

The Truth About "Tort Reform"

When it comes to the topic of "tort reform," cutting through the political fog can be a challenge.



That is why it is important to *Philip Stroud,
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get a clear picture of who's going to court, why cases are being filed, and what actually happens once it gets there.

Too many of us have been told to believe that our country suffers from "runaway litigation", exploding tort costs, ridiculous jury awards, and endless trials. The facts simply do not support these claims. In fact, the statistics show that federal tort litigation peaked in 1985 but has declined since that time. State court tort cases have also declined 10 percent over the last decade.

More importantly, jury verdicts and damage awards have dropped in state courts by as much as 56 percent. In fact, it is very rare for a case to even go to trial. The facts show that for the 2002-2003 fiscal year, only 2 percent of all federal tort cases, and only 5.2 percent of state tort cases, actually went to trial.

How about the overly publicized claim that juries too often are swayed by emotion and award too much money to Plaintiffs for personal injury claims. The facts again show a different story. Studies have shown that most juries are skeptical of Plaintiffs' claims, and this skepticism is reflected in both fewer Plaintiff verdicts and lower damage awards. In the fiscal year of 2002-2003, Plaintiffs only won in 48% of all cases filed, with only 84% of successful Plaintiffs receiving a monetary award.

REMEMBER: Don't believe everything you read. Get the facts.

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