

**ALWAYS KNOW
WHAT LIES AHEAD**

**STATE JUDICIAL
PROFILES
BY COUNTY
2024**

PREPARED BY THE MEMBER FIRMS OF

USLAW
NETWORK, INC[®]

USLAW is your home field advantage. The home field advantage comes from knowing and understanding the venue in a way that allows a competitive advantage – a truism in both sports and business. Jurisdictional awareness is a key ingredient to successfully operating throughout the United States and abroad. Knowing the local rules, the judge, and the local business and legal environment provides our firms' clients this advantage. USLAW NETWORK bring this advantage to its member firms' clients with the strength and power of a national presence combined with the understanding of a respected local firm.

In order to best serve clients, USLAW NETWORK biennially updates its county-by-county jurisdictional profile, including key court decisions and results that change the legal landscape in various states. The document is supported by the common consensus of member firm lawyers whose understanding of each jurisdiction is based on personal experience and opinion. Please remember that the state county-by-county comparisons are in-state comparisons and not comparisons between states. There are a multitude of factors that go into such subjective observations that can only be developed over years of experience and participation. We are pleased on behalf of USLAW NETWORK to provide you with this jurisdictional snapshot.

The information here is a great starter for discussion with the local USLAW member firm on how you can succeed in any jurisdiction. This conversation supplements the snapshot because as we all know as with many things in life, jurisdictions can change quickly. Please use this document as a way to begin exploring the benefits of an ongoing relationship with USLAW.

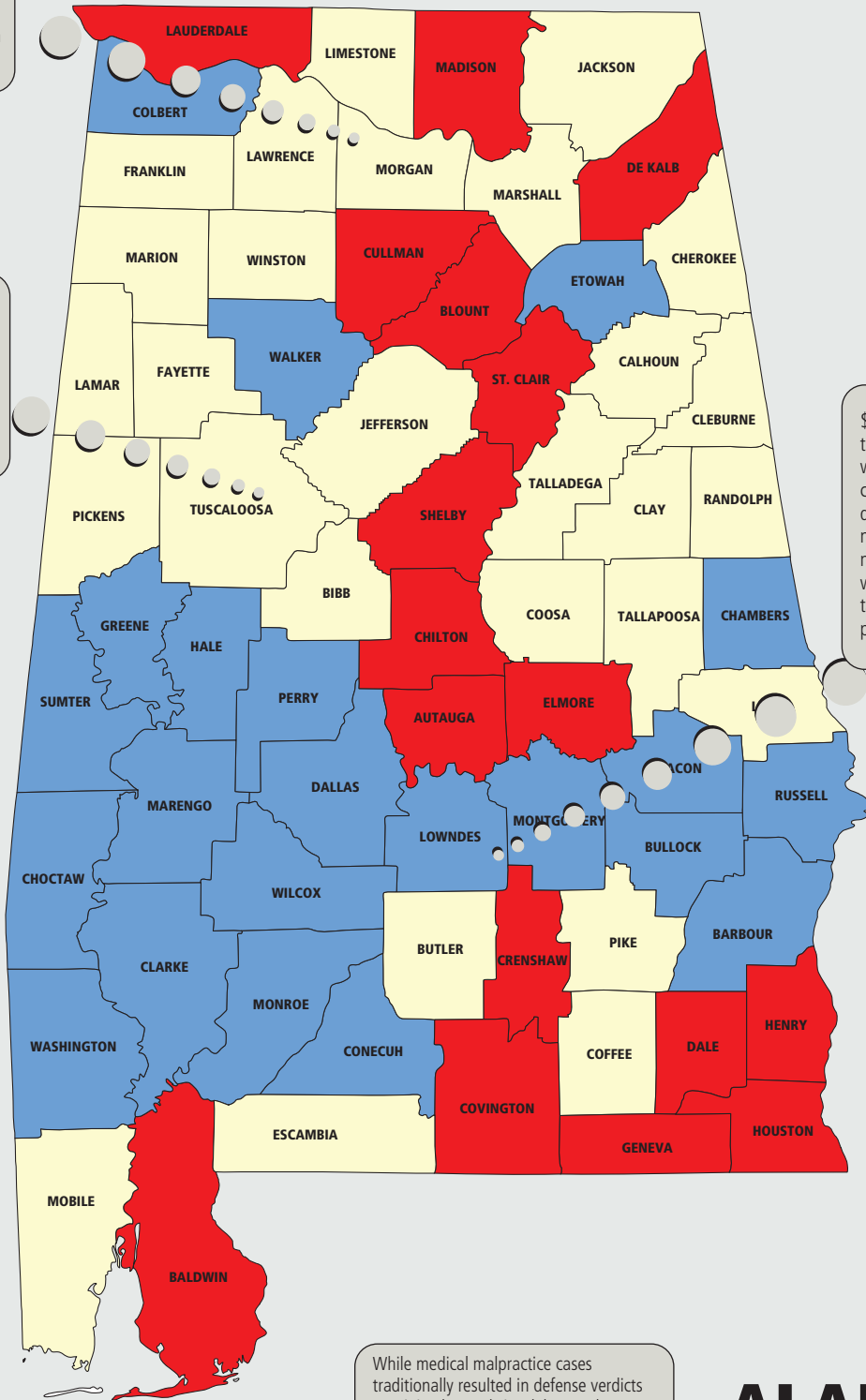
Table of Contents

Alabama	page 1	Montana	page 26
Alaska	page 2	Nebraska	page 27
Arizona	page 3	Nevada	page 28
Arkansas	page 4	New Hampshire	page 29
California	page 5	New Jersey	page 30
Colorado	page 6	New Mexico	page 31
Connecticut	page 7	New York	page 32
Delaware	page 8	North Carolina	page 33
Florida	page 9	North Dakota	page 34
Georgia	page 10	Ohio	page 35
Hawaii	page 11	Oklahoma	page 36
Idaho	page 12	Oregon	page 37
Illinois	page 13	Pennsylvania	page 38
Indiana	page 14	Rhode Island	page 39
Iowa	page 15	South Carolina	page 40
Kansas	page 16	South Dakota	page 41
Kentucky	page 17	Tennessee	page 42
Louisiana	page 18	Texas	page 43
Maine	page 19	Utah	page 44
Maryland	page 20	Vermont	page 45
Massachusetts	page 21	Virginia	page 46
Michigan	page 22	Washington	page 47
Minnesota	page 23	West Virginia	page 48
Mississippi	page 24	Wisconsin	page 49
Missouri	page 25	Wyoming	page 50

A Morgan County jury returned a \$25M verdict in a single-car accident case where plaintiffs injuries were moderate, although a TBI was alleged.

Tuscaloosa County, home of the University of Alabama and previously thought of as a conservative county, recently entered a \$30 million judgment in a wrongful death medical malpractice case. This is the largest medical malpractice award in the history of the state.

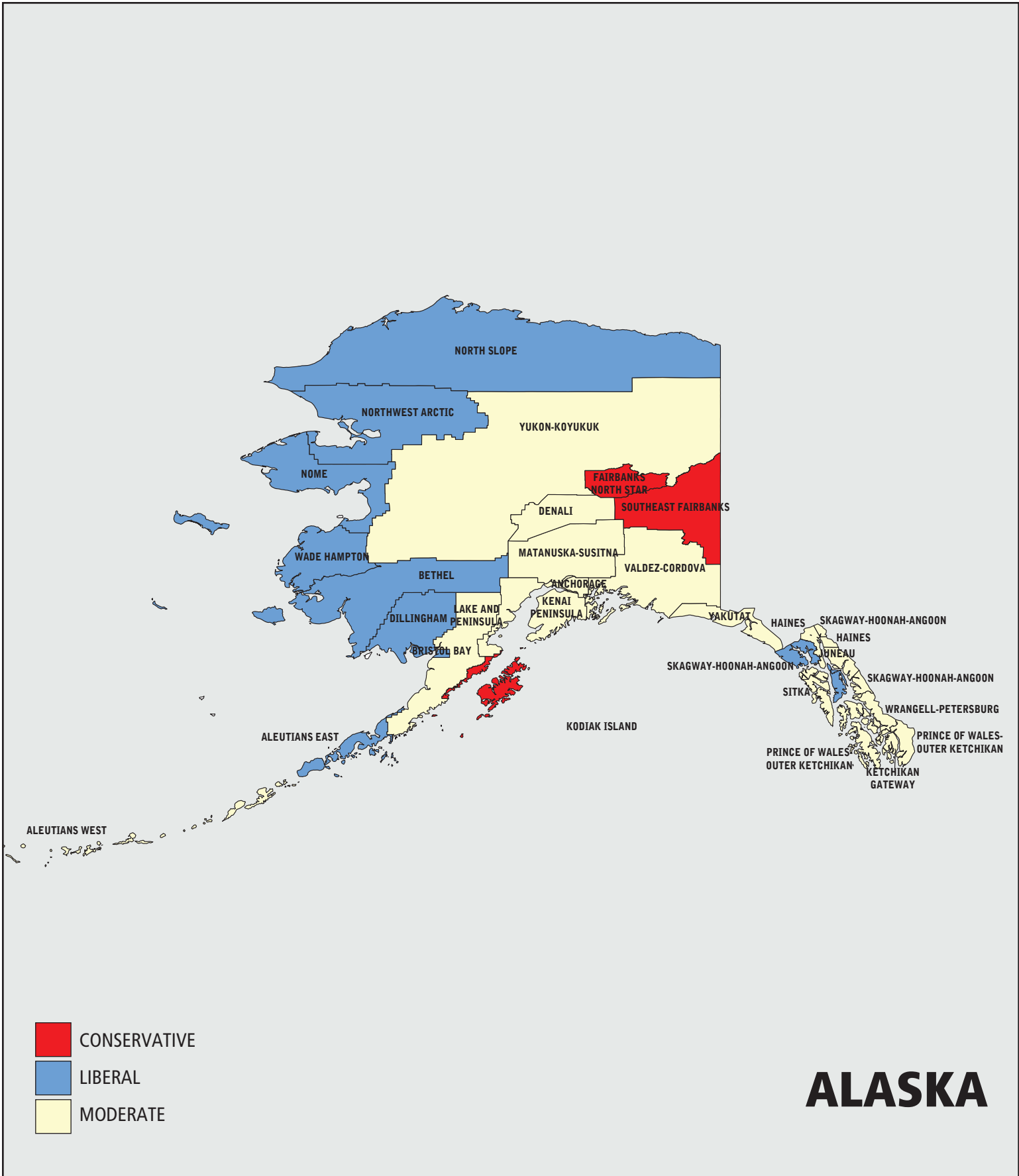
\$16 million verdict in truck accident case was tried as a products case so that standard defenses in auto negligence cases were no longer available, which is a new tact taken by sophisticated plaintiffs' counsel.



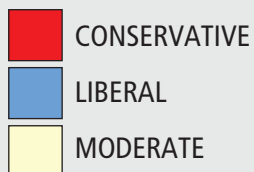
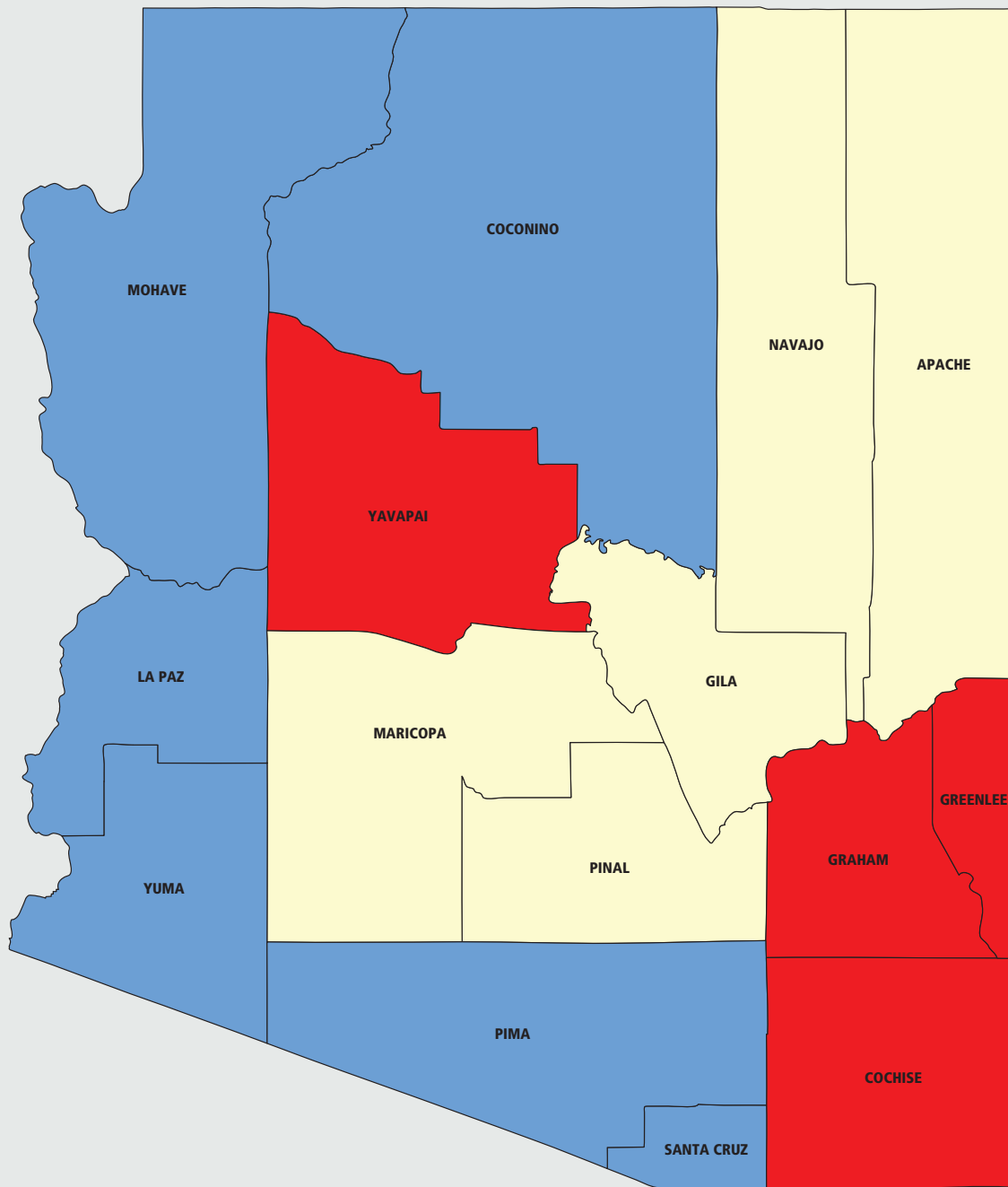
■ CONSERVATIVE
■ LIBERAL
■ MODERATE

While medical malpractice cases traditionally resulted in defense verdicts or minimal awards in Alabama, there has been a significant increase in the potential value of these cases throughout the entire state.

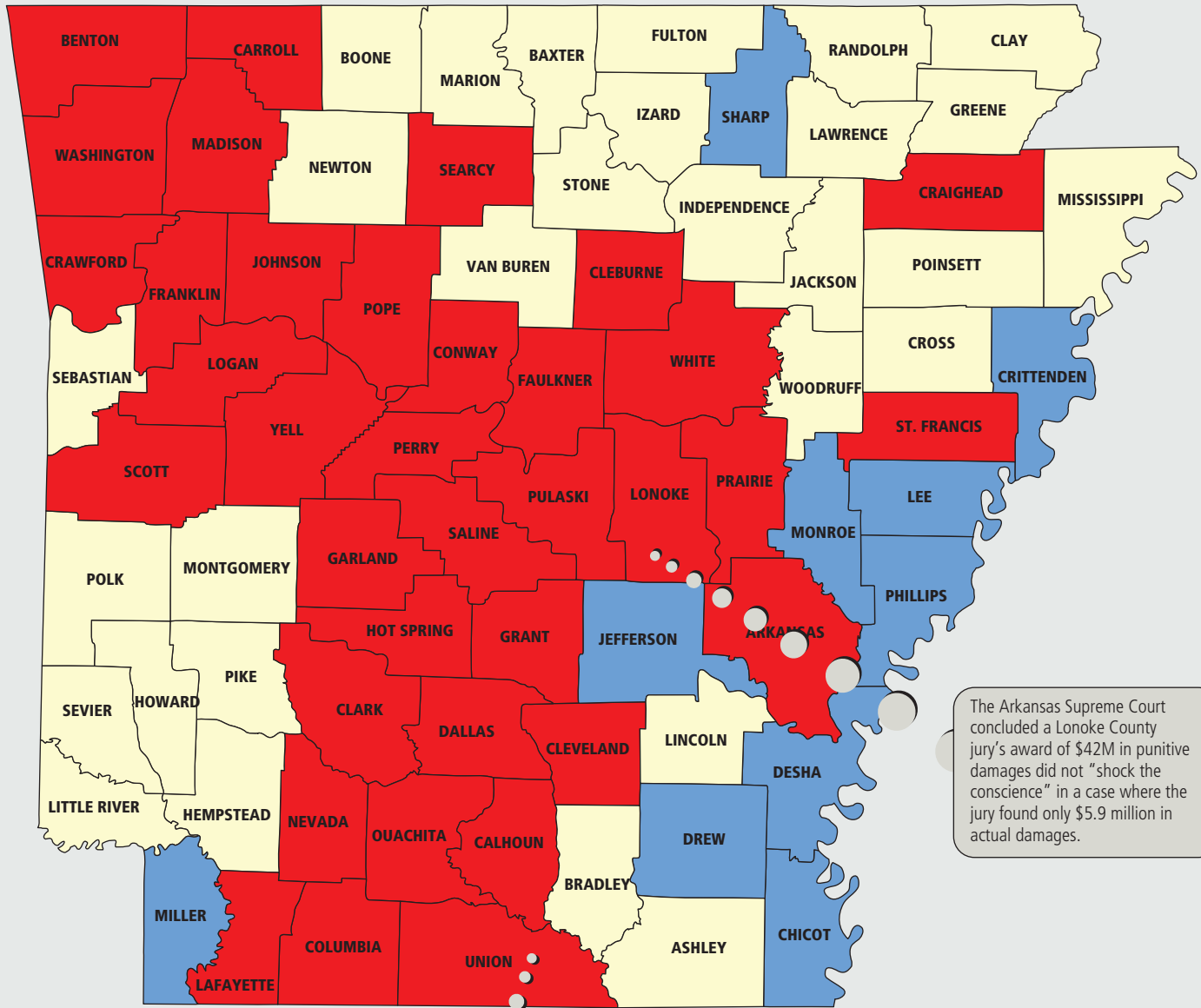
ALABAMA



ALASKA



ARIZONA



The Arkansas Supreme Court concluded a Lonoke County jury's award of \$42M in punitive damages did not "shock the conscience" in a case where the jury found only \$5.9 million in actual damages.

A jury awarded \$46.5 million in damages in a medical malpractice case in Union County after the defense relied on the ability to apply a lower standard of care than national standards.

- CONSERVATIVE
- LIBERAL
- MODERATE

ARKANSAS



An appellate court considering a Contra Costa County case found that defendants could present evidence of benefits under the Affordable Care Act to argue for a reduction in the costs of future medical care. The case is the latest in the line of cases establishing that plaintiff can only seek medical specials based on what was or will be paid rather than grossly billed by medical providers.

As a monolith, Los Angeles County is viewed as liberal. However, analysis of the sub-venue is require for a more accurate assessment. For example, sub-venues such as downtown Los Angeles and Compton have liberal juries, whereas sub-venues such as Long Beach and Santa Monica are relatively moderate, and sub-venues such as Chatsworth, Alhambra, Torrance, Van Nuys and Norwalk can even tilt conservative.

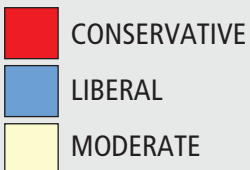
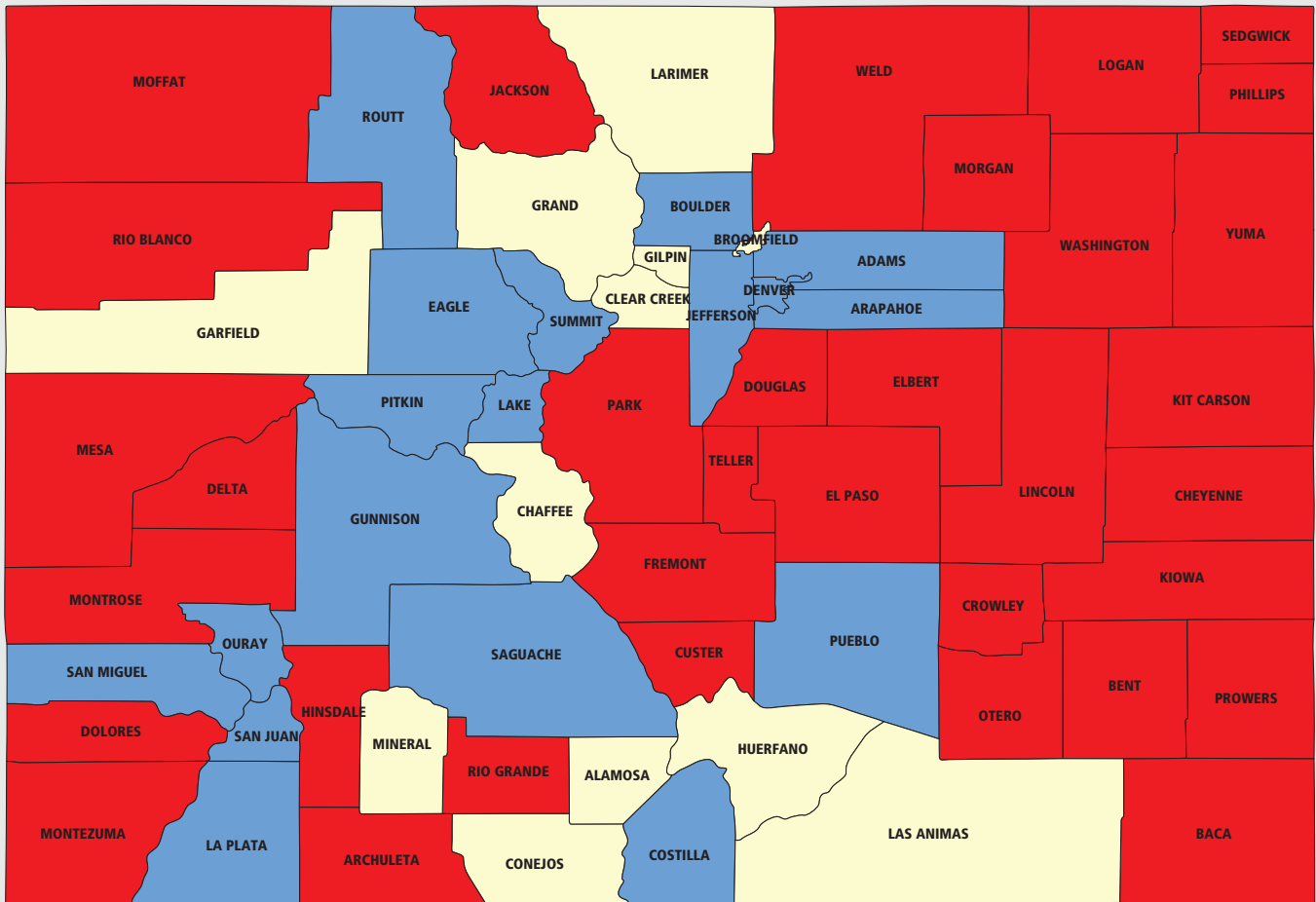
While Orange County has been a rock-ribbed conservative venue, the changing political and cultural landscape is being reflected in the jury pools. Juries in Orange County may now consist of many Asian-American and Hispanic-American jurors. Relatively, it is still a good place to try a California case as a defendant, as the changing landscape seems more socially liberal while remaining economically conservative. For example, a USLAW member attorney recently obtained a defense verdict in a seven-figure slip-and-fall case despite arguing to a jury consisting of two registered Republicans and ten registered Democrats or Independents.

- CONSERVATIVE
- LIBERAL
- MODERATE

CALIFORNIA

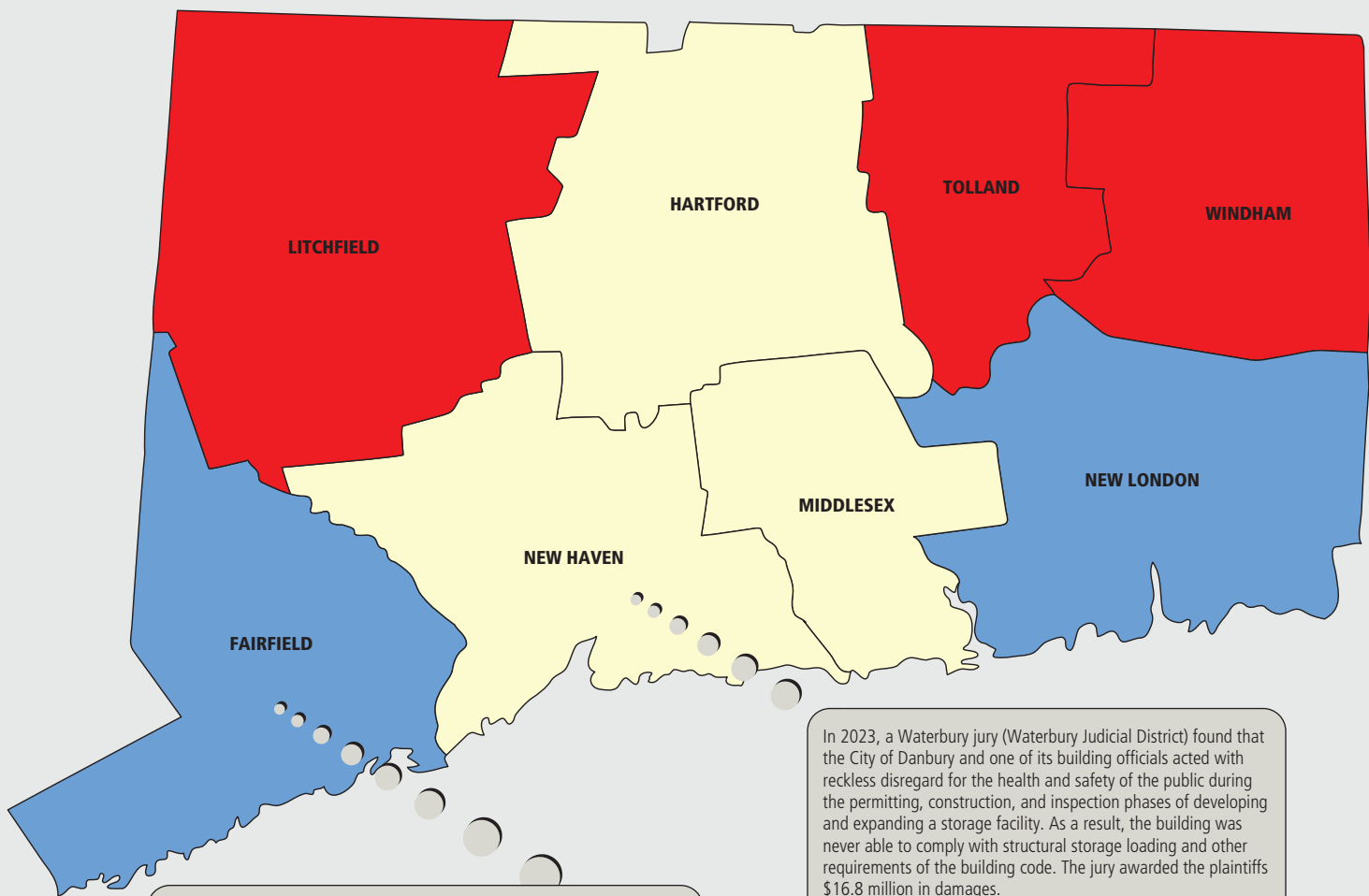
The Colorado General Assembly passed House Bill 21-1188, which allows a plaintiff to bring direct negligence claims against an employer even if the employer admits liability for the tortious actions of its employee. This bill explicitly overrules *Ferrer v. Okbamicael*, 390 P.3d 836 (Colo. 2017), which previously allowed employers to dismiss direct negligence claims if they admitted their employee was acting within the course and scope of their employment when they committed the alleged tort. This increases potential exposure for employers.

In *Nieto v. Clark's Market, Inc.*, ___ P.3d ___, 2021 CO 48 (Colo. 2021), the Colorado Supreme Court unanimously held that under the Colorado Wage Claim Act, all earned and determinable vacation pay must be paid out to an employee when she leaves her job. This ruling means that employers cannot require employees to forfeit unused vacation pay at the end of their employment. This decision could have potentially significant impacts for Colorado employers who do not already adhere to this practice.



COLORADO

NOTE: The state is divided into 13 judicial districts, 20 geographical areas and 12 juvenile districts. Connecticut's 13 judicial district courts are Ansonia-Milford, Bridgeport, Danbury, Hartford, Litchfield (Torrington), Middlesex, New Britain, New Haven-Meriden, New London-Norwich, Stamford-Norwalk, Tolland, Waterbury and Windham.



Past is prologue: Fairfield Judicial District, based on its proximity to New York City, continues to lead the field in producing Connecticut's most generous jury pool. On May 22, 2019, after five and a half days of deliberations, a jury in Stamford Superior Court awarded \$14.2 million to a plaintiff who suffered back and neck injuries after a tractor-trailer rear-ended his car on an interstate highway. In addition to that verdict, the jury also awarded his wife \$727,562.50 in past and future loss of consortium. This is believed to be one of the largest vehicular verdicts in Connecticut's history.

In 2023, a Waterbury jury (Waterbury Judicial District) found that the City of Danbury and one of its building officials acted with reckless disregard for the health and safety of the public during the permitting, construction, and inspection phases of developing and expanding a storage facility. As a result, the building was never able to comply with structural storage loading and other requirements of the building code. The jury awarded the plaintiffs \$16.8 million in damages.

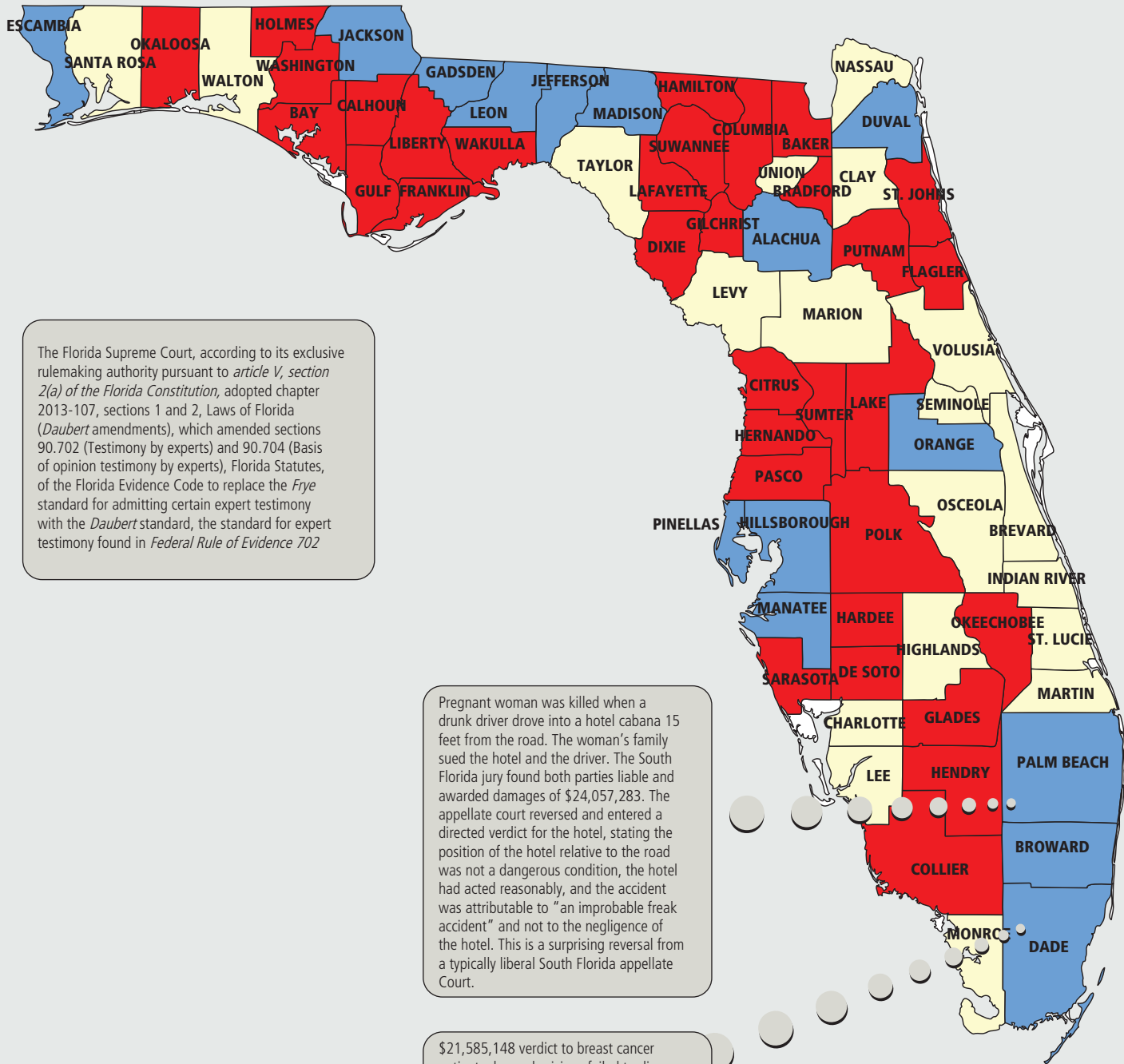
- CONSERVATIVE
- LIBERAL
- MODERATE

CONNECTICUT



- CONSERVATIVE
- LIBERAL
- MODERATE

DELAWARE



The Florida Supreme Court, according to its exclusive rulemaking authority pursuant to *article V, section 2(a) of the Florida Constitution*, adopted chapter 2013-107, sections 1 and 2, Laws of Florida (*Daubert* amendments), which amended sections 90.702 (Testimony by experts) and 90.704 (Basis of opinion testimony by experts), Florida Statutes, of the Florida Evidence Code to replace the *Frye* standard for admitting certain expert testimony with the *Daubert* standard, the standard for expert testimony found in *Federal Rule of Evidence 702*

Pregnant woman was killed when a drunk driver drove into a hotel cabana 15 feet from the road. The woman's family sued the hotel and the driver. The South Florida jury found both parties liable and awarded damages of \$24,057,283. The appellate court reversed and entered a directed verdict for the hotel, stating the position of the hotel relative to the road was not a dangerous condition, the hotel had acted reasonably, and the accident was attributable to "an improbable freak accident" and not to the negligence of the hotel. This is a surprising reversal from a typically liberal South Florida appellate Court.

\$21,585,148 verdict to breast cancer patient whose physicians failed to diagnose inflammatory breast cancer for several months. Due to the aggressive type of cancer plaintiff had, an earlier diagnosis would not have improved her prognosis, and therefore the delay ultimately did not negatively affect her survival chances. The Miami jury awarded her over \$21 million anyway, highlighting plaintiff-friendly nature of venue.

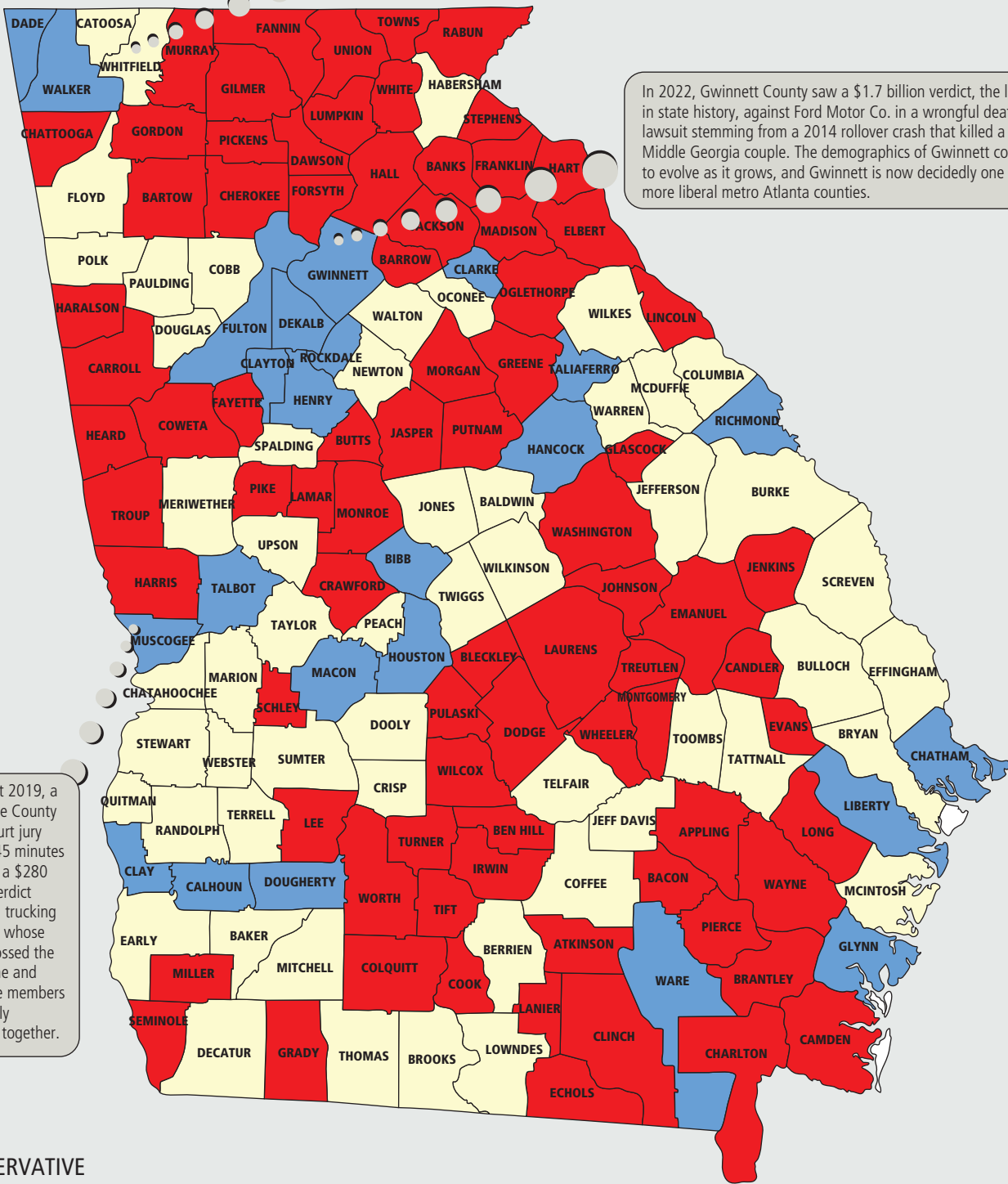
■ CONSERVATIVE
■ LIBERAL
■ MODERATE

FLORIDA

In May 2019, a Whitfield County Superior Court jury needed less than two hours to return a \$21.6 million verdict against a trucking company in an accident that resulted in a below-the-knee amputation of the plaintiff's left leg. This is a very high award for a historically conservative county.

In 2022, Gwinnett County saw a \$1.7 billion verdict, the largest in state history, against Ford Motor Co. in a wrongful death lawsuit stemming from a 2014 rollover crash that killed a Middle Georgia couple. The demographics of Gwinnett continue to evolve as it grows, and Gwinnett is now decidedly one of the more liberal metro Atlanta counties.

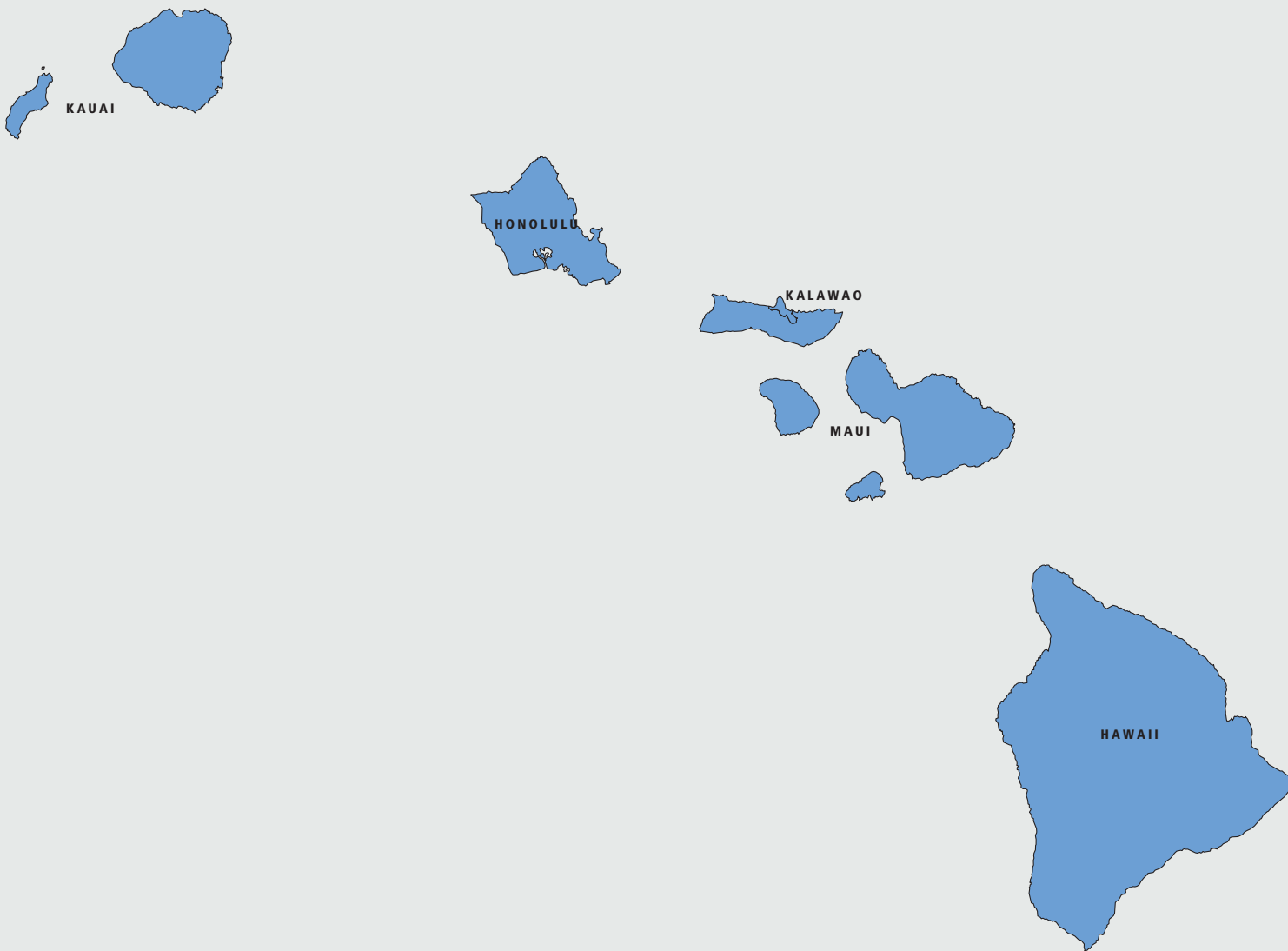
In August 2019, a Muscogee County State Court jury needed 45 minutes to return a \$280 million verdict against a trucking company whose driver crossed the center line and killed five members of a family traveling together.



- Red square: CONSERVATIVE
- Blue square: LIBERAL
- Yellow square: MODERATE

GEORGIA

A May 2019 decision from the Hawaii Supreme Court in Nationstar Mortgage continues the Court's recent trend of applying ordinary litigation rules very strictly to foreclosure actions, including the standing requirement and the business records exception to the hearsay rule. *Nationstar Mortgage LLC v. Kanahele*, 2019 WL 1931703 (Haw. May 1, 2019). In *Nationstar*, the court concluded that discrepancies in Nationstar's records indicated that the records were not trustworthy under the business records exception and additional affirmative steps would have to be taken to address the discrepancies on remand.



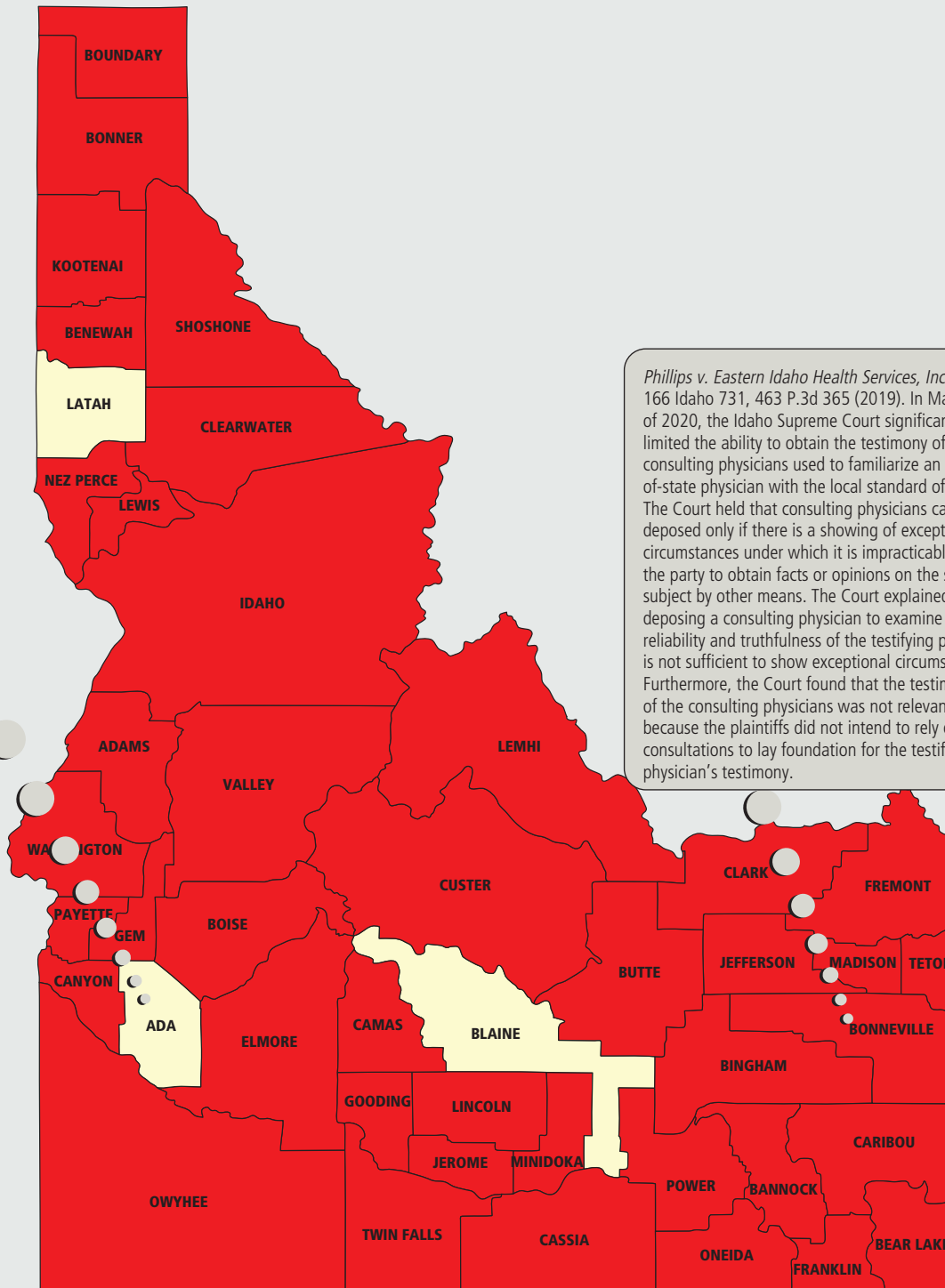
- CONSERVATIVE
- LIBERAL
- MODERATE

HAWAII

Hawes v. Western Pacific Timber, LLC, 167 Idaho 896, 477 P. 3d 950 (2020). In December of 2020, the Idaho Supreme Court affirmed a \$2.2 million judgment against Western Pacific Timber, LLC for breach of contract. Western Pacific Timber, LLC offered a private attorney an in-house general counsel position, which included a severance package of up to \$500,000 to leave the attorney's firm. The severance was not paid, and the in-house counsel position was later eliminated at the company. The jury awarded plaintiff \$500,000, which was trebled by the district court because it was a claim for unpaid wages and \$573,904.38 was awarded in attorneys fees.

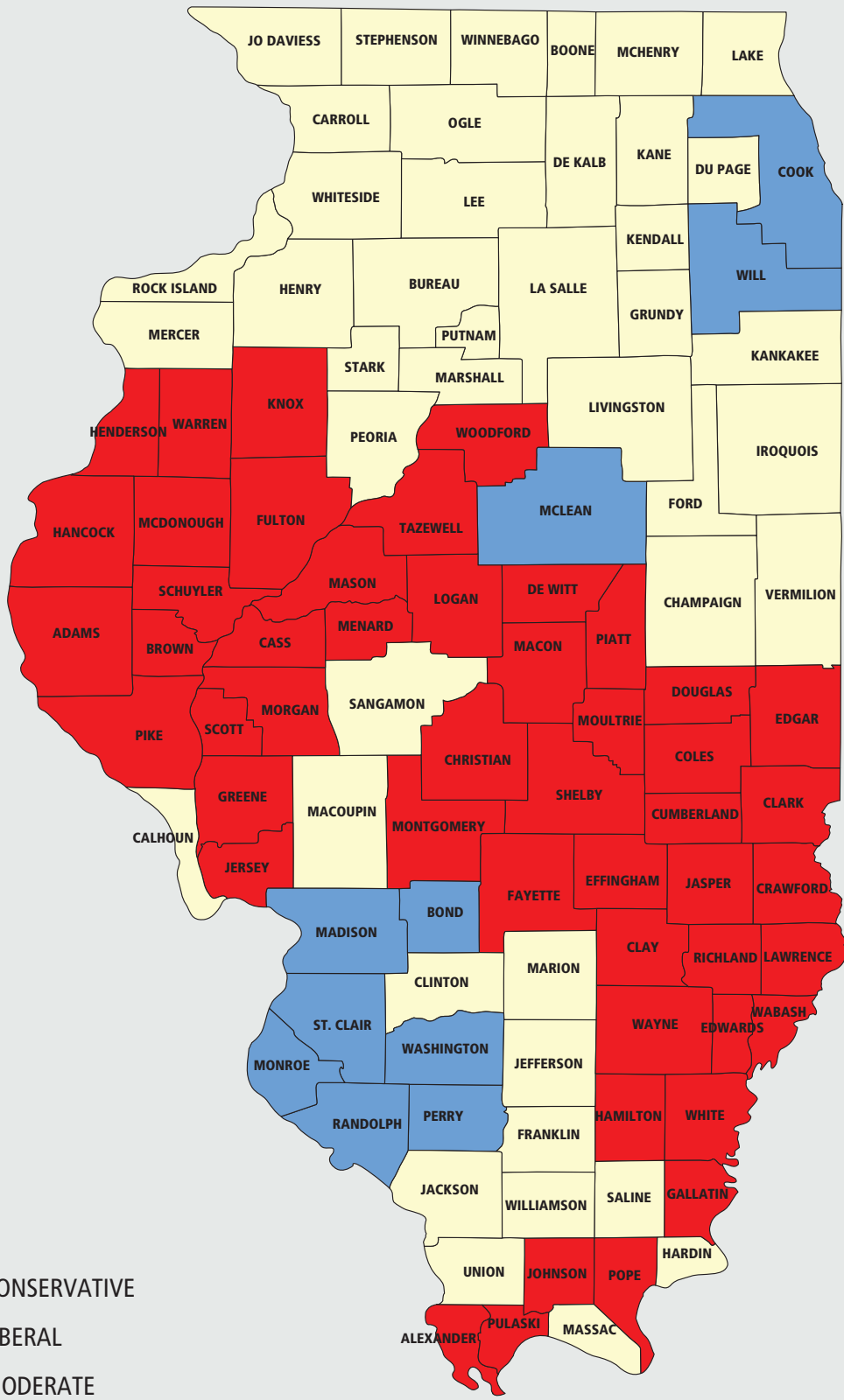
Brauner v. AHC of Boise, LLC, 166 Idaho 398, 459 P.3d 1246 (2020). In February of 2020, the Idaho Supreme Court affirmed a judgment awarding plaintiff \$2,265,204 in damages in a medical malpractice case. The judgment was awarded against AHC of Boise, LLC due to AHC's delay in care, which was a substantial factor resulting in an above-the-knee amputation of plaintiff's leg.

Phillips v. Eastern Idaho Health Services, Inc., 166 Idaho 731, 463 P.3d 365 (2019). In March of 2020, the Idaho Supreme Court significantly limited the ability to obtain the testimony of consulting physicians used to familiarize an out-of-state physician with the local standard of care. The Court held that consulting physicians can be deposed only if there is a showing of exceptional circumstances under which it is impracticable for the party to obtain facts or opinions on the same subject by other means. The Court explained that deposing a consulting physician to examine the reliability and truthfulness of the testifying physician is not sufficient to show exceptional circumstances. Furthermore, the Court found that the testimony of the consulting physicians was not relevant because the plaintiffs did not intend to rely on the consultations to lay foundation for the testifying physician's testimony.



■ CONSERVATIVE
■ LIBERAL
■ MODERATE

IDAHO



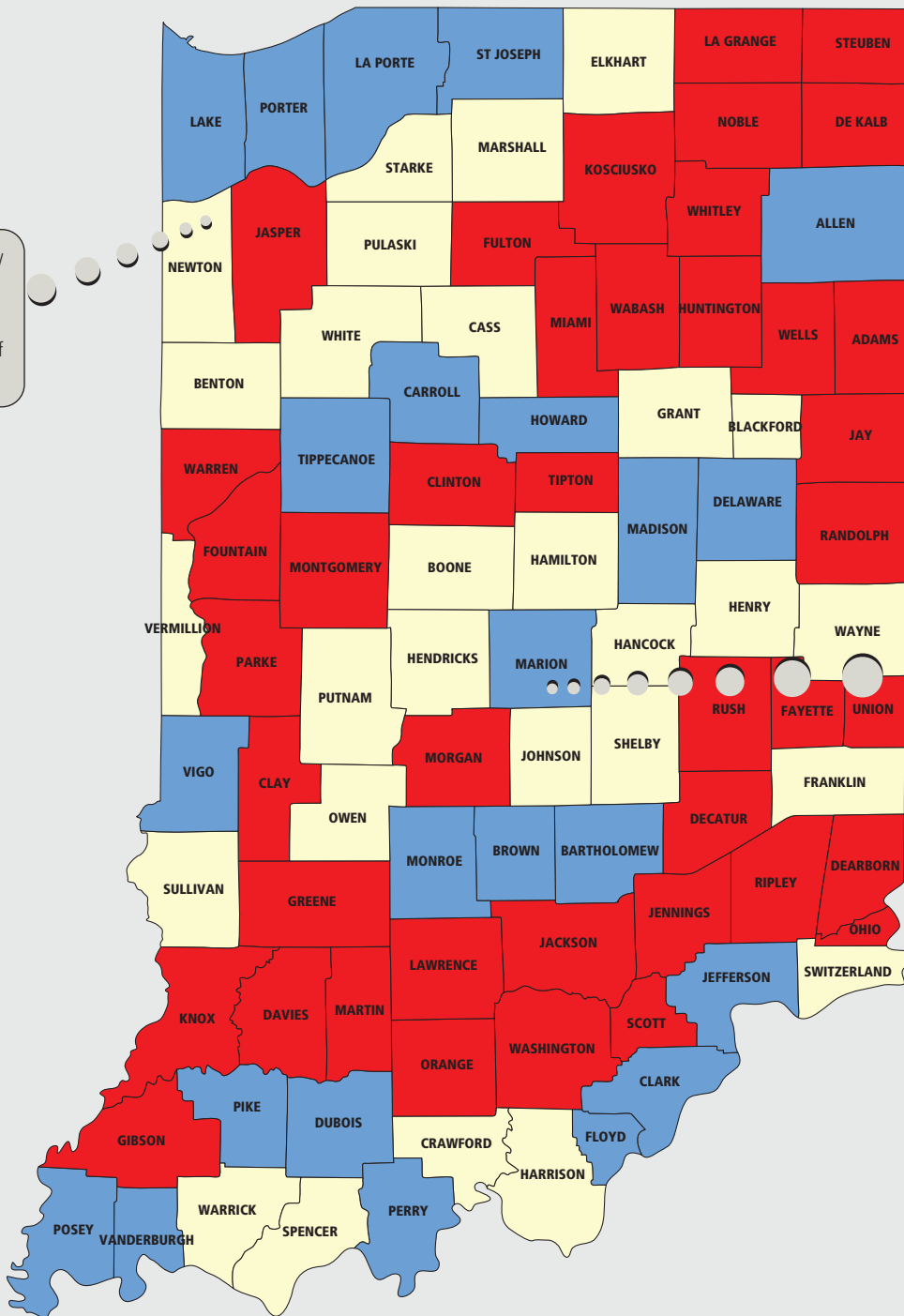
■ CONSERVATIVE
■ LIBERAL
■ MODERATE

- As of late 2021, many of Illinois’s most conservative and moderate venues have rendered judgments and reported settlements that, prior to 2020, would only have been found in the most liberal national venues. On a national comparison, Illinois’s conservative venues must be considered moderate at best, its moderate venues as liberal and so on.
- An April 2022 ruling changed Illinois law and now permits negligence claims, including negligent entrustment, supervision, retention, training and hiring, to be made against an employer, which were previously barred if the company admitted the employee was its agent.
- In February 2023, the Illinois Supreme Court delivered back-to-back decisions regarding the scope of the Illinois Biometric Information Privacy Act (BIPA), a statute that allows an aggrieved person to recover \$1,000, or even \$5,000, per violation. The Court first found that a five-year statute of limitations applies to claims under BIPA and, later that month, subsequently found that a BIPA claim may accrue for the collection and disclosure of biometric “identifiers” “each time a private entity scans or transmits” an individual’s biometrics.
- In 2022, the Chicago Human Rights Ordinance was amended to require employers to provide annually at least one hour of sexual harassment prevention and bystander training to all employees. The amendments also require that Employers provide supervisors and management with an additional hour of sexual harassment prevention training on an annual basis.
- Effective January 1, 2024, Illinois will require employers to provide paid annual leave to its employees. Covered employees accrue at least one hour of paid leave for every 40 hours worked, for up to 40 hours of paid leave for every 12-month period.

ILLINOIS

A jury in Newton County awarded plaintiff \$25 million in a trucking accident and \$5 million to his wife on her loss of consortium claim.

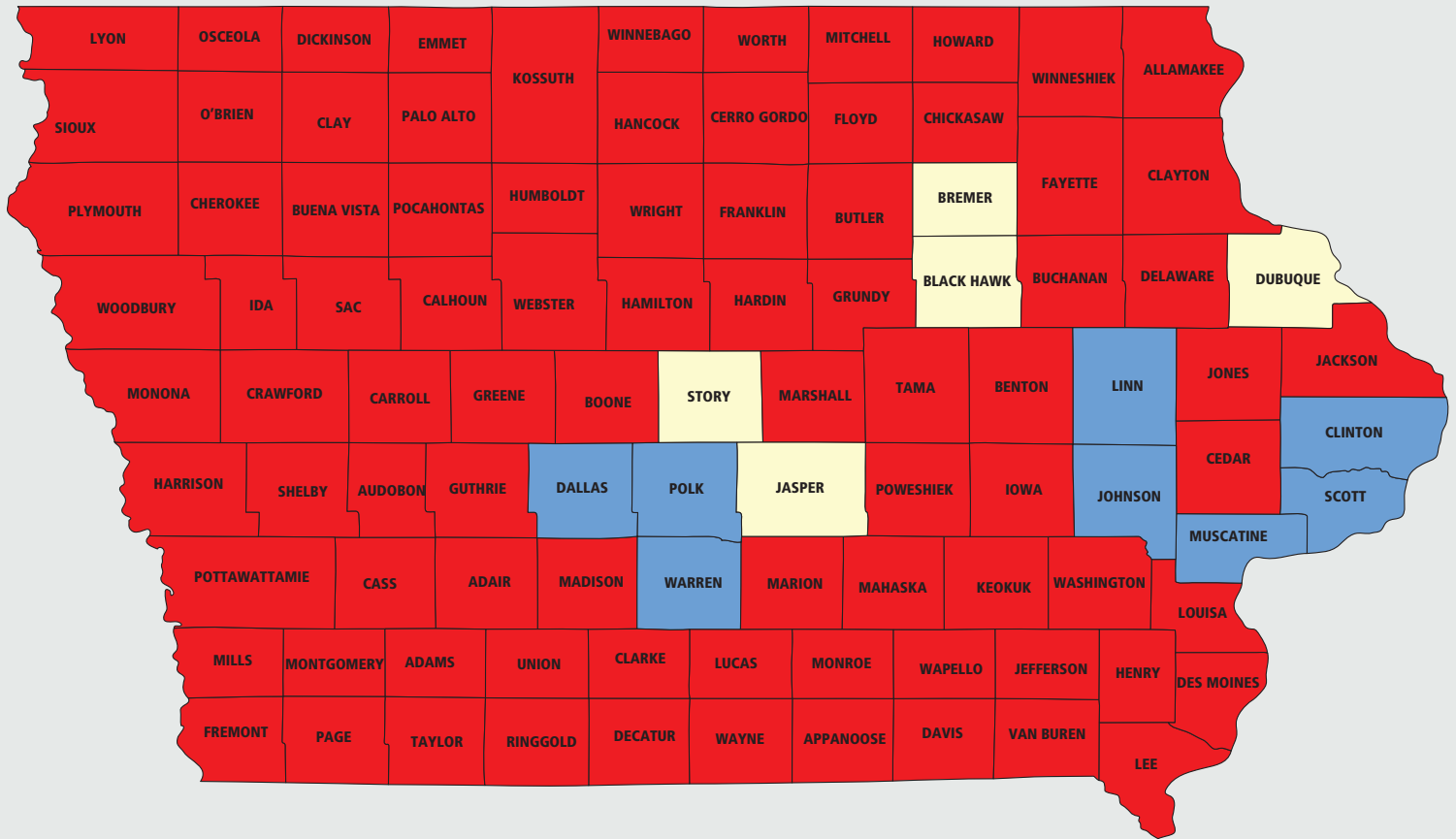
A jury in liberal Marion County awarded \$6 million, reduced to \$700,000 under the statutory cap, to the estate of the plaintiff who was intoxicated and attempted to touch or board a bus and was injured. This case is currently on appeal.



- CONSERVATIVE
- LIBERAL
- MODERATE

INDIANA

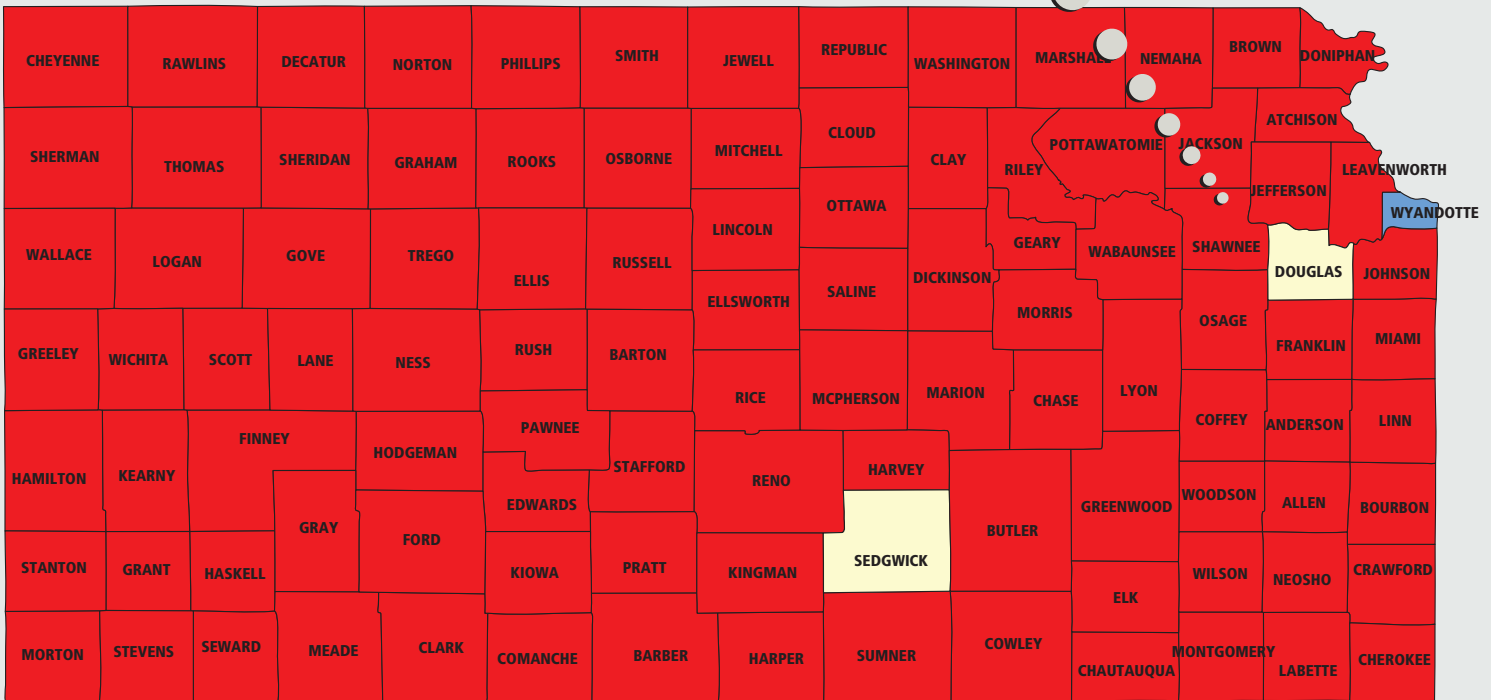
The Iowa Supreme Court's 173-page, three-opinion ruling vacates a \$2.5MM judgement and announces the elements of Iowa law on a sexually hostile work environment, the standard for retaliation claims, and constructive discharge.



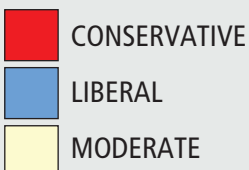
- CONSERVATIVE
- LIBERAL
- MODERATE

IOWA

In June 2019, the Kansas Supreme Court, which sits in Shawnee County, struck down as unconstitutional the state's long-standing cap on non-economic damages. At the time, the cap was \$325,000.



House Bill 2238's enactment will profoundly impact the sports landscape in Kansas by introducing guidelines based on "biological sex" for organizing athletic teams in educational institutions. This move is expected to prompt team reconfigurations and spark legal challenges as student-athletes gain the ability to pursue legal action against schools allegedly denying them "athletic opportunities." Striking a balance between fairness and protecting the rights of all athletes, including transgender individuals, will be essential, making continuous monitoring and thoughtful dialogue imperative to shape a more inclusive and equitable sporting environment in the state.

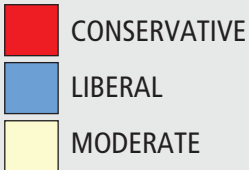
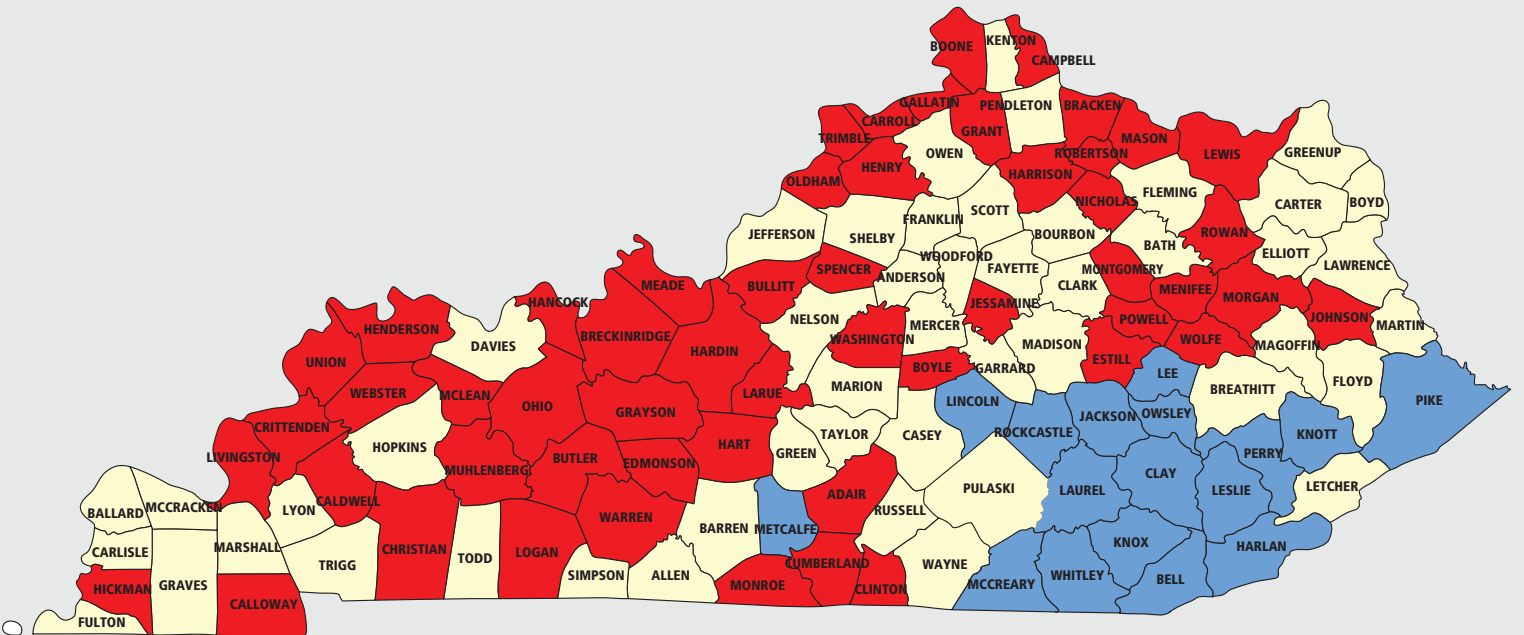


KANSAS

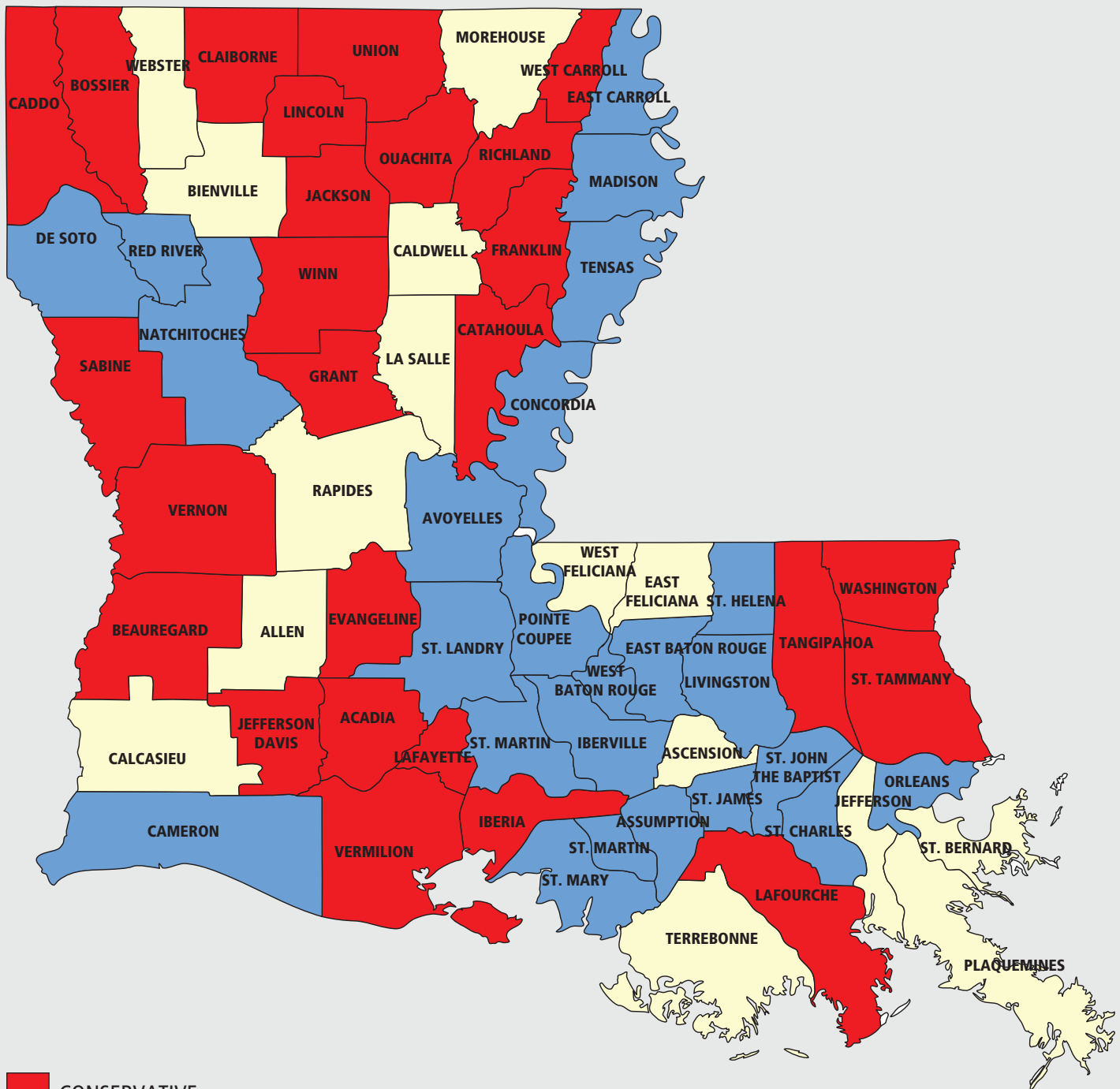
In *Lawson v. Ribeiro*, ___ S.W.3d ___ (Ky. 2021), the Kentucky Supreme Court held that the Kentucky Court of Appeals exceeded the statutory basis for vacating an arbitration award. The Court of Appeals vacated an arbitration award in favor of a real estate agent who had been sued by her former client for breach of fiduciary duty. The Supreme Court’s decision reaffirmed a long-standing policy in Kentucky that a court’s review of an arbitrator’s award is limited. An arbitration award can only be vacated for the five grounds set forth in KRS 417.160, none of which were present in this case.

In *Watson v. United States Liability Insurance Company* – 2019-SC-475 – the Kentucky Supreme Court held that bad faith claims accrue when parties to litigation reach a settlement agreement because that is when the insurer becomes obligated to pay.

In *Miller v. House of Boom Kentucky, LLC* – 2018-SC-625 – the Kentucky Supreme Court held that pre-injury waivers for minors are not enforceable even if signed by a parent/guardian.

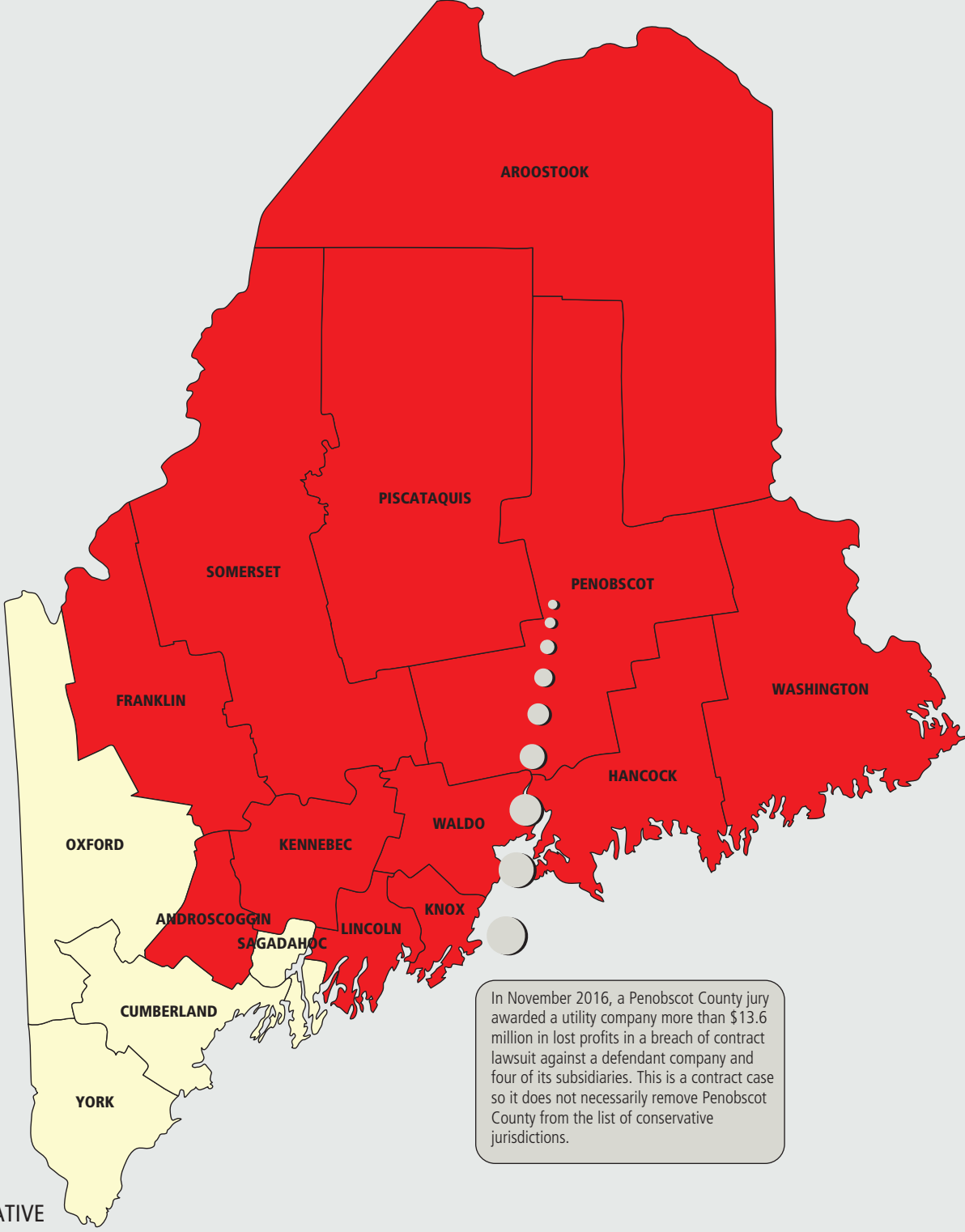


KENTUCKY



- CONSERVATIVE
- LIBERAL
- MODERATE

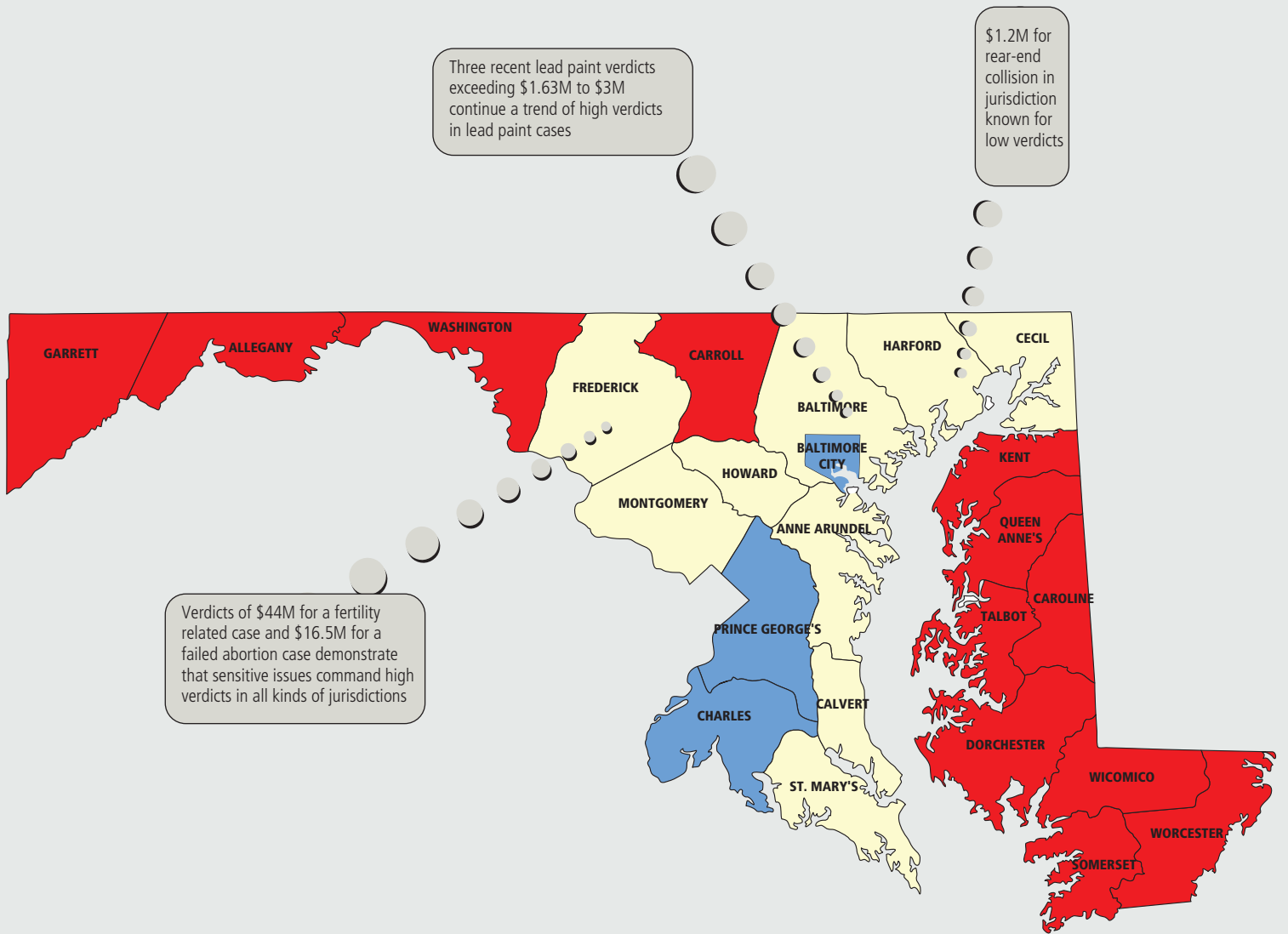
LOUISIANA



In November 2016, a Penobscot County jury awarded a utility company more than \$13.6 million in lost profits in a breach of contract lawsuit against a defendant company and four of its subsidiaries. This is a contract case so it does not necessarily remove Penobscot County from the list of conservative jurisdictions.

- CONSERVATIVE
- LIBERAL
- MODERATE

MAINE



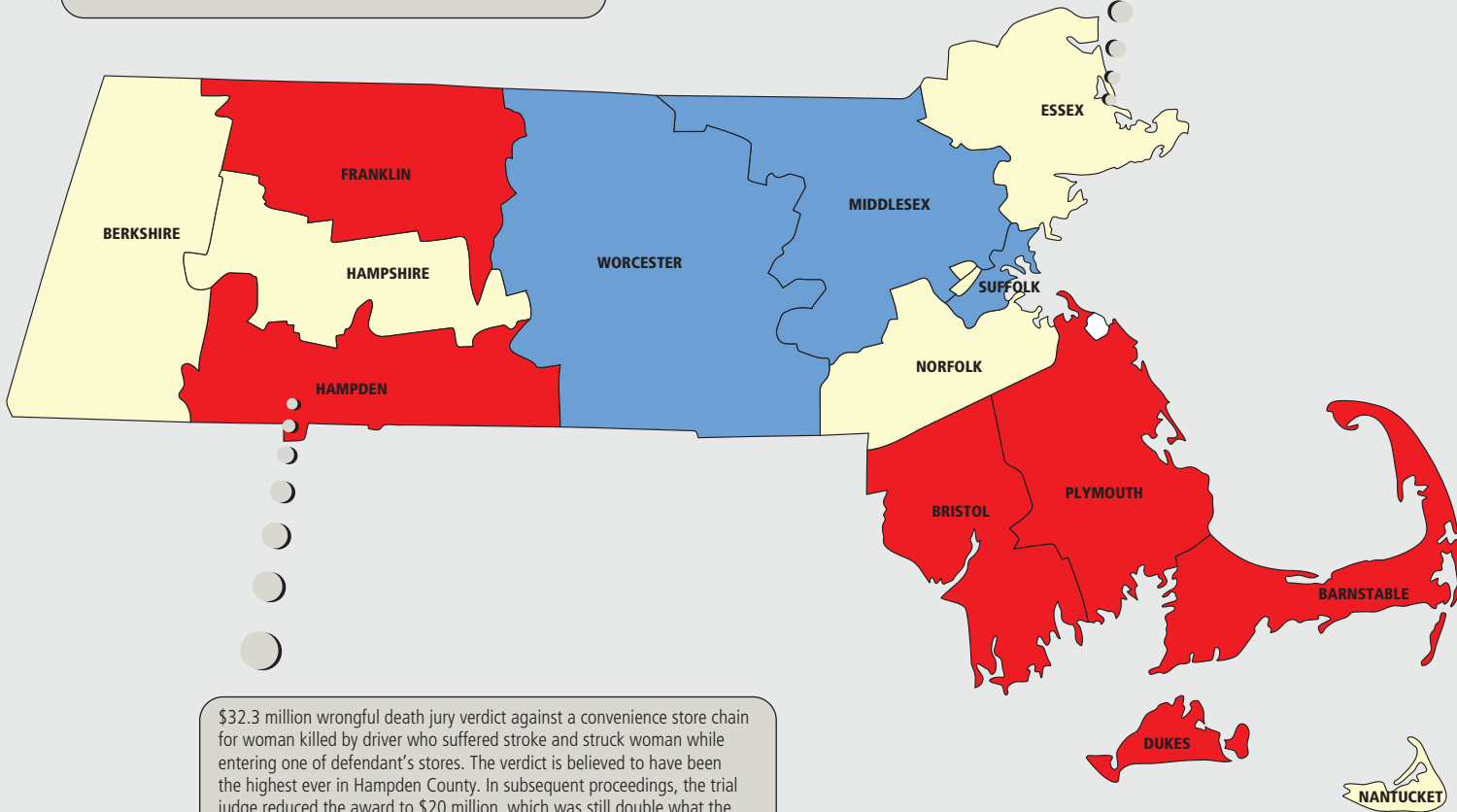
- CONSERVATIVE
- LIBERAL
- MODERATE

MARYLAND

The Massachusetts Legislature recently enacted a new law governing non-competition agreements. The new law allows such agreements, but imposes strict requirements before they can be enforced. This will have a major impact on local businesses and will be the subject of much written case law in the coming months/years.

Massachusetts courts have enacted new rules governing collection of consumer credit card debt. Consumers now enjoy greater protection as commercial debt collectors face additional hurdles before filing collection complaints. This will also have a positive effect on the courts' caseloads.

Multiple multimillion dollar jury verdicts across state for brain injuries relating to births. \$12.8 million jury verdict for brain injury suffered by child after delivery for negligent newborn care in Essex. \$29.9 million jury verdict for brain injuries caused by birth complications in Hampden County. Both within the top 5 highest verdicts of the year, and both tried by the same plaintiff's firm.



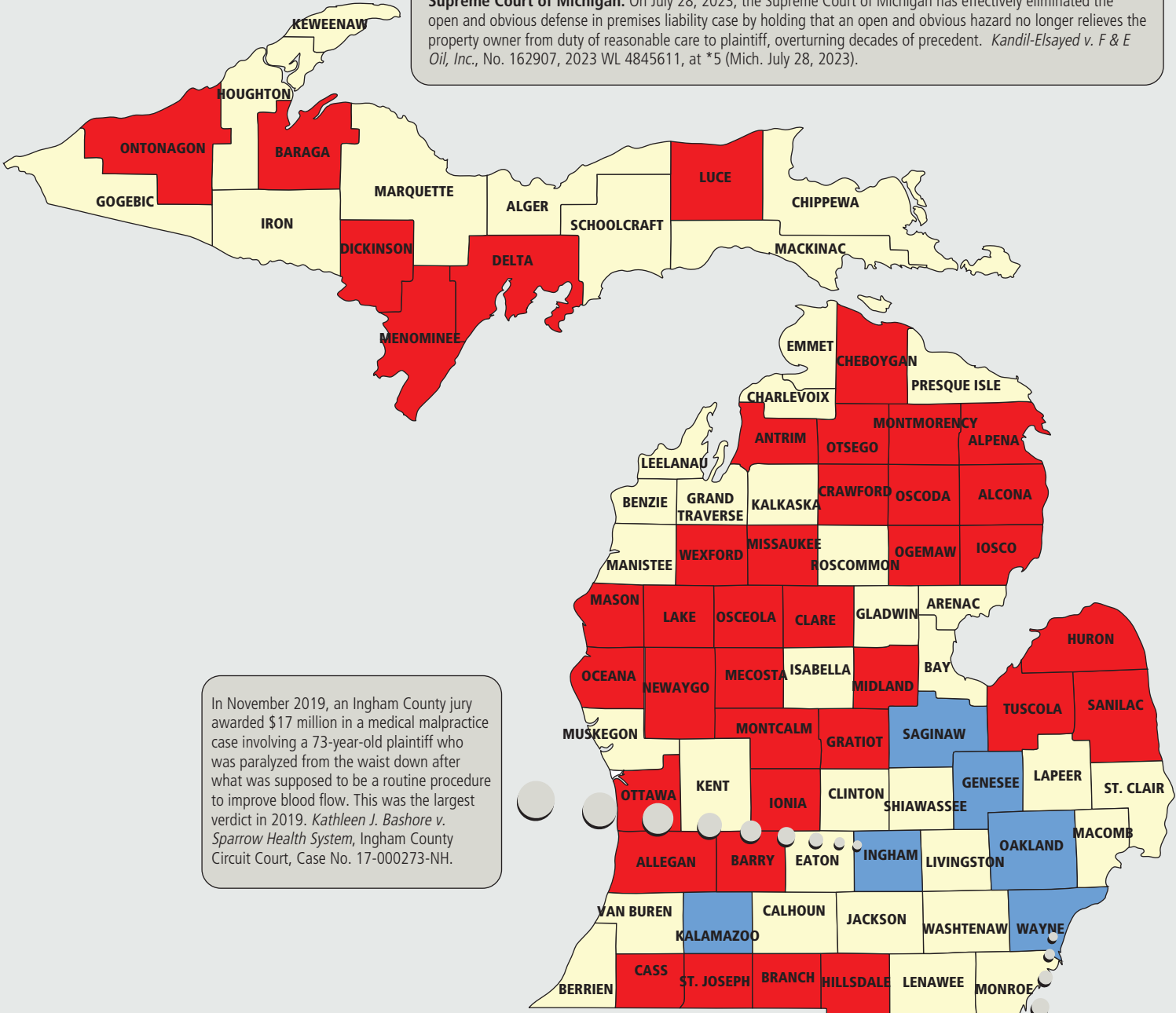
\$32.3 million wrongful death jury verdict against a convenience store chain for woman killed by driver who suffered stroke and struck woman while entering one of defendant's stores. The verdict is believed to have been the highest ever in Hampden County. In subsequent proceedings, the trial judge reduced the award to \$20 million, which was still double what the decedent's family had requested. Although Hampden County is relatively conservative, the jury award seems to reflect a trend toward more generous awards in the county.

- CONSERVATIVE
- LIBERAL
- MODERATE

MASSACHUSETTS

Michigan Court of Appeals decision: The Court of Appeals of Michigan ruled that a plaintiff can make a claim for loss of earning capacity of an infant under the Michigan Wrongful Death Act, but denied the claim because the damages were too speculative to be recoverable. *Sutherland v. Klarr*, No. 360059, 2023 WL 478317, at *4 (Mich. Ct. App. Jan. 26, 2023), *appeal dismissed*, 989 N.W.2d 243 (Mich. 2023).

Supreme Court of Michigan: On July 28, 2023, the Supreme Court of Michigan has effectively eliminated the open and obvious defense in premises liability case by holding that an open and obvious hazard no longer relieves the property owner from duty of reasonable care to plaintiff, overturning decades of precedent. *Kandil-Elseyed v. F & E Oil, Inc.*, No. 162907, 2023 WL 4845611, at *5 (Mich. July 28, 2023).

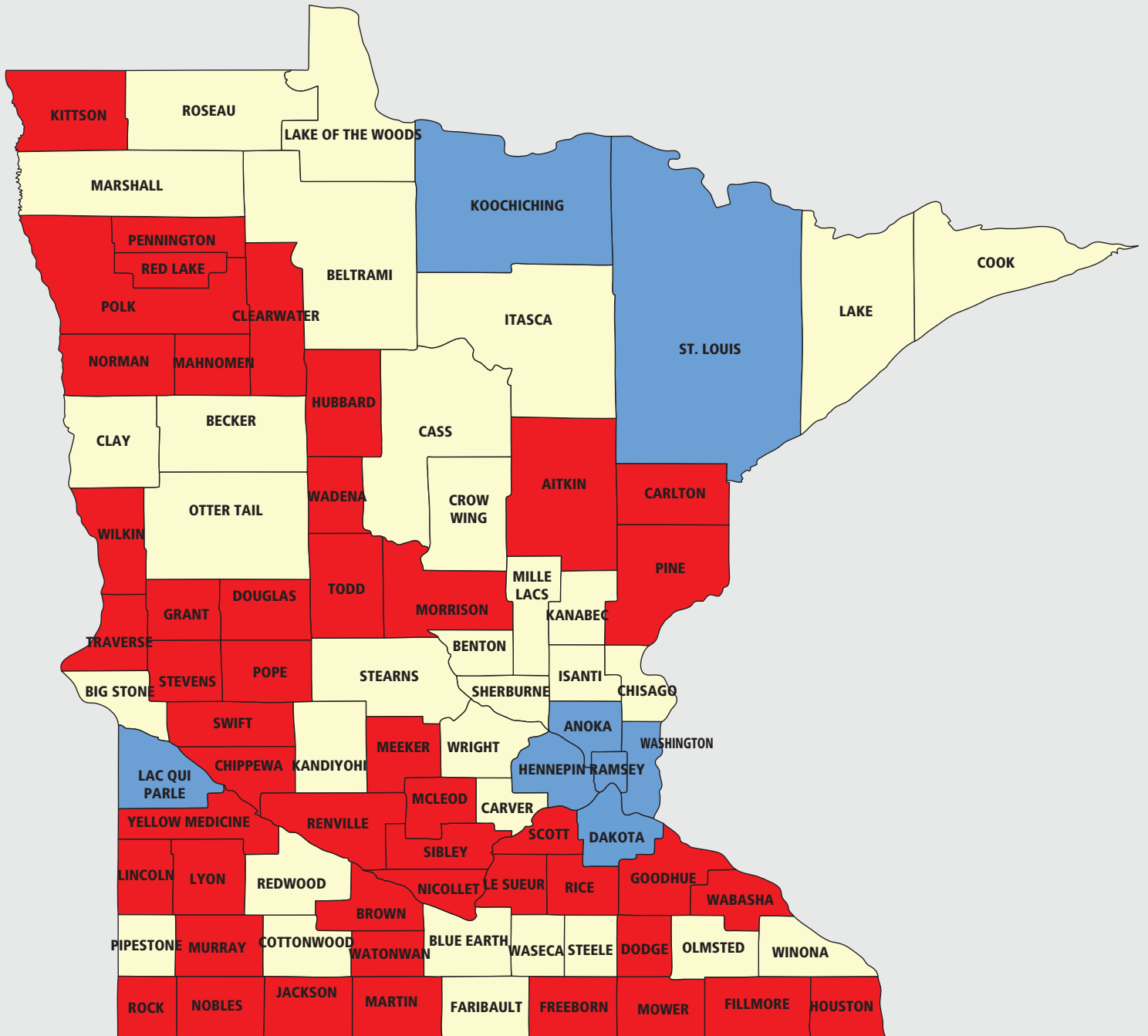


In November 2019, an Ingham County jury awarded \$17 million in a medical malpractice case involving a 73-year-old plaintiff who was paralyzed from the waist down after what was supposed to be a routine procedure to improve blood flow. This was the largest verdict in 2019. *Kathleen J. Bashore v. Sparrow Health System*, Ingham County Circuit Court, Case No. 17-000273-NH.

Wayne County: In April 2023, a jury awarded \$96 million to a woman whose husband and 20-year-old son were rear-ended and killed by a truck driver who was taking medication for Parkinson's disease, making him unable to drive safely. *Attianese v. Noguerras, et. al.*, Wayne County Circuit Court, Case No. 365523.

- CONSERVATIVE
- LIBERAL
- MODERATE

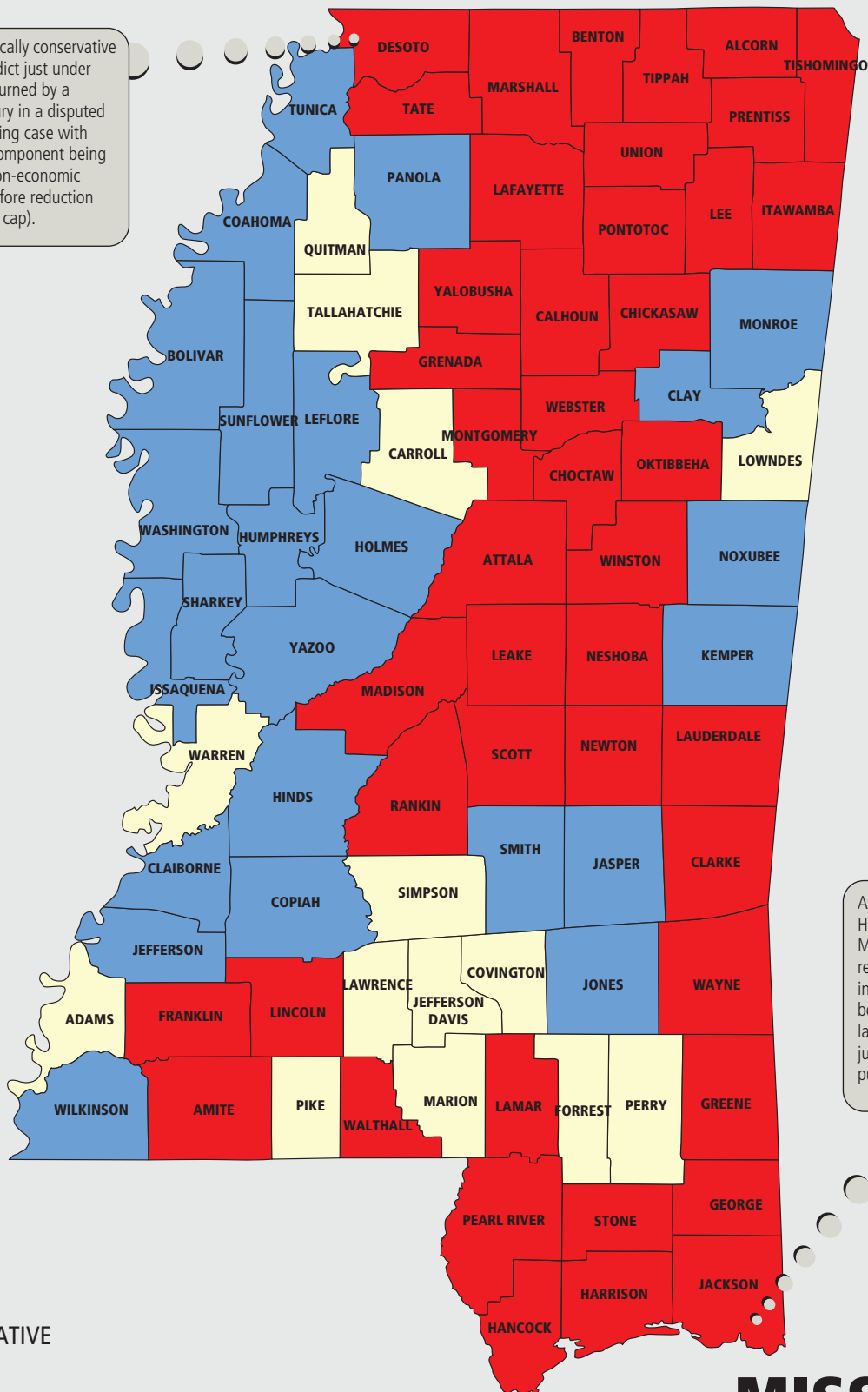
MICHIGAN



- CONSERVATIVE
- LIBERAL
- MODERATE

MINNESOTA

In this historically conservative venue, a verdict just under \$5M was returned by a state court jury in a disputed liability trucking case with the largest component being \$2.5M for non-economic damages (before reduction per statutory cap).



After originating with Hurricane Katrina claims, Mississippi coastal juries remain angry with insurers in property claims. In what is believed to be the last Katrina lawsuit, a Jackson County jury awarded \$10 million in punitive damages in 2022.

- CONSERVATIVE
- LIBERAL
- MODERATE

MISSISSIPPI

Jackson County Legislature on Monday, April 3, 2023, voted unanimously to become the first county government in Missouri to ban anti-LGBT conversion therapy.

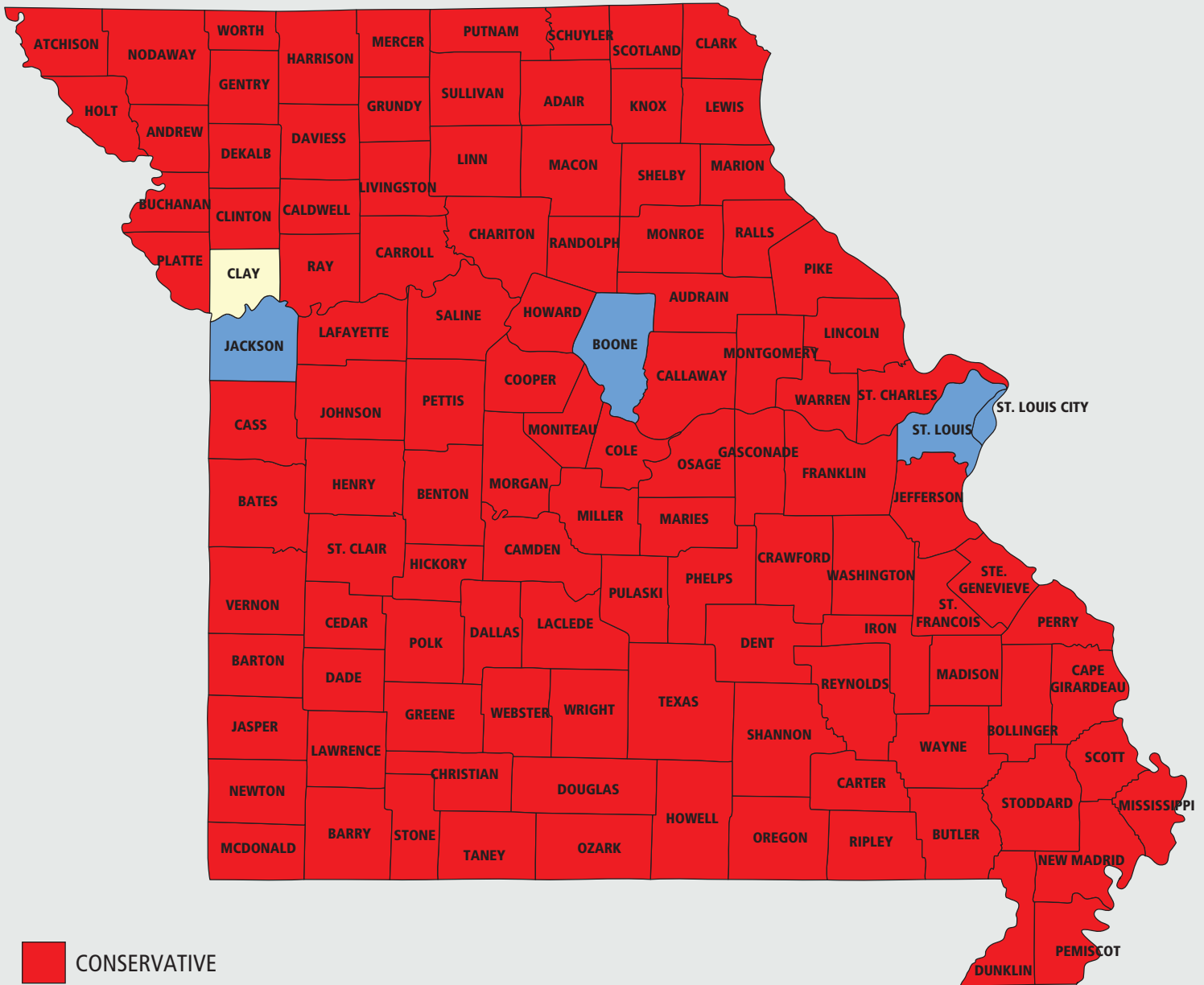
On November 8, 2022, Missouri voters approved Amendment 3 by a 53–47 margin. Possession of cannabis for adults 21 and over became legal on December 8, 2022. The first licensed sales of recreational cannabis occurred on February 3, 2023. On the April 4, 2023 election, many counties and cities in Missouri approved the additional sales tax of 3%.

HB 1878 - Modifies provisions regarding election law: requires all registered voters in Missouri to provide a photo ID to vote and repeals the use of mail-in ballots. Additionally, prohibits the use of ballot drop boxes for absentee ballots.

In 2020, the Missouri Legislature passed legislation that makes significant reforms to the law governing the award of punitive damages. SB 591 (2020); Section 510.261 RSMo.

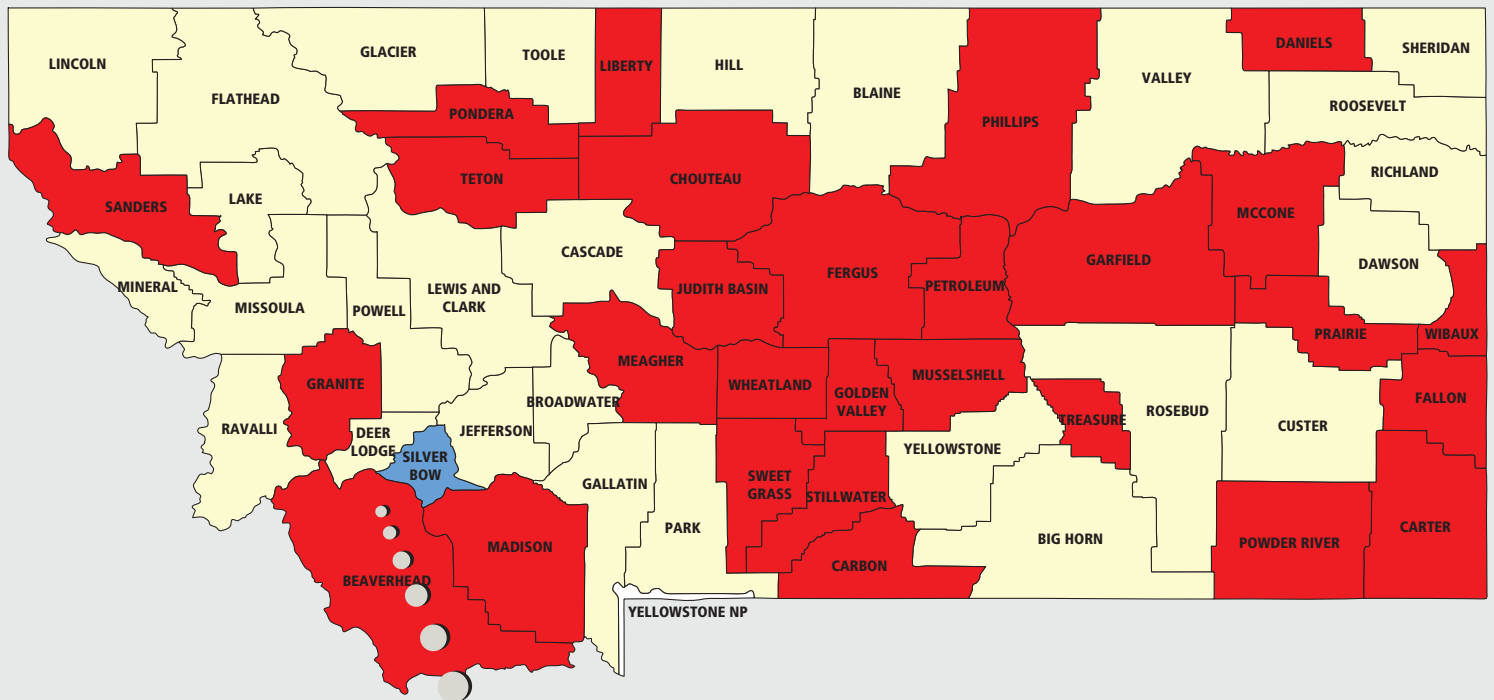
(Originated in Scott County) - On March 2, 2021, the Missouri Supreme Court affirmed an \$870,000 verdict, including \$300,000 in punitive damages against a medical center in a suit accusing health care providers of causing a patient's death. The Court held that although the conduct was not "a complete indifference to or in conscious disregard for the rights or safety of others," punitive damages were allowed because there was sufficient evidence that the health care providers exhibited a reckless indifference or conscious disregard of the patient's well-being.

Also on March 2, 2021, the Missouri Supreme Court adopted the Missouri Legislature's changes to Rules 56.01, 57.01, 57.03, 57.04, 58.01, 59.01 and 61.01. SB 224 (2019). These changes, which are effective September 2, 2021, amend Missouri's discovery rules to more closely resemble the Federal Rules of Civil Procedure.



- CONSERVATIVE
- LIBERAL
- MODERATE

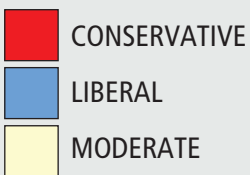
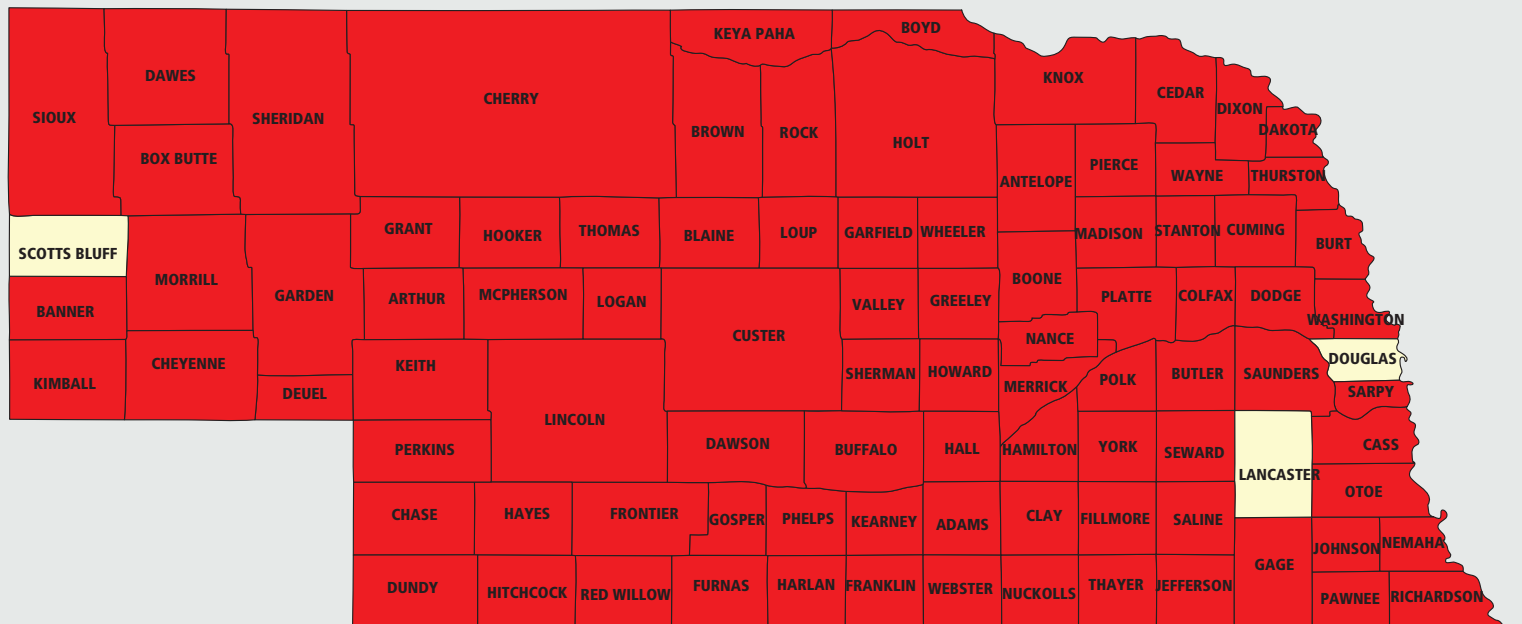
MISSOURI



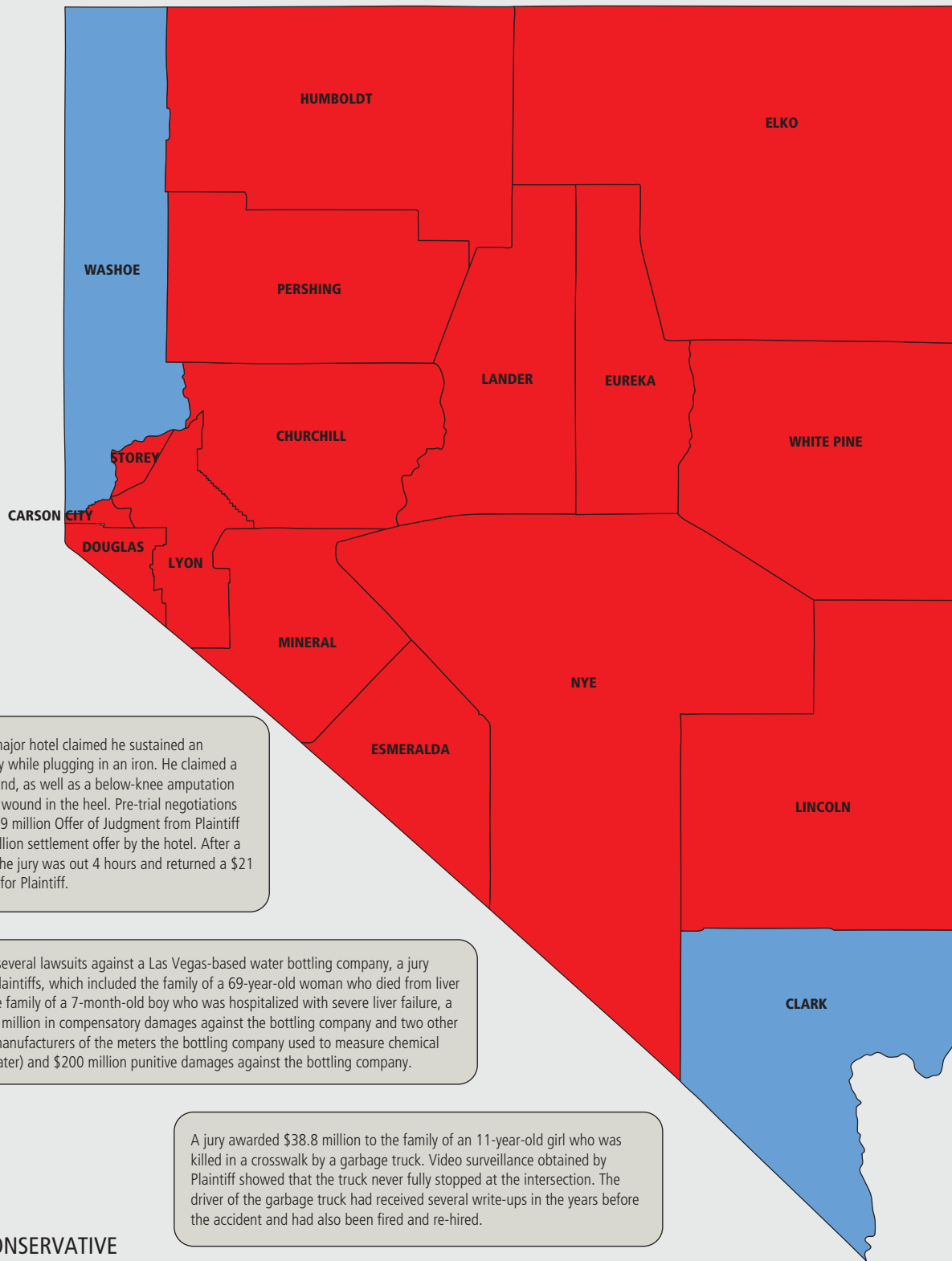
\$52 million jury verdict (including \$10 million punitive) in suit against out-of-state bank for alleged breach of commercial loan agreement in Silver Bow County. New trial ordered on appeal based on trial court wrongfully applying MT law contrary to choice-of-law provision in contract.

- CONSERVATIVE
- LIBERAL
- MODERATE

MONTANA



NEBRASKA



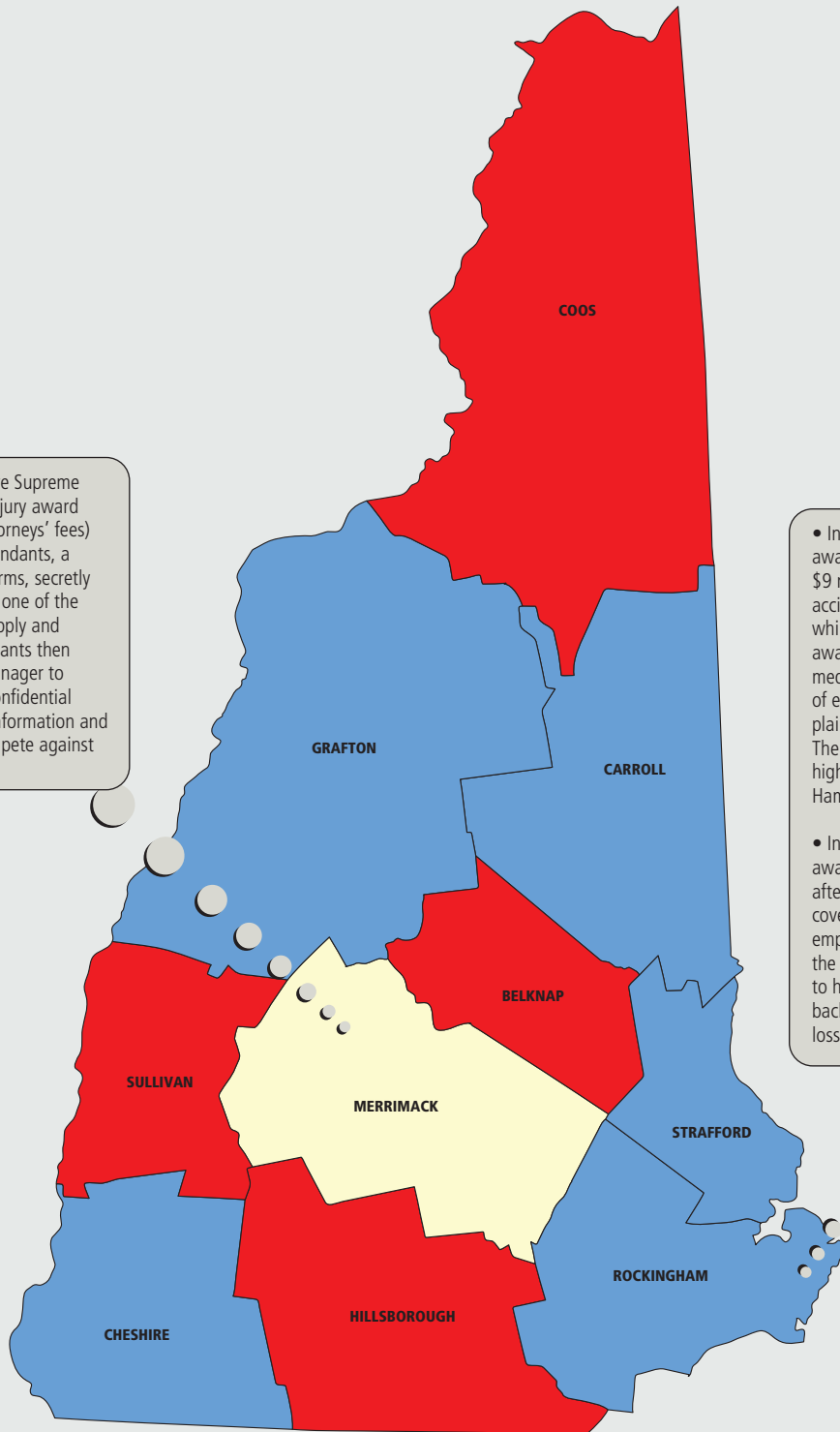
A guest at a major hotel claimed he sustained an electrical injury while plugging in an iron. He claimed a burn to the hand, as well as a below-knee amputation due to an exit wound in the heel. Pre-trial negotiations included a \$4.9 million Offer of Judgment from Plaintiff and a \$1.5 million settlement offer by the hotel. After a 3-week trial, the jury was out 4 hours and returned a \$21 million award for Plaintiff.

In the first of several lawsuits against a Las Vegas-based water bottling company, a jury awarded 12 Plaintiffs, which included the family of a 69-year-old woman who died from liver failure and the family of a 7-month-old boy who was hospitalized with severe liver failure, a total of \$28.5 million in compensatory damages against the bottling company and two other Defendants (manufacturers of the meters the bottling company used to measure chemical contents of water) and \$200 million punitive damages against the bottling company.

A jury awarded \$38.8 million to the family of an 11-year-old girl who was killed in a crosswalk by a garbage truck. Video surveillance obtained by Plaintiff showed that the truck never fully stopped at the intersection. The driver of the garbage truck had received several write-ups in the years before the accident and had also been fired and re-hired.

- CONSERVATIVE
- LIBERAL
- MODERATE

NEVADA



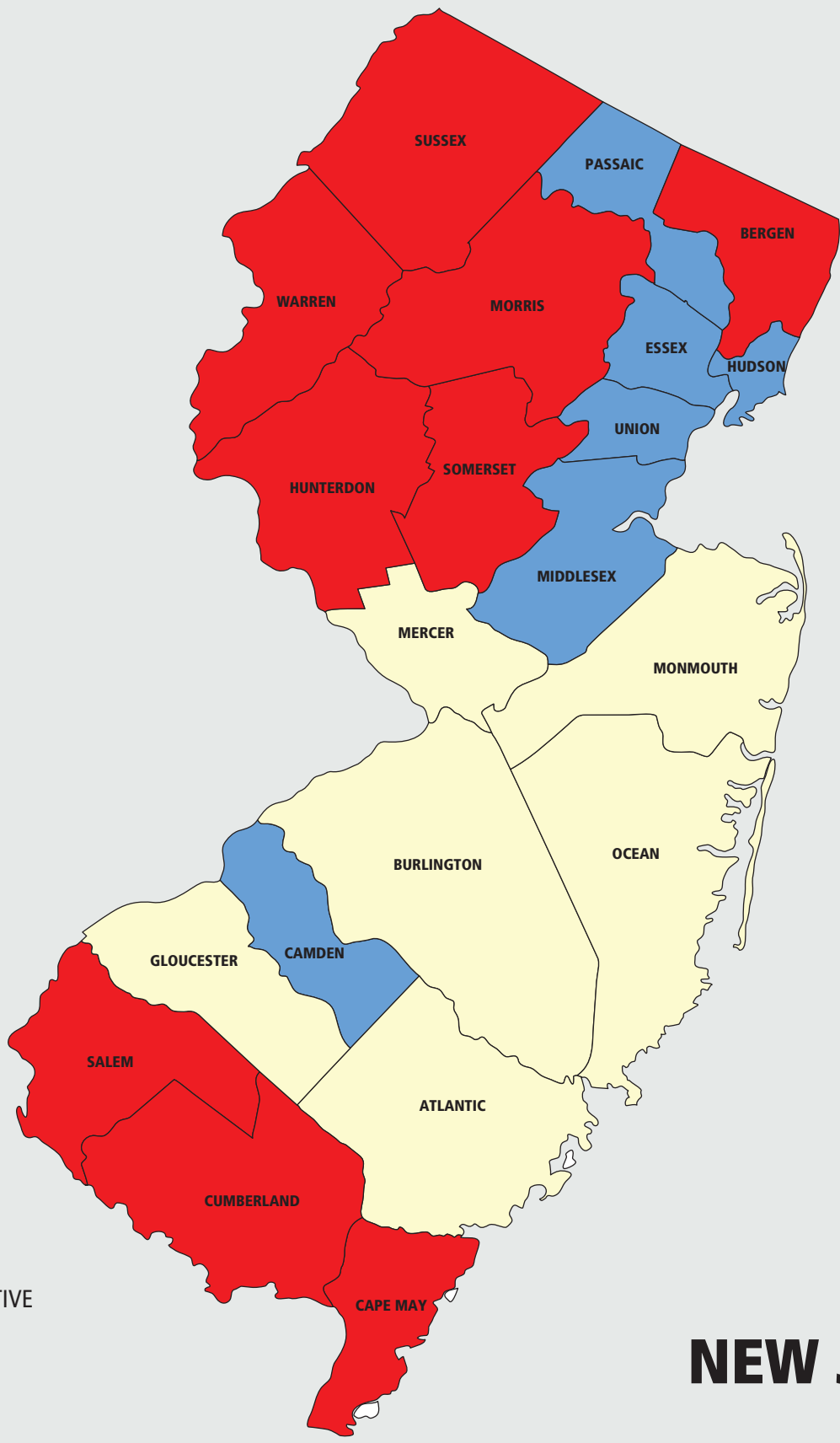
In 2018, the New Hampshire Supreme Court affirmed a \$900,000 jury award (including \$400,000 for attorneys' fees) in a trade secret case. Defendants, a group of utility brokerage firms, secretly hired a sales manager from one of the plaintiffs, several energy supply and consulting services. Defendants then conspired with the sales manager to misappropriate Plaintiffs' confidential customer lists and pricing information and use that information to compete against the Plaintiffs.

- In 2018, a Rockingham County jury awarded plaintiff and her husband \$9 million in damages following an accident where she was struck by a car while walking down the street. The jury awarded \$8.5 million to the plaintiff for medical bills, pain and suffering, and loss of enjoyment of life, and \$500,000 to plaintiff's husband for loss of consortium. The verdict is notable, as it is one of the highest jury awards rendered in New Hampshire in recent years.

- In 2022, a Rockingham County jury awarded plaintiff and his wife \$4,700,000 after he walked through a snow and ice-covered parking lot to enter his place of employment. Plaintiff slipped and fell at the top of a stairway, resulting in injuries to his left wrist, shoulder, neck, and lower back, and his wife asserted a claim for loss of consortium.

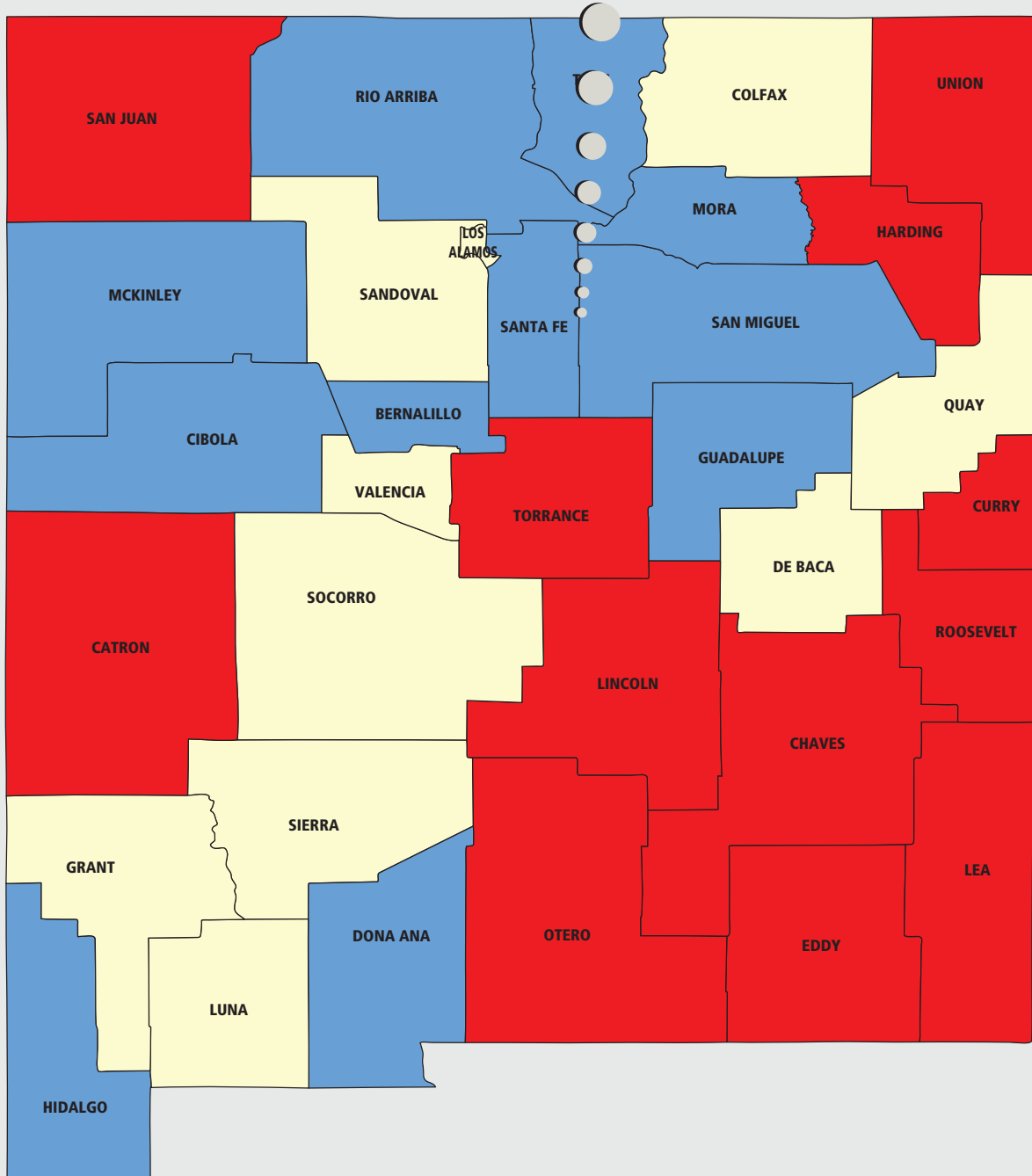
- CONSERVATIVE
- LIBERAL
- MODERATE

NEW HAMPSHIRE



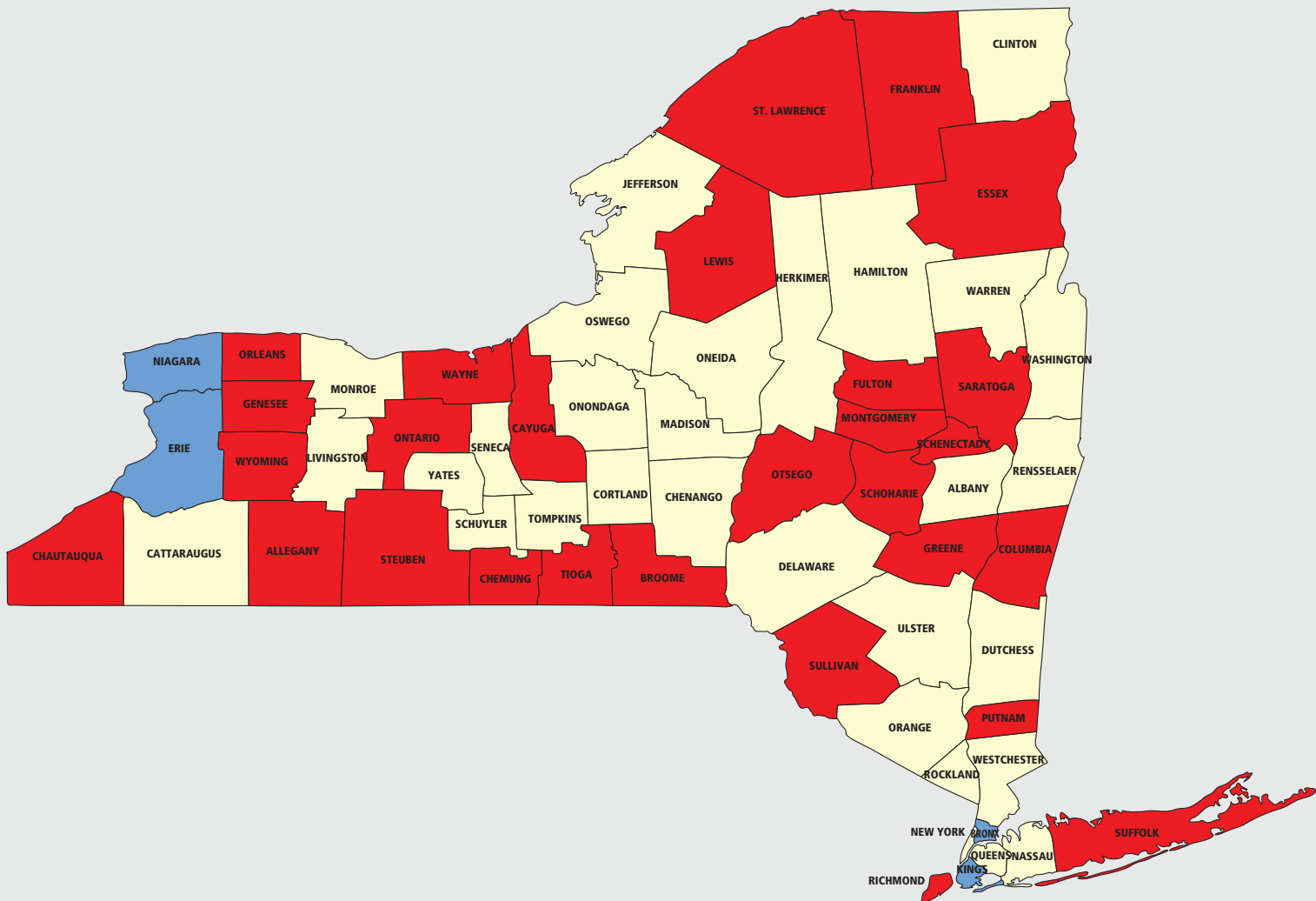
NEW JERSEY

In Santa Fe County, a jury awarded \$165.5 million in a trucking matter involving the death of a mother and daughter. The jury verdict did not include any punitive damages. Santa Fe is long considered to be a very liberal venue. The notable aspect of this case was that the theme presented by Plaintiffs' lawyers was largely the negligence of the Defendant. However, the jury did not award punitive damages, which is to be expected with a verdict this large, and with the Plaintiff's attorneys pushing for justice. Rather, it appears the verdict was intended to reflect the overall tragedy of the case.



- CONSERVATIVE
- LIBERAL
- MODERATE

NEW MEXICO

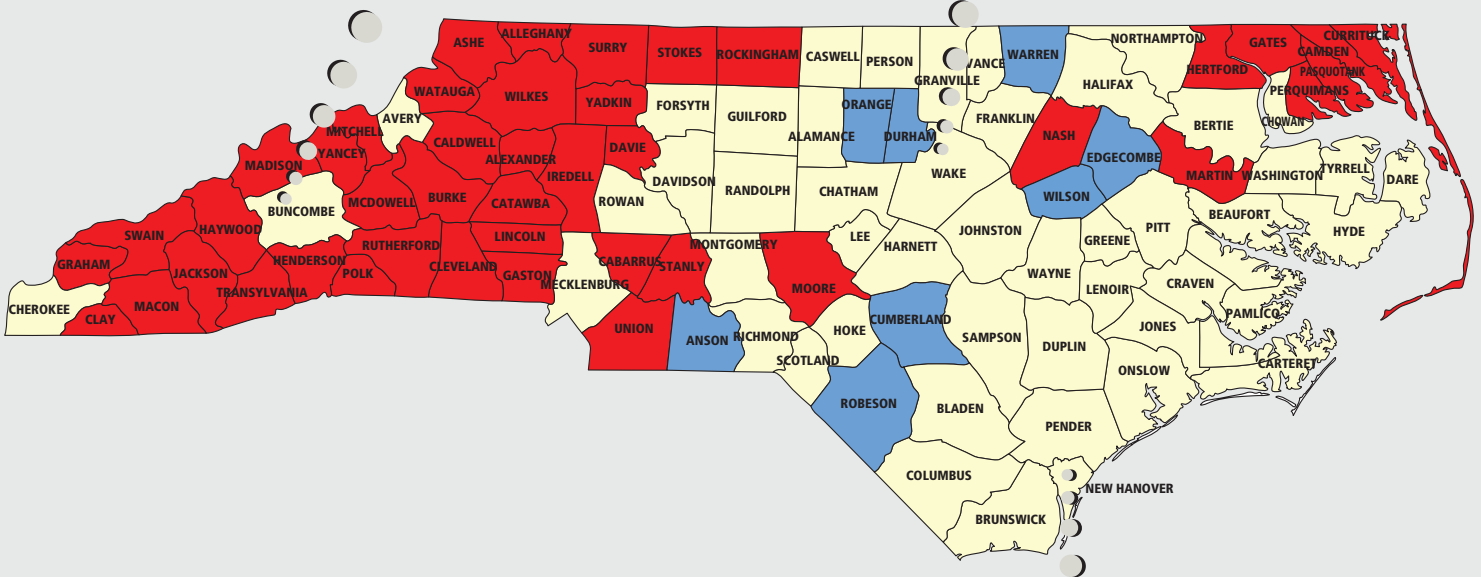


- CONSERVATIVE
- LIBERAL
- MODERATE

NEW YORK

Mary Dotson v. Katherine H. Yancey, M.D. and Regional Surgical Specialists, 2019-CVS-2557, Buncombe County Superior Court (Bradley B. Letts, J.) (Trial Date: June 1, 2022). A jury returned a defense verdict (\$0) in a medical malpractice / wrongful death case. The decedent, a 59-year-old female, died from acute hemorrhage and blood loss due to a lacerated aortic arterial branch that reportedly occurred during elective laparoscopic paraesophageal hernia surgery performed by the defendant Katherine H. Yancey, M.D.. The plaintiff alleged Dr. Yancey was negligent in failing to discontinue dissection during surgery when she was in an area posterior to the aorta, failing to stop the elective surgery when she was in an area of the body with a high likelihood of damage, and approaching the repair procedure from the wrong surgical plane. The defendants denied negligence, contending Dr. Yancey was performing the surgical dissection in the correct surgical plane anterior to the aorta when she encountered bleeding that ultimately resulted in the decedent's death. The decedent was survived by three adult children.

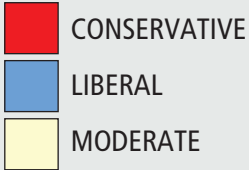
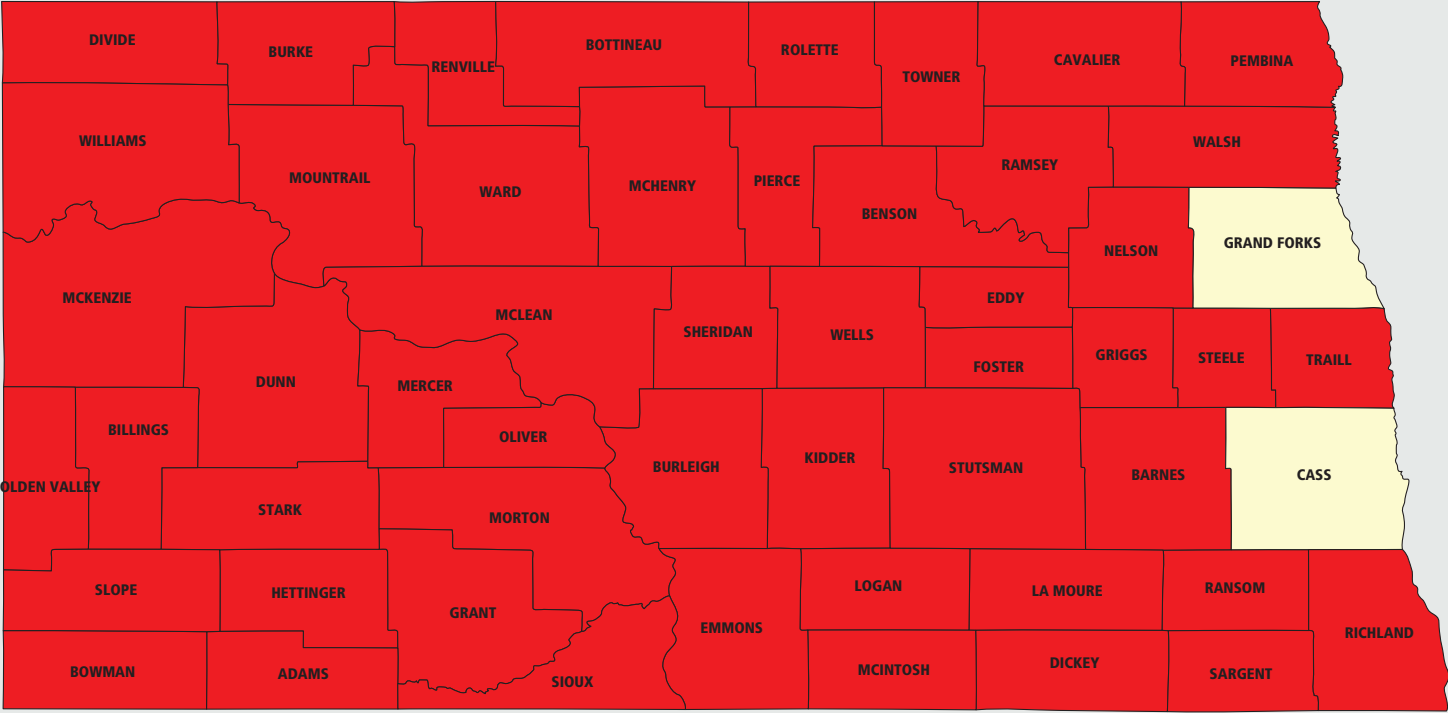
Harris v. Enuol, 2018-CVS-12019, Wake County Superior Court (James P. Hill Jr., J.) (Trial Date: Mar. 10, 2022). A jury returned a defense verdict (\$0) in a negligence case arising from a motor vehicle accident. The plaintiff was driving northbound on a four-lane highway when he was struck by a southbound vehicle operated by defendant. The plaintiff allegedly suffered multilevel disc and facet degeneration throughout the cervical spine, cervical radiculopathy, right shoulder impingement syndrome, facial contusions, and muscle spasms in his back when the vehicle he was driving northbound on a four-lane highway was struck by a southbound vehicle operated by defendant. The plaintiff alleged the defendant was negligent when he crossed the center line of the highway and entered the plaintiff's lane of travel. The defendant alleged the plaintiff was looking down when the accident occurred and if the plaintiff had reacted more quickly, the collision could have been avoided. A jury found that the plaintiff's own negligence contributed to his injury and judgment was entered in favor of the defendant.



Weldon Moore v. Richmen Enterprises LLC d/b/a Darth Vapor, Joyetech, USA Inc. and Midwest Goods Inc., 2020-CVS-3997, New Hanover County Superior Court (G. Frank Jones, J.) (Verdict Date: Mar. 22, 2023). A jury returned a plaintiff's verdict of \$1.63 million. The plaintiff suffered third-degree burns on his right leg after his vaping device blew up in his pocket while he was at a jobsite. Contributory negligence and other statutory defenses, including the sealed-container defense, were charged on the verdict form.

■ CONSERVATIVE
■ LIBERAL
■ MODERATE

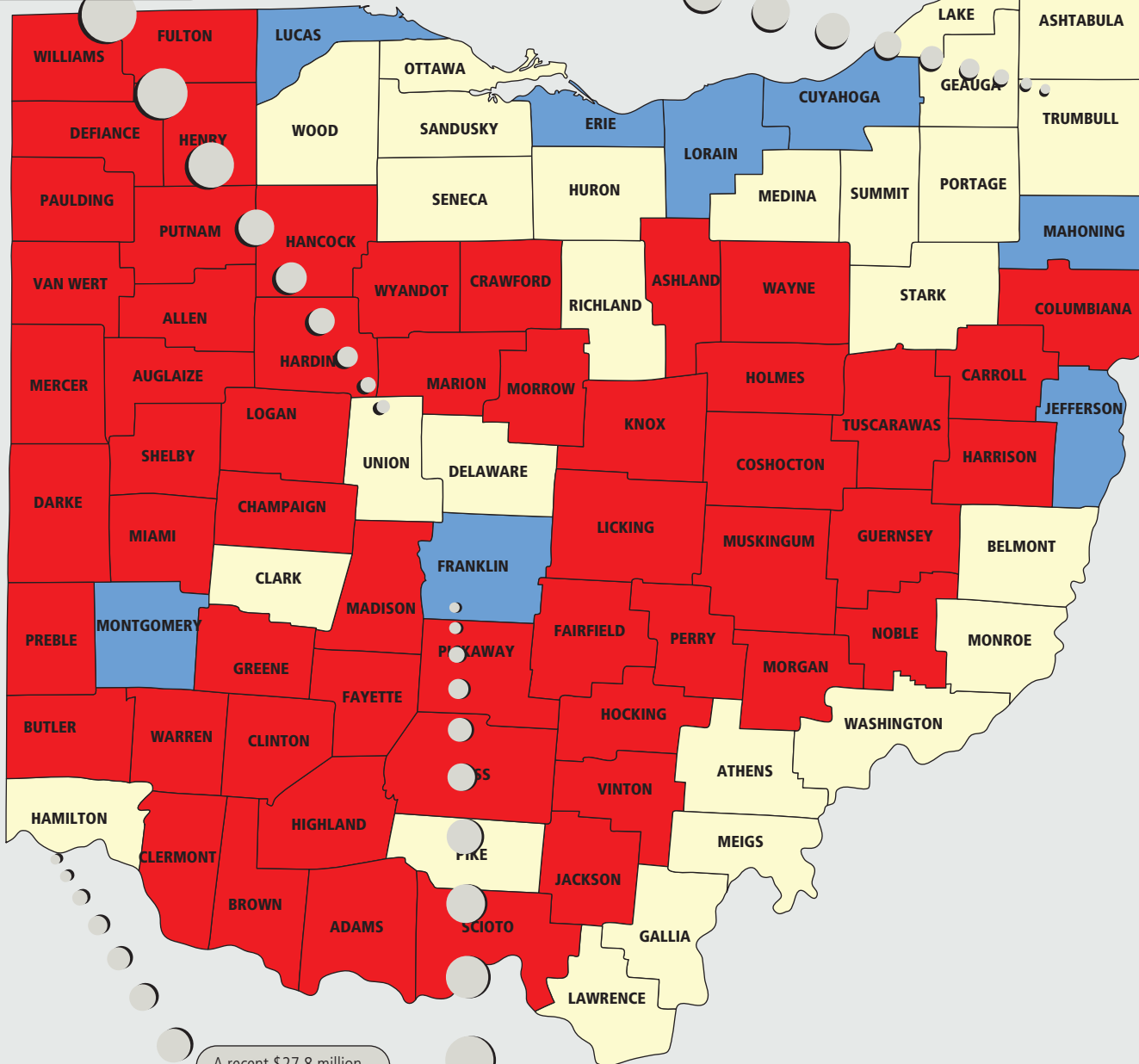
NORTH CAROLINA



NORTH DAKOTA

A recent verdict of \$34 million in a personal injury case was surprising for a venue that has been considered to be conservative.

While Trumbull County is typically more moderate-to-conservative, a recent \$28.7 million verdict for parents of a newborn who was diagnosed with cerebral palsy due to the negligence of a hospital demonstrates that sensitive issues can command high verdicts in any kind of jurisdiction.



A recent \$27.8 million negligence verdict highlights a trend of plaintiff-friendly verdicts, rendering Hamilton County more of a liberal venue than in previous years.

A \$21.5 million verdict in a domestic abuse case solidifies Franklin County as a liberal venue in Ohio.

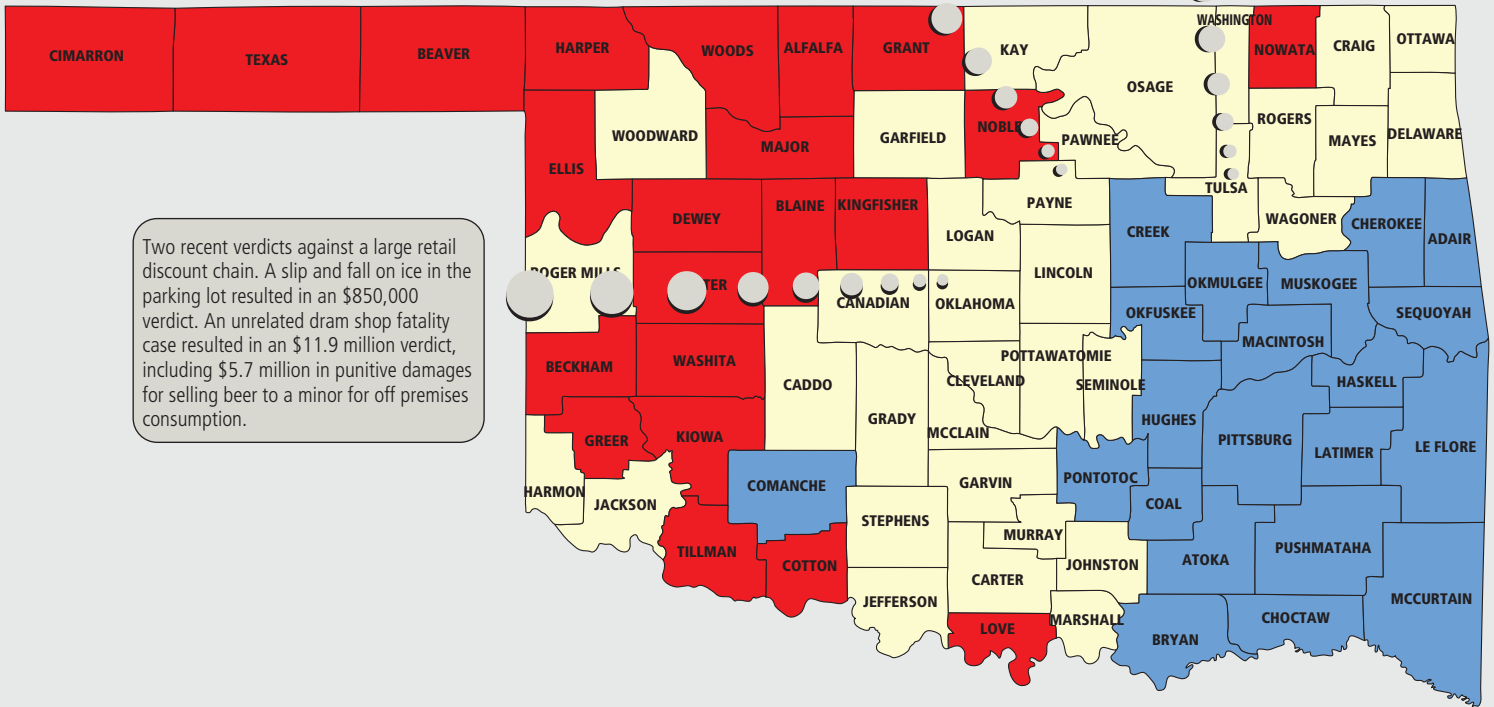
- CONSERVATIVE
- LIBERAL
- MODERATE

OHIO

Recent \$5 million verdict against a tractor manufacturer in which the operator was killed when the tractor tipped and rolled over. The Jury awarded \$3 million in actual damages and \$2 million in punitive damages.

Recent \$5 million verdict in a medical negligence action alleging damage to tissue during a surgery and a failed attempt to repair without informed consent ultimately resulting in an above the knee amputation. The Jury awarded \$3 million in actual damages and \$2 million in punitive damages

Two recent verdicts against a large retail discount chain. A slip and fall on ice in the parking lot resulted in an \$850,000 verdict. An unrelated dram shop fatality case resulted in an \$11.9 million verdict, including \$5.7 million in punitive damages for selling beer to a minor for off premises consumption.



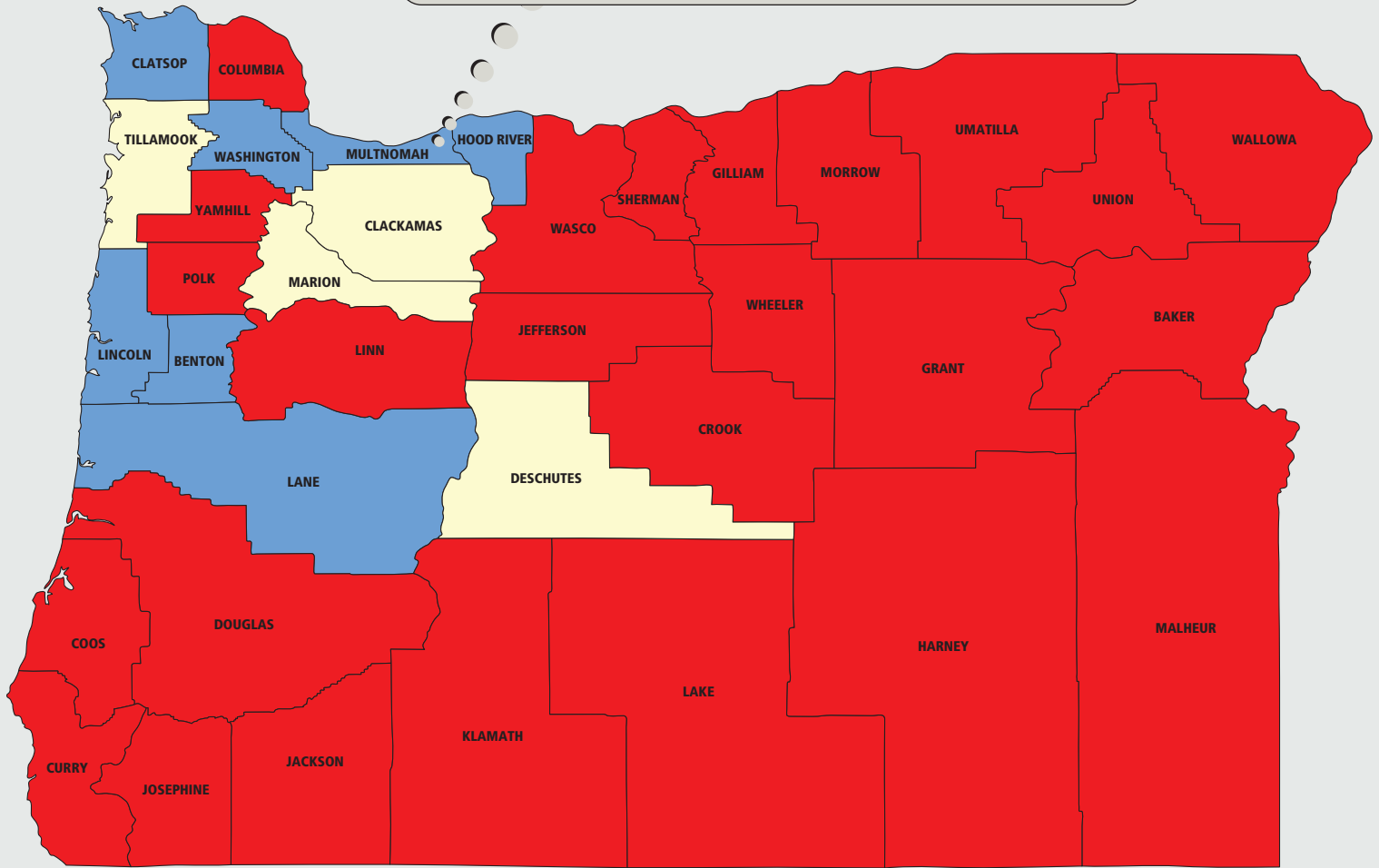
- CONSERVATIVE
- LIBERAL
- MODERATE

OKLAHOMA

In Multnomah County, on January 27, 2017, a \$10.5 Million jury award for pain and suffering to a man whose leg was severed by a garbage truck was reduced to \$500,000 under a 2016 Oregon Supreme Court decision which allowed the existing statutory cap on non-economic damages to be constitutionally applied to all cases.

In two Multnomah County verdicts jurors rejected claims of alternate responsibility. On May 11, 2017, after an eight-day trial, jurors awarded a woman's estate zero dollars in a wrongful death lawsuit against a psychiatrist blamed for not warning others about potential suicide. On Feb. 27, 2017, after a five-day trial, jurors determined that a social host was not liable when a drunk guest shot another guest at a party.

In December 2016 the Oregon Supreme Court rejected the "impact rule" which had required actual physical impact before witness to an injury to another could recover in tort recovery. The Court substituted a rule allowing bystander recovery if there was (1) a sudden serious physical injury to a close family member, (2) contemporaneously observed, which (3) caused the bystander "serious" emotional distress.



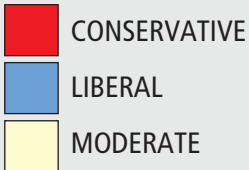
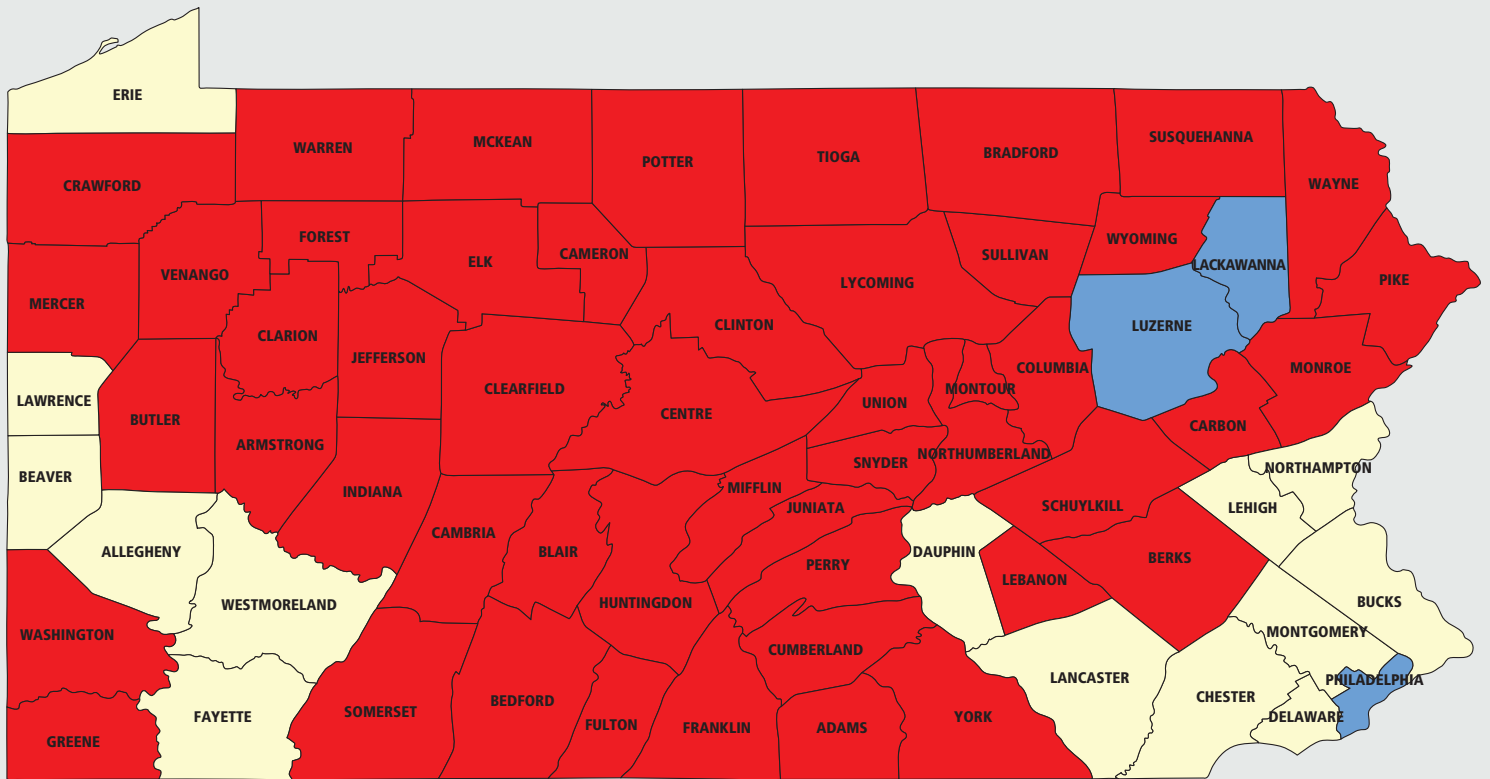
- CONSERVATIVE
- LIBERAL
- MODERATE

OREGON

Effective April 1, 2019, the Pennsylvania Rules of Civil Procedure permit Unknown Defendant/John Doe pleading. The pleading requirements are set forth in Rule 2005, and the actual name of the party must be substituted within 20 days of identification. Due diligence in identifying the actual name is required.

In *Sullivan v. Werner Co.*, 2023 Pa.LEXIS 1717 (Pa. 2023), the Pennsylvania Supreme Court held that a manufacturer's compliance with governmental regulations or industry standards is inadmissible in design defect cases to show a product is not defective under the risk-utility theory. The Court did not determine whether such evidence is admissible where the plaintiff proceeds under the consumer expectations theory.

In *Spencer v. Johnson*, 2021 WL 1035175 (Pa. Super. 2021), the Pennsylvania Superior Court limited the Fair Share Act (42 Pa.C.S. §7102) to lawsuits where the plaintiff's negligence is at issue. The Fair Share Act was enacted to change joint and several liability so a defendant is only responsible to pay the part of a judgment equal to the percentage of liability assigned by the jury. If it stands (it is expected that the decision will be appealed to the Pennsylvania Supreme Court), *Spencer* will materially change the trial strategy pursued in personal injury litigation involving multiple parties.



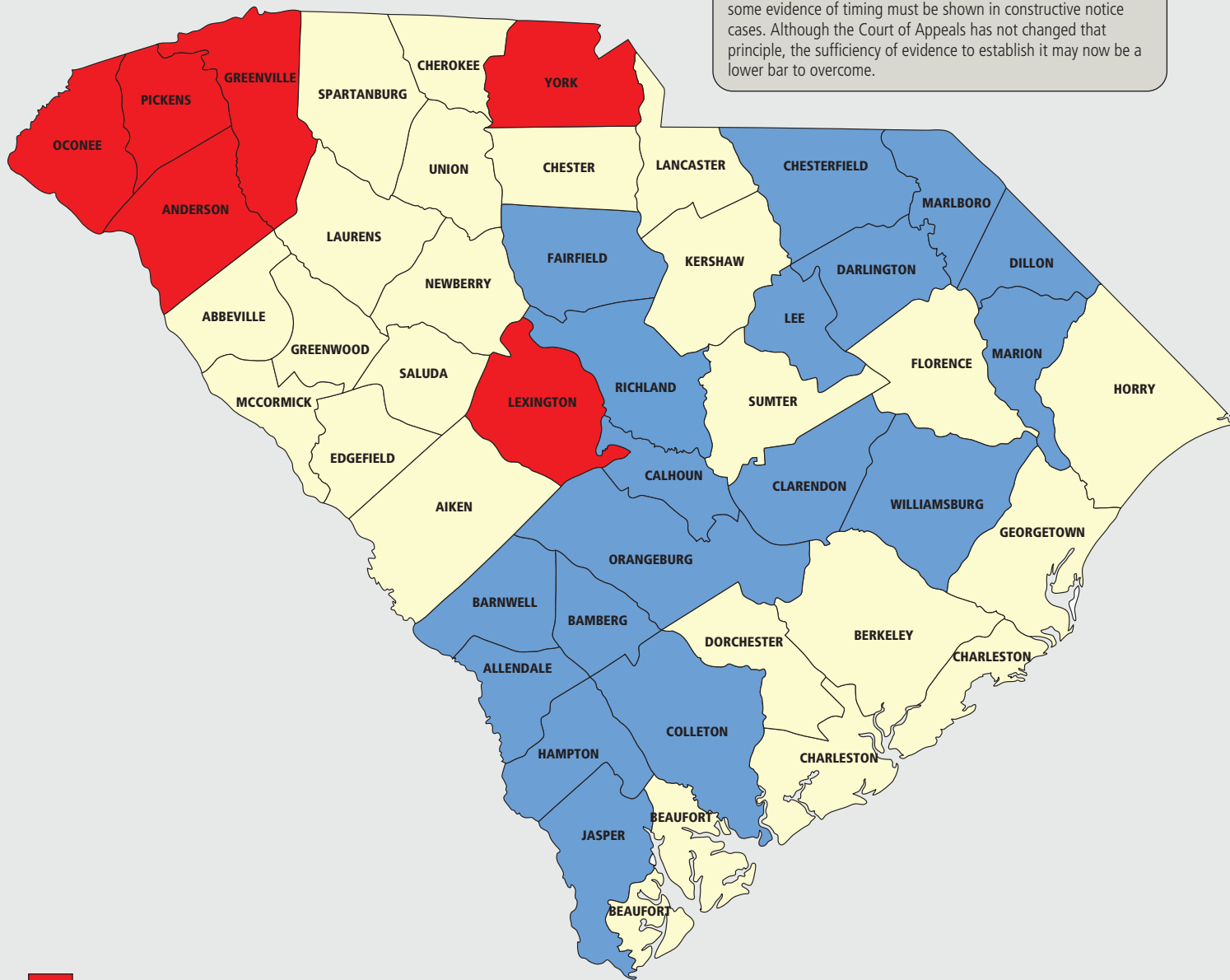
PENNSYLVANIA



- CONSERVATIVE
- LIBERAL
- MODERATE

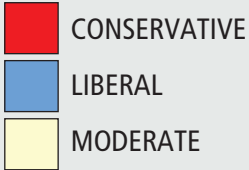
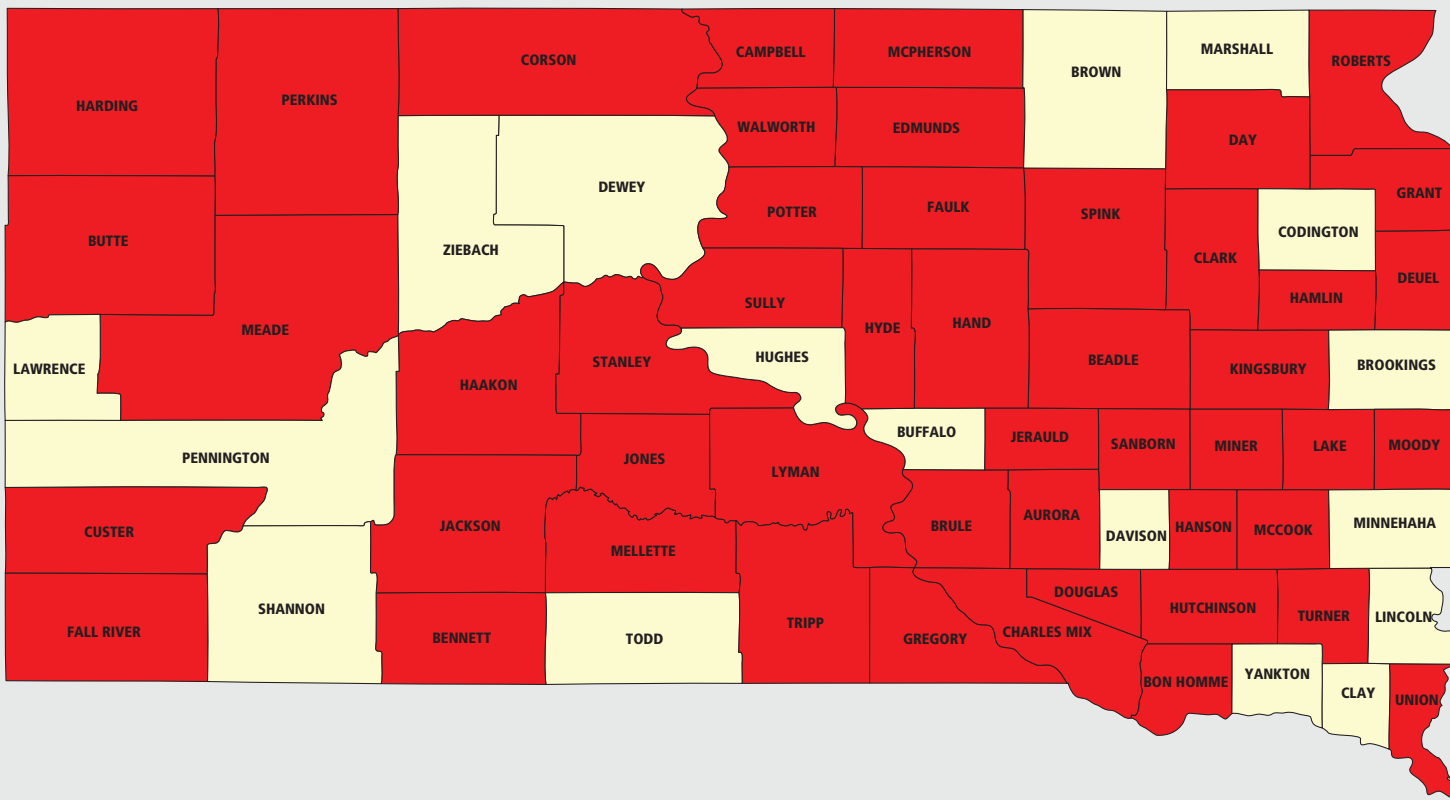
RHODE ISLAND

The South Carolina Court of Appeals addressed the sufficiency of evidence in constructive notice cases. Specifically, the Court held that a premises owner had constructive notice of a syringe in the parking lot even though there was no direct evidence of the exact length of time. Additionally, the opinion provides that testimony of how long the syringe had been in the parking lot because of its "weathered" appearance was not speculative, but instead was a reasonable inference. Overall, the case provides that a defendant will have constructive notice of a dangerous or defective condition whenever it appears that the condition has existed for such a length of time before the injury, based on reasonable inferences drawn from the evidence. To this point, the law has been that some evidence of timing must be shown in constructive notice cases. Although the Court of Appeals has not changed that principle, the sufficiency of evidence to establish it may now be a lower bar to overcome.



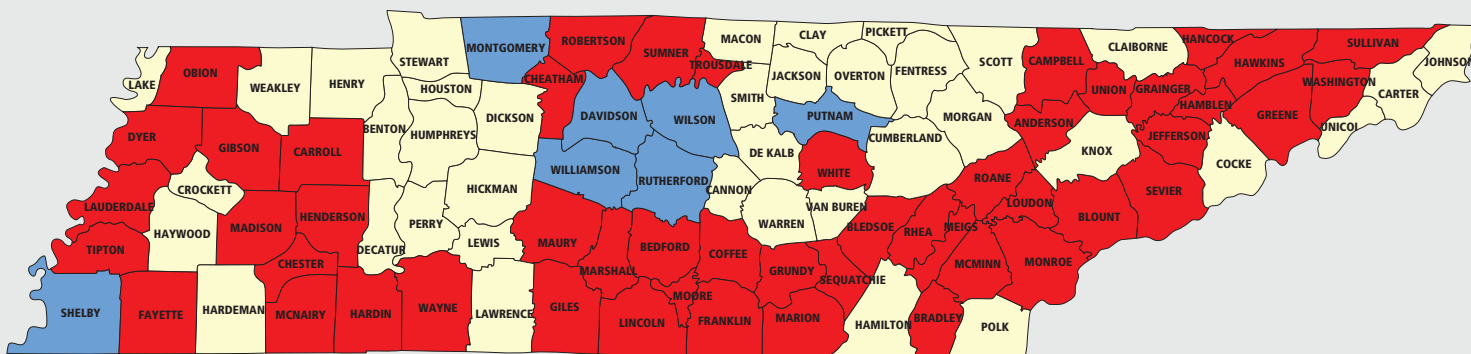
- CONSERVATIVE
- LIBERAL
- MODERATE

SOUTH CAROLINA



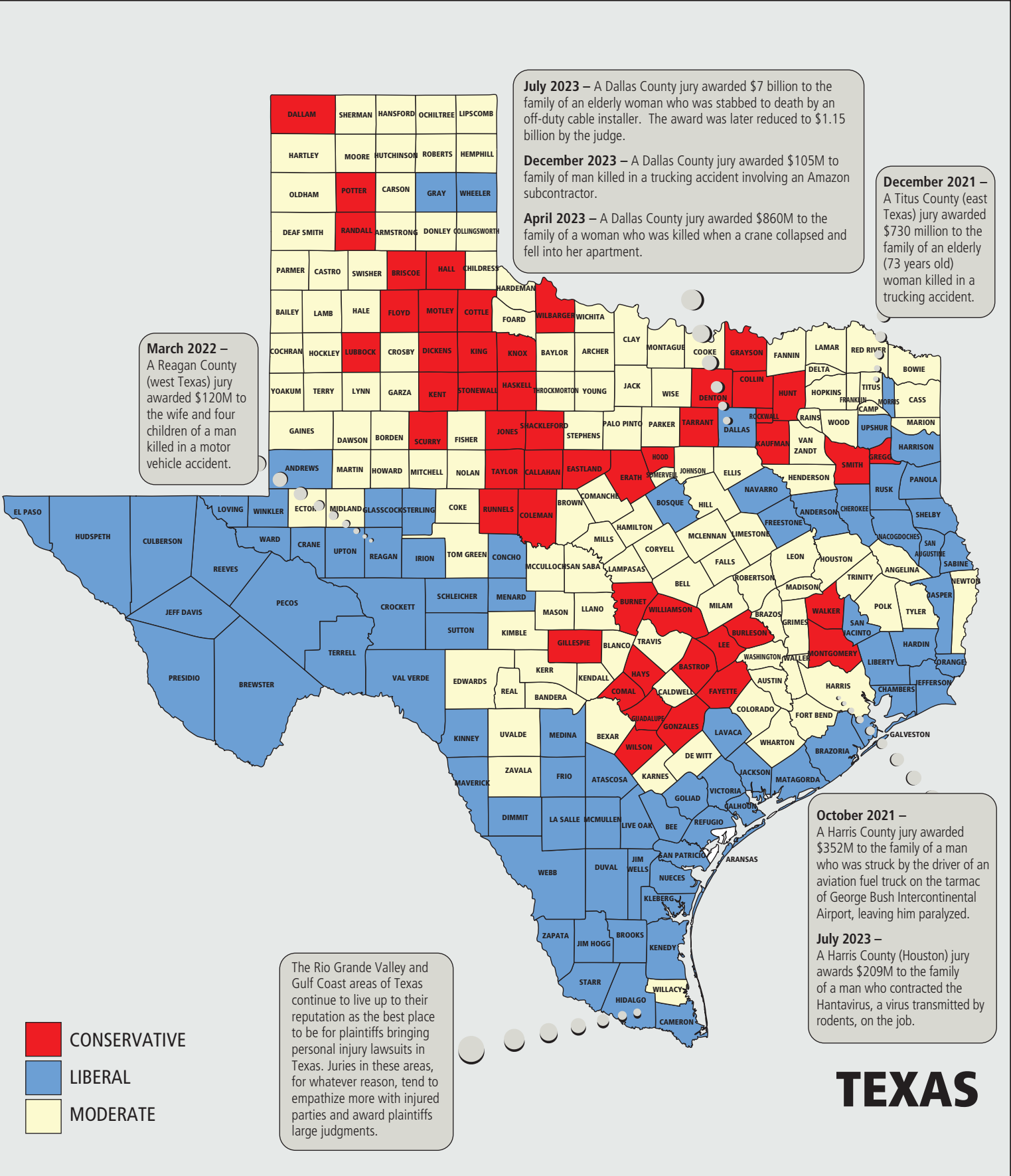
SOUTH DAKOTA

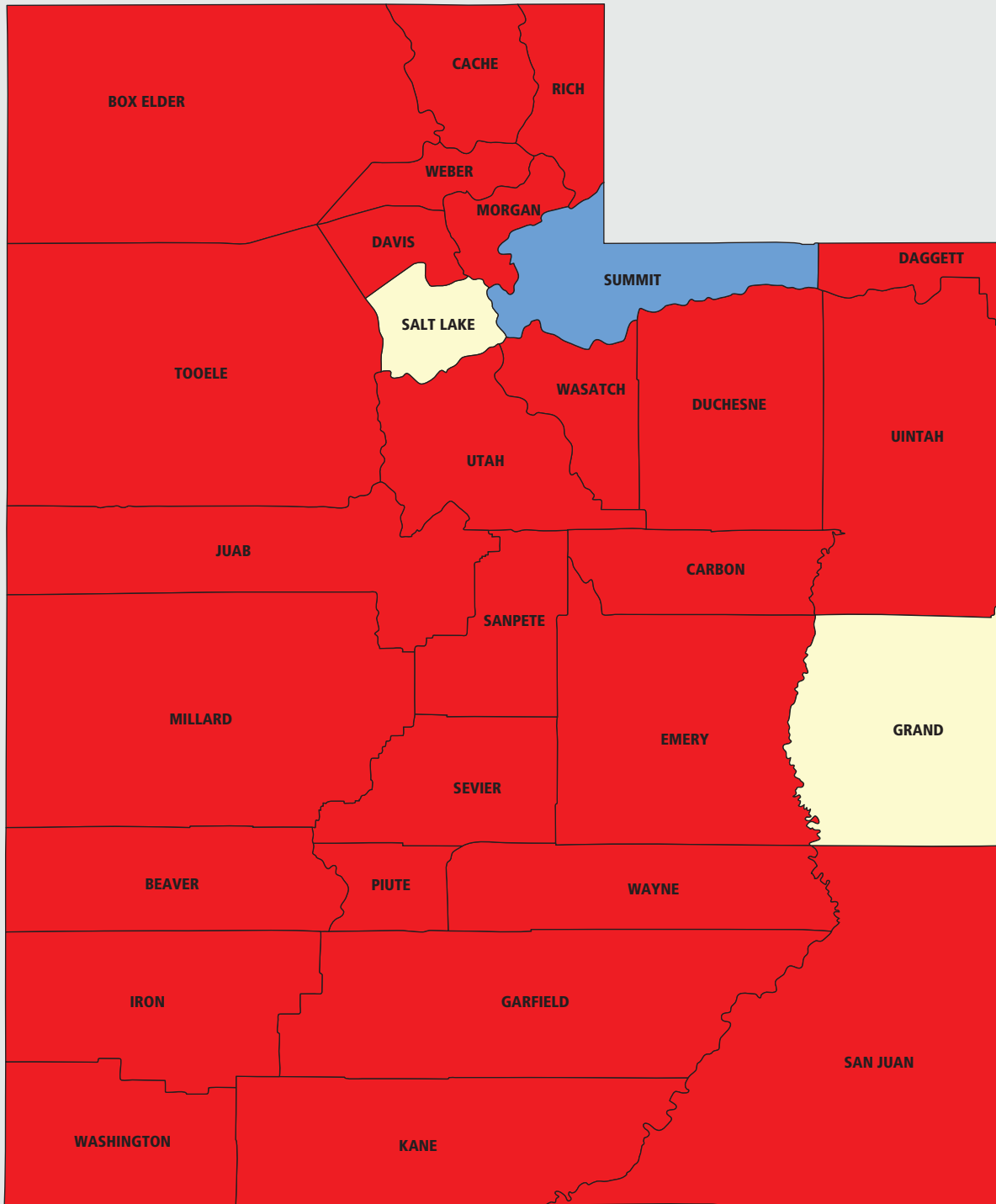
The Supreme Court of Tennessee upheld the statutory cap on non-economic damages, holding that the cap did not violate the Tennessee Constitution on several grounds. The Supreme Court of Tennessee also clarified the applicability of two statutory laws as issues of first impression. First, the Court held that the statutory rebuttable presumption of acceptance of coverage by payment of premium in an insurance contract applies to actions against insurance agents for claims of negligent failure to procure a policy. Second, the Court held that a health care provider is subject to the Tennessee Consumer Protection Act when it acts in its business capacity rather than its professional capacity.



- CONSERVATIVE
- LIBERAL
- MODERATE

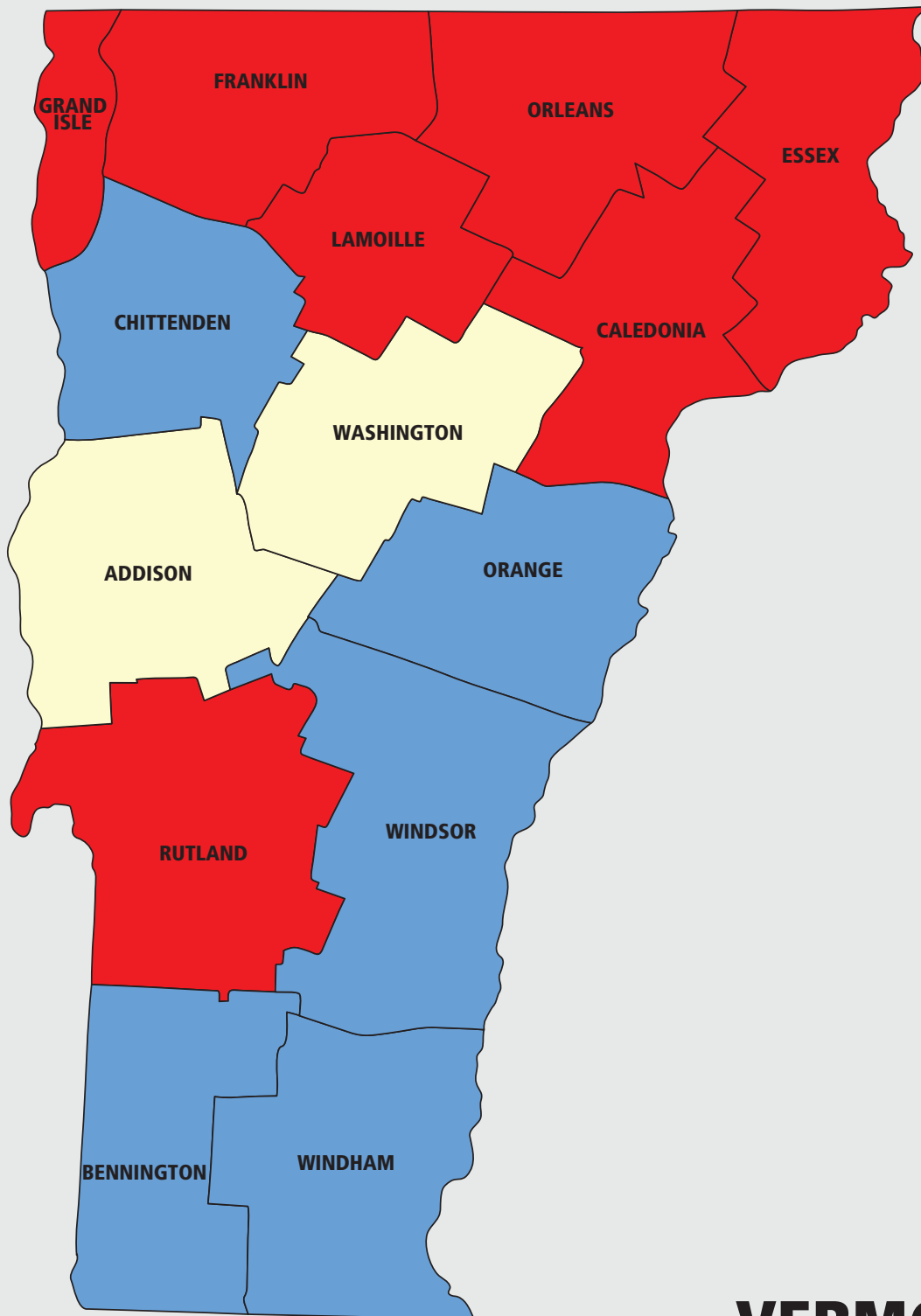
TENNESSEE



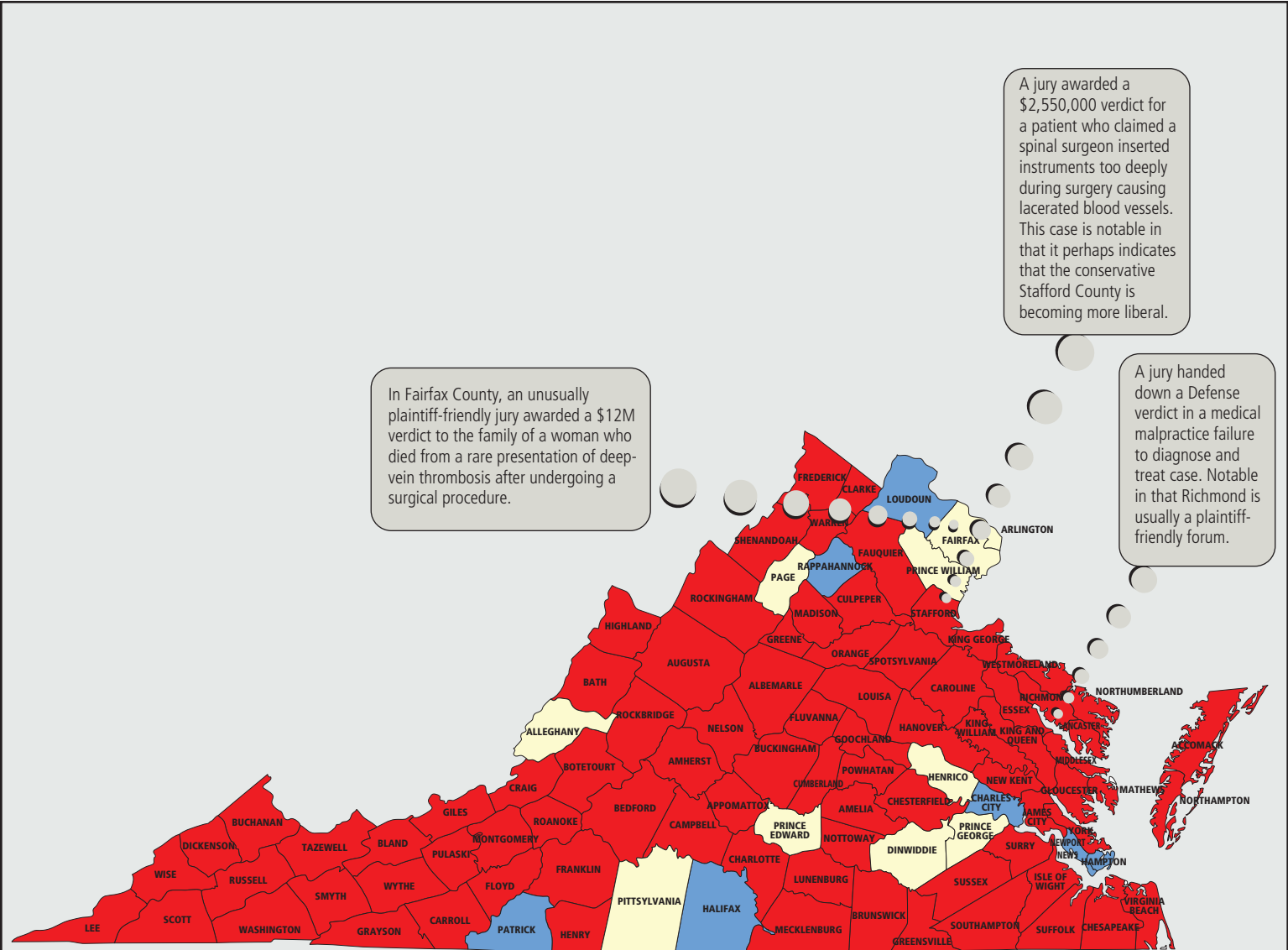


- CONSERVATIVE
- LIBERAL
- MODERATE

UTAH



VERMONT



In Fairfax County, an unusually plaintiff-friendly jury awarded a \$12M verdict to the family of a woman who died from a rare presentation of deep-vein thrombosis after undergoing a surgical procedure.

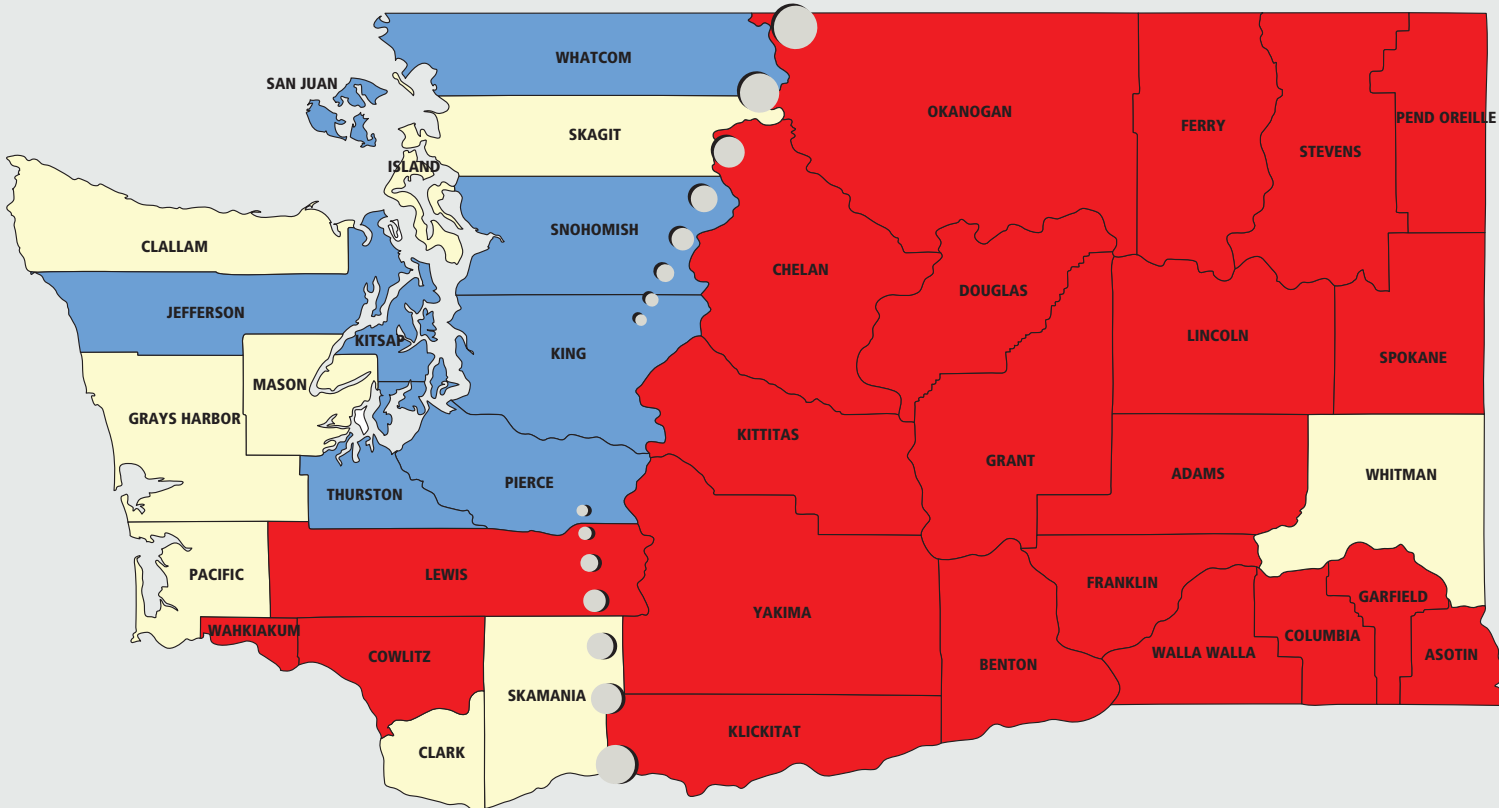
A jury awarded a \$2,550,000 verdict for a patient who claimed a spinal surgeon inserted instruments too deeply during surgery causing lacerated blood vessels. This case is notable in that it perhaps indicates that the conservative Stafford County is becoming more liberal.

A jury handed down a Defense verdict in a medical malpractice failure to diagnose and treat case. Notable in that Richmond is usually a plaintiff-friendly forum.

- CONSERVATIVE
- LIBERAL
- MODERATE

VIRGINIA

In a case filed in King County, the Supreme Court of Washington held for the first time that punitive damages are available for general maritime unseaworthiness claims. This case is a landmark victory for fishermen, fish processors, deckhands, and seaman.



In April 2017, a Washington jury awarded \$81.5 million in a wrongful death mesothelioma case. Trial was held in Pierce County and included allegations of exposure to friction products and asbestos cement pipe. The \$81.5 million verdict is among the largest verdicts ever awarded in Washington and highlights the power of sensitive emotional facts in Pierce County.

- CONSERVATIVE
- LIBERAL
- MODERATE

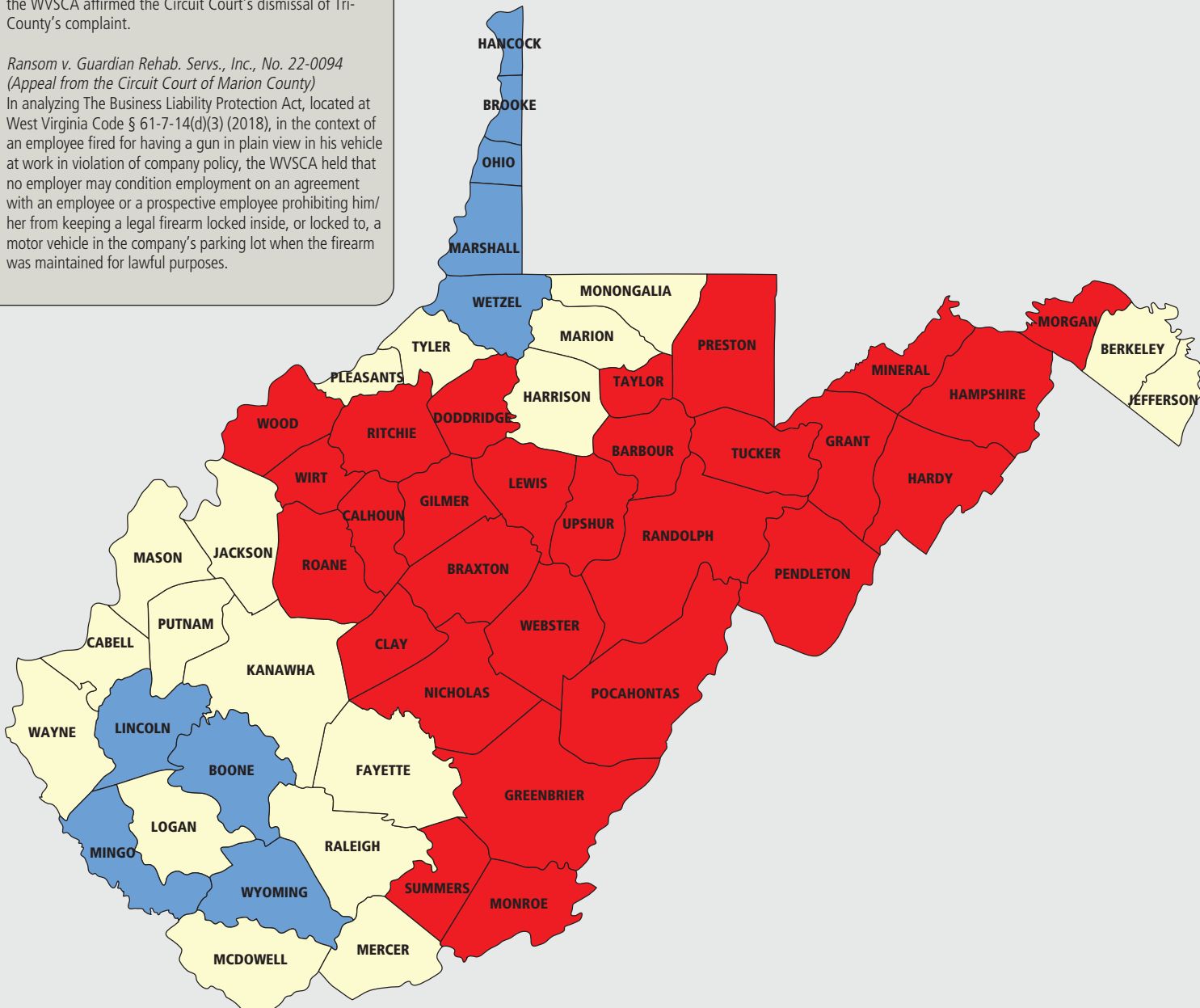
WASHINGTON

Tri-County Towing, LLC v. City of Lewisburg, No. 21-0920
 (Appeal from the Circuit Court of Greenbrier County)

In reviewing the appropriateness of the Circuit Court’s dismissal, the WVSCA needed to analyze the provisions of Tri-County’s complaint, but the complaint was not included in the appellate appendix record—only the Circuit Court’s order was included for review. Accepting as “non[-]existing all facts that do not appear in the [appendix] record” and not presuming error that was not evident from the record, the WVSCA affirmed the Circuit Court’s dismissal of Tri-County’s complaint.

Ransom v. Guardian Rehab. Servs., Inc., No. 22-0094
 (Appeal from the Circuit Court of Marion County)

In analyzing The Business Liability Protection Act, located at West Virginia Code § 61-7-14(d)(3) (2018), in the context of an employee fired for having a gun in plain view in his vehicle at work in violation of company policy, the WVSCA held that no employer may condition employment on an agreement with an employee or a prospective employee prohibiting him/her from keeping a legal firearm locked inside, or locked to, a motor vehicle in the company’s parking lot when the firearm was maintained for lawful purposes.



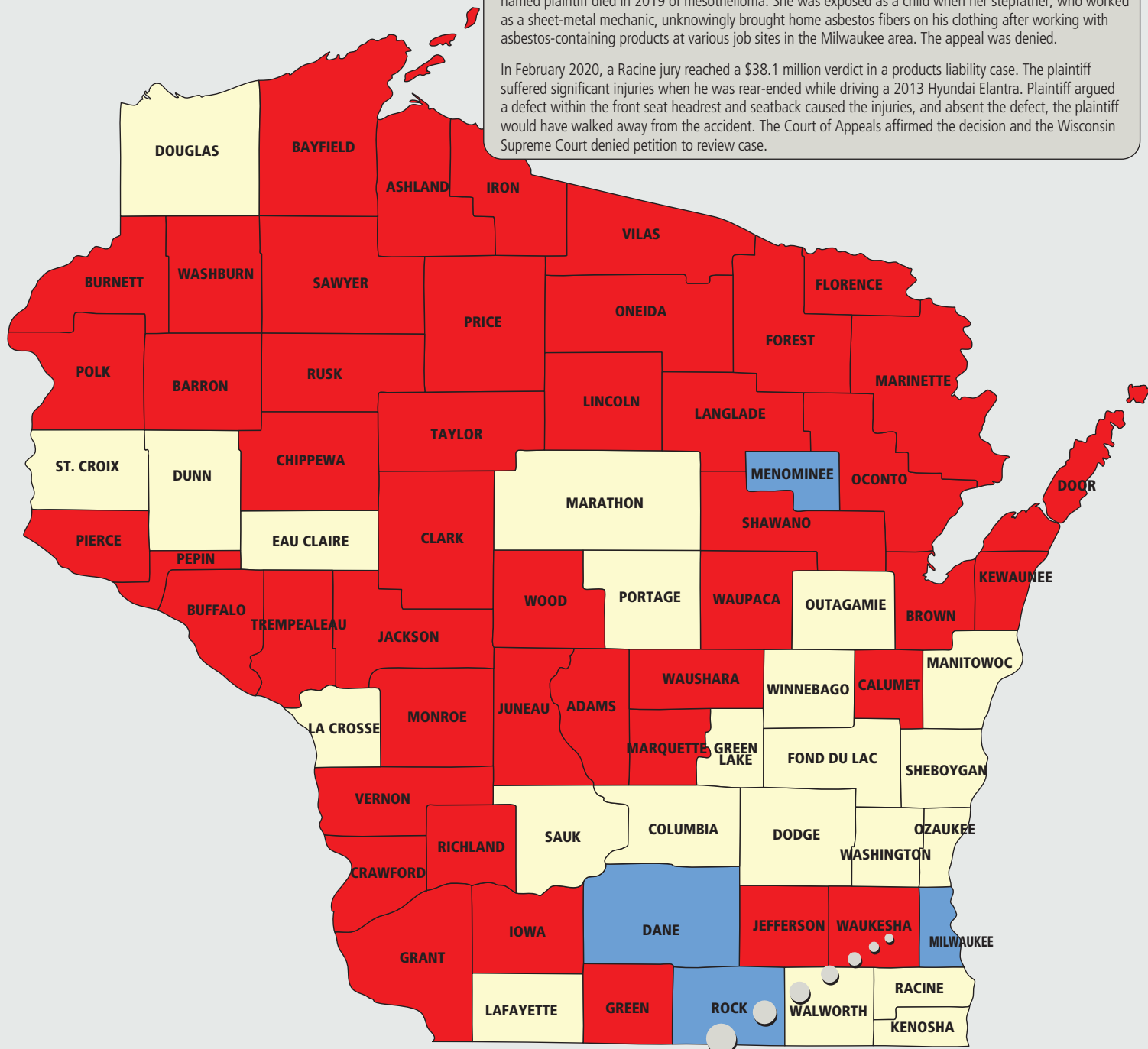
- CONSERVATIVE
- LIBERAL
- MODERATE

WEST VIRGINIA

Milwaukee County has returned two multi-million-dollar asbestos verdicts in recent years. In March 2022, a jury returned a \$26.5 million verdict in a wrongful death on behalf of a Wisconsin grandfather who died from mesothelioma after being exposed to asbestos while working in the Bottle House at Pabst's Milwaukee Brewery in the 1970s. The jury awarded \$6.545 million in actual damages and \$20 million in punitive damages. The case is currently in the appeals process.

In May 2023, a jury also awarded a \$9.7 million verdict in a secondary exposure of asbestos case where the named plaintiff died in 2019 of mesothelioma. She was exposed as a child when her stepfather, who worked as a sheet-metal mechanic, unknowingly brought home asbestos fibers on his clothing after working with asbestos-containing products at various job sites in the Milwaukee area. The appeal was denied.

In February 2020, a Racine jury reached a \$38.1 million verdict in a products liability case. The plaintiff suffered significant injuries when he was rear-ended while driving a 2013 Hyundai Elantra. Plaintiff argued a defect within the front seat headrest and seatback caused the injuries, and absent the defect, the plaintiff would have walked away from the accident. The Court of Appeals affirmed the decision and the Wisconsin Supreme Court denied petition to review case.

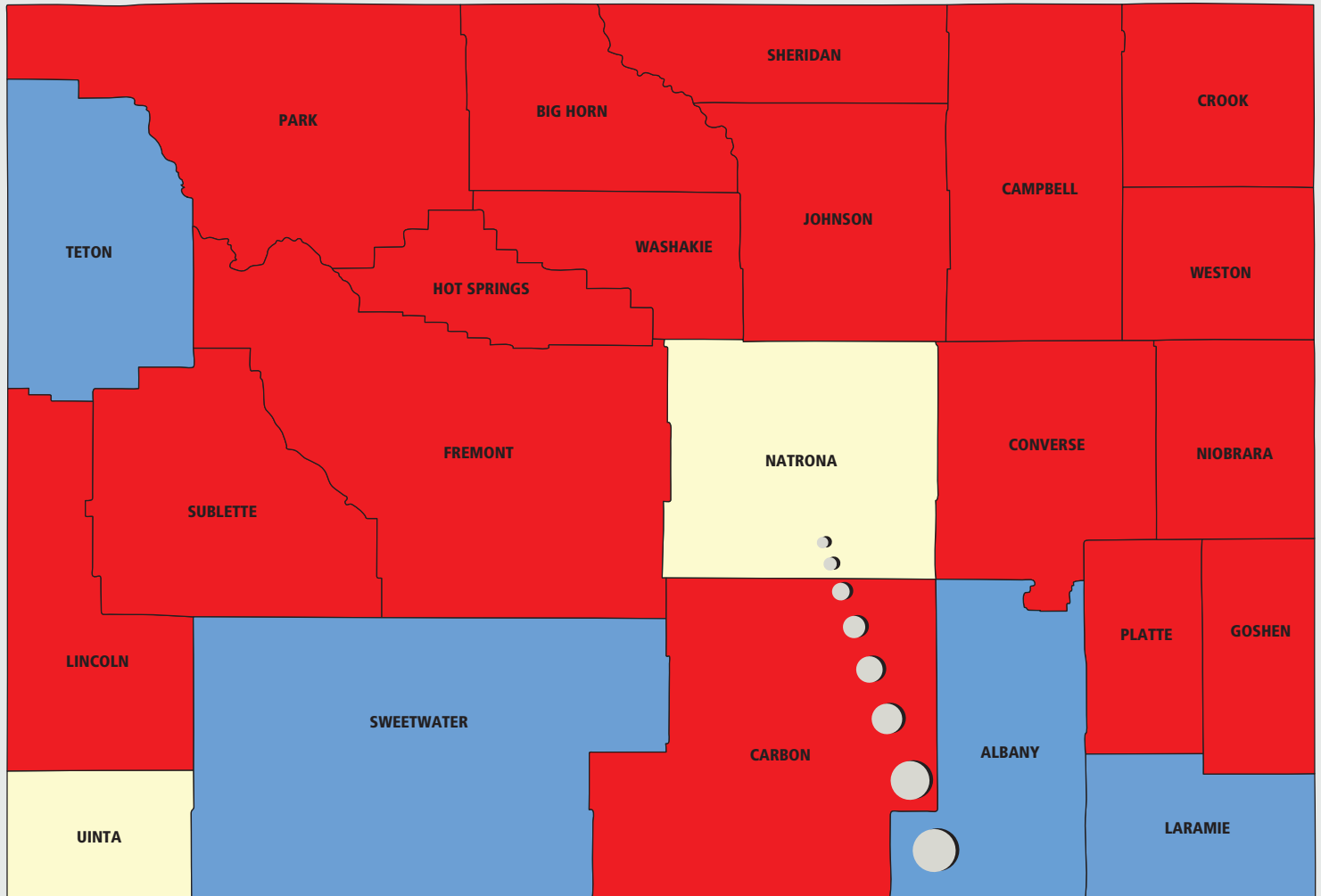


- CONSERVATIVE
- LIBERAL
- MODERATE

Typically a conservative venue; however, in January 2008 a jury returned a \$35,314,585 verdict against Waukesha Memorial Hospital in a medical malpractice action involving allegations that a nurse at Waukesha Memorial introduced air into an IV line during a blood transfusion to a 2-week old, premature infant and that the air then travelled to the infant's brain causing permanent brain damage. This verdict is particularly notable because although Waukesha County is typically conservative, this is the largest medical malpractice verdict obtained in the state of Wisconsin to date. The parties ultimately settled after trial but Waukesha Memorial was still on the hook for \$27 million.

WISCONSIN

In March 2019, the Wyoming Legislature created a Chancery Court in Wyoming. See Wyo. Stat. § 5-13-101 et seq. Its purpose is to provide a forum for streamlined resolution of commercial, business, trust and similar issues. Its jurisdiction will be over actions seeking declaratory or injunctive relief and actions seeking money recovery over \$50,000.00 that arise from claims including breach of contract, breach of fiduciary duty, fraud, derivative actions, the Uniform Commercial Code, and the Uniform Trust Code. While the Chancery Court is still in the process of being established, it will significantly change Wyoming's legal landscape going forward.



A Wyoming district court case resulted in a verdict for \$2.2 million in a wrongful death case. The case involved traffic control put in place through a construction zone. The decedent was riding a motorcycle when he was struck by another vehicle. It was alleged that the other driver was confused by the traffic control and turned in front of the decedent. The jury apportioned fault between the construction company, traffic control company, and the encroaching driver with the majority of fault being apportioned to the construction company and traffic control company. The verdict amount was more than the amount plaintiffs' counsel asked for in his closing, and it seems to represent an emerging trend in Wyoming for larger jury verdicts in traditionally moderate and conservative counties.

- CONSERVATIVE
- LIBERAL
- MODERATE

WYOMING

about USLAW NETWORK

2001. The Start of Something Better.

Mega-firms...big, impersonal bastions of legal tradition, encumbered by bureaucracy and often slow to react. The need for an alternative was obvious. A vision of a network of smaller, regionally based, independent firms with the capability to respond quickly, efficiently and economically to client needs from Atlantic City to Pacific Grove was born. In its infancy, it was little more than a possibility, discussed around a small table and dreamed about by a handful of visionaries. But the idea proved too good to leave on the drawing board. Instead, with the support of some of the country's brightest legal minds, USLAW NETWORK became a reality.

Fast forward to today.

The commitment remains the same as originally envisioned. To provide the highest quality legal representation and seamless cross-jurisdictional service to major corporations, insurance carriers, and to both large and small businesses alike, through a network of professional, innovative law firms dedicated to their client's legal success. Now as a diverse network with more than 6,000 attorneys from more than 80 independent, full practice firms across the U.S., Canada, Latin America and Asia, and with affiliations with TELFA in Europe, USLAW NETWORK remains a responsive, agile legal alternative to the mega-firms.

Home Field Advantage.

USLAW NETWORK offers what it calls The Home Field Advantage which comes from knowing and understanding the venue in a way that allows a competitive advantage – a truism in both sports and business. Jurisdictional awareness is a key ingredient to successfully operating throughout the United States and abroad. Knowing the local rules, the judge, and the local business and legal environment provides our firms' clients this advantage. The strength and power of an international presence combined with the understanding of a respected local firm makes for a winning line-up.

A Legal Network for Purchasers of Legal Services.

USLAW NETWORK firms go way beyond providing quality legal services to their clients. Unlike other legal networks, USLAW is organized around client expectations, not around the member law firms. Clients receive ongoing educational opportunities, online resources, including webinars, jurisdictional updates, and resource libraries. We also

provide *USLAW Magazine* and numerous compendia of law. To ensure our goals are the same as the clients our member firms serve, our Client Leadership Council and Practice Group Client Advisors are directly involved in the development of our programs and services. This communication pipeline is vital to our success and allows us to better monitor and meet client needs and expectations.

USLAW in Europe.

Just as legal issues seldom follow state borders, they often extend beyond U.S. boundaries as well. In 2007, USLAW established a relationship with the Trans-European Law Firms Alliance (TELFA), a network of more than 20 independent law firms representing more than 1,000 lawyers through Europe to further our service and reach.

How USLAW NETWORK Membership is Determined.

Firms are admitted to the NETWORK by invitation only and only after they are fully vetted through a rigorous review process. Many firms have been reviewed over the years, but only a small percentage were eventually invited to join. The search for quality member firms is a continuous and ongoing effort. Firms admitted must possess broad commercial legal capabilities and have substantial litigation and trial experience. In addition, USLAW NETWORK members must subscribe to a high level of service standards and are continuously evaluated to ensure these standards of quality and expertise are met.

USLAW in Review.

- All vetted firms with demonstrated, robust practices and specialties
- Organized around client expectations
- Efficient use of legal budgets, providing maximum return on legal services investments
- Seamless, cross-jurisdictional service
- Responsive and flexible
- Multitude of educational opportunities and online resources
- Team approach to legal services

The USLAW Success Story.

The reality of our success is simple: we succeed because our member firms' clients succeed. Our member firms provide high-quality legal results through the efficient use of legal budgets. We provide cross-jurisdictional services eliminating the time and expense of securing adequate representation in different regions. We provide trusted and experienced specialists quickly.

When a difficult legal matter emerges – whether it's in a single jurisdiction, nationwide or internationally – USLAW is there.

For more information, please contact Roger M. Yaffe, USLAW CEO, at (800) 231-9110 or roger@uslaw.org





USLAW NETWORK, Inc. • 11555 Heron Bay Blvd., Suite 200 • Coral Springs, FL 33076 (800) 231-9110 • www.uslaw.org