

2017 Lawsuit Climate Survey: Ranking the States

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I. INTRODUCTION

INTRODUCTION

The 2017 Lawsuit Climate Survey: Ranking the States was conducted for the U.S. Chamber Institute for Legal Reform by Harris Poll among a nationally representative sample of 1,321 in-house general counsel, senior litigators or attorneys, and other senior executives who are knowledgeable about litigation matters at companies with annual revenue of at least \$100 million. This study was conducted online and by telephone between March 31, 2017, and June 26, 2017.

Including this Introduction, this report consists of five sections. The Overview of Findings is contained in Section II. The Detailed Tables of Results are in Section III. A Detailed Survey Methodology, including a description of the sampling and survey administration procedures, as well as additional respondent profile information, is contained in Section IV. The survey materials (including the alert letter and complete questionnaire) can be found in Appendices A, B and C.

PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS

The Harris team responsible for the design and analysis of *The 2017 Lawsuit Climate Survey: Ranking the States* was comprised of David Krane, Senior Consultant; Alex Chew, Senior Director; Michelle Gosney, Research Manager; and Amy Mulvey, Research Analyst. We would like to acknowledge Oriana Senatore, Vice President of Policy and Research; and Judyth Pendell, consultant to the U.S. Chamber Institute for Legal Reform, for their invaluable contributions to the design, content, focus, and analysis of the project. Harris Poll is responsible for the final question wording, data collection, statistical analysis, and interpretation in the report.

ABOUT HARRIS POLL

Over the last five decades, research conducted by Harris Poll has been recognized as reliable, independent, and impartial. Harris Poll has been commissioned across multiple industries and by universities, federal agencies, and nonprofit organizations. With comprehensive experience and a precise technique in public opinion polling and survey research, Harris Poll has gained strong brand recognition around the world.

PUBLIC RELEASE OF SURVEY FINDINGS

All Harris Poll 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.

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.

II. OVERVIEW OF FINDINGS

The 2017 Lawsuit Climate Survey: Ranking the States was conducted for the U.S. Chamber Institute for Legal Reform by Harris Poll to explore how fair and reasonable the states' liability systems are perceived to be by U.S. businesses. Participants in the survey were comprised of a national sample of 1,321 in-house general counsel, senior litigators or attorneys, and other senior executives who indicated they are: (1) knowledgeable about litigation matters at companies with at least \$100 million in annual revenue¹; and (2) have recent litigation experience (within the past 5 years) in each state ranked. The 2017 ranking complements previous years' work² where in each survey year, all 50 states are ranked by respondents indicating familiarity with the litigation environment in that state. The respondents were asked about their firsthand experience at their company with specific litigation – not general impressions developed based on anything seen, read, or heard beyond that litigation³. However, the 2017 study should be considered a new benchmark, as criteria used for calculating the rankings were modified to reflect factors that are most likely to impact the current legal environment in a state.

Prior to the first of these rankings, information regarding the business community's perceptions of the legal systems in each of the states had been largely anecdotal, despite the fact that attitudes of a number of other constituencies had been studied. *The 2017 Lawsuit Climate Survey: Ranking the States* (previously called the State Liability Systems Survey), was first initiated in 2002, and this is the eleventh edition of the survey. The survey describes how general counsel, senior litigators or attorneys, and senior executives in U.S. businesses view the reasonableness and fairness of state liability systems. Broadly, the survey focuses on their perceptions of state liability systems in the following areas:

- Overall treatment of tort and contract litigation
- Enforcing meaningful venue requirements
- Treatment of class action suits and mass consolidation suits
- Damages
- Proportional discovery
- Scientific and technical evidence
- Trial judges' impartiality
- Trial judges' competence
- Juries' fairness
- The quality of appellate review

¹ Smaller companies were not surveyed because they so infrequently have in-house law departments.

² 2015, 2012, 2010, 2008, 2007, 2006, 2005, 2004, 2003, and 2002.

³ The sole exception is found on page 18, Table 5, where respondents were asked about their general impression of specific cities or counties.

The survey's respondents were first screened for their familiarity with individual 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 while **courts and localities within a state may vary a great deal** in fairness and reasonableness, respondents were asked to evaluate the state as a whole.⁴

The 2017 survey reveals that more than six in ten general counsel, senior litigators or attorneys, and senior executives (63%) view the overall fairness and reasonableness of state court liability systems in America as excellent or pretty good. The remaining 36% view the systems as only fair or poor, or declined to answer (1%).

A state's litigation environment is important, with most (85%) reporting that it is likely to impact important business decisions at their companies, such as where to locate or do business. (See Tables 2 and 2a, pages 14-15.)

OVERALL RANKINGS OF STATES

Respondents were asked to give states a grade (A, B, C, D or F) in each of the following areas: *enforcing meaningful venue requirements; overall treatment of tort and contract litigation; treatment of class action suits and mass consolidation suits; damages; proportional discovery; scientific and technical evidence; trial judges' impartiality; trial judges' competence; juries' fairness, and the quality of appellate review.* These key elements were then combined to create an overall ranking of state liability systems.

Taken as a whole, general counsel, senior litigators or attorneys, and senior executives perceive state courts to be doing better than average on the various elements. States received significantly more A's and B's (60%) than D's and F's (13%) when all of the elements were averaged together, as shown in the chart below.

Chart 1

Grade	Average Percentage Across All Elements Among 50 States*
A	24%
B	37%
C	22%
D	9%
F	4%
Not sure/Decline to answer	5%

*Percentages are rounded to the nearest whole number.

This year, the average overall score among the 50 states is 67.5. As a reminder, due to the change in overall ranking criteria as well as changes in the survey mode (increasing number of completes online vs. telephone), this score does

⁴ To explore the detailed nuances within each state would have required extensive questioning about each state and was beyond the scope and purpose of this study. It is possible that some states received low grades due to the negative reputation **of one or more of their counties or jurisdictions.**

not provide an apples-to-apples comparison to previous years. However, the prior scores are displayed below for reference.

Chart 2

Year	Average Overall Score Among 50 States (weighted by N size)
2017	67.5
2015	61.7
2012	60.9
2010	57.9
2008	59.4
2007	58.1
2006	55.3
2005	52.8
2004	53.2
2003	50.7
2002	52.7

While, when grouped as a whole, businesses give the states fairly positive ratings on each of the elements, there are wide disparities among the states individually in terms of those that are perceived to be the best and the worst. Listed below are the states doing the best and worst job of creating a fair and reasonable litigation environment according to respondents (*also see Table 3, page 16*).

Chart 3

Top 5	Bottom 5
South Dakota (#1)	Louisiana (#50)
Vermont (#2)	Missouri (#49)
Idaho (#3)	Illinois (#48)
Minnesota (#4)	California (#47)
New Hampshire (#5)	Florida (#46)

WORST LOCAL JURISDICTIONS

In order to identify specific cities or counties that might have an impact on a state’s ranking, respondents were provided a list of cities or counties with reputations for being problematic when it comes to contract and tort litigation, and were then asked to select two that have the least fair and reasonable litigation environments. According to respondents, the five worst jurisdictions (with others very close behind) were Chicago or Cook County, Illinois (23%); Los Angeles, California (18%); Jefferson County, Texas (17%); New Orleans or Orleans Parish, Louisiana (14%); and San Francisco, California (13%). (*See Table 5, page 18.*)

CONCLUSION

Several organizations and academics⁵ have conducted and analyzed surveys of attitudes toward state courts held by various constituencies. The objective of these studies has been to understand how state courts are perceived and, in some instances, to evaluate them, overall or in part. Until the annual State Liability Systems Ranking Study was initiated in 2002, no data existed on how the state courts are perceived by the business community, which is a significant user of, and participant in, the court system. This, the eleventh such survey and state ranking, finds that the senior lawyers and executives in large corporations lean more toward having positive perceptions about the fairness and reasonableness of state liability systems *overall*. About six in ten (63%) believe that the states are doing an excellent or pretty good job with respect to their state liability systems, while about one-third (36%) believe the states' systems are only fair or poor. Across the various elements, the respondents give state courts more A's and B's than D's and F's, on average.

An examination of individual state evaluations, however, reveals wide disparity among those states that are doing the best job and those states that are doing the worst job, with the highest-performing state (i.e., South Dakota) scoring 75 out of a possible 100 and the poorest-performing state (i.e., Louisiana) scoring 57 out of 100. Clearly, respondents see specific areas needing improvement in the individual states.

The perceptions of senior lawyers and executives in large companies matter. This survey reveals that eighty-five percent of senior lawyers and executives feel that the litigation environment in a state is likely to impact important business decisions. Decisions such as where to locate or where to expand businesses could have economic consequences for the state. The challenge for the states is to focus on those areas where they received the lowest scores and then make improvements where needed.

⁵ *Analysis of National Survey of Registered Voters*, National Center for State Courts (2016); Cann, Damon M. and Yates, Jeff, *These Estimable Courts: Understanding Public Perceptions of State Judicial Institutions and Legal Policy-Making*, Oxford University Press (2016); *Citizen Perceptions of judicial Realism in the American State Courts*, Brigham Young University Center for the Study of Elections and Democracy (2014); *Public Trust and Confidence Survey*, State of Utah Administrative Office of the Courts (2012); *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys*, The Administrative Office of the Courts on Behalf of the Judicial Council of California (2005); *The Sources of Public Confidence in State Courts*, American Politics Research (2003); *Perceptions of the U.S. Justice System*, American Bar Association (1999).

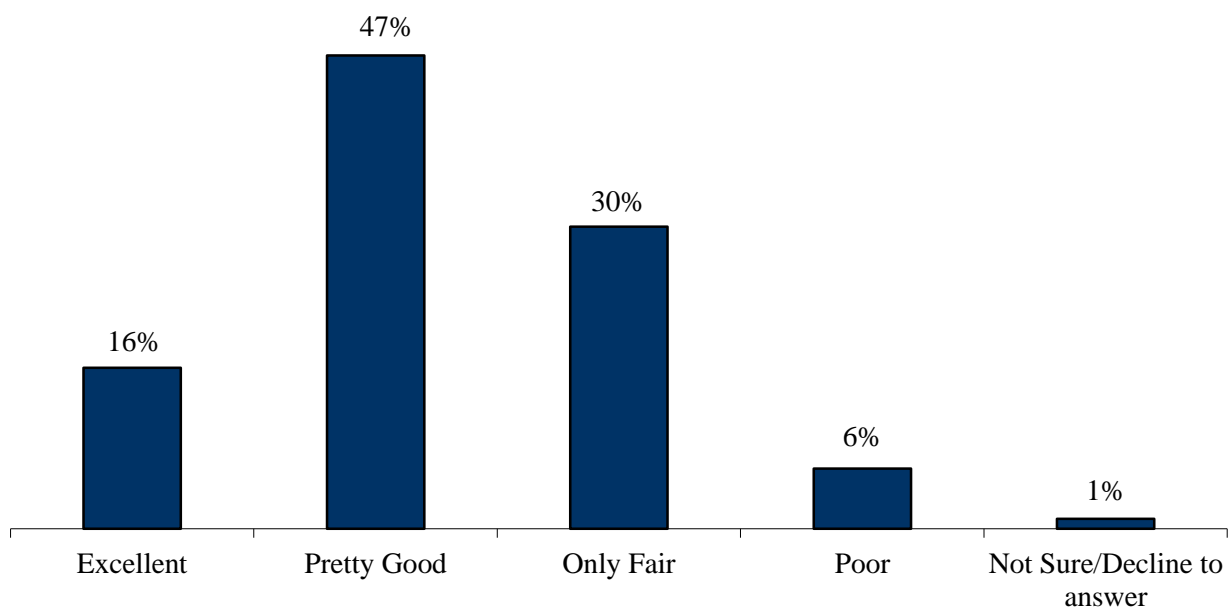
III. DETAILED TABLES OF RESULTS

Table 1

Perception of State Court Liability Systems Overall

EXCELLENT/PRETTY GOOD
(NET)
63%

ONLY FAIR/POOR
(NET)
36%



Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1321)

Q720: Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor?

Table 1A

Overall Rating of State Court Liability Systems in America – Over Time

<u>Excellent/Pretty Good (Net)</u>	
2017	63%
2015	50%
2012	49%
2010	44%
2008	41%
2007	56%
2006	41%
2005	37%
2004	39%
2003	31%
2002	39%

<u>Only Fair/Poor (Net)</u>	
2017	36%
2015	49%
2012	51%
2010	56%
2008	55%
2007	41%
2006	55%
2005	60%
2004	56%
2003	65%
2002	57%

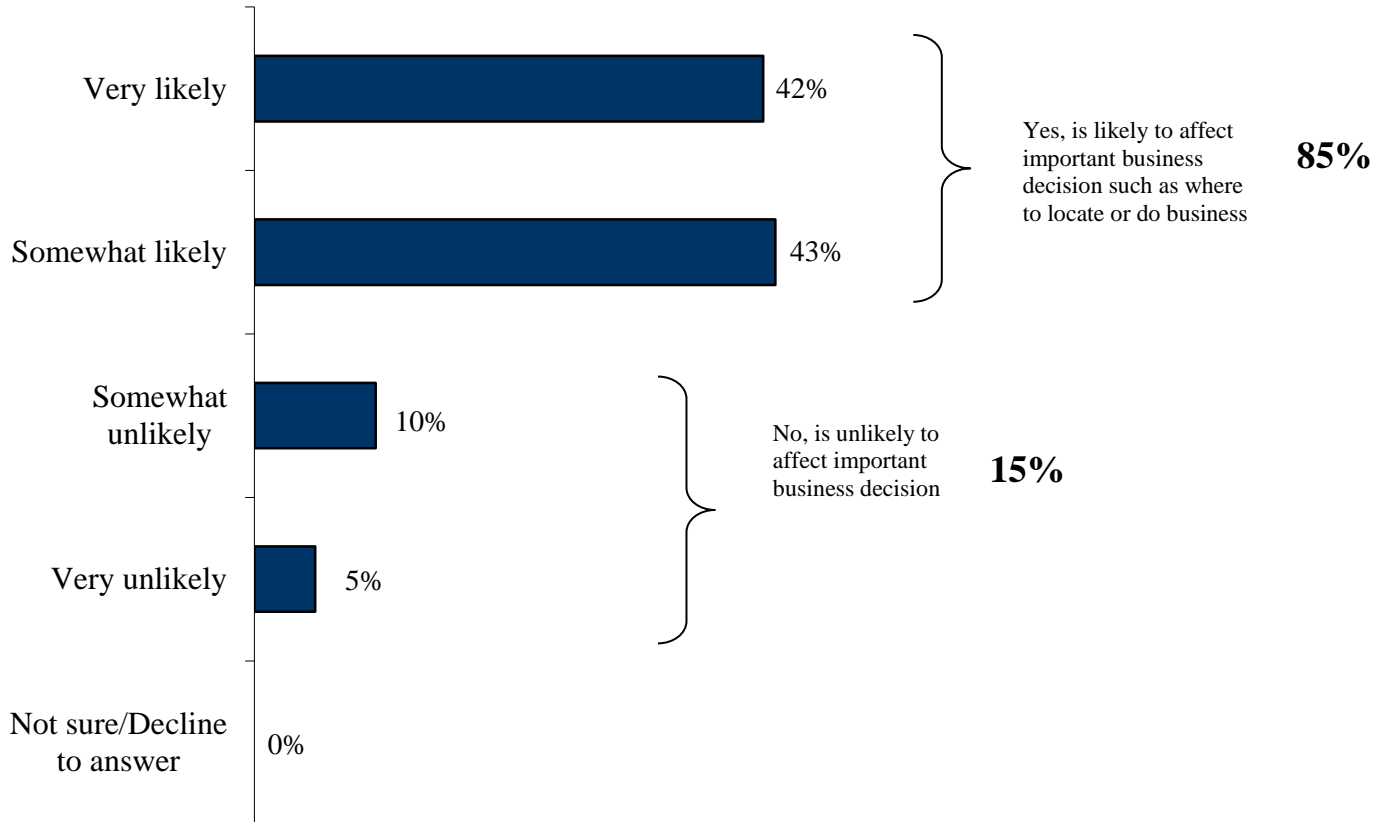
	2017	2015	2012	2010	2008	2007	2006	2005	2004	2003	2002
Base:	n=1321	n=1203	n=1125	n=1482	n=957	n=1599	n=1456	n=1437	n=1402	n=928	n=824
Excellent	16%	8%	6%	2%	3%	7%	1%	2%	3%	2%	2%
Pretty Good	47%	42%	42%	42%	38%	49%	39%	35%	36%	30%	37%
Only Fair	30%	41%	42%	47%	45%	35%	45%	46%	44%	47%	43%
Poor	6%	8%	8%	9%	10%	6%	10%	14%	13%	19%	14%
Not sure/Decline to answer	1%	1%	1%	1%	4%	3%	4%	4%	5%	3%	4%

Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1321)

Q720: 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 or Attorneys, and Senior Executives (N=1321)

960: 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 2A

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

<u>Yes, is likely to affect important business decision such as where to locate or do business</u>	
2017	85%
2015	75%
2012	70%
2010	67%
2008	63%
2007	57%
2006	69%

<u>No, is unlikely to affect important business decision</u>	
2017	15%
2015	24%
2012	30%
2010	33%
2008	35%
2007	40%
2006	29%

	2017	2015	2012	2010	2008	2007	2006
Base:	n=1321	n=1203	n=1125	n=1482	n =957	n= 1599	n = 1456
Very likely	42%	32%	28%	25%	29%	24%	30%
Somewhat likely	43%	44%	42%	42%	35%	33%	39%
Somewhat unlikely	10%	16%	19%	21%	17%	16%	16%
Very unlikely	5%	8%	10%	12%	18%	24%	13%
Not sure/Decline to answer	0%	0%	0%	1%	2%	3%	1%

Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1321)

960: 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?

Note: Wording of the question changed in 2006.

Table 3
2017 Overall Ranking of State Liability Systems

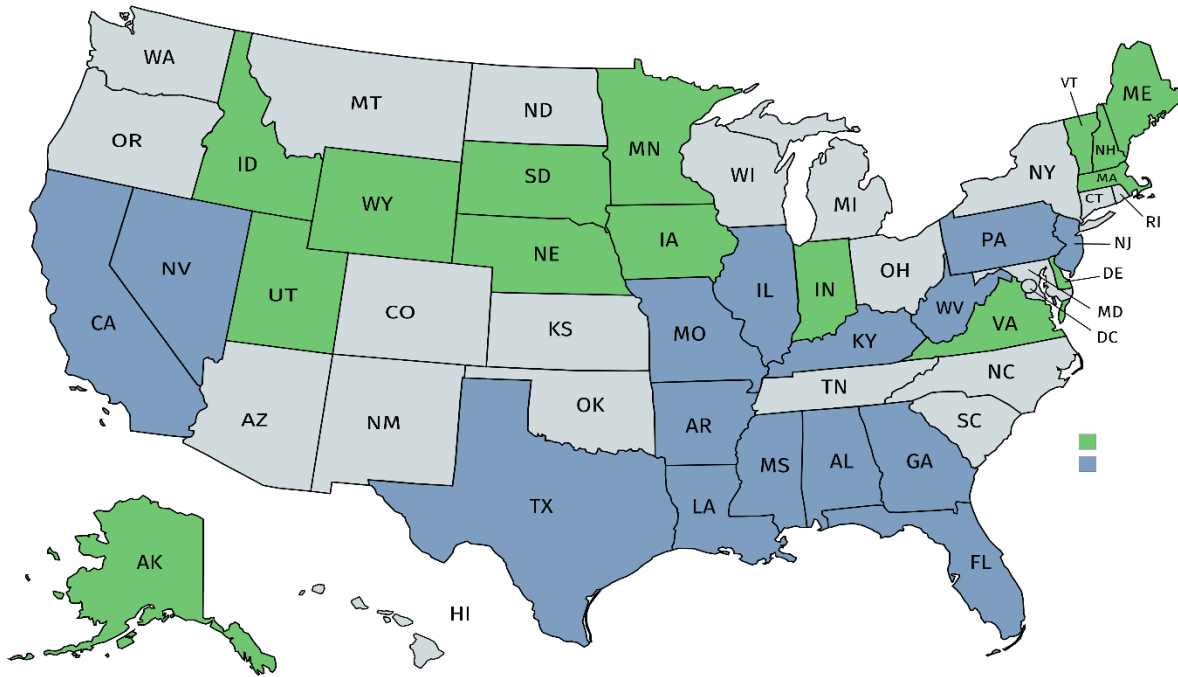
State	Rank	Score*	N
South Dakota	1	75.3	120
Vermont	2	75.2	100
Idaho	3	75.0	110
Minnesota	4	74.2	118
New Hampshire	5	73.9	100
Alaska	6	73.8	108
Nebraska	7	73.5	127
Wyoming	8	73.3	111
Maine	9	73.2	107
Virginia	10	72.8	133
Delaware	11	72.8	108
Utah	12	72.8	139
Iowa	13	72.6	132
Massachusetts	14	72.1	139
Indiana	15	71.9	118
Connecticut	16	71.8	105
North Dakota	17	71.5	109
Kansas	18	71.5	145
Maryland	19	70.8	116
Wisconsin	20	70.7	183
Oregon	21	70.4	107
Michigan	22	70.4	147
Hawaii	23	70.0	112
Rhode Island	24	69.9	122
Arizona	25	69.8	181
Ohio	26	68.7	150
Montana	27	68.7	119
Washington	28	68.4	165
New York	29	68.4	254
Tennessee	30	68.3	113
Oklahoma	31	68.3	109
New Mexico	32	68.2	84
North Carolina	33	68.2	113
South Carolina	34	67.7	104
Colorado	35	67.6	112
Arkansas	36	67.2	94
Nevada	37	66.6	120
Pennsylvania	38	66.3	234
Texas	39	64.3	268
Georgia	40	64.1	141
New Jersey	41	63.8	180
Kentucky	42	61.7	105
Alabama	43	61.1	125
Mississippi	44	61.1	132
West Virginia	45	60.6	177
Florida	46	60.5	273
California	47	60.0	378
Illinois	48	59.1	244
Missouri	49	58.1	131
Louisiana	50	56.6	147

Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1321)

*Note: Scores presented in this table have been rounded to one decimal place, but rankings are based on the unrounded number. The column labeled “N” represents the number of evaluations for a given state.

Table 4

**Map of Overall Ranking of State Liability Systems
Best to Worst Legal Systems in America**



Top 15 States		Bottom 15 States	
1	South Dakota	36	Arkansas
2	Vermont	37	Nevada
3	Idaho	38	Pennsylvania
4	Minnesota	39	Texas
5	New Hampshire	40	Georgia
6	Alaska	41	New Jersey
7	Nebraska	42	Kentucky
8	Wyoming	43	Alabama
9	Maine	44	Mississippi
10	Virginia	45	West Virginia
11	Delaware	46	Florida
12	Utah	47	California
13	Iowa	48	Illinois
14	Massachusetts	49	Missouri
15	Indiana	50	Louisiana

Table 5

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

City or County	%
Chicago or Cook County, Illinois	23
Los Angeles, California	18
Jefferson County, Texas	17
New Orleans or Orleans Parish, Louisiana	14
San Francisco, California	13
Detroit, Michigan	13
Miami or Dade County, Florida	12
Madison County, Illinois	12
New York, New York	11
St. Louis, Missouri	10
Washington, DC	10
Philadelphia, Pennsylvania	8
Other	3

*Note: Respondents were asked to respond to this closed-end list of city and county courts by selecting up to 2 responses. Other mentions volunteered by respondents are represented by “Other” in the list. The total percentage equals more than 100% due to the allowance of multiple responses.

Base: General Counsel, Senior Litigators or Attorneys, and Senior Executives (N=1321)

Q637: Thinking about the entire country, and based on anything you have seen, read, or heard, which of the following do you think are the 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? Please select up to two responses.

Table 6

Summary of Top/Bottom 5 States by Key Element

Overall Treatment of Tort and Contract Litigation

BEST	WORST
New Hampshire (#1)	California (#50)
Vermont (#2)	Illinois (#49)
Idaho (#3)	West Virginia (#48)
South Dakota (#4)	Louisiana (#47)
Utah (#5)	Missouri (#46)

Enforcing Meaningful Venue Requirements

BEST	WORST
Iowa (#1)	Missouri (#50)
Maine (#2)	Louisiana (#49)
Virginia (#3)	Illinois (#48)
Alaska (#4)	Alabama (#47)
Wyoming (#5)	California (#46)

Treatment of Class Action Suits and Mass Consolidation Suits*

BEST	WORST
South Dakota/Nebraska (#1 - tied)	Louisiana (#49)
Maine (#3)	California (#48)
Vermont (#4)	Missouri (#47)
Idaho (#5)	Illinois (#46)
	Mississippi (#45)

*Virginia was not included in this element, so the ranking is among 49 states

Damages

BEST	WORST
South Dakota (#1)	Illinois (#50)
Idaho (#2)	Missouri (#49)
Vermont (#3)	California (#48)
New Hampshire (#4)	Louisiana (#47)
Virginia (#5)	Florida (#46)

Proportional Discovery

BEST	WORST
Alaska (#1)	Louisiana (#50)
Idaho (#2)	Missouri (#49)
Utah (#3)	Alabama (#48)
Wyoming (#4)	Florida (#47)
Nebraska (#5)	California (#46)

Table 6 (Cont'd)

Summary of Top/Bottom 5 States by Key Elements

Scientific and Technical Evidence

BEST	WORST
Vermont (#1)	Louisiana (#50)
Massachussets (#2)	Mississippi (#49)
Maryland (#3)	Missouri (#48)
Maine (#4)	Kentucky (#47)
Delaware (#5)	Illinois (#46)

Trial Judges' Impartiality

BEST	WORST
Idaho (#1)	Louisiana (#50)
Alaska (#2)	Missouri (#49)
New Hampshire (#3)	Florida (#48)
Vermont (#4)	Illinois (#47)
South Dakota (#5)	Alabama (#46)

Trial Judges' Competence

BEST	WORST
Vermont (#1)	Louisiana (#50)
Delaware (#2)	Alabama (#49)
South Dakota (#3)	Florida (#48)
New Hampshire (#4)	Missouri (#47)
Minnesota (#5)	Kentucky (#46)

Juries' Fairness

BEST	WORST
South Dakota (#1)	Louisiana (#50)
Maine (#2)	Missouri (#49)
Idaho (#3)	California (#48)
Minnesota (#4)	Florida (#47)
Massachussets (#5)	Illinois (#46)

Quality of Appellate Review

BEST	WORST
Massachussets (#1)	Louisiana (#50)
South Dakota (#2)	California (#49)
Minnesota (#3)	Missouri (#48)
Idaho (#4)	Florida (#47)
Vermont (#5)	Kentucky (#46)

IV. STATE RANKINGS BY KEY ELEMENTS

Table 7**Overall Treatment of Tort and Contract Litigation**

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

Table 8

Enforcing Meaningful Venue Requirements

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

Table 9**Treatment of Class Action Suits and Mass Consolidation Suits**

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

*Virginia was excluded from this element

Table 10**Damages**

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

Table 11
Proportional Discovery

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

Table 12**Scientific and Technical Evidence**

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

Table 13**Trial Judges' Impartiality**

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

Table 14**Trial Judges' Competence**

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

Table 15**Juries' Fairness**

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

Table 16**Quality of Appellate Review**

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

INDIVIDUAL STATE RANKINGS

(IN ALPHABETICAL ORDER)

Notes on reading the tables:

The following tables show the individual state rankings. For each state, the 2017 overall state ranking is shown. Also displayed is the number of evaluations of each state (shown as “n=xxx”).

Respondents who evaluated each state were asked to rate the following elements of a state liability system in randomized order: *Enforcing meaningful venue requirements; Overall treatment of tort and contract litigation; Treatment of class action suits and mass consolidation suits; Damages; Proportional discovery; Scientific and technical evidence; Trial judges’ impartiality; Trial judges’ competence; Juries’ fairness, and Quality of appellate review.*

Percentages may not always add up to 100% because of the acceptance of “not sure” and “decline to answer” responses. 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 17**Alabama****2017 Overall Ranking: 43****Ratings on Key Elements of State Liability Systems (n=125)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	17	36	25	14	6	3.5	47
Overall Treatment of Tort and Contract Litigation	%	20	30	32	10	8	3.4	43
Treatment of Class Action Suits and Mass Consolidation Suits	%	17	33	25	11	9	3.4	44
Damages	%	19	39	19	13	10	3.4	41
Proportional Discovery	%	19	31	28	12	9	3.4	48
Scientific and Technical Evidence	%	25	27	22	15	6	3.5	44
Trial Judges' Impartiality	%	18	35	24	13	8	3.4	46
Trial Judges' Competence	%	21	29	29	12	8	3.4	49
Juries' Fairness	%	21	33	24	10	10	3.5	44
Quality of Appellate Review	%	28	29	25	6	5	3.8	35

Table 18**Alaska****2017 Overall Ranking: 6****Ratings on Key Elements of State Liability Systems (n=108)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	37	39	14	4	5	4.0	4
Overall Treatment of Tort and Contract Litigation	%	35	37	17	6	4	3.9	6
Treatment of Class Action Suits and Mass Consolidation Suits	%	27	40	17	6	4	3.8	11
Damages	%	36	29	20	6	8	3.8	14
Proportional Discovery	%	35	40	19	2	2	4.1	1
Scientific and Technical Evidence	%	35	32	20	6	4	3.9	11
Trial Judges' Impartiality	%	40	38	13	5	2	4.1	2
Trial Judges' Competence	%	30	40	21	6	2	3.9	14
Juries' Fairness	%	33	38	18	6	3	3.9	9
Quality of Appellate Review	%	33	42	13	6	2	4.0	6

Table 19**Arizona****2017 Overall Ranking: 25****Ratings on Key Elements of State Liability Systems (n=181)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	27	35	22	5	3	3.8	32
Overall Treatment of Tort and Contract Litigation	%	24	40	26	5	4	3.8	21
Treatment of Class Action Suits and Mass Consolidation Suits	%	23	40	20	3	4	3.8	14
Damages	%	21	38	28	5	5	3.7	26
Proportional Discovery	%	24	37	24	7	3	3.8	26
Scientific and Technical Evidence	%	22	39	23	4	3	3.8	26
Trial Judges' Impartiality	%	30	36	22	7	2	3.9	22
Trial Judges' Competence	%	27	38	26	3	3	3.9	19
Juries' Fairness	%	23	40	21	5	5	3.8	28
Quality of Appellate Review	%	23	37	23	5	2	3.8	29

Table 20**Arkansas****2017 Overall Ranking: 36****Ratings on Key Elements of State Liability Systems (n=94)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	30	31	27	6	2	3.8	30
Overall Treatment of Tort and Contract Litigation	%	22	40	21	14	2	3.7	34
Treatment of Class Action Suits and Mass Consolidation Suits	%	23	36	22	8	4	3.7	29
Damages	%	21	36	27	7	5	3.6	31
Proportional Discovery	%	23	30	26	10	4	3.6	36
Scientific and Technical Evidence	%	21	36	23	8	2	3.7	33
Trial Judges' Impartiality	%	24	40	23	8	3	3.7	35
Trial Judges' Competence	%	20	38	30	7	1	3.7	37
Juries' Fairness	%	19	42	23	10	4	3.6	38
Quality of Appellate Review	%	24	31	28	10	3	3.6	41

Table 21**California****2017 Overall Ranking: 47****Ratings on Key Elements of State Liability Systems (n=378)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	19	32	21	12	8	3.4	46
Overall Treatment of Tort and Contract Litigation	%	14	31	24	18	11	3.2	50
Treatment of Class Action Suits and Mass Consolidation Suits	%	18	25	19	17	14	3.2	48
Damages	%	16	28	19	20	13	3.1	48
Proportional Discovery	%	19	27	27	14	6	3.4	46
Scientific and Technical Evidence	%	26	32	18	9	5	3.7	32
Trial Judges' Impartiality	%	21	31	26	10	8	3.5	42
Trial Judges' Competence	%	19	41	24	9	4	3.7	40
Juries' Fairness	%	19	27	21	15	9	3.4	48
Quality of Appellate Review	%	18	35	22	11	6	3.5	49

Table 22**Colorado****2017 Overall Ranking: 35****Ratings on Key Elements of State Liability Systems (n=112)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	19	41	23	5	2	3.8	35
Overall Treatment of Tort and Contract Litigation	%	15	42	27	8	3	3.6	38
Treatment of Class Action Suits and Mass Consolidation Suits	%	19	29	29	6	2	3.7	31
Damages	%	21	33	31	5	6	3.6	32
Proportional Discovery	%	25	38	25	3	4	3.8	19
Scientific and Technical Evidence	%	16	39	23	8	3	3.6	38
Trial Judges' Impartiality	%	25	38	26	4	3	3.8	25
Trial Judges' Competence	%	26	40	22	6	3	3.8	26
Juries' Fairness	%	26	29	25	9	2	3.8	29
Quality of Appellate Review	%	21	31	28	5	6	3.6	40

Table 23

Connecticut

2017 Overall Ranking: 16

Ratings on Key Elements of State Liability Systems (n=105)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	33	26	22	9	0	3.9	20
Overall Treatment of Tort and Contract Litigation	%	16	50	23	4	3	3.8	22
Treatment of Class Action Suits and Mass Consolidation Suits	%	27	30	24	9	1	3.8	15
Damages	%	25	41	20	7	4	3.8	16
Proportional Discovery	%	19	40	24	7	4	3.7	31
Scientific and Technical Evidence	%	19	47	19	4	1	3.9	16
Trial Judges' Impartiality	%	25	48	19	4	1	4.0	10
Trial Judges' Competence	%	29	45	17	5	0	4.0	9
Juries' Fairness	%	20	50	15	2	4	3.9	13
Quality of Appellate Review	%	31	36	19	3	2	4.0	8

Table 24

Delaware

2017 Overall Ranking: 11

Ratings on Key Elements of State Liability Systems (n=108)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	27	46	16	4	2	4.0	9
Overall Treatment of Tort and Contract Litigation	%	28	37	22	6	3	3.9	14
Treatment of Class Action Suits and Mass Consolidation Suits	%	21	37	22	8	2	3.8	26
Damages	%	22	41	21	6	3	3.8	13
Proportional Discovery	%	22	38	18	6	3	3.8	23
Scientific and Technical Evidence	%	22	46	18	3	1	3.9	5
Trial Judges' Impartiality	%	28	46	11	5	3	4.0	15
Trial Judges' Competence	%	34	44	9	5	1	4.1	2
Juries' Fairness	%	23	37	19	3	3	3.9	18
Quality of Appellate Review	%	32	38	14	5	2	4.0	7

Table 25**Florida****2017 Overall Ranking: 46****Ratings on Key Elements of State Liability Systems (n=273)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	16	38	24	10	4	3.6	43
Overall Treatment of Tort and Contract Litigation	%	13	30	33	15	6	3.3	45
Treatment of Class Action Suits and Mass Consolidation Suits	%	16	27	23	16	4	3.4	43
Damages	%	17	25	29	15	10	3.3	46
Proportional Discovery	%	15	31	30	11	6	3.4	47
Scientific and Technical Evidence	%	18	31	26	12	3	3.6	43
Trial Judges' Impartiality	%	16	31	31	13	5	3.4	48
Trial Judges' Competence	%	18	35	25	12	6	3.5	48
Juries' Fairness	%	15	34	24	16	6	3.4	47
Quality of Appellate Review	%	18	33	27	9	5	3.5	47

Table 26**Georgia****2017 Overall Ranking: 40****Ratings on Key Elements of State Liability Systems (n=141)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	23	33	25	8	4	3.7	41
Overall Treatment of Tort and Contract Litigation	%	20	41	24	7	8	3.6	39
Treatment of Class Action Suits and Mass Consolidation Suits	%	17	27	28	9	4	3.5	41
Damages	%	17	34	29	13	4	3.5	40
Proportional Discovery	%	22	36	20	11	6	3.6	38
Scientific and Technical Evidence	%	20	36	25	7	6	3.6	41
Trial Judges' Impartiality	%	20	34	30	10	4	3.5	40
Trial Judges' Competence	%	18	40	26	11	3	3.6	41
Juries' Fairness	%	17	34	29	6	6	3.6	39
Quality of Appellate Review	%	19	34	24	10	3	3.6	43

Table 27**Hawaii****2017 Overall Ranking: 23****Ratings on Key Elements of State Liability Systems (n=112)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	30	37	18	6	3	3.9	27
Overall Treatment of Tort and Contract Litigation	%	29	34	17	8	10	3.7	30
Treatment of Class Action Suits and Mass Consolidation Suits	%	27	33	19	10	6	3.7	30
Damages	%	29	37	16	6	10	3.7	24
Proportional Discovery	%	31	37	15	12	3	3.8	16
Scientific and Technical Evidence	%	34	30	23	5	3	3.9	10
Trial Judges' Impartiality	%	38	31	16	7	8	3.9	20
Trial Judges' Competence	%	37	32	17	9	6	3.8	20
Juries' Fairness	%	30	39	11	7	7	3.8	21
Quality of Appellate Review	%	30	36	18	9	3	3.9	26

Table 28**Idaho****2017 Overall Ranking: 3****Ratings on Key Elements of State Liability Systems (n=110)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	31	41	20	5	2	4.0	8
Overall Treatment of Tort and Contract Litigation	%	26	51	16	2	3	4.0	3
Treatment of Class Action Suits and Mass Consolidation Suits	%	27	37	21	2	4	3.9	5
Damages	%	33	42	14	5	4	4.0	2
Proportional Discovery	%	35	41	15	6	1	4.0	2
Scientific and Technical Evidence	%	30	37	23	5	3	3.9	13
Trial Judges' Impartiality	%	43	38	13	4	2	4.2	1
Trial Judges' Competence	%	32	44	19	3	1	4.1	7
Juries' Fairness	%	23	53	14	4	0	4.0	3
Quality of Appellate Review	%	32	39	18	3	1	4.1	4

Table 29**Illinois****2017 Overall Ranking: 48****Ratings on Key Elements of State Liability Systems (n=244)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	15	32	20	16	7	3.4	48
Overall Treatment of Tort and Contract Litigation	%	12	33	27	18	8	3.2	49
Treatment of Class Action Suits and Mass Consolidation Suits	%	15	25	20	17	9	3.2	46
Damages	%	13	27	28	18	11	3.1	50
Proportional Discovery	%	15	35	20	14	7	3.4	45
Scientific and Technical Evidence	%	15	31	22	10	5	3.5	46
Trial Judges' Impartiality	%	18	33	24	15	7	3.4	47
Trial Judges' Competence	%	18	36	25	15	3	3.5	43
Juries' Fairness	%	15	35	23	13	7	3.4	46
Quality of Appellate Review	%	18	34	22	8	5	3.6	44

Table 30**Indiana****2017 Overall Ranking: 15****Ratings on Key Elements of State Liability Systems (n=118)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	28	41	16	7	2	3.9	19
Overall Treatment of Tort and Contract Litigation	%	25	45	17	6	3	3.9	10
Treatment of Class Action Suits and Mass Consolidation Suits	%	23	39	14	9	2	3.8	18
Damages	%	25	44	20	6	3	3.8	10
Proportional Discovery	%	27	37	20	7	2	3.9	14
Scientific and Technical Evidence	%	28	33	20	7	2	3.9	18
Trial Judges' Impartiality	%	30	42	16	7	2	3.9	13
Trial Judges' Competence	%	28	43	16	9	2	3.9	17
Juries' Fairness	%	25	42	18	6	2	3.9	14
Quality of Appellate Review	%	27	38	16	7	2	3.9	19

Table 31**Iowa****2017 Overall Ranking: 13****Ratings on Key Elements of State Liability Systems (n=132)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	33	41	15	4	1	4.1	1
Overall Treatment of Tort and Contract Litigation	%	25	45	17	9	3	3.8	15
Treatment of Class Action Suits and Mass Consolidation Suits	%	26	31	22	6	2	3.8	13
Damages	%	23	41	26	4	1	3.9	9
Proportional Discovery	%	23	44	20	7	1	3.9	13
Scientific and Technical Evidence	%	23	38	26	6	1	3.8	24
Trial Judges' Impartiality	%	29	45	17	5	1	4.0	9
Trial Judges' Competence	%	24	44	23	6	1	3.9	21
Juries' Fairness	%	24	43	24	2	1	3.9	10
Quality of Appellate Review	%	28	41	20	3	1	4.0	11

Table 32**Kansas****2017 Overall Ranking: 18****Ratings on Key Elements of State Liability Systems (n=145)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	29	37	18	9	1	3.9	21
Overall Treatment of Tort and Contract Litigation	%	26	40	24	7	1	3.8	16
Treatment of Class Action Suits and Mass Consolidation Suits	%	27	36	15	5	3	3.9	8
Damages	%	27	42	19	8	1	3.9	8
Proportional Discovery	%	28	38	19	8	2	3.9	12
Scientific and Technical Evidence	%	28	39	21	7	3	3.8	21
Trial Judges' Impartiality	%	32	38	19	6	3	3.9	16
Trial Judges' Competence	%	26	42	20	9	2	3.8	29
Juries' Fairness	%	23	46	13	8	3	3.8	19
Quality of Appellate Review	%	28	38	18	5	3	3.9	23

Table 33**Kentucky****2017 Overall Ranking: 42****Ratings on Key Elements of State Liability Systems (n=105)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	25	31	24	6	4	3.7	38
Overall Treatment of Tort and Contract Litigation	%	16	36	26	13	6	3.4	42
Treatment of Class Action Suits and Mass Consolidation Suits	%	20	29	22	10	6	3.5	40
Damages	%	20	29	22	18	7	3.4	44
Proportional Discovery	%	20	30	25	14	4	3.5	43
Scientific and Technical Evidence	%	20	26	25	18	4	3.4	47
Trial Judges' Impartiality	%	20	34	22	13	7	3.5	41
Trial Judges' Competence	%	21	30	24	14	6	3.5	46
Juries' Fairness	%	18	30	25	13	6	3.4	45
Quality of Appellate Review	%	21	29	28	6	7	3.5	46

Table 34**Louisiana****2017 Overall Ranking: 50****Ratings on Key Elements of State Liability Systems (n=147)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	15	34	26	12	9	3.4	49
Overall Treatment of Tort and Contract Litigation	%	17	33	21	15	13	3.3	47
Treatment of Class Action Suits and Mass Consolidation Suits	%	15	28	21	17	12	3.2	49
Damages	%	13	33	27	13	13	3.2	47
Proportional Discovery	%	21	25	23	17	11	3.3	50
Scientific and Technical Evidence	%	15	28	27	14	9	3.3	50
Trial Judges' Impartiality	%	19	26	24	15	15	3.2	50
Trial Judges' Competence	%	20	28	28	11	12	3.3	50
Juries' Fairness	%	17	30	23	17	10	3.3	50
Quality of Appellate Review	%	15	36	24	13	7	3.4	50

Table 35

Maine

2017 Overall Ranking: 9

Ratings on Key Elements of State Liability Systems (n=107)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	36	36	20	6	1	4.0	2
Overall Treatment of Tort and Contract Litigation	%	32	36	26	4	2	3.9	7
Treatment of Class Action Suits and Mass Consolidation Suits	%	29	41	17	3	3	4.0	3
Damages	%	31	36	20	7	6	3.8	15
Proportional Discovery	%	32	33	26	7	1	3.9	11
Scientific and Technical Evidence	%	32	38	21	5	2	4.0	4
Trial Judges' Impartiality	%	35	37	21	3	4	4.0	11
Trial Judges' Competence	%	34	44	15	6	2	4.0	11
Juries' Fairness	%	32	41	18	6	0	4.0	2
Quality of Appellate Review	%	30	36	18	10	3	3.8	28

Table 36**Maryland****2017 Overall Ranking: 19****Ratings on Key Elements of State Liability Systems (n=116)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	31	39	15	7	3	3.9	17
Overall Treatment of Tort and Contract Litigation	%	26	44	21	5	4	3.8	19
Treatment of Class Action Suits and Mass Consolidation Suits	%	24	40	19	9	3	3.8	21
Damages	%	26	30	25	11	5	3.6	30
Proportional Discovery	%	25	38	23	8	3	3.8	24
Scientific and Technical Evidence	%	34	32	20	7	2	4.0	3
Trial Judges' Impartiality	%	28	42	21	4	3	3.9	21
Trial Judges' Competence	%	32	42	15	6	3	4.0	12
Juries' Fairness	%	22	47	15	9	3	3.8	23
Quality of Appellate Review	%	32	33	23	5	3	3.9	21

Table 37**Massachusetts****2017 Overall Ranking: 14****Ratings on Key Elements of State Liability Systems (n=139)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	26	43	21	4	1	3.9	16
Overall Treatment of Tort and Contract Litigation	%	23	49	15	9	3	3.8	13
Treatment of Class Action Suits and Mass Consolidation Suits	%	18	47	22	4	3	3.8	22
Damages	%	21	39	28	6	3	3.7	19
Proportional Discovery	%	23	45	20	6	2	3.8	17
Scientific and Technical Evidence	%	31	39	13	8	1	4.0	2
Trial Judges' Impartiality	%	27	45	17	4	4	3.9	18
Trial Judges' Competence	%	33	43	13	6	3	4.0	10
Juries' Fairness	%	29	40	16	4	2	4.0	5
Quality of Appellate Review	%	36	38	12	6	0	4.1	1

Table 38**Michigan****2017 Overall Ranking: 22****Ratings on Key Elements of State Liability Systems (n=147)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	31	31	26	5	2	3.9	28
Overall Treatment of Tort and Contract Litigation	%	26	34	28	7	2	3.8	24
Treatment of Class Action Suits and Mass Consolidation Suits	%	31	26	26	7	3	3.8	16
Damages	%	24	34	29	10	1	3.7	20
Proportional Discovery	%	28	34	25	6	3	3.8	21
Scientific and Technical Evidence	%	28	36	23	7	1	3.9	19
Trial Judges' Impartiality	%	30	38	20	9	2	3.9	23
Trial Judges' Competence	%	28	40	20	9	1	3.8	23
Juries' Fairness	%	26	38	23	9	1	3.8	20
Quality of Appellate Review	%	29	38	19	7	1	3.9	15

Table 39

Minnesota

2017 Overall Ranking: 4

Ratings on Key Elements of State Liability Systems (n=118)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	29	39	21	5	1	4.0	10
Overall Treatment of Tort and Contract Litigation	%	25	45	26	4	1	3.9	9
Treatment of Class Action Suits and Mass Consolidation Suits	%	28	33	22	4	2	3.9	9
Damages	%	22	46	22	7	2	3.8	12
Proportional Discovery	%	28	42	19	4	2	3.9	6
Scientific and Technical Evidence	%	26	40	23	2	2	3.9	8
Trial Judges' Impartiality	%	33	47	16	2	2	4.1	6
Trial Judges' Competence	%	35	42	18	3	1	4.1	5
Juries' Fairness	%	28	43	20	2	1	4.0	4
Quality of Appellate Review	%	33	43	16	3	1	4.1	3

Table 40**Mississippi****2017 Overall Ranking: 44****Ratings on Key Elements of State Liability Systems (n=132)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	21	29	24	11	7	3.5	44
Overall Treatment of Tort and Contract Litigation	%	21	27	23	19	7	3.4	44
Treatment of Class Action Suits and Mass Consolidation Suits	%	17	29	23	12	11	3.3	45
Damages	%	24	24	25	14	10	3.4	42
Proportional Discovery	%	22	30	24	9	8	3.5	42
Scientific and Technical Evidence	%	18	23	24	19	6	3.3	49
Trial Judges' Impartiality	%	21	29	25	13	7	3.5	45
Trial Judges' Competence	%	24	30	23	12	6	3.6	42
Juries' Fairness	%	22	29	23	15	4	3.5	42
Quality of Appellate Review	%	22	34	19	6	6	3.7	39

Table 41**Missouri****2017 Overall Ranking: 49****Ratings on Key Elements of State Liability Systems (n=131)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	18	33	16	15	13	3.3	50
Overall Treatment of Tort and Contract Litigation	%	16	33	22	16	10	3.3	46
Treatment of Class Action Suits and Mass Consolidation Suits	%	15	30	15	12	15	3.2	47
Damages	%	15	31	20	17	14	3.2	49
Proportional Discovery	%	16	33	22	11	10	3.4	49
Scientific and Technical Evidence	%	24	23	21	15	10	3.4	48
Trial Judges' Impartiality	%	17	36	19	13	11	3.4	49
Trial Judges' Competence	%	20	33	24	13	7	3.5	47
Juries' Fairness	%	19	29	19	19	10	3.3	49
Quality of Appellate Review	%	18	34	23	10	6	3.5	48

Table 42**Montana****2017 Overall Ranking: 27****Ratings on Key Elements of State Liability Systems (n=119)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	33	37	15	6	3	4.0	10
Overall Treatment of Tort and Contract Litigation	%	22	43	15	11	7	3.6	35
Treatment of Class Action Suits and Mass Consolidation Suits	%	24	37	20	3	7	3.8	23
Damages	%	29	32	22	8	6	3.7	21
Proportional Discovery	%	27	33	15	15	6	3.6	34
Scientific and Technical Evidence	%	32	28	22	6	6	3.8	27
Trial Judges' Impartiality	%	29	41	13	10	7	3.8	31
Trial Judges' Competence	%	33	38	18	4	6	3.9	15
Juries' Fairness	%	27	39	16	8	5	3.8	24
Quality of Appellate Review	%	28	39	14	7	8	3.7	33

Table 43**Nebraska****2017 Overall Ranking: 7****Ratings on Key Elements of State Liability Systems (n=127)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	33	36	18	6	3	3.9	18
Overall Treatment of Tort and Contract Litigation	%	34	32	25	5	2	3.9	8
Treatment of Class Action Suits and Mass Consolidation Suits	%	31	46	9	5	4	4.0	1
Damages	%	28	41	17	5	5	3.8	11
Proportional Discovery	%	30	41	18	6	1	4.0	5
Scientific and Technical Evidence	%	32	37	19	6	3	3.9	9
Trial Judges' Impartiality	%	38	39	14	5	4	4.0	7
Trial Judges' Competence	%	38	39	15	6	2	4.1	6
Juries' Fairness	%	27	44	16	9	2	3.9	15
Quality of Appellate Review	%	32	36	17	5	4	3.9	17

Table 44**Nevada****2017 Overall Ranking: 37****Ratings on Key Elements of State Liability Systems (n=120)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	21	37	25	7	2	3.7	36
Overall Treatment of Tort and Contract Litigation	%	22	32	35	7	3	3.6	37
Treatment of Class Action Suits and Mass Consolidation Suits	%	28	25	26	7	5	3.7	28
Damages	%	20	32	28	11	7	3.5	39
Proportional Discovery	%	29	33	24	7	3	3.8	22
Scientific and Technical Evidence	%	24	33	28	7	2	3.8	29
Trial Judges' Impartiality	%	23	37	24	7	6	3.7	37
Trial Judges' Competence	%	23	41	20	8	6	3.7	38
Juries' Fairness	%	29	28	20	13	2	3.7	30
Quality of Appellate Review	%	23	32	24	8	2	3.7	36

Table 45
New Hampshire
2017 Overall Ranking: 5

Ratings on Key Elements of State Liability Systems (n=100)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	27	37	25	5	2	3.9	26
Overall Treatment of Tort and Contract Litigation	%	31	45	18	5	0	4.0	1
Treatment of Class Action Suits and Mass Consolidation Suits	%	26	37	11	12	2	3.8	10
Damages	%	32	35	22	5	2	3.9	4
Proportional Discovery	%	25	39	28	6	0	3.8	15
Scientific and Technical Evidence	%	28	33	22	7	4	3.8	23
Trial Judges' Impartiality	%	36	42	16	5	0	4.1	3
Trial Judges' Competence	%	36	41	16	5	2	4.0	4
Juries' Fairness	%	32	36	23	4	2	4.0	7
Quality of Appellate Review	%	33	37	16	8	1	4.0	9

Table 46**New Jersey****2017 Overall Ranking: 41****Ratings on Key Elements of State Liability Systems (n=180)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	17	40	24	9	2	3.7	40
Overall Treatment of Tort and Contract Litigation	%	15	39	24	15	4	3.5	41
Treatment of Class Action Suits and Mass Consolidation Suits	%	19	31	22	11	5	3.5	39
Damages	%	15	33	28	14	5	3.4	43
Proportional Discovery	%	13	37	25	15	3	3.4	44
Scientific and Technical Evidence	%	14	40	25	8	1	3.7	36
Trial Judges' Impartiality	%	20	36	29	9	4	3.6	39
Trial Judges' Competence	%	19	40	28	9	2	3.7	39
Juries' Fairness	%	15	36	27	10	3	3.6	41
Quality of Appellate Review	%	16	36	28	9	1	3.6	42

Table 47

New Mexico

2017 Overall Ranking: 32

Ratings on Key Elements of State Liability Systems (n=84)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	30	29	23	13	2	3.7	37
Overall Treatment of Tort and Contract Litigation	%	24	36	29	7	2	3.7	25
Treatment of Class Action Suits and Mass Consolidation Suits	%	33	23	18	9	3	3.8	12
Damages	%	21	34	20	11	9	3.5	38
Proportional Discovery	%	26	31	26	9	2	3.7	28
Scientific and Technical Evidence	%	28	29	28	7	2	3.8	28
Trial Judges' Impartiality	%	29	33	22	10	2	3.8	29
Trial Judges' Competence	%	29	34	23	9	1	3.8	27
Juries' Fairness	%	20	43	22	9	3	3.7	36
Quality of Appellate Review	%	29	31	21	10	2	3.8	32

Table 48**New York****2017 Overall Ranking: 29****Ratings on Key Elements of State Liability Systems (n=254)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	26	37	23	6	3	3.8	34
Overall Treatment of Tort and Contract Litigation	%	21	40	27	8	2	3.7	28
Treatment of Class Action Suits and Mass Consolidation Suits	%	23	32	24	8	4	3.7	34
Damages	%	20	29	29	14	3	3.5	37
Proportional Discovery	%	21	35	27	8	3	3.7	32
Scientific and Technical Evidence	%	26	36	23	5	1	3.9	12
Trial Judges' Impartiality	%	26	35	24	9	3	3.8	33
Trial Judges' Competence	%	27	37	26	4	3	3.8	25
Juries' Fairness	%	19	38	24	9	3	3.7	37
Quality of Appellate Review	%	28	42	16	5	2	4.0	14

Table 49

North Carolina

2017 Overall Ranking: 33

Ratings on Key Elements of State Liability Systems (n=113)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	27	40	21	5	2	3.9	24
Overall Treatment of Tort and Contract Litigation	%	22	38	28	6	3	3.7	27
Treatment of Class Action Suits and Mass Consolidation Suits	%	17	35	23	7	4	3.6	36
Damages	%	16	41	26	11	3	3.6	36
Proportional Discovery	%	21	36	31	6	3	3.7	32
Scientific and Technical Evidence	%	22	30	28	8	2	3.7	34
Trial Judges' Impartiality	%	28	38	21	9	3	3.8	28
Trial Judges' Competence	%	21	47	21	6	3	3.8	35
Juries' Fairness	%	21	38	26	4	3	3.7	31
Quality of Appellate Review	%	25	36	21	6	3	3.8	30

Table 50**North Dakota****2017 Overall Ranking: 17****Ratings on Key Elements of State Liability Systems (n=109)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	29	39	22	5	3	3.9	25
Overall Treatment of Tort and Contract Litigation	%	25	48	17	5	4	3.9	11
Treatment of Class Action Suits and Mass Consolidation Suits	%	25	37	20	5	5	3.8	24
Damages	%	24	40	21	7	4	3.8	17
Proportional Discovery	%	29	41	17	7	2	3.9	10
Scientific and Technical Evidence	%	23	39	23	10	2	3.7	30
Trial Judges' Impartiality	%	32	41	20	5	3	3.9	14
Trial Judges' Competence	%	23	52	14	8	2	3.9	16
Juries' Fairness	%	23	47	16	6	1	3.9	12
Quality of Appellate Review	%	28	40	16	5	4	3.9	20

Table 51**Ohio****2017 Overall Ranking: 26****Ratings on Key Elements of State Liability Systems (n=150)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	23	39	21	5	2	3.8	31
Overall Treatment of Tort and Contract Litigation	%	17	52	19	8	2	3.7	26
Treatment of Class Action Suits and Mass Consolidation Suits	%	14	35	26	7	1	3.6	35
Damages	%	19	39	25	11	3	3.6	33
Proportional Discovery	%	17	45	24	6	1	3.8	27
Scientific and Technical Evidence	%	19	38	25	6	2	3.7	31
Trial Judges' Impartiality	%	21	46	25	5	1	3.8	26
Trial Judges' Competence	%	26	44	20	8	1	3.9	18
Juries' Fairness	%	16	45	19	10	2	3.7	34
Quality of Appellate Review	%	25	39	21	6	1	3.9	22

Table 52**Oklahoma****2017 Overall Ranking: 31****Ratings on Key Elements of State Liability Systems (n=109)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	28	39	25	5	0	3.9	14
Overall Treatment of Tort and Contract Litigation	%	22	42	22	12	2	3.7	29
Treatment of Class Action Suits and Mass Consolidation Suits	%	24	31	24	8	4	3.7	33
Damages	%	23	38	25	9	4	3.7	25
Proportional Discovery	%	25	32	28	10	2	3.7	30
Scientific and Technical Evidence	%	23	32	26	7	6	3.6	42
Trial Judges' Impartiality	%	28	34	25	9	4	3.7	34
Trial Judges' Competence	%	28	35	24	10	3	3.8	34
Juries' Fairness	%	21	40	25	6	2	3.8	27
Quality of Appellate Review	%	24	39	19	9	2	3.8	31

Table 53

Oregon

2017 Overall Ranking: 21

Ratings on Key Elements of State Liability Systems (n=107)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	29	38	21	4	2	4.0	12
Overall Treatment of Tort and Contract Litigation	%	26	38	23	7	3	3.8	18
Treatment of Class Action Suits and Mass Consolidation Suits	%	23	34	24	7	1	3.8	19
Damages	%	25	34	24	10	3	3.7	22
Proportional Discovery	%	23	39	25	6	1	3.8	20
Scientific and Technical Evidence	%	29	32	24	6	2	3.9	17
Trial Judges' Impartiality	%	31	35	24	6	1	3.9	19
Trial Judges' Competence	%	25	41	21	11	1	3.8	30
Juries' Fairness	%	29	34	20	6	3	3.9	17
Quality of Appellate Review	%	23	38	22	5	1	3.9	24

Table 54

Pennsylvania

2017 Overall Ranking: 38

Ratings on Key Elements of State Liability Systems (n=234)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	19	41	21	6	5	3.7	39
Overall Treatment of Tort and Contract Litigation	%	17	42	29	9	3	3.6	36
Treatment of Class Action Suits and Mass Consolidation Suits	%	15	35	20	11	4	3.6	37
Damages	%	17	34	31	11	2	3.6	34
Proportional Discovery	%	14	38	32	10	2	3.5	40
Scientific and Technical Evidence	%	16	41	26	7	2	3.7	35
Trial Judges' Impartiality	%	19	41	23	10	5	3.6	38
Trial Judges' Competence	%	21	46	24	5	2	3.8	32
Juries' Fairness	%	20	36	25	8	3	3.7	35
Quality of Appellate Review	%	19	42	22	6	2	3.8	34

Table 55**Rhode Island****2017 Overall Ranking: 24****Ratings on Key Elements of State Liability Systems (n=122)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	31	31	23	6	3	3.8	29
Overall Treatment of Tort and Contract Litigation	%	28	33	26	9	2	3.8	23
Treatment of Class Action Suits and Mass Consolidation Suits	%	20	39	20	8	2	3.8	25
Damages	%	22	38	25	7	6	3.7	29
Proportional Discovery	%	24	39	23	7	3	3.8	25
Scientific and Technical Evidence	%	24	39	20	10	1	3.8	25
Trial Judges' Impartiality	%	29	40	17	7	5	3.8	24
Trial Judges' Competence	%	28	43	18	6	2	3.9	13
Juries' Fairness	%	22	35	27	8	4	3.7	32
Quality of Appellate Review	%	28	39	20	5	2	3.9	16

Table 56**South Carolina****2017 Overall Ranking: 34****Ratings on Key Elements of State Liability Systems (n=104)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	32	35	18	6	5	3.9	23
Overall Treatment of Tort and Contract Litigation	%	28	31	22	15	3	3.7	32
Treatment of Class Action Suits and Mass Consolidation Suits	%	21	32	21	7	4	3.7	32
Damages	%	23	32	28	7	5	3.7	28
Proportional Discovery	%	21	35	21	15	4	3.6	39
Scientific and Technical Evidence	%	22	34	24	11	5	3.6	40
Trial Judges' Impartiality	%	27	34	21	7	7	3.7	36
Trial Judges' Competence	%	28	42	14	11	3	3.8	24
Juries' Fairness	%	28	31	24	6	6	3.7	33
Quality of Appellate Review	%	29	35	17	6	2	3.9	18

Table 57**South Dakota****2017 Overall Ranking: 1****Ratings on Key Elements of State Liability Systems (n=120)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	26	47	16	6	1	4.0	7
Overall Treatment of Tort and Contract Litigation	%	31	42	20	3	2	4.0	4
Treatment of Class Action Suits and Mass Consolidation Suits	%	34	39	10	7	3	4.0	1
Damages	%	38	34	18	4	4	4.0	1
Proportional Discovery	%	35	37	14	7	4	3.9	9
Scientific and Technical Evidence	%	26	46	20	4	2	3.9	7
Trial Judges' Impartiality	%	39	38	14	5	2	4.1	5
Trial Judges' Competence	%	35	41	17	2	2	4.1	3
Juries' Fairness	%	29	53	10	2	1	4.1	1
Quality of Appellate Review	%	40	35	18	2	2	4.1	2

Table 58

Tennessee

2017 Overall Ranking: 30

Ratings on Key Elements of State Liability Systems (n=113)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	28	39	19	6	4	3.8	33
Overall Treatment of Tort and Contract Litigation	%	25	44	17	7	6	3.8	20
Treatment of Class Action Suits and Mass Consolidation Suits	%	28	37	17	8	4	3.8	17
Damages	%	28	30	28	5	6	3.7	23
Proportional Discovery	%	16	42	24	9	4	3.6	37
Scientific and Technical Evidence	%	18	39	29	7	3	3.7	37
Trial Judges' Impartiality	%	23	40	28	4	3	3.8	30
Trial Judges' Competence	%	25	36	22	11	3	3.7	36
Juries' Fairness	%	28	34	23	5	5	3.8	25
Quality of Appellate Review	%	22	40	22	6	5	3.7	36

Table 59**Texas****2017 Overall Ranking: 39****Ratings on Key Elements of State Liability Systems (n=268)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	19	39	21	12	4	3.6	42
Overall Treatment of Tort and Contract Litigation	%	20	41	23	11	4	3.6	33
Treatment of Class Action Suits and Mass Consolidation Suits	%	16	34	22	11	3	3.6	38
Damages	%	18	39	24	10	6	3.6	35
Proportional Discovery	%	17	36	27	8	3	3.6	35
Scientific and Technical Evidence	%	20	35	22	9	4	3.6	39
Trial Judges' Impartiality	%	16	36	27	14	5	3.4	44
Trial Judges' Competence	%	12	45	24	13	4	3.5	44
Juries' Fairness	%	14	36	31	12	3	3.5	43
Quality of Appellate Review	%	15	43	26	5	2	3.7	38

Table 60**Utah****2017 Overall Ranking: 12****Ratings on Key Elements of State Liability Systems (n=139)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	26	45	17	6	2	3.9	22
Overall Treatment of Tort and Contract Litigation	%	30	43	18	7	1	4.0	5
Treatment of Class Action Suits and Mass Consolidation Suits	%	23	45	19	1	4	3.9	6
Damages	%	25	48	19	4	1	3.9	6
Proportional Discovery	%	28	44	17	4	1	4.0	3
Scientific and Technical Evidence	%	23	42	23	6	1	3.8	22
Trial Judges' Impartiality	%	27	45	18	6	1	3.9	17
Trial Judges' Competence	%	26	42	22	6	4	3.8	33
Juries' Fairness	%	24	43	18	7	1	3.9	16
Quality of Appellate Review	%	28	39	18	5	0	4.0	10

Table 61**Vermont****2017 Overall Ranking: 2****Ratings on Key Elements of State Liability Systems (n=100)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	31	42	20	5	1	4.0	6
Overall Treatment of Tort and Contract Litigation	%	35	42	12	6	4	4.0	2
Treatment of Class Action Suits and Mass Consolidation Suits	%	27	43	16	7	1	3.9	4
Damages	%	29	45	20	4	2	4.0	3
Proportional Discovery	%	27	48	13	7	2	3.9	7
Scientific and Technical Evidence	%	38	43	11	4	1	4.2	1
Trial Judges' Impartiality	%	40	41	10	6	3	4.1	4
Trial Judges' Competence	%	37	44	13	5	1	4.1	1
Juries' Fairness	%	27	49	16	5	1	4.0	6
Quality of Appellate Review	%	27	51	16	2	2	4.0	5

Table 62**Virginia****2017 Overall Ranking: 10****Ratings on Key Elements of State Liability Systems (n=133)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	33	42	18	5	1	4.0	3
Overall Treatment of Tort and Contract Litigation	%	28	38	21	8	4	3.8	17
Treatment of Class Action Suits and Mass Consolidation Suits	%	N/A	N/A	N/A	N/A	N/A	N/A	N/A*
Damages	%	34	37	19	7	2	3.9	5
Proportional Discovery	%	28	38	21	7	3	3.8	18
Scientific and Technical Evidence	%	28	36	22	7	1	3.9	15
Trial Judges' Impartiality	%	26	43	17	10	3	3.8	27
Trial Judges' Competence	%	35	40	17	4	3	4.0	8
Juries' Fairness	%	29	44	21	2	3	3.9	8
Quality of Appellate Review	%	35	37	18	4	4	4.0	12

*Virginia was not included in this element

Table 63**Washington****2017 Overall Ranking: 28****Ratings on Key Elements of State Liability Systems (n=165)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	27	36	18	7	0	3.9	15
Overall Treatment of Tort and Contract Litigation	%	16	43	23	11	4	3.6	40
Treatment of Class Action Suits and Mass Consolidation Suits	%	24	31	20	5	5	3.8	20
Damages	%	24	31	27	7	5	3.7	27
Proportional Discovery	%	22	38	19	10	3	3.7	29
Scientific and Technical Evidence	%	25	40	18	5	1	3.9	6
Trial Judges' Impartiality	%	23	39	21	8	3	3.7	32
Trial Judges' Competence	%	24	40	22	7	3	3.8	31
Juries' Fairness	%	23	35	17	9	3	3.8	26
Quality of Appellate Review	%	24	38	15	10	2	3.8	27

Table 64**West Virginia****2017 Overall Ranking: 45****Ratings on Key Elements of State Liability Systems (n=177)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	18	35	22	13	6	3.5	45
Overall Treatment of Tort and Contract Litigation	%	19	29	23	17	12	3.3	48
Treatment of Class Action Suits and Mass Consolidation Suits	%	22	28	18	16	8	3.5	42
Damages	%	20	28	21	18	12	3.3	45
Proportional Discovery	%	21	32	26	13	4	3.6	41
Scientific and Technical Evidence	%	23	29	21	18	4	3.5	45
Trial Judges' Impartiality	%	24	32	21	12	11	3.5	43
Trial Judges' Competence	%	26	24	30	11	7	3.5	45
Juries' Fairness	%	21	33	21	10	7	3.6	40
Quality of Appellate Review	%	19	32	23	12	3	3.6	45

Table 65**Wisconsin****2017 Overall Ranking: 20****Ratings on Key Elements of State Liability Systems (n=183)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	26	45	19	5	1	3.9	13
Overall Treatment of Tort and Contract Litigation	%	18	46	23	7	3	3.7	31
Treatment of Class Action Suits and Mass Consolidation Suits	%	18	35	27	4	2	3.7	27
Damages	%	19	45	26	5	2	3.7	18
Proportional Discovery	%	26	46	19	4	2	3.9	8
Scientific and Technical Evidence	%	27	37	19	10	1	3.8	20
Trial Judges' Impartiality	%	28	42	22	3	2	4.0	12
Trial Judges' Competence	%	22	44	22	6	1	3.8	27
Juries' Fairness	%	23	39	22	7	2	3.8	22
Quality of Appellate Review	%	23	46	16	5	3	3.9	25

Table 66**Wyoming****2017 Overall Ranking: 8****Ratings on Key Elements of State Liability Systems (n=111)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Enforcing Meaningful Venue Requirements	%	27	51	13	5	1	4.0	5
Overall Treatment of Tort and Contract Litigation	%	28	42	17	7	4	3.9	12
Treatment of Class Action Suits and Mass Consolidation Suits	%	28	38	18	6	3	3.9	7
Damages	%	29	38	24	6	1	3.9	7
Proportional Discovery	%	31	41	20	4	2	4.0	4
Scientific and Technical Evidence	%	32	39	16	4	6	3.9	13
Trial Judges' Impartiality	%	32	43	19	2	3	4.0	8
Trial Judges' Competence	%	25	43	23	6	1	3.9	22
Juries' Fairness	%	27	42	18	7	1	3.9	11
Quality of Appellate Review	%	31	41	19	5	1	4.0	13

IV. METHODOLOGY

AN OVERVIEW

The 2017 Lawsuit Climate Survey: Ranking the States was conducted for the U.S. Chamber Institute for Legal Reform by Harris Poll. The final results are based on interviews with a national sample of 1,321 in-house general counsel, senior litigators or attorneys, and other senior executives who are knowledgeable about litigation matters at public and private companies with annual revenue of at least \$100 million. The general counsel, senior litigators or attorneys, and other senior executives included in this study were involved in or are very familiar with litigation in the states they evaluated within the past five years. On average, each telephone respondent evaluated four states, and each online respondent evaluated six states⁶. As a result, these 1,321 individual respondents represent a total of 7,617 responses or state evaluations.

Phone interviews averaging 23 minutes in length were conducted with a total of 312 respondents and took place between March 31, 2017 and June 26, 2017. Online interviews using the same questionnaire and averaging 16 minutes in length were conducted with a total of 1,009 respondents and took place between April 3, 2017 and June 26, 2017.

SAMPLE DESIGN

For the telephone sample, a comprehensive list of general counsel at companies with annual revenue of at least \$100 million was compiled using Hoovers Phone, InfoUSA, National Data Group, and ALM Legal Intelligence and Leadership Directories. An alert letter was sent to the general counsel at each company, when possible. This letter provided general information about the study and notified the recipient of the option to take the survey online or by phone. It told them that an interviewer from Harris Poll would be contacting them to set up an appointment for a telephone interview if that was their preference. The letter included a toll-free number for respondents to call to schedule an appointment for a telephone interview. It also alerted the general counsel to a \$100 incentive in the form of a gift code or charitable donation given in appreciation of the time invested in taking the survey.

For the online sample, the e-mail addresses for a representative sample of general counsel and other senior attorneys were drawn from Hoovers ConnectMail, ALM Law Journal, Today's General Counsel, National Data Group, InfoUSA, Survey Sampling International, Critical Mix, Research Now, Empanel, ALM Legal Intelligence and Leadership Directories. Respondents received an electronic version of the alert letter, which included a password-protected link to take the survey. Once they accessed the survey online, all respondents were screened to ensure that they worked for companies with more than \$100 million in annual revenue, and that they had the appropriate title or role within the company.

⁶ The average number of evaluations was rounded to the nearest whole number. Partial evaluations of states were not included.

SAMPLE CHARACTERISTICS

Half of respondents (51%) were general counsel, corporate counsel, heads of litigation, senior counsel/litigators, or chief legal officers. The remaining 49% of respondents were senior executives knowledgeable about or responsible for litigation at their companies. Respondents had an average of 16 years of relevant experience with litigation at their companies, including in their current position. All respondents were familiar with or had litigated in the states they rated within the past five years, and the majority of this experience (76%) took place within the past three years.

TELEPHONE INTERVIEWING PROCEDURES

The telephone interviews utilized a computer-assisted telephone interviewing (CATI) system, whereby trained interviewers call and immediately input responses into the computer. This system greatly enhances reporting reliability. It also 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, as 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. Furthermore, the online data editing system refuses to accept punches that are out of range, demands confirmation of responses that exceed expected ranges, and asks for explanations for inconsistencies between certain key responses.

To achieve high participation, in addition to the alert letters, numerous telephone callbacks were made to reach respondents and conduct the interviews at a convenient time. Interviewers also offered to send respondents an e-mail invitation so that respondents could take the survey online on their own time.

ONLINE INTERVIEWING PROCEDURES

All online interviews were hosted on Harris Poll's server and were conducted using a self-administered, online questionnaire via proprietary web-assisted interviewing software. The mail version of the alert letter directed respondents to a URL and provided participants with a unique ID and password that they were required to enter on the landing page of the survey. Those who received an e-mail version of the alert letter accessed the survey by clicking on the password-protected URL included in the e-mail. Due to password protection, it was not possible for a respondent to answer the survey more than once. Respondents for whom we had e-mail addresses received an initial invitation as well as reminder e-mails.

INTERVIEWING PROTOCOL

After determining that respondents were qualified to participate in the survey using a series of screening questions, respondents identified the state liability systems with which they were familiar. The respondents were then asked to identify the last time they litigated in or were familiar with the states' liability systems: responses included in this study were from respondents who were involved in or very familiar with litigation in the state within the past five

years. From there, respondents were given the opportunity to evaluate the states' liability systems, prioritized by their most recent litigation experience. As stated earlier, respondents evaluated four states, on average, via telephone and six states, on average, online.

RATING AND SCORING OF STATES

Respondents graded (A, B, C, D or F) each key element of each evaluated state's liability system. The state-by-state tables above 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, and F = 1.0. Therefore, the mean score displayed can also be interpreted as a letter grade. For example, a mean score of 2.8 is roughly a C- grade.

The Overall Ranking of State Liability Systems (Table 3, page 16) was developed by creating an index using the grades provided for each of the key elements. To create the index, each grade across the elements was rescaled from 0 to 100 (A = 100, B = 75, C = 50, D = 25, and F = 0). Then, any evaluation that contained six or more "not sure" or "decline to answer" responses per state was removed. A total of 5.9% of state evaluations were unusable. From the usable evaluations, the scores on the elements were then averaged to create the index score from 0 to 100.

The scores displayed in this report have been rounded to one decimal point, but rankings are based on the full, unrounded number. States that appear tied based upon the scores in this report were tied when the unrounded numbers were taken into consideration.

For the Rankings on Key Elements (Tables 7–16, pages 22–31), a score was calculated per element for each state based on the 0 to 100 rescaled performance grades. The states were then ranked by their mean scores on that element.

RELIABILITY OF SURVEY PERCENTAGES

The results from any sample survey are subject to sampling variation. The sampling variation (or error) that applies to the results for this survey of 1,321 respondents is plus or minus 2.8 percentage points. That is, the chances are 95 in 100 that a survey result does not vary, plus or minus, by more than 2.8 percentage points from the result that would have been obtained if interviews were conducted with all persons in the universe represented by the sample. Note that survey results based on subgroups of smaller sizes can be subject to larger sampling error.

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 Poll keep errors of these types to a minimum.

V. PAST STATE RANKINGS

The past rankings have been included in this report to provide historical context and information. The past years' rankings also provide a look at general movement. However, direct trend lines from the prior rankings should not be made to the 2017 rankings due to changes that were made to the key elements studied.

This year we took a renewed look at the criteria that were used to evaluate the legal environment in each state. We believe that the most important criteria originally established over 10 years ago have evolved, and that certain key elements should be dropped, changed, or added to provide a more realistic, current picture of what elements truly contribute to a state's legal climate. As a result, two key elements were dropped from the survey and not asked of respondents (i.e., timeliness of summary judgment or dismissal; and an overall state grade for creating a fair and reasonable litigation environment). A new element was added (i.e., the quality of appellate review), while other elements were modified (i.e., adding "proportional" to the discovery element; and clarifying that the judges' impartiality and judges' competence key elements applied to trial judges.) The net result of these changes is that we no longer are measuring the states in exactly the same way as done previously (*2015 Lawsuit Climate Survey: Ranking the States*). As was the case in other years when key elements were changed, we recommend that a pure comparison to previous years' data should not be made. Therefore, we believe that this year's results establish a new benchmark for future comparisons. In the Appendix we have included prior year's data as a point of reference.

Year	Field Dates
2017	March 31, 2017 to June 26, 2017
2015	March 9, 2015 to June 24, 2015
2012	March 13, 2012 to June 25, 2012
2010	October 21, 2009 to January 21, 2010
2008	December 18, 2007 to March 19, 2008
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, 2003 to February 18, 2003
2002	November 7, 2001 to December 11, 2001

Table 67**Overall Ranking of State Liability Systems***

STATE	2017		
	RANK	SCORE	N
South Dakota	1	75.3	120
Vermont	2	75.2	100
Idaho	3	75.0	110
Minnesota	4	74.2	118
New Hampshire	5	73.9	100
Alaska	6	73.8	108
Nebraska	7	73.5	127
Wyoming	8	73.3	111
Maine	9	73.2	107
Virginia	10	72.8	133
Delaware	11	72.8	108
Utah	12	72.8	139
Iowa	13	72.6	132
Massachusetts	14	72.1	139
Indiana	15	71.9	118
Connecticut	16	71.8	105
North Dakota	17	71.5	109
Kansas	18	71.5	145
Maryland	19	70.8	116
Wisconsin	20	70.7	183
Oregon	21	70.4	107
Michigan	22	70.4	147
Hawaii	23	70.0	112
Rhode Island	24	69.9	122
Arizona	25	69.8	181
Ohio	26	68.7	150
Montana	27	68.7	119
Washington	28	68.4	165
New York	29	68.4	254
Tennessee	30	68.3	113
Oklahoma	31	68.3	109
New Mexico	32	68.2	84
North Carolina	33	68.2	113
South Carolina	34	67.7	104
Colorado	35	67.6	112
Arkansas	36	67.2	94
Nevada	37	66.6	120
Pennsylvania	38	66.3	234
Texas	39	64.3	268
Georgia	40	64.1	141
New Jersey	41	63.8	180
Kentucky	42	61.7	105
Alabama	43	61.1	125
Mississippi	44	61.1	132
West Virginia	45	60.6	177
Florida	46	60.5	273
California	47	60.0	378
Illinois	48	59.1	244
Missouri	49	58.1	131
Louisiana	50	56.6	147

*Note: Scores displayed in this table have been rounded to one decimal point. The column labeled “N” represents the number of evaluations for a given state.

STATE	2015			2012			2010			2008		
	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N
South Dakota	9	69.5	62	11	69.5	54	10	65.6	46	12	65.7	42
Vermont	2	73.8	56	16	67.1	45	25	61.6	56	8	67.6	38
Idaho	6	70.5	62	6	70.5	54	18	63.9	47	26	61.5	39
Minnesota	13	68.0	89	4	71.4	80	11	65.3	86	11	66.5	64
New Hampshire	5	70.7	67	21	65.7	60	16	64.2	57	16	64.7	57
Alaska	12	68.1	58	13	69.1	41	33	56.6	35	20	62.6	37
Nebraska	3	73.0	82	2	74.1	73	3	69.7	60	2	71.3	61
Wyoming	8	69.7	63	3	72.6	44	15	64.5	59	23	62.1	43
Maine	14	68.0	58	12	69.2	54	12	65.2	57	3	69.3	43
Virginia	11	68.3	126	7	70.2	101	6	68.1	90	6	68.4	85
Delaware	1	76.5	89	1	71.8	94	1	77.2	97	1	71.5	92
Utah	10	69.0	90	9	69.7	74	7	67.8	83	5	68.6	74
Iowa	4	72.2	90	10	69.5	88	5	69.4	84	7	68	82
Massachusetts	17	67.8	108	19	66.3	111	9	65.6	119	18	63.5	84
Indiana	18	67.7	94	14	69	72	4	69.6	88	4	69.1	57
Connecticut	22	65.9	86	25	63.8	74	24	62.1	84	19	63.2	55
North Dakota	15	67.9	59	8	69.8	52	2	71.1	50	13	65.6	44
Kansas	19	67.6	102	5	70.6	96	14	64.6	96	10	66.7	82
Maryland	28	63.9	92	33	58.3	75	20	63.2	83	30	60.6	60
Wisconsin	20	66.6	127	15	68.4	76	22	62.8	67	24	61.8	69
Oregon	32	61.2	87	28	62.6	60	21	63	56	14	65.4	36
Michigan	24	65.5	114	27	63	93	30	59.5	97	33	59.7	63
Hawaii	30	62.8	62	29	62.5	52	35	56.4	45	45	51.5	40
Rhode Island	26	64.6	83	31	60.9	72	38	55.2	70	39	57.1	66
Arizona	25	65.4	116	17	66.8	76	13	65	86	15	65.3	50
Ohio	27	64.2	125	30	62.1	119	29	59.7	118	32	60	58
Montana	34	60.5	67	45	52.2	51	43	52.4	42	38	57.3	42
Washington	29	63.8	122	22	65.4	120	26	61.6	114	27	61.5	88
New York	21	66.3	176	18	66.4	177	23	62.5	224	25	61.6	134
Tennessee	23	65.7	103	26	63.7	80	19	63.7	70	22	62.3	71
Oklahoma	33	61.0	80	42	55	68	31	59	70	17	64.2	55
New Mexico	45	55.2	75	44	52.7	46	41	53.9	59	37	57.5	49
North Carolina	7	70.2	91	20	65.8	81	17	64	85	21	62.6	56
South Carolina	36	59.4	86	39	56.3	76	39	55.1	57	43	54.5	48
Colorado	16	67.8	89	23	64.2	80	8	65.8	86	9	67.5	58
Arkansas	41	57.7	74	35	57.2	56	44	48.7	82	34	58	60
Nevada	35	60.4	98	37	57	75	28	59.8	59	40	56.9	54
Pennsylvania	37	59.4	203	40	56.3	174	34	56.6	143	36	57.8	131
Texas	40	58.5	202	36	57.2	189	36	56.3	248	41	56.8	132
Georgia	31	62.4	108	24	64	89	27	60.9	99	28	61.4	62
New Jersey	38	59.3	128	32	60.1	116	32	57.8	123	35	58	70
Kentucky	39	59.0	95	38	56.8	76	40	54.4	97	29	61.3	64
Alabama	46	55.1	98	43	52.8	82	47	45.5	95	47	47.5	54
Mississippi	43	56.3	128	48	46.6	84	48	40	116	48	43.7	92
West Virginia	50	46.3	125	50	44.8	121	50	35.1	121	50	42.4	114
Florida	44	56.0	211	41	55.3	187	42	53.9	237	42	54.9	137
California	47	49.9	306	47	50.6	287	46	47.2	286	44	51.8	197
Illinois	48	48.0	197	46	51.3	187	45	47.9	191	46	51.3	129
Missouri	42	56.6	106	34	57.8	73	37	56.1	92	31	60.1	61
Louisiana	49	46.5	131	49	46.5	104	49	39.6	122	49	42.9	100

STATE	2007			2006			2005		
	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N
South Dakota	11	67	51	7	65.7	56	8	64.9	70
Vermont	27	62.5	46	24	62.3	61	21	60.3	73
Idaho	30	61.3	52	18	64	70	10	64.2	61
Minnesota	2	70.6	86	14	65	83	7	65.2	77
New Hampshire	6	68.2	59	6	66	81	12	64	95
Alaska	43	56	48	36	56.2	58	33	56.4	64
Nebraska	3	70	63	2	71.5	78	2	69.7	98
Wyoming	22	64.7	49	16	64.2	66	9	64.7	85
Maine	5	68.9	48	9	65.5	66	11	64.2	80
Virginia	12	66.9	101	3	71.1	121	4	67.1	136
Delaware	1	75.6	109	1	74.9	108	1	76	128
Utah	9	67.7	87	17	64.2	103	14	63.3	144
Iowa	4	68.9	95	4	68.8	109	5	66.3	155
Massachusetts	18	65.7	123	32	59	125	31	57.8	144
Indiana	8	68.2	88	11	65.2	99	6	65.5	119
Connecticut	14	66.3	62	5	66.9	90	18	62	131
North Dakota	20	65.4	48	12	65.2	51	3	68.5	57
Kansas	13	66.7	96	15	64.5	110	16	62.6	148
Maryland	29	61.7	74	20	63.4	91	23	59.8	95
Wisconsin	10	67.5	102	23	62.6	110	17	62.5	143
Oregon	17	65.7	67	30	59.8	89	25	59.6	115
Michigan	23	64.2	110	22	63.1	125	24	59.6	135
Hawaii	42	56.3	54	46	48	74	41	51.5	81
Rhode Island	35	58.5	68	26	61.1	91	35	55.4	92
Arizona	15	66.3	94	13	65.1	98	19	60.9	95
Ohio	24	63.9	123	19	63.5	139	26	59.5	178
Montana	40	57.2	58	39	54.8	70	37	54.8	70
Washington	25	63.7	116	28	60.7	139	15	63.1	94
New York	19	65.6	197	21	63.2	217	27	58.8	256
Tennessee	7	68.2	101	29	59.9	109	22	59.9	102
Oklahoma	38	57.7	82	33	58.8	100	32	56.5	132
New Mexico	39	57.5	59	40	54.2	96	38	54.5	155
North Carolina	16	65.9	87	10	65.2	98	20	60.3	114
South Carolina	37	58.1	81	42	53.9	95	39	54.2	101
Colorado	21	65.1	90	8	65.6	100	13	63.6	93
Arkansas	41	56.5	76	41	54.1	99	43	50.2	169
Nevada	28	62	70	37	56	85	29	58.4	109
Pennsylvania	32	60.8	146	31	59.3	157	34	55.5	204
Texas	44	54.3	210	43	52	243	44	49.2	287
Georgia	31	61.2	106	27	61	118	28	58.4	170
New Jersey	26	63.4	137	25	61.4	141	30	57.8	194
Kentucky	33	60.8	90	34	58	101	36	54.9	129
Alabama	47	50.7	107	47	44.4	125	48	35.9	157
Mississippi	49	46.1	156	48	39.7	143	50	30.7	164
West Virginia	50	38	134	50	37.3	137	49	33.2	107
Florida	36	58.2	186	38	55.2	209	42	50.9	288
California	45	53.5	286	44	49.8	317	45	45.5	351
Illinois	46	50.8	180	45	49.2	229	46	44.1	285
Missouri	34	60	99	35	57.8	109	40	51.9	121
Louisiana	48	47.3	142	49	39	137	47	39.1	146

*Note: Scores displayed in this table have been rounded to one decimal point. The column labeled “N” represents the number of evaluations for a given state.

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

*Note: Scores displayed in this table have been rounded to one decimal point. The column labeled “N” represents the number of evaluations for a given state.

TABLE 68

SUMMARY OF PAST YEARS RANKINGS BY STATE

<u>Alabama</u>	<u>Alaska</u>	<u>Arizona</u>	<u>Arkansas</u>	<u>California</u>	<u>Colorado</u>	<u>Connecticut</u>	<u>Delaware</u>
2017 = 43	2017 = 6	2017 = 25	2017 = 36	2017 = 47	2017 = 35	2017 = 16	2017 = 11
2015 = 46	2015 = 12	2015 = 25	2015 = 41	2015 = 47	2015 = 16	2015 = 22	2015 = 1
2012 = 43	2012 = 13	2012 = 17	2012 = 35	2012 = 47	2012 = 23	2012 = 25	2012 = 1
2010 = 47	2010 = 33	2010 = 13	2010 = 44	2010 = 46	2010 = 8	2010 = 24	2010 = 1
2008 = 47	2008 = 20	2008 = 15	2008 = 34	2008 = 44	2008 = 9	2008 = 19	2008 = 1
2007 = 47	2007 = 43	2007 = 14	2007 = 41	2007 = 45	2007 = 21	2007 = 14	2007 = 1
2006 = 47	2006 = 36	2006 = 13	2006 = 41	2006 = 44	2006 = 8	2006 = 5	2006 = 1
2005 = 48	2005 = 33	2005 = 19	2005 = 43	2005 = 45	2005 = 13	2005 = 18	2005 = 1
2004 = 48	2004 = 33	2004 = 14	2004 = 42	2004 = 46	2004 = 13	2004 = 18	2004 = 1
2003 = 48	2003 = 32	2003 = 18	2003 = 45	2003 = 44	2003 = 12	2003 = 17	2003 = 1
2002 = 48	2002 = 37	2002 = 11	2002 = 44	2002 = 45	2002 = 7	2002 = 10	2002 = 1
<u>Florida</u>	<u>Georgia</u>	<u>Hawaii</u>	<u>Idaho</u>	<u>Illinois</u>	<u>Indiana</u>	<u>Iowa</u>	<u>Kansas</u>
2017 = 46	2017 = 40	2017 = 23	2017 = 3	2017 = 48	2017 = 15	2017 = 13	2017 = 18
2015 = 44	2015 = 31	2015 = 30	2015 = 6	2015 = 48	2015 = 18	2015 = 4	2015 = 19
2012 = 41	2012 = 24	2012 = 29	2012 = 6	2012 = 46	2012 = 14	2012 = 10	2012 = 5
2010 = 42	2010 = 27	2010 = 35	2010 = 18	2010 = 45	2010 = 4	2010 = 5	2010 = 14
2008 = 42	2008 = 28	2008 = 45	2008 = 26	2008 = 46	2008 = 4	2008 = 7	2008 = 10
2007 = 36	2007 = 31	2007 = 42	2007 = 30	2007 = 46	2007 = 8	2007 = 4	2007 = 13
2006 = 38	2006 = 27	2006 = 46	2006 = 18	2006 = 45	2006 = 11	2006 = 4	2006 = 15
2005 = 42	2005 = 28	2005 = 41	2005 = 10	2005 = 46	2005 = 6	2005 = 5	2005 = 16
2004 = 38	2004 = 29	2004 = 39	2004 = 5	2004 = 44	2004 = 11	2004 = 4	2004 = 9
2003 = 40	2003 = 39	2003 = 43	2003 = 13	2003 = 38	2003 = 5	2003 = 3	2003 = 15
2002 = 33	2002 = 23	2002 = 40	2002 = 14	2002 = 34	2002 = 12	2002 = 5	2002 = 4
<u>Kentucky</u>	<u>Louisiana</u>	<u>Maine</u>	<u>Maryland</u>	<u>Massachusetts</u>	<u>Michigan</u>	<u>Minnesota</u>	<u>Mississippi</u>
2017 = 42	2017 = 50	2017 = 9	2017 = 19	2017 = 14	2017 = 22	2017 = 4	2017 = 44
2015 = 39	2015 = 49	2015 = 14	2015 = 28	2015 = 17	2015 = 24	2015 = 13	2015 = 43
2012 = 38	2012 = 49	2012 = 12	2012 = 33	2012 = 19	2012 = 27	2012 = 4	2012 = 48
2010 = 40	2010 = 49	2010 = 12	2010 = 20	2010 = 9	2010 = 30	2010 = 11	2010 = 48
2008 = 29	2008 = 49	2008 = 3	2008 = 30	2008 = 18	2008 = 33	2008 = 11	2008 = 48
2007 = 32	2007 = 48	2007 = 4	2007 = 29	2007 = 18	2007 = 25	2007 = 2	2007 = 13
2006 = 34	2006 = 49	2006 = 9	2006 = 20	2006 = 32	2006 = 22	2006 = 14	2006 = 48
2005 = 36	2005 = 47	2005 = 11	2005 = 23	2005 = 31	2005 = 24	2005 = 7	2005 = 50
2004 = 35	2004 = 47	2004 = 12	2004 = 21	2004 = 28	2004 = 23	2004 = 8	2004 = 50
2003 = 35	2003 = 47	2003 = 16	2003 = 23	2003 = 22	2003 = 29	2003 = 9	2003 = 50
2002 = 38	2002 = 47	2002 = 18	2002 = 22	2002 = 36	2002 = 28	2002 = 19	2002 = 50
<u>Missouri</u>	<u>Montana</u>	<u>Nebraska</u>	<u>Nevada</u>	<u>New Hampshire</u>	<u>New Jersey</u>	<u>New Mexico</u>	<u>New York</u>
2017 = 49	2017 = 27	2017 = 7	2017 = 37	2017 = 5	2017 = 41	2017 = 32	2017 = 29
2015 = 42	2015 = 34	2015 = 3	2015 = 35	2015 = 5	2015 = 38	2015 = 45	2015 = 21
2012 = 34	2012 = 45	2012 = 2	2012 = 37	2012 = 21	2012 = 32	2012 = 44	2012 = 18
2010 = 37	2010 = 43	2010 = 3	2010 = 28	2010 = 16	2010 = 32	2010 = 41	2010 = 23
2008 = 31	2008 = 38	2008 = 2	2008 = 40	2008 = 16	2008 = 35	2008 = 37	2008 = 25
2007 = 34	2007 = 40	2007 = 3	2007 = 28	2007 = 6	2007 = 26	2007 = 39	2007 = 19
2006 = 35	2006 = 39	2006 = 2	2006 = 37	2006 = 6	2006 = 25	2006 = 40	2006 = 21
2005 = 40	2005 = 37	2005 = 2	2005 = 29	2005 = 12	2005 = 30	2005 = 38	2005 = 27
2004 = 41	2004 = 43	2004 = 2	2004 = 34	2004 = 7	2004 = 26	2004 = 37	2004 = 22
2003 = 33	2003 = 28	2003 = 2	2003 = 34	2003 = 10	2003 = 30	2003 = 41	2003 = 27
2002 = 29	2002 = 43	2002 = 6	2002 = 30	2002 = 17	2002 = 32	2002 = 39	2002 = 27

<u>North Carolina</u>	<u>North Dakota</u>	<u>Ohio</u>	<u>Oklahoma</u>	<u>Oregon</u>	<u>Pennsylvania</u>	<u>Rhode Island</u>	<u>South Carolina</u>
2017 = 33	2017 = 17	2017 = 26	2017 = 31	2017 = 21	2017 = 38	2017 = 24	2017 = 34
2015 = 7	2015 = 15	2015 = 27	2015 = 33	2015 = 32	2015 = 37	2015 = 26	2015 = 36
2012 = 20	2012 = 8	2012 = 30	2012 = 42	2012 = 28	2012 = 40	2012 = 31	2012 = 39
2010 = 17	2010 = 2	2010 = 29	2010 = 31	2010 = 21	2010 = 34	2010 = 38	2010 = 39
2008 = 21	2008 = 13	2008 = 32	2008 = 17	2008 = 14	2008 = 36	2008 = 39	2008 = 43
2007 = 16	2007 = 20	2007 = 24	2007 = 38	2007 = 17	2007 = 32	2007 = 35	2007 = 37
2006 = 10	2006 = 12	2006 = 19	2006 = 33	2006 = 30	2006 = 31	2006 = 26	2006 = 42
2005 = 20	2005 = 3	2005 = 26	2005 = 32	2005 = 25	2005 = 34	2005 = 35	2005 = 39
2004 = 19	2004 = 16	2004 = 32	2004 = 31	2004 = 27	2004 = 30	2004 = 36	2004 = 40
2003 = 20	2003 = 6	2003 = 24	2003 = 36	2003 = 14	2003 = 31	2003 = 37	2003 = 42
2002 = 16	2002 = 25	2002 = 26	2002 = 41	2002 = 13	2002 = 31	2002 = 35	2002 = 42

<u>South Dakota</u>	<u>Tennessee</u>	<u>Texas</u>	<u>Utah</u>	<u>Vermont</u>	<u>Virginia</u>	<u>Washington</u>	<u>West Virginia</u>
2017 = 1	2017 = 30	2017 = 39	2017 = 12	2017 = 2	2017 = 10	2017 = 28	2017 = 45
2015 = 9	2015 = 23	2015 = 40	2015 = 10	2015 = 2	2015 = 11	2015 = 29	2015 = 50
2012 = 11	2012 = 26	2012 = 36	2012 = 9	2012 = 16	2012 = 7	2012 = 22	2012 = 50
2010 = 10	2010 = 19	2010 = 36	2010 = 7	2010 = 25	2010 = 6	2010 = 26	2010 = 50
2008 = 12	2008 = 22	2008 = 41	2008 = 5	2008 = 8	2008 = 6	2008 = 27	2008 = 50
2007 = 11	2007 = 6	2007 = 44	2007 = 9	2007 = 27	2007 = 12	2007 = 25	2007 = 50
2006 = 7	2006 = 29	2006 = 43	2006 = 17	2006 = 24	2006 = 3	2006 = 28	2006 = 50
2005 = 8	2005 = 22	2005 = 44	2005 = 14	2005 = 21	2005 = 4	2005 = 15	2005 = 49
2004 = 17	2004 = 25	2004 = 45	2004 = 6	2004 = 20	2004 = 3	2004 = 24	2004 = 49
2003 = 4	2003 = 26	2003 = 46	2003 = 7	2003 = 19	2003 = 8	2003 = 21	2003 = 49
2002 = 9	2002 = 24	2002 = 46	2002 = 8	2002 = 21	2002 = 2	2002 = 3	2002 = 49

<u>Wisconsin</u>	<u>Wyoming</u>
2017 = 20	2017 = 8
2015 = 20	2015 = 8
2012 = 15	2012 = 3
2010 = 22	2010 = 15
2008 = 24	2008 = 23
2007 = 10	2007 = 22
2006 = 23	2006 = 16
2005 = 17	2005 = 9
2004 = 10	2004 = 15
2003 = 11	2003 = 25
2002 = 15	2002 = 20

APPENDIX A: KEY ELEMENTS – PRIOR YEARS’ DATA

Enforcing Meaningful Venue Requirements*

Year	Average Overall Score (weighted by N size)
2017	69.4
2015	64.7
2012	65.0
2010	62.6
2008	64.0
2007	65.6
2006	62.1
2005	N/A
2004	N/A
2003	N/A
2002	N/A

*Prior to 2017, reported as “Having and Enforcing Meaningful Venue Requirements”

Overall Treatment of Tort and Contract Litigation

Year	Average Overall Score (weighted by N size)
2017	66.3
2015	60.6
2012	59.7
2010	56.5
2008	58.7
2007	60.7
2006	57.3
2005	55.2
2004	56.1
2003	54.1
2002	N/A

Treatment of Class Action Suits and Mass Consolidation Suits

Year	Average Overall Score (weighted by N size)
2017	66.3
2015	59.5
2012	58.4
2010	51.8
2008	56.0
2007	56.7
2006	54.6
2005	51.3
2004	51.4
2003	49.6
2002	N/A

Damages

Year	Average Overall Score (weighted by N size)
2017	64.9
2015	59.0
2012	57.7
2010	53.6
2008	N/A
2007	N/A
2006	N/A
2005	N/A
2004	N/A
2003	N/A
2002	N/A

Proportional Discovery*

Year	Average Overall Score (weighted by N size)
2017	67.5
2015	61.8
2012	60.8
2010	57.8
2008	62.3
2007	63.4
2006	60.7
2005	58.4
2004	59.8
2003	58.7
2002	N/A

*Prior to 2017, reported as "Discovery"

Scientific and Technical Evidence

Year	Average Overall Score (weighted by N size)
2017	68.6
2015	62.3
2012	62.3
2010	58.6
2008	61.8
2007	62.1
2006	59.7
2005	57.9
2004	58.9
2003	57.5
2002	N/A

Trial Judges' Impartiality*

Year	Average Overall Score (weighted by N size)
2017	68.6
2015	64.6
2012	64.0
2010	61.6
2008	62.3
2007	64.0
2006	62.6
2005	60.2
2004	61.3
2003	61.1
2002	N/A

*Prior to 2017, reported as "Judges' Impartiality"

Trial Judges' Competence*

Year	Average Overall Score (weighted by N size)
2017	69.6
2015	65.6
2012	64.4
2010	62.4
2008	64.0
2007	64.8
2006	63.4
2005	61.2
2004	62.3
2003	61.1
2002	N/A

*Prior to 2017, reported as "Judges' Competence"

Juries' Fairness

Year	Average Overall Score (weighted by N size)
2017	67.6
2015	62.6
2012	60.7
2010	58.0
2008	58.9
2007	60.0
2006	56.7
2005	54.5
2004	55.2
2003	52.2
2002	N/A

Quality of Appellate Review*

Year	Average Overall Score (weighted by N size)
2017	70.1

*Added in 2017

Enforcing Meaningful Venue Requirements*

Rank

STATE	2017	2015	2012	2010	2008	2007	2006
Iowa	1	14	15	2	6	11	47
Maine	2	6	18	22	7	14	37
Virginia	3	16	3	4	3	9	15
Alaska	4	24	10	39	10	43	40
Wyoming	5	10	7	27	25	27	42
Vermont	6	4	19	36	8	23	13
South Dakota	7	19	9	31	4	10	9
Idaho	8	8	11	30	36	29	2
Delaware	9	1	1	1	1	3	36
Minnesota	10 (tied)	5	5	15	12	8	24
Montana	10 (tied)	40	42	43	44	35	44
Oregon	12	29	20	24	15	6	11
Wisconsin	13	22	13	24	9	20	46
Oklahoma	14	30	41	18	19	37	5
Washington	15	32	30	33	22	28	6
Massachusetts	16	17	21	9	16	15	28
Maryland	17	7	36	26	37	41	29
Nebraska	18	2	6	7	5	2	49
Indiana	19	23	2	3	2	1	14
Connecticut	20	9	24	20	11	13	22
Kansas	21	13	12	13	18	19	34
Utah	22	15	8	7	13	16	19
South Carolina	23	34	38	41	40	33	10
North Carolina	24	11	23	6	31	18	48
North Dakota	25	20	28	9	21	12	38
New Hampshire	26	12	16	35	23	5	43
Hawaii	27	28	17	32	41	38	3
Michigan	28	25	14	18	26	22	33
Rhode Island	29	41	32	40	32	39	23
Arkansas	30	45	37	47	24	44	17
Ohio	31	18	35	16	30	21	45
Arizona	32	21	25	4	20	25	7
Tennessee	33	27	22	14	29	3	4
New York	34	2	3	11	17	7	21
Colorado	35	26	34	11	14	17	20
Nevada	36	33	33	17	35	32	31
New Mexico	37	46	39	36	42	42	18
Kentucky	38	35	29	42	28	35	16
Pennsylvania	39	36	43	28	38	34	26
New Jersey	40	37	25	29	39	26	39
Georgia	41	31	31	21	27	30	12
Texas	42	39	45	34	43	45	30
Florida	43	42	39	38	34	24	41
Mississippi	44	44	48	49	49	47	27
West Virginia	45	49	50	50	50	50	25
California	46	47	44	44	46	40	1
Alabama	47	38	46	46	45	46	35
Illinois	48	50	49	45	47	49	50
Louisiana	49	48	47	48	48	48	8
Missouri	50	43	27	22	33	31	32

*Prior to 2017, reported as "Having and Enforcing Meaningful Venue Requirements";
2005-2002 data not available

Overall Treatment of Tort and Contract Litigation

Rank										
STATE	2017	2015	2012	2010	2008	2007	2006	2005	2004	2003
New Hampshire	1	10	26	16	16	3	9	11	13	8
Vermont	2	2	14	29	5	25	23	28	20	15
Idaho	3	7	4	11	23	33	22	18	6	17
South Dakota	4	4	10	9	10	13	6	9	14	5
Utah	5	18	13	3	4	18	16	8	5	11
Alaska	6	16	19	33	17	44	36	31	36	22
Maine	7	16	12	13	6	6	21	13	10	20
Nebraska	8	3	2	4	2	2	3	2	2	3
Minnesota	9	22	11	13	14	5	15	12	18	10
Indiana	10	11	7	6	7	10	5	6	8	6
North Dakota	11	14	8	2	9	20	17	3	7	4
Wyoming	12	9	1	15	32	4	18	7	12	23
Massachusetts	13	23	21	12	18	16	29	33	34	21
Delaware	14	1	3	1	1	1	1	1	1	1
Iowa	15	6	5	5	3	7	4	5	4	2
Kansas	16	12	6	19	11	17	12	15	16	14
Virginia	17	8	8	8	12	14	2	4	3	7
Oregon	18	30	30	23	15	19	32	25	28	13
Maryland	19	28	36	26	25	21	14	26	23	25
Tennessee	20	25	24	10	30	11	24	20	26	28
Arizona	21	20	15	16	13	26	10	19	11	24
Connecticut	22	15	25	24	20	8	7	21	22	18
Rhode Island	23	27	31	41	35	36	27	39	40	38
Michigan	24	24	27	30	33	30	20	22	21	32
New Mexico	25	46	44	42	40	41	40	34	33	41
Ohio	26	26	29	27	29	24	25	24	30	26
North Carolina	27	5	19	19	26	12	8	17	17	19
New York	28	19	17	18	22	22	13	23	19	16
Oklahoma	29	29	43	25	19	35	35	29	29	35
Hawaii	30	41	28	38	44	42	46	44	43	43
Wisconsin	31	21	15	21	27	9	26	16	9	9
South Carolina	32	31	37	34	43	34	39	36	38	40
Texas	33	36	31	31	39	43	43	43	41	49
Arkansas	34	40	39	44	31	38	41	41	39	45
Montana	35	35	46	43	36	40	42	38	45	29
Pennsylvania	36	38	40	35	38	31	31	37	35	33
Nevada	37	34	33	32	37	23	37	30	31	36
Colorado	38	13	23	7	8	15	11	10	15	12
Georgia	39	33	22	22	21	32	19	27	25	39
Washington	40	32	18	27	34	29	30	14	27	27
New Jersey	41	39	35	36	41	27	28	35	24	30
Kentucky	42	37	33	37	24	28	33	32	32	37
Alabama	43	42	42	46	47	46	47	48	48	48
Mississippi	44	43	48	49	48	48	49	50	50	50
Florida	45	45	41	40	42	37	38	40	37	42
Missouri	46	44	38	39	28	39	34	42	42	31
Louisiana	47	49	49	48	49	49	48	47	47	50
West Virginia	48	50	50	50	50	50	50	49	49	49
Illinois	49	48	45	45	46	47	44	45	44	34
California	50	47	47	47	45	45	45	46	46	45

Treatment of Class Action Suits and Mass Consolidation Suits

Rank										
STATE	2017	2015	2012	2010	2008	2007	2006	2005*	2004*	2003*
Nebraska	1 (tied)	4	6	2	3	8	2	2	5	2
South Dakota	1 (tied)	6	17	25	4	29	7	5	3	5
Maine	3	15	12	11	10	19	20	11	10	29
Vermont	4	2	20	33	7	13	28	19	17	14
Idaho	5	3	4	22	21	22	10	15	4	20
Utah	6	8	8	4	2	15	13	7	9	6
Wyoming	7	5	10	9	25	11	9	9	12	19
Kansas	8	23	10	20	11	7	6	8	22	8
Minnesota	9	18	14	17	30	10	34	10	16	10
New Hampshire	10	24	13	24	16	27	17	13	7	22
Alaska	11	11	5	40	18	38	36	22	26	24
New Mexico	12	40	45	43	36	37	40	39	38	40
Iowa	13	10	26	6	6	4	3	4	2	3
Arizona	14	25	25	12	14	20	5	21	15	9
Connecticut	15	19	28	28	15	6	4	12	14	25
Michigan	16	16	22	19	31	17	19	26	25	30
Tennessee	17	12	16	7	27	2	22	28	20	17
Indiana	18	17	1	3	8	5	15	6	11	4
Oregon	19	27	35	20	9	26	26	25	33	12
Washington	20	32	24	26	38	24	36	27	30	26
Maryland	21	31	37	29	37	36	21	29	27	34
Massachusetts	22	26	15	10	24	18	33	33	29	16
Montana	23	34	32	37	34	40	37	36	37	21
North Dakota	24	7	29	7	19	28	8	3	6	15
Rhode Island	25	9	23	35	39	35	27	32	32	38
Delaware	26	1	2	1	1	1	1	1	1	1
Wisconsin	27	28	8	26	23	9	23	18	19	7
Nevada	28	36	44	39	43	12	32	20	24	39
Arkansas	29	44	41	45	33	44	42	43	42	42
Hawaii	30	20	7	32	44	34	43	41	43	37
Colorado	31	14	27	13	5	21	16	17	13	27
South Carolina	32	38	38	36	41	41	39	37	40	43
Oklahoma	33	39	40	42	32	43	25	35	35	35
New York	34	21	21	16	13	3	11	24	8	11
Ohio	35	29	30	17	20	23	14	16	21	18
North Carolina	36	13	19	15	22	30	18	14	18	23
Pennsylvania	37	35	39	31	28	32	31	31	28	28
Texas	38	33	31	23	40	42	41	42	41	45
New Jersey	39	41	33	30	35	14	30	30	23	33
Kentucky	40	37	36	33	26	25	24	34	34	31
Georgia	41	30	18	14	17	31	12	23	31	36
West Virginia	42	47	46	50	50	50	49	48	48	48
Florida	43	45	42	41	42	39	38	40	39	41
Alabama	44	42	43	44	45	45	47	47	47	47
Mississippi	45	43	48	47	48	49	46	49	50	50
Illinois	46	49	47	46	47	48	44	45	44	32
Missouri	47	46	34	38	29	33	29	38	36	13
California	48	50	50	48	46	46	45	44	45	44
Louisiana	49	48	49	49	49	47	48	46	46	46
Virginia	N/A**	22	3	5	12	16	2	3	2	3

*Reported as "Treatment of Class Action Suits"

**VA was not ranked on this element in 2017

Damages				
Rank				
STATE	2017	2015	2012	2010*
South Dakota	1	4	18	6
Idaho	2	8	9	7
Vermont	3	3	14	26
New Hampshire	4	6	21	9
Virginia	5	15	12	11
Utah	6	11	6	8
Wyoming	7	10	2	14
Kansas	8	2	5	12
Iowa	9	5	7	5
Indiana	10	16	8	1
Nebraska	11	7	1	3
Minnesota	12	20	10	18
Delaware	13	1	3	2
Alaska	14	14	11	40
Maine	15	19	13	13
Connecticut	16	27	22	30
North Dakota	17	12	4	4
Wisconsin	18	17	17	20
Massachusetts	19	26	25	15
Michigan	20	23	29	22
Montana	21	33	42	42
Oregon	22	35	30	30
Tennessee	23	21	27	15
Hawaii	24	31	26	35
Oklahoma	25	28	43	22
Arizona	26	22	15	17
Washington	27	32	23	29
South Carolina	28	40	33	36
Rhode Island	29	13	31	39
Maryland	30	25	32	27
Arkansas	31	36	36	44
Colorado	32	18	16	9
Ohio	33	24	27	28
Pennsylvania	34	34	38	38
Texas	35	37	33	34
North Carolina	36	9	20	19
New York	37	29	19	24
New Mexico	38	44	44	43
Nevada	39	41	40	25
Georgia	40	30	24	21
Alabama	41	46	46	46
Mississippi	42	43	45	49
New Jersey	43	38	35	32
Kentucky	44	39	38	37
West Virginia	45	47	50	50
Florida	46	45	41	41
Louisiana	47	49	48	48
California	48	50	49	47
Missouri	49	42	37	33
Illinois	50	48	46	45

*Not reported prior to 2010

Punitive Damages**						
Rank						
STATE	2008	2007	2006	2005	2004	2003
Delaware	1	1	1	1	1	1
Indiana	2	7	4	4	4	8
Maine	3	4	15	9	10	21
Utah	4	5	8	13	6	10
Kansas	5	12	6	11	7	15
Colorado	6	22	11	18	13	12
Vermont	7	21	20	19	22	16
Iowa	8	6	3	8	3	2
Virginia	9	17	2	5	2	4
North Dakota	10	25	5	2	8	3
North Carolina	11	14	7	15	12	17
South Dakota	12	16	12	7	9	9
Oregon	13	26	32	27	33	26
Connecticut	14	20	14	12	19	13
Tennessee	15	3	23	14	20	22
Minnesota	16	2	16	10	18	18
Oklahoma	17	36	28	26	29	30
Georgia	18	28	17	24	21	32
Wyoming	19	10	9	6	11	20
Arizona	21	13	18	16	14	23
Alaska	20	39	35	34	38	31
Maryland	22	23	21	23	25	14
Idaho	23	24	19	3	5	7
Michigan	24	8	10	17	15	11
Kentucky	25	19	25	28	26	27
New York	26	15	22	25	16	25
Ohio	27	18	13	21	23	24
Missouri	28	33	30	36	34	33
Texas	29	38	36	39	39	42
Arkansas	30	34	29	35	31	38
Pennsylvania	31	27	27	30	27	28
Wisconsin	32	10	26	20	17	6
Nevada	33	24	33	22	24	35
New Jersey	34	45	31	30	24	30
Florida	35	29	37	37	32	40
Rhode Island	36	30	24	32	30	29
New Mexico	37	32	31	29	28	34
Montana	38	35	38	33	35	19
South Carolina	40	31	34	31	36	39
Illinois	39	40	40	41	40	36
Hawaii	41	37	39	38	37	37
California	42	42	41	40	41	41
Mississippi	43	43	43	44	44	45
Alabama	44	41	42	43	43	43
West Virginia	45	44	44	42	42	44
Louisiana*	46	45	47	45	46	1
Massachusetts*	46	45	35	32	34	8
Nebraska*	46	45	1	2	2	21
New Hampshire*	46	45	12	7	18	10
Washington*	46	45	22	14	22	15

*Louisiana, Massachusetts, Nebraska, New Hampshire and Washington not included in 2007 and 2008 because they outlawed punitive damages.

**Not reported after 2008

Non-Economic Damages**			
STATE	Rank		
	2008	2007	2006*
Colorado	1	26	6
Nebraska	2	2	2
Delaware	3	1	1
Utah	4	10	9
Maine	5	4	16
Virginia	6	21	3
Vermont	7	9	22
Indiana	8	13	11
Iowa	9	6	5
Kansas	10	14	7
Arizona	11	18	18
Oregon	12	20	34
New Hampshire	13	3	14
Minnesota	14	7	19
Oklahoma	15	35	33
South Dakota	16	17	8
Wyoming	17	24	15
Michigan	18	25	20
Massachusetts	19	22	29
Missouri	20	37	35
Kentucky	21	28	37
North Dakota	22	16	4
Connecticut	23	15	13
Georgia	24	30	21
Alaska	25	44	30
Idaho	26	33	12
Tennessee	27	5	23
Ohio	28	23	17
New York	29	12	25
Maryland	30	34	31
Texas	31	43	42
Nevada	32	19	40
Washington	33	29	27
Montana	34	32	38
Arkansas	35	39	36
New Mexico	36	42	41
North Carolina	37	11	10
Pennsylvania	38	38	28
Wisconsin	39	8	32
New Jersey	40	27	26
Rhode Island	41	31	24
Florida	42	36	39
Hawaii	43	40	45
California	44	45	46
Illinois	45	48	44
South Carolina	46	41	43
Alabama	47	46	47
Louisiana	48	47	49
Mississippi	49	49	48
West Virginia	50	50	50

*Not reported prior to 2006
**Not reported after 2008

Timeliness of Summary Judgment or Dismissal*

Rank									
STATE	2015	2012	2010	2008	2007	2006	2005	2004	2003
Delaware	1	2	1	1	1	1	1	1	1
Vermont	2	14	24	4	23	19	12	24	27
Nebraska	3	1	5	3	7	4	2	3	4
Idaho	4	7	7	18	18	12	5	12	10
Wyoming	4	2	12	16	17	8	14	6	25
Alaska	6	4	36	32	45	34	29	31	34
Iowa	7	15	8	14	8	9	7	4	2
North Carolina	8	19	19	34	22	17	22	15	19
New Hampshire	9	21	23	25	12	6	8	5	14
North Dakota	10	6	2	13	5	14	4	7	11
Utah	11	11	10	9	14	13	10	17	5
Hawaii	12	23	43	44	43	47	43	38	46
Maine	12	9	21	5	13	5	13	9	17
Minnesota	14	8	6	6	3	7	6	8	9
South Dakota	15	5	11	10	2	3	11	11	3
Wisconsin	16	13	15	17	4	18	20	10	15
Kansas	17	12	13	11	20	24	19	14	8
Massachusetts	18	22	9	30	39	33	42	39	31
Virginia	19	9	3	2	19	2	3	2	6
Michigan	20	26	35	21	21	20	21	22	26
Connecticut	21	25	26	31	16	21	26	23	33
Arizona	22	17	14	15	6	11	18	13	16
Indiana	23	18	4	8	10	10	9	19	7
Colorado	24	24	17	7	25	15	15	16	13
Tennessee	25	33	25	23	9	27	24	20	24
Oklahoma	26	31	30	12	40	36	30	30	38
Maryland	27	34	22	19	37	22	23	18	20
Rhode Island	28	20	39	40	28	28	33	33	35
Washington	29	16	18	28	15	23	17	21	22
Montana	30	40	27	26	35	38	28	45	18
Oregon	31	28	16	20	11	25	16	25	12
Nevada	32	30	20	33	24	37	25	27	21
Ohio	33	38	38	43	30	16	31	34	30
Texas	34	37	27	29	42	40	40	41	43
New York	35	27	34	36	31	35	37	28	39
Georgia	36	29	32	24	32	26	27	29	29
South Carolina	37	41	33	39	34	43	38	32	37
Kentucky	38	44	41	22	29	32	35	40	42
Pennsylvania	39	45	37	41	33	29	36	35	32
New Mexico	40	39	40	27	41	42	34	36	40
Mississippi	41	48	48	47	49	48	50	50	50
Missouri	42	35	31	38	38	31	41	44	23
Arkansas	43	32	42	35	27	41	39	37	44
New Jersey	44	36	29	37	26	30	32	26	28
Florida	45	43	44	42	36	39	44	42	41
Alabama	46	42	45	48	44	46	48	48	47
Illinois	47	47	47	46	46	44	45	43	36
California	48	46	46	45	47	45	46	46	45
West Virginia	49	49	50	49	50	50	49	49	49
Louisiana	50	50	49	50	48	49	47	47	48

*This element was removed after 2015

Proportional Discovery*										
Rank										
STATE	2017	2015	2012	2010	2008	2007	2006	2005	2004	2003
Alaska	1	23	1	27	15	44	40	31	31	17
Idaho	2	10	17	15	33	30	11	12	7	24
Utah	3	8	14	5	3	12	24	16	8	9
Wyoming	4	16	3	6	31	9	6	7	24	28
Nebraska	5	3	4	4	6	4	3	3	3	2
Minnesota	6	14	5	14	8	2	23	6	13	6
Vermont	7	1	6	31	11	28	12	11	23	8
Wisconsin	8	17	10	19	28	3	13	15	5	11
South Dakota	9	9	11	17	14	10	17	14	22	7
North Dakota	10	27	9	7	7	18	18	2	15	4
Maine	11	30	12	13	10	8	19	10	14	13
Kansas	12	13	7	15	13	11	20	17	12	14
Iowa	13	5	12	2	12	5	4	8	10	3
Indiana	14	11	15	3	2	6	8	13	17	5
New Hampshire	15	4	20	22	23	15	5	5	4	31
Hawaii	16	20	23	35	44	43	46	39	42	43
Massachusetts	17	15	24	18	20	22	35	34	35	22
Virginia	18	7	8	7	4	20	2	4	2	10
Colorado	19	12	30	10	18	24	9	9	16	20
Oregon	20	35	26	26	5	26	29	29	34	12
Michigan	21	22	24	31	29	16	22	20	11	29
Nevada	22	26	34	24	40	21	37	27	36	34
Delaware	23	2	2	1	1	1	1	1	1	1
Maryland	24	18	41	11	36	37	16	26	18	19
Rhode Island	25	34	33	39	39	39	28	37	27	41
Arizona	26	21	18	12	17	17	14	24	6	16
Ohio	27	28	28	30	24	25	15	23	33	30
New Mexico	28	46	45	43	34	40	42	38	37	42
Washington	29	25	19	27	21	29	27	19	20	26
Oklahoma	30	33	39	19	9	27	34	32	26	35
Connecticut	31	24	32	23	22	14	10	21	21	21
New York	32	29	22	33	30	19	21	28	19	32
(tied)										
North Carolina	32	6	16	9	25	13	7	22	9	15
(tied)										
Montana	34	32	50	34	41	33	36	35	45	25
Texas	35	37	36	29	35	41	39	43	39	45
Arkansas	36	38	29	44	37	42	43	42	40	46
Tennessee	37	19	21	21	16	7	30	25	30	18
Georgia	38	31	27	24	19	36	26	18	32	37
South Carolina	39	40	38	36	43	35	38	44	41	39
Pennsylvania	40	36	35	39	32	34	32	36	29	27
West Virginia	41	50	48	50	48	50	50	49	49	49
Mississippi	42	42	49	49	47	49	48	50	50	50
Kentucky	43	39	37	42	27	32	31	33	28	23
New Jersey	44	41	31	36	38	23	25	30	25	38
Illinois	45	48	44	46	46	48	44	45	43	33
California	46	49	47	47	45	46	45	46	46	44
Florida	47	43	42	41	42	38	41	41	38	40
Alabama	48	44	43	45	49	45	47	48	48	48
Missouri	49	45	40	36	26	31	33	40	44	36
Louisiana	50	47	46	48	50	47	49	47	47	47

*Prior to 2017, reported as "Discovery"

Scientific and Technical Evidence										
Rank										
STATE	2017	2015	2012	2010	2008	2007	2006	2005	2004	2003
Vermont	1	1	16	28	9	29	32	24	30	33
Massachusetts	2	3	7	3	1	4	7	12	12	10
Maryland	3	29	34	17	28	25	19	26	18	9
Maine	4	21	12	13	3	18	15	21	20	37
Delaware	5	2	1	1	2	1	1	1	1	1
Washington	6	26	14	10	36	14	18	2	16	6
South Dakota	7	11	6	38	41	19	26	18	29	18
Minnesota	8	8	3	11	10	2	9	5	4	2
Nebraska	9	10	5	9	15	10	5	4	8	21
Hawaii	10	35	18	30	46	44	46	42	34	27
Alaska	11	24	11	37	12	41	40	30	33	38
New York	12	4	7	8	6	3	4	6	3	3
Idaho	13 (tied)	7	23	23	25	35	25	22	5	28
Wyoming	13 (tied)	18	2	21	42	17	20	13	26	35
Virginia	15	13	4	5	5	5	2	3	2	5
Connecticut	16	12	22	20	17	8	8	9	7	24
Oregon	17	38	28	7	4	9	24	19	27	15
Indiana	18	17	21	6	8	16	29	17	17	8
Michigan	19	16	25	34	33	12	21	25	13	22
Wisconsin	20	19	15	18	24	22	28	16	9	14
Kansas	21	28	10	28	14	21	33	27	15	16
Utah	22	14	20	4	11	15	17	15	22	4
New Hampshire	23	15	19	25	22	31	13	10	19	23
Iowa	24	5	13	15	16	11	10	8	14	11
Rhode Island	25	20	30	44	39	38	16	32	40	34
Arizona	26	23	17	16	13	24	12	20	10	13
Montana	27	34	46	35	32	48	39	40	44	26
New Mexico	28	39	45	41	38	37	42	36	37	43
Nevada	29	25	44	32	31	32	36	33	36	40
North Dakota	30	22	9	19	40	33	27	7	42	7
Ohio	31	27	32	25	19	20	14	28	23	25
California	32	42	39	36	27	30	34	34	32	30
Arkansas	33	46	36	47	45	45	45	46	46	46
North Carolina	34	6	26	21	29	23	6	29	21	29
Pennsylvania	35	32	40	30	34	26	23	31	24	12
New Jersey	36	33	33	24	35	13	11	23	11	20
Tennessee	37	30	24	12	20	6	30	35	28	32
Colorado	38	9	29	2	7	7	3	11	6	17
Texas	39	37	37	25	30	27	35	37	25	45
South Carolina	40	40	47	33	44	40	43	38	45	44
Georgia	41	31	31	13	23	28	22	14	35	36
Oklahoma	42	36	41	40	18	43	38	41	31	42
Florida	43	41	41	39	37	36	41	39	41	39
Alabama	44	47	43	46	47	46	47	48	48	48
West Virginia	45	50	50	50	49	50	50	49	49	49
Illinois	46	48	38	43	43	42	44	45	38	19
Kentucky	47	44	35	45	26	39	37	44	43	41
Missouri	48	43	27	42	21	34	31	43	39	31
Mississippi	49	45	48	49	48	49	49	50	50	50
Louisiana	50	49	49	48	50	47	48	47	47	47

Trial Judges' Impartiality*

Rank										
STATE	2017	2015	2012	2010	2008	2007	2006	2005	2004	2003
Idaho	1	19	5	24	34	25	21	11	6	9
Alaska	2	15	20	32	26	41	35	36	32	23
New Hampshire	3	5	16	19	14	5	10	7	4	31
Vermont	4	1	20	21	7	29	26	25	16	15
South Dakota	5	14	16	3	12	12	9	10	22	5
Minnesota	6	11	3	13	5	3	14	9	8	6
Nebraska	7	4	3	5	4	4	3	2	3	2
Wyoming	8	12	6	23	17	35	7	17	14	27
Iowa	9	3	10	4	2	8	4	3	2	3
Connecticut	10	18	22	14	13	17	5	14	12	4
Maine	11	24	7	7	9	2	17	5	10	17
Wisconsin	12	20	12	20	23	7	11	15	13	14
Indiana	13	16	14	5	8	18	12	8	11	8
North Dakota	14	6	2	2	21	13	13	4	7	7
Delaware	15	2	1	1	1	1	1	1	1	1
Kansas	16	17	8	11	11	9	23	16	19	24
Utah	17	9	11	16	19	21	19	18	15	10
Massachusetts	18	12	8	10	16	19	29	26	27	18
Oregon	19	33	27	15	15	10	22	19	28	13
Hawaii	20	30	31	37	45	43	46	40	31	39
Maryland	21	26	33	12	24	26	8	21	18	11
Arizona	22	21	13	8	10	15	18	20	9	21
Michigan	23	29	25	28	32	27	27	29	26	32
Rhode Island	24	28	32	41	38	37	33	39	41	42
Colorado	25	10	26	17	6	6	6	12	20	12
Ohio	26	27	28	26	30	22	25	27	34	28
Virginia	27	8	18	9	3	11	2	6	5	16
North Carolina	28	7	23	24	18	20	20	24	24	20
New Mexico	29	47	43	36	37	40	43	34	42	44
Tennessee	30	23	28	22	29	16	32	23	23	30
Montana	31	34	46	44	41	38	42	38	45	34
Washington	32	25	19	27	25	24	24	13	25	19
New York	33	22	15	18	27	14	16	22	17	22
Oklahoma	34	41	39	30	20	42	34	31	33	36
Arkansas	35	36	43	45	36	44	40	44	36	45
South Carolina	36	42	40	42	44	39	41	37	43	43
Nevada	37	38	38	35	42	36	38	33	35	35
Pennsylvania	38	37	35	33	35	30	28	32	29	26
New Jersey	39	32	30	29	31	23	15	28	21	25
Georgia	40	31	24	31	28	31	30	30	30	38
Kentucky	41	35	37	39	22	32	37	35	37	33
California	42	45	40	40	40	34	39	43	40	37
West Virginia	43	49	50	50	50	50	49	49	49	49
Texas	44	46	42	43	43	46	44	45	46	46
Mississippi	45	44	49	48	48	48	48	50	50	50
Alabama	46	43	47	47	47	45	47	47	48	48
Illinois	47	48	45	46	46	47	45	46	44	41
Florida	48	39	34	38	39	33	36	42	38	40
Missouri	49	40	36	34	33	28	31	41	39	29
Louisiana	50	50	48	49	49	49	50	48	47	47

*Prior to 2017, reported as "Judges' Impartiality"

Trial Judges' Competence*

Rank

STATE	2017	2015	2012	2010	2008	2007	2006	2005	2004	2003
Vermont	1	8	16	6	10	26	27	23	20	22
Delaware	2	1	1	1	1	1	1	1	1	1
South Dakota	3	11	11	8	22	18	22	21	28	14
New Hampshire	4	9	19	18	15	4	7	13	9	15
Minnesota	5	15	2	10	2	3	8	3	3	2
Nebraska	6	6	7	3	4	15	3	6	6	4
Idaho	7	10	11	26	32	28	21	14	14	18
Virginia	8	13	3	5	3	6	2	2	2	7
Connecticut	9	27	25	11	16	11	4	9	11	13
Massachusetts	10	2	8	6	13	10	23	18	22	12
Maine	11	3	5	4	8	2	11	11	10	21
Maryland	12	21	33	14	25	27	6	25	16	23
Rhode Island	13	26	32	29	29	38	30	31	33	34
Alaska	14	7	18	29	23	40	34	37	34	29
Montana	15	34	46	45	30	33	38	38	46	38
North Dakota	16	22	6	2	21	21	19	7	19	8
Indiana	17	17	20	9	5	14	20	10	18	17
Ohio	18	28	28	28	36	29	25	26	31	27
Arizona	19	30	17	21	26	19	12	28	15	24
Hawaii	20	32	30	36	46	42	46	40	37	36
Iowa	21	5	15	19	7	8	5	5	4	3
Wyoming	22	4	10	13	18	39	24	29	17	25
Michigan	23	25	28	33	37	23	28	15	24	33
South Carolina	24	44	34	37	44	35	45	34	44	44
New York	25	16	11	21	14	13	15	12	13	16
Colorado	26	14	23	19	6	25	9	4	8	6
New Mexico	27 (tied)	47	46	43	41	41	40	36	38	43
Wisconsin	27 (tied)	24	14	23	17	12	10	17	7	5
Kansas	29	19	9	17	9	5	16	20	12	20
Oregon	30	37	24	24	11	7	26	16	21	9
Washington	31	20	21	12	19	17	17	8	27	11
Pennsylvania	32	33	36	35	31	32	31	33	30	30
Utah	33	12	4	15	12	16	14	22	5	10
Oklahoma	34	39	45	31	24	44	35	35	29	41
North Carolina	35	18	22	15	20	20	13	19	23	19
Tennessee	36	23	31	25	33	9	33	24	26	28
Arkansas	37	41	42	46	42	43	42	44	42	45
Nevada	38	38	35	33	43	34	41	32	36	39
New Jersey	39	31	27	32	27	24	18	27	25	26
California	40	46	37	41	40	31	37	41	41	32
Georgia	41	29	26	27	35	22	29	30	32	35
Mississippi	42	40	50	48	49	48	48	50	50	50
Illinois	43	48	43	44	45	46	43	46	43	37
Texas	44	42	37	38	38	45	44	45	45	46
West Virginia	45	49	49	50	48	50	50	49	49	49
Kentucky	46	36	40	40	28	36	36	39	35	40
Missouri	47	35	41	39	34	30	32	42	40	31
Florida	48	43	39	42	39	37	39	43	39	42
Alabama	49	45	44	47	47	47	47	48	48	47
Louisiana	50	50	48	49	50	49	49	47	47	48

*Prior to 2017, reported as "Judges' Competence"

Juries' Fairness

Rank

STATE	2017	2015	2012	2010	2008	2007	2006	2005	2004	2003
South Dakota	1	10	9	6	3	5	13	4	13	5
Maine	2	6	14	15	5	8	16	9	17	12
Idaho	3	9	3	16	21	28	21	12	6	13
Minnesota	4	19	2	8	15	2	8	7	5	7
Massachusetts	5	23	19	12	27	19	29	29	31	25
Vermont	6	5	16	24	6	29	20	22	9	10
New Hampshire	7	3	18	13	14	9	18	10	12	6
Virginia	8	18	15	9	11	17	6	11	8	15
Alaska	9	12	7	38	28	38	35	38	38	28
Iowa	10	4	7	3	4	4	2	5	1	2
Wyoming	11	13	13	23	17	22	14	6	14	18
North Dakota	12	7	11	2	9	20	9	3	4	1
Connecticut	13	25	23	19	16	23	3	17	16	23
Indiana	14	14	10	4	2	6	5	8	7	8
Nebraska	15	1	1	1	1	1	1	1	2	3
Utah	16	17	5	7	8	12	19	13	11	11
Oregon	17	33	29	11	19	18	30	21	27	19
Delaware	18	2	4	4	10	7	4	2	3	4
Kansas	19	15	6	10	12	13	12	16	10	14
Michigan	20	27	32	27	26	25	26	27	24	33
Hawaii	21	26	31	35	41	40	46	43	37	39
Wisconsin	22	21	12	17	22	3	7	15	15	9
Maryland	23	32	33	24	34	37	22	25	26	32
Montana	24	29	44	39	33	43	36	35	39	35
Tennessee	25	24	21	21	18	14	25	18	22	20
Washington	26	22	26	19	23	26	32	19	21	21
Oklahoma	27	35	43	30	20	39	28	26	23	29
Arizona	28	20	20	18	13	16	15	24	18	22
Colorado	29	16	17	14	7	15	10	14	19	16
Nevada	30	34	41	28	40	24	39	28	30	27
North Carolina	31	11	24	26	24	11	11	23	20	26
Rhode Island	32	8	28	31	36	34	23	37	36	24
South Carolina	33	38	40	42	46	36	42	39	43	45
Ohio	34	28	22	32	30	10	17	20	25	17
Pennsylvania	35	37	34	32	37	30	24	32	34	31
New Mexico	36	43	45	42	25	42	41	36	32	41
New York	37	30	25	28	39	21	27	34	35	36
Arkansas	38	41	35	44	29	35	37	41	42	43
Georgia	39	31	27	22	35	32	34	31	33	40
West Virginia	40	47	49	50	48	50	48	48	48	49
New Jersey	41	39	30	34	38	27	31	33	28	34
Mississippi	42	44	50	49	50	49	50	50	50	50
Texas	43	42	37	41	43	45	43	44	45	46
Alabama	44	46	42	47	47	47	47	49	49	48
Kentucky	45	36	38	36	31	31	33	30	29	30
Illinois	46	48	46	45	44	46	44	46	44	37
Florida	47	45	39	40	42	41	40	42	40	42
California	48	49	47	46	45	44	45	45	46	44
Missouri	49	40	36	37	32	33	38	40	41	38
Louisiana	50	50	48	48	49	48	49	47	47	47

Juries' Predictability						
Rank						
STATE	2008*	2007	2006	2005	2004	2003
Nebraska	1	1	1	2	1	1
Indiana	2	3	9	9	16	8
Virginia	3	11	12	11	6	16
South Dakota	4	7	13	10	5	9
Utah	5	2	14	7	8	5
Maine	6	21	8	15	12	12
Iowa	7	6	3	5	4	2
Colorado	8	20	23	19	22	17
Kansas	9	5	11	12	9	14
Idaho	10	19	16	8	11	26
North Dakota	11	9	18	3	2	3
Vermont	12	33	15	20	21	13
Delaware	13	8	4	1	3	6
Minnesota	14	15	7	6	10	11
New Hampshire	15	12	6	13	14	7
Oregon	16	27	33	23	27	15
Connecticut	18	26	2	21	15	10
Wyoming	17	13	24	4	7	35
Arizona	19	17	17	24	17	30
Wisconsin	20	10	5	14	13	4
Massachusetts	21	23	35	31	36	21
Oklahoma	22	37	27	30	20	29
Missouri	23	36	38	34	39	23
Kentucky	24	24	28	33	31	37
Montana	25	34	37	22	35	27
Pennsylvania	26	39	31	28	34	20
North Carolina	27	18	10	25	18	19
Arkansas	28	43	20	43	43	41
New York	29	22	29	35	38	39
Washington	30	35	39	16	24	25
Ohio	31	14	19	26	30	18
Texas	32	44	43	44	45	45
Michigan	34	29	26	27	23	32
Tennessee	33	4	25	17	19	24
Hawaii	35	41	47	40	40	43
Georgia	36	25	32	38	32	38
Alaska	37	42	40	32	44	28
Maryland	38	31	21	18	25	22
New Jersey	39	28	30	29	28	31
Florida	40	40	41	42	37	42
Rhode Island	41	32	22	37	26	40
Nevada	42	30	42	36	29	34
Illinois	43	45	44	45	41	36
New Mexico	44	16	34	41	42	33
South Carolina	45	38	36	39	33	44
Alabama	46	49	46	49	46	50
California	47	48	48	46	49	48
West Virginia	48	50	45	47	48	46
Louisiana	49	46	49	48	46	47
Mississippi	50	47	50	50	50	49

*This element was removed after 2008

The Quality of Appellate Review*	
Rank	
STATE	2017
Massachusetts	1
South Dakota	2
Minnesota	3
Idaho	4
Vermont	5
Alaska	6
Delaware	7
Connecticut	8
New Hampshire	9
Utah	10
Iowa	11
Virginia	12
Wyoming	13
New York	14
Michigan	15
Rhode Island	16
Nebraska	17
South Carolina	18
Indiana	19
North Dakota	20
Maryland	21
Ohio	22
Kansas	23
Oregon	24
Wisconsin	25
Hawaii	26
Washington	27
Maine	28
Arizona	29
North Carolina	30
Oklahoma	31
New Mexico	32
Montana	33
Pennsylvania	34
Alabama	35
Nevada	36 (tied)
Tennessee	36 (tied)
Texas	38
Mississippi	39
Colorado	40
Arkansas	41
New Jersey	42
Georgia	43
Illinois	44
West Virginia	45
Kentucky	46
Florida	47
Missouri	48
California	49
Louisiana	50

*This element was added in 2017

APPENDIX B: ALERT LETTER

2017 State Liability Systems Lawsuit Climate Ranking Study
Conducted by Harris Poll for the U.S. Chamber Institute for Legal Reform

[COLUMN T]
[COLUMN H] [COLUMN I]
[COLUMN J], [COLUMN K] [COLUMN L]

ID: [COLUMN E]

Dear [COLUMN G]:

Harris Poll has been retained by the U.S. Chamber Institute for Legal Reform to conduct a 2017 update of its *Lawsuit Climate Survey: Ranking the States*. **We are contacting you to request your participation in this study that will describe the performance of our civil justice system state by state.** Over time, this study has played a central role in informing policymakers and the media, who have come to rely on the results of this survey. This study has proven itself a credible and useful tool, so we need your help.

We know you are busy, so we are offering the opportunity to complete the survey online or by phone. The survey will take approximately 18 minutes to complete. Your answers will be kept strictly confidential and will be used only in combination with those of other survey participants. Harris Poll will also email a brief summary of the results in exchange for your time. **As a token of appreciation, if you qualify for and complete the survey, Harris Poll will either send you a \$100 honorarium or make a charitable contribution on your behalf to one of eleven predetermined organizations.**

Participating online is easy. Please type the following link into your web browser and enter the ID number and password to take the survey:

<http://go.hpolsurveys.com/StateRank>

ID Number: [COLUMN E] Password: [COLUMN F]

If you are not interested in participating, or do not feel qualified to participate, we would very much appreciate your forwarding this on to a qualified colleague within your company without visiting the link first.

A representative from Harris Poll will contact you to take part in this study within the next few weeks unless you have already completed the survey online. You can also call Harris Poll directly to set up an appointment or to complete the survey by calling the toll-free number 1-866-512-2965 Monday through Friday between 8:30 a.m. and 4:00 p.m. Eastern time. Please have the reference number that appears in the top right hand corner of this letter ready when you call.

If you have any questions regarding this research, email P126627SurveyHelp@nielsen.com or contact Ms. Amy Mulvey from Harris Poll toll free at 1-646-654-4984. If you know of in-house counsel from other companies who may be interested, please encourage them to participate. Thank you for your time and cooperation.

Sincerely,



Brackett B. Denniston, III
Chairman
U.S Chamber Institute for Legal Reform

APPENDIX C: QUESTIONNAIRE

SCREENING QUESTIONS AND INTRODUCTORY QUESTIONS

[SHOWN ON LANDING PAGE FOR ONLINE]

Thank you for agreeing to participate in the **2017 Lawsuit Climate Survey: Ranking the States** conducted by Harris Poll. The survey should take approximately 18 minutes to complete but may be shorter or longer depending on how many state liability systems you are familiar with.

Over time, this study has become the primary benchmark that policy makers, the media and others use to measure states' legal environment. Each year, the study has played a substantial role in state legislative debates about the need for legal reform and has become an important tool to promote balance within the civil justice system.

Your responses are entirely confidential. Individual responses will not be shared with anyone nor will the identity of individual companies that have participated. We will combine your completed survey with hundreds of others to compile aggregate results.

We appreciate the time you are taking to complete this survey. As a token of appreciation, if you qualify for and complete* the survey, you will receive a **\$100 honorarium** or you can choose to donate it to one of eleven charities.

During the survey, please **do not use your browser's FORWARD and BACK buttons**. Instead, please always use the arrows below to navigate through the survey.

Should you need to contact us for any reason, email us at P126627SurveyHelp@nielsen.com or call 1-646-654-4984. This contact information is also provided in your survey invitation should you need to reference it during the survey.

Simply click on the forward arrow at the bottom of the page to begin the survey. Thank you.

**You will receive one \$100 honorarium for all the time you have invested in this survey. We appreciate the time you have spent.*

[SHOWN FOR PHONE]

We have been commissioned by the U.S. Chamber Institute for Legal Reform to conduct a survey among general counsel and senior litigators. **Your company may have received a letter signed by ILR's Chairman and former General Counsel of General Electric Company, Brackett Denniston, 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 \$100 Amazon.com gift code to you or one of eleven 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 minutes of your time, depending on your answers.

BASE: ALL QUALIFIED RESPONDENTS

Q665 Thank you for agreeing to take this survey. First, we have some questions about you and your company.

[PHONE] What is your job title?

[ONLINE] What is your job title? If your exact job title is not listed below, please try to choose the title that is closest.]

- | | |
|---------------------------------------|-----------------------|
| 1 General or Corporate Counsel | [JUMP TO Q1816] |
| 2 Head of Litigation | [JUMP TO Q1816] |
| 3 Senior counsel/litigator | [JUMP TO Q1816] |
| 4 Chief Legal Officer | [JUMP TO Q1816] |
| 5 Senior attorney or attorney | [JUMP TO Q675] |
| 6 Legal counsel | [JUMP TO Q675] |
| 7 Assistant or Associate counsel | [JUMP TO Q675] |
| 8 President | [JUMP TO Q675] |
| 9 Partner | [JUMP TO Q675] |
| 10 Senior or Executive Vice President | [JUMP TO Q675] |
| 11 Vice President | [JUMP TO Q675] |
| 12 Chief Executive Officer | [JUMP TO Q675] |
| 13 Chief Financial Officer | [JUMP TO Q675] |
| 14 Chairman | [JUMP TO Q675] |
| 15 Director | [JUMP TO Q675] |
| 16 Paralegal | [PHONE: GET REFERRAL] |
| 17 Legal Assistant or Secretary | [PHONE: GET REFERRAL] |
| 18 Information Technology | [PHONE: GET REFERRAL] |
| 19 Human Resources | [PHONE: GET REFERRAL] |
| 20 Other [SPECIFY AT Q1425] | [SPECIFY AT Q1425] |
| 98 Not sure [PHONE] | [JUMP TO Q675] |
| 99 Decline to answer [PHONE] | [JUMP TO Q675] |

BASE: GAVE OTHER JOB TITLE (Q665/20)

Q1425 What is your job title?

[MANDATORY TEXT BOX]

BASE: OTHER JOB TITLE (Q665/20)

Q671 RELEVANT LEGAL TITLE

[PHONE: IF TITLE GIVEN MIGHT BE RELEVANT, SELECT "RELEVANT"; IF TITLE GIVEN IS DEFINITELY NOT RELEVANT, SELECT "NOT RELEVANT"]

[ONLINE: JUMPFILL AS "RELEVANT"]

- | | | |
|---|--------------|----------------|
| 1 | Relevant | [ASK Q675] |
| 2 | Not relevant | [JUMP TO Q695] |

BASE: RELEVANT LEGAL TITLE (Q665/5-15, 98-99 OR Q671/1)

Q680 Are you knowledgeable about or responsible for litigation matters at your company?

- | | | |
|---|-------------------|-----------------------|
| 1 | Yes | [ASK Q1816] |
| 2 | No | [PHONE: GET REFERRAL] |
| 8 | Not sure | [PHONE: GET REFERRAL] |
| 9 | Decline to answer | [PHONE: GET REFERRAL] |

BASE: ALL CONTINUING RESPONDENTS

Q1816 What was your company's total gross revenue (before expenses, taxes, etc.) for 2016? If you are not sure, please use your best estimate. (DO NOT READ LIST)

1. Under \$100 million [TERMINATE]
2. \$100 to less than \$250 million
3. \$250 to less than \$500 million
4. \$500 to less than \$750 million
5. \$750 to less than \$1 billion
6. \$1 to less than \$2 billion
7. \$2 to less than \$3 billion
8. \$3 to less than \$4 billion
9. \$4 billion or more
10. Not sure [PHONE]
11. Decline to answer [PHONE]

BASE: PHONE RESPONDENT AND NOT SURE OF REVENUE (Q1816/10)

Q1814 Was your company's total gross revenue [INT: IF NECESSARY: before expenses, taxes, etc.] for 2014 \$100 million or more? (DO NOT READ LIST)

1. Yes
2. No [TERMINATE]
3. Not sure [TERMINATE]
4. Decline to answer [TERMINATE]

BASE: ALL CONTINUING RESPONDENTS

Q1820 Do you work for a law firm?

- 1 Yes [TERMINATE]
- 2 No
- 3 Not sure [PHONE] [TERMINATE]
- 4 Decline to answer [PHONE] [TERMINATE]

BASE: ALL CONTINUING RESPONDENTS

Q1825 Do you work at a non-profit organization?

- 1 Yes [TERMINATE]
- 2 No
- 3 Not sure [PHONE] [TERMINATE]
- 4 Decline to answer [PHONE] [TERMINATE]

BASE: ALL CONTINUING RESPONDENTS

Q1830 Are you employed by the state or federal government?

- 1 Yes [TERMINATE]
- 2 No
- 3 Not sure [PHONE] [TERMINATE]
- 4 Decline to answer [PHONE] [TERMINATE]

BASE: ALL QUALIFIED RESPONDENTS

Q685 Including your current position, how many years of relevant legal experience do you have?

[LESS THAN ONE YEAR NOT QUALIFIED]

[FOR ONLINE: Please enter zero if it is less than a year. If you are unsure, please use your best estimate.]

[FOR PHONE] [INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR "NOT SURE" AND 99 FOR "DECLINE TO ANSWER."; IF 0 OR LESS THAN 1 YEAR OR 98 OR 99, SKIP TO Q99 THEN END INTERVIEW)

[VALUES 98, 99 NOT VALID FOR ONLINE]

__|__| [RANGE: 0-65, 98, 99]

BASE: ALL QUALIFIED RESPONDENTS

Q720 [PHONE: Overall, how would you describe the fairness and reasonableness of state liability systems in America – excellent, pretty good, only fair, or poor?

[ONLINE: Overall, how would you describe the fairness and reasonableness of state liability systems in America?]

- 1 Excellent
- 2 Pretty good
- 3 Only fair
- 4 Poor
- 8 Not sure [PHONE ONLY]
- 9 Decline to answer [PHONE ONLY]

SECTION 800: STATE FAMILIARITY ASSESSMENT

BASE: ALL QUALIFIED RESPONDENTS

Q790 SELECTED STATES TO APPEAR IN Q800. MULTIPLE RESPONSE.

[STATES PLACED IN THE FOLLOWING ORDER - PRIORITY STATES IN ORDER OF LEAST-TO-MOST FILLED, FOLLOWED BY REMAINING STATES IN ORDER OF LEAST-TO-MOST FILLED.]

[PROGRAMMER NOTE: GET PRIORITY STATES THAT HAVE AN OPEN QUOTA. PRIORITY STATES ARE ALASKA, HAWAII, IDAHO, IOWA, KANSAS, MAINE, MONTANA, NEBRASKA, NEW HAMPSHIRE, NORTH DAKOTA, RHODE ISLAND, SOUTH DAKOTA, UTAH, VERMONT, WEST VIRGINIA, WASHINGTON, WYOMING.

BASE: ALL QUALIFIED RESPONDENTS

Q800 [PHONE: Thinking about the state court system, how familiar are you with the **current** litigation environment in [READ 1st STATE]? Would you say you are very familiar, somewhat familiar, not very familiar or not at all familiar? How about [READ 2nd STATE, ETC]?]

[ONLINE: Thinking about the state court system, how familiar are you with the current litigation environment in the following states?]

[PN: USE CODE LIST FROM Q790, ALPHABETIZE]

- | | | |
|-------------|---|--------------------------------|
| Q801 | 1 | Very familiar |
| | 2 | Somewhat familiar |
| | 3 | Not very familiar |
| | 4 | Not at all familiar |
| | 8 | Not sure [PHONE ONLY] |
| | 9 | Decline to answer [PHONE ONLY] |

[SHOW UP TO 15 STATES FROM Q790, GIVING PRIORITY TO PRIORITY STATES THAT ARE LEAST FILLED, AND THEN REMAINING STATES THAT ARE LEAST FILLED.]

BASE: QUALIFIED RESPONDENTS

Q805 Besides those we just asked about, what other states' current litigation environments are you very or somewhat familiar?

[FOR PHONE: PROBE FOR ALL STATES THEY ARE VERY OR SOMEWHAT FAMILIAR WITH]

[FOR ONLINE: Please select all that apply.]

[SHOW STATE LIST IN THREE COLUMNS]
[DO NOT DISPLAY STATES SELECTED AT Q790]
[MULTIPLE RECORD]
[ALPHABETIZE]

BASE: AT LEAST ONE STATE MENTIONED IN Q805

Q1812 [PHONE: And would you say you are very or somewhat familiar with the **current** litigation environment in [READ EACH STATE]?]

[ONLINE: Please indicate whether you are very or somewhat familiar with the **current** litigation environment in the following state(s).]

[PROGRAMMER NOTE: DISPLAY STATES SELECTED IN Q805.]
[MUTIPLE RECORD]

Q1813

- 1 Very familiar
- 2 Somewhat familiar
- 8 Not sure [PHONE ONLY]
- 9 Decline to answer [PHONE ONLY]

BASE: VERY FAMILIAR OR SOMEWHAT FAMILIAR WITH STATE COURT SYSTEMS

Q813 [PHONE: When was the last time you were involved in, or very familiar with, litigation in [READ STATE]? [CLARIFY IF NEEDED] How about [READ NEXT STATE]? [REPEAT SCALE AS NECESSARY]]

[ONLINE: When was the last time you were involved in, or very familiar with, litigation in the following states?]

Q814

- 1 Less than 12 months ago
- 2 1 to less than 2 years ago
- 3 2 to less than 3 years ago
- 4 3 to less than 4 years ago
- 5 4 to less than 5 years ago
- 6 5 years ago or more
- 7 Not sure [PHONE ONLY]
- 8 Decline to answer [PHONE ONLY]

SECTION 900: STATE EVALUATIONS

BASE: ALL QUALIFIED RESPONDENTS

Q891 [IF TWO OR MORE STATES: Now we are going to ask you some specific questions about how fair and reasonable you think the state courts are in states with which you have some familiarity. Those states are:]

[IF ONLY ONE STATE: Now we are going to ask you some specific questions about how fair and reasonable you think the state courts are in the state with which you have some familiarity. That state is:]

[INSERT STATES SELECTED]

We are only interested in your perceptions based on your first-hand experience. We realize you probably are not familiar with every jurisdiction. Base your evaluations on the jurisdiction with which you have had experience and provide us with your overall assessment of the state.

BASE: ALL QUALIFIED RESPONDENTS

Q900 [PHONE: 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 the state courts are doing.

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1ST STATE; FOR EACH SUBSEQUENT STATE SHOW: "Now, I'd like you to grade [INSERT STATE] on how well you think the state courts 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)]

[ONLINE: Now we're going to ask you some questions about [IF VERY OR SOMEWHAT FAMILIAR WITH ONLY ONE STATE SHOW "the state"; OTHERWISE SHOW "some of the states"] with which you are familiar. For each of the state liability systems elements below, please grade [INSERT STATE] on how well you think the state courts are doing.]

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1ST STATE; FOR EACH SUBSEQUENT STATE SHOW: "Now, please grade [INSERT STATE] on how well you think the state courts are doing on the following elements."]

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."]

[SHOW 8 FOR BOTH PHONE AND ONLINE; SHOW 9 FOR PHONE ONLY]

Q901	1	2	3	4	5	8	9
	<u>"A"</u>	<u>"B"</u>	<u>"C"</u>	<u>"D"</u>	<u>"F"</u>	<u>Not sure (v)</u>	<u>Decline to answer (v)</u>

[RANDOMIZE ELEMENTS FOR EACH RESPONDENT BUT KEEP RANDOMIZATION THE SAME FROM STATE TO STATE;] [DISPLAY AS GRID]

- 1 Enforcing meaningful venue requirements
- 2 Overall treatment of tort and contract litigation
- 3 Treatment of class action suits and mass consolidation suits
- 4 Damages
- 5 [REMOVED IN 2017]
- 6 Proportional discovery
- 7 Scientific and technical evidence

BASE: ALLQUALIFIED RESPONDENTS

Q905 [PHONE: 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 THIS TEXT ONLY FOR 1ST STATE]

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

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

[ONLINE: Now please think about the effectiveness of some key people who implement this system. How would you grade [INSERT STATE] on each of the following elements?

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1ST STATE; FOR EACH SUBSEQUENT STATE SHOW: "Now, please grade [INSERT STATE] on each of the following elements related to the people who implement the state liability system."]

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."]

[SHOW 8 FOR BOTH PHONE AND ONLINE; **SHOW 9 FOR PHONE ONLY**]

Q906	1	2	3	4	5	8	9
	<u>"A"</u>	<u>"B"</u>	<u>"C"</u>	<u>"D"</u>	<u>"F"</u>	<u>Not sure (v)</u>	<u>Decline to answer (v)</u>

[RANDOMIZE ELEMENTS FOR EACH RESPONDENT BUT KEEP RANDOMIZATION THE SAME FROM STATE TO STATE] [DISPLAY AS GRID]

- 1 Trial judges' impartiality
- 2 Trial judges' competence
- 4 Juries' fairness
- 5 The quality of appellate review

BASE: ALL QUALIFIED RESPONDENTS

Q960 How likely would you say that the litigation environment in a state could affect an important business decision at your company such as where to locate or do business? [PHONE: 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 [PHONE ONLY]
- 9 Decline to answer [PHONE ONLY]

BASE: ALL QUALIFIED RESPONDENTS

Q637 Thinking about the entire country, which of the following do you think are the 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? Please select up to two responses.

[PHONE: READ ENTIRE LIST; RANDOMIZE LIST]

[PROGRAMMER NOTE: SELECT UP TO 2 RESPONSES]

[PN: RANDOMIZE]

- 1 Chicago or Cook County, Illinois
- 2 Los Angeles, California
- 3 San Francisco, California
- 4 Philadelphia, Pennsylvania
- 5 Madison County, Illinois
- 6 Miami or Dade County, Florida
- 7 New Orleans or Orleans Parish, Louisiana
- 8 New York, New York
- 9 Jefferson County, Texas
- 10 St. Louis, Missouri
- 11 Detroit, Michigan
- 12 Washington, DC
- 13 Other [ONLINE: (Please specify)] [PHONE: CAPTURE RESPONE]
- 14 Not sure
- 99 Decline to answer [EXCLUSIVE] [PHONE ONLY]

SECTION 1000: PROPRIETARY

BASE: ALL QUALIFIED RESPONDENTS (Q99/1) (NOT FOR PUBLIC RELEASE)

Q656 [FOR PHONE (q149/2), INSERT: Now we are going to ask you a question about the states you recently rated. Which of the following is the most important factor driving your general perception of [INSERT STATE #1's] legal climate? Now please think about [INSERT STATE #2; STATE #3...TO UP TO STATE #10, IF APPLICABLE]

[READ LIST EACH TIME; ASK OF ALL STATES RATED IN LOOP AND ASK IN SAME ORDER PRESENTED IN LOOP]

[FOR ONLINE (Q149/1), INSERT: Which of the following is the most important factor driving your general perception of the following states' legal climate?]

[DISPLAY SCALE HORIZONTALLY;]

1. The laws on the books
2. How judges apply the laws
3. The threat of outsized verdicts
4. Other [FOR PHONE: RECORD VERBATIM RESPONSE AT Q656A]
- 98 Not sure (v) [SHOW FOR PHONE ONLY]
- 99 Decline to answer (v) [SHOW FOR PHONE ONLY]

[DISPLAY ALL STATES ANSWERED IN LOOP AND IN SAME ORDER PRESENTED IN LOOP]

1. STATE #1
2. STATE #2
3. STATE #3
4. STATE #4
5. STATE #5
6. STATE #6
7. STATE #7
8. STATE #8
9. STATE #9
10. STATE #10

BASE: ALL QUALIFIED AND SAID OTHER (Q99/1 AND Q656/4 1-8) (NOT FOR PUBLIC RELEASE)

Q656A [FOR ONLINE (1149/1 INSERT: You mentioned "other" as the most important factor driving your general perception for one or more of the following states. Please specify what that might be.)]

[FOR PHONE (Q149/2) INSERT: You mentioned "other" as the most important factor driving your general perception for [INSERT STATE #1], please specify what that might be. How about for [INSERT STATE #2, STATE #3...UP TO STATE #10 IF APPLICABLE]

1. STATE #1 [TEXT BOX]
2. STATE #2 [TEXT BOX]
3. STATE #3 [TEXT BOX]
4. STATE #4 [TEXT BOX]
5. STATE #5 [TEXT BOX]
6. STATE #6 [TEXT BOX]
7. STATE #7 [TEXT BOX]
8. STATE #8 [TEXT BOX]
9. STATE #9 [TEXT BOX]
10. STATE #10 [TEXT BOX]

SECTION 1100: TPLF

BASE: ALL QUALIFIED RESPONDENTS ONLINE (Q99/1 AND Q149/1)

Q1105 Third-party litigation funding, or TPLF, is the practice of investing in litigation. A financier with no connection to the dispute, such as a hedge fund, pays the costs to pursue a civil lawsuit, including attorneys' fees, expert witness costs, and other expenses, in exchange for a share of any award, generally 20 to 40 percent. If the case is unsuccessful, the funder collects nothing. Another variant is a portfolio approach, where the funder provides financing to a law firm or business entity in exchange for a percentage of the recoveries in a group of its litigation cases.

Had you heard of TPLF investments before receiving this survey?

- 1 Yes
- 2 No

BASE: ALL QUALIFIED RESPONDENTS ONLINE (Q99/1 AND Q149/1)

Q1110 Would you say this practice is...?

- 1 Definitely not a positive development
- 2 Probably not a positive development
- 3 Probably a positive development
- 4 Definitely a positive development

BASE: ALL QUALIFIED RESPONDENTS ONLINE (Q99/1 AND Q149/1)

Q1115 Has your company had any litigation in which your company has used TPLF? Please select all that apply.

[MULTIPLE RESPONSE]

- 1 Yes, as a plaintiff
- 2 Yes, as a defendant
- 3 Yes, but I do not know whether as a plaintiff or defendant [EXCLUSIVE]
- 4 Not that I'm aware [EXCLUSIVE]

BASE: COMPANY HAD ANY LITIGATION USING TPLF (Q1115/1-3)

Q1116 In what type(s) of litigation was your company involved? Please select all that apply.

[RANDOMIZE; MULTIPLE RESPONSE]

- 1 Arbitration
- 2 Commercial
- 3 Tort
- 4 Class Action
- 5 Contract
- 6 Patent
- 7 Bankruptcy
- 8 Antitrust
- 9 Other, specify: [TEXT BOX] [ANCHOR]

BASE: COMPANY HAD ANY LITIGATION USING TPLF (Q1115/1-3)

Q1120 Has your company had any litigation in which TPLF has been employed by the opposing party?

- 1 Yes
- 2 Not that I'm aware

BASE: ALL QUALIFIED RESPONDENTS ONLINE (Q99/1 AND Q149/1)

Q1125 How concerned do you feel about each of the following?

Q1126

- 1 Not at all concerned
- 2 Not very concerned
- 3 Somewhat concerned
- 4 Very concerned

[ROTATE]

1. The possibility that TPLF investors might try to influence or control strategic decisions, including settlement
2. The possibility that TPLF might affect attorney's fiduciary duties

BASE: ALL QUALIFIED RESPONDENTS ONLINE (Q99/1 AND Q149/1)

Q1130 Do you feel that TPLF should be subject to oversight?

[ROTATE CODES 1 AND 2]

- 1 Yes, government oversight of the TPLF industry
- 2 Yes, judicial oversight in individual cases
- 3 Yes, both government oversight of the TPLF industry and judicial oversight in individual cases
- 4 No

BASE: THERE SHOULD BE OVERSIGHT (Q1130/1-3)

Q1135 You indicated TPLF should be subject to oversight. Which of the following safeguards would you like to see implemented? Please select all that apply.

[RANDOMIZE; MULTIPLE RESPONSE]

- 1 Prohibit TPLF in class and mass actions
- 2 Caps on TPLF company recoveries from settlements and judgments
- 3 Disclosure of TPLF agreements in lawsuits
- 4 Fiduciary duty to put claimants' interests first, as lawyers are required to do
- 5 Ban on TPLF funder exercising any control over strategy, including settlement decisions
- 6 Liability for adverse costs
- 7 Other, please specify: [TEXT BOX] [ANCHOR]

SECTION 1800: DEMOGRAPHICS

BASE: ALL QUALIFIED RESPONDENTS

Q1805 [PHONE: Finally, I have a few questions to help us classify your responses.]

[ONLINE: Finally, a few questions to help classify your responses.]

What is your company's primary industry? [PHONE: (DO NOT READ LIST)]

- 1 Agriculture, Forestry & Fishing
- 2 Mining
- 3 Construction
- 4 Manufacturing
- 5 Transportation & Public Utilities
- 6 Wholesale trade
- 7 Retail trade
- 8 Finance
- 9 Insurance
- 12 Services
- 13 Public administration
- 14 Other
- 98 Not sure [PHONE ONLY]
- 99 Decline to answer [PHONE ONLY]

BASE: ALL QUALIFIED RESPONDENTS

Q682 What is the name of the company you work for?

[MANDATORY SMALL TEXT BOX]

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q820 Where is your company's principal place of business? (INT. NOTE: This refers to the company headquarters, not where the respondent works.)

[MANDATORY TEXT BOX]

BASE: ALL QUALIFIED RESPONDENTS

Q830

[ONLINE: We are also sharing an executive summary of the key findings with interested respondents to thank you for your participation. Would you like to receive an electronic copy of the executive summary of the key findings?]

[PHONE: 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 receive executive summary [ASK Q835]
- 2 No, do not want to receive executive summary [JUMP TO Q964]
- 8 Not sure [PHONE ONLY] [JUMP TO Q964]
- 9 Decline to answer [PHONE ONLY] [JUMP TO Q964]

BASE: WOULD LIKE EXECUTIVE SUMMARY (Q830/1)

Q835 [PHONE: 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.]

[ONLINE: Please provide your email address below in order to receive an electronic copy of the executive summary.]

Q836

Email Address:

998 Not sure

[PHONE ONLY]

999 Decline to answer

[SHOW FOR BOTH ONLINE AND PHONE]

BASE: ALL QUALIFIED RESPONDENTS

Q1965 Finally, we conduct the Lawsuit Climate Survey: Ranking the States for the U.S. Chamber Institute for Legal Reform periodically and would greatly appreciate your participation in the future. Would you be willing to be contacted for future Lawsuit Climate Ranking surveys?

1 Yes

2 No

BASE: ALL QUALIFIED RESPONDENTS WILLING TO BE CONTACTED IN FUTURE (Q1965/1)

Q965 Please confirm or complete your contact information for future Lawsuit Climate Ranking surveys.

Name: [TEXT BOX]

[Q966] Email address: [TEXT BOX]

[Q967] Phone number: [TEXT BOX]

Q968: DECLINE TO ANSWER [E]

BASE: ALL QUALIFIED ONLINE RESPONDENTS

Q840 Thank you very much for your participation in the 2017 Lawsuit Climate Survey: Ranking the States on behalf of the U.S. Chamber Institute for Legal Reform. We appreciate you sharing your perspective with us.