

The Greedy Plaintiff

So often we hear about ridiculous lawsuits where people sue for millions of dollars over simple



disputes—such as a dispute with their dry cleaner. Given the media attention given to such cases, one might think that many of the Plaintiffs in our court system are using lawsuits as a kind of lottery. Truth be known, many Plaintiffs would fair much better by playing the lottery. The statistics do not support the idea promulgated by the insurance industry and politicians of “jackpot justice” and “runaway jury verdicts”.

According to recent studies, median damage awards in state tort trials has gone down 56% since 1992, from \$64,000 to \$28,000. In fact, 16% of all jury awards for Plaintiffs were reduced by the trial judge, and 1/3rd of premises liability cases (cases against a landowner for injury occurring on the premises) were reduced because of Plaintiffs’ own negligence by an average of 42%.

We also hear about the “runaway” punitive damage awards that are supposedly crippling our country’s business and legal systems. Again the facts do not support this contention. Notably, only 6% of Plaintiffs in state court cases receive punitive damages, and the median award for punitive damages was \$25,000 for tort trials and \$50,000 for all civil trials.

REMEMBER: The next time someone tells you that the easiest way to make money is to file a lawsuit, tell them to check the facts. While filing the lawsuit may be easy, maintaining and winning the lawsuit in our court system is much harder.

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