

The Combined Verdict Summary

In 2005, the KTCR reported on 292 verdicts statewide as opposed to 272 in 2004. That number is down from 342 in 2003. That brings our eight-year total to 3228 verdicts. The summary by category is included herein. 2005 totals are in bold.

| <u>Case Type</u> | <u>Total Cases</u> | <u>Win-Loss/Percentage</u> | <u>Aggregate Awards</u> | <u>Average Plaintiff</u> | <u>Average Verdict</u> |
|------------------|--------------------|----------------------------|-------------------------|--------------------------|------------------------|
|------------------|--------------------|----------------------------|-------------------------|--------------------------|------------------------|

Auto Negligence

| | | | | | | |
|------|-----|---------|-------|--------------|-----------|----------|
| 1998 | 262 | 159-103 | 60.6% | \$16,607,597 | \$104,450 | \$63,387 |
| 1999 | 215 | 133-82 | 61.8% | \$15,179,070 | \$114,128 | \$70,600 |
| 2000 | 195 | 120-75 | 61.5% | \$10,915,976 | \$90,966 | \$55,979 |
| 2001 | 167 | 113-54 | 67.6% | \$11,468,830 | \$101,494 | \$68,675 |
| 2002 | 148 | 96-52 | 64.8% | \$11,659,095 | \$115,436 | \$76,203 |
| 2003 | 131 | 78-51 | 60.4% | \$7,480,540 | \$95,904 | \$57,988 |

*In 2003, while there was a total of 131 cases, for purposes of the win percentage there were only 129 as in two cases the result was mixed. In one case there was a Fratzke mistrial. In the other, only fault was resolved.

| | | | | | | |
|------|-----|-------|-------|-------------|----------|----------|
| 2004 | 115 | 65-48 | 56.5% | \$3,309,343 | \$50,912 | \$28,776 |
|------|-----|-------|-------|-------------|----------|----------|

*In 2004, two of the 115 cases were mistrials.

| | | | | | | |
|-------------|-----------|--------------|--------------|--------------------|-----------------|-----------------|
| 2005 | 93 | 61-32 | 62.5% | \$5,936,877 | \$97,325 | \$63,837 |
|-------------|-----------|--------------|--------------|--------------------|-----------------|-----------------|

Medical Negligence

| | | | | | | |
|------|----|-------|-------|--------------|-------------|-----------|
| 1998 | 61 | 20-41 | 32.7% | \$45,447,803 | \$2,272,390 | \$745,045 |
| 1999 | 67 | 19-48 | 28.4% | \$17,822,726 | \$938,038 | \$266,010 |
| 2000 | 54 | 13-41 | 24.0% | \$5,407,961 | \$415,997 | \$100,147 |
| 2001 | 65 | 18-47 | 27.6% | \$21,549,429 | \$1,197,190 | \$331,529 |
| 2002 | 58 | 15-43 | 25.8% | \$12,330,871 | \$822,058 | \$212,601 |
| 2003 | 52 | 7-45 | 13.4% | \$31,494,261 | \$4,499,180 | \$605,658 |

*Less the largest result, Case No. 2357, a \$24,268,281 result from Jefferson County the 2003 Plaintiff's Average and Average verdict are:

| | | | | | | |
|--|--|--|--|--|-------------|-----------|
| | | | | | \$1,204,333 | \$141,686 |
|--|--|--|--|--|-------------|-----------|

| | | | | | | |
|------|----|------|-------|--------------|-------------|-----------|
| 2004 | 46 | 7-39 | 15.2% | \$29,048,560 | \$4,149,794 | \$631,490 |
|------|----|------|-------|--------------|-------------|-----------|

*Less the largest result, Case No. 2699, a \$27,599,000 result from Jefferson County, the 2004 Plaintiff's Average and Average verdict are:

| | | | | | | |
|--|--|--|--|--|-----------|----------|
| | | | | | \$241,584 | \$31,511 |
|--|--|--|--|--|-----------|----------|

| | | | | | | |
|-------------|-----------|--------------|--------------|---------------------|--------------------|------------------|
| 2005 | 67 | 16-51 | 23.8% | \$24,377,896 | \$1,523,618 | \$363,849 |
|-------------|-----------|--------------|--------------|---------------------|--------------------|------------------|

Premises Liability

| | | | | | | |
|------|----|-------|-------|-------------|-----------|----------|
| 1998 | 64 | 39-25 | 60.9% | \$1,752,704 | \$44,941 | \$27,386 |
| 1999 | 58 | 27-31 | 46.6% | \$3,291,036 | \$121,890 | \$56,742 |
| 2000 | 53 | 25-28 | 47.1% | \$2,635,308 | \$105,412 | \$49,722 |
| 2001 | 53 | 23-30 | 43.3% | \$1,650,793 | \$71,773 | \$31,147 |
| 2002 | 25 | 11-14 | 44.0% | \$507,403 | \$46,127 | \$20,296 |
| 2003 | 23 | 5-18 | 21.7% | \$1,540,224 | \$308,044 | \$66,966 |
| 2004 | 20 | 6-14 | 30.0% | \$316,065 | \$52,677 | \$15,803 |

*This category of cases has steadily dropped off since Wal-Mart stopped trying cases. In fact, they tried so many cases, we formerly featured the Wal-Mart Report from 1998 to 2002.

| | | | | | | |
|-------------|-----------|------------|--------------|------------------|-----------------|-----------------|
| 2005 | 16 | 8-8 | 50.0% | \$391,177 | \$48,897 | \$24,448 |
|-------------|-----------|------------|--------------|------------------|-----------------|-----------------|

Combined Verdict Summary, continued

| <u>Case Type</u> | <u>Total Cases</u> | <u>Win-Loss/Percentage</u> | <u>Aggregate Awards</u> | <u>Average Plaintiff</u> | <u>Average Verdict</u> | |
|--|---------------------------|-----------------------------------|--------------------------------|---------------------------------|-------------------------------|------------------|
| UIM-UM | | | | | | |
| 1998 | 39 | 30-9 | 76.9% | \$5,857,577 | \$195,252 | \$150,194 |
| 1999 | 36 | 19-17 | 52.7% | \$3,413,694 | \$179,668 | \$91,417 |
| 2000 | 37 | 24-13 | 64.8% | \$2,945,870 | \$79,618 | \$122,744 |
| 2001 | 32 | 23-9 | 71.8% | \$4,399,060 | \$191,263 | \$137,470 |
| 2002 | 16 | 13-3 | 81.2% | \$1,610,530 | \$123,886 | \$100,658 |
| 2003 | 21 | 21-0 | 100.0% | \$2,174,711 | \$103,557 | \$103,557 |
| 2004 | 23 | 19-4 | 82.6% | \$3,451,511 | \$181,658 | \$150,065 |
| 2005 | 15 | 11-4 | 73.3% | \$2,733,457 | \$248,496 | \$182,230 |
| Sexual Harassment | | | | | | |
| 1998 | 17 | 8-9 | 47.0% | \$2,491,189 | \$311,398 | \$146,540 |
| 1999 | 5 | 2-3 | 40.0% | \$97,500 | \$48,750 | \$19,500 |
| 2000 | 13 | 6-7 | 45.7% | \$723,736 | \$120,622 | \$55,672 |
| 2001 | 5 | 1-4 | 20.0% | \$10,000 | \$10,000 | \$2,000 |
| 2002 | 4 | 3-1 | 75.0% | \$550,000 | \$183,333 | \$137,500 |
| 2003 | 2 | 1-1 | 50.0% | \$34,000 | \$34,000 | \$17,000 |
| 2004 | 2 | 2-0 | 100.0% | \$20,760 | \$10,380 | \$10,380 |
| 2005 | 5 | 3-2 | 60.0% | \$45,967 | \$15,232 | \$9,193 |
| Employment Discrimination (Excludes Sexual Harassment) | | | | | | |
| 1998 | 15 | 6-9 | 40.0% | \$803,719 | \$133,953 | \$53,581 |
| 1999 | 18 | 9-9 | 47.4% | \$2,371,769 | \$263,529 | \$131,764 |
| 2000 | 13 | 9-4 | 69.2% | \$1,161,049 | \$129,005 | \$89,311 |
| 2001 | 20 | 8-12 | 40.0% | \$4,586,737 | \$573,342 | \$229,336 |
| 2002 | 18 | 7-11 | 38.8% | \$4,123,760 | \$589,108 | \$229,097 |
| 2003 | 21 | 10-11 | 47.6% | \$7,377,278 | \$670,298 | \$335,149 |
| *The 2003 plaintiff's average and average verdict were based on eleven plaintiffs as in one verdict, Case No. 2403, two plaintiffs prevailed at trial. | | | | | | |
| 2004 | 18 | 11-7 | 61.1% | \$8,343,518 | \$758,501 | \$463,528 |
| 2005 | 17 | 7-10 | 41.1% | \$4,687,623 | \$669,660 | \$275,742 |
| Assault | | | | | | |
| 1998 | 7 | 2-5 | 28.5% | \$45,011 | \$22,505 | \$6,430 |
| 1999 | 6 | 3-3 | 50.0% | \$2,100,067 | \$700,022 | \$350,011 |
| 2000 | 7 | 4-3 | 57.1% | \$43,311 | \$10,827 | \$6,187 |
| 2001 | 7 | 2-5 | 28.5% | \$385,865 | \$192,932 | \$55,123 |
| 2002 | 12 | 3-9 | 25.0% | \$190,745 | \$63,581 | \$15,895 |
| 2003 | 5 | 3-2 | 60.0% | \$188,807 | \$62,695 | \$37,761 |
| 2004 | 3 | 2-1 | 66.6% | \$46,465 | \$23,232 | \$15,488 |
| 2005 | 8 | 5-3 | 62.5% | \$884,920 | \$176,984 | \$110,615 |