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## "Patterns" in Civil Jury Verdicts in the State Circuit Court of South Carolina: 1976-1985

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# **"PATTERNS" IN CIVIL JURY VERDICTS IN THE STATE CIRCUIT COURTS OF SOUTH CAROLINA: 1976-1985**

F. PATRICK HUBBARD\*

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\* Professor of Law, University of South Carolina School of Law. This article is based on a more complete report: P. HUBBARD, SOUTH CAROLINA CIVIL JURY RESEARCH PROJECT: REPORT ON FINDINGS (1986). Copies of the Jury Verdict Report are available from the South Carolina Law Institute, University of South Carolina Law Center (Attention of Professor Harry Haynsworth). The funding for this empirical study was provided by attorneys and organizations of attorneys, *see infra* note 8 and accompanying text, and the project was administered by the South Carolina Law Institute. The author is grateful for this funding and administrative assistance, particularly for the guidance of a review committee of lawyers and academics provided by the Institute, *see infra* Appendix pt. C, and for the assistance of Professor Harry Haynsworth, Chairman of the Institute.

This Study would not have been possible without the careful work over many years of numerous court clerks throughout South Carolina, in both the federal and the state systems. These clerks have also provided invaluable assistance in the review of the court records for the time period involved. The author, therefore, expresses his thanks to the clerks for their efforts and cooperation. The author is also thankful for the assistance of the office of the South Carolina Court Administration and for data provided by the South Carolina State Data Center, Division of Research and Statistics. The author also thanks Cecelia Farach of the University of South Carolina Computer Services for her programming assistance. Finally, a special debt of gratitude is owed to Kendall Few who had the vision and faith to believe that an empirical study of this scale could be done and the commitment to insure that it would be done.

This Article is meant to be purely descriptive. Any opinions that may be expressed are those of the author, not of the South Carolina Bar, the South Carolina Law Institute, or the Review Committee, which assisted the design of the Study. Similarly, any errors are those of the author.

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## I. INTRODUCTION

Concern about the level of civil litigation in our society is widespread, and proposals to modify the judicial system or the tort system are common. In order to evaluate these concerns and proposals, it is necessary to determine what in fact is happening in the civil courts. We need to learn, for example: How many cases are filed? What types of cases? How are they resolved?

This information is also very relevant to the day-to-day work of judges and attorneys who work in the judicial system. For example, attorneys need accurate, reliable data concerning what a case is "worth." As professionals they also have an intellectual interest in improving their understanding of the judicial system.

Little is known about the answers to these various questions. In particular, not much is known about civil jury verdicts in South Carolina or, for that matter, in any other state. Studies have been made, but the utility of all these studies is limited because of one or a combination of difficulties.

First, the data base is often unreliable because it is neither complete nor random. For example, Jury Verdict Research, Inc., in Solon, Ohio, compiles data on verdicts for plaintiffs;<sup>1</sup> however,

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1. See, e.g., Frank, *Trends in Million Dollar Verdicts*, 70 A.B.A. J., Sept. 1984, at 52. Similar ad hoc jury data is provided both by treatises, see, e.g., R. HARLEY, M. MAGEE, & F. SMITH, *WHAT'S IT WORTH? A GUIDE TO CURRENT PERSONAL INJURY AWARDS AND SETTLEMENTS* (1985), and by periodical reports, see, e.g., *Verdicts and Settlements* (Califor-

these data are incomplete. Since they are gathered in an ad hoc manner that does not guarantee representativeness. In addition, they omit data concerning verdicts for defendants.

Second, the data base may be representative and detailed, but very limited in scope. For example, the American Bar Foundation has conducted relatively detailed empirical analysis of verdicts in seven counties in a variety of states.<sup>2</sup> Though these studies are useful, their geographic limitations are obvious, particularly if one is concerned with South Carolina.

Third, where broader studies are made in order to provide representative statistics on an entire state, these studies have been very general. As a result, they provide only aggregate statistics that lack the detail necessary to evaluate specific proposals or specific cases. For example, the South Carolina Court Administration Office compiles statistics on civil caseloads in South Carolina, but these statistics do not distinguish cases decided by a jury verdict from cases determined by other means.<sup>3</sup> Similar shortcomings characterize national state court statistics gathered by the National Center for State Courts.<sup>4</sup> The federal courts

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nia verdicts presented by nature of injury, cause, total award, and style of case, published by Litigation Research Group since 1981). The difficulties and potential errors of such limited or ad hoc analysis are addressed in Daniels, *Ladders and Bushes: The Problem of Caseloads and Studying Court Activities over Time*, 1984 AM. B. FOUND. RES. J. 751 (1985); Galanter, *Reading the Landscape of Disputes: What We Know and Don't Know (and Think We Know) About Our Allegedly Contentious and Litigious Society*, 31 UCLA L. REV. 4 (1983).

2. See Daniels, *Punitive Damages: The Real Story*, 72 A.B.A. J., Aug. 1986, at 60. Other studies have also been limited. For example, the Institute for Civil Justice at the Rand Corporation has focused on data in San Francisco and in Cook County, Illinois. Peterson, *A Summary of Research Results: Trends and Patterns in Civil Jury Verdicts, The Rand Corporation, P-7222-ICJ* (Mar. 1986). The American Bar Association has made studies of all claims (not just verdicts) involving lawyers' malpractice. See, e.g., Gates, *The Newest Data on Lawyers' Malpractice Claims*, 70 A.B.A. J., Apr. 1984, at 78; Stern, *Reducing Your Malpractice Risk*, 72 A.B.A. J., June 1986, at 52.

3. See Director of the Judicial Department of South Carolina, *Annual Report 1985* (1986).

4. See, e.g., National Center for State Courts, *State Court Caseload Statistics: Annual Report 1984* (1986) [hereinafter *Statistics*]; National Center for State Courts, *The Business of State Trial Courts* (1983) [hereinafter *Business of Trial Courts*]. *Statistics*, *supra*, for example, contains data on a number of case filings by cause of action for most states, but does not indicate the nature of disposition, which party prevailed, or the amount of verdicts for plaintiffs. While the South Carolina Civil Jury Study was under way, the National Center was conducting a more detailed study of tort verdicts in Iowa. See National Center for State Courts, *Iowa Tort Liability Study* (1986) [hereinafter *Iowa Study*]. Some of the results of this study are referred to *infra* notes 82-88 and

compile more detailed statistical data, but their reports also lack the detail necessary to determine, for example, the average size of awards of punitive damages.<sup>5</sup>

The South Carolina Civil Jury Verdict Research Project was undertaken to supplement these other studies by providing more detail on civil jury verdicts in South Carolina. As indicated more fully in the following discussion of methodology, the Study involved a review of civil jury verdicts for ten years in the South Carolina state circuit courts and in the federal district court for South Carolina. While this Study also has shortcomings, it provides the first account of civil jury behavior in South Carolina that is not only broad in terms of geographic and temporal scope but also relatively detailed. This Article illustrates this point by presenting data on “patterns” of state court verdicts over the ten-year period 1976-1985.

## II. THE CIVIL JURY VERDICT RESEARCH PROJECT

### A. *Methodology Used in Gathering and Analyzing Data*

During the summer of 1986, a team of researchers,<sup>6</sup> working under the supervision of the author, reviewed civil case files for state circuit courts<sup>7</sup> in the county courthouses as well as case files in the federal district court for South Carolina. When this search indicated that a case had been determined by a jury verdict, the case file was reviewed to get more specific information on the verdict, the nature of the suit, and on the parties in-

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accompanying text.

5. See, e.g., Administrative Office of the United States Courts, Statistical Analysis and Reports Division, *Federal Judicial Workload Statistics During the Twelve Month Period Ended December 31, 1985* (1986) [hereinafter Administrative Office Report].

6. Seven of the researchers were law students. The students were John Abdalla, Samuel Brunson, Rebecca Buff, Bruce Flora, Patricia Sims, Robert Stephenson, and John Wilson. An eighth researcher, Brigina Dicks, was an attorney at the time the study was conducted.

7. In South Carolina the circuit courts, sitting as courts of common pleas, is the trial courts with exclusive jurisdiction over civil cases, except family and probate matters, in which the amount in controversy exceeds \$1000 (or \$500 from 1977 to 1980 and \$200 in 1976). S.C. CONST. art. V, § 11; S.C. CODE ANN. § 22-3-10 (Supp. 1986). Prior to 1979, county courts had concurrent jurisdiction for civil cases involving \$1000 or less. S.C. CODE ANN. § 14-9-120 (1976). The county courts were abolished as of 1979. 1976 S.C. Acts 1860, No. 690.

volved.<sup>8</sup> This information was transferred to computer forms so that statistical data could be generated by computer programs.<sup>9</sup>

Originally, the goal was to study all jury verdicts in common pleas courts for all counties, as well as the federal district court for South Carolina for the ten-year period 1976-1985. However, the Project encountered not only expected time and budget constraints, but also unexpected problems with the database. The records in some of the smaller counties were virtually impossible to research without looking at every single case file, including nonjury cases. Such a search, however, was a practical impossibility. Most of the federal files have been transferred to a warehouse in Atlanta; and retrieval is slow, cumbersome, and expensive. Because of these various problems, the Project was slightly more limited in its breadth.

Research on the state courts was limited to statistical studies currently available from the South Carolina Court Administration and to case information for twenty-six of the forty-six counties in South Carolina.<sup>10</sup> These twenty-six counties include

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8. As this form was being developed, input was sought from a variety of sources so that its contents would be neutral and reflect the viewpoints of different interests. For example, a draft of the form was made available to plaintiffs' attorneys, defense attorneys, organizations of defense attorneys, and the South Carolina Medical Association. A copy of this Case Information Form is included in pt. A of the Appendix.

9. A copy of the computer form with explanatory notes is also included in the Appendix.

10. These 26 counties are as follows:

- Aiken
- Allendale
- Anderson
- Bamberg
- Barnwell
- Beaufort
- Berkeley
- Charleston
- Chesterfield
- Clarendon
- Edgefield
- Fairfield
- Florence
- Georgetown
- Greenville
- Horry
- Kershaw
- Lexington
- Marlboro
- Pickens

all the large counties in South Carolina and comprise nearly eighty percent of the population of the State.<sup>11</sup> Because of their size, these counties account for eighty percent of the cases filed during the time period involved. The verdicts from these counties should accurately reflect verdicts in the state as a whole for two reasons. First, they include a large, representative sample of all sizes of counties. Second, these counties are taken from all regions of South Carolina: coastal, midlands, and piedmont.

### *B. Strengths and Weaknesses of the Study*

In order to understand and use the data in this Article, it is necessary to consider the strengths and weaknesses of the Jury Verdict Study. In particular, one must consider the inevitable omissions and mistakes that are involved. In addition, one should remember the limited focus involved in a jury verdict study like this one.

A research project of this scale faces many difficulties that can result in inaccuracies in the data base. For example, it is inevitable that there will be some human errors in reviewing case files, in filling out forms, and, perhaps, in preparing computer programs. Given the variety of cases filed in the state, there will also be differences in making the “judgment calls” necessary in filling out the data form for each case. As a result, in some instances different researchers may not have used the same approach in determining, for example, the nature of the case involved. In addition, many files were lost or unavailable—for instance, because of flaws in a particular filing system or because a file had been transferred to an appellate court. The problem of lost files was particularly acute with respect to the earlier years of the Study. Attempts have been made to minimize these problems,<sup>12</sup> and the Study should provide a reasona-

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Richland  
Saluda  
Spartanburg  
Sumter  
Williamsburg  
York

11. In 1985 the total state population was 3,347,000.

12. For example, return trips were sometimes made to find cases that were unavailable at the time of the initial research of a county. Periodic meetings of all the researchers were held to discuss procedures and “judgment calls” in an effort to insure that the

bly reliable measure of the actual verdicts.

Because the Study was designed to provide summary data on thousands of cases, it was not possible to address a number of important questions about the individual cases involved. For example, while the Study provided information on the type of action involved (contract, tort, or property, for example), it could not provide such information as what type of contract was involved and what was the nature of the breach. Similarly, it provided some information on the nature of the damages claimed; but no specific data were gathered on, for example, the nature of the economic loss involved.

An inherent problem with any verdict study results from the variable time lags in the cases between the time the claimed injury occurred and the time of filing and between the time of filing and the time of verdict. In presenting cases "by year," one must address the question of which of these events—time of injury, time of filing, or time of verdict—should be used in choosing the year? The Study addressed this question in the following manner. First, for many of the tabulations, year of filing was used as the relevant year.<sup>13</sup> This choice made it possible to compare jury verdict data with data compiled by court administrators on all cases filed in a given year. Second, the Study also used year of verdict as the relevant year. By considering verdicts in each year together, this approach provides a view of jury behavior in a given year and avoids the appearance of a "decline" in verdicts in recent years that results when year of filing is used. Such an apparent decline is caused by the time lag between the year of filing and the year of verdict. Third, data were also gathered on the length of time between the time the injury occurred and the filing of suit and the length of time between filing and verdict.<sup>14</sup>

Another problem with any verdict study is that it addresses

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researchers were all using a common methodology. Another approach used was to include various "diagnostic" programs in the computer programs to detect inconsistencies in data about a case that would have resulted from errors in filling out the form. Follow-up work was then done where necessary.

13. See, e.g., P. HUBBARD, SOUTH CAROLINA CIVIL JURY RESEARCH PROJECT: REPORT ON FINDINGS 12-59 (1986) [hereinafter JURY VERDICT REPORT]. Data on counterclaims were gathered by year of verdict and by year of filing and presented in both ways in the *Jury Verdict Report*. *Id.* at 60-63.

14. See JURY VERDICT REPORT, *supra* note 13, at 67-72.



only a small part of the overall dispute settlement process. More specifically, a study which focuses on verdicts alone will by its very nature lack explicit data concerning the three other major ways by which disputes are resolved:

(1) No claim, whether by filing a suit or by some other means, is ever made by a grievant.

(2) A claim is filed in court, but is resolved by a ruling or verdict by a judge rather than a jury.

(3) A claim is made but is voluntarily “settled” at one of a number of points in time: (1) before a lawsuit is filed; (2) after a lawsuit is filed but before a verdict is rendered;<sup>15</sup> and (3) after a verdict is rendered.<sup>16</sup>

An additional limitation on the Study and the Article is that both have a narrow goal—to describe data about jury verdicts in simple statistical form. No attempt has been made to “explain” the jury verdict data. Such efforts require not only further empirical research but also the further development of hypotheses concerning possible explanations or potential causal factors. In addition, there was no intent to evaluate the jury verdicts in a normative sense. Such an analysis is also a matter for further study. Despite its limited focus, the Jury Verdict Study provides essential data because explanatory analysis and critical evaluation both require a firm understanding of the underlying empirical data described in this report. More specifically, the data on “patterns” in this Article provide a foundation for understanding what is actually happening in the judicial system.

Finally, this Article does not provide a full picture of civil verdicts in South Carolina because it does not contain data on federal court verdicts. The Jury Verdict Study gathered such data and they are presented in the Study Report.<sup>17</sup> However, there are so few verdicts in the federal district court for South Carolina that it was not possible to make meaningful statements concerning “trends” or “patterns.” For example, there were only

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15. The Study does contain data on the number of civil cases filed in South Carolina. However, there are no data on the types and amounts of claims involved in these filings. *See id.* at 12-16; *see also infra* notes 47-48 and accompanying text.

16. Data on settlements of verdicts of \$100,000 or more were gathered by the Study. A verdict that is never recovered—e.g., because the defendant is judgment-proof—is regarded as “settled” in this scheme. *See JURY VERDICT REPORT, supra* note 13, at 75-76.

17. *See id.* at 123-64.

five contract verdicts for plaintiffs in this period, and three of these were in 1982.<sup>18</sup> Consequently, except for occasional references in the footnotes, the federal verdict data have been omitted from this Article.

### C. *Funding for the Study*

The financial support for the Study came from individual attorneys and from organizations of attorneys. Although the Study was funded by attorneys, the Study and the Report data in this Article should not be regarded as "the lawyers' brief" on issues concerning jury verdicts. Such a label is wrong and misleading for several reasons. First, financial support and guidance came from both plaintiffs' attorneys and defense attorneys. Consequently, it is not possible to view it as *the* lawyers' position. Second, organizations representing nonlegal viewpoints were solicited both for financial support and for input concerning the Study.<sup>19</sup> Third, the data collection and the statistical computations cannot and do not reflect any particular point of view. Fourth, the data provided by the Study have many uses, and these multiple uses demanded neutrality in providing reliable information about the judicial system. Attorneys have a substantial personal stake in the accuracy of this information because it is crucial to many of the decisions they make regularly—for instance, in trying to gauge the "value" of a case for settlement decisions. Consequently, attorneys' self-interest in the reliability of the Study required that the Study be neutral and reasonably accurate. Finally, the South Carolina Law Institute has institutional reasons and the author has professional reasons as an academic to conduct and present the study in a way that is neutral and reliable.

## III. SUMMARY OF STATE COURT RESULTS

Although the central purpose of this Article is to consider "patterns" and details about jury verdicts, it is useful to summarize some of the overall results of the Study. There are several such broad patterns in state court verdicts over the period 1976-

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18. *Id.* at 133-35.

19. See *supra* note 8.

1985 that help place the data on “patterns” in context:

First, the number of civil cases filed each year in the Circuit Courts in South Carolina has increased over the last ten years. More specifically, the number filed per year increased from 36,349 in 1979 to 47,466 in 1985, an increase of about 30%.<sup>20</sup> If one discounts for population growth, the increase is approximately 20%.<sup>21</sup>

Second, most verdicts are in the tort area (54% to 75% depending on the year),<sup>22</sup> with motor vehicle accidents as the most common type of action (35%-50% of all verdicts depending on the year).<sup>23</sup> Product liability is not included in tort and it accounts for 2%-5% of the verdicts.<sup>24</sup> Medical malpractice is included in tort and it accounts for 0%-4% of all verdicts.<sup>25</sup>

Third, when discounted for inflation, the mean verdict and the median verdict for all types of cases combined have shown virtually no increase in dollar amounts over the ten-year period if we include verdicts for defendants<sup>26</sup> and some increase if we exclude defense verdicts, but the changes have been uneven.<sup>27</sup>

Fourth, some types of cases—product liability,<sup>28</sup> for example—are relatively few in number and show no “patterns” because the means and medians vary widely both up and down from year to year. This lack of pattern is particularly apparent in medical malpractice because there are so few cases involved.<sup>29</sup>

Fifth, large verdicts—that is, those of \$100,000 or more—are rare (only about 2% of all verdicts).<sup>30</sup> About 80% of these large verdicts are tort cases.<sup>31</sup> The total number per year has been relatively constant if we control for inflation and increase

20. See *infra* notes 47-48 and accompanying text. The year 1979 is used because a substantial portion of the case load increased from 1978 to 1979 because of court reform legislation that shifted cases from the county courts to the circuit courts. See 1976 S.C. Acts 1860, No. 690.

21. See *infra* notes 47-48 and accompanying text.

22. See *infra* notes 65-69 and accompanying text.

23. See *infra* notes 70-74 and accompanying text.

24. See *infra* notes 61-63 and accompanying text.

25. See *infra* notes 75-83 and accompanying text.

26. See *infra* tables 2 & 3.

27. See *infra* tables 2 & 3; graphs 2 & 3.

28. See *infra* notes 61-63 and accompanying text.

29. See *infra* notes 75-83 and accompanying text.

30. See *infra* table 15.

31. See *infra* table 16.

in overall case loads.<sup>32</sup> Approximately half of these large verdicts are appealed.<sup>33</sup> About 40% are settled at some stage after the verdict, and the amounts paid in settlement were approximately two-thirds of the total of the verdict awards.<sup>34</sup>

Sixth, the number of punitive awards has risen slightly, the average amount of punitive verdicts has fluctuated widely and has increased (and increased very significantly if only verdicts with a punitive award are considered), and the median amount of punitive verdicts has been relatively constant over the years.<sup>35</sup>

Seventh, the population size of the county appears to have little to do with the size of verdicts. To the extent that there is a correlation, it appears that verdicts in rural counties are higher on average than those in metropolitan counties and that verdicts of \$100,000 or more are most likely in rural counties and least likely in metropolitan counties.<sup>36</sup>

Last, the state court system is very different from the federal system in a number of respects. For example, there are far more cases filed and verdicts rendered in the state courts. In addition, the average and median verdicts are much smaller in the state courts.<sup>37</sup>

#### IV. "TRENDS" IN CIVIL JURY VERDICTS

The title of this part places "trends" in quotation marks to emphasize that the data and graphs herein are very crude measures of any possible patterns in verdicts. One basic problem with these "trend" data and graphs is that they are not linked with any causal model to explain increases and decreases. Consequently, for example, we have no way of knowing whether 1986 and the years following will have any relation to the "trends" in preceding years. Moreover, even if it seems plausible to assume that a "trend" will continue, we have no way of knowing what can be done to affect the "trend" unless we know what causes it.

The "trend" data is also subject to the shortcomings dis-

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32. See *infra* table 15.

33. See JURY VERDICT REPORT, *supra* note 13, at 75.

34. *Id.* at 76.

35. See *infra* tables 11-14.

36. See JURY VERDICT REPORT, *supra* note 13, at 121-22.

37. Compare JURY VERDICT REPORT, *supra* note 13, at 12-16, 22-31 with *id.* at 125A, 128-132.

cussed above<sup>38</sup> that characterize the underlying data base. Two of these problems are particularly important.

First, data for the earlier years in the study are subject to gaps. Consequently, "increases" in numbers of verdicts from 1976 to 1978 or 1979 could reflect the improvements in filing systems of the later years as well as actual increases in the number of verdicts.

Second, most of the graphs and tables present verdict data by year of verdict. This approach was used because if date of filing had been used, there would be declines in the most recent years as a result of the time lag between date of filing and date of verdict. Because of this time lag, many cases filed in 1984 and 1985 are still pending and no verdict has been rendered. Consequently, if year of filing were used, 1984 and 1985 would appear to have fewer verdicts and these verdicts might not be representative. Such an apparent effect is evidenced, for example, in the tables which contain data on punitive verdicts by year of filing.<sup>39</sup> On the other hand, since date of verdict is used, the earlier years will have smaller numbers because, for example, in 1976 there were verdicts rendered for cases filed in 1975, but these cases would not be included in the database. If one is interested in trends, it is better to have the earlier years distorted in this way rather than the later years distorted as they would be if year of filing were used. Nevertheless, this distortion for 1976 and 1977 should be remembered in considering the graphs and tables that use year of verdict.

In the graphs that follow, "mean" refers to the average of verdicts for plaintiff only. Similarly, "median" refers only to verdicts for the plaintiff. Verdicts for the defendant are not included in computing the mean or the median unless such inclusion is indicated explicitly. Unless otherwise indicated, means and medians are based on total verdicts for plaintiffs, including both compensatory and punitive damages.

The material in subpart A on the overall caseloads is based on statistical data prepared by the South Carolina Court Administration. Population statistics for this part of the Report are taken from Bureau of Census Reports and were supplied by the South Carolina State Data Center, Division of Research and

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38. See *supra* notes 10-18 and accompanying text.

39. See *infra* tables 11-14.

Statistics. Inflation indices for discounting for inflation in this section were taken from United States Department of Labor.<sup>40</sup> The index used was the consumer price index for all goods. The graphs do not discount 1976 dollars because 1976 serves as the base year.

Some of the graphs and tables contain data on the total amount of money awarded for a particular category of cases. In reading these graphs and tables it should be remembered once again that there are problems in the data base. In particular, it is necessary to consider that these totals are less than the actual amounts involved for three reasons: (1) Only eighty percent of the cases filed in the time period involved have been researched;<sup>41</sup> (2) the verdicts from the metropolitan counties have a tendency to be lower<sup>42</sup> and the cases not included are not from the metropolitan counties;<sup>43</sup> and (3) not all files could be located. For a rough estimate of actual totals, one can multiply the amounts listed by 1.4. This figure adds in the missing twenty percent of the files in the counties not researched<sup>44</sup> and gives a reasonable, perhaps high, estimated figure for the other two factors. It should be remembered that these totals are for *jury* verdicts only. Other types of judgments and payments are not included in the Study.<sup>45</sup> In addition, though the Study gathered data on counterclaims,<sup>46</sup> these data are not included in the totals in this Article. Thus, these totals do not indicate the total amounts being awarded by the judicial system.

#### A. Total Cases Filed

One measure of the amount of litigation in South Carolina is the number of cases filed each year. As the following table and graph indicate, there has been an increase in filings over the time period involved. In interpreting the graph two points should be remembered. First, the increase from 1978 to 1979 reflects a change in the judicial system which resulted in a shift of

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40. See Bureau of Labor Statistics, *Monthly Labor Review* (June 1985).

41. See *supra* note 10 and accompanying text.

42. See *supra* note 36 and accompanying text.

43. See *supra* note 10 and accompanying text.

44. Calculated as follows:  $10/8 = 1.25$

45. See *supra* notes 15-16 and accompanying text.

46. See JURY VERDICT REPORT, *supra* note 13, at 60-62.

cases from the county courts to the circuit courts.<sup>47</sup> Second, increases in case filings can be very misleading without knowledge concerning the nature of the cases involved. For example, many cases involve simple creditor actions that will be resolved by default judgments. Since such actions require little judicial resources, an increase in such cases might be relatively unimportant. Unfortunately, there are no data available on the nature of the cases filed in the period 1976-1985, and the Study did not gather such data. Nevertheless, it appears that such "routine" litigation may be increasing faster than more complex litigation because the percentage of cases resolved by jury verdicts has shown a relatively steady decline over the last ten years.<sup>48</sup>

TABLE 1 — TOTAL NUMBER OF CASES FILED

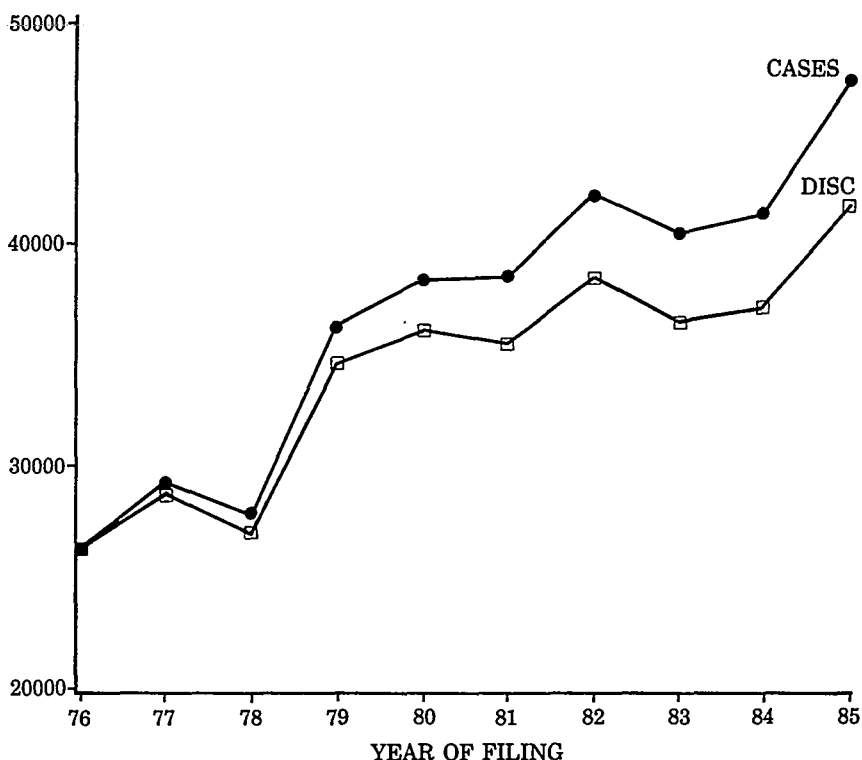
YEAR	ACTUAL NUMBER	NUMBER DISCOUNTED FOR POPULATION GROWTH
76	26,527	26,257
77	29,259	28,790
78	27,840	26,925
79	36,349	34,630
80	38,359	36,127
81	38,465	35,502
82	42,233	38,490
83	40,498	36,490
84	41,835	37,284
85	47,466	41,708

47. See *supra* note 20.

48. See JURY VERDICT REPORT, *supra* note 13, at 80.

## GRAPH 1 — TOTAL NUMBER OF CASES FILED

The graph below indicates the total number of cases filed by year of filing (CASES) and total number of cases filed by year of filing discounted for population growth (DISC).



### *B. Jury Verdicts for All Types of Actions*

Although one purpose of the Jury Verdict Study was to gather data on specific types of action and types of damages, it is also helpful to consider patterns for all actions. The following tables and graphs provide such data on means and medians. Both statistical measures are important because the mean provides a measure that includes the possibly disproportionate impact of large verdicts while the median tends to be unaffected by such verdicts. The following table presents means and medians both with and without verdicts for defendants, which verdicts



are in effect a verdict of zero dollars for plaintiff. Because of space limitations, subsequent tables and graphs will focus on verdicts for plaintiffs only. As a comparison of the data in tables 2 and 3 indicates, excluding verdicts for defendant results in a substantial increase in both the mean and median verdicts.

TABLE 2 — MEAN DOLLAR AMOUNT OF VERDICT FOR PLAINTIFF

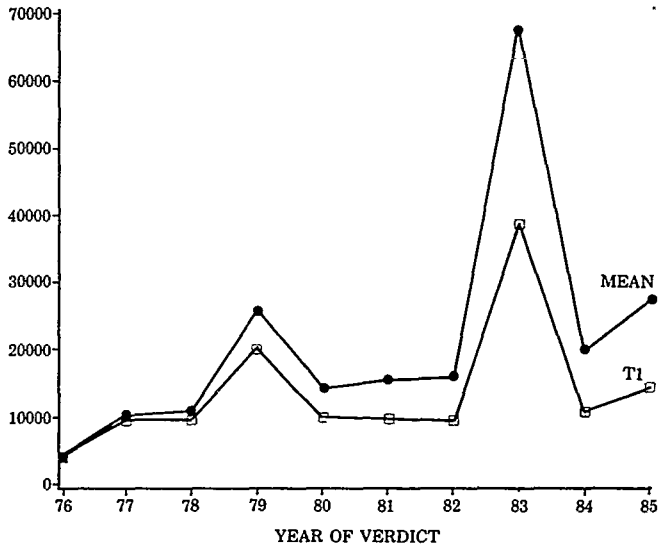
Year of verdict	Mean verdict including verdicts for defendants		Mean verdict excluding verdicts for defendants	
	Actual Amount	Discounted for inflation	Actual Amount	Discounted for inflation
76	3,026	3,026	4,107	4,107
77	8,056	7,564	10,326	9,696
78	7,403	6,463	11,020	9,620
79	18,065	14,163	25,865	20,278
80	10,186	7,039	14,483	10,008
81	10,180	6,372	15,682	9,817
82	14,220	8,390	16,096	9,496
83	46,969	26,819	68,000	38,828
84	14,275	7,823	19,854	10,880
85	14,384	7,609	27,462	14,527

TABLE 3 — MEDIAN DOLLAR AMOUNT OF VERDICT FOR PLAINTIFF

Year of verdict	Median verdict including verdicts for defendants		Median verdict excluding verdicts for defendants	
	Actual Amount	Discounted for inflation	Actual Amount	Discounted for inflation
76	1,500	1,500	2,090	2,090
77	1,437	1,349	2,520	2,366
78	1,400	1,222	3,500	3,055
79	1,700	1,332	4,160	3,261
80	1,500	1,036	3,029	2,093
81	1,000	626	3,500	2,191
82	1,515	894	4,250	2,507
83	1,800	1,027	4,000	2,284
84	2,500	1,370	5,000	2,740
85	200	105	5,113	2,704

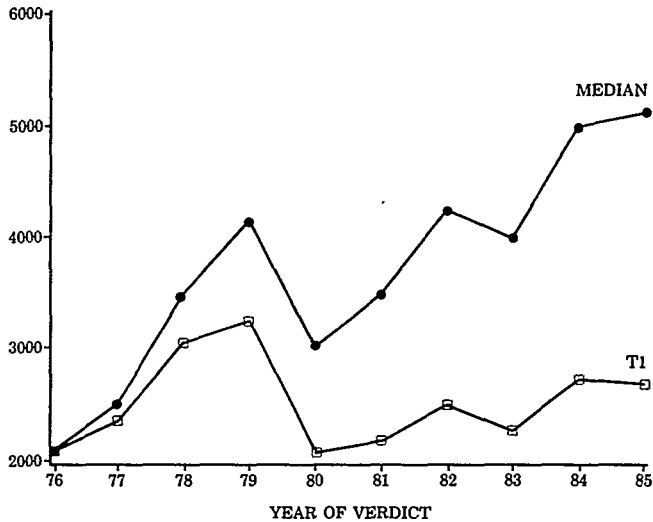
GRAPH 2 — MEAN VERDICTS FOR PLAINTIFF

This graph presents the mean verdicts for plaintiff in dollars, with verdicts for defendant excluded. T1 indicates the amount where the mean has been discounted for inflation.



GRAPH 3 — MEDIAN VERDICTS FOR PLAINTIFF

This graph presents the median verdicts for plaintiff in dollars, with verdicts for defendant excluded, both in actual dollars (MEDIAN) and discounted for inflation (DISC).



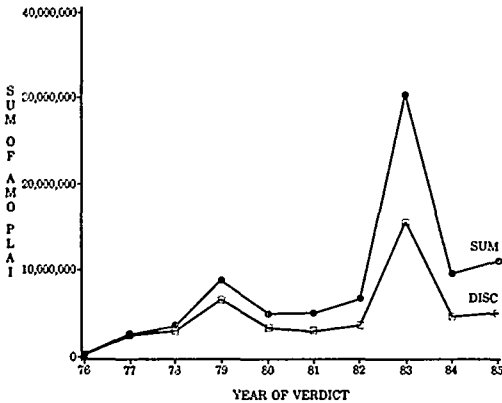
In addition to considering means and medians, it is also useful to know the total amount of dollars awarded by jury verdicts. As indicated above,<sup>49</sup> there are limits on these data not only as an indication of the total amount of dollars awarded by the judicial system but also as a measure of the total dollars awarded plaintiffs by jury verdicts. The following indicate the total amounts for all verdicts involved in the Study.

TABLE 4 — TOTAL DOLLAR AMOUNTS FOR ALL VERDICTS FOR PLAINTIFF<sup>50</sup>

Year of Verdict	Actual Amount	Discounted for inflation and population increase
76	201,280	201,280
77	2,612,493	2,413,736
78	3,515,510	2,968,118
79	8,768,349	6,549,261
80	5,040,254	3,280,135
81	5,112,342	2,953,761
82	6,615,490	3,557,215
83	30,532,269	15,708,693
84	9,669,330	4,722,348
85	11,122,427	5,170,048

GRAPH 4 — TOTAL DOLLAR AMOUNTS FOR ALL VERDICTS FOR PLAINTIFF<sup>51</sup>

This graph presents the total dollar amount for all verdicts, both in actual amount (SUM) and discounted for inflation and population increase (DISC).



49. See *supra* notes 41-46 and accompanying text.

50. *Id.*

51. *Id.*

### C. *Jury Verdicts by Type of Action*

Our understanding of the judicial system is improved if we know more about verdicts in comparison to of the specific type of action involved. This section provides such data on six categories: (1) Contract actions, (2) product liability actions, (3) all tort actions, (4) motor vehicle actions, (5) medical malpractice actions, and (6) premises liability actions. Two of these six areas—product liability and medical malpractice—have been chosen because many of the recent tort reform proposals in South Carolina and other jurisdictions<sup>52</sup> have focused on these areas. There has also been considerable concern expressed about excessive insurance costs for small businesses,<sup>53</sup> and premises liability has been analyzed because it provides a category that may reflect some light on “trends” in this area. The remaining three categories—contract, all tort, and motor vehicle—have been included in order to provide a comparative reference framework for analyzing the other three areas.

The utility of considering the specific pattern in each area is illustrated by considering two examples. First, the detailed data indicate that motor vehicle verdicts predominate over all other types of verdicts in terms of frequency and in terms of total dollars involved. Thus, if one is worried about a tort litigation “explosion,” motor vehicle litigation might be a fruitful area for initial study.<sup>54</sup> Second, two types of action—product liability and medical malpractice—have a pattern that is very different from motor vehicle actions. In particular, these two areas are characterized by (1) the relatively small number of verdicts, (2) the large size of many of the verdicts, which results in very large mean verdicts in some years, and (3) the wide swings in mean and median verdicts that result from the combination of the first two characteristics. While it is not clear what conclusions may be drawn from these data, it is noteworthy that most of the “tort reform” effort has been focused on the two areas that have

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52. See, e.g., *Medical Malpractice: Can the Private Sector Find Relief?*, 49 LAW & CONTEMP. PROBS. 1-348 (Spring 1986); Kasten Amendment No. 1814 to S. 100, 99th Cong., 2d Sess., 132 CONG. REC. S5106 (1986) (daily ed. Apr. 30, 1986) (proposed federal products liability bill).

53. See, e.g., *The State*, Nov. 16, 1986, at 1G, col. 2, & 7G, col. 1.

54. The textual analysis, of course, is based upon the assumption that there is a positive correlation between verdicts and filings.

these three characteristics.

### 1. Contract Verdicts

Contract verdicts are included in order to provide a basis of comparison with product liability and the tort categories. This contrast is helpful because the theories of liability are so different and because contract verdicts form a substantial portion of all verdicts every year—i.e., from twenty percent to twenty-nine percent. By way of summary, it seems accurate to say that contract verdicts can be characterized as relatively stable, evidencing only a slight upward trend in the number of verdicts and, when inflation is considered, in the average and median verdicts.

TABLE 5 — CONTRACT VERDICTS

Year of Verdict	Number of Contract Verdicts <sup>55</sup>	Contract Verdicts as % of all Verdicts <sup>56</sup>	Mean		Median		Total Amounts <sup>57</sup>	
			Actual	Discounted for inflation	Actual	Discounted for inflation	Actual	Discounted for inflation
76	20	29	3,838	3,838	2,500	2,500	65,246	65,246
77	76	22	3,887	3,650	2,405	2,258	248,790	229,862
78	104	22	10,878	9,496	3,213	2,805	848,499	716,381
79	109	22	8,480	6,648	3,500	2,744	686,879	513,044
80	136	27	9,053	6,255	3,000	2,073	941,511	612,724
81	109	21	12,311	7,706	3,398	2,127	997,198	576,152
82	147	24	11,148	6,577	4,950	2,920	1,360,122	731,351
83	145	22	17,606	10,053	3,984	2,274	1,971,940	1,014,553
84	142	21	13,541	7,420	4,682	2,566	1,570,789	767,149
85	153	20	21,012	11,115	5,459	2,888	1,722,995	800,901

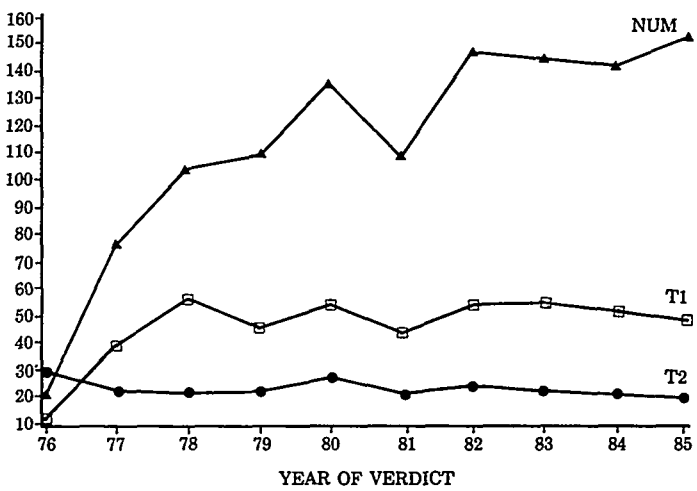
55. These numbers include verdicts for defendants.

56. This percentage is based on all verdicts, including verdicts for defendants.

57. See *supra* notes 41-46 and accompanying text.

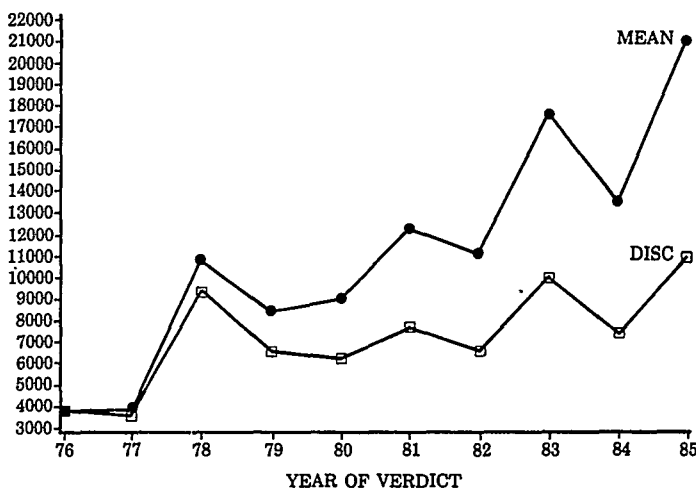
GRAPH 5 — TOTAL NUMBER AND PERCENTAGES IN CONTRACT ACTIONS

The graph below indicates: (1) total number of contract jury verdicts by year, including verdicts for defendant (NUM); (2) all contract verdicts as percentage of all cases filed (T1); and (3) contract verdicts as percentage of all jury verdicts, including verdicts for defendant (T2). (Percentages merely show relative shift in size; T2 is 100 times larger than T1; Y axis is marked for NUM).



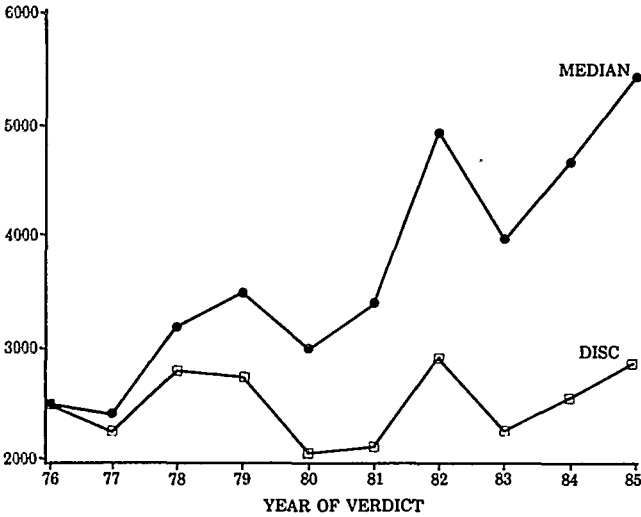
GRAPH 6 — MEAN VERDICT IN CONTRACT ACTIONS

This graph presents the mean verdict for plaintiff both in actual dollars (MEAN) and discounted for inflation (DISC).



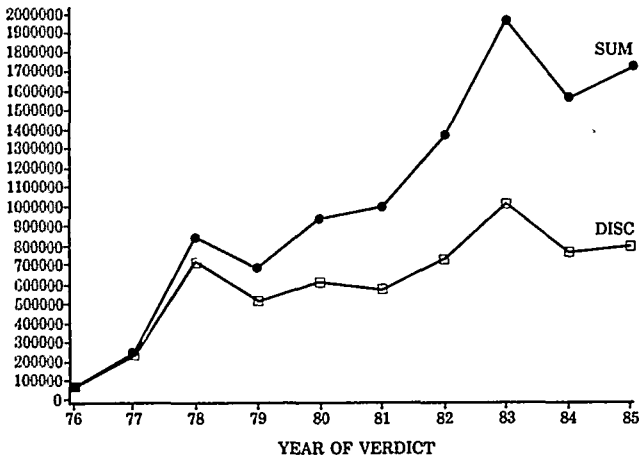
GRAPH 7 — MEDIAN VERDICT IN CONTRACT ACTIONS

This graph presents the median verdict for plaintiff both in actual dollars (MEDIAN) and discounted for inflation (DISC).



GRAPH 8 — TOTAL DOLLAR AMOUNT OF CONTRACT VERDICTS<sup>58</sup>

This graph presents the total amount awarded in contract verdicts both in actual dollars (SUM) and discounted for inflation and population increase (DISC).



58. *Id.*

## 2. Product Liability Verdicts

Product liability actions often involve both a warranty claim and a tort claim based upon strict liability and/or negligence. Consequently, these actions have been treated as a separate category, distinct from both contract and tort.

It is difficult to make general statements about this area since the number of cases is so small. For example, because of the small number of verdicts involved, the mean verdict and the median verdict vary widely from year to year.<sup>59</sup> It is interesting to compare these wide swings with motor vehicle actions, which are characterized by a much larger number of actions per year and by greater stability in the pattern of verdicts.<sup>60</sup>

TABLE 6 — PRODUCT LIABILITY VERDICTS

Year of Verdict	Number of prod. liab. Verdicts <sup>61</sup>	Prod. liab. verdicts as % of all Verdicts <sup>62</sup>	Mean		Median		Total Amounts <sup>63</sup>	
			Actual	Discounted for inflation	Actual	Discounted for inflation	Actual	Discounted for inflation
76	3	4	2,975	2,975	2,975	2,975	5,950	5,950
77	13	4	30,252	28,407	2,871	2,696	242,018	223,605
78	19	4	6,976	6,090	6,504	5,677	83,715	70,680
79	13	3	20,902	16,387	4,250	3,332	209,018	156,120
80	23	5	12,028	8,312	4,000	2,764	180,427	117,420
81	11	2	17,111	10,711	6,437	4,029	136,888	79,090
82	16	3	24,091	14,214	10,000	5,900	216,823	116,588
83	16	2	183,548	104,806	5,250	2,997	2,569,677	1,322,085
84	12	2	97,142	53,234	5,250	2,877	777,134	379,540
85	23	3	3,162	1,673	3,156	1,669	31,619	14,697

59. See *infra* graphs 10-11.

60. Compare, e.g., graph 10 with *infra* graph 18.

61. These numbers include verdicts for defendants.

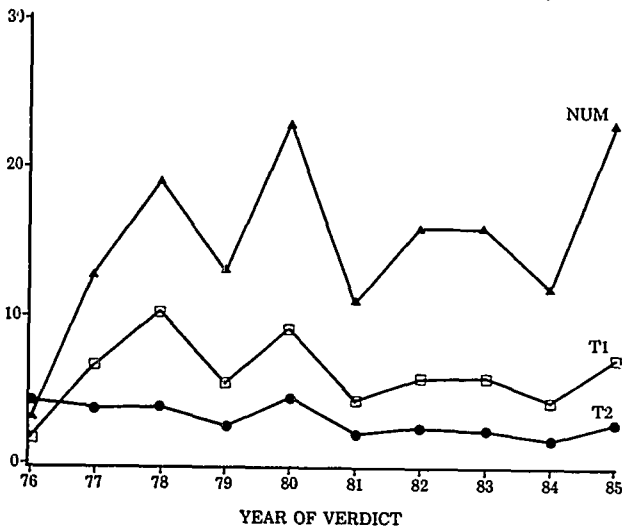
62. This percentage is based on all verdicts, including verdicts for defendant.

63. See *supra* notes 41-46 and accompanying text.



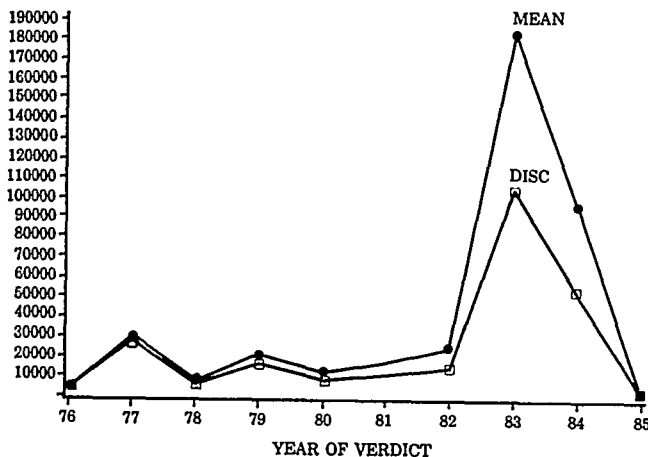
### GRAPH 9 — TOTAL NUMBER AND PERCENTAGES IN PRODUCT LIABILITY ACTIONS

The graph below indicates: (1) total number of product liability jury verdicts by year, including verdicts for defendant (NUM); (2) product liability verdicts as a percentage of total number of all cases filed (T1); and (3) all product liability verdicts as percentage of all jury verdicts, including verdicts for defendant (T2). (Percentages (T1 and T2) merely show relative sizes; T2 is 100 times larger than T1; Y axis is marked for NUM).



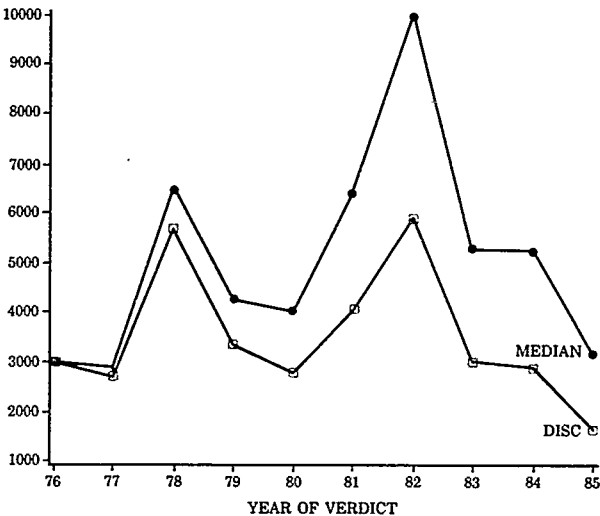
### GRAPH 10 — MEAN VERDICT IN PRODUCT LIABILITY ACTIONS

This graph presents the mean verdict for plaintiff both in actual dollars (MEAN) and discounted for inflation (DISC).



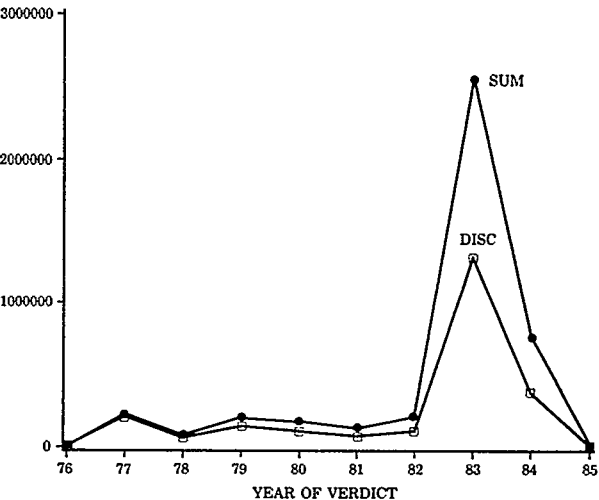
GRAPH 11 — MEDIAN VERDICT IN PRODUCT LIABILITY ACTIONS

This graph presents the median verdict for plaintiff both in actual dollars (MEDIAN) and discounted for inflation (DISC).



GRAPH 12 — TOTAL DOLLAR AMOUNT OF PRODUCT LIABILITY VERDICTS<sup>64</sup>

This graph presents the total amount awarded in product liability verdicts both in actual dollars (SUM) and discounted for inflation and population increase (DISC).



64. *Id.*

### 3. All Tort Cases

Tort covers a vast range of actions, and the Study categorized them as follows: Motor vehicle, assault and battery, Federal Employers Liability Act, medical malpractice (subdivided into hospital/institution and physician/other individual), other professional liability, fraud/misrepresentation, premises liability, and other tort.<sup>65</sup> As indicated in the introduction to the product liability subsection, these actions are not included in tort because product liability actions so often involve a warranty claim as well. As table 7 and graph 13 indicate, tort actions are the largest category of jury verdicts and the percentage of verdicts that are tort verdicts has increased over the years. The data about all tort verdicts combined provides a background for considering developments in particular types of action.

TABLE 7 — ALL TORT VERDICTS

Year of Verdict	Number of Tort Verdicts <sup>66</sup>	Tort Verdicts as % of all Verdicts <sup>67</sup>	Mean		Median		Total Amounts <sup>68</sup>	
			Actual	Discounted for inflation	Actual	Discounted for inflation	Actual	Discounted for inflation
76	37	54	4,673	4,673	2,068	2,068	112,169	112,169
77	210	62	10,942	10,274	2,500	2,347	1,761,665	1,627,639
78	307	64	11,092	9,683	3,142	2,742	2,229,589	1,882,425
79	298	61	16,892	13,244	4,987	3,909	3,412,368	2,548,768
80	291	58	18,528	12,803	3,000	2,073	3,483,354	2,266,924
81	358	70	16,823	10,531	3,500	2,191	3,650,627	2,109,225
82	424	70	19,252	11,359	4,550	2,684	5,198,219	2,795,134
83	445	68	86,693	49,502	3,719	2,123	25,487,971	13,113,428
84	504	74	20,675	11,330	5,250	2,877	7,174,513	3,503,919
85	568	73	31,615	16,724	5,050	2,671	9,358,113	4,349,940

65. See Case Information Form, Appendix pt. A.

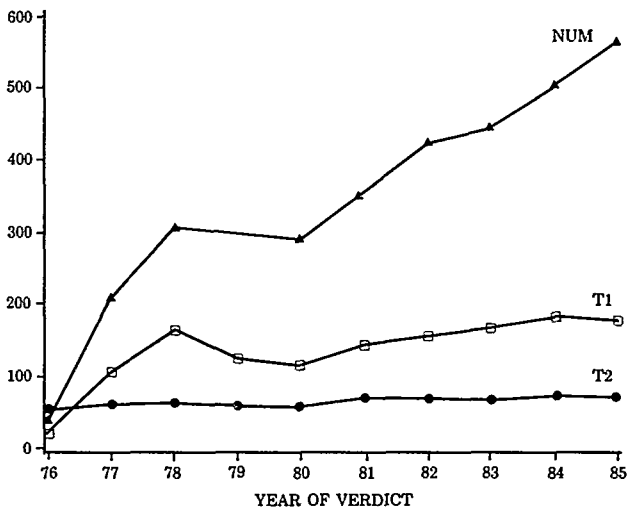
66. These numbers include verdicts for defendants.

67. This percentage is based on all verdicts, including verdicts for defendant.

68. See *supra* notes 41-46 and accompanying text.

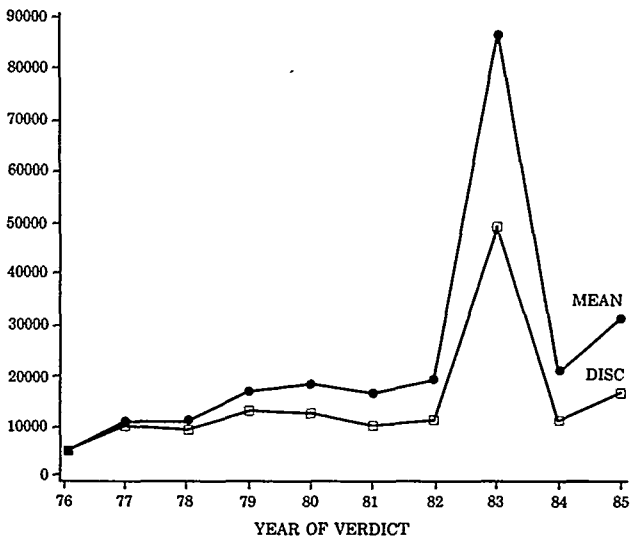
GRAPH 13 — TOTAL NUMBER AND PERCENTAGES OF ALL TORT ACTIONS

The graph below indicates: (1) total number of tort jury verdicts by year, including verdicts for defendant (NUM); (2) all tort verdicts as percentage of all cases filed (T1); and (3) tort verdicts as percentage of all jury verdicts, including verdicts for defendant (T2). (Percentages merely show relative shift in size; T2 is 100 times larger than T1; Y axis is marked for NUM).



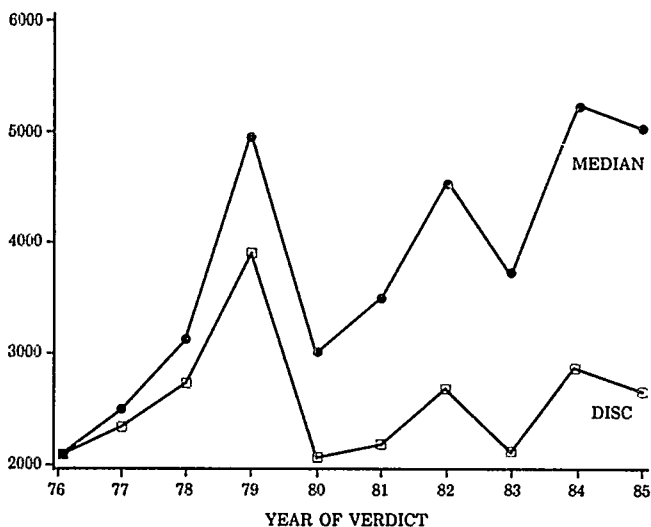
GRAPH 14 — MEAN VERDICT IN ALL TORT ACTIONS

This graph presents the mean verdict for plaintiff both in actual dollars (MEAN) and discounted for inflation (DISC).

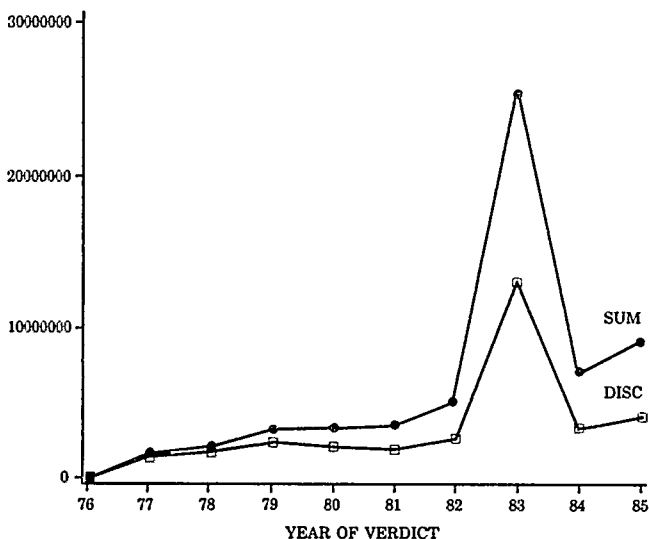


## GRAPH 15 — MEDIAN VERDICT IN ALL TORT

This graph presents the median verdict for plaintiff both in actual dollars (MEDIAN) and discounted for inflation (DISC).

GRAPH 16 — TOTAL DOLLAR AMOUNT OF ALL TORT VERDICTS<sup>69</sup>

This graph presents the total amount awarded in all tort verdicts both in actual dollars (SUM) and discounted for inflation and population increase (DISC).



69. *Id.*

#### 4. Motor Vehicle Actions

Although it is not surprising to learn that motor vehicle actions are common in jury verdicts, it is interesting to see exactly how large a percentage of all jury verdicts involves motor vehicles. As table 8 and graph 17 indicate, motor vehicle actions comprise thirty-five percent to fifty percent of all verdicts, depending upon the year. Given the large number of motor vehicle verdicts involved, it is understandable that the percentage generally tends to be stable at roughly forty to forty-five percent. Graphs 18 and 19 indicate that the mean motor vehicle verdict has risen in recent years, while the median verdict has been relatively constant. Consistent with the increase in mean awards, the total amounts awarded each year for motor vehicle actions have tended to increase, even when discounted for inflation and population increase.<sup>70</sup>

TABLE 8 —MOTOR VEHICLE VERDICTS

Year of Verdict	Number of motor vehicle verdicts <sup>71</sup>	Motor vehicle verdicts as % of all verdicts <sup>72</sup>	Mean		Median		Total Amounts <sup>73</sup>	
			Actual	Discounted for inflation	Actual	Discounted for inflation	Actual	Discounted for inflation
76	28	41	3,842	3,842	2,175	2,175	73,016	73,016
77	151	44	9,333	8,764	2,333	2,191	1,157,379	1,069,326
78	204	42	6,526	5,697	3,250	2,837	861,429	727,298
79	194	40	10,040	7,872	5,000	3,920	1,325,401	989,969
80	174	35	22,743	15,715	3,000	2,073	2,683,742	1,746,546
81	224	44	17,034	10,663	3,500	2,191	2,214,475	1,279,459
82	249	41	21,577	12,730	4,000	2,360	3,344,555	1,798,400
83	289	44	23,124	13,203	3,500	1,998	4,416,729	2,272,384
84	337	50	18,213	9,980	5,000	2,740	4,225,433	2,063,635
85	362	47	33,233	17,580	5,000	2,645	7,045,470	3,274,952

70. See *infra* graph 20.

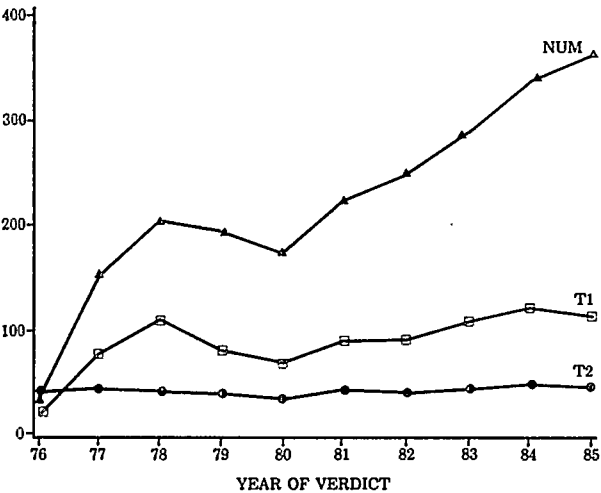
71. These numbers include verdicts for defendant.

72. This percentage is based on all verdicts, including verdicts for defendant.

73. See *supra* notes 41-46 and accompanying text.

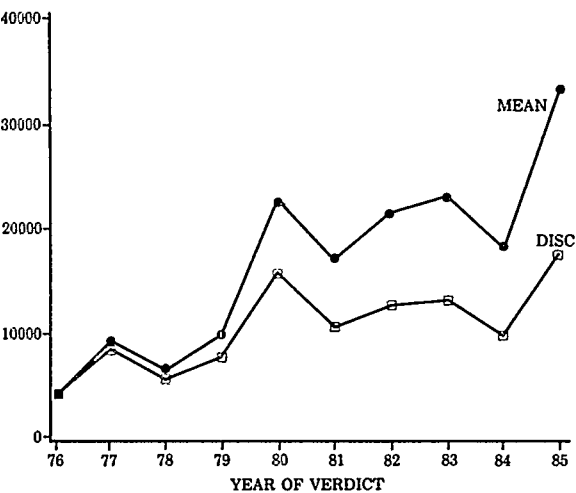
GRAPH 17 — TOTAL NUMBER AND PERCENTAGES OF MOTOR VEHICLE ACTIONS

The graph below indicates: (1) total number of motor vehicle jury verdicts by year, including verdicts for defendant (NUM); (2) motor vehicle verdicts as percentage of all cases filed (T1); and (3) motor vehicle verdicts as a percentage of all jury verdicts, including verdicts for defendant (T2). (Percentages merely show relative size; T2 is 100 times larger than T1; Y axis is marked for NUM).



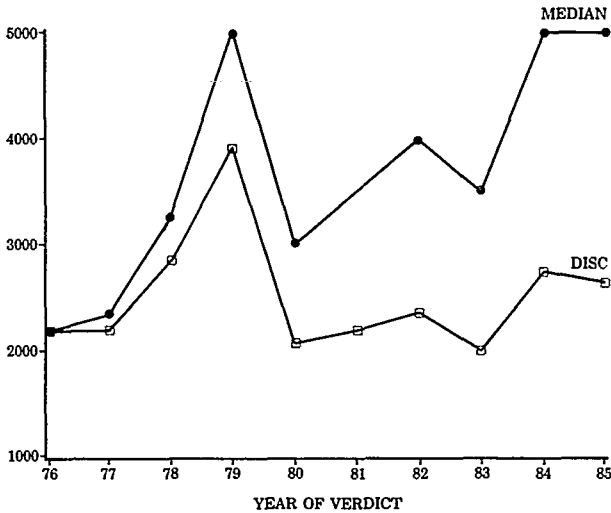
GRAPH 18 — MEAN VERDICT IN MOTOR VEHICLE ACTIONS

This graph presents the mean verdict for plaintiff both in actual dollars (MEAN) and discounted for inflation (DISC).



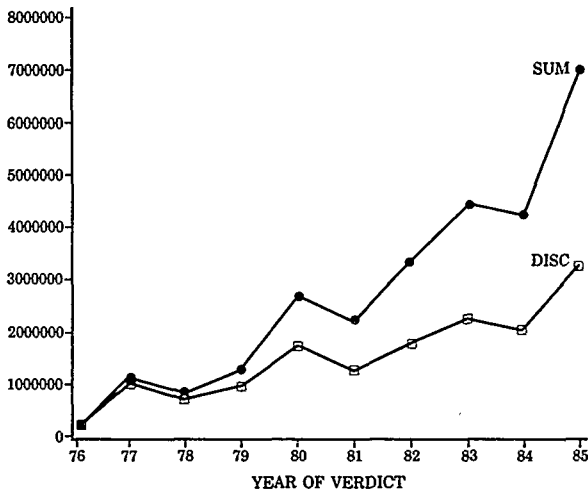
### GRAPH 19 — MEDIAN VERDICT IN MOTOR VEHICLE ACTIONS

This graph presents the median verdict for plaintiff both in actual dollars (MEDIAN) and discounted for inflation (DISC).



### GRAPH 20 — TOTAL DOLLAR AMOUNT OF MOTOR VEHICLE VERDICTS<sup>74</sup>

This graph presents the total amount awarded in verdicts both in actual dollars (SUM) and discounted for inflation and population increase (DISC).



74. *Id.*



### 5. Medical Malpractice Verdicts

Generalizations about medical malpractice verdicts are difficult because the number of verdicts per year is so small.<sup>75</sup> Moreover, since plaintiffs lose such actions more often than they win,<sup>76</sup> the number of plaintiffs' verdicts is even smaller—about four per year.<sup>77</sup>

The number of medical malpractice verdicts by year appears to be increasing, with a relative decline in 1984 and 1985.<sup>78</sup> However, because the number of total cases is so small, such generalizations are not very reliable. Given the combination of the small number of cases and the large verdicts that are possible in this area,<sup>79</sup> the wide fluctuations indicated in table 9 and graphs 22, 23, and 24 are not surprising.

TABLE 9 — MEDICAL MALPRACTICE VERDICTS

Year of Verdict	Number of med. malp. verd. <sup>80</sup>	Med. malp. verdicts as % of all verdicts <sup>81</sup>	Mean		Median		Total Amounts <sup>82</sup>	
			Actual	Discounted for inflation	Actual	Discounted for inflation	Actual	Discounted for inflation
76	0	0	0	0	0	0	0	0
77	1	0	0	0	0	0	0	0
78	6	1	0	0	0	0	0	0
79	5	1	263,417	206,519	350,000	274,400	790,250	590,254
80	8	2	137,500	95,012	137,500	95,012	275,000	178,967
81	16	3	32,500	20,345	27,500	17,215	130,000	75,110
82	18	3	16,813	9,919	14,750	8,702	134,500	72,322
83	26	4	554,628	316,692	45,500	25,980	6,655,530	3,424,236
84	21	3	140,321	76,896	75,000	41,100	982,250	479,715
85	16	2	128,200	67,818	66,000	34,914	641,000	297,957

75. See *infra* table 9 & graph 31.

76. See JURY VERDICT REPORT, *supra* note 13, at 49. These data are based upon year of filing.

77. *Id.*

78. See table 9 & graph 21.

79. The potential size of verdicts in this area is reflected, for example, in the frequency of wrongful death claims in this area (26%) compared to torts in general (3%). JURY VERDICT REPORT, *supra* note 13, at 65-66. In addition, medical expenses in medical malpractice actions are usually high. For example, the mean is \$395,711 in medical malpractice actions where this injury is claimed while the mean for all torts where medical expenses are claimed is \$31,601. *Id.*

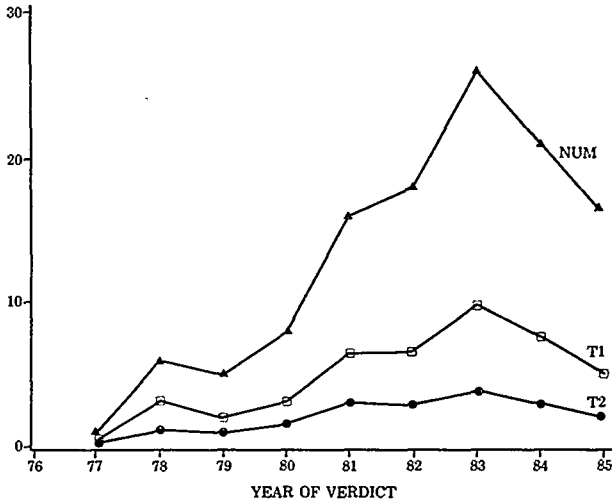
80. These numbers include verdicts for defendant.

81. This percentage is based upon all verdicts, including verdicts for defendant.

82. See *supra* notes 41-46 and accompanying text.

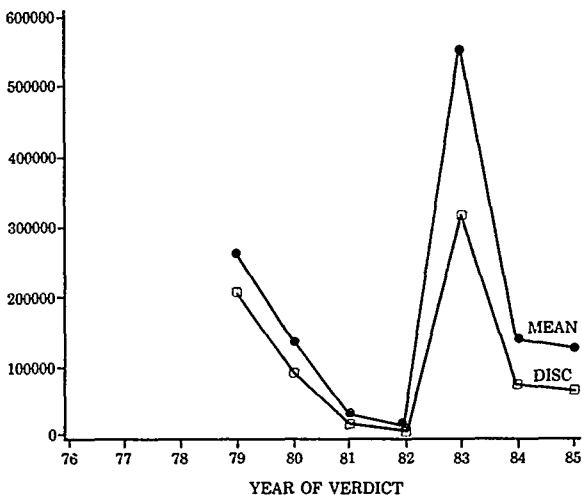
GRAPH 21 — TOTAL NUMBER AND PERCENTAGES OF MEDICAL MALPRACTICE ACTIONS

The graph below indicates: (1) total number of medical malpractice jury verdicts by year, including verdicts for defendant (NUM); (2) medical malpractice as a percentage of all cases filed (T1); and (3) medical malpractice verdicts as a percentage of all jury verdicts, including verdicts for defendant. (Percentages merely show relative size; T2 is 100 times larger than T1; Y axis is marked for NUM).



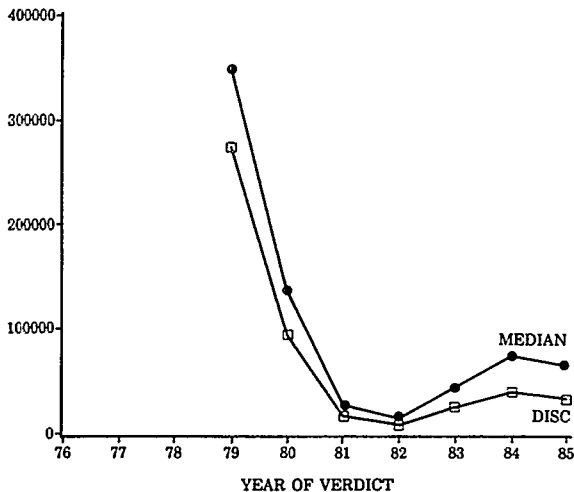
GRAPH 22 — MEAN VERDICT IN MEDICAL MALPRACTICE ACTIONS

This graph presents the mean verdict for plaintiff both in actual dollars (MEAN) and discounted for inflation (DISC).



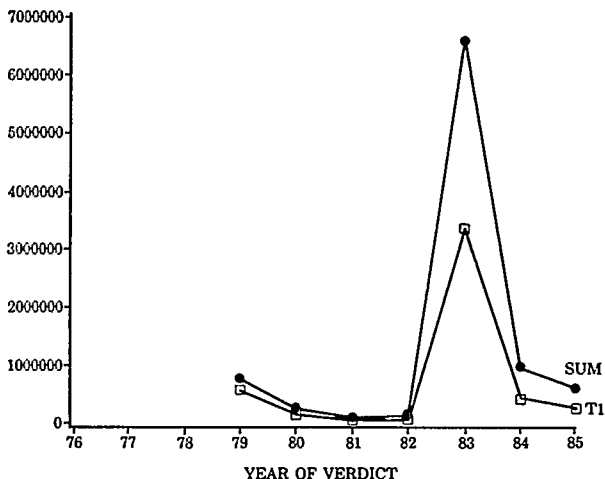
### GRAPH 23 — MEDIAN VERDICT IN MEDICAL MALPRACTICE ACTIONS

This graph presents the median verdict for plaintiff both in actual dollars (MEDIAN) and discounted for inflation (DISC).



### GRAPH 24 — TOTAL DOLLAR AMOUNT OF MEDICAL MALPRACTICE VERDICTS<sup>83</sup>

This graph presents the total amount awarded in medical malpractice verdicts both in actual dollars (SUM) and discounted for inflation and population increase (DISC).



83. *Id.*

## 6. *Premises Liability Verdicts*

As indicated in the introduction to the discussion of jury verdicts by type of action, premises liability actions have been included in this Article on the assumption that verdicts in this area might provide a measure of tort liability trends for small businesses. Obviously, the utility of the data in providing such a measure depends upon the validity of the underlying assumption. Even if this assumption is not valid, however, these verdicts provide another perspective on patterns in specific areas.

Several generalizations appear to be appropriate for this area. First, the number of verdicts in this area has tended to increase over the years, and these verdicts, as a percentage of all verdicts, have doubled in the time period involved.<sup>84</sup> Second, with the exception of 1984, average verdicts have tended to decline since 1978.<sup>85</sup> Third, median verdicts have been characterized by wide fluctuations over the years.<sup>86</sup> Fourth, total dollar amounts have tended to be declining or stable since 1978, with the exception again of 1984.<sup>87</sup>

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84. See table 10 & graph 25.

85. See table 10 & graph 26.

86. See table 10 & graph 27.

87. See table 10 & graph 28.

TABLE 10 — PREMISES LIABILITY VERDICTS

Year of Verdict	Number of prem. liab. verdicts <sup>88</sup>	Prem. liab. verdicts as % of all verdicts <sup>89</sup>	Mean		Median		Total Amounts <sup>90</sup>	
			Actual	Discounted for inflation	Actual	Discounted for inflation	Actual	Discounted for inflation
76	2	3	1,500	1,500	1,500	1,500	1,500	1,500
77	4	1	5,026	4,719	5,026	4,719	10,052	9,287
78	13	3	23,317	20,356	5,038	4,398	233,176	196,869
79	12	2	18,991	14,889	1,500	1,176	170,921	127,664
80	13	3	15,972	11,036	8,600	5,942	95,834	62,368
81	23	4	11,910	7,455	4,476	2,801	119,104	68,815
82	26	4	8,183	4,828	3,143	1,854	90,021	48,405
83	32	5	6,611	3,774	3,875	2,212	92,555	47,619
84	21	3	34,701	19,016	7,000	3,836	451,117	220,318
85	43	6	8,517	4,505	6,000	3,174	127,762	59,388

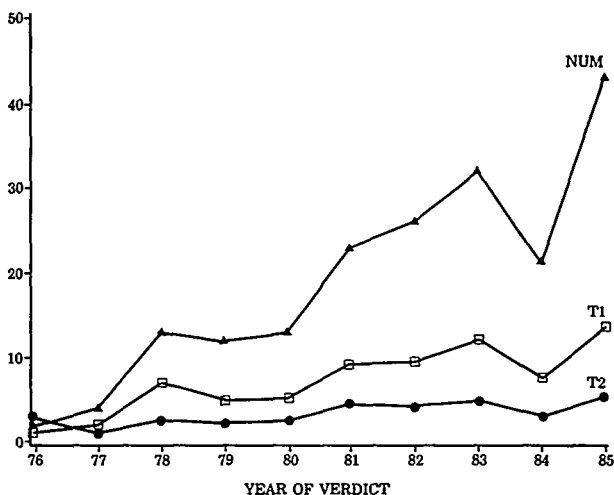
88. These numbers include verdicts for defendant.

89. This percentage is based upon all verdicts, including verdicts for defendant.

90. See *supra* notes 41-46 and accompanying text.

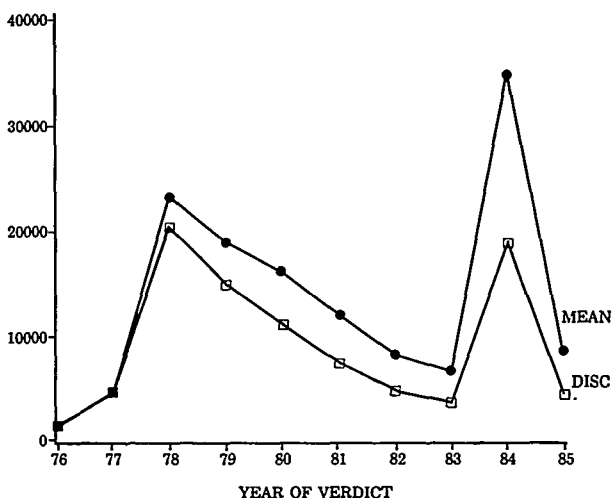
GRAPH 25 — TOTAL NUMBER AND PERCENTAGES OF PREMISES LIABILITY ACTIONS

The graph below indicates: (1) total number of premises liability verdicts by year, including verdicts for plaintiff (NUM); (2) premises liability cases as percentage of all cases filed (T1); and (3) property verdicts as a percentage of all jury verdicts, including verdicts for defendant. (Percentages merely show relative shift in size; T2 is 100 times larger than T1; Y axis is marked for NUM).



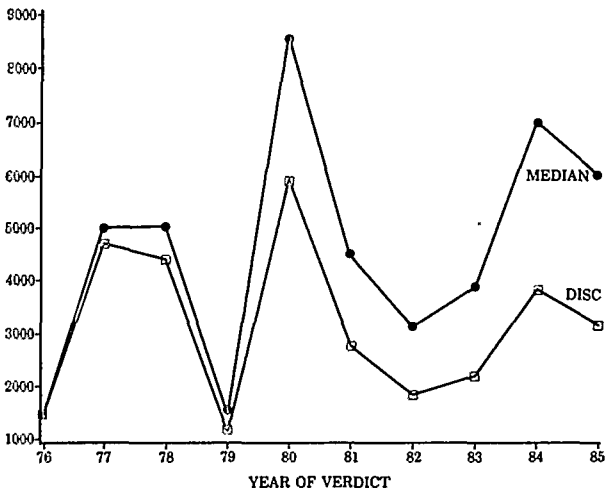
GRAPH 26 — MEAN VERDICT IN PREMISES LIABILITY ACTIONS

This graph presents the mean verdict for plaintiff both in actual dollars (MEAN) and discounted for inflation (DISC).



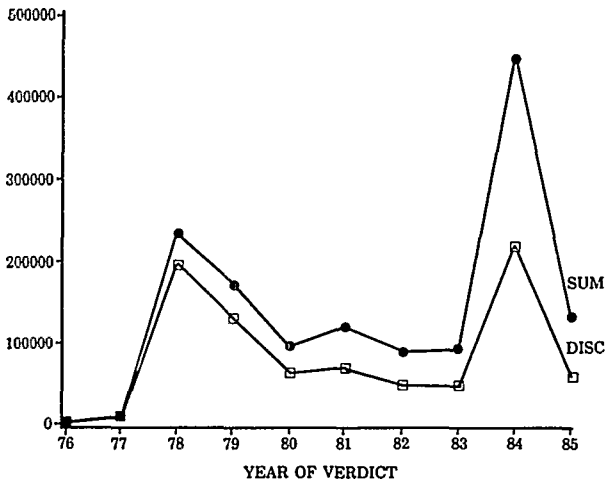
GRAPH 27 — MEDIAN VERDICT IN PREMISES  
LIABILITY ACTIONS

This graph presents the median verdict for plaintiff both in actual dollars (MEDIAN) and discounted for inflation (DISC).



GRAPH 28 — TOTAL DOLLAR AMOUNT OF PREMISES  
LIABILITY VERDICTS<sup>91</sup>

This graph presents the total amount awarded in premises liability verdicts both in actual dollars (SUM) and discounted for inflation and population increase (DISC).



91. *Id.*

### D. Punitive Damages

The legitimacy of punitive damages has always been an issue in tort law.<sup>92</sup> Recent proposals for change in tort law have often included limits on punitive damages.<sup>93</sup> Consequently, it is useful to assess patterns in the granting of punitive damages to determine how common such awards are and to determine the amounts of money involved. Statistical data by type of action were only tabulated by year of filing. Consequently, this section will discuss punitive damages in terms of year of filing.

As table 11 indicates, the number of punitive awards has varied and as a result, the percentage of verdicts that include punitive awards has varied, though it has tended to be around ten percent, plus or minus four percent. The average size has also varied. There were very large increases in average award in 1982, 1983, and 1985. However, the median punitive award has been relatively constant, particularly if discounted for inflation.<sup>94</sup> Thus, it is clear that the large increases in the mean punitive award are the result of a few very large awards.

Tables 12 and 14 indicate that punitive damages are rare in product liability, medical malpractice, and premises liability. In addition, these tables indicate that with the exception of product liability in 1983, the punitive awards in these areas have been small in comparison to recent motor vehicle awards.

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92. See, e.g., *Murphy v. Hobbs*, 7 Colo. 541, 5 P. 119 (1884); *Bass v. Chicago & N.W. Ry.*, 42 Wis. 654, 672-74 (1877). See generally Ausness, *Retribution and Deterrence: The Role of Punitive Damages in Products Liability Litigation*, 74 Ky. L.J. 1 (1985-86); Long, *Punitive Damages: An Unsettled Doctrine*, 25 DRAKE L. REV. 870 (1976); Owen, *Punitive Damages in Products Liability Litigation*, 74 MICH. L. REV. 1257 (1976).

93. See, e.g., American Medical Association Special Task Force on Professional Liability and Insurance, Report 3, at 12 (Mar. 1985); Ausness, *supra* note 92, at 92-120; The State, Nov. 13, 1986, at 1C, col. 2, & 5C, col. 2 (coalition of defendants for "tort reform" pushes for "transfer of punitive damages from the plaintiff to the State").

94. For example, if the median award for 1984 and 1985 in table 11, *infra*, were discounted for inflation, the amounts for those years would be \$2740 (1984) and \$2116 (1985).



TABLE 11 — PUNITIVE AWARDS: NUMBER AND PERCENTAGES BY YEAR OF FILING

Year of filing	Number of verdicts with punitive award	Percent of cases with punitive award	Percent of verdict that is punitive award	Mean punitive award where granted	Median punitive award where granted
76	34	8	3	7,021	3,000
77	51	12	12	9,755	2,500
78	50	9	12	14,313	3,000
79	74	12	8	5,482	1,925
80	52	10	9	10,866	3,000
81	75	14	8	12,346	4,000
82	61	11	42	167,974	4,000
83	78	13	84	177,032	5,500
84	62	11	13	23,444	5,000
85	25	6	42	114,148	4,000

TABLE 12 — PUNITIVE AWARDS BY TYPE OF ACTION: CONTRACT AND PRODUCT LIABILITY

Year of Filing	Contract				Product Liability			
	Number of awards	Percent contract verdicts where awarded	Mean where awarded	Median where awarded	Number of awards	Percent prod. liab. verdicts where awarded	Mean where awarded	Median where awarded
76	5	5	12,000	5,000	0	0	0	0
77	1	1	1,662	1,662	3	20	7,887	7,000
78	6	5	14,600	2,550	2	13	9,000	9,000
79	11	7	11,432	5,000	1	5	40,000	40,000
80	10	8	16,517	3,000	0	0	0	0
81	6	5	12,712	7,500	0	0	0	0
82	9	7	34,944	8,000	1	10	500	500
83	11	9	15,828	13,500	2	17	751,000	751,000
84	6	6	4,981	4,919	1	5	1,000	1,000
85	3	3	3,667	4,000	0	0	0	0

TABLE 13 — PUNITIVE AWARDS BY TYPE OF ACTION: ALL TORT AND MOTOR VEHICLE

Year of Filing	All Tort				Motor Vehicle			
	Number of awards	Percent tort verdicts where awarded	Mean where awarded	Median where awarded	Number of awards	Percent mot. veh. verdicts where awarded	Mean where awarded	Median where awarded
76	30	13	5,830	3,000	13	8	3,365	2,000
77	46	16	10,040	2,450	24	13	2,922	2,500
78	41	13	14,080	2,500	20	9	17,125	3,500
79	63	16	4,430	1,500	25	10	3,526	1,000
80	45	13	11,332	3,000	14	7	11,621	3,000
81	69	18	12,582	4,500	36	15	16,822	3,500
82	45	12	217,354	3,000	17	7	17,593	4,500
83	62	14	194,684	5,000	31	10	297,478	5,000
84	50	12	27,910	6,000	21	8	36,936	7,000
85	23	7	123,574	3,500	12	6	234,208	12,500

TABLE 14 — PUNITIVE AWARDS BY TYPE OF ACTION: MEDICAL MALPRACTICE AND PREMISES LIABILITY

Year of Filing	Medical Malpractice				Premises Liability			
	Number of awards	Percent medical malpractice verdicts where awarded	Mean where awarded	Median where awarded	Number of awards	Percent premises liability verdicts where awarded	Mean where awarded	Median where awarded
76	0	0	0	0	0	0	0	0
77	0	0	0	0	1	7	500	500
78	0	0	0	0	0	0	0	0
79	0	0	0	0	1	6	10,000	10,000
80	1	5	15,000	15,000	1	4	10,000	10,000
81	0	0	0	0	0	0	0	0
82	0	0	0	0	2	7	10,000	10,000
83	1	6	10,000	10,000	2	11	26,000	26,000
84	0	0	0	0	1	4	3,283	3,283
85	0	0	0	0	0	0	0	0

### E. Verdicts of \$100,000 and Over

As the difference between mean punitive awards and median punitive awards in table 11 indicates, a few large awards can have a significant impact on total verdicts. Table 15, which

is based on year of filing, indicates that if inflation is considered, the number of these large verdicts has not varied much over the years. However, since year of filing has been used, not all the verdicts for cases filed in 1984 and 1985 have been rendered. This lag obviously is reflected in the small number of large verdicts in 1985. Table 16 indicates the number of these large verdicts that have been granted in each type of action. Figure 1 is a bar chart that provides information on the distribution of these verdicts. Since juries return general compensatory verdicts in South Carolina, it was not possible to determine from the case files how much money has been granted for intangible losses.

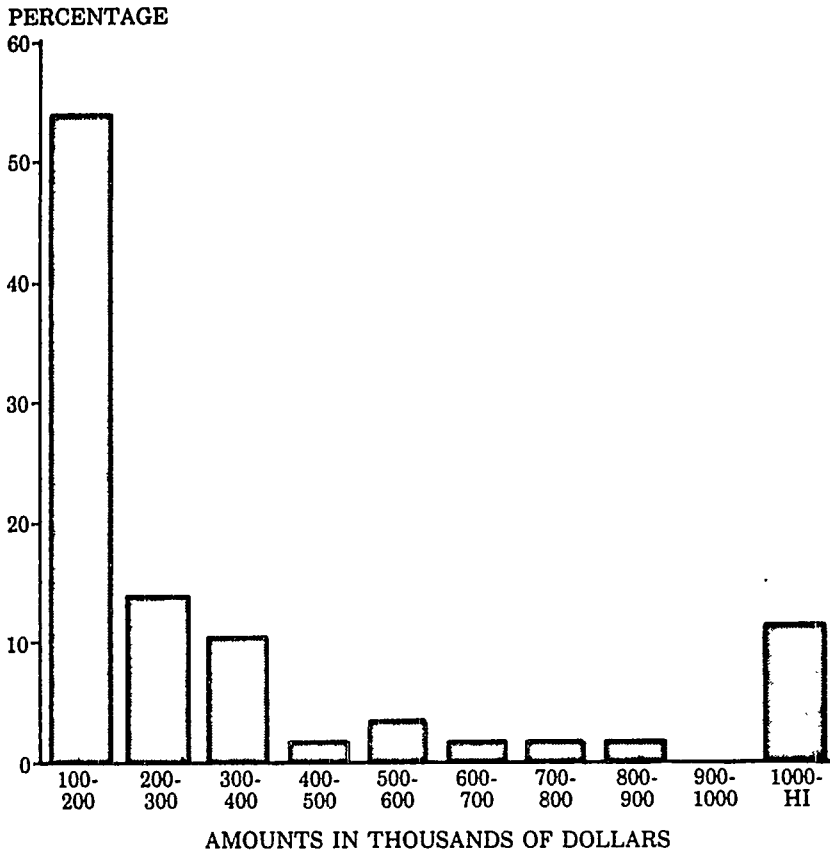
TABLE 15 — VERDICTS OF \$100,000 AND OVER

Year of filing	Actual Number	Number when verdicts discounted for inflation	Large verdicts as percent of all verdicts	Mean	Median
76	8	8	2	741,225	259,000
77	8	7	2	235,141	162,063
78	6	4	1	388,333	117,500
79	8	5	1	165,148	138,965
80	10	6	2	189,348	156,000
81	15	8	3	548,083	175,000
82	17	11	3	1,091,809	231,000
83	16	8	2	633,732	178,272
84	19	10	3	289,815	195,000
85	8	4	2	627,294	207,500
TOTAL	115	71			

TABLE 16 — VERDICTS OF \$100,000 AND OVER:  
NATURE OF CASE

<u>Nature of Case</u>	<u>Number of Verdicts</u>
Contract	17
Product Liability	6
All Tort	91
Motor Vehicle	45
Assault/Battery	3
Defamation	8
Medical Malpractice	13
Medical Malpractice—Hospital	4
Medical Malpractice—Physician	13
Other Product Liability	2
Fraud	7
Premises Liability	4
Other Tort	15
Property	3
Other	5

FIGURE 1 — DISTRIBUTION OF VERDICTS OF \$100,000  
AND OVER



## V. COMPARISON WITH OTHER EMPIRICAL STUDIES

As indicated in part I of this Article, other empirical studies of jury verdicts have been conducted, but these studies have all had various shortcomings. In particular, they lack detailed data about South Carolina. Where the studies of other jurisdictions have been detailed, it is helpful to consider whether the South Carolina data parallel these studies. In general, it can be said that the results are similar.

For example, even though details vary across the country,<sup>95</sup> the following patterns appear fairly uniform:

(1) The most common single type of civil verdict in general jurisdiction trial courts is tort, particularly motor vehicle actions.<sup>96</sup>

(2) Product liability and medical malpractice actions share three characteristics that distinguish them from more common types of action like motor vehicle suits: (a) Relatively small number of verdicts; (b) large size of many of the verdicts, which is reflected in very large means in some years; and (c) wide variations over the years in both mean and median verdicts that results from the first two characteristics.<sup>97</sup>

(3) Punitive awards are not common.<sup>98</sup>

(4) The overall level of civil litigation has not undergone

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95. In South Carolina, for example, the number of motor vehicle verdicts rose over the ten-year period, *see* table 8 & graph 17, while in New York the number of motor vehicle filings declined, *see* Greene, *The Tort Reform Quagmire*, *FORBES*, Aug. 11, 1986, at 76, 77. If we assume that the number of motor vehicle verdicts correlate with filings, the New York data are inconsistent with South Carolina data.

96. A study of Iowa filings indicated that about 30% of civil law filings were tort cases and about 45% of these involved motor vehicles. *Iowa Study*, *supra* note 4, at 4. When tort awards, including awards by both jury and a bench, are considered, motor vehicles accounted for 56% of the awards. *Id.* A study of the St Louis, Missouri, State Circuit Court for the period 1820-1970 shows that torts, particularly motor vehicle actions, became the dominant action for the period 1925-1970. *See* McIntosh, *150 Years of Litigation and Dispute Settlement: A Court Tale*, 15 *LAW & SOC'Y REV.* 823 (1981). A more recent study of randomly selected cases from seven states and five federal judicial districts indicated that 40% of the cases involved were torts, while business regulation and civil rights/civil liberties/discrimination, both of which were not included in torts, comprised 15% of the cases. *See* Kritzer, *Adjudication to Settlement: Shading in the Gray*, 70 *JUDICATURE* 161, 164 (1986).

When other types of civil courts are included, *e.g.*, family courts, probate courts, and small claims courts—the percentages change drastically. *See, e.g.*, *Business of State Trial Courts*, *supra* note 4, at 30-35. Similarly, where one addresses all trials—as opposed to jury trials leading to a jury verdict—the percentages can vary. *See id.* at 34-35 & 53. Percentages also vary if one looks at all filings, as opposed to focusing on jury verdicts. *See Statistics*, *supra* note 4, at 102-08.

Finally, studies with a very narrow focus may yield different results for a variety of reasons. *See, e.g.*, Engel, *The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community*, 18 *LAW & SOC'Y REV.* 551, 574-77 (1984).

97. *See, e.g.*, *Iowa Study*, *supra* note 4, at 5, 10; Daniels & Martin, *The Punitive Damage Dilemma in Products Liability Cases: Fact or Fiction (Parts I & II)*, in *PRODUCTS LIABILITY: COMMENTARY & CASES*, 14 (Aug. 1986), 14 (Sept. 1986) (products liability generally ranged from 2%-5% of caseload).

98. *See, e.g.*, *Iowa Study*, *supra* note 4, at 17 (7% of the awards had punitive awards and total punitive awards constituted 11% of total damages); Daniels, *supra* note 2; Daniels & Martin, *supra* note 97.

extremely large increases in recent years.<sup>99</sup>

(5) Jury verdicts are extremely rare and most filings are disposed of in some other manner.<sup>100</sup>

(6) Jury verdicts and patterns of litigation generally in state courts differ markedly from patterns in the federal courts.<sup>101</sup>

Another interesting parallel arises when one considers the increase in mean awards and total dollar amounts that occurred in South Carolina in 1983 and that was followed by a sharp drop in 1984.<sup>102</sup> A study of Iowa awards, including both bench and jury awards, indicated a similar sharp rise in 1983 and 1984 and a parallel drop in 1985.<sup>103</sup> The reasons for this pattern are not clear. It could be just a coincidence. This sharp rise and fall, however, illustrates both the limited nature of our ability to understand and predict patterns and the resulting need for care in using short term trends to analyze the system.

## VI. CONCLUSION

As indicated above in part I, the Jury Verdict Study and this Article are meant to be descriptive. This conclusion, however, will briefly suggest two points about the best course for future study and policy choices.

First, although the Jury Verdict Study provides a useful foundation for studying the judicial system, there is a need for more study of civil verdicts, both in South Carolina and in other jurisdictions. To this end, it would be helpful if a method could be devised whereby data both on filings and on disposition of cases (including all types of disposition) could be regularly reported by the county clerks to the South Carolina Administration Office. For example, it would be possible to use a system

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99. Short-term patterns might be characterized by sharp increases. See, e.g., *Business of Trial Courts*, *supra* note 4, at 67-72, 77; Galanter, *supra* note 1. However, studies of more extended times generally agree that little if any substantial increase has occurred. See, e.g., *Iowa Study*, *supra* note 4, at 2-3; *Statistics*, *supra* note 4, at 172-86; Galanter, *supra*; cf., e.g., Daniels, *supra* note 1 (noting the problems with using limited or ad hoc analysis).

100. See, e.g., *Statistics*, *supra* note 1, at 118-123; Administrative Office Report, *supra* note 5; Kritzer, *supra* note 96.

101. See, e.g., *Iowa Study*, *supra* note 4, at 16-17.

102. See *supra* tables 2, 4 & graphs 2, 14.

103. See, e.g., *Iowa Study*, *supra* note 4, at 11-12.

somewhat like that currently employed by the federal courts whereby code numbers are entered on reports that can be used to tabulate cases by nature of action and disposition. In any event, until this additional study is completed, there is a need for caution in making empirical statements about civil jury verdicts, particularly where the total number of verdicts involved is small.

Second, it is clear that neither the Jury Verdict Study nor additional empirical research can assist policy analysis unless rhetorical phrases like "crisis" and "litigation explosion" are replaced by more precisely defined terms. For example (and only by way of example), one could say that an excessive increase exists if the number of awards or mean awards shows a stable trend or growth above a certain amount per year when one discounts not only for inflation and population growth but also for such relevant factors as real increases in wealth and income, increased life expectancy, and increases in number of automobiles used and in miles driven.

In short, until we have both a reasonably clear idea of how the system functions in fact and an explicitly defined concept of what constitutes a malfunction, it is not possible to evaluate jury verdicts or to propose meaningful reforms. Naturally, there will continue to be debate over the validity of the empirical models and over the standard of malfunction used. That debate, however, is more likely to be fruitful than is disagreement within the context of a meager factual framework and vague, rhetorical criticisms.



## APPENDIX

## A. CASE INFORMATION FORM

S.C. JURY VERDICT STUDY--CASE INFORMATION FORM 5/30/66

Docket No. \_\_\_\_\_ Jmt (or other) No. \_\_\_\_\_

1. (P) \_\_\_\_\_ v. (D) \_\_\_\_\_

Atty (P) \_\_\_\_\_ (D) \_\_\_\_\_

Phone \_\_\_\_\_

2. Date of verdict \_\_\_\_ / \_\_\_\_ / \_\_\_\_ or still pending \_\_\_\_\_

3. Verdict for \_\_\_\_ P \_\_\_\_ D \_\_\_\_ Both

4. Total verdict \$ \_\_\_\_\_ Actual \$ \_\_\_\_\_ Punitive \$ \_\_\_\_\_

5. Type Action

a. Contract (excluding product liability)(specify) \_\_\_\_\_

b. Product Liability (not real property)(specify) \_\_\_\_\_

c. Tort (excluding product liability)

(1) \_\_\_\_ Motor vehicle (\_\_\_\_ check here if random elimination)

(2) \_\_\_\_ Assault and Battery

(3) \_\_\_\_ Defamation

(4) \_\_\_\_ FELA

(5) \_\_\_\_ Medical Malpractice

a. \_\_\_\_ hospital/institution

b. \_\_\_\_ physician/other individual

(6) \_\_\_\_ Other Professional liability (specify) \_\_\_\_\_

(7) \_\_\_\_ Fraud/misrepresentation

(8) \_\_\_\_ Premises liability

(9) \_\_\_\_ Other tort (specify) \_\_\_\_\_

d. Property

e. Other (specify) \_\_\_\_\_

6. Nature of Injury Alleged and Remedy Sought in Complaint

a. \_\_\_\_ Wrongful death and/or \_\_\_\_ survival

b. \_\_\_\_ medical expense

c. \_\_\_\_ loss of consortium

d. \_\_\_\_ mental distress

e. \_\_\_\_ pain and suffering

f. \_\_\_\_ property damage

g. \_\_\_\_ economic loss (specify) \_\_\_\_\_

h. \_\_\_\_ other injury or loss (specify) \_\_\_\_\_

7. Affirmative Defenses

a. \_\_\_\_ contributory negligence

b. \_\_\_\_ assumption of risk

c. \_\_\_\_ breach of contract

d. \_\_\_\_ other (specify) \_\_\_\_\_

8. Time between injury and suit: \_\_\_\_ yrs (any part of a year counts)

9. \_\_\_\_ Counterclaims (specify) \_\_\_\_\_

10. Number and Type of Plaintiffs: Number \_\_\_\_\_

(a) Individuals (#) \_\_\_\_\_ (b) Corporations (#) \_\_\_\_\_

(c) Governmental Agencies (#) \_\_\_\_\_ (d) Other (#) \_\_\_\_\_

11. Number and Type of Defendants: Number \_\_\_\_\_

(a) Individuals (#) \_\_\_\_\_ (b) Corporations (#) \_\_\_\_\_

(c) Governmental Agencies (#) \_\_\_\_\_ (d) Other (#) \_\_\_\_\_

12. Other Relevant Information: \_\_\_\_\_

13. Post Verdict Information in file: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### B. COMPUTER FORM (WITH EXPLANATORY MEMORANDUM)

**Abstract**

UNIVERSITY OF SOUTH CAROLINA 80 COLUMN DATA COLLECTION FORM CC 203

### DIRECTIONS

- 1 USE ONLY NO 2 PENCIL FOR MARKING.
- 2 IN THE EVENT OF ERASURES, ERASE AS MUCH OF THE MARK AS POSSIBLE WITHOUT DAMAGING THE FORM.
3. ONLY NUMERICAL DATA IS RECORDED AND WILL BE PUNCHED INTO CARDS IN THE CORRESPONDING CARD COLUMNS.
- 4 ONLY ONE MARK PER COLUMN IS PERMITTED.

[illegible][illegible]

**7 MAKE NO MARKS BELOW THIS LINE 7**

COMPUTER SHEET — DATA ENTRIES

Column Number	Data Entry
	CASE IDENTIFICATION NUMBER
1,2	— Year — enter two digits — e.g. 79
3,4	—Fed/County
	—Federal is 00 —County is by number—see attached
5,6,7,8,9	—Docket Number
10	PAGE NUMBER
	—all pages will be a 1 for this Study
11	VERDICT FOR — Dollar Amount
	— 1 — Plaintiff — 2 — Defendant — 3 — Both — 4 — Neither received verdict — 5 — Unknown
12,13,14,15 16,17,18	AMOUNT OF VERDICT FOR PLAINTIFF — Dollar Amount — Note: If you enter a 9 in column 12, that means \$9 million <u>or over</u>
19,20,21,22 23,24,25	ACTUAL DAMAGES FOR PLAINTIFF — Dollar Amount — Note if you enter a 9 in column 12, that means \$9 million <u>or over</u>
26,27,28,29, 30,31,32	PUNITIVE DAMAGES FOR PLAINTIFF — Dollar Amount — Note: If you enter a 9 in column 26, that means \$9 million <u>or over</u>
	TYPE ACTION — if it is that action, enter 1 — if not that action, enter 0
33	a. Contract (excluding product liability)
34	b. Product Liability ( <u>not</u> real property)
	c. Tort (excluding product liability)

35	(1) Motor vehicle
36	(2) Assault and Battery
37	(3) Defamation
38	(4) FELA
	(5) Medical Malpractice
39	a. hospital/institution
40	b. physician/other individual
41	(6) Other Professional liability
42	(7) Fraud/misrepresentation
43	(8) Premises liability
44	(9) Other tort
45	d. Property
46	e. Other
	NATURE OF INJURY ALLEGED AND REMEDY SOUGHT IN COMPLAINT
	— If alleged/sought, enter 1
	— If <u>not</u> alleged/sought, enter 0
47	a. Wrongful death and/or survival
48	b. medical expense
49	c. loss of consortium
50	d. mental distress
51	e. pain and suffering
52	f. property damage
53	g. economic loss
54	h. other injury or loss
	AFFIRMATIVE DEFENSES
	—If alleged, enter 1
	—If not alleged, enter 0
55	a. contributory negligence

56	b. assumption of risk
57	c. breach of contract
58	d. other
59	<p>TIME BETWEEN "WRONG" AND SUIT</p> <p>—if unknown — enter 0</p> <p>—enter years (any part of a year is a year)</p> <p>—if you enter 9, that means 9 or more years</p>
60	<p>Counterclaim</p> <p>—if a counterclaim is made, enter 1</p> <p>—if no counterclaim, enter 0</p>
61,62,63 64,65,66,67	<p>COUNTERCLAIM VERDICT FOR <u>DEFENDANT</u> — Dollar Amount</p> <p>—if you enter a 9 in column 60 that means \$9 million or over</p>
	<p>NATURE OF PARTIES</p> <p>—Enter number of parties of each type; 0 means none; 9 means 9 or more</p>
	<u>Plaintiff</u>
68	—individual
69	—corporation
70	—government agency
71	—other
	<u>Defendant</u>
72	—individual
73	—corporation
74	—government agency
75	—other
76,77	YEAR OF VERDICT
78	File Data Complete?
	<p>—if complete, enter 1</p> <p>—if not complete, enter 0</p>

Case Identification Number		Year		Fed. — Cty.		Docket Number		Amount of Verdict for Plaintiff		Actual Damages for Plaintiff		Punitive Damages for Plaintiff		Type of Action																									
VERDICT		PAIGET		NFOR										CONTRACT		PRODLIAB.		MOTORVEHICLE		ASSAULT & BATT		DEFAMATION		INJURY		PROPERTY													
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9

[illegible]

**DO NOT MAKE NO MARKS BELOW THIS LINE**

County

- 00 Federal Court
- 01 Abbeville
- 02 Aiken
- 03 Allendale
- 04 Anderson
- 05 Bamberg
- 06 Barnwell
- 07 Beaufort
- 08 Berkeley
- 09 Calhoun
- 10 Charleston
- 11 Cherokee
- 12 Chester
- 13 Chesterfield
- 14 Clarendon
- 15 Colleton
- 16 Darlington
- 17 Dillon
- 18 Dorchester
- 19 Edgefield
- 20 Fairfield
- 21 Florence
- 22 Georgetown
- 23 Greenville
- 24 Greenwood
- 25 Hampton
- 26 Horry
- 27 Jasper
- 28 Kershaw
- 29 Lancaster
- 30 Laurens
- 31 Lee
- 32 Lexington
- 33 Marion
- 34 Marlboro
- 35 McCormick
- 36 Newberry
- 37 Oconee
- 38 Orangeburg
- 39 Pickens
- 40 Richland
- 41 Saluda
- 42 Spartanburg
- 43 Sumter
- 44 Union
- 45 Williamsburg
- 46 York



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