2020

Jury Verdict & Damages Research

Cleveland-Marshall College of Law Library

Follow this and additional works at: https://engagedscholarship.csuohio.edu/researchguides

Part of the Jurisprudence Commons

How does access to this work benefit you? Let us know!
Introduction

To get some idea of what a case is worth, attorneys consult databases of past jury verdicts.

Bodily Injury

Usually a combination of:

- Lexis or Westlaw or Casemaker (for Ohio)

plus

the relevant table from the *JVR Personal Injury Handbooks* - KF1256.A8 P477

will be sufficient to get a good idea of potential verdict amounts. The *JVR Personal Injury Handbooks* have tables for each bodily injury, showing amounts of medical expenses (specials) and corresponding average verdicts nationwide. Medical expenses are typically a good indicator of the verdict amount.

For patrons who do not have Lexis or Westlaw passwords, Casemaker is available at the public terminals and print or free Internet sources may be used.

Non-Bodily Injury

Suggested sources:

- Employment Discrimination Verdicts & Settlements (BNA)
- LexisAdvance Verdict & Settlement Analyzer
- Westlaw - Click on Jury Verdicts and Settlements (Under the All Content tab), and at the bottom is a list of topics, such as labor and employment, environmental law, etc.

Related Guides

- Labor and Employment Law
- Torts and Personal Injury Resource Guide

Lexis Verdict Databases
Lexis Verdict and Settlement Analyzer provides useful charts as well as jury verdicts in individual cases.

Lexis Verdict and Settlement Analyzer has filters for:

- Case resolution (plaintiff verdict, defense verdict or settlement).
- Jurisdiction and County
- Practice Areas and Topics
- Award Range
- Injury
- Date

Verdict and Settlement Analyzer on LexisAdvance
Select Verdict and Settlement Analyzer from the pulldown menu at the top left

Westlaw Verdict Databases
Westlaw

On Westlaw - Click on **Jury Verdicts and Settlements** (Under the All Content tab). Select jurisdiction or topic.

**Advanced Search:** Has field searching, see diagram on the right.

- Injury field - also contains medical specials information.
- Summary field - contains age and sex of plaintiff.
- Text field - how the injury occurred - such as a motor vehicle accident

The fields only allow terms and connectors searching, not natural language. If you need to get more precise, try, for example:

- cervical or neck /5 sprain or strain
- "motor vehicle" or auto! or car
- age or old /3 5*
- medical /3 ($10,*** or $11,*** or $12,***)

**Post filters include:**

- Award range - from zero to 5 million plus.
- Date, Topic, Judge, law firm and docket number.

Quick Links for Verdicts on Westlaw

- Ohio Jury Verdicts Combined
- Combined Jury Verdicts and Settlements - JV-ALL
- Stein on Personal Injury Damages

Digest of Awards gives examples for various types of injuries, and categorizes them as excessive, not excessive, adequate or damages fixed by court.

Westlaw Advanced Search Fields
Westlaw Case Evaluator

Case Evaluator - Compile verdict trends, excerpts from verdicts and court documents, and medical and expert information into a single custom report.

Prefilter by Case Type - such as motor vehicle negligence; Injury; Jurisdiction; Damages.

Postfilters allow you to show average awards and highest awards by county.

Print Verdict Reporters
Print Sources

- National
  - **JVR Personal Injury Valuation Handbooks** - KF1256.A8 P477
    Contain tables of figures for various bodily injuries, corresponding to the age of the plaintiff and amount of medical expenses(specials). The figures represent a nationwide average of verdicts. There are county deviation figures, so you can adjust for your jurisdiction. **NOT AVAILABLE ON THE LAW SCHOOL WESTLAW SUBSCRIPTION.**

- **Stein on Personal Injury Damages** KF1257.S7
  Digest of Awards gives examples for various types of injuries, and categorizes them as excessive, not excessive, adequate or damages fixed by court.

- Ohio
  None of these print sources are currently updated.

- **West's Jury Verdicts Ohio Reports** - KFO539 .P4 .A518 (Ohio)

- **Ohio Trial Reporter** - KFO47.1 .O3 (Ohio)
  (JAS Publications) Entries are indexed by county, subject matter, attorney, expert witness, injury, judge, and insurance carrier, but there are no cumulative indexes. Issues after 2002 do not have indexing by insurance. Cancelled 2011.

- Photo by Leftist

Search the Library Catalog

<table>
<thead>
<tr>
<th></th>
<th>Title</th>
<th>Author</th>
<th>Keyword</th>
<th>Subject</th>
<th>Call Number</th>
</tr>
</thead>
</table>

Search | Advanced Search

Websites
General Internet Search for Jury Verdicts

Try a search for "jury verdict", the jurisdiction, and other keywords describing the type of case or injury in Google or your favorite search engine. You may be able to locate some reports in the free content of fee based websites, in news stories, or on the websites of law firms advertising recent successes.

Search the Web for Verdicts

Websites with Some Free Information

- MoreLaw Recent Jury Verdicts and Settlements
  This is the only site where not only the search is free, but all the details of each case are free. All states and the District of Columbia, December 1996 forward. Coverage is spotty, and some states only have a few verdicts available. Trial reports are linked to the e-mail addresses or Web sites of the participating attorneys. Subject index as well as a search box. Morelaw has many different types of cases, not just bodily injury.

- The National Law Journal's Top 100 Verdicts for the Year
  Includes the amount, name of the case, brief description and attorney names.

- Verdict Search
  (By American Lawyer Media)– Free to search the verdict database or browse by state, but you must subscribe to get the full case report. The case name and jurisdiction is provided, so you may be able to obtain the information elsewhere. Free trial available. Verdicts for all 50 states, but some states have more coverage than others.
  Also free access to:

  - Big Defense Wins for the Year
  - The Hot Sheet
    Lists verdicts and settlements for particular types of cases such as asbestos, unfair trade, prisoner verdicts and many others. "The HOT Sheet is a sampling of verdicts, settlements and bench decisions reported by VerdictSearch during the past 12 months. It is not a comprehensive list. It is offered to show a variety of fact patterns and award amounts in a particular area of litigation."

- National Law Journal
  (Also published by ALM) -provides a free search of one year of the National Law Journal, which contains articles about jury verdicts. There is also a list of recent Verdicts and Settlements

Books About Damages
Search the Library Catalog

Books About Damages

More can be found in the library by looking around similar call numbers to the books listed below.

- **Stein on Personal Injury Damages**
  7-volume set, currently updated. Includes practice aids, statutes and rules and treatise.
  KF1257 .S7 1997
  Also on Westlaw.

- **Damages in Tort Action**
  Marilyn Minzer
  11 vol. set.
  KF1250 .D35
  Also on Lexis Advance.

- **Punitive Damages**
  Linda Schlueter
  2 vols., updated by pocket parts
  KF1249 .S35 2015

- **David Ball on Damages**
  David Ball
  KF1250 .B355 2011

- **Formulas for Calculating Damages**
  Mark S. Guralnick
  KF1251 .G87 2012

- **A Lawyer's Guide to Understanding Earning Capacity Assessment and Earning Capacity Opinions**
  Stan Owings
  KF8961 .O95 2009

- **Principles of Remedies Law**
  KF9010 .W43 2017

- **Remedies in a Nutshell**
  KF9010 .Z9 T33 2013

Ohio Books About Damages

- Damages in Ohio Civil Practice
  Jack F. Fuchs
  KFO530 .Z9 F9 2002

- Ohio Jurisprudence 3d
  Article on damages and on contracts.
  KFO65 .O3543
  Also on Westlaw and Lexis Advance.

Damages for Particular Causes of Action

- Causes of Action
  KF8863 .S532
  Also on Westlaw.

- Am Jur Proof of Facts
  KF8933 .A43
  Also on Westlaw.

- American Jurisprudence Trials
  KF8915 .A74
  Also on Westlaw.