



LEGAL BRIEFS

A QUARTERLY NEWSLETTER DEDICATED TO PERSONAL INJURY LAW

VOLUME XII

FEBRUARY, 2013

FIGHTING FOR THE RIGHTS OF THE INJURED FOR 22 YEARS

Most recent analysis of state court lawsuit filings finds contract cases dominate, tort filings low

—0—

Each year, a joint enterprise called the Court Statistics Project releases an analysis of data provided by state court administrators across the country on case filings and dispositions.

The final report is a joint project of the Conference of State Court Administrators, the federal Bureau of Justice Statistics, and the National Center for State Courts and thus it is not connected with any private special interest group.

The most recent report, entitled *Examining the Work of State Courts: An Analysis of 2010 State Court Caseloads*, was released in December, 2012, and its straightforward numbers debunk some of the standard claims of so-called "tort reform" and "lawsuit abuse" groups who claim that frivolous personal injury and medical malpractice lawsuits are undermining our civil justice system.

The most recent report shows that the type of cases that dominate state courts are contract cases - most commonly a business suing a business, including debt collection. Contract cases made up 61 percent of the caseloads in 2010. Small claims comprised another 11 percent, and thus monetary disputes represented 72 percent of all civil caseloads.

Probate filings comprised another 11 percent, meaning contract, small claims, and probate filings made up 83 percent of the lawsuits filed in state courts in 2010.

On the other hand, tort cases, which include personal injury and medical malpractice, comprised only 6 percent of states' civil caseloads.

This figure is consistent with the project's reports from previous years - 5 percent in 2009, 4.4 percent in 2008, and 6 percent in 2007. And from 1999 to 2008, tort filings fell by 25 percent.

Thus, the claims that frivolous personal injury lawsuits are creating a lawsuit abuse crisis are shown to be false by the statistics provided by the very courts in which such lawsuits must be filed.

This supports a 1991 study by the Rand Institute for Civil Justice, a conservative policy group, which found that only 10 percent of injured Americans ever file a claim for compensation, which includes informal demands and insurance claims, and only two percent file lawsuits.

Citizens United ruling allows huge sums to be spent in state supreme court elections

The last place that politics should exert any influence is at the courthouse, but the ramifications of the U.S. Supreme Court's ruling in *Citizens United v. Federal Elections Commission* are taking hold of judicial elections across the country.

Just as they did in the recent presidential and congressional elections, independent groups played a big role in a record amount of money being spent on ads in state supreme court elections.

The Supreme Court's 2010 ruling in *Citizen's United* permitted unlimited campaign contributions to candidates for elected positions without any requirement that the identities of donors be disclosed.

As a result, independent groups sought influence at the highest levels of state courts by contributing enormous sums of money to the campaigns of supreme court candidates.

For the 2012 elections, a record \$29.7 million was spent on ads in state supreme court elections, and more than half that amount came in the form of independent spending that was sanctioned by *Citizens United*.

Parents' poor driving habits can influence teenagers

Parental influence plays a large role in shaping safe driving behavior in teenagers and preventing teen driver-related accidents, according to a new survey conducted by the Centers for Disease Control and Prevention.

Teenagers whose parents exhibit poor driving practices like speeding or talking on a cell phone while driving are much more likely to adopt those same practices.

The CDCP surveyed 1,700 teenagers, and the majority admitted they did en-

This is a previously unheard-of amount, and it came from corporations, lawyers, and others with a stake in how these courts rule. Even in races they were, for all intents and purposes, nonpartisan, political parties spent millions on candidates for courts currently considering lawsuits over redistricting maps.

Across the country, 10 state supreme court candidates won election while raising roughly \$1 million or more, or by having \$1 million spent on their behalf by independent groups.

One of those was Texas Supreme Court Justice Don Willett, who faced a challenger in the Republican primary. Willett raised \$1.7 million for the primary contest, a whopping sum for a state judicial election. This overflowing campaign chest included \$100,000 from energy companies and large contributions from the oil and gas industry's top law firms.

Polls conducted in the past three years indicate that a bipartisan majority of citizens believe that campaign expenditures impact courtroom decisions. States need to enact reforms to stem this influence.

gage in poor driving practices. For instance, 9 out of 10 said that they have conversations on their cell phones while driving, while 94 percents admitted they drove at excessive speeds. In most of these cases, the teenagers claimed that they had noticed their parents exhibiting the same driving practices.

The Centers for Disease Control and Prevention estimates that automobile accidents are the number one cause of unintentional fatalities for teenagers in the United States.

DeSimone Law Office

3120 Southwest Freeway, Suite 555, Houston, Texas 77098

Office: (713) 526-0900 Fax: (713) 526-8041