

UNITED STATES DISTRICT COURT
ALFRED A. ARRAJ UNITED STATES COURTHOUSE
DENVER, COLORADO

Boyd N. Boland
United States Magistrate Judge

303-844-6408

MEMORANDUM

TO: All Magistrate Judges
RE: Civil Jury Verdicts: 2007 (Revised)
DATE: January 22, 2008

This memorandum analyzes the jury verdicts¹ returned in the District of Colorado during calendar year 2007 and the efforts made to settle those cases. Statistics concerning amounts offered in settlement are confidential and are provided for your use only.

A. OVERVIEW

Thirty-six civil jury trials occurred in calendar 2007. During the same time there were 2,726 civil actions filed. The ratio of cases tried to cases filed is 1.3%.²

The comparison is imprecise because none of the cases tried in 2007 was filed then. To the contrary, the date of filing of each case that went to trial in 2007 is set out below:

¹It is important to keep in mind the difference between a jury's verdict and the judgment ultimately entered by the court. Except as noted, and particularly with the exception of Part D *infra*, this memorandum is concerned with verdicts and not with judgments.

²In 2007, there were also ten civil trials to the court and 19 criminal trials. Consequently, a total of 65 civil and criminal matters were tried in the District of Colorado. By comparison, the Denver Post reported that the 20 state court judges in the District Court for the City and County of Denver conducted 276 civil and criminal trials in 2006. Arthur Kane, *Juvenile Court's pace puts new faces on the hot seat*, DENVER POST, Sept. 16, 2007, at 7C.

<u>Year Filed</u>	<u>No. Tried in 2007</u>
2001	2
2002	2
2003	4
2004	8
2005	15
2006	5

The average time from the date a case was filed until trial was 33 months, or slightly less than three years. The time to trial decreased by nine months over 2006, when the average time to trial was 42 months. The shortest time from filing to trial in 2007 was 14 months. Eleven of the 36 cases (31%) were tried within two years of filing.

The number of cases tried in 2007 decreased slightly over the previous year. The number of civil jury trials in each of the last six years follows:

<u>Year</u>	<u>No. of Cases Filed</u>	<u>No. of Civil Jury Trials</u>	<u>Rate of Trials</u>
2007	2,726	36	1.3 %
2006	2,607	38	1.5
2005	2,679	35	1.3
2004	2,698	51	1.89
2003	2,672	47	1.75
2002	2,464	52	2.1

B. TRIAL OUTCOMES: VERDICT AMOUNTS

Reversing a two year trend, defendants were more successful at trial in 2007 than were plaintiffs. Defendants prevailed in 21 of the 36 jury trials, or 58% of the time. Plaintiffs prevailed in 15 cases, or 42% of the time. Rates of success for the last five years are set out below:

<u>Year</u>	<u>No. of Civil Jury Trials</u>	<u>Plaintiffs Prevailed</u>	<u>Defendants Prevailed</u>
2007	36	15 (42%)	21 (58%) ³
2006	38	24 (63%)	14 (37%)
2005	35	23 (66%)	11 (31%) ⁴
2004	51	25 (49%)	26 (51%)
<u>2003</u>	<u>47</u>	<u>26 (55%)</u>	<u>21 (45%)</u>
TOTAL	207	113 (55%)	93 (45%)

The largest verdict awarded in 2007 was \$41,980,131, and the smallest verdict was \$1.00.

The average verdict awarded in 2007 was \$5,749,021,⁵ and the median⁶ verdict was \$511,910.

The chart reports the amounts of the jury verdicts in 2007, from high to low:

³In one case tried in 2007, the verdict for the defendant included an award of \$16,000,000 on a counterclaim.

⁴In 2005, there was one split verdict, with the plaintiff being awarded \$57,672 on his claim for invasion of privacy and the defendant being awarded \$140,520 on its counterclaim for breach of the duty of loyalty.

⁵I have included among the verdicts the \$16,000,000 awarded to a defendant on its counterclaim.

⁶The median is the point in the middle of a distribution. Half the verdicts exceeded the median and half were less than the median.

	Amount	Type of Case
1	\$41,980,131	intellectual property: trade secret
2	16,000,000	breach of management contract (on defendant's counterclaim)
3	15,199,936	intellectual property: trademark
4	7,555,886	qui tam: oil and gas royalties
5	4,337,611	negligence: product liability (in-floor hose)
6	3,225,000	employment: gender
7	1,980,000	negligence: personal injury (auto accident)
8	511,910	intellectual property: copyright
9	380,000	negligence: product liability (ladder)
10	368,125	breach of real estate listing contract
11	211,740	breach of insurance contract
12	150,000	employment: retaliation
13	39,500	employment: disability
14	37,500	breach of distributorship contract
15	7,000	employment: retaliation
16	1	breach of telecommunications contract
	\$91,984,340	TOTAL

Active district judges presided over 23 jury trials; senior judges presided over 11 jury trials; and two jury trials proceeded before magistrate judges. A breakdown of the trials by presiding judge follows:

Judge	Type of Case	Outcome	Amount of Verdict
Nottingham	1. employment: disability	P	\$ 39,500
	2. civil rights: excessive force	D	--
	3. civil rights: excessive force	D	--
Babcock	1. negligence: product liability (hose)	P	4,337,611
	2. employment: retaliation	D	--
	3. civil rights: excessive force	D	--
Daniel	1. intellectual property: trademark	P	15,199,936
	2. contract: real estate listing	P	368,125
	3. employment: gender	D	--
	4. employment: disability	D	--
	5. civil rights: duty to protect	D	--
Miller	1. employment: gender	P	3,225,000
	2. negligence: personal injury (auto)	D	--
	3. contract: royalty payments	D	--
Krieger	1. negligence: personal injury (auto)	P	1,980,000
	2. employment: retaliation	P	7,000
	3. employment: race	D	--
	4. employment: race	D	--
	5. employment: age	D	--
	6. employment: gender	D	--
	7. civil rights: excessive force	D	--
Blackburn	1. negligence: medical malpractice	D	--
Figa	1. qui tam: oil and gas royalties	P	7,555,886
Matsch	1. contract: management	D	counterclaim: 16,000,000
	2. intellectual property: copyright	P	511,910
	3. contract: insurance	P	211,740
	4. employment: retaliation	P	150,000
	5. employment: retaliation	P	37,500
	6. employment: gender	D	--
	7. negligence: medical malpractice	D	--
Kane	1. intellectual property: trade secrets	P	41,980,131
	2. contract: telecommunications	P	1
	3. contract: sales	D	--
Weinshienk	1. civil rights: retaliation	D	--
Boland	1. employment: disability	D	--
Hegarty	1. negligence: product liability (ladder)	P	380,000

A total of 198 trial days were committed to civil jury trials. This is a decrease of 59 days over 2006, when there were 257 days committed to civil jury trials. The longest trial lasted 22 days; the shortest was two days. The average length of a trial was 5.5 days. The most common trial length was three and four days, with eight trials respectively. The lengths of the trials are specified in **Table 1**.

C. BREAKDOWN BY NATURE OF CLAIM

The jury trials conducted in 2007 fell into six categories based on the nature of the plaintiff's claim:

Category	No. of cases	% of cases tried
Employment	13	36%
Breach of Contract	7	19
Negligence	6	17
Civil Rights	6	17
Intellectual Property	3	8
Qui Tam	1	3

At least 19 of the 36 cases tried involved claims which permitted the award of attorney fees to a prevailing plaintiff. The plaintiffs won only 4 of the 19 cases (21%). As of the date of this memorandum, no attorney fee award had been made. This varies significantly from 2006, when attorney fees were awarded in four cases, in an average amount of \$271,513.

Costs were awarded in 18 cases: seven times to plaintiffs and 11 times to defendants. The average amount of costs awarded in all cases was \$9,178. The average costs awarded to plaintiffs was \$17,745; and the average costs awarded to defendants was \$3,726. The costs awarded on a case-by-case basis are contained in **Table 2**.

1. Employment

Thirteen of the 36 jury trials involved employment claims (36%). Employment cases historically have made up approximately 13% of the court’s filings. Thus, a disproportionately large number of employment cases went to trial in 2007.

The plaintiffs’ prevailed in four of the 13 employment cases (31%); and the defendants prevailed in nine cases (69%).

The verdicts in employment cases ranged from a high of \$3,225,000 to a low of \$7,000. The average plaintiff’s verdict in the employment cases was \$855,375. The amounts of the plaintiffs’ verdicts in employment cases, from high to low, are set out below:

Nature of Claim	Amount of Verdict
gender	\$3,225,000
retaliation	150,000
disability	39,500
retaliation	7,000
TOTAL	\$3,421,500

Of the 13 employment cases tried, four alleged gender discrimination (31%); three alleged disability discrimination (23%); three alleged retaliation (23%); two alleged race discrimination (15%); and one alleged age discrimination (8%).

An analysis of the employment cases is contained in **Table 3**.

The employment claims most frequently asserted during the last six years were gender and retaliation, 24 and 23 cases respectively. The historical trial results of the various employment claims asserted during the last six years are analyzed below:

Nature of Claim	Cases Tried	Cases Won by Plaintiffs	Plaintiffs' Success Rate
Gender	24	14	58%
Retaliation	23	15	65%
Disability	16	7	44%
Race/National Origin	15	5	33%
Age	8	3	38%
Public Employee	4	3	75%
Religion	2	2	100%
Public Policy Violation	1	1	100%
FMLA	1	1	100%
Luring	1	0	0%

2. Breach of Contract Claims

Seven jury trials (19%) involved claims for breach of contract. Four cases resulted in verdicts for the plaintiffs (57%), and three case resulted in a verdict for the defendant (43%). In one case, the defendant prevailed but was awarded \$16 million on its counterclaim. The verdicts, from high to low, are as follows:

Nature of claim	Amount of verdict
Management	(on defendant's counterclaim) \$16,000,000
Real estate listing	368,125
Insurance	211,740
Distributorship	37,500
Telecommunications	1

The average verdict (including the defendant's award on its counterclaim) in the breach of contract cases was \$3,323,473, and the median verdict was \$211,740.

An analysis of the employment cases is contained in **Table 4**.

3. Negligence

Six of the 36 jury trials (17%) involved negligence claims. Two alleged products liability; two involved personal injuries resulting from auto accidents; and two involved claims of medical malpractice. The plaintiffs won three of the cases (50%), and the defendants won three (50%).

The trial outcomes, based on the nature of the claims, are listed below:

Nature of claim	Prevailing party	Amount of verdict
Product liability (hose)	P	\$ 4,337,611
Product liability (ladder)	P	380,000
Auto accident	P	1,980,000
Auto accident	D	--
Medical malpractice	D	--
Medical malpractice	D	--

The average plaintiff's verdict in a negligence case was \$2,232,537, and the median verdict was \$1,980,000.

An analysis of the negligence cases tried to juries in 2007 is contained in **Table 5**.

4. Civil Rights (other than employment)

Civil rights cases (other than employment) accounted for six of the 36 trials (17%). Four cases involved claims of excessive force; one case involved a claim of retaliation; and one case involved a claim of failure to protect resulting in death. All six cases resulted in defense verdicts.

An analysis of the civil rights cases in 2006 is contained in **Table 6**.

Historically, civil rights cases have been among the most difficult for plaintiffs to win. In the last six years, 40 civil rights cases have been tried to juries. The plaintiffs won ten cases (25%), and defendants have prevailed in 30 (75%). The largest verdict in a civil rights case was \$1,000,000, involving the unlawful arrest of a state judge. (That verdict ultimately was reversed on appeal.) The smallest verdicts were for \$1. The plaintiffs' verdicts over the last six years are as follows:

Nature of claim	Amount of verdict
Unlawful arrest	\$1,000,000
Unreasonable search	190,000
Excessive force	10,000
Unlawful arrest	10,000
Unreasonable search	6,500
Unlawful arrest	5,000
Retaliation	1,500
Equal protection	630
Unlawful arrest	1
Excessive force	1

The average verdict in the civil rights cases over the last six years is \$122,363. The median verdict is \$6,500.

5. Intellectual Property

Three of the 36 trials (8%) involved intellectual property claims--one each for misappropriation of trade secrets, trademark infringement, and copyright infringement. The plaintiffs prevailed in all three cases, as follows:

Nature of Claim	Amount of Verdict
Misappropriation of trade secret	\$41,980,131
Trademark infringement	15,199,936
Copyright infringement	511,910
Total	\$57,691,977

The average verdict in an intellectual property case in 2007 was \$19,230,659, and the median verdict was \$15,199,936.

Plaintiffs have fared exceptionally well in intellectual property cases tried in this district. In the last six years, there have been fourteen intellectual property cases tried, and the plaintiffs prevailed in twelve of them (86%). The historical results over the last six years follow:

Nature of Claim	Cases Tried	Cases Won by Plaintiffs	Plaintiffs' Success Rate
Patent Infringement	5	5	100%
Trademark Infringement	4	2	50%
Breach of Non-Disclosure	1	1	100%
Piracy	1	1	100%
Theft of Trade Secrets	2	2	100%
Copyright Infringement	1	1	100%

The verdicts in these cases have ranged as follows:

Nature of Claim	Amount of Verdict
Patent infringement	\$51,000,000
Misappropriation of trade secrets	41,980,131
Trademark infringement	15,199,936
Breach of non-disclosure	9,340,000
Trademark infringement	4,462,000
Patent infringement	1,850,000
Patent infringement	1,205,000
Patent infringement	728,484
Copyright infringement	511,910
Misappropriation of trade secret	100,000
Patent infringement	74,863
Piracy	10,000 ⁷
Total	126,462,324

The average verdict over the last six years is \$10,538,527; the median verdict is \$1,850,000.

6. Qui Tam

One qui tam case involving oil and gas royalties due to the government was tried to a jury. The plaintiffs prevailed and were awarded damages of \$7,555,886.

D. JUDGMENTS VARYING SUBSTANTIALLY FROM THE VERDICT

Although this memorandum is concerned primarily with jury verdicts, as distinguished from judgments entered by a judge, *see* note 1 *infra*, several of the judgments entered in 2007 varied substantially from the jury verdicts underlying them and are worth noting.

⁷The plaintiff sought statutory damages only, which were awarded by the trial judge and not the jury.

The judgment ultimately entered by the judge varied significantly from the juries' verdicts in eight cases tried in 2007. Specifically, the trial judge awarded back pay in two employment cases, substantially increasing the awards:

Nature of Claim	Verdict	Judgment
retaliation	\$ 150,000	\$ 313,675
disability	39,500	54,850

In one contract case involving the sale of a defective product, the jury found that the plaintiff was 51% at fault, resulting apparently in a defense verdict. Nonetheless, the trial judge entered judgment for the plaintiffs in the amount of \$1,520,481.

In two negligence cases, the trial judges substantially reduced the juries' verdicts, as follows:

Nature of Claim	Verdict	Judgment
product liability (hose)	\$ 4,337,611	\$ 2,168,805
personal injury (auto)	1,980,000	1,406,875

And in each of the three intellectual property cases the judgments entered were substantially less than the verdicts awarded:

Nature of Claim	Verdict	Judgment
trade secrets	\$ 41,980,131	\$ 25,266,381
trademark	15,199,936	4,946,128
copyright	511,910	117,500

E. SETTLEMENT EFFORTS

Trials are the exception; most cases are resolved by settlement.

In 2007, the magistrate judges conducted 603 settlement conferences, and 434 cases settled at or after the conference. The ratio of cases settled to conferences held is 72%, and the ratio of cases settled to cases filed is 16%. An analysis of the cases settled on a judge-by-judge basis is set out below:

Judge	Conferences Held	Cases Settled	%
Coan/Schlatter	37	27	73%
Watanabe	117	58	49%
Boland	117	90	77%
Shaffer	133	99	74%
Hegarty	147	134	91%
Mix	46	19	41%
Rice	6	4	67%
West	0	0	NA
Total	603	434	72%

Cases are more likely to go to trial if no settlement conference is held or if one party refuses meaningfully to participate in settlement discussions. In nine of the 36 cases tried (25%) no settlement conference was held, and in six of those there was no reference to a magistrate judge for settlement purposes. In an additional seven cases (19%) the defendants refused to make settlement offers. Thus, in 16 of the 36 cases tried (44%), either no settlement conference was held or the defendant refused to make a settlement offer.

1. Cases Where No Settlement Conference Was Held

In nine of the 36 cases tried (25%) no settlement conference was held. Six cases were not referred to a magistrate judge for settlement.⁸ In three cases, although referred, no conference was held; in one of these, the plaintiff simply failed to appear at the conference and was sanctioned for his misconduct. The plaintiffs prevailed in four cases (44%) where no settlement conference was held, and the defendants prevailed in five (56%).

The cases where no settlement conference was held are detailed in **Table 7**.

2. Cases Where Defendant Offered Zero

In eleven of the 36 cases tried (31%), settlement conferences were held but one side or the other failed to make any settlement offer. The plaintiff refused to make a settlement demand in three of the 36 cases tried (8%), and prevailed in one of the three cases.⁹ In five of the 36 cases tried (14%), the defendants made no monetary offer to settle. The defendants prevailed in four of the five cases where no offer was made.¹⁰

In one case, the defendant's only offer was to require the plaintiff to pay its attorney fees. The plaintiff prevailed and received a verdict of \$368,125.

These cases are detailed in **Table 8**.

⁸Judge Matsch did not refer five cases to a magistrate judge, and Judge Kane did not refer the sixth case.

⁹In the one case where the plaintiff prevailed, it received a verdict of \$7,555,886.

¹⁰In the only case where the defendant made no offer and lost at trial, the plaintiff received a verdict of \$150,000.

3. Cases Where the Verdict Exceeded Defendant's Last Settlement Offer

The plaintiffs received verdicts that exceeded the defendants' last settlement offers in seven of the 15 cases where the plaintiffs prevailed (47%). In one case the defendant made no settlement offer at all, and in another the defendant's only offer was to settle if the plaintiff paid its attorney fees.

In the seven cases where verdicts exceeded the defendants' last settlement offer, the average verdict was more than \$9 million while the average settlement offer was only \$203,000.

These cases are analyzed in **Table 9**.

4. Cases Where Defendant's Settlement Offer Exceeded the Verdict

In ten cases, by contrast, the defendants offered to pay in settlement more than was awarded through trial. Eight of the ten cases involved a defense verdict, but in two cases the plaintiffs prevailed but were awarded less than was offered in settlement. Thus, in ten of the 36 cases that went to trial (28%), the plaintiffs would have done better had they accepted the defendant's last settlement offer.

In one employment case, the defendant offered \$50,000 in settlement; the plaintiff refused, demanding \$140,000; and the jury awarded the plaintiff only \$7,000. In a case alleging breach of contract, the defendant offered \$150,000; the plaintiff refused, demanding \$2 million; and the jury awarded the plaintiff only \$1.00.

In eight cases resulting in defense verdicts the defendants made settlement offers that were refused. Three of these cases involved employment claims; two were negligence cases; and three were civil rights cases. In the employment cases, the average amount offered was \$21,667.

In the negligence cases, a plaintiff in a medical malpractice case turned down an offer of \$300,000.¹¹ In the civil rights cases, the average amount offered but refused was \$650.

The amounts of the rejected offers are set out in **Table 10**.

5. Cases Where Plaintiffs Demanded Less Than the Verdict

Frequently, even where the plaintiff succeeds at trial and recovers a verdict, his last settlement demand exceeded the verdict. That occurred in five of the 15 cases (33%) where the plaintiffs prevailed at trial in 2007.

In four of the 15 cases (27%) where the plaintiffs prevailed at trial, however, the plaintiffs offered to settle the case for less than the verdict ultimately received at trial. The four cases are specified below:

<u>Type of Case</u>	<u>P's Last Demand</u>	<u>Verdict</u>	<u>Difference</u>
Breach of contract	\$232,500	\$ 368,125	\$ 135,625
Negligence: product liability	225,000	380,000	155,000
Negligence: auto accident	346,000	1,980,000	1,634,000
IP: trade secret	3,200,000	41,980,131	38,780,131

Consequently, in four of the 15 trials (27%) resulting in plaintiffs' verdicts, the defendants would have been better off to accept the plaintiff's last demand.

6. Analysis by Type of Case

A complete analysis of all cases tried to verdict in 2007, comparing verdicts to last settlement offers, is contained in **Table 11**.

¹¹It is difficult to understand why this case did not settle. The plaintiff's last demand was \$375,000, and the defendant's last offer was \$300,000.

The average verdict in all cases tried (regardless of whether the plaintiff or defendant won) was \$2,555,120. By contrast, the average amount offered by defendants in settlement was \$127,122.

7. Cases Settling At Trial

Startlingly, 13 cases settled less than one week before trial or after the trial began. Viewed differently, 13 of 49 cases (27%) that reached the eve of trial settled before the matter was submitted to the jury. This fact raises doubts about the frequent complaint that cases settle because of the delay or expense associated with reaching trial.

F. CONCLUSION

The District of Colorado continues to experience the phenomenon termed the “vanishing trial,” with only 36 civil cases (1.3%) being tried to juries in 2007. Defendants fared better at trial than did plaintiffs, with plaintiffs prevailing in only 15 of the 36 trials (42%). The average verdict, including one verdict for the defendant on its counterclaim, was \$5,749,021, and the median verdict was \$511,910, demonstrating that primarily complex and very large claims proceed to trial.

Settlement was the overwhelmingly preferred form of case resolution, with 434 cases settling at or after a court-sponsored settlement conference. Surprisingly, even those cases which reach the eve of trial frequently settle. Thirteen of the 49 cases (27%) ready for trial settled less than one week before trial or after the trial began.

TABLE 1: Lengths of Trials

<u>Length of Trial</u>	<u>No. of Trials</u>	<u>Total Trial Days</u>
22 days	1	22
14	1	14
10	1	10
9	2	18
7	2	14
6	5	30
5	6	30
4	8	32
3	8	24
2	2	<u>4</u>
		198 Total Trial Days

AVG: 5.5 days

TABLE 2: Costs Awarded

Type of Case	Prevailing Party	Verdict	Costs Awarded
Employment: gender	D	--	\$ 3,848
gender	D	--	2,633
gender	D	--	2,859
retaliation	P	\$ 7,000	1,214
disability	D	--	1,165
disability	D	--	1,782
age	D	--	2,752
Contract: management	D	16,000,000 on a counterclaim	14,784
insurance	P	211,740	4,707
telecommunications	P	1	22,566
Negligence: product liability (hose)	P	4,337,611	824
product liability (ladder)	P	380,000	10,004
personal injury (auto)	D	--	2,836
medical malpractice	D	--	4,730
Civil Rights: excessive force	D	--	2,467
failure to protect	D	--	1,085
Intellectual Property: trade secrets	P	41,980,131	12,713
trademark	P	15,199,936	72,191

TABLE 3: Employment Case Summary

Number of employment cases	13
Plaintiff's verdicts	4 (31%)
Defense verdicts	9 (69%)

Plaintiff's verdicts high to low		
1.	\$3,225,000	gender
2.	150,000	retaliation
3.	39,500	disability
4.	7,000	retaliation

TOTAL:	\$ 3,421,500
Average:	855,375
Median:	39,500

By Nature of Claim:

Gender:

Number of cases:	4
Plaintiff's verdicts:	1 (25%)
Defense verdicts:	3 (75%)

Amount of verdict:	\$3,225,000
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Retaliation:

Number of cases:	3
Plaintiff's verdicts:	2 (66%)
Defense verdicts:	1 (33%)

Amounts of verdicts:	
1.	\$ 150,000
2	7,000

TOTAL:	\$ 157,000	AVG:	\$ 78,500
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Disability:

Number of cases:	3
Plaintiff's verdicts:	1 (33%)
Defense verdicts:	2 (67%)

Amount of verdict:	\$ 39,500
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Race:

Number of cases:	2
Plaintiff's verdicts:	0
Defense verdicts:	2 (100%)

Age:

Number of cases:	1
Plaintiff's verdicts:	0
Defense verdicts:	1 (100%)

TABLE 4: Breach of Contract Case Summary

Number of contract cases	7
Plaintiff's verdicts	4 (57%)
Defense verdicts*	3 (43%)
*includes an award of \$16,000,000 on a counterclaim	

Verdicts high to low			
1.	\$16,000,000	management	(on defendant's counterclaim)
2.	368,125	real estate listing	
3.	211,740	insurance	
4.	37,500	distributorship	
5.	1	telecommunications	
TOTAL:	\$ 16,617,366		
Average:	3,323,473		
Median:	37,500		

TABLE 5: Negligence Case Summary

Number of cases	6	
Plaintiff's verdicts	3 (50%)	
Defense verdicts:	3 (50%)	
Plaintiff's verdicts high to low		
1.	\$ 4,337,611	product liability
2.	1,980,000	auto accident
3.	380,000	product liability
TOTAL:	\$ 6,697,611	
Average:	2,232,537	
Median:	1,980,000	

By Nature of Claim:

Products Liability:

Number of cases:	2
Plaintiff's verdicts:	2 (100%)
Defense verdicts:	0

Amounts of verdicts:

1.	\$ 4,337,611
2.	380,000

TOTAL: \$ 4,717,611 AVG: \$ 2,358,806

Personal Injury:

Number of cases:	2
Plaintiff's verdicts:	1 (50%)
Defense verdicts:	1 (50%)

Amount of verdict: \$1,980,000

Medical Malpractice:

Number of cases:	2
Plaintiff's verdicts:	0
Defense verdicts:	2 (100%)

TABLE 6: Civil Rights Case Summary

Number of cases	6
Plaintiff's verdicts	0
Defense verdicts:	6 (100%)

By Nature of Claim:

Excessive Force:

Number of cases:	4
Plaintiff's verdicts:	0
Defense verdicts:	4 (100%)

Retaliation:

Number of cases:	1
Plaintiff's verdicts:	0
Defense verdicts:	1 (100%)

Failure to Protect:

Number of cases:	1
Plaintiff's verdicts:	0 (0%)
Defense verdicts:	1 (100%)

TABLE 7: No Settlement Conference Held

Total instances:	9
Plaintiff's verdicts:	5 (56%)
Defense verdicts:	4 (44%)
Average plaintiff's verdict:	\$ 4,219,752
Median verdict:	\$ 511,910

By Nature of Claim:

Type of Case	Verdict	
Employment		
1. gender	D	
Breach of Contract		
1. management	D: \$16,000,000	(on a counterclaim)
2. insurance	211,740	
3. distributorship	37,500	
4. sale of defective goods	D	
5. royalty payments	D	
Negligence		
1. product liability	\$ 4,337,611	
2. medical malpractice	D	
Intellectual Property		
1. copyright infringement	\$ 511,910	

TABLE 8: Cases Where Defendant Offered Zero

Total instances:	5
Plaintiff's verdict:	4 (80%)
Defense verdict:	1 (20%)

By Nature of Claim:

Type of Case	Verdict
Employment	
1. retaliation	P: \$150,000
2. retaliation	D
3. disability	D
Civil Rights	
1. excessive force	D
2. failure to protect	D

TABLE 9: Verdict Exceeded Defendant's Last Offer

Total instances: 7
 Instances where defendant offered 0: 1
 Median verdict: \$ 1,980,000
 Average final offer by defendant: \$ 9,040,456

Type of Case	Verdict	Last Settlement Offer
Employment: gender	\$ 3,225,000	\$ 350,000
retaliation	150,000	0
Contract: real estate listing	368,125	P pays D attorney fees
Negligence: product liability	380,000	20,000
auto accident	1,980,000	287,000
Intellectual Property: trade secret	41,980,131	15,000
trademark infringement	15,199,936	750,000

TABLE 10: Settlement Offer Exceeded Verdict

Total instances: 10
 Average final offer rejected: \$ 59,195
 Median final offer rejected: \$ 25,000

Type of Case	Verdict	Last Offer Rejected
Employment: retaliation	P: \$7,000	\$ 50,000
gender	D	15,000
age	D	25,000
disability	D	25,000
Contract: telecommunications	P: 1.00	150,000
Negligence: auto accident	D	25,000
medical malpractice	D	300,000
Civil Rights: excessive force	D	1,500
excessive force	D	150
retaliation	D	300

TABLE 11: Comparison of Verdicts to Settlement Offers

Type of Case	Prevailing Party	Verdict	Settlement Offers
Employment			
gender: 1	P	\$3,225,000	P: \$ 500,000 D: 350,000
2	D	--	No conference
3	D	--	P: 125,000 D: 15,000
4	D	--	P: No demand D: 0
retaliation: 1	P	150,000	P: 140,000 D: 0
2	P	7,000	P: 205,000 D: 50,000
3	D	844,000	P: 54,000,000 D: 0
disability: 1	P	39,500	P: 97,771 D: 20,000
2	D	--	P: 250,000 D: 0
3	D	--	P: 125,000 D: 25,000
race: 1	D	--	Not available
2	D	--	P: no demand D: 0
age: 1	D	--	P: 440,000 D: 25,000

Type of Case	Prevailing Party	Verdict	Settlement Offers
Contract			
management	D (on counterclaim)	16,000,000	No conference
real estate listing	P	368,125	P: 232,500 D: P pays D atty fees
insurance	P	211,740	No conference
distributorship	P	37,500	No conference
telecommunications	P	1	P: 2,000,000 D: 150,000
royalty payments	D	--	No conference
sales	D	--	No conference
Negligence			
product liability: 1	P	4,337,611	No conference
2	P	380,000	P: 225,000 D: 20,000
auto accident: 1	P	1,980,000	P: 346,000 D: 287,000
2	D	--	P: 2,800,000 D: 25,000
medical malpractice: 1	D	--	No conference
2	D		P: 375,000 D: 300,000
Civil Rights			
excessive force: 1	D	--	P: 90,000 D: 150
2	D	--	P: 80,000 D: 0
3	D	--	P: No demand D: 0
4	D	--	P: 250,000 D: 1,500

Type of Case	Prevailing Party	Verdict	Settlement Offers
retaliation	D	--	P: 7,802 D: 300
failure to protect	D	--	P: 1,500,000 D: 0
Intellectual Property			
trade secret	P	41,980,131	P: 3,200,000 D: 15,000
trademark	P	15,199,936	P: 80,000,000 D: 750,000
copyright	P	511,910	No conference
Qui Tam			
oil and gas royalties	P	7,555,886	P: No demand D: 0