The Civil Jury

Trends in Trials and Verdicts,
Cook County, Illinois, 1960-1979

Executive Summary

Mark A. Peterson, George L. Priest
This research is supported by The Institute for Civil Justice.

The Rand Publications Series: The Report is the principal publication documenting and transmitting the Institute’s major research findings and final research results. The Note reports other outputs of Institute research for general distribution. Publications of The Rand Corporation do not necessarily reflect the opinions or policies of Rand’s and the Institute’s research sponsors.

Published by The Rand Corporation
The Civil Jury

Trends in Trials and Verdicts,
Cook County, Illinois, 1960-1979

Executive Summary

Mark A. Peterson, George L. Priest

1982
The Institute for Civil Justice

The Institute for Civil Justice, established within The Rand Corporation in 1979, performs independent, objective policy analysis and research on the American civil justice system. The Institute’s principal purpose is to help make the civil justice system more efficient and more equitable by supplying policymakers with the results of empirically based, analytic research.

Rand is a private, non-profit institution, incorporated in 1948, which engages in nonpartisan research and analysis on problems of national security and the public welfare.

The Institute examines the policies that shape the civil justice system, the behavior of the people who participate in it, the operation of its institutions, and its effects on the nation’s social and economic systems. Its work describes and assesses the current civil justice system; analyzes how this system has changed over time and may change in the future; evaluates recent and pending reforms in it; and carries out experiments and demonstrations. The Institute builds on a long tradition of Rand research characterized by an interdisciplinary, empirical approach to public policy issues and rigorous standards of quality, objectivity, and independence.

The Institute disseminates the results of its work widely to state and federal officials, legislators, and judges, to the business, consumer affairs, labor, legal, and research communities, and to the general public.
Board of Overseers

CHALINCEY J. MEDBERRY, III, Chairman of the Executive Committee, Bank of America; Chairman of the Board of Overseers, The Institute for Civil Justice

KENNETH J. ARROW, The Joan Kenney Professor of Economics and Professor of Operations Research, Stanford University

WILLIAM C. BAILEY, President, Aon Life and Casualty Companies

ARCHIE R. BOE, Chairman and Chief Executive Officer, Allstate Insurance Companies

GUIDO CALABRESI, Sterling Professor of Law, Yale Law School

RICHARD P. COOLEY, Chairman and Chief Executive Officer, Wells Fargo Bank and Wells Fargo Company

THOMAS R. DONAHUE, Secretary-Treasurer, AFL-CIO

W. RICHARD GOODWIN, President and Chief Executive, Hughes Capital Corporation

SHIRLEY M. HUFSLEDER, Attorney, Board of Directors, Hufstedler & Rumber, former U.S. Circuit Judge; former Secretary, U.S. Department of Education

EDWARD H. LEVI, Glen A. Lloyd Distinguished Service Professor, School of Law, University of Chicago; former Attorney General of the United States

JOHN A. LOVE, Chairman, President and Chief Executive Officer, Ideal Basic Industries; former Governor of Colorado

LAURENCE E. LYNN, JR., Professor of Public Policy, John F. Kennedy School of Government, Harvard University

ROBERT H. MALOTT, Chairman and Chief Executive Officer, PMC Corporation

EDWARD J. NOHA, Chairman and Chief Executive Officer, CNA Insurance Companies

WILLIAM B. SCHWARTZ, Vannevar Bush University Professor and Professor of Medicine, Tufts University

ELEANOR B. SHELDON, former President, Social Science Research Council

GUSTAVE H. SHUBERT, Senior Vice President, The Rand Corporation; Director, The Institute for Civil Justice

JUSTIN A. STANLEY, Partner, Mayer, Brown & Platt; former President, American Bar Association

WART Z. WAGNER, Jr., Partner, Cuneo,  Cuneo, Wagner, Nager, Johnson, Heueto & Math, former President, The Association of Trial Lawyers of America

ROBERT B. WILCOX, President, Property-Casualty Insurance Council

SANDRA L. WILLET, Executive Vice President, National Consumers League

MARGARET BUSH WILSON, Partner, Wilson, Smith and McCullin, Chairman of the NAACP National Board of Directors

PAUL S. WISE, President, Alliance of American Insurers

HONORARY MEMBERS

IRVING A. BLUESTONE, Professor of Labor Studies, Wayne State University; retired Vice President, United Auto Workers

SAMUEL R. PIERCE, JR., Secretary, U.S. Department of Housing and Urban Development

DONALD H. RUMSFELD, President and Chief Executive Officer, G. D. Searle & Company

CHARLES J. ZWICK, President and Chief Executive Officer, Southeast Banking Corporation; former Director of the U.S. Bureau of the Budget
Foreword

Although much is known about the laws, rules, and doctrines that govern the civil justice system, very little is known about the realities of how they are applied at the trial level by the juries that are their chief implementers. We know what the legislatures and the appellate courts that make and interpret the law intended to happen as a consequence of their actions. But we have very little empirically documented information about the verdicts that issue from the civil courts. The present study is the first in an extensive Institute series designed to fill this critical gap in our knowledge.

The reason for the gap is simple enough. Court systems are not designed to generate systematic and comparable data. Filling the gap requires poring through thousands of individual case records and laboriously coding and transferring to computer tape the specific characteristics of each one. So substantial is the investment required to build this analytic infrastructure that it has never before been constructed for any major metropolitan area or for any substantial period of time.

It is precisely this kind of gap that the Institute for Civil Justice was created to fill. With this report we begin to reap the fruits of an investment decision made shortly after the Institute was founded. With the cooperation of the publisher of a detailed and long-lived jury verdict periodical—the Cook County Jury Verdict Reporter—we have constructed a large-scale research data base on cases tried to verdict in the state and federal courts in the Chicago area since 1959. These data serve as a rich lode for historical analysis of past patterns in jury verdicts, the foundation for ongoing studies to detect changes in these patterns as they occur, and a model for constructing similar data bases for court systems in other parts of the country.

The information in this report details more than 9,000 civil suits tried to verdict in Cook County courts during the period 1960-1979. These include all civil suits for money damages other than those arising from automobile and common carrier accidents and a one-quarter
random sample of automobile and common carrier cases. In addition to the dollar outcome of each case, the data describe the number of litigants and their characteristics, the substance of the legal and factual issues in contention, the expert witnesses employed, and the settlement demands and offers put forth in unsuccessful attempts to settle the case prior to verdict. The data base is unique in its size and comprehensiveness. It follows that the analysis presented here is also without precedent. It represents the first systematic look at the complex and shifting landscape painted by ground-level application of the civil law in one of our largest metropolitan centers.

Practitioners, scholars, and decisionmakers will all find much useful information here. We have hard data on what urban juries do in automobile cases, or in product liability cases, or in all cases of a given cost dimension or involving certain types of parties or issues. Facts on trends and patterns can now be substituted for anecdotal information. This work also makes it possible to begin identifying and analyzing the negotiating judgments that result in the small but critical portion of civil disputes that are pressed all the way to verdict. With these data we begin to have the wherewithal to estimate the consequences of various kinds of changes in civil law and doctrine (such as the introduction of strict product liability, or the change from contributory to comparative negligence), which have up to now been debated and enacted without any documented projection of their likely effects. I believe these are seminal events in the history of empirical research on the civil justice system.

The reader will note that this study reports events; it does not seek to explain them or to draw out their implications. The authors' contribution lies in establishing the facts that are in need of explanation; it will fall to later work, some of which will be sponsored by the Institute, to delve into underlying causes. This report is best seen as the first in a line of publications that will greatly enlarge the store of public understanding of the workings of the courts.

Cook County is only one of several jurisdictions where detailed jury verdict data can be obtained. The Institute has moved to build similar computerized data bases for other court systems, starting with those in San Francisco County, California. To the degree feasible, we intend to develop an analytic network that permits comparative research at many levels of detail. Only then will the civil justice research base begin to reveal the economic and social consequences of the public policy that is made and carried out in the courts—public policy that affects all our citizens regardless of their station in life or the nature and purpose of their enterprise.

Gustave H. Shubert
Director, The Institute for Civil Justice
Executive Summary

Decisions by juries are central to the American system of civil justice; they resolve tens of thousands of civil cases each year and indirectly influence the outcome of hundreds of thousands of other disputes that are settled without trial. These decisions reach into the everyday lives of all Americans, because many personal and business actions take into account the potential implications of civil liability.

Despite the enormous personal and financial impact of jury decisions, little factual knowledge is available about them: how juries reach them, how they correspond to legal rules, or how they have changed. The Institute for Civil Justice therefore is studying jury decisions and changes in those decisions in recent years. The present analysis, based on the largest survey of civil juries ever conducted, is the first to provide comprehensive information about the lawsuits tried to juries. It is based on over 9,000 civil jury trials in Cook County, Illinois, between 1960 and 1979, and describes all state and federal civil jury trials in Chicago during those years.

While our research on these cases is continuing, we have already found that:

- The total number of trials dropped during the 1970s, but trials of product liability, malpractice, and contracts and business tort cases increased.
- Two-thirds of all trials are about traffic accidents, but awards in the relatively few product liability trials now come to almost as much money.
- The proportion of trials won by plaintiffs has grown over the 20 years.
- The average jury award in Chicago doubled in the 1970s, after showing no change from 1960 to the early 1970s.
- The biggest awards—the top 10 percent—grew even faster, more than doubling in the 1970s.
• Only the biggest awards increased, however. The value of most awards—up to the 75th percentile—was unchanged even during the 1970s.
• Awards increased most for slip-and-fall, road construction, and other street and sidewalk hazard cases.
• Professional malpractice awards increased 700 percent during the early 1970s and then decreased in the late 1970s.

METHODOLOGY

Our data come from descriptions of 19,000 cases published in the Cook County Jury Verdict Reporter, an independent newsletter used by plaintiffs' and defense lawyers and insurance companies who try cases in Cook County courts. We collected data for a sample of 25 percent of trials involving automobile accidents and common carriers and 100 percent of all other civil trials. For each sampled case we obtained detailed information about the parties, their claims, settlement offers and demands, the timing and types of legal actions, and, of course, verdicts. The data were coded into computer-readable form by law students working under the supervision of the authors.

The statistical analyses in this initial report describe aggregate trends for all civil jury trials and for eleven separate case types:

• Automobile accidents.
• Common carriers' liability for injuries to passengers.
• Property owners' liability to tenants, guests, and trespassers.
• Dramshops' (i.e., bars, liquor stores) liability for injuries caused by intoxicated customers.
• Street hazard liability for obstructions or negligent design or maintenance of roads or sidewalks.
• Workers' injuries on the job.
• Intentional torts (i.e., assault, discrimination, and false arrest).
• Professional malpractice.
• Product liability.
• Contracts or business torts.
• Miscellaneous actions.

1Civil jury verdicts comprise two decisions: First, the jury must decide if any defendant is liable to any plaintiff. We describe this as the decision about liability, and we refer to a case in which liability is found as a plaintiff "victory" or "win." Second, if the jury decides that there is liability, it must decide the amount of money that will be awarded to the plaintiffs. We use "award" or "judgment" to describe the size of verdicts for cases in which there is liability. We use the term "verdict" to describe the two interrelated decisions.
We have not attempted to test the hypotheses suggested in this report, nor have we attempted to explain our findings about trends and differences among types of lawsuits. These subjects are part of our continuing research. It should also be noted that the relatively small number of cases decided by juries, such as those described in this report, do not necessarily reflect all civil claims; perhaps as many as 95 percent of filed lawsuits are either settled or dropped without reaching trial. Although cases tried by juries undoubtedly influence settlements, we cannot be certain that the trends and patterns described here are representative of those for cases that are settled. The Institute for Civil Justice is conducting other research on the relationship between verdicts and settlements. This report examines only the verdicts of civil juries, the most central decisions.

NUMBER AND TYPES OF TRIALS

The number of trials dropped during the 1970s. Despite current concern with heavy court caseloads, there were about 150 percent more civil jury trials conducted between 1966 and 1968 (over 1200 per year) than in the most recent years of our study (an annual average of 814 trials between 1975 and 1979).²

While the total number of trials dropped, product liability, malpractice, contracts and business torts, and miscellaneous civil trials each showed sharp increases. Together these case types accounted for less than 5 percent of all civil jury trials in 1960-1964, but by 1975-1979 they made up more than 17 percent of the total. The growth was most impressive for contracts and business tort actions, which increased 1200 percent—from 3 trials per year in 1960-1965 to 40 per year in 1975-1979. However, five other types of cases—common carrier, dramshop, injury on property, street hazard, and worker injury—each decreased in frequency by 40 to 60 percent during the 1970s.

This change in caseload composition suggests that demands made upon jurors may be different today from those of 20 years ago. The types of cases that are now much more frequent (product liability, malpractice, contracts and business torts, and miscellaneous civil actions) often involve complicated technical issues and raise difficult normative questions. Further analyses will shed light on the ability of jurors to deal with problems of greater complexity.

²However, the number of trials increased again in the last years of our study and reportedly have continued to rise since then. We intend to update such trends in future reports.
THE DOMINANCE OF THE TRAFFIC CASELOAD

Despite changes in the frequency of other types of trials, automobile accidents continuously dominated the caseload of Cook County courts, accounting for 60 to 70 percent of trials throughout the entire 20 years. No other type of case involved even 10 percent of trials (Fig. 1).

![Chart showing types of civil jury trials]

Note: Totals sum to more than 100% because some trials involve more than one type of claim.

Fig. 1—Types of civil jury trials

Yet automobile accidents do not dominate the dollar amount of awards. Awards in most traffic cases are small, the smallest of any case type. And in recent years the number of small traffic cases has been growing. In the early 1960s half of all awards were under $8,000; after 1975, half were under $5,000 (all values in the report are adjusted for inflation and expressed in 1979 dollars). As a result, by the late 1970s the total awards in product liability cases almost equaled the
total for traffic cases, although there were 11 times as many trials of traffic cases.

TRENDS IN LIABILITY

Plaintiffs became increasingly successful over the 20-year period: In eight of the 11 case types their proportion of victories rose, and in six types the percent of increase was substantial. In contracts and business tort trials, for instance, plaintiffs won 60 percent of their trials in 1975-1979, a 13 percent increase over the early 1960s. In product liability and malpractice trials the increase was 11 percent. Plaintiffs' rate of success also improved markedly in common carrier, dramshop, and miscellaneous civil cases.

Decisions about liability varied greatly among types of cases. Plaintiffs won 63 percent of the worker injury trials over the 20 years and 58 percent of the contracts and business tort trials. At the other extreme, they won only 33 percent of the malpractice trials and 38 percent of the product liability trials. They also had relatively poor success with claims of intentional tort and injury on property, winning only 43 percent of those cases. Plaintiffs won slightly more than half of all other types of trials (i.e., automobile, dramshop, common carrier, street hazard, miscellaneous actions).

Although plaintiffs' chances of winning improved for most types of civil trials, the proportion of their victories when summed across all cases remained constant at 51 percent. This oddity—that the aggregate proportion of plaintiffs' wins did not change although most types did—can be attributed to two causes. First, the total proportion of all trials won by plaintiffs reflects the dominance of traffic case statistics, which remained fairly constant. That stability masked changes among the rest of the cases. Second, the changing mix of non-traffic cases offset plaintiffs' growing success within most types of trials. Plaintiffs were most apt to win worker injury cases, for example, but by the end of the 20-year period there were 40 percent fewer trials of that type. Conversely, plaintiffs continued to lose a relatively large proportion of malpractice and product liability trials, which together grew from 3.7 to 9.3 percent of the total caseload. In short, the larger number of types of cases in which plaintiffs did poorly tended to offset their improved chances of success in most types.
SIZE OF AWARDS

The average award to plaintiffs doubled during the 1970s (Fig. 2). During the 1960s, the average award (in 1979 dollars) remained at $30,000, but by the last five years of the 1970s plaintiffs' awards averaged $69,000. For 1978, the figure reached $82,000.

![Diagram showing the trend of awards over years with annotations for 90th, 75th, and 50th percentiles.]

Fig. 2—Awards, long-term trends

The average increased because the largest awards grew dramatically during the 1970s. By the late 1970s the value of the largest 10 percent of plaintiffs' awards exceeded $142,000, almost two and a half times the value of the largest 10 percent during the 1960s ($60,000).

In striking contrast to the sharp growth in big awards (and consequently in the average), most plaintiffs' judgments remained about the same size throughout the entire period. The value of the 75th percentile stayed even at $30,000, while the values of the median and 25th percentiles actually declined by about a third.
THE SIZE OF AWARDS FOR CASE TYPES

The value of plaintiffs' awards differed greatly among types of civil actions (Fig. 3). Half of the judgments in product liability cases exceeded $82,000; the average was more than a quarter of a million dollars. The median and average for automobile accident cases—the smallest—were only one-thirteenth as large. Plaintiffs also received large awards in malpractice, worker injury, and contracts and business cases. For each of those types, judgments averaged between $150,000 and $200,000, although half of the plaintiffs' awards were less than $60,000 for worker injury cases and less than $40,000 for the others. Both average and median judgments in most of the other case types were considerably lower.

One trend in the size of plaintiffs' awards was common for the various case types: The biggest awards (i.e., the largest 5 or 10 percent)

Fig. 3—Average and median awards for specific case types
increased greatly for all but one type (Table 1). This suggests either that jury trials increasingly involved plaintiffs with severe losses or that Cook County juries were becoming more sympathetic to plaintiffs who suffered severe injuries or economic losses. Our continuing research will help clarify the reasons for this dramatic increase in big awards.

Table 1

TRENDS IN 90TH PERCENTILE OF PLAINTIFFS' AWARDS FOR SPECIFIC CASE TYPES

<table>
<thead>
<tr>
<th>Years</th>
<th>Awards (thousands of 1979 dollars)</th>
<th>Sharp Increases</th>
<th>Slow Increases/Stable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960-64</td>
<td>51 (b)</td>
<td>(b)</td>
<td>496</td>
</tr>
<tr>
<td>1965-69</td>
<td>110 (b)</td>
<td>(b)</td>
<td>372</td>
</tr>
<tr>
<td>1970-74</td>
<td>268 1338</td>
<td>341</td>
<td>508</td>
</tr>
<tr>
<td>1975-79</td>
<td>648 461</td>
<td>238</td>
<td>791</td>
</tr>
<tr>
<td>1960-79</td>
<td>155 424</td>
<td>320</td>
<td>568</td>
</tr>
</tbody>
</table>

Change, 1960-64 to 1975-79 (\%)

|                | 1271 (b) | (b) | 159 | 200 | 208 | 212 | 127 | 79 | 227 |

*aCase types are grouped by whether or not mean for individual type increased faster than mean for all cases (i.e., 237 percent between 1960-64 and 1975-79).

bToo few cases to permit meaningful calculation.

For five case types—automobile accidents, common carrier, injury on property, dramshop, and intentional torts—the increase in awards was confined only to the largest values. During the 1960s, plaintiffs' awards for all of these case types had been relatively small (Table 2), and during the 1970s awards up to the 75th percentile remained small. Although the averages did rise, those values were swollen by the increasing size of judgments in the largest cases.

In contrast, plaintiffs' awards increased across the entire distribution for four kinds of claims: street hazard, malpractice, product liability, and worker injury. Indeed, because even medium and small awards increased in value, the average awards in each of these types grew markedly between 1960 and 1979 (Table 3).

The greatest increase, surprisingly, occurred in street hazard cases.

*The largest awards did not increase for dramshop actions, presumably because of a statutory ceiling of $30,000 per plaintiff. The increase for automobile accident and contracts and business tort cases occurred for a few extreme cases above the 90th percentile.
Table 2
TRENDS IN MEDIAN PLAINTIFFS’ AWARDS FOR SPECIFIC CASE TYPES<sup>*</sup>

<table>
<thead>
<tr>
<th>Years</th>
<th>Sharp Increases</th>
<th>Slow Increases/Stable Injury</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960-64</td>
<td>8</td>
<td>20</td>
</tr>
<tr>
<td>1965-69</td>
<td>19</td>
<td>31</td>
</tr>
<tr>
<td>1970-74</td>
<td>31</td>
<td>37</td>
</tr>
<tr>
<td>1975-79</td>
<td>42</td>
<td>84</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change,</td>
<td></td>
<td>525</td>
</tr>
<tr>
<td>1960-64 to 1975-79 (%)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>*</sup>Case types are grouped by whether or not mean for individual type increased faster than mean for all cases (i.e., 237 percent between 1960-64 and 1975-79).

Table 3
TRENDS IN AVERAGE PLAINTIFFS’ AWARDS FOR SPECIFIC CASE TYPES<sup>*</sup>

<table>
<thead>
<tr>
<th>Years</th>
<th>Sharp Increases</th>
<th>Slow Increases/Stable Injury</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960-64</td>
<td>20</td>
<td>32</td>
</tr>
<tr>
<td>1965-69</td>
<td>44</td>
<td>54</td>
</tr>
<tr>
<td>1970-74</td>
<td>86</td>
<td>370</td>
</tr>
<tr>
<td>1975-79</td>
<td>166</td>
<td>210</td>
</tr>
<tr>
<td></td>
<td>58</td>
<td>203</td>
</tr>
<tr>
<td>Change,</td>
<td>830</td>
<td>656</td>
</tr>
<tr>
<td>1960-64 to 1975-79 (%)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>*</sup>Case types are grouped by whether or not mean for individual type increased faster than mean for all cases (i.e., 237 percent, between 1960-64 and 1975-79).

In the early 1960s street hazard awards were equivalent to those in automobile accident trials. However, the value of small, medium, and large cases each doubled every five years until 1975 (after that only the largest cases went on climbing). By the end of the 1970s the median award in these cases exceeded $42,000, an increase from $8,000 in
the early 1960s. The average award jumped 830 percent, from $20,000 to $165,000.

Less surprisingly, awards for professional malpractice cases also grew dramatically.\(^4\) Between the early 1960s and the late 1970s, the average award went up more than 600 percent and the median over 400 percent. The trends of these judgments provide some insight into the "malpractice crisis" controversy of the mid-1970s. In the early 1960s only a few malpractice cases reached juries. Those that did resulted in relatively small awards: Half were under $20,000, and only two exceeded $100,000. Moreover, these cases represented a trivial fraction of all civil trials, accounting for less than 1 percent of all plaintiffs' awards during the 1960s. However, in the early 1970s the largest malpractice judgments skyrocketed, driving the average up 700 percent from its level in the late 1960s. In 1974 the eight malpractice awards averaged $845,000, accounting for one-fourth of the entire amount awarded in Cook County in that year. More money was awarded to malpractice plaintiffs in 1974 alone than in the previous 14 years of the period studied.

The enormous growth in the average malpractice award in the early 1970s was derived from increases in the largest cases. Medium and small awards did not go up much during those years. Nor was there an unusual increase in the number of malpractice trials or the proportion of cases won by plaintiffs: Both trends had been upward during the 1960s and continued in that direction throughout the span of our study.

In the late 1970s the size of the largest judgments in malpractice cases dropped by two-thirds, and the average fell over $150,000. The decline in both amounts might have resulted either from jurors' reaction to publicity about malpractice awards or from the effects of short-lived "reform" legislation that limited the size of those awards,\(^5\) but our research cannot establish either as a cause.

The entire range of plaintiffs' awards also increased for product liability and worker injury trials, but judgments for both types of cases were already so great in the early 1960s that the rates of change do not seem as dramatic. The average annual award in product liability cases reached $377,000 between 1975-1979, the highest value we observed, while the average for worker injury cases reached $250,000.

\(^{\text{4}}\)This category included all types of professional malpractice, but over 95 percent of the cases involved claims of medical malpractice.

\(^{\text{5}}\)This legislation, which included a number of other provisions, was passed in 1975 and declared unconstitutional by the Illinois Supreme Court in 1976. For further information on medical malpractice cases, see the Institute's forthcoming report on the disposition of medical malpractice claims across the nation, R-2792-ICJ, by Patricia Munch Danzon and Lee A. Lillard.
For each case type more than half of the successful plaintiffs in 1975-1979 were awarded over $100,000 each.

The changing mix in the types of cases, the stability of 75 percent of judgments, and the big increases in the largest cases resulted in a significantly different mix in the total awards to plaintiffs over time for the various case types. Between 1960 and 1964 plaintiffs in malpractice and contracts and business tort cases together were awarded $1 million. Between 1975 and 1979 that total was $31 million, 2000 percent higher in malpractice cases and 4300 percent higher in contracts and business tort trials. Product liability judgments account for almost one-fourth of the entire amount awarded to plaintiffs throughout the 1970s.

In short, the 20-year span has produced important changes in both the mix of cases tried to juries and the distribution of money awarded by them, despite a continuing dominance of the traffic caseload and the stability of awards for traffic cases.

FURTHER RESEARCH

Our continuing research will help to explain these trends. That research will also examine other important issues, such as:

- How jury verdicts were affected by changes in law and procedure, including
  - adoption of the strict liability standard in product liability cases;
  - changes in sovereign immunity;
  - the use of six-person juries in federal courts.

- What the reasons may be for differences in juries' verdicts:
  - how are verdicts related to parties' characteristics?
  - have verdicts against "deep pocket" defendants increased more rapidly?
  - what are the relationships between plaintiffs' injuries and disabilities and verdicts?
  - what are the characteristics of cases that produce extremely large awards?

- What relationships exist among offers/demands, the losses claimed by plaintiffs, and subsequent verdicts.

Throughout this research we will produce a series of reports addressing many questions central to the operation of our civil justice system. For example:
• Do jury verdicts reflect legal rules?
• How adequate is compensation? As some have suggested, are plaintiffs who suffer minor injuries overcompensated and plaintiffs with catastrophic injuries undercompensated?
• Are all parties treated equally, or does a litigant's race, sex, or corporate status affect the verdict that the party will receive from a jury?
• How do juries perform in lengthy, complicated civil cases?

In addition to presenting further analyses of jury verdicts in Cook County, later reports will examine outcomes in San Francisco County, California, courts and compare lawsuits and jury decisions between these jurisdictions. With these additional data we will conduct more precise analyses, particularly with respect to the effects of changes in the law, and we will be able to determine more confidently how our results apply to different jurisdictions.

Finally, we intend to add further jurisdictions to our database and to conduct broader analyses of patterns and trends in jury verdicts and awards across the nation.
Other ICJ Publications

R-2716-ICJ
The Law and Economics of Workers' Compensation
Policy Issues and Research Needs
L. Darling-Hammond and T. J. Kniesner
1980

R-2717-ICJ
Models of Legal Decisionmaking
Research Designs and Methods
D. A. Waterman and M. A. Peterson
1981

R-2732-ICJ
Court Efforts to Reduce Pretrial Delay
A National Inventory
P. Eben, with the assistance of J. Adler, M. Selvin, and M. Yesley
1981

R-2733-ICJ
Judicial Arbitration in California
The First Year
D. Hensler, A. Lipson, and E. Rolph
1981

R-2882-ICJ
Cost-Benefit Analysis and Voluntary Safety Standards for Consumer Products
L. L. Johnson
1982

A special bibliography (SB 1064) provides a list of other Rand publications in the civil justice area. To request the bibliography or to obtain more information about The Institute for Civil Justice, please write the Institute at this address: The Institute for Civil Justice, The Rand Corporation, 1700 Main Street, Santa Monica, California 90406, (213) 393-0411.