentioned as Creating the LEAST Fair and Reasonable Litigation Environment

	Total
<b>Base:</b>	<b>957</b>
	%
Biased judgment	20
Corrupt/unfair system	5
Unfair jury/judges	5
Have read/seen a report on a case	5
Unpredictable jury/judges	5
Personal experience	4
Incompetent jury/judges	4
Overburdened with cases/Too many cases	4
Not enough knowledge/experience about other states	4
High jury awards	3
Too liberal	3
Slow process	3
Other corruption mentions	2
Influenced by other parties	2
High jury verdicts	2
Judgment mentions	2
Too easy to file cases there	1
Judges are bribed	1
Other inconvenience mentions	1
Election of judges	1
Expensive/High court costs	1
Good old boy system/Depends on who you know	1
Poor quality of jury/judges	1
Allow forum shopping	1
Composition of jury pool	1
Difficult/Hostile environment/jury/judges	1
Not enough staff/ resources	1
A lot of statutory/legal damages	1
Dislike the jury/judge	1
Conservative rules	1
Bad reputation	1
Punitive damages awarded	1

\*Note: The responses displayed in this table were volunteered by the respondents. Mentions by at least 1% are given above.

**Base: General Counsel/Senior Litigators (N=957)**

Q640: Why do you say [Insert Name of City or County] has the LEAST fair and reasonable litigation environment for both defendants and plaintiffs?

**Table 8**
**Summary of Top/Bottom 5 States by Key Elements**
**Overall Treatment of Tort and Contract Litigation**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Nebraska	Louisiana
Iowa	Mississippi
Utah	Alabama
Vermont	Illinois

**Having and Enforcing Meaningful Venue Requirements**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Indiana	Mississippi
Virginia	Louisiana
South Dakota	Illinois
Nebraska	California

**Treatment of Class Action Suits and Mass Consolidation Suits**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Utah	Louisiana
Nebraska	Mississippi
South Dakota	Illinois
Colorado	California

**Punitive Damages**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Indiana	Alabama
Maine	Mississippi
Utah	California
Kansas	Hawaii

**Timeliness of Summary Judgment or Dismissal**

<b>BEST</b>	<b>WORST</b>
Delaware	Louisiana
Virginia	West Virginia
Nebraska	Alabama
Vermont	Mississippi
Maine	Illinois

**Table 8 (Cont'd)**

**Summary of Top/Bottom 5 States by Key Elements**

**Discovery**

<b>BEST</b>	<b>WORST</b>
Delaware	Louisiana
Indiana	Alabama
Utah	West Virginia
Virginia	Mississippi
Oregon	Illinois

**Scientific and Technical Evidence**

<b>BEST</b>	<b>WORST</b>
Massachusetts	Louisiana
Delaware	West Virginia
Maine	Mississippi
Oregon	Alabama
Virginia	Hawaii

**Non-economic Damages**

<b>BEST</b>	<b>WORST</b>
Colorado	West Virginia
Nebraska	Mississippi
Delaware	Louisiana
Utah	Alabama
Maine	South Carolina

**Judges' Impartiality**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Iowa	Louisiana
Virginia	Mississippi
Nebraska	Alabama
Minnesota	Illinois

**Table 8 (Cont'd)**

**Summary of Top/Bottom 5 States by Key Elements**

**Judge's Competence**

<b>BEST</b>	<b>WORST</b>
Delaware	Louisiana
Minnesota	Mississippi
Virginia	West Virginia
Nebraska	Alabama
Indiana	Hawaii

**Juries' Predictability**

<b>BEST</b>	<b>WORST</b>
Nebraska	Mississippi
Indiana	Louisiana
Virginia	West Virginia
South Dakota	California
Utah	Alabama

**Juries' Fairness**

<b>BEST</b>	<b>WORST</b>
Nebraska	Mississippi
Indiana	Louisiana
South Dakota	West Virginia
Iowa	Alabama
Maine	South Carolina

### **State Rankings by Key Elements**



**Table 9****State Rankings for Overall Treatment of Tort and Contract Litigation**

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

**Table 10****State Rankings for Having and Enforcing Meaningful Venue Requirements**

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

**Table 11****Treatment of Class Action Suits and Mass Consolidation Suits**

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

\* Virginia and Mississippi do not have class actions but both have mass consolidation suits (*source: U.S. Chamber Institute for Legal Reform*).

**Table 12****Punitive Damages<sup>4</sup>**

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

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

<sup>4</sup> The scores for the five states that have no punitive damages (Louisiana, Massachusetts, Nebraska, New Hampshire, and Washington) were calculated by basing the score on all the other criteria excluding punitive damages.

**Table 13**  
**Timeliness of Summary Judgment/Dismissal**

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

**Table 14****Discovery**

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

**Table 15**  
**Scientific and Technical Evidence**

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

Table 16

## Non-economic Damages

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



**Table 17**  
**Judges' Impartiality**

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

**Table 18**  
**Judges' Competence**

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

**Table 19**  
**Juries' Predictability**

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

**Table 20**  
**Juries' Fairness**

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

## Individual State Rankings

(IN ALPHABETICAL ORDER)

### Notes on reading the tables:

The following tables show the individual state rankings. For each state, the 2008 and 2007 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 asked to rate the following elements of a state liability system in randomized order: *having and enforcing meaningful venue requirements, overall treatment of tort and contract litigation, treatment of class action suits and mass consolidation suits, punitive damages* (note: rank of 1-44 since five states do not allow for punitive damages), *timeliness of summary judgment/dismissal, discovery, scientific and technical evidence, non-economic damages, 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 most frequently mentioned responses for each state are shown and labeled here as “Additional Volunteered Items”. If 10 or more respondents volunteered an additional item, the items that were mentioned by at least two respondents are shown; if less than 10 respondents volunteered an additional item, the items that were mentioned by at least one respondent are displayed. Other items mentioned in fewer numbers are not shown. Therefore, the total number of responses may not equal the total N who volunteered items. The number of people who provided volunteer responses for any individual state is very small, with California being the highest at 47 respondents, 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 21****Alabama****2008 Overall Ranking: 47****2007 Overall Ranking: 47****Ratings on Key Elements of State Liability Systems (n=55)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	25	29	15	4	3.3	45
Overall Treatment of Tort and Contract Litigation	%	2	20	36	29	7	2.8	47
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	11	35	16	5	2.9	45
Punitive Damages	%	2	18	16	29	22	2.4	44
Timeliness of Summary Judgment or Dismissal	%	-	16	36	29	5	2.7	48
Discovery	%	-	27	31	24	4	3.0	49
Scientific and Technical Evidence	%	-	24	29	15	2	3.1	47
Non-economic Damages	%	2	16	36	18	11	2.8	47
Judges' Impartiality	%	5	25	31	25	5	3.0	47
Judges' Competence	%	4	25	45	15	4	3.1	47
Juries' Predictability	%	2	27	29	25	7	2.9	46
Juries' Fairness	%	4	22	33	25	9	2.8	47
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>-</b>	<b>25</b>	<b>33</b>	<b>35</b>	<b>5</b>	<b>2.8</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=14

# of respondents who named each item

Favor plaintiffs	2
Tort reform legislation	2
Corruption	2
Timeliness for trial	2

**Table 22****Alaska****2008 Overall Ranking: 20****2007 Overall Ranking: 43****Ratings on Key Elements of State Liability Systems (n=40)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	20	33	20	8	-	3.8	10
Overall Treatment of Tort and Contract Litigation	%	15	30	28	13	-	3.6	17
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	18	23	13	-	3.5	18
Punitive Damages	%	8	30	33	13	3	3.3	20
Timeliness of Summary Judgment or Dismissal	%	8	25	30	18	3	3.2	32
Discovery	%	13	38	28	8	-	3.6	15
Scientific and Technical Evidence	%	13	28	23	8	-	3.6	12
Non-economic Damages	%	5	38	23	13	3	3.4	25
Judges' Impartiality	%	10	43	23	8	3	3.6	26
Judges' Competence	%	13	38	28	8	-	3.6	23
Juries' Predictability	%	3	33	25	15	5	3.2	37
Juries' Fairness	%	5	45	18	18	-	3.4	28
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>10</b>	<b>45</b>	<b>30</b>	<b>8</b>	<b>-</b>	<b>3.6</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=2

# of respondents who named each item

Loser pays system

1

Election of judges

1

**Table 23**
**Arizona**
**2008 Overall Ranking: 15**
**2007 Overall Ranking: 14**
**Ratings on Key Elements of State Liability Systems (n=56)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	36	21	-	2	3.7	20
Overall Treatment of Tort and Contract Litigation	%	2	59	21	5	2	3.6	13
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	27	21	2	4	3.5	14
Punitive Damages	%	2	32	27	9	2	3.3	21
Timeliness of Summary Judgment or Dismissal	%	11	34	20	9	4	3.5	15
Discovery	%	7	46	18	5	4	3.6	17
Scientific and Technical Evidence	%	4	46	21	2	2	3.6	13
Non-economic Damages	%	7	39	25	7	2	3.5	11
Judges' Impartiality	%	13	50	20	2	2	3.8	10
Judges' Competence	%	5	45	29	2	2	3.6	26
Juries' Predictability	%	2	30	39	2	2	3.4	19
Juries' Fairness	%	7	41	25	2	2	3.7	13
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>52</b>	<b>30</b>	<b>-</b>	<b>2</b>	<b>3.7</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM**
**TOTAL**

N=1

# of respondents who named each item

Tort reform legislation

1



**Table 24****Arkansas****2008 Overall Ranking: 34****2007 Overall Ranking: 41****Ratings on Key Elements of State Liability Systems (n=65)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	35	25	5	2	3.6	24
Overall Treatment of Tort and Contract Litigation	%	5	35	37	5	3	3.4	31
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	17	25	11	3	3.2	33
Punitive Damages	%	3	18	42	6	5	3.1	30
Timeliness of Summary Judgment or Dismissal	%	5	23	42	9	3	3.2	35
Discovery	%	6	37	31	6	3	3.4	37
Scientific and Technical Evidence	%	2	26	38	3	5	3.2	45
Non-economic Damages	%	5	28	28	14	3	3.2	35
Judges' Impartiality	%	9	34	26	9	5	3.4	36
Judges' Competence	%	5	25	48	2	3	3.3	42
Juries' Predictability	%	3	26	35	5	5	3.3	28
Juries' Fairness	%	6	32	31	3	5	3.4	29
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>34</b>	<b>43</b>	<b>6</b>	<b>3</b>	<b>3.3</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=6

# of respondents who named each item

Tort reform legislation	1
Fairness (i.e., court, laws, judges)	1
Quality of the attorneys	1
Class action issues	1

**Table 25****California****2008 Overall Ranking: 44****2007 Overall Ranking: 45****Ratings on Key Elements of State Liability Systems (n=200)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	29	32	12	5	3.2	46
Overall Treatment of Tort and Contract Litigation	%	4	24	40	23	7	2.9	45
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	21	23	21	11	2.8	46
Punitive Damages	%	4	17	28	29	10	2.7	42
Timeliness of Summary Judgment or Dismissal	%	3	19	38	22	8	2.9	45
Discovery	%	7	31	38	14	3	3.3	45
Scientific and Technical Evidence	%	8	38	26	6	3	3.5	27
Non-economic Damages	%	5	18	37	19	8	2.9	44
Judges' Impartiality	%	6	39	36	13	4	3.3	40
Judges' Competence	%	3	42	42	8	1	3.4	40
Juries' Predictability	%	1	20	40	20	6	2.9	47
Juries' Fairness	%	4	23	41	19	5	3.0	45
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>25</b>	<b>47</b>	<b>21</b>	<b>4</b>	<b>3.0</b>	

**OTHER ELEMENTS CRITICAL TO**  
**LIABILITY SYSTEM**

**TOTAL**

N=47

# of respondents who named each item

Favor plaintiffs	5
Statutory issues	4
Anti-business environment	4
Legislature	3
Attorney fee issues	3
Overburdened with cases/Too many cases	3
Timeliness for trial	3

Table 26

## Colorado

2008 Overall Ranking: 9

2007 Overall Ranking: 21

**Ratings on Key Elements of State Liability Systems (n=61)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	46	13	3	2	3.8	14
Overall Treatment of Tort and Contract Litigation	%	5	64	15	8	-	3.7	8
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	38	10	5	-	3.7	5
Punitive Damages	%	7	34	26	7	-	3.6	6
Timeliness of Summary Judgment or Dismissal	%	5	43	30	3	-	3.6	7
Discovery	%	5	48	34	3	-	3.6	18
Scientific and Technical Evidence	%	3	52	20	3	-	3.7	7
Non-economic Damages	%	13	39	20	5	-	3.8	1
Judges' Impartiality	%	18	52	16	2	-	4.0	6
Judges' Competence	%	15	54	16	3	-	3.9	6
Juries' Predictability	%	2	39	26	5	-	3.5	8
Juries' Fairness	%	11	46	20	5	-	3.8	7
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>64</b>	<b>21</b>	<b>5</b>	<b>-</b>	<b>3.7</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=6

# of respondents who named each item

Overburdened with cases/Too many cases	1
Predictability of the system	1

**Table 27****Connecticut****2008 Overall Ranking: 19****2007 Overall Ranking: 14****Ratings on Key Elements of State Liability Systems (n=57)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	12	42	23	-	2	3.8	11
Overall Treatment of Tort and Contract Litigation	%	9	44	26	12	2	3.5	20
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	23	30	2	-	3.5	15
Punitive Damages	%	5	26	39	2	2	3.4	14
Timeliness of Summary Judgment or Dismissal	%	4	32	33	16	2	3.2	31
Discovery	%	7	47	33	4	2	3.6	22
Scientific and Technical Evidence	%	7	32	30	2	-	3.6	17
Non-economic Damages	%	4	35	33	7	2	3.4	23
Judges' Impartiality	%	21	33	23	11	-	3.7	13
Judges' Competence	%	18	39	28	5	-	3.8	16
Juries' Predictability	%	-	44	30	7	2	3.4	18
Juries' Fairness	%	5	47	28	5	-	3.6	16
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>53</b>	<b>32</b>	<b>7</b>	<b>2</b>	<b>3.5</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=4

# of respondents who named each item

Lawyer/judge competency	1
Timeliness for trial	1
High litigation costs	1
Election of judges	1
Overburdened with cases/Too many cases	1

**Table 28****Delaware****2008 Overall Ranking: 1****2007 Overall Ranking: 1****Ratings on Key Elements of State Liability Systems (n=95)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	34	42	14	2	2	4.1	1
Overall Treatment of Tort and Contract Litigation	%	27	45	16	2	3	4.0	1
Treatment of Class Action Suits and Mass Consolidation Suits	%	19	40	9	3	2	4.0	1
Punitive Damages	%	15	34	20	3	2	3.8	1
Timeliness of Summary Judgment or Dismissal	%	20	39	17	6	1	3.8	1
Discovery	%	19	45	24	-	1	3.9	1
Scientific and Technical Evidence	%	12	46	18	1	1	3.9	2
Non-economic Damages	%	16	36	24	3	1	3.8	3
Judges' Impartiality	%	33	41	17	-	-	4.2	1
Judges' Competence	%	37	45	9	1	-	4.3	1
Juries' Predictability	%	3	33	32	3	1	3.5	13
Juries' Fairness	%	5	45	22	2	-	3.7	10
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>22</b>	<b>51</b>	<b>18</b>	<b>4</b>	<b>2</b>	<b>3.9</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=7

# of respondents who named each item

Timeliness for trial	2
Legislators/politicians being fair	1
Quality of the attorneys	1
Discovery issues	1

Table 29

## Florida

2008 Overall Ranking: 42

2007 Overall Ranking: 36

**Ratings on Key Elements of State Liability Systems (n=142)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	31	32	4	3	3.5	34
Overall Treatment of Tort and Contract Litigation	%	3	30	41	12	6	3.1	42
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	15	32	11	4	3.0	42
Punitive Damages	%	4	21	36	12	6	3.1	35
Timeliness of Summary Judgment or Dismissal	%	4	20	39	18	5	3.0	42
Discovery	%	4	35	35	11	2	3.3	42
Scientific and Technical Evidence	%	6	31	31	7	2	3.4	37
Non-economic Damages	%	3	24	34	18	4	3.0	42
Judges' Impartiality	%	5	37	29	14	1	3.3	39
Judges' Competence	%	8	35	30	11	2	3.4	39
Juries' Predictability	%	4	23	40	11	5	3.1	40
Juries' Fairness	%	5	20	42	15	4	3.1	42
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>33</b>	<b>45</b>	<b>11</b>	<b>4</b>	<b>3.2</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=28

# of respondents who named each item

Favor plaintiffs	4
Control frivolous lawsuits	2
Attorney fee issues	2
Discovery issues	2
Court resources/funding/staffing	2
Cap on damages	2
Timeliness for trial	2

**Table 30****Georgia****2008 Overall Ranking: 28****2007 Overall Ranking: 31****Ratings on Key Elements of State Liability Systems (n=67)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	40	31	-	1	3.6	27
Overall Treatment of Tort and Contract Litigation	%	3	45	40	3	1	3.5	21
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	31	33	3	1	3.5	17
Punitive Damages	%	4	33	31	10	1	3.4	18
Timeliness of Summary Judgment or Dismissal	%	4	36	36	12	1	3.3	24
Discovery	%	6	48	28	4	1	3.6	19
Scientific and Technical Evidence	%	3	43	16	4	3	3.6	23
Non-economic Damages	%	4	31	45	1	3	3.4	24
Judges' Impartiality	%	7	43	30	6	1	3.6	28
Judges' Competence	%	7	39	34	6	1	3.5	35
Juries' Predictability	%	-	27	43	10	1	3.2	36
Juries' Fairness	%	3	36	34	9	1	3.4	35
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>45</b>	<b>43</b>	<b>-</b>	<b>1</b>	<b>3.5</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=5

# of respondents who named each item

Cap on damages	1
Inconsistency in treatment of cases	1
Timeliness for trial	1

**Table 31****Hawaii****2008 Overall Ranking: 45****2007 Overall Ranking: 42****Ratings on Key Elements of State Liability Systems (n=43)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	12	16	37	-	5	3.4	41
Overall Treatment of Tort and Contract Litigation	%	2	26	47	5	12	3.0	44
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	7	30	7	7	2.9	44
Punitive Damages	%	5	16	28	12	9	2.9	41
Timeliness of Summary Judgment or Dismissal	%	2	28	21	16	12	2.9	44
Discovery	%	9	21	51	2	5	3.3	44
Scientific and Technical Evidence	%	5	19	37	5	5	3.2	46
Non-economic Damages	%	5	16	37	12	7	3.0	43
Judges' Impartiality	%	2	33	37	9	7	3.2	45
Judges' Competence	%	2	35	37	5	7	3.2	46
Juries' Predictability	%	5	23	40	9	5	3.2	35
Juries' Fairness	%	5	28	33	12	5	3.2	41
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>28</b>	<b>42</b>	<b>9</b>	<b>12</b>	<b>3.0</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=9

# of respondents who named each item

Timeliness for trial	2
Favor plaintiffs	1
Alternative dispute resolution	1
Tort reform legislation	1
Jury awards are too high	1
Cap on damages	1
Appellate court issues	1



Table 32

## Idaho

2008 Overall Ranking: 26

2007 Overall Ranking: 30

**Ratings on Key Elements of State Liability Systems (n=45)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	33	27	7	2	3.5	36
Overall Treatment of Tort and Contract Litigation	%	4	42	24	9	2	3.5	23
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	29	20	7	2	3.4	21
Punitive Damages	%	2	29	38	7	2	3.3	23
Timeliness of Summary Judgment or Dismissal	%	9	31	24	11	2	3.4	18
Discovery	%	2	44	24	9	-	3.5	33
Scientific and Technical Evidence	%	4	33	22	7	-	3.5	25
Non-economic Damages	%	4	33	27	13	-	3.4	26
Judges' Impartiality	%	9	36	22	9	4	3.4	34
Judges' Competence	%	7	44	18	7	4	3.5	32
Juries' Predictability	%	4	40	18	4	4	3.5	10
Juries' Fairness	%	7	38	18	9	2	3.5	21
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>7</b>	<b>40</b>	<b>24</b>	<b>11</b>	<b>4</b>	<b>3.4</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=4

# of respondents who named each item

Lawyer/judge competency	1
Legislature	1
Values of the people	1

**Table 33****Illinois****2008 Overall Ranking: 46****2007 Overall Ranking: 46****Ratings on Key Elements of State Liability Systems (n=131)**

		"A "	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	2	33	31	16	8	3.1	47
Overall Treatment of Tort and Contract Litigation	%	4	25	37	19	10	2.9	46
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	12	36	18	13	2.6	47
Punitive Damages	%	6	20	31	15	11	2.9	39
Timeliness of Summary Judgment or Dismissal	%	4	20	33	27	7	2.8	46
Discovery	%	4	34	36	15	4	3.2	46
Scientific and Technical Evidence	%	4	33	31	11	3	3.3	43
Non-economic Damages	%	3	19	39	15	11	2.9	45
Judges' Impartiality	%	3	27	37	19	6	3.0	46
Judges' Competence	%	5	37	34	15	4	3.2	45
Juries' Predictability	%	2	23	44	14	4	3.1	43
Juries' Fairness	%	2	22	41	15	5	3.0	44
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>30</b>	<b>37</b>	<b>23</b>	<b>7</b>	<b>3.0</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=28

Tort reform legislation	3
Political influence/interference	3
Favor plaintiffs	2
Timeliness for trial	2
Unfair venue selection	2
Lawyer/judge competency	2

**Table 34****Indiana****2008 Overall Ranking: 4****2007 Overall Ranking: 8****Ratings on Key Elements of State Liability Systems (n=58)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	17	48	16	2	-	4.0	2
Overall Treatment of Tort and Contract Litigation	%	7	60	19	5	-	3.8	7
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	22	28	3	-	3.6	8
Punitive Damages	%	14	41	24	5	-	3.8	2
Timeliness of Summary Judgment or Dismissal	%	14	40	28	12	-	3.6	8
Discovery	%	14	55	22	2	-	3.9	2
Scientific and Technical Evidence	%	10	38	28	3	-	3.7	8
Non-economic Damages	%	7	47	26	5	-	3.7	8
Judges' Impartiality	%	19	50	17	7	-	3.9	8
Judges' Competence	%	21	50	16	7	-	3.9	5
Juries' Predictability	%	9	41	22	5	-	3.7	2
Juries' Fairness	%	16	43	16	3	-	3.9	2
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>67</b>	<b>24</b>	<b>2</b>	<b>-</b>	<b>3.8</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=8

Anti-business environment	1
Legislature	1
The workers' compensation shield	1
Ability to issue a summary judgment	1
Patient compensation fund	1
Limitation put on liability suits	1
Loser pays system	1
Timeliness for trial	1

**Table 35****Iowa****2008 Overall Ranking: 7****2007 Overall Ranking: 4****Ratings on Key Elements of State Liability Systems (n=86)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	41	21	2	-	3.9	6
Overall Treatment of Tort and Contract Litigation	%	13	50	27	2	-	3.8	3
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	23	31	1	1	3.7	6
Punitive Damages	%	10	29	31	6	1	3.5	8
Timeliness of Summary Judgment or Dismissal	%	8	37	33	6	1	3.5	14
Discovery	%	10	45	31	2	-	3.7	12
Scientific and Technical Evidence	%	5	44	33	1	-	3.6	16
Non-economic Damages	%	9	34	40	2	1	3.6	9
Judges' Impartiality	%	28	40	23	1	-	4.0	2
Judges' Competence	%	16	52	21	2	-	3.9	7
Juries' Predictability	%	5	41	36	2	-	3.6	7
Juries' Fairness	%	10	51	19	3	-	3.8	4
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>8</b>	<b>52</b>	<b>31</b>	<b>2</b>	<b>-</b>	<b>3.7</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=11

# of respondents who named each item

Court resources/funding/staffing

2

**Table 36****Kansas****2008 Overall Ranking: 10****2007 Overall Ranking: 13****Ratings on Key Elements of State Liability Systems (n=86)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	36	26	1	1	3.8	18
Overall Treatment of Tort and Contract Litigation	%	7	52	26	1	2	3.7	11
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	24	21	2	5	3.5	11
Punitive Damages	%	15	30	28	3	3	3.6	5
Timeliness of Summary Judgment or Dismissal	%	10	36	29	5	2	3.6	11
Discovery	%	9	51	26	1	2	3.7	13
Scientific and Technical Evidence	%	5	40	29	1	-	3.6	14
Non-economic Damages	%	7	43	33	3	2	3.6	10
Judges' Impartiality	%	12	55	22	1	2	3.8	11
Judges' Competence	%	15	50	23	1	2	3.8	9
Juries' Predictability	%	9	34	34	2	3	3.5	9
Juries' Fairness	%	14	38	26	1	5	3.7	12
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>7</b>	<b>65</b>	<b>17</b>	<b>3</b>	<b>2</b>	<b>3.7</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=5

# of respondents who named each item

Tort reform legislation	2
Cap on damages	1
Statutory issues	1

**Table 37****Kentucky****2008 Overall Ranking: 29****2007 Overall Ranking: 32****Ratings on Key Elements of State Liability Systems (n=66)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	41	35	2	2	3.6	28
Overall Treatment of Tort and Contract Litigation	%	8	38	41	5	3	3.5	24
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	20	36	6	2	3.4	26
Punitive Damages	%	5	32	36	9	5	3.3	25
Timeliness of Summary Judgment or Dismissal	%	8	30	41	11	2	3.3	22
Discovery	%	9	39	36	8	-	3.5	27
Scientific and Technical Evidence	%	12	26	36	5	2	3.5	26
Non-economic Damages	%	6	32	38	5	3	3.4	21
Judges' Impartiality	%	9	44	32	5	-	3.6	22
Judges' Competence	%	11	42	30	9	-	3.6	28
Juries' Predictability	%	6	26	42	11	2	3.3	24
Juries' Fairness	%	9	33	32	12	2	3.4	31
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>42</b>	<b>36</b>	<b>11</b>	<b>2</b>	<b>3.4</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=7

# of respondents who named each item

Court resources/funding/staffing	2
Cap on damages	1
Timeliness for trial	1

**Table 38****Louisiana****2008 Overall Ranking: 49****2007 Overall Ranking: 48****Ratings on Key Elements of State Liability Systems (n=102)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	20	32	18	6	3.0	48
Overall Treatment of Tort and Contract Litigation	%	2	17	28	38	10	2.6	49
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	7	27	21	15	2.6	49
Punitive Damages	%	Louisiana does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	2	12	32	27	14	2.6	50
Discovery	%	6	10	49	20	5	2.9	50
Scientific and Technical Evidence	%	1	14	39	19	10	2.7	50
Non-economic Damages	%	3	18	28	24	13	2.7	48
Judges' Impartiality	%	2	14	31	34	8	2.6	49
Judges' Competence	%	2	15	44	20	9	2.8	50
Juries' Predictability	%	6	11	39	25	8	2.8	49
Juries' Fairness	%	1	14	35	30	10	2.6	49
<b>OVERALL STATE GRADE</b>	<b>%</b>	-	14	40	33	10	2.6	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=24

# of respondents who named each item

No punitive damages	3
Inconsistency in treatment of cases	2
Medical malpractice	2

**Table 39****Maine****2008 Overall Ranking: 3****2007 Overall Ranking: 4****Ratings on Key Elements of State Liability Systems (n=48)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	38	25	-	-	3.8	7
Overall Treatment of Tort and Contract Litigation	%	8	50	25	2	-	3.8	6
Treatment of Class Action Suits and Mass Consolidation Suits	%	-	31	27	-	-	3.5	10
Punitive Damages	%	4	46	25	-	-	3.7	3
Timeliness of Summary Judgment or Dismissal	%	13	35	31	2	2	3.7	5
Discovery	%	4	56	21	2	-	3.8	10
Scientific and Technical Evidence	%	10	35	25	-	-	3.8	3
Non-economic Damages	%	4	50	19	4	-	3.7	5
Judges' Impartiality	%	21	38	19	8	-	3.8	9
Judges' Competence	%	15	50	17	4	-	3.9	8
Juries' Predictability	%	2	38	33	-	-	3.6	6
Juries' Fairness	%	8	50	19	2	-	3.8	5
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>65</b>	<b>21</b>	<b>2</b>	<b>-</b>	<b>3.7</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=5

# of respondents who named each item

Lawyer/judge competency

1



**Table 40****Maryland****2008 Overall Ranking: 30****2007 Overall Ranking: 29****Ratings on Key Elements of State Liability Systems (n=62)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	37	31	3	3	3.5	37
Overall Treatment of Tort and Contract Litigation	%	5	44	42	3	3	3.5	25
Treatment of Class Action Suits and Mass Consolidation Suits	%	-	21	35	6	2	3.2	37
Punitive Damages	%	3	27	42	3	3	3.3	22
Timeliness of Summary Judgment or Dismissal	%	2	45	35	6	2	3.4	19
Discovery	%	2	47	35	5	2	3.5	36
Scientific and Technical Evidence	%	5	40	24	2	5	3.5	28
Non-economic Damages	%	-	32	47	2	3	3.3	30
Judges' Impartiality	%	10	50	27	3	3	3.6	24
Judges' Competence	%	6	53	29	3	2	3.6	25
Juries' Predictability	%	-	29	37	11	3	3.1	38
Juries' Fairness	%	-	44	32	6	3	3.4	34
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>-</b>	<b>45</b>	<b>47</b>	<b>-</b>	<b>3</b>	<b>3.4</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=7

# of respondents who named each item

Update judicial system	1
Liability system has improved	1
Inconsistency in treatment of cases	1
Judges are bribed	1
Cap on damages	1

**Table 41****Massachusetts****2008 Overall Ranking: 18****2007 Overall Ranking: 18****Ratings on Key Elements of State Liability Systems (n=87)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	44	20	5	-	3.8	16
Overall Treatment of Tort and Contract Litigation	%	6	51	29	6	2	3.6	18
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	22	30	5	1	3.4	24
Punitive Damages	%	Massachusetts does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	6	31	36	13	5	3.2	30
Discovery	%	6	49	29	3	2	3.6	20
Scientific and Technical Evidence	%	18	36	22	-	2	3.9	1
Non-economic Damages	%	6	40	31	8	2	3.4	19
Judges' Impartiality	%	21	37	26	9	1	3.7	16
Judges' Competence	%	18	47	21	7	1	3.8	13
Juries' Predictability	%	-	38	38	9	-	3.3	21
Juries' Fairness	%	3	45	30	6	3	3.4	27
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>7</b>	<b>48</b>	<b>32</b>	<b>7</b>	<b>2</b>	<b>3.5</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=15

# of respondents who named each item

Timeliness for trial	5
Fairness (i.e., court, laws, judges)	2
Anti-business environment	2

**Table 42****Michigan****2008 Overall Ranking: 33****2007 Overall Ranking: 23****Ratings on Key Elements of State Liability Systems (n=65)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	43	29	2	3	3.6	26
Overall Treatment of Tort and Contract Litigation	%	5	42	32	5	6	3.4	33
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	23	28	6	5	3.3	31
Punitive Damages	%	12	18	35	9	6	3.3	24
Timeliness of Summary Judgment or Dismissal	%	9	32	31	6	6	3.4	21
Discovery	%	5	49	31	2	5	3.5	29
Scientific and Technical Evidence	%	6	31	26	2	5	3.5	33
Non-economic Damages	%	9	32	28	8	3	3.5	18
Judges' Impartiality	%	9	43	22	11	5	3.5	32
Judges' Competence	%	5	43	32	6	3	3.4	37
Juries' Predictability	%	3	26	34	14	2	3.2	34
Juries' Fairness	%	6	31	38	6	-	3.5	26
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>35</b>	<b>45</b>	<b>6</b>	<b>3</b>	<b>3.4</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=7

# of respondents who named each item

Timeliness for trial	1
Use of mediation	1
Control frivolous lawsuits	1
Tort reform legislation (positive)	1
Court resources/funding/staffing	1
Election of judges	1
Caps on non-economic damages	1
Loser pays system	1

Table 43

## Minnesota

2008 Overall Ranking: 11

2007 Overall Ranking: 2

**Ratings on Key Elements of State Liability Systems (n=65)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	35	28	2	-	3.8	12
Overall Treatment of Tort and Contract Litigation	%	6	48	32	6	-	3.6	14
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	17	28	11	2	3.3	30
Punitive Damages	%	5	35	25	12	2	3.4	16
Timeliness of Summary Judgment or Dismissal	%	12	40	31	6	2	3.6	6
Discovery	%	12	45	29	2	-	3.8	8
Scientific and Technical Evidence	%	8	43	18	8	-	3.7	10
Non-economic Damages	%	6	32	29	6	-	3.5	14
Judges' Impartiality	%	23	49	12	6	-	4.0	5
Judges' Competence	%	23	49	17	3	-	4.0	2
Juries' Predictability	%	5	35	32	8	-	3.5	14
Juries' Fairness	%	12	35	26	9	-	3.6	15
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>52</b>	<b>32</b>	<b>5</b>	<b>-</b>	<b>3.7</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=5

# of respondents who named each item

Class action issues	2
The workers' compensation shield	1
Quality of juries/juror pool	1
Attorney fee issues	1
Fairness (i.e., court, laws, judges)	1
Overburdened with cases/Too many cases	1

**Table 44****Mississippi****2008 Overall Ranking: 48****2007 Overall Ranking: 49****Ratings on Key Elements of State Liability Systems (n=96)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	20	25	24	6	3.0	49
Overall Treatment of Tort and Contract Litigation	%	3	20	31	25	11	2.8	48
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	11	18	21	14	2.6	48
Punitive Damages	%	5	13	17	30	18	2.5	43
Timeliness of Summary Judgment or Dismissal	%	2	16	35	26	8	2.7	47
Discovery	%	5	22	36	18	5	3.0	47
Scientific and Technical Evidence	%	-	16	31	18	8	2.7	48
Non-economic Damages	%	3	15	28	21	15	2.6	49
Judges' Impartiality	%	3	13	43	24	10	2.7	48
Judges' Competence	%	5	15	39	27	7	2.8	49
Juries' Predictability	%	4	17	29	26	8	2.8	50
Juries' Fairness	%	2	15	27	32	14	2.5	50
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>18</b>	<b>34</b>	<b>31</b>	<b>10</b>	<b>2.7</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=17

# of respondents who named each item

Tort reform legislation (positive)

3

**Table 45****Missouri****2008 Overall Ranking: 31****2007 Overall Ranking: 34****Ratings on Key Elements of State Liability Systems (n=61)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	13	38	30	8	3	3.5	33
Overall Treatment of Tort and Contract Litigation	%	5	48	31	8	5	3.4	28
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	30	33	8	2	3.3	29
Punitive Damages	%	2	38	31	10	7	3.2	28
Timeliness of Summary Judgment or Dismissal	%	5	23	48	11	3	3.2	38
Discovery	%	8	46	30	5	3	3.6	26
Scientific and Technical Evidence	%	10	31	33	5	-	3.6	21
Non-economic Damages	%	10	39	30	7	7	3.4	20
Judges' Impartiality	%	11	33	38	5	5	3.4	33
Judges' Competence	%	10	39	34	8	2	3.5	34
Juries' Predictability	%	3	34	43	8	2	3.3	23
Juries' Fairness	%	3	44	34	8	3	3.4	32
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>43</b>	<b>39</b>	<b>11</b>	<b>2</b>	<b>3.4</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=5

# of respondents who named each item

Tort reform legislation	2
Favor plaintiffs	1
Lawyer/judge competency	1
Unfair venue selection	1
Legal blackmail	1

**Table 46****Montana****2008 Overall Ranking: 38****2007 Overall Ranking: 40****Ratings on Key Elements of State Liability Systems (n=45)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	29	36	2	4	3.4	44
Overall Treatment of Tort and Contract Litigation	%	2	36	40	7	4	3.3	36
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	22	33	9	2	3.2	34
Punitive Damages	%	-	22	38	7	9	3.0	38
Timeliness of Summary Judgment or Dismissal	%	2	36	33	7	4	3.3	26
Discovery	%	2	36	38	7	2	3.3	41
Scientific and Technical Evidence	%	4	31	36	4	-	3.5	32
Non-economic Damages	%	-	33	42	9	2	3.2	34
Judges' Impartiality	%	2	38	36	7	4	3.3	41
Judges' Competence	%	2	49	31	4	-	3.6	30
Juries' Predictability	%	2	36	36	-	9	3.3	25
Juries' Fairness	%	7	36	29	4	7	3.4	33
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>31</b>	<b>47</b>	<b>11</b>	<b>2</b>	<b>3.2</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=7

# of respondents who named each item

Political influence/interference	1
Statutory issues	1
Unfair venue selection	1
Court resources/funding/staffing	1
Values of the people	1
Lawyer/judge competency	1

**Table 47****Nebraska****2008 Overall Ranking: 2****2007 Overall Ranking: 3****Ratings on Key Elements of State Liability Systems (n=69)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	12	42	19	-	-	3.9	5
Overall Treatment of Tort and Contract Litigation	%	12	54	20	-	-	3.9	2
Treatment of Class Action Suits and Mass Consolidation Suits	%	13	20	25	4	-	3.7	3
Punitive Damages	%	Nebraska does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	10	42	25	1	1	3.7	3
Discovery	%	12	48	25	-	1	3.8	6
Scientific and Technical Evidence	%	7	35	26	1	1	3.6	15
Non-economic Damages	%	10	39	23	1	-	3.8	2
Judges' Impartiality	%	23	36	22	1	-	4.0	4
Judges' Competence	%	17	48	16	1	-	4.0	4
Juries' Predictability	%	7	45	19	1	-	3.8	1
Juries' Fairness	%	14	43	14	1	-	4.0	1
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>16</b>	<b>46</b>	<b>25</b>	<b>-</b>	<b>-</b>	<b>3.9</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=9

# of respondents who named each item

No punitive damages	2
Lawyer/judge competency	1
The laws are clear/in place	1
Favor plaintiffs	1
Control frivolous lawsuits	1
Fairness (i.e., court, laws, judges)	1
Statutory reform	1
Timeliness for trial	1



**Table 48****Nevada****2008 Overall Ranking: 40****2007 Overall Ranking: 28****Ratings on Key Elements of State Liability Systems (n=56)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	36	25	5	4	3.5	35
Overall Treatment of Tort and Contract Litigation	%	2	46	23	18	4	3.3	37
Treatment of Class Action Suits and Mass Consolidation Suits	%	-	20	23	11	5	3.0	43
Punitive Damages	%	4	29	20	16	7	3.1	33
Timeliness of Summary Judgment or Dismissal	%	5	32	27	14	5	3.2	33
Discovery	%	5	38	32	13	2	3.4	40
Scientific and Technical Evidence	%	4	34	30	5	-	3.5	31
Non-economic Damages	%	2	39	32	9	5	3.3	32
Judges' Impartiality	%	2	45	29	7	9	3.3	42
Judges' Competence	%	5	39	32	4	9	3.3	43
Juries' Predictability	%	-	34	29	13	7	3.1	42
Juries' Fairness	%	4	36	29	9	7	3.2	40
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>46</b>	<b>32</b>	<b>13</b>	<b>4</b>	<b>3.3</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=2

# of respondents who named each item

Election of judges

1

**Table 49****New Hampshire****2008 Overall Ranking: 16****2007 Overall Ranking: 6****Ratings on Key Elements of State Liability Systems (n=63)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	43	19	5	3	3.7	23
Overall Treatment of Tort and Contract Litigation	%	6	51	24	3	5	3.6	16
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	29	19	6	2	3.5	16
Punitive Damages	%	New Hampshire does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	6	32	35	8	5	3.3	25
Discovery	%	8	43	32	2	3	3.6	23
Scientific and Technical Evidence	%	6	43	21	3	5	3.6	22
Non-economic Damages	%	8	32	35	3	2	3.5	13
Judges' Impartiality	%	16	46	19	8	2	3.7	14
Judges' Competence	%	14	49	22	3	2	3.8	15
Juries' Predictability	%	5	40	29	6	3	3.4	15
Juries' Fairness	%	10	48	22	5	3	3.6	14
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>57</b>	<b>25</b>	<b>-</b>	<b>5</b>	<b>3.6</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=14

# of respondents who named each item

Timeliness for trial

2

**Table 50****New Jersey****2008 Overall Ranking: 35****2007 Overall Ranking: 26****Ratings on Key Elements of State Liability Systems (n=74)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	41	20	11	3	3.5	39
Overall Treatment of Tort and Contract Litigation	%	4	34	36	9	7	3.2	41
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	24	30	4	7	3.2	35
Punitive Damages	%	3	22	39	11	5	3.1	34
Timeliness of Summary Judgment or Dismissal	%	4	31	32	16	4	3.2	37
Discovery	%	11	35	30	12	3	3.4	38
Scientific and Technical Evidence	%	7	32	30	3	4	3.5	35
Non-economic Damages	%	3	27	36	9	7	3.1	40
Judges' Impartiality	%	9	43	20	14	3	3.5	31
Judges' Competence	%	15	36	30	7	3	3.6	27
Juries' Predictability	%	-	24	45	9	3	3.1	39
Juries' Fairness	%	1	32	39	9	1	3.3	38
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>45</b>	<b>32</b>	<b>11</b>	<b>3</b>	<b>3.4</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=8

# of respondents who named each item

Appointment vs. elections	2
Control frivolous lawsuits	1
Timeliness for trial	1
Ability to issue a summary judgment	1
Favor plaintiffs	1

**Table 51****New Mexico****2008 Overall Ranking: 37****2007 Overall Ranking: 39****Ratings on Key Elements of State Liability Systems (n=52)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	40	25	8	6	3.4	42
Overall Treatment of Tort and Contract Litigation	%	10	27	37	12	8	3.2	40
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	15	37	8	2	3.2	36
Punitive Damages	%	2	23	33	13	8	3.0	37
Timeliness of Summary Judgment or Dismissal	%	4	35	40	6	6	3.3	27
Discovery	%	10	40	29	6	6	3.5	34
Scientific and Technical Evidence	%	4	33	35	4	4	3.4	38
Non-economic Damages	%	6	31	33	15	4	3.2	36
Judges' Impartiality	%	12	31	35	10	4	3.4	37
Judges' Competence	%	10	33	35	10	6	3.3	41
Juries' Predictability	%	-	29	35	12	6	3.1	44
Juries' Fairness	%	8	35	29	6	4	3.5	25
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>33</b>	<b>42</b>	<b>10</b>	<b>6</b>	<b>3.2</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=6

# of respondents who named each item

Lawyer/judge competency	1
Reform punitive damages	1
Favor plaintiffs	1
Number of environmental cases	1
Fairness (i.e., court, laws, judges)	1
Election of judges	1

Table 52

## New York

2008 Overall Ranking: 25

2007 Overall Ranking: 19

**Ratings on Key Elements of State Liability Systems (n=137)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	17	42	23	7	1	3.8	17
Overall Treatment of Tort and Contract Litigation	%	12	37	33	8	4	3.5	22
Treatment of Class Action Suits and Mass Consolidation Suits	%	12	27	27	8	2	3.5	13
Punitive Damages	%	4	30	37	11	3	3.3	26
Timeliness of Summary Judgment or Dismissal	%	7	26	35	17	3	3.2	36
Discovery	%	9	41	32	7	2	3.5	30
Scientific and Technical Evidence	%	11	39	27	3	-	3.7	6
Non-economic Damages	%	5	34	32	11	4	3.3	29
Judges' Impartiality	%	13	42	26	9	3	3.6	27
Judges' Competence	%	17	51	18	8	1	3.8	14
Juries' Predictability	%	4	30	39	11	3	3.2	29
Juries' Fairness	%	2	36	36	12	3	3.3	39
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>8</b>	<b>44</b>	<b>36</b>	<b>9</b>	<b>1</b>	<b>3.5</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=23

# of respondents who named each item

Tort reform legislation	3
Favor plaintiffs	2
Unfair venue selection	2
Election of judges	2
Medical malpractice	2
Class action issues	2

**Table 53**
**North Carolina**
**2008 Overall Ranking: 21**
**2007 Overall Ranking: 16**
**Ratings on Key Elements of State Liability Systems (n=58)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	41	26	5	2	3.5	31
Overall Treatment of Tort and Contract Litigation	%	5	43	29	7	3	3.5	26
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	21	28	5	2	3.4	22
Punitive Damages	%	9	41	21	7	5	3.5	11
Timeliness of Summary Judgment or Dismissal	%	2	36	34	14	3	3.2	34
Discovery	%	5	50	29	5	2	3.6	25
Scientific and Technical Evidence	%	2	41	29	5	-	3.5	29
Non-economic Damages	%	-	34	34	7	5	3.2	37
Judges' Impartiality	%	16	43	17	10	2	3.7	18
Judges' Competence	%	10	53	17	7	2	3.7	20
Juries' Predictability	%	2	31	38	3	5	3.3	27
Juries' Fairness	%	5	43	24	5	5	3.5	24
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>53</b>	<b>29</b>	<b>7</b>	<b>2</b>	<b>3.6</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM**
**TOTAL**

N=6

# of respondents who named each item

Timeliness for trial	1
Court resources/funding/staffing	1
Cap on damages	1
Overburdened with cases/Too many cases	1
Joint and several liability rules	1

**Table 54****North Dakota****2008 Overall Ranking: 13****2007 Overall Ranking: 20****Ratings on Key Elements of State Liability Systems (n=44)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	45	30	2	2	3.7	21
Overall Treatment of Tort and Contract Litigation	%	7	57	32	2	-	3.7	9
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	34	16	9	2	3.4	19
Punitive Damages	%	7	45	30	7	2	3.5	10
Timeliness of Summary Judgment or Dismissal	%	9	39	32	9	-	3.5	13
Discovery	%	9	64	18	2	2	3.8	7
Scientific and Technical Evidence	%	2	36	36	2	5	3.4	40
Non-economic Damages	%	2	39	36	9	-	3.4	22
Judges' Impartiality	%	7	57	30	5	-	3.7	21
Judges' Competence	%	11	52	27	7	-	3.7	21
Juries' Predictability	%	9	39	39	2	5	3.5	11
Juries' Fairness	%	11	55	27	5	-	3.7	9
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>61</b>	<b>30</b>	<b>7</b>	<b>-</b>	<b>3.6</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=3

# of respondents who named each item

Fairness (i.e., court, laws, judges)  
 Use of mediation  
 Caps on non-economic damages

1  
 1  
 1

**Table 55**
**Ohio**
**2008 Overall Ranking: 32**
**2007 Overall Ranking: 24**
**Ratings on Key Elements of State Liability Systems (n=59)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	36	32	7	-	3.6	30
Overall Treatment of Tort and Contract Litigation	%	3	39	41	8	-	3.4	29
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	34	32	7	-	3.4	20
Punitive Damages	%	2	31	39	10	2	3.2	27
Timeliness of Summary Judgment or Dismissal	%	2	24	39	19	5	3.0	43
Discovery	%	7	44	32	7	-	3.6	24
Scientific and Technical Evidence	%	7	46	27	7	-	3.6	19
Non-economic Damages	%	2	36	42	7	2	3.3	28
Judges' Impartiality	%	10	32	46	5	-	3.5	30
Judges' Competence	%	3	46	37	7	-	3.5	36
Juries' Predictability	%	-	32	36	12	2	3.2	31
Juries' Fairness	%	3	36	39	7	-	3.4	30
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>-</b>	<b>46</b>	<b>44</b>	<b>8</b>	<b>-</b>	<b>3.4</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM**
**TOTAL**

N=8

# of respondents who named each item

Legislature	2
The workers' compensation shield	2
Acknowledged recent tort reform legislation	2
Discovery issues	1
Election of judges	1
Quality of trials	1



Table 56

## Oklahoma

2008 Overall Ranking: 17

2007 Overall Ranking: 38

Ratings on Key Elements of State Liability Systems (n=57)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	16	40	21	9	-	3.7	19
Overall Treatment of Tort and Contract Litigation	%	4	51	25	9	2	3.5	19
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	23	23	7	5	3.3	32
Punitive Damages	%	4	32	28	5	4	3.4	17
Timeliness of Summary Judgment or Dismissal	%	12	35	30	7	2	3.6	12
Discovery	%	12	51	21	7	-	3.8	9
Scientific and Technical Evidence	%	5	46	21	7	-	3.6	18
Non-economic Damages	%	5	42	23	7	4	3.5	15
Judges' Impartiality	%	9	58	19	2	5	3.7	20
Judges' Competence	%	9	56	19	9	2	3.6	24
Juries' Predictability	%	4	30	46	5	2	3.3	22
Juries' Fairness	%	7	39	32	5	2	3.5	20
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>54</b>	<b>25</b>	<b>11</b>	<b>-</b>	<b>3.6</b>	

**OTHER ELEMENTS CRITICAL TO**  
**LIABILITY SYSTEM**

**TOTAL**

N=2

# of respondents who named each item

**Table 57****Oregon****2008 Overall Ranking: 14****2007 Overall Ranking: 17****Ratings on Key Elements of State Liability Systems (n=41)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	61	17	-	2	3.8	15
Overall Treatment of Tort and Contract Litigation	%	2	56	22	5	2	3.6	15
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	27	17	7	-	3.6	9
Punitive Damages	%	10	22	34	7	-	3.5	13
Timeliness of Summary Judgment or Dismissal	%	2	41	37	2	5	3.4	20
Discovery	%	7	61	17	2	-	3.8	5
Scientific and Technical Evidence	%	7	44	24	-	-	3.8	4
Non-economic Damages	%	2	46	27	7	-	3.5	12
Judges' Impartiality	%	7	54	17	7	-	3.7	15
Judges' Competence	%	5	61	17	2	-	3.8	11
Juries' Predictability	%	2	37	27	10	-	3.4	16
Juries' Fairness	%	2	46	20	10	-	3.5	19
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>61</b>	<b>15</b>	<b>10</b>	<b>-</b>	<b>3.6</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=4

# of respondents who named each item

Statutory issues

1

**Table 58****Pennsylvania****2008 Overall Ranking: 36****2007 Overall Ranking: 32****Ratings on Key Elements of State Liability Systems (n=134)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	43	25	4	5	3.5	38
Overall Treatment of Tort and Contract Litigation	%	2	36	41	9	4	3.3	38
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	29	32	6	1	3.3	28
Punitive Damages	%	1	34	32	12	7	3.1	31
Timeliness of Summary Judgment or Dismissal	%	1	28	38	16	5	3.0	41
Discovery	%	5	45	34	6	1	3.5	32
Scientific and Technical Evidence	%	1	43	30	5	1	3.5	34
Non-economic Damages	%	-	34	40	7	5	3.2	38
Judges' Impartiality	%	10	40	28	13	3	3.4	35
Judges' Competence	%	7	48	25	11	1	3.5	31
Juries' Predictability	%	1	34	38	10	2	3.3	26
Juries' Fairness	%	4	34	38	10	4	3.3	37
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>37</b>	<b>46</b>	<b>9</b>	<b>3</b>	<b>3.3</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=25

# of respondents who named each item

Timeliness for trial	3
Tort reform legislation	3
Overburdened with cases/Too many cases	2
Political influence/interference	2

**Table 59****Rhode Island****2008 Overall Ranking: 39****2007 Overall Ranking: 35****Ratings on Key Elements of State Liability Systems (n=69)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	30	26	7	1	3.5	32
Overall Treatment of Tort and Contract Litigation	%	3	39	42	9	3	3.3	35
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	16	29	6	4	3.1	39
Punitive Damages	%	4	20	35	7	9	3.1	36
Timeliness of Summary Judgment or Dismissal	%	3	26	33	19	3	3.1	40
Discovery	%	4	38	39	4	3	3.4	39
Scientific and Technical Evidence	%	3	30	30	7	1	3.4	39
Non-economic Damages	%	1	22	46	14	1	3.1	41
Judges' Impartiality	%	12	29	33	16	1	3.4	38
Judges' Competence	%	10	45	28	9	1	3.6	29
Juries' Predictability	%	-	25	39	9	4	3.1	41
Juries' Fairness	%	6	28	35	10	1	3.3	36
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>33</b>	<b>49</b>	<b>9</b>	<b>3</b>	<b>3.3</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=11

# of respondents who named each item

Cap on damages  
Tort reform legislation

2  
2

**Table 60****South Carolina****2008 Overall Ranking: 43****2007 Overall Ranking: 37****Ratings on Key Elements of State Liability Systems (n=50)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	4	40	34	8	-	3.5	40
Overall Treatment of Tort and Contract Litigation	%	-	36	28	22	4	3.1	43
Treatment of Class Action Suits and Mass Consolidation Suits	%	-	18	28	8	4	3.0	41
Punitive Damages	%	2	24	24	16	8	2.9	40
Timeliness of Summary Judgment or Dismissal	%	-	26	46	14	2	3.1	39
Discovery	%	-	42	40	12	-	3.3	43
Scientific and Technical Evidence	%	-	28	40	8	-	3.3	44
Non-economic Damages	%	2	16	32	24	4	2.8	46
Judges' Impartiality	%	-	36	30	16	2	3.2	44
Judges' Competence	%	2	40	28	14	2	3.3	44
Juries' Predictability	%	-	22	42	8	6	3.0	45
Juries' Fairness	%	-	22	38	18	2	3.0	46
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>-</b>	<b>40</b>	<b>34</b>	<b>22</b>	<b>-</b>	<b>3.2</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=5

# of respondents who named each item

Timeliness for trial	1
Tort reform legislation	1
Court resources/funding/staffing	1
Election of judges	1
Cap on damages	1

**Table 61****South Dakota****2008 Overall Ranking: 12****2007 Overall Ranking: 11****Ratings on Key Elements of State Liability Systems (n=46)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	17	52	17	2	-	4.0	4
Overall Treatment of Tort and Contract Litigation	%	11	43	30	4	-	3.7	10
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	37	20	4	-	3.7	4
Punitive Damages	%	9	28	37	7	-	3.5	12
Timeliness of Summary Judgment or Dismissal	%	11	41	22	13	-	3.6	10
Discovery	%	9	48	28	2	2	3.7	14
Scientific and Technical Evidence	%	4	22	46	4	-	3.3	41
Non-economic Damages	%	11	30	35	11	-	3.5	16
Judges' Impartiality	%	15	52	7	11	2	3.8	12
Judges' Competence	%	7	54	13	11	-	3.7	22
Juries' Predictability	%	15	28	28	11	-	3.6	4
Juries' Fairness	%	17	43	13	9	-	3.8	3
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>11</b>	<b>48</b>	<b>22</b>	<b>11</b>	<b>-</b>	<b>3.6</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=3

# of respondents who named each item

Comparative negligence

1

Election of judges

1

**Table 62**
**Tennessee**
**2008 Overall Ranking: 22**
**2007 Overall Ranking: 6**
**Ratings on Key Elements of State Liability Systems (n=73)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	3	49	26	3	1	3.6	29
Overall Treatment of Tort and Contract Litigation	%	1	47	33	10	1	3.4	30
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	26	25	11	-	3.4	27
Punitive Damages	%	3	38	32	8	1	3.4	15
Timeliness of Summary Judgment or Dismissal	%	1	38	33	10	1	3.3	23
Discovery	%	8	47	29	7	-	3.6	16
Scientific and Technical Evidence	%	3	40	29	1	-	3.6	20
Non-economic Damages	%	-	44	30	8	3	3.4	27
Judges' Impartiality	%	4	44	34	3	1	3.5	29
Judges' Competence	%	8	37	37	7	-	3.5	33
Juries' Predictability	%	3	30	37	8	5	3.2	33
Juries' Fairness	%	5	47	26	3	3	3.6	18
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>-</b>	<b>55</b>	<b>33</b>	<b>5</b>	<b>1</b>	<b>3.5</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM**
**TOTAL**

N=7

# of respondents who named each item

Inconsistency in treatment of cases	3
Timeliness for trial	1
Cap on damages	1

**Table 63****Texas****2008 Overall Ranking: 41****2007 Overall Ranking: 44****Ratings on Key Elements of State Liability Systems (n=138)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	12	36	24	10	7	3.4	43
Overall Treatment of Tort and Contract Litigation	%	8	31	33	17	4	3.3	39
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	24	21	20	5	3.1	40
Punitive Damages	%	12	22	27	22	4	3.2	29
Timeliness of Summary Judgment or Dismissal	%	8	25	38	14	3	3.2	29
Discovery	%	9	36	36	6	3	3.5	35
Scientific and Technical Evidence	%	7	35	32	7	1	3.5	30
Non-economic Damages	%	7	32	30	17	3	3.3	31
Judges' Impartiality	%	5	35	34	11	7	3.2	43
Judges' Competence	%	4	46	28	12	1	3.4	38
Juries' Predictability	%	4	27	41	11	4	3.2	32
Juries' Fairness	%	5	25	32	18	5	3.1	43
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>38</b>	<b>36</b>	<b>15</b>	<b>1</b>	<b>3.3</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=27

# of respondents who named each item

Election of judges	4
Unfair venue selection	3
Fairness (i.e., court, laws, judges)	3
Tort reform legislation (positive)	3
Legislature	2
Jury fairness	2
Anti-business environment	2



**Table 64****Utah****2008 Overall Ranking: 5****2007 Overall Ranking: 9****Ratings on Key Elements of State Liability Systems (n=78)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	40	19	6	-	3.8	13
Overall Treatment of Tort and Contract Litigation	%	12	55	17	8	-	3.8	4
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	32	22	4	-	3.7	2
Punitive Damages	%	9	49	19	6	3	3.6	4
Timeliness of Summary Judgment or Dismissal	%	15	29	32	8	1	3.6	9
Discovery	%	10	60	19	1	-	3.9	3
Scientific and Technical Evidence	%	5	46	26	1	1	3.7	11
Non-economic Damages	%	12	44	32	-	-	3.8	4
Judges' Impartiality	%	13	41	28	6	-	3.7	19
Judges' Competence	%	12	51	21	3	1	3.8	12
Juries' Predictability	%	5	41	23	5	1	3.6	5
Juries' Fairness	%	8	49	19	4	-	3.8	8
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>63</b>	<b>26</b>	<b>1</b>	<b>-</b>	<b>3.7</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=8

# of respondents who named each item

Legislature	1
Discovery issues	1
Medical malpractice	1
Values of the people	1
Lawyer/judge competency	1

**Table 65****Vermont****2008 Overall Ranking: 8****2007 Overall Ranking: 27****Ratings on Key Elements of State Liability Systems (n=46)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	46	15	4	-	3.8	8
Overall Treatment of Tort and Contract Litigation	%	7	54	17	4	-	3.8	5
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	30	26	2	-	3.6	7
Punitive Damages	%	13	20	26	9	-	3.5	7
Timeliness of Summary Judgment or Dismissal	%	11	37	13	11	-	3.7	4
Discovery	%	11	37	24	4	-	3.7	11
Scientific and Technical Evidence	%	11	28	24	4	-	3.7	9
Non-economic Damages	%	9	30	28	2	-	3.7	7
Judges' Impartiality	%	20	39	11	9	-	3.9	7
Judges' Competence	%	13	43	15	7	-	3.8	10
Juries' Predictability	%	2	35	26	2	2	3.5	12
Juries' Fairness	%	9	46	15	4	-	3.8	6
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>52</b>	<b>24</b>	<b>4</b>	<b>-</b>	<b>3.6</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=2

# of respondents who named each item

Lawyer/judge competency  
Statutory issues

1  
1

**Table 66****Virginia****2008 Overall Ranking: 6****2007 Overall Ranking: 12****Ratings on Key Elements of State Liability Systems (n=91)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	23	36	19	3	-	4.0	3
Overall Treatment of Tort and Contract Litigation	%	12	44	31	5	-	3.7	12
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	19	31	2	-	3.5	12
Punitive Damages	%	9	27	31	4	1	3.5	9
Timeliness of Summary Judgment or Dismissal	%	21	31	31	7	-	3.7	2
Discovery	%	15	48	21	4	-	3.8	4
Scientific and Technical Evidence	%	10	40	23	3	-	3.7	5
Non-economic Damages	%	12	35	30	3	-	3.7	6
Judges' Impartiality	%	25	43	21	1	-	4.0	3
Judges' Competence	%	20	53	18	1	-	4.0	3
Juries' Predictability	%	8	42	25	4	1	3.6	3
Juries' Fairness	%	9	46	24	3	1	3.7	11
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>54</b>	<b>29</b>	<b>1</b>	<b>-</b>	<b>3.8</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=11

# of respondents who named each item

Timeliness for trial

4

**Table 67****Washington****2008 Overall Ranking: 27****2007 Overall Ranking: 25****Ratings on Key Elements of State Liability Systems (n=97)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	38	23	4	1	3.7	22
Overall Treatment of Tort and Contract Litigation	%	2	40	32	11	1	3.4	34
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	24	23	10	4	3.1	38
Punitive Damages	%	Washington does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	5	25	43	8	2	3.3	28
Discovery	%	8	42	29	6	1	3.6	21
Scientific and Technical Evidence	%	3	33	28	5	2	3.4	36
Non-economic Damages	%	2	35	35	12	2	3.3	33
Judges' Impartiality	%	11	41	27	7	1	3.6	25
Judges' Competence	%	7	55	22	2	2	3.7	19
Juries' Predictability	%	1	27	33	9	2	3.2	30
Juries' Fairness	%	3	40	27	5	2	3.5	23
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>43</b>	<b>34</b>	<b>8</b>	<b>1</b>	<b>3.5</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=8

# of respondents who named each item

Favor plaintiffs	1
Tort reform legislation	1
Unfair venue selection	1
Statutory reform	1
Legislators/politicians being fair	1
Values of the people	1
Legal blackmail	1
Comparative negligence	1

Table 68

## West Virginia

2008 Overall Ranking: 50

2007 Overall Ranking: 50

**Ratings on Key Elements of State Liability Systems (n=119)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	3	19	35	11	15	2.8	50
Overall Treatment of Tort and Contract Litigation	%	3	15	29	28	18	2.5	50
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	13	22	19	17	2.5	50
Punitive Damages	%	2	13	23	25	21	2.4	45
Timeliness of Summary Judgment or Dismissal	%	3	18	26	20	16	2.7	49
Discovery	%	3	25	36	13	10	3.0	48
Scientific and Technical Evidence	%	3	14	33	16	12	2.7	49
Non-economic Damages	%	1	13	26	25	18	2.4	50
Judges' Impartiality	%	3	16	32	22	18	2.6	50
Judges' Competence	%	6	20	35	21	10	2.9	48
Juries' Predictability	%	4	16	33	21	8	2.8	48
Juries' Fairness	%	3	18	31	19	13	2.7	48
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>13</b>	<b>39</b>	<b>25</b>	<b>15</b>	<b>2.6</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=23

# of respondents who named each item

Appellate court issues	2
Legislature	2
Tort reform legislation	2
Timeliness for trial	2

**Table 69****Wisconsin****2008 Overall Ranking: 24****2007 Overall Ranking: 10****Ratings on Key Elements of State Liability Systems (n=73)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	41	27	1	-	3.8	9
Overall Treatment of Tort and Contract Litigation	%	5	38	37	8	1	3.4	27
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	27	26	8	1	3.4	23
Punitive Damages	%	3	30	33	12	8	3.1	32
Timeliness of Summary Judgment or Dismissal	%	7	36	41	7	1	3.4	17
Discovery	%	10	38	34	7	1	3.5	28
Scientific and Technical Evidence	%	5	38	26	5	1	3.5	24
Non-economic Damages	%	1	33	36	11	5	3.2	39
Judges' Impartiality	%	12	41	30	5	1	3.6	23
Judges' Competence	%	11	51	25	3	1	3.7	17
Juries' Predictability	%	5	27	37	7	1	3.4	20
Juries' Fairness	%	4	42	25	7	1	3.5	22
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>47</b>	<b>40</b>	<b>4</b>	<b>-</b>	<b>3.5</b>	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=8

# of respondents who named each item

Joint and several liability rules	1
Supreme court decisions	1
Timeliness for trial	1
Political influence/interference	1
Legislature	1
Liability system has improved	1
Limitation put on liability suits	1

Table 70

## Wyoming

2008 Overall Ranking: 23

2007 Overall Ranking: 22

**Ratings on Key Elements of State Liability Systems (n=45)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	42	33	2	-	3.6	25
Overall Treatment of Tort and Contract Litigation	%	7	33	44	7	2	3.4	32
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	24	44	2	-	3.4	25
Punitive Damages	%	7	33	31	13	2	3.3	19
Timeliness of Summary Judgment or Dismissal	%	11	29	40	11	-	3.4	16
Discovery	%	7	33	51	-	-	3.5	31
Scientific and Technical Evidence	%	-	33	49	4	-	3.3	42
Non-economic Damages	%	7	31	49	2	-	3.5	17
Judges' Impartiality	%	7	51	29	2	-	3.7	17
Judges' Competence	%	13	40	33	2	-	3.7	18
Juries' Predictability	%	4	36	33	7	2	3.4	17
Juries' Fairness	%	7	42	29	2	2	3.6	17
<b>OVERALL STATE GRADE</b>	<b>%</b>	-	53	38	2	-	3.5	

**OTHER ELEMENTS CRITICAL TO  
LIABILITY SYSTEM****TOTAL**

N=7

# of respondents who named each item

Tort reform legislation (positive)	2
Legislature	1
Joint and several liability rules	1
Lawyer/judge competency	1

## **Appendix A: Methodology**



## METHODOLOGY

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### AN OVERVIEW

*The 2008 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 957 in-house general counsel or other senior litigators at companies with annual revenues of at least \$100 million. Interviews averaging 23 minutes in length were conducted by telephone and took place between December 18, 2007 and March 19, 2008.

### SAMPLE DESIGN

A representative sample of companies with annual revenues of at least \$100 million annually was drawn using idExec, Dun & Bradstreet, AMI, and Aggressive List. An alert letter was sent to the general counsel at each company. In the cases where the general counsel at a particular company could not be identified, the alert letter was sent to another senior person at the company such as the Chief Executive Officer or Senior Vice President. This letter provided general information about the study, notified them that an interviewer from Harris Interactive would be contacting them and requested their participation. It also included a fact sheet about the study, the 2007 press release and an article about the 2007 results that was published by Bloomberg LLP. A copy of the letter and enclosed materials appears in Appendix C. This year, in addition to receiving an alert letter, some contacts were told that a \$50 or \$100 donation would be made to a charity in exchange for agreement to participate in the study. This initiative was implemented toward the end of the interview period in order to increase cooperation and assure an adequate sample.

The sample was segmented into two main groups. Of the 957 respondents, 57 were from insurance companies, with the remaining 900 interviews being conducted among public and private corporations from other industries. The proportion of interviews with insurance companies represents 6% of the total sample which is the typical representation of insurance companies in the universe of companies with \$100 million or more in revenues. Since property casualty insurance companies have extensive experience with state liability systems, for the purposes of this study we worked to ensure that our proportion of insurance companies matched the overall population.

Respondents had an average of 19.3 years of relevant legal experience (including their current position), had been with their company an average of 11.6 years, and had been in their current position an average of 9.1 years.

### TELEPHONE INTERVIEWING PROCEDURES

*The 2008 State Liability Systems Ranking Study* utilized Harris' computer-assisted telephone interviewing (CATI) system, whereby trained interviewers call and immediately input responses into the computer. 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 followed. 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 letters, numerous telephone callbacks were made in order to reach the respondent and conduct the interview at a convenient time for the respondent.

Once a qualified respondent was identified, the respondent was first asked about his/her familiarity with several states. First, 24 states out of the list of 50 possible states were presented to the respondent. Within these 24 states, the 17 states presented were the following: Alaska, Hawaii, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, New Hampshire, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, Washington 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 remaining states not mentioned above.

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

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. Similar to 2007, the maximum number of states a respondent had the opportunity to evaluate was 10. On average, each respondent evaluated 4 states, up from an average of 3 states in 2007. In previous years (2002 – 2006), respondents were given an opportunity to evaluate a maximum of 15 states, evaluating an average of 6 states. This was changed in 2007 in order to reduce the burden on respondents and increase the likelihood that they were familiar with the states they were rating.

## **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 A-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 A-1**  
**Recommended Allowance for Sampling Error of Proportions (Plus or Minus)**

Sample Size	Survey Percentage Result				
	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
1600	2	2	2	2	3
1500	2	2	2	3	3
1400	2	2	2	3	3
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

### ***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 A-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 A-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%
<b>900 v. 900</b>	3	4	4	5	5
<b>500</b>	3	4	5	5	6
<b>300</b>	4	5	6	7	7
<b>200</b>	5	6	7	8	8
<b>100</b>	6	8	10	10	10
<b>50</b>	9	11	13	14	14
<b>500 v. 500</b>	4	4	6	6	6
<b>300</b>	4	6	7	7	7
<b>200</b>	6	7	8	8	8
<b>100</b>	7	9	10	11	11
<b>50</b>	9	12	13	14	15

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 it is 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: PAST STATE RANKINGS

Please note: The past rankings have been included in this report to provide historical information and a contextual basis for the 2008 data. Please note the 2006, 2007 and 2008 rankings contain two elements, “having and enforcing meaningful venue requirements” and “non-economic damages,” which were not asked in the past, thus we cannot directly compare previous years’ rankings to the 2006, 2007 and 2008 rankings.

<b>Year</b>	<b>Field Dates</b>
2007	December 27, 2006 to March 2, 2007
2006	November 28, 2005 to March 7, 2006
2005	November 22, 2004 to February 18, 2005
2004	December 5, 2003 to February 5, 2004
2003	January 16 to February 18, 2003
2002	November 7 to December 11, 2001

**Table B-1**  
**Overall Ranking of State Liability Systems**

STATE	2007			2006		
	RANK	SCORE	N	RANK	SCORE	N
Delaware	1	75.6	109	1	74.9	108
Minnesota	2	70.6	86	14	65	83
Nebraska	3	70	63	2	71.5	78
Iowa	4	68.9	95	4	68.8	109
Maine	5	68.9	48	9	65.5	66
New Hampshire	6	68.2	59	6	66	81
Tennessee	7	68.2	101	29	59.9	109
Indiana	8	68.2	88	11	65.2	99
Utah	9	67.7	87	17	64.2	103
Wisconsin	10	67.5	102	23	62.6	110
South Dakota	11	67	51	7	65.7	56
Virginia	12	66.9	101	3	71.1	121
Kansas	13	66.7	96	15	64.5	110
Connecticut	14	66.3	62	5	66.9	90
Arizona	15	66.3	94	13	65.1	98
North Carolina	16	65.9	87	10	65.2	98
Oregon	17	65.7	67	30	59.8	89
Massachusetts	18	65.7	123	32	59	125
New York	19	65.6	197	21	63.2	217
North Dakota	20	65.4	48	12	65.2	51
Colorado	21	65.1	90	8	65.6	100
Wyoming	22	64.7	49	16	64.2	66
Michigan	23	64.2	110	22	63.1	125
Ohio	24	63.9	123	19	63.5	139
Washington	25	63.7	116	28	60.7	139
New Jersey	26	63.4	137	25	61.4	141
Vermont	27	62.5	46	24	62.3	61
Nevada	28	62	70	37	56	85
Maryland	29	61.7	74	20	63.4	91
Idaho	30	61.3	52	18	64	70
Georgia	31	61.2	106	27	61	118
Pennsylvania	32	60.8	146	31	59.3	157
Kentucky	33	60.8	90	34	58	101
Missouri	34	60	99	35	57.8	109
Rhode Island	35	58.5	68	26	61.1	91
Florida	36	58.2	186	38	55.2	209
South Carolina	37	58.1	81	42	53.9	95
Oklahoma	38	57.7	82	33	58.8	100
New Mexico	39	57.5	59	40	54.2	96
Montana	40	57.2	58	39	54.8	70
Arkansas	41	56.5	76	41	54.1	99
Hawaii	42	56.3	54	46	48	74
Alaska	43	56	48	36	56.2	58
Texas	44	54.3	210	43	52	243
California	45	53.5	286	44	49.8	317
Illinois	46	50.8	180	45	49.2	229
Alabama	47	50.7	107	47	44.4	125
Louisiana	48	47.3	142	49	39	137
Mississippi	49	46.1	156	48	39.7	143
West Virginia	50	38	134	50	37.3	137

\*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.

	2005			2004			2003			2002		
STATE	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N
Delaware	1	76	128	1	74.4	178	1	74.5	96	1	78.6	75
Nebraska	2	69.7	98	2	69.1	81	2	69.3	44	6	65.4	61
North Dakota	3	68.5	57	16	63.8	72	6	65.1	37	25	59.4	50
Virginia	4	67.1	136	3	68.7	179	8	64	95	2	67.9	81
Iowa	5	66.3	155	4	68.6	80	3	68.8	61	5	65.8	63
Indiana	6	65.5	119	11	64.4	178	5	65.1	86	12	62.8	70
Minnesota	7	65.2	77	8	65	177	9	63.5	85	19	61	66
South Dakota	8	64.9	70	17	63.6	73	4	66.5	38	9	63.9	47
Wyoming	9	64.7	85	15	63.8	77	25	58	37	20	60.7	45
Idaho	10	64.2	61	5	66.2	81	13	61.8	37	14	62.4	53
Maine	11	64.2	80	12	64.1	79	16	60.9	39	18	61	53
New Hampshire	12	64	95	7	65.2	80	10	63.2	39	17	61.9	63
Colorado	13	63.6	93	13	63.9	179	12	62.3	78	7	65.3	73
Utah	14	63.3	144	6	65.8	82	7	64.5	55	8	64.2	62
Washington	15	63.1	94	24	60.7	178	21	59.4	85	3	66.6	71
Kansas	16	62.6	148	9	64.4	81	15	61	53	4	66	63
Wisconsin	17	62.5	143	10	64.4	178	11	62.7	74	15	62.1	66
Connecticut	18	62	131	18	62.5	179	17	60.3	81	10	63.4	68
Arizona	19	60.9	95	14	63.8	177	18	59.7	92	11	63.2	78
North Carolina	20	60.3	114	19	61.9	178	20	59.5	84	16	61.9	74
Vermont	21	60.3	73	20	61.5	71	19	59.6	36	21	60.6	62
Tennessee	22	59.9	102	25	60.7	176	26	57.7	76	24	59.9	66
Maryland	23	59.8	95	21	61.4	178	23	58.8	76	22	60.6	67
Michigan	24	59.6	135	23	61.3	179	29	56.3	97	28	58.2	83
Oregon	25	59.6	115	27	58.4	173	14	61.2	69	13	62.5	62
Ohio	26	59.5	178	32	57.2	187	24	58.6	98	26	59.4	100
New York	27	58.8	256	22	61.4	200	27	57.2	96	27	58.9	100
Georgia	28	58.4	170	29	57.6	180	39	52.7	93	23	59.9	100
Nevada	29	58.4	109	34	56.4	176	34	54.1	66	30	56.7	63
New Jersey	30	57.8	194	26	60.2	185	30	56.1	98	32	55.4	100
Massachusetts	31	57.8	144	28	57.7	180	22	59.1	93	36	54	66
Oklahoma	32	56.5	132	31	57.5	179	36	53.9	71	41	51.2	62
Alaska	33	56.4	64	33	56.5	77	32	55.8	39	37	53.8	63
Pennsylvania	34	55.5	204	30	57.5	200	31	55.9	95	31	56.2	100
Rhode Island	35	55.4	92	36	55.7	83	37	53.2	42	35	55	62
Kentucky	36	54.9	129	35	56	178	35	54	73	38	53.5	67
Montana	37	54.8	70	43	51.7	80	28	56.4	40	43	49.6	62
New Mexico	38	54.5	155	37	55.1	81	41	48.6	56	39	52.8	63
South Carolina	39	54.2	101	40	53	178	42	48	77	42	50.9	66
Missouri	40	51.9	121	41	52.9	178	33	55.4	89	29	56.8	75
Hawaii	41	51.5	81	39	53.7	80	43	47.8	37	40	52	62
Florida	42	50.9	288	38	54.1	200	40	48.6	96	33	55.2	100
Arkansas	43	50.2	169	42	52.5	82	45	44.9	57	44	49.3	63
Texas	44	49.2	287	45	49.9	200	46	41.1	97	46	45.2	100
California	45	45.5	351	46	45.2	205	44	45.6	100	45	48.6	100
Illinois	46	44.1	285	44	50.5	201	38	53.1	97	34	55.1	100
Louisiana	47	39.1	146	47	40.5	182	47	37.3	98	47	41.3	94
Alabama	48	35.9	157	48	34.3	183	48	31.6	97	48	37.8	100
West Virginia	49	33.2	107	49	31.9	176	49	30.9	79	49	35.6	65
Mississippi	50	30.7	164	50	25.7	182	50	24.8	99	50	28.4	96

\*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 B-2

**PRIOR STATE RANKINGS USING PAST YEARS' RANKING SYSTEM**

(NOTE: 2006 &amp; 2007 DATA CANNOT BE TRENDED TO PREVIOUS YEARS DUE TO ADDITION OF NEW ELEMENTS)

<b><u>Alabama</u></b>	<b><u>Florida</u></b>	<b><u>Kentucky</u></b>	<b><u>Missouri</u></b>	<b><u>North Carolina</u></b>	<b><u>South Dakota</u></b>	<b><u>Wisconsin</u></b>
2007 = 47	2007 = 36	2007 = 32	2007 = 34	2007 = 16	2007 = 11	2007 = 10
2006 = 47	2006 = 38	2006 = 34	2006 = 35	2006 = 10	2006 = 7	2006 = 23
2005 = 48	2005 = 42	2005 = 36	2005 = 40	2005 = 20	2005 = 8	2005 = 17
2004 = 48	2004 = 38	2004 = 35	2004 = 41	2004 = 19	2004 = 17	2004 = 10
2003 = 48	2003 = 40	2003 = 35	2003 = 33	2003 = 20	2003 = 4	2003 = 11
2002 = 48	2002 = 33	2002 = 38	2002 = 29	2002 = 16	2002 = 9	2002 = 15
<b><u>Alaska</u></b>	<b><u>Georgia</u></b>	<b><u>Louisiana</u></b>	<b><u>Montana</u></b>	<b><u>North Dakota</u></b>	<b><u>Tennessee</u></b>	<b><u>Wyoming</u></b>
2007 = 43	2007 = 31	2007 = 48	2007 = 40	2007 = 20	2007 = 6	2007 = 22
2006 = 36	2006 = 27	2006 = 49	2006 = 39	2006 = 12	2006 = 29	2006 = 16
2005 = 33	2005 = 28	2005 = 47	2005 = 37	2005 = 3	2005 = 22	2005 = 9
2004 = 33	2004 = 29	2004 = 47	2004 = 43	2004 = 16	2004 = 25	2004 = 15
2003 = 32	2003 = 39	2003 = 47	2003 = 28	2003 = 6	2003 = 26	2003 = 25
2002 = 37	2002 = 23	2002 = 47	2002 = 43	2002 = 25	2002 = 24	2002 = 20
<b><u>Arizona</u></b>	<b><u>Hawaii</u></b>	<b><u>Maine</u></b>	<b><u>Nebraska</u></b>	<b><u>Ohio</u></b>	<b><u>Texas</u></b>	
2007 = 14	2007 = 42	2007 = 4	2007 = 3	2007 = 24	2007 = 44	
2006 = 13	2006 = 46	2006 = 9	2006 = 2	2006 = 19	2006 = 43	
2005 = 19	2005 = 41	2005 = 11	2005 = 2	2005 = 26	2005 = 44	
2004 = 14	2004 = 39	2004 = 12	2004 = 2	2004 = 32	2004 = 45	
2003 = 18	2003 = 43	2003 = 16	2003 = 2	2003 = 24	2003 = 46	
2002 = 11	2002 = 40	2002 = 18	2002 = 6	2002 = 26	2002 = 46	
<b><u>Arkansas</u></b>	<b><u>Idaho</u></b>	<b><u>Maryland</u></b>	<b><u>Nevada</u></b>	<b><u>Oklahoma</u></b>	<b><u>Utah</u></b>	
2007 = 41	2007 = 30	2007 = 29	2007 = 28	2007 = 38	2007 = 9	
2006 = 41	2006 = 18	2006 = 20	2006 = 37	2006 = 33	2006 = 17	
2005 = 43	2005 = 10	2005 = 23	2005 = 29	2005 = 32	2005 = 14	
2004 = 42	2004 = 5	2004 = 21	2004 = 34	2004 = 31	2004 = 6	
2003 = 45	2003 = 13	2003 = 23	2003 = 34	2003 = 36	2003 = 7	
2002 = 44	2002 = 14	2002 = 22	2002 = 30	2002 = 41	2002 = 8	
<b><u>California</u></b>	<b><u>Illinois</u></b>	<b><u>Massachusetts</u></b>	<b><u>New Hampshire</u></b>	<b><u>Oregon</u></b>	<b><u>Vermont</u></b>	
2007 = 45	2007 = 46	2007 = 18	2007 = 6	2007 = 17	2007 = 27	
2006 = 44	2006 = 45	2006 = 32	2006 = 6	2006 = 30	2006 = 24	
2005 = 45	2005 = 46	2005 = 31	2005 = 12	2005 = 25	2005 = 21	
2004 = 46	2004 = 44	2004 = 28	2004 = 7	2004 = 27	2004 = 20	
2003 = 44	2003 = 38	2003 = 22	2003 = 10	2003 = 14	2003 = 19	
2002 = 45	2002 = 34	2002 = 36	2002 = 17	2002 = 13	2002 = 21	
<b><u>Colorado</u></b>	<b><u>Indiana</u></b>	<b><u>Michigan</u></b>	<b><u>New Jersey</u></b>	<b><u>Pennsylvania</u></b>	<b><u>Virginia</u></b>	
2007 = 21	2007 = 8	2007 = 25	2007 = 26	2007 = 32	2007 = 12	
2006 = 8	2006 = 11	2006 = 22	2006 = 25	2006 = 31	2006 = 3	
2005 = 13	2005 = 6	2005 = 24	2005 = 30	2005 = 34	2005 = 4	
2004 = 13	2004 = 11	2004 = 23	2004 = 26	2004 = 30	2004 = 3	
2003 = 12	2003 = 5	2003 = 29	2003 = 30	2003 = 31	2003 = 8	
2002 = 7	2002 = 12	2002 = 28	2002 = 32	2002 = 31	2002 = 2	
<b><u>Connecticut</u></b>	<b><u>Iowa</u></b>	<b><u>Minnesota</u></b>	<b><u>New Mexico</u></b>	<b><u>Rhode Island</u></b>	<b><u>Washington</u></b>	
2007 = 14	2007 = 4	2007 = 2	2007 = 39	2007 = 35	2007 = 25	
2006 = 5	2006 = 4	2006 = 14	2006 = 40	2006 = 26	2006 = 28	
2005 = 18	2005 = 5	2005 = 7	2005 = 38	2005 = 35	2005 = 15	
2004 = 18	2004 = 4	2004 = 8	2004 = 37	2004 = 36	2004 = 24	
2003 = 17	2003 = 3	2003 = 9	2003 = 41	2003 = 37	2003 = 21	
2002 = 10	2002 = 5	2002 = 19	2002 = 39	2002 = 35	2002 = 3	
<b><u>Delaware</u></b>	<b><u>Kansas</u></b>	<b><u>Mississippi</u></b>	<b><u>New York</u></b>	<b><u>South Carolina</u></b>	<b><u>West Virginia</u></b>	
2007 = 1	2007 = 13	2007 = 13	2007 = 19	2007 = 37	2007 = 50	
2006 = 1	2006 = 15	2006 = 48	2006 = 21	2006 = 42	2006 = 50	
2005 = 1	2005 = 16	2005 = 50	2005 = 27	2005 = 39	2005 = 49	
2004 = 1	2004 = 9	2004 = 50	2004 = 22	2004 = 40	2004 = 49	
2003 = 1	2003 = 15	2003 = 50	2003 = 27	2003 = 42	2003 = 49	
2002 = 1	2002 = 4	2002 = 50	2002 = 27	2002 = 42	2002 = 49	



## **APPENDIX C: ALERT LETTER**

**2008 State Liability Systems Ranking Study**  
Conducted by Harris Interactive for the U.S. Chamber Institute for Legal Reform

---

[NAME]  
[COMPANY]  
[ADDRESS1]  
[ADDRESS2]  
[ADDRESS3]  
[CITY], [STATE] [ZIP]

Dear Mr./Ms. [LAST NAME]:

We are writing to ask for your help with a very important research project relating to our nation's civil justice system.

The U.S. Chamber Institute for Legal Reform has asked Harris Interactive, best known for *The Harris Poll*®, to once again conduct its annual State Liability Systems Ranking Study. Now in its seventh year, this study has become the primary benchmark that elected officials, the media and other opinion leaders use to measure their state's legal environment. Each year, the study has played a substantial role in state legislative debates about the need for legal reform.

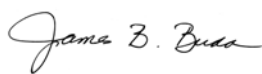
The annual poll has become an important tool to promote balance within our civil justice system. For this reason, we strongly encourage your participation in this year's poll. Your participation is critical because Harris has selected only a small sample of in-house general counsel and other senior litigators to participate. It is entirely possible you helped with this study in past years. If so, we thank you and encourage your continued participation. We will be calling you over the next few weeks, but if you 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. Also, we have enclosed the press release from the 2007 State Ranking Study and a document outlining relevant information about the study for your reference.

If you have any questions regarding this research, please feel free to contact David Krane from Harris Interactive at 1-800-866-7655 (ext. 6648) or Linda Kelly, Vice President for Policy and Research at the U.S. Chamber Institute for Legal Reform at 202-463-5724.

Sincerely,



**Kim M. Brunner**  
*Executive Vice President,  
General Counsel and Secretary*  
State Farm Insurance



**James Buda**  
*Vice President, General Counsel &  
Secretary*  
Caterpillar Inc.



**Russell C. Deyo**  
*Vice President, General Counsel &  
Chief Compliance Officer*  
Johnson & Johnson



**Tom Gottschalk**  
*Of Counsel*  
Kirkland & Ellis LLP

## CHAMBER STUDY RANKS BEST, WORST LAWSUIT CLIMATES

WASHINGTON, DC – The U.S. Chamber Institute for Legal Reform (ILR) released a study today showing that Delaware has the best legal climate in the country, and West Virginia has the worst. Those are among the findings of *Lawsuit Climate 2007: Ranking the States*, an annual assessment of state liability systems conducted by the nonpartisan polling firm Harris Interactive.

“This study shows how a handful of jackpot jurisdictions can drag down the reputation of the entire state, even in those states that have enacted meaningful legal reform measures,” said Tom Donohue, president and CEO of the U.S. Chamber of Commerce. “Similarly, a handful of states with bad lawsuit systems can affect the United States business climate, hurting our global competitiveness.”

Delaware has held the top spot for the entire six-year run of the ILR/Harris survey. Other top states include Minnesota, Nebraska, Iowa, and Maine. West Virginia is ranked in last place for the second year in a row, and scores significantly worse in the survey’s raw scores than the next lowest ranked state, Mississippi. Others at the bottom of the list include Louisiana, Alabama, and Illinois.

An analysis of the data over the six years Harris has conducted the survey indicates an overall improvement in state legal climates. In a number of states, this trend correlates with legal reforms enacted over the same period.

“We’ve been telling some of the worst states for six years now that they need to improve their lawsuit system in order to attract new business and grow jobs and, for a number of states, the message appears to be getting through,” Donohue said. “But some states are learning that they also need to make sure their courts correctly apply the law. The bottom line is this: even though we’re seeing some improvements, from the perspective of global competitiveness, we’re only as good as our worst states. So we need to keep working.”

The ILR/Harris Interactive survey of 1,599 senior attorneys is the preeminent standard by which companies, policymakers and the media measure the legal environment of states. Survey respondents assigned each state a letter grade for each of 12 different factors affecting the states’ tort liability system, ranging from the overall treatment of tort and contract litigation to judges’ competence and impartiality.

To highlight the results of the study and the need for comprehensive legal reform, ILR is launching a national advertising campaign, spotlighting the cost the average family pays as a result of lawsuits.

ILR seeks to promote civil justice reform through legislative, political, judicial, and educational activities at the national, state, and local levels. The U.S. Chamber of Commerce is the world's largest business federation, representing more than 3 million businesses and organizations of every size, sector, and region.

BLOOMBERG

## **Corporate Counsel Call West Virginia Worst State for Lawsuits**

2007-04-25 14:19 (New York)

By Carlyn Kolker

April 25 (Bloomberg) -- West Virginia was ranked the worst state for companies to face lawsuits and Delaware the best in a survey of corporate counsel commissioned by the U.S. Chamber of Commerce . Harris Interactive polled 1,599 general counsel and in-house corporate litigators, asking them to judge the states on 12 criteria, including the impartiality of judges, evidence rules and caps on punitive damages

"This is a perception survey," Lisa Rickard, president of the Chamber's Institute for Legal Reform, said in an interview. The lawyers who responded to the survey "are making recommendations to senior management and CEOs about where to do business" based on their perceptions, she said.

Rickard said West Virginia law lets plaintiffs from out of state bring cases that their home states wouldn't permit. Respondents faulted the state's judges for not being "balanced" and criticized juries for giving plaintiffs big awards, she said.

California ranked sixth-worst among the states, after Mississippi, Louisiana, Alabama and Illinois. Los Angeles was deemed the worst city for corporate defendants.

The American Association for Justice, which represents plaintiffs' lawyers, issued a statement calling the Chamber of Commerce study "bogus," saying it was "a survey of corporate lawyers earning millions of dollars defending their CEOs from being held accountable."

The Washington-based Chamber of Commerce said it will run print, television and billboard advertisements about the litigation "climate" in different states.

In December, the American Tort Reform Association, a lobbying group funded in part by publicly traded corporations, named West Virginia the top "judicial hell hole" in the country.

--Editor: Dunn.

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Bloomberg provides corporate counsel with access to a powerful suite of legal and regulatory research tools, including real-time and historic online legal databases, daily litigation and regulatory summaries, plus real-time legal regulatory and compliance reports. Bloomberg's legal analysis is also fully-integrated with its financial platform, allowing access to market-moving legal news as well as key company information, such as financials, corporate filings, and corporate-governance ratings.

## **FACTS ABOUT THE HARRIS STATE LIABILITY SYSTEMS RANKING SURVEY**

- This poll, conducted by Harris Interactive, *The Harris Poll*® people, is an annual survey commissioned by the Institute for Legal Reform at the U.S. Chamber of Commerce. This is the seventh year the survey has been conducted.
- The survey report that is produced when this poll is completed ranks all 50 states according to the fairness and reasonableness of their state liability systems. It is based on polling a representative national sample of in-house general counsel or senior litigators in companies with annual revenues of at least \$100 million.
- This is a survey of the attitudes, perceptions and experiences of senior corporate legal officers who are familiar with the states they evaluate.
- Why do we survey the perceptions of in-house counsel? Perceptions matter and can be measured. They have economic consequences and influence the choices companies make as to where to expand or retain markets, where to invest resources, where to locate facilities, and where to add additional staff or invest marketing dollars.
- Although many other factors may affect these business decisions, a state's liability system is clearly important. A state's legal environment can significantly influence a company's strategic planning.
- Acknowledgment of the fact that there are economic consequences to how a state's liability system is perceived has had a major impact on legislative debates about the need for legal reform in some important states.
- Over the years the survey has been conducted, its results have been reported in such prominent news outlets as *The Wall Street Journal*, *Bloomberg News*, *Forbes*, *Investors Business Daily*, *USA Today*, *the Associated Press*, *The National Law Journal*, and *MSN Money*.

**APPENDIX D: QUESTIONNAIRE**



**SECTION 400: SAMPLE PRELOAD AND SCREENING QUESTIONS**

**BASE: ALL RESPONDENTS**

**Q410** Hello, may I please speak to \_\_\_\_\_?

[PROGRAMMER NOTE: REFERENCE ABOVE NAME FROM SAMPLE OR FROM Q460.]

- |   |                       |                                     |
|---|-----------------------|-------------------------------------|
| 1 | Continue              | [ASK Q415]                          |
| 2 | Not available         | [SKIP TO 99 THEN CODE AS CALL BACK] |
| 8 | Not Sure (v)          | [SKIP TO 99 THEN CODE AS CALL BACK] |
| 9 | Decline to answer (v) | [SKIP TO 99 THEN TERM AS REFUSAL]   |

**BASE: ALL CONTINUING RESPONDENTS (Q410/1)**

**Q415** Hello, I'm \_\_\_\_\_ from *The Harris Poll*. We have been commissioned by the United States Chamber of Commerce to conduct a survey among attorneys. Your company may have received a letter signed by four general counsel of Fortune 100 companies urging participation. This study has become the primary benchmark that elected officials, the media, and other opinion leaders use to measure their state's legal environment. To thank you for your qualified participation in this study, we will send a (\$50 or \$100) check to you or one of six predetermined charities. We are also happy to send you an executive summary of the findings. This study will examine state liability systems and will take about 15 to 20 minutes of your time, depending on your answers. 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 RESPONDENT ASKS ABOUT CHARITIES, SAY: "You may chose to donate the (\$50 or \$100) to one of the following six charities: American Cancer Society, American Diabetes Association, Boys & Girls Clubs of America, First Book, Salvation Army, or United Way." IF THEY ASK ABOUT FIRST BOOK, SAY: "First Book is a nonprofit organization that gives children from low-income families the opportunity to read and own their first new books.)

(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, "A letter from 4 general counsel of Fortune 100 companies may have been sent to someone in your company urging participation in this survey. Now in its seventh year, this study has become the primary benchmark that elected officials, the media, and other opinion leaders use to measure their state's legal environment. Each year, the study has played a substantial role in state legislative debates about the need for legal reform. The annual poll has become an important tool to promote balance within our civil justice system."

.IF REQUESTED, THE LETTER CAN BE FAXED TO RESPONDENT.)

- |   |   |                                     |
|---|---|-------------------------------------|
| 1 | Yes convenient, continue                        |                                     |
| 2 | No, not convenient now                          | [SKIP TO 99 THEN CODE AS CALL BACK] |
| 8 | Not Sure (v)                                    | [SKIP TO 99 THEN CODE AS CALL BACK] |
| 9 | Don't want to participate/Decline to Answer (v) | [JUMP TO Q450]                      |

**BASE: ALL CONTINUING RESPONDENTS (Q415/1)**

**Q420** What is your job title? (DO NOT READ LIST)

- |    |                          |                |
|----|--------------------------|----------------|
| 01 | General Counsel          | [JUMP TO Q440] |
| 02 | Head of Litigation       | [JUMP TO Q440] |
| 03 | Senior counsel/litigator | [JUMP TO Q440] |
| 04 | Paralegal                | [JUMP TO Q450] |
| 05 | Legal Secretary          | [JUMP TO Q450] |
| 07 | IT                       | [JUMP TO Q450] |
| 08 | HR                       | [JUMP TO Q430] |
| 06 | Other [SPECIFY AT Q425]  | [JUMP TO Q425] |
| 98 | Not sure (v)             | [JUMP TO Q430] |
| 99 | Decline to answer (v)    | [JUMP TO Q430] |



**BASE: GAVE OTHER JOB TITLE (Q420/6)**

**Q425** (ENTER OTHER JOB TITLE)

[MANDATORY TEXT BOX]

**BASE: OTHER RELEVANT LEGAL TITLE IN Q425 (420/6, 8,98,99)**

**Q430** Are you aware of the pertinent legal issues your company, on a whole, is involved in?

- |                     |                |
|---------------------|----------------|
| 1 YES, CONTINUE     | [ASK Q435]     |
| 2 NO                | [JUMP TO Q450] |
| 8 NOT SURE          | [JUMP TO Q450] |
| 9 DECLINE TO ANSWER | [JUMP TO Q450] |

**BASE: AWARE OF PERTINENT LEGAL ISSUES (Q430/1)**

**Q435** Are you knowledgeable about or responsible for litigation matters at your company?

- |                     |                |
|---------------------|----------------|
| 1 YES, CONTINUE     | [ASK Q440]     |
| 2 NO                | [JUMP TO Q450] |
| 8 NOT SURE          | [JUMP TO Q450] |
| 9 DECLINE TO ANSWER | [JUMP TO Q450] |

**BASE: ALL CONTINUING RESPONDENTS (420/1-3 OR 435/1)**

**Q440** 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.")

\_\_\_\_ [RANGE: 0-50, 98, 99]

**BASE: ALL CONTINUING RESPONDENTS (420/1-3 OR 435/1)**

**Q445** 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.")

[PROGRAMMER NOTE: CANNOT BE LESS THAN ANSWER IN Q440]

\_\_\_\_ [RANGE: 0-50, 98, 99]

**BASE: DOES NOT WANT TO TAKE SURVEY OR IS NOT AWARE OF PERTINENT LEGAL ISSUES OF COMPANY (Q415/9 OR OR Q420/4,5,7 OR Q430/2,8,9 OR 435/2,8 OR 9)**

**Q450** Can you connect me to an attorney in your company who might be interested in completing the survey? IF Q435/2,8 OR 9: Can you connect me to an attorney in your company who is knowledgeable about or responsible for litigation matters?

(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.)

- |                         |                                   |
|-------------------------|-----------------------------------|
| 1 Yes                   | [JUMP TO Q460]                    |
| 2 No                    | [SKIP TO 99 THEN END INTERVIEW]   |
| 8 Not sure (v)          | [ASK Q455]                        |
| 9 Decline to answer (v) | [SKIP TO 99 THEN TERM AS REFUSAL] |

**BASE: NOT SURE WHO TO REFER TO (Q450/8)**

**Q455** Can you connect me to someone in your company who might know who would be interested in completing the survey?

- |                         |                                   |
|-------------------------|-----------------------------------|
| 1 Yes                   | [JUMP TO Q415]                    |
| 2 No                    | [SKIP TO 99 THEN END INTERVIEW]   |
| 8 Not sure (v)          | [SKIP TO 99 THEN END INTERVIEW]   |
| 9 Decline to answer (v) | [SKIP TO 99 THEN TERM AS REFUSAL] |

**BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q450/1)**

**Q460** May I please have this attorney's name and title?

NAME: [TEXT BOX]

**Q461**

TITLE:

- 1 General Counsel
- 2 Head of litigation
- 3 Senior, experienced litigator
- 4 CEO, other executive
- 5 Lawyer
- 6 Other [SPECIFY]

**BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q450/1)**

**Q465** 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.)

[IF Q461/1,2,3,4,5 JUMP TO Q410; ELSE TERMINATE]

**BASE: ALL QUALIFIED RESPONDENTS (Q420/1-3 OR Q435/1) AND Q423/2-3**

**Q470** Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor? [DO NOT READ LIST]

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

**SECTION 500: STATE FAMILIARITY ASSESSMENT****BASE: ALL QUALIFIED RESPONDENTS (Q420/1-3 OR Q435/1) AND Q423/2-3**

Q500 Thinking about the state court system, how familiar are you with the current 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?

Q501	1	2	3	4	8	9
	Very Familiar	Somewhat Familiar	Not Very Familiar	Not At All Familiar	Not Sure (v)	Decline to Answer (v)

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

PROGRAMMER NOTE: QUOTAS HAVE BEEN SET THAT SHOULD BE BASED ON HOW MANY ARE "VERY OR SOMEWHAT FAMILIAR" WITH EACH STATE. ONCE THIS MANY ARE "VERY OR SOMEWHAT FAMILIAR" WITH THAT STATE, THE STATE SHOULD NOT BE SELECTED.]

[RANDOMIZE 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 (Q420/1-3 OR Q435/1) AND Q423/2-3**

**Q505** 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 Q500.]

[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 Missouri
- 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
- 51 None of these (v) E
- 97 Not sure (v) E

**BASE: RESPONDENTS WHO MENTION 1 OR MORE STATES IN Q505**

**Q510** And would you say you are very familiar or somewhat familiar with [INSERT FIRST/NEXT STATE MENTIONED IN 505]'s state court systems?

- 1 Very familiar
- 2 Somewhat familiar
- 3 Not sure (V)
- 4 Decline to answer (v)

**SECTION 600: STATE EVALUATIONS**

[PROGRAMMER NOTE: ASK Q600-665 UP TO 10 TIMES FOR EACH STATE PRIORITY SELECTED FROM (Q500/1-50 & Q501/1,2) & Q505/1-50.]

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q505/1-50 OR (Q500/1-50 & Q501/1,2))**

**Q600** 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 1<sup>ST</sup> 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)

<b>Q601</b>	1	2	3	4	5	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 | Having and enforcing meaningful venue requirements           |
| 2 | Overall treatment of tort and contract litigation            |
| 3 | Treatment of class action suits and mass consolidation suits |
| 4 | Punitive damages   |
| 5 | Timeliness of summary judgment or Dismissal                  |
| 6 | Discovery  |
| 7 | Scientific and technical evidence                            |
| 8 | Non-economic damages   |

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q505/1-50 OR (Q500/1-50 & Q501/1,2))**

**Q605** 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 1<sup>ST</sup> STATE]

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

(INTERVIEWER READ FOR 1<sup>ST</sup> 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"?)

<b>Q606</b>	1	2	3	4	5	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

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q505/1-50 OR (Q500/1-50 & Q501/1,2))**

**Q610** Is there any other key element that you think is critical to [INSERT STATE]'s liability system?

- 1 Yes [ASK Q612]
- 2 No [JUMP TO Q620]
- 8 Not sure (v) [JUMP TO Q620]
- 9 Decline to answer (v) [JUMP TO Q620]

**BASE: GAVE OTHER KEY ELEMENT (Q610/1)**

**Q612** What is that other element critical to [INSERT STATE]'s liability system?

[MANDATORY TEXT BOX]

**BASE: GAVE OTHER KEY ELEMENT (Q610/1)**

**Q615** What grade would you give them on this element?

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

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q505/1-50 OR (Q500/1-50 & Q501/1,2))**

**Q620** Overall, what grade would you give [INSERT STATE]?

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

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q625** What do you think is the SINGLE WORST ASPECT of the litigation environment that state policy makers should focus on to improve the business climate in their states?

[MANDATORY TEXT BOX].

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q630** How likely would you say it is that the litigation environment in a state could affect an important business decision at your company such as where to locate or do business? Would you say very likely, somewhat likely, somewhat unlikely or very unlikely? [DO NOT READ]

- 1 Very likely
- 2 Somewhat likely
- 3 Somewhat unlikely
- 4 Very unlikely
- 8 Not sure (v)
- 9 Decline to answer (v)

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q635** Thinking about the entire country, what do you think are the five **WORST** city or county courts. That is, which city or county courts have the LEAST fair and reasonable litigation environment for both defendants and plaintiffs? (INTERVIEWER NOTE: IF NECESSARY SAY: A JURISDICTION CAN BE DEFINED AS A COUNTY OR CITIES.)

[PROGRAMMER NOTE: CAN ACCEPT UP TO 5 RESPONSES]

[MANDATORY TEXT BOX: 1<sup>ST</sup> MENTION] ()

[TEXT BOX: 2<sup>ND</sup> MENTION] ()

[TEXT BOX: 3<sup>RD</sup> MENTION] ()

[TEXT BOX: 4<sup>TH</sup> MENTION] ()

[TEXT BOX: 5<sup>TH</sup> MENTION] ()

**BASE: ALL QUALIFIED RESPONDENTS Unless NULL to Q450/1**

**Q640** Why do you say [INSERT 1<sup>ST</sup> MENTION FROM Q635] has the LEAST fair and reasonable litigation environment for both defendants and plaintiffs?

[INTERVIEWER RECORD VERBATIM RESPONSE]

[MANDATORY TEXT BOX]



**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q650** Thinking about the entire country, what do you think are the five **BEST** city or county courts. That is, which city or county courts have the MOST fair and reasonable litigation environment for both defendants and plaintiffs? (INTERVIEWER NOTE: IF NECESSARY SAY: A JURISDICTION CAN BE DEFINED AS A COUNTY OR CITIES.)

[PROGRAMMER NOTE: CAN ACCEPT UP TO 5 RESPONSES]

[MANDATORY TEXT BOX: 1<sup>ST</sup> MENTION]

[TEXT BOX: 2<sup>ND</sup> MENTION]

[TEXT BOX: 3<sup>RD</sup> MENTION]

[TEXT BOX: 4<sup>TH</sup> MENTION]

[TEXT BOX: 5<sup>TH</sup> MENTION]

**BASE: ALL QUALIFIED RESPONDENTS Unless NULL to Q650/1**

**Q655** Why do you say [INSERT 1<sup>ST</sup> MENTION FROM Q650] has the MOST fair and reasonable litigation environment for both defendants and plaintiffs?

[INTERVIEWER RECORD VERBATIM RESPONSE]

[PROGRAMMER NOTE: ASK Q655Q660 FOR EACH STATE PRIORITY SELECTED FROM (Q500/1-50 & Q501/1,2) & Q505/1-50 AND ASKED IN Q600 – Q620.]

**BASE: RESPONDENTS WHO HAVE RATED STATES IN Q600 – Q620**

**Q660** When was the last time you were involved in, or very familiar with, litigation in [IN: INSERT EACH STATE] ?

[INTERVIEWER NOTE: READ THE ANSWER CHOICES ONCE AND REPEAT AS NEEDED]

**Q661**

- 1 Within the past 12 months
- 2 1 – 2 years ago
- 3 2 – 3 years ago
- 4 More than 3 years ago
- 8 Not sure (V)
- 9 Refused (V)

<b>SECTION 800: DEMOGRAPHICS</b>
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**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q800** Finally, 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.")

|\_|\_| [RANGE: 0-50, 98, 99]

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q805** What is your company's primary industry? (DO NOT READ LIST)

- |    |  |
|----|--|
| 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                                  |
| 14 | Other  |
| 98 | Not sure (v)   |
| 99 | Decline to answer (v)                                  |

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q810** Excluding nonpermanent employees, such as contract or temporary workers, approximately how many employees does your company have in total, in all locations in the United States? THIS INCLUDES BOTH FULL AND PART-TIME EMPLOYEES. [IF NECESSARY, READ: "JUST YOUR BEST ESTIMATE IS FINE"] [DO NOT READ LIST]

1. Under 100
2. 100-499
3. 500-999
4. 1,000 to 4,999
5. 5,000 to 9,999
6. 10,000 +
7. DK/REF

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q815** What was your company's total gross revenue (before expenses, taxes, etc.) for 2006? If you are not sure, please give your best estimate. [ DO NOT READ LIST]

1. Under \$100 Million
2. \$100-249 Million
3. \$250-499 Million
4. \$500-749 Million
5. \$750-999 Million
6. \$1 to less than 2 Billion
7. \$2 to less than 3 Billion
8. \$3 to less than 4 Billion
9. \$4+ Billion
10. DK/REF

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q820** Where is your company's principal place of business?

[MANDATORY TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q825** Where are YOU primarily located?

[MANDATORY TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q826** As a token of appreciation for your participation, we said we would send you or one of six predetermined charities a (\$50 or \$100) check. Would you like to receive the check yourself or make a donation to one of the following six charities [READ LIST]?

(INT NOTE: IF RESPONDENT ASKS FOR ANOTHER CHARITY SAY: "I'm sorry but we are not able to send checks to organizations that are not listed here. You must select one from the list.")

- |   |                               |               |
|---|-------------------------------|---------------|
| 1 | American Cancer Society       |               |
| 2 | American Diabetes Association |               |
| 3 | Boys & Girls Clubs of America |               |
| 4 | First Book                    |               |
| 5 | Salvation Army                |               |
| 6 | United Way                    |               |
| 8 | Self                          |               |
| 7 | None/ No Donation             | [DO NOT READ] |

**BASE: INCENTIVE TO RESPONDENT (Q826/8)**

**Q881** In order to send the check to you, we need your name and address. We assure you that this information will ONLY be used for mailing the check. It will not be associated with your responses to the survey.

- |             |                                   |            |
|-------------|-----------------------------------|------------|
|             | What is your first name?          | [TEXT BOX] |
| <b>Q882</b> | What is your last name?           | [TEXT BOX] |
| <b>Q883</b> | What is your address?             | [TEXT BOX] |
| <b>Q884</b> | Apartment/Suite/Floor Number      | [TEXT BOX] |
| <b>Q885</b> | In what town or city do you live? | [TEXT BOX] |
| <b>Q886</b> | In what state do you live?        | [TEXT BOX] |
| <b>Q887</b> | What is your zip code?            | [TEXT BOX] |

**BASE: ALL QUALIFIED RESPONDENTS (Q99/1)**

**Q830** We are also sharing an executive summary of the key findings with interested respondents to thank you for your participation. Would you like us to send this to you?

- |   |  |                |
|---|--|----------------|
| 1 | Yes, would like to get executive summary | [ASK Q835]     |
| 2 | No, do not want to get executive summary | [JUMP TO Q860] |
| 8 | Not sure (v)                             | [JUMP TO Q860] |
| 9 | Decline to answer (v)                    | [JUMP TO Q860] |

**BASE: WOULD LIKE EXECUTIVE SUMMARY (Q830/1)**

**Q835** The executive summary will be available in electronic format after the completion of the study. In order to send it to you, I'd like to get your email address.

RECORD EMAIL ADDRESS NUMBER \_\_\_\_\_  
99999 DK/REF

**BASE: ALL QUALIFIED RESPONDENTS**

**Q840** Thank you very much for your participation in this Harris Poll. We appreciate you sharing your perspective with us.