SCOMM

101A:28

Legislative Research Services

Alaska State Legislature
Legislative Affairs Agency
Division of Legal & Research Services

130 Seward Street, Suite 218
Juneau, Alaska 99801-2196
Phone: (907) 465-3991
Fax: (907) 463-3351

March 18, 1997

MEMORANDUM

TO: Representative Brian Porter

FROM: Patricia Young
Legislative Analyst

RE: **American Bar Association Membership**
Research Request 97.079

You wished to know the number of attorneys who are members of the American Bar Association (ABA). We prepared the following table which shows the number of active attorneys in the United States (as reported by state bar associations to the ABA) and the number of members in the ABA, a voluntary organization, over the last five years. You will note that ABA membership was on the decline until 1996, but appears now to be on the increase.

American Bar Association Membership 1992-1996

Year	Active Attorneys in the U.S.	American Bar Association Members	Percentage of Active Attorneys Who are ABA Members
1992	799,760	362,104	45 %
1993	846,036	357,032	42 %
1994	862,954	348,673	40 %
1995	896,140	339,476	38 %
1996	946,500	341999	36 %
current	not available	357,267	

Source: American Bar Association.

Please let us know if you have additional questions.

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Research Request 97.079

Please check the appropriate box and return to **Mail Stop 3101** or the above mailing address.

(✓) I approve the release of this information.

( ) I approve the release of this information, but remove my name.

( ) Keep confidential.

3-18-97 Brian N. Porter

Date Signature

To assist us in improving the quality of our research services, we would appreciate your response to the following questions. Please be assured that we will take your comments seriously in performing future research for you.

Was the information objective?

Was it clearly written?

Did it provide answers to (or, at least, useful information on) all the questions you posed?

Was the research completed and delivered to you in a timely manner?

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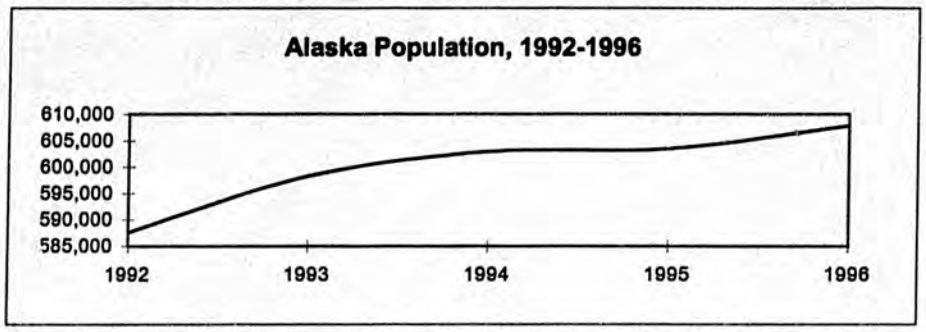
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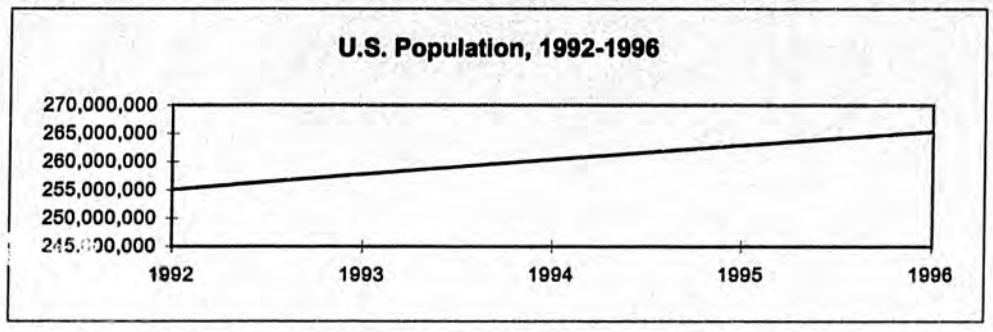
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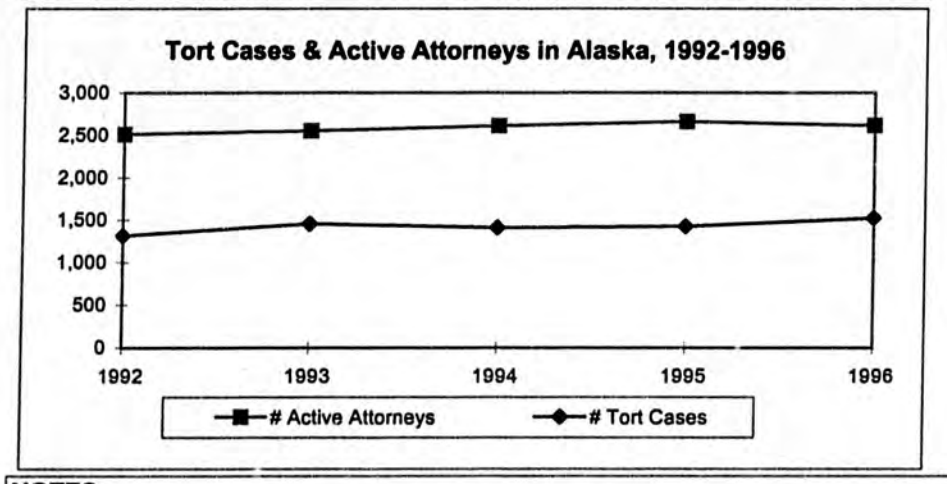
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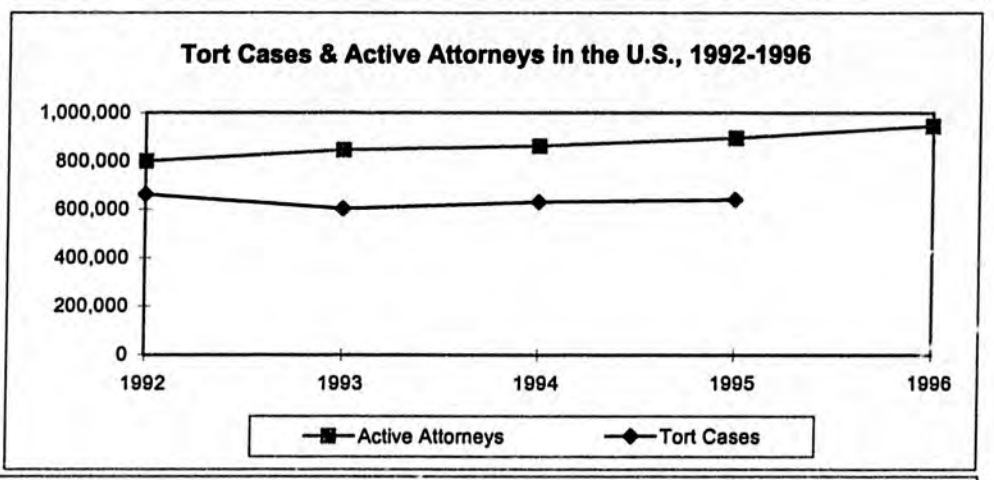
TABLE 1
Population, Active Attorneys, and Tort Cases in Alaska and the United States, 1992-1996

YEAR	ALASKA (a)				UNITED STATES (b)			
	Population (As of July 1)	Active Attorneys	Attorneys per 1,000 Residents	Tort Cases Filed in District & Superior Court	Population (As of July 1)	Active Attorneys	Attorneys per 1,000 Residents	Tort Cases Filed in State Trial Courts of General Jurisdiction
1992	587,605	2,512	4.27	1,316	255,011,000	799,760	3.14	662,502
1993	598,267	2,552	4.27	1,456	257,795,000	846,036	3.28	603,465
1994	602,873	2,609	4.33	1,407	260,372,000	862,954	3.31	630,835
1995	603,453	2,660	4.41	1,422	262,890,000	896,140	3.41	640,286
1996	607,800	2,611	4.30	1,520	265,284,000	946,500	3.57	not available









NOTES:

(a) Alaska filings included in this table are for personal injury and property damage cases only. These cases comprise only a small percentage of civil cases filed every year; for example, in FY 96, a total of 35,402 civil cases were filed in superior and district courts in Alaska. Among that total were 10,774 small claims cases; 8,443 domestic relations cases; 5,088 debt/contract cases; 4,808 cases classified as "other"; 3,249 probate cases; 1,266 domestic violence cases; and 254 administrative review cases. The 1,520 tort cases represent less than 5 percent of all civil cases filed in Alaska during FY 96.

(b) Number of jurisdictions varies from year to year; scope and method of data collection vary from state to state; data for Alaska, for example include tort cases filed in Superior Court only. These tort cases represent only a small percentage of the nearly 20 million civil cases filed annually.

SOURCES: Alaska Department of Labor (for Alaska population); U.S. Census Bureau (for U.S. population); Alaska Bar Association (for number of attorneys practicing in Alaska); American Bar Association (for number of attorneys practicing in U.S.); Alaska Court System, *Alaska Court System Annual Reports 1992-1996* (for tort cases filed in Alaska); National Center for State Courts, Court Statistics Project, *State Court Caseload Statistics, 1995* (for tort cases filed in the U.S.).

Prepared by Alaska Legislative Research Services, March 1997 (97.063).

replacement table for 97.063

"active" attorneys

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Legislative Affairs Agency
Division of Legal & Research Services

130 Seward Street, Suite 218
Juneau, Alaska 99801-2196
Phone: (907) 465-3991
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March 14, 1997

TO: Representative Brian Porter

FROM: Patricia Young
Legislative Analyst

RE: **Tort Reform Questions**
Research Request 97.063

Please check the appropriate box and return to **Mail Stop 3101** or the above mailing address.

( ) I approve the release of this information.

( ) I approve the release of this information, but remove my name.

( ) Keep confidential.

_____ _____

Date Signature

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MEMORANDUM

TO: Representative Brian Porter

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Legislative Analyst

RE: **Tort Reform Questions**
Research Request 97.063

You asked a number of questions pertaining to civil justice in Alaska and across the country. Specifically you wished to know the number of attorneys practicing in Alaska and in the United States, as well as the number of civil cases filed each year from 1992 through 1996 in all Alaska courts and in the United States. Additionally, you asked for background information on small aircraft manufactured by Cessna and Piper. Specifically, you wished to know about the decline in production during the last decade and whether recent federal legislation that places a statute of repose on civil actions filed against manufacturers of small aircraft has been the impetus for renewed production. You wished to know how the cost of newly built planes compares with the cost of planes produced during the 1980s and whether a portion of the cost of the new planes is directly attributable to potential civil liability. After a brief summary, we will address your questions individually.

Summary

Data compiled on civil and tort case filings within Alaska show that tort litigation, as represented by personal injury and property damage cases, make up a small percentage of the total civil caseload. For example, the 1,520 tort cases filed in FY 96 represent less than five percent of the total 35,402 civil cases filed during that year. Comparisons with national data are problematic because of a lack of completeness and consistency; nevertheless, the best available data show that the number of tort cases in general represent a similarly small component of the overall civil caseload. Furthermore, high profile, high-stakes cases such as medical malpractice, exposure to toxic substances, and product liability claims make up just a fraction--roughly ten percent--of tort litigation overall. The significant differences among the types of tort cases--including growth rate, verdict trend, and cost profile--suggest that varying policy responses may be most appropriate for varying types of tort litigation.

In addition to problems associated with a lack of broad-based, systematic empirical data on the numbers of tort cases, the civil justice reform debate has long been hampered by a lack of solid data on the actual costs expended by insurance companies on product liability litigation. Data are difficult to obtain because most litigation costs and compensation payments are private expenditures and are not reported publicly. The connection between liability insurance premiums paid by industry and the payouts made by insurance companies has not been clearly documented. General aviation manufacturers perceive that the high cost of tort litigation nearly halted production. They know what they paid for insurance premiums and for deductibles. Nevertheless, they were unable to identify a direct correlation between the high cost of their insurance premiums and actual insurance industry payouts. Passage of the federal General Aviation Revitalization Act has made liability more predictable for manufacturers, and production is increasing again after a decade long hiatus. Because most general aviation manufacturers have restructured their liability insurance since the mid 1980s, comparisons between the current situation and that during the 1980s are perceived by the industry as largely meaningless. According to the General Aviation Manufacturers' Association, an unidentifiable percentage of the cost of new aircraft is attributable to the potential for product liability. Nevertheless, even with the addition of significant design and construction improvements, the cost of the new Cessna 172--when adjusted for current dollars--is reported to be less than the cost prior to the production hiatus.

Population, Practicing Attorneys, and Court Caseloads

Table 1 provides data on population, practicing attorneys, and personal injury and property damage cases in Alaska and the U.S., 1992-1996. According to the American Bar Association's most recent tally (September of 1996), there are 946,500 attorneys practicing in the United States. Of those, 2,611 are practicing in Alaska. There are 3.6 attorneys for every 1,000 persons nationwide, and 4.3 attorneys for every 1,000 Alaskans. As you will see from Table 1, the number of practicing attorneys in Alaska has been stable during this time period, as has the ratio of Alaska attorneys to the state's population. Nationally, the number of attorneys has increased, and the number of attorneys per capita has been rising steadily. Alaska has more attorneys per capita than the nation as a whole.

For the purposes of this memorandum, we attempt to focus as concisely as possible on civil litigation most directly related to the civil justice reform issue, that is, personal injury and property damage cases.[1] Table Two provides data on the numbers of personal injury and property damage cases filed in Alaska in both district and superior court. It should be noted that these data include only a small percentage of the total civil cases filed each year in Alaska's courts. We have also

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[1]There are at least three distinct types of tort litigation. Of these, by far the most numerous are the relatively routine personal injury cases, typically involving motor vehicles. A smaller category includes high-stakes, high-publicity personal injury cases, such as product liability claims, medical malpractice claims, and business torts. Another small category includes suits for latent injury, such as asbestos litigation, Dalkon Shield cases, and other suits arising from mass exposure to drugs, chemicals, or to toxic substances.

attached tables prepared by the Alaska Governor's Advisory Task Force on Civil Justice Reform (Attachment A). The task force tables, also based on data from the Alaska Court System annual reports, provide further detail on the numbers of tort cases filed in district and superior courts in Alaska from 1988 through 1995.

The most comparable data for U.S. courts overall were collected by the National Center for State Courts (NCSC) and show tort caseloads in as many as 33 state trial courts of general jurisdiction, the District of Columbia, and Puerto Rico from 1986 through 1995 (Attachment B).[2] Caution should be used, however, when interpreting these data. The NCSC points out that national totals are not compiled comprehensively; states collect and count their data in varying ways; and the number of jurisdictions reporting varies year to year. As with the Alaska data, tort cases represent only a small percentage of the total civil cases filed each year.

The lack of consistently counted and reported empirical data is a problem that has plagued the civil justice reform debate for years. Among types of tort cases, each has a different growth rate, jury verdict trend, and cost profile. According to a noted authority on this topic, treating the varying types of tort cases together

> --as is done whenever overall statistics for tort litigation are reported--produces a distorted picture of tort litigation that does not accurately reflect the reality of any of these worlds. Inferences about trends in one area of litigation based on data drawn from another are also likely to be wrong. . . . And the resulting controversy over whose statistics were right has diverted attention from the story behind the statistics: the changes taking place in different areas of litigation--changes that may well merit different types of policy responses.[3]

In response to a clear need for broadly-based and systematically compiled empirical data on fundamental issues relevant to the civil justice reform debate, the NCSC and the Bureau of Justice Statistics (BJS) initiated the Civil Trial Court Network (CTCN) Project in 1992. The CTCN was a study of general civil litigation--including tort, contract, and real property cases--in 45 of the

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[2]Court Statistics Project, *State Court Caseload Statistics, 1995* (National Center for State Courts, 1996), pp. 198-200.

[3]Deborah Hensler, et al., Trends in Tort Litigation: The Story Behind the Statistics (Santa Monica: Rand, 1987), pp. 2-3. Attachment C contains this document and also a more recent publication on the same issue: Deborah Hensler, "Reading the Tort Litigation Tea Leaves: What's Going on in the Civil Liability System?" reprinted by the Rand Corporation from *The Justice System Journal*, Vol. 16, No. 2, (Institute for Court Management, National Center for State Courts), 1993, pp. 139-154.

most populous U.S. counties in fiscal year 1992. Attachment D contains some of the findings of the CTCN Project. According to the project findings,

> Tort cases represent under 5 percent of the nearly 20 million civil cases filed in state courts in 1992.
>
> Auto accidents dominate tort filings (60 percent of all torts), and premises liability (sometimes called "slip and fall") cases comprise the second most common tort (17 percent). Auto and premises liability account for more than three-quarters of all torts filed in urban state courts.
>
> High-profile, high-stakes, complex tort cases--medical malpractice (5 percent), claims against manufacturers for dangerous or defective products (3 percent), and toxic substance cases (2 percent)--constitute just 10 percent of all tort claims filed in state courts of general jurisdiction.[4]

Manufacture of General Aviation Aircraft

Included in Attachment E, is a copy of Public Law 103-298, the General Aviation Revitalization Act of 1994 (GARA). This legislation established an 18-year time limit for general aviation manufacturers' liability in civil actions based on death or injury to persons or damage to property arising from accidents involving general aviation aircraft.[5] This statute of repose means that 18 years after a general aviation aircraft's production, there is no longer any right of action against the manufacturer for defects.[6]

We spoke with representatives from both Cessna and New Piper, who suggested we speak with a representative of the industry association for the most comprehensive information. According to Ed Stimpson, vice chairman of the General Aviation Manufacturers' Association (GAMA), general aviation aircraft production was significantly curtailed by the mid 1980s when liability

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[4]*Examining the Work of State Courts, 1994: A National Perspective from the Court Statistics Project* (NCSC, 1995), pp 7-9 and 30-31, (Attachment D).

[5]*General aviation aircraft* in this context commonly refers to aircraft that are certified by the Federal Aviation Administration, designed for fewer than 20 passengers, and used for non-scheduled operations.

[6]Such statutes are sometimes referred to as *statutes of limitations*, and they are, indeed, similar. A *statute of limitations* bars a right of action unless a suit is filed within a specified time period after an injury occurs; a *statute of repose*, however, terminates any right of action after a specified period of time, regardless of whether any injury has occurred.

insurance was at its most costly. Mr. Stimpson was unable to provide detailed data on costs and compensation paid in tort litigation.[7] According to a brief one-page synopsis of an industry survey, however, insurance claims and expenses peaked at $210 million in 1986. According to the synopsis, Piper filed for bankruptcy protection, at least in part because of tort litigation, and Cessna stopped producing piston-engine aircraft altogether.

Industry data show that in 1979, approximately 17,000 piston-engine aircraft were shipped. Of those, approximately half were manufactured by Cessna. By 1987, at the point that Cessna was no longer producing piston-engine aircraft, overall industry shipments in that category had dropped to approximately 1,000 aircraft.[8]

With passage of the federal statute of repose (GARA), and under bankruptcy protection, Piper reorganized as New Piper Aircraft Incorporated, and is producing their full line of piston-engine aircraft. Cessna reentered the piston-engine market with a revised and updated model 172, the first of which was delivered in February of this year. Cessna is also intending to introduce revised versions of their models 182 and 206. All together, Cessna anticipates their piston-engine production to be about 2,000 aircraft per year by 1998. The industry sites passage of GARA as the primary cause of the revival in production.

According to Mr. Stimpson, potential liability continues to affect the cost of aircraft and is built into the price of every component part; however, he is unable to identify the portion of production costs specifically attributable to liability. Mr. Stimpson notes that the new federal law may have *reduced* costs somewhat, but more clearly it has *restrained* costs.[9] According to company information provided through GAMA, the purchase price for the new Cessna 172 is $124,000, and that is reported to be the equivalent of an approximate $3,500 reduction in cost from the 1986

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[7]The lack of solid data on the actual costs expended for product liability litigation is another long-standing problem in the tort reform debate. The facts are hard to gather because most litigation costs and compensation payments are private expenditures, and are not reported publicly. Generally speaking, the connection between liability insurance premiums and the payouts in verdicts and settlements has not been clearly documented.

[8]Telephone conversations with Ed Stimpson, vice chair, General Aviation Manufacturers Association, and *General Aviation Statistical Databook, 1996* (Washington, D. C.: General Aviation Manufacturers Association, 1997), p. 6; this document is included as Attachment F.

[9]A brief synopsis of a general aviation industry survey sites the American General Aircraft Corporation, as stating, "next to material, product liability costs are the single largest component of an aircraft's price, adding as much as one third to the cost." The synopsis, which was supplied by General Aviation Manufacturers Association, does not identify when that statement was made nor in what context. The synopsis is included as Attachment G.

purchase price, after accounting for inflation, despite significant improvements in design and construction. Prices for other Cessna models and New Piper aircraft were not available.

Information provided by the industry, and included as Attachment G, states the following:

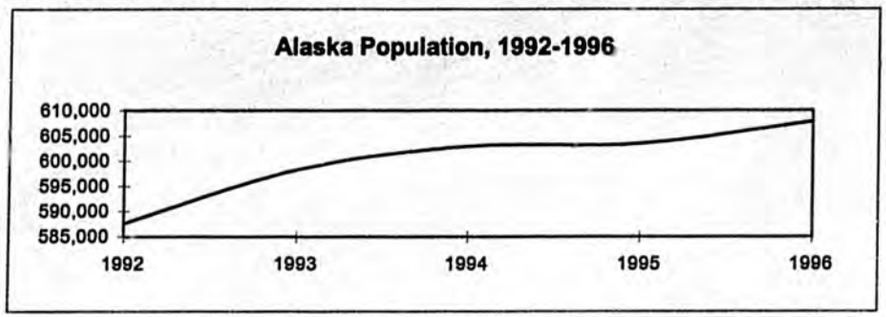
> It is extremely difficult, if not impossible, to construct a comparative product liability picture today. . . . In the past, most manufacturers carried large liability insurance policies. But now, most manufacturers are "self insured" up to a very high "umbrella" policy. Because of this extensive restructuring, a more recent, comparable survey of industry product liability costs is not meaningful.

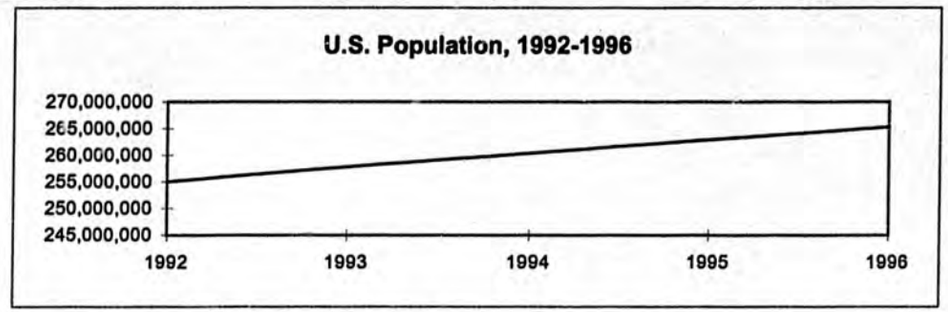
We have also included copies of the Annual Industry Review for 1996 and a GAMA brochure on the results of the General Aviation Revitalization Act as Attachment H. I hope this information is useful. If you have questions or need further information, please let us know.

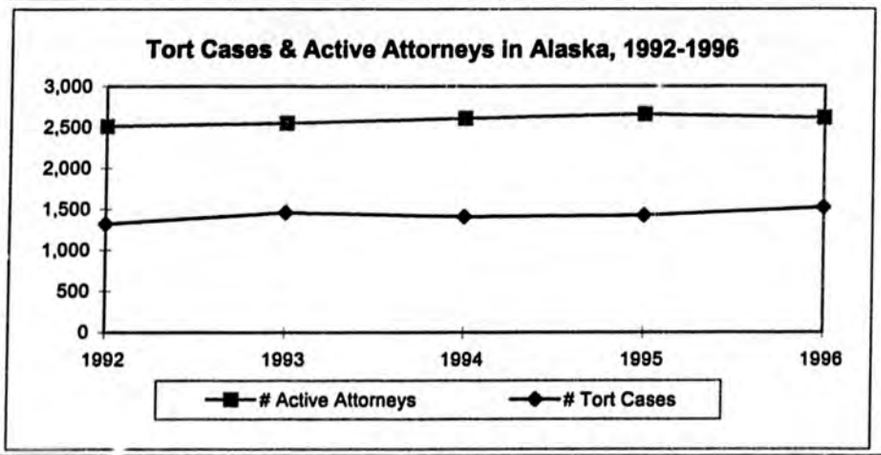
Attachments

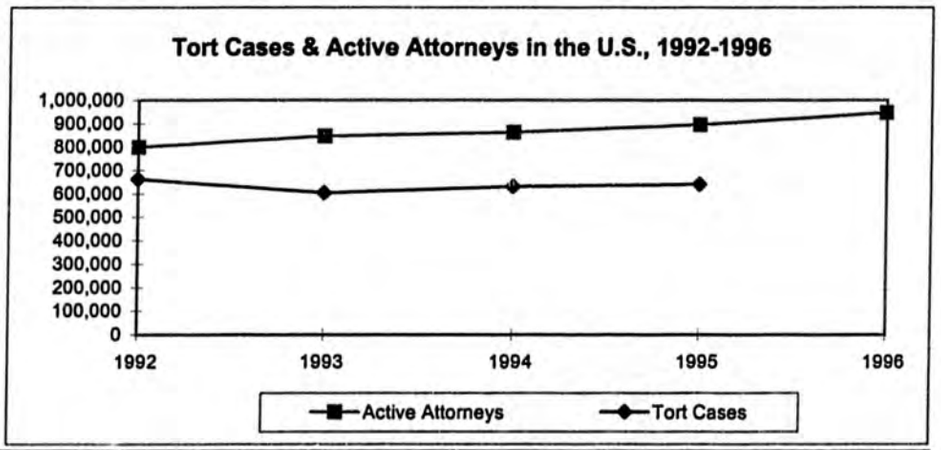
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NOTES:

(a) Alaska filings included in this table are for personal injury and property damage cases only. These cases comprise only a small percentage of civil cases filed every year; for example, in FY 96, a total of 35,402 civil cases were filed in superior and district courts in Alaska. Among that total were 10,774 small claims cases; 8,443 domestic relations cases; 5,088 debt/contract cases; 4,808 cases classified as "other"; 3,249 probate cases; 1,266 domestic violence cases; and 254 administrative review cases. The 1,520 tort cases represent less than 5 percent of all civil cases filed in Alaska during FY 96.

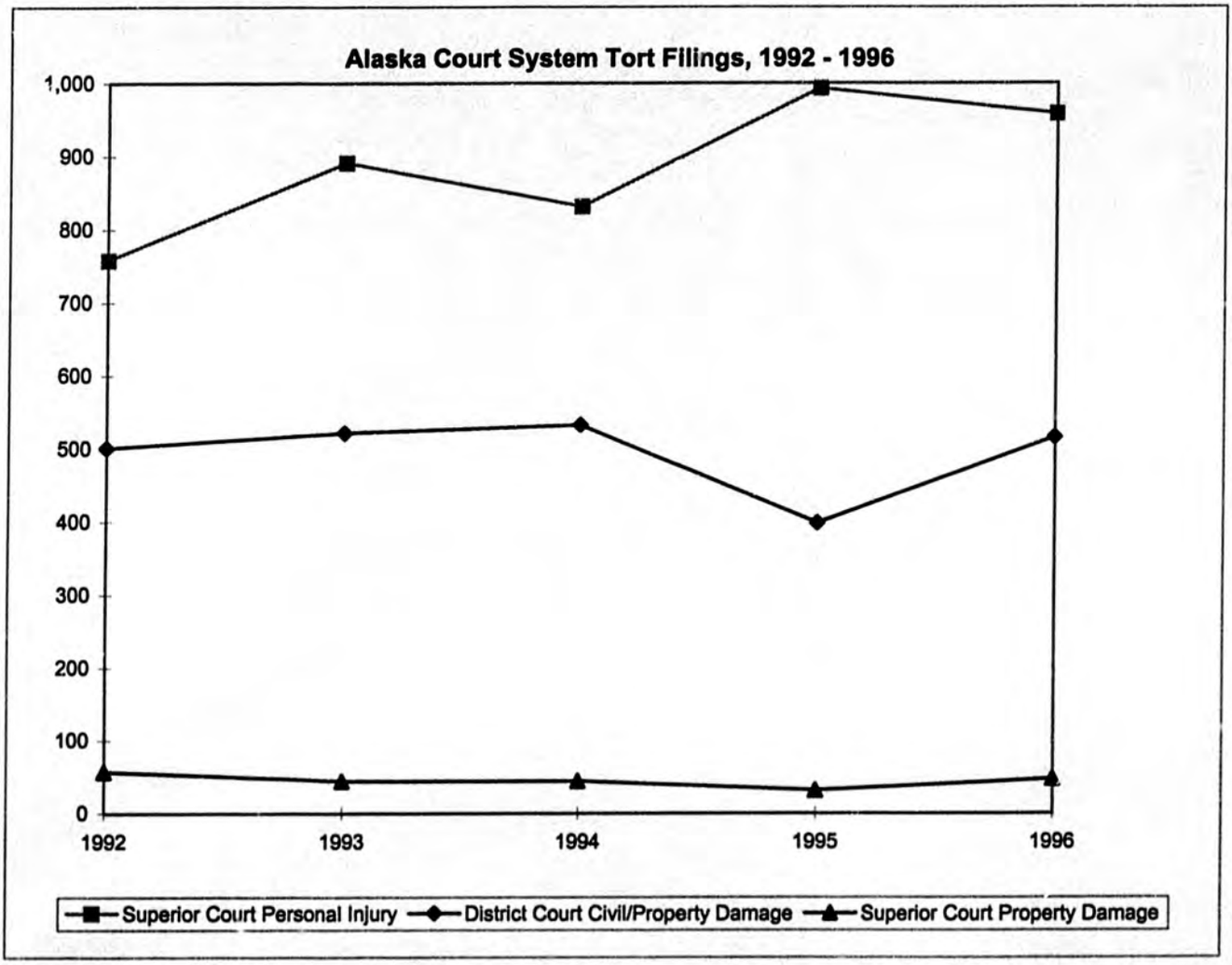
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Prepared by Alaska Legislative Research Services, March 1997 (97.063).

TABLE 2
Personal Injury & Property Damage Cases Filed in the Alaska Court System 1992 to 1996

Fiscal Year	District Court		Superior Court			TOTAL
	Property Damage	TOTAL	Personal Injury	Property Damage	TOTAL	
1992	501	501	758	57	815	1,316
1993	521	521	891	44	935	1,456
1994	532	532	831	44	875	1,407
1995	398	398	993	31	1,024	1,422
1996	515	515	958	47	1,005	1,520



NOTES:
Alaska filings included in this table are for personal injury and property damage cases only. These cases comprise only a small percentage of civil cases filed every year; for example, in FY 96, a total of 35,402 civil cases were filed in superior and district courts. Among that total were 10,774 small claims cases; 8,443 domestic relations cases; 5,088 debt/contract cases; 4,808 cases classified as "other"; 3,249 probate cases; 1,266 domestic violence cases; and 254 administrative review cases. The 1,520 tort cases represent less than 5 percent of all civil cases filed in Alaska during FY 96.

SOURCES:
Alaska Court System, *Alaska Court System Annual Reports*, 1992 - 1996.

Prepared by Alaska Legislative Research Services, March 1997 (97.063).

ATTACHMENT A

Tables prepared by the Alaska Governor's Advisory Task Force on Civil Justice Reform.

Appendix B

Court System Data

Governor Knowles requested the task force to evaluate any changes in the volume and type of civil liability case filings in the Alaska court system. Task force staff evaluated court system annual reports and computer system records to track case filings from 1988 through 1995.

Before 1988, the court system placed tort cases in a category called "civil damages," along with contracts and many other civil cases, making it impossible to track tort cases by themselves. Since 1988, court system annual reports have separated out the categories of personal injury, property damage, and other civil cases, which include malpractice and business torts, along with nontort cases. Starting at about the same time, the court system began to computerize its records and provide more specific case categories, including automobile personal injury, automobile property damage, other personal injury, other property damage, wrongful death, and malpractice (divided into medical, legal, and other). These categories capture most of the tort cases, although some business and employment-related torts may be found in other categories and are therefore difficult to track. The court computer system came on line gradually from 1988 to 1991, with Anchorage coming on last, so complete computer records using the more detailed categories are available only from 1991.

Only very basic filing information is available from court system records. The rate of total tort filings has remained relatively constant from 1988 to 1995. In 1993, Alaska had 159 tort filings per 100,000 population, which placed it near the lower end of 28 states that the National Center for State Courts studied that year. In 1995, personal injury and property damage cases accounted for 5.5 percent of the civil cases in Alaska superior courts and 4.8 percent of all superior court cases, civil and criminal. In district courts, the category "civil/property damage" (which includes more than torts) accounted for 4.9 percent of the general

civil caseload and 1.0 percent of all district court cases (not including traffic tickets). Additional tort cases may be handled in small claims court, but small claims cases are not categorized in the court reports.

Alaska Court System Filings 1988-1995

Number of Personal Injury and Property Damage Cases

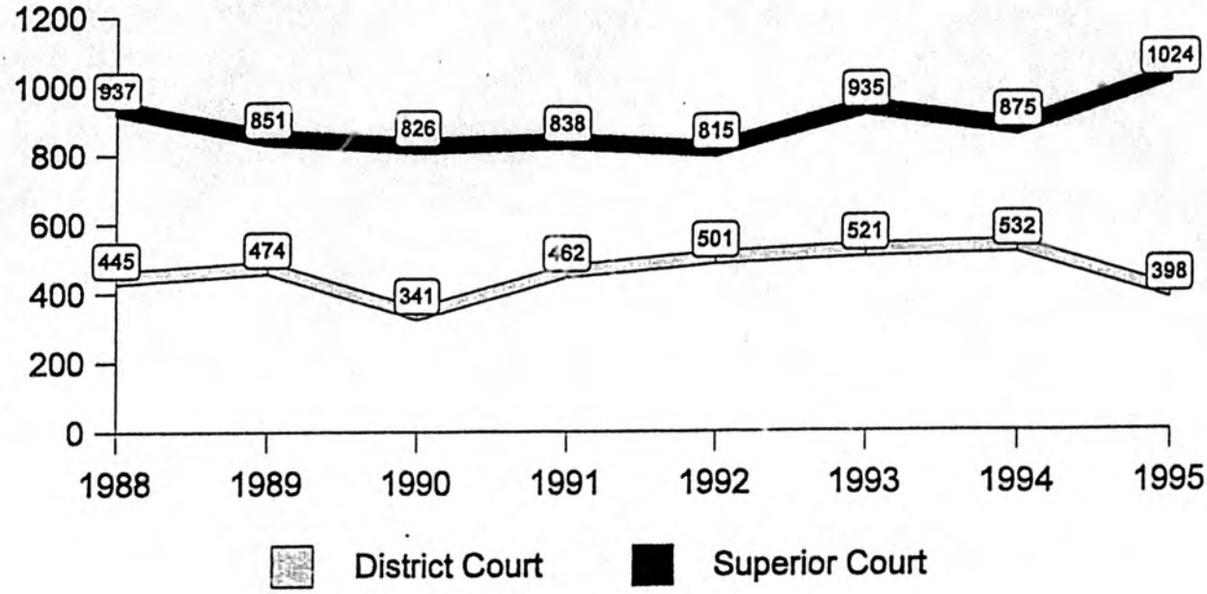


Table prepared by Alaska Governor's Advisory Task Force on Civil Justice Reform August 26, 1996. Data taken from Alaska Court System Annual Reports 1988-1995.

Alaska Court System Filings 1988-1995

Personal Injury and Property Damage Filings per 100,000 Population

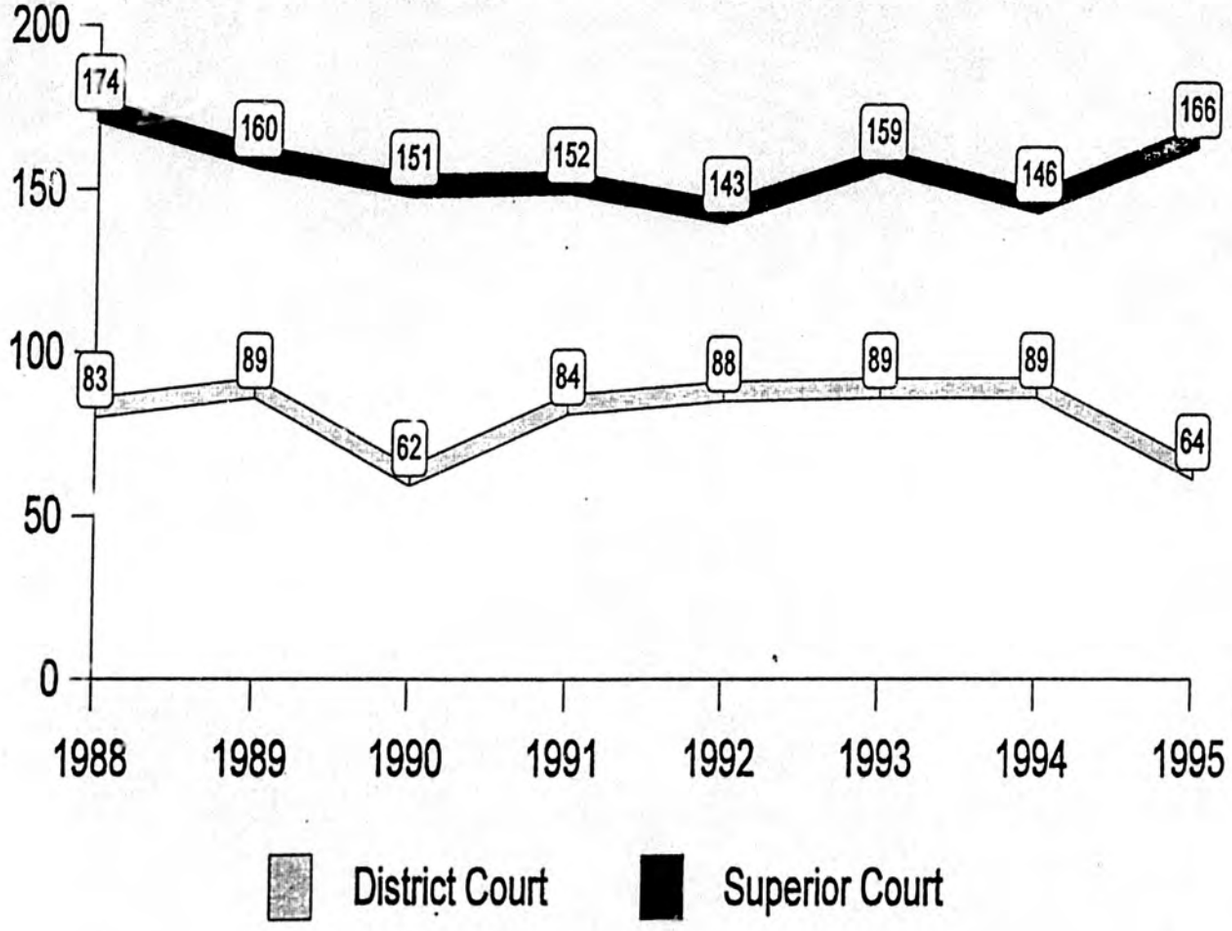


Table prepared by Alaska Governor's Advisory Task Force on Civil Justice Reform August 26, 1996. Data taken from Alaska Court System Annual Reports 1988-1995 and Alaska Department of Labor population statistics.

Alaska Court System Filings 1991-1995

Number of Personal Injury and Property Damage Cases

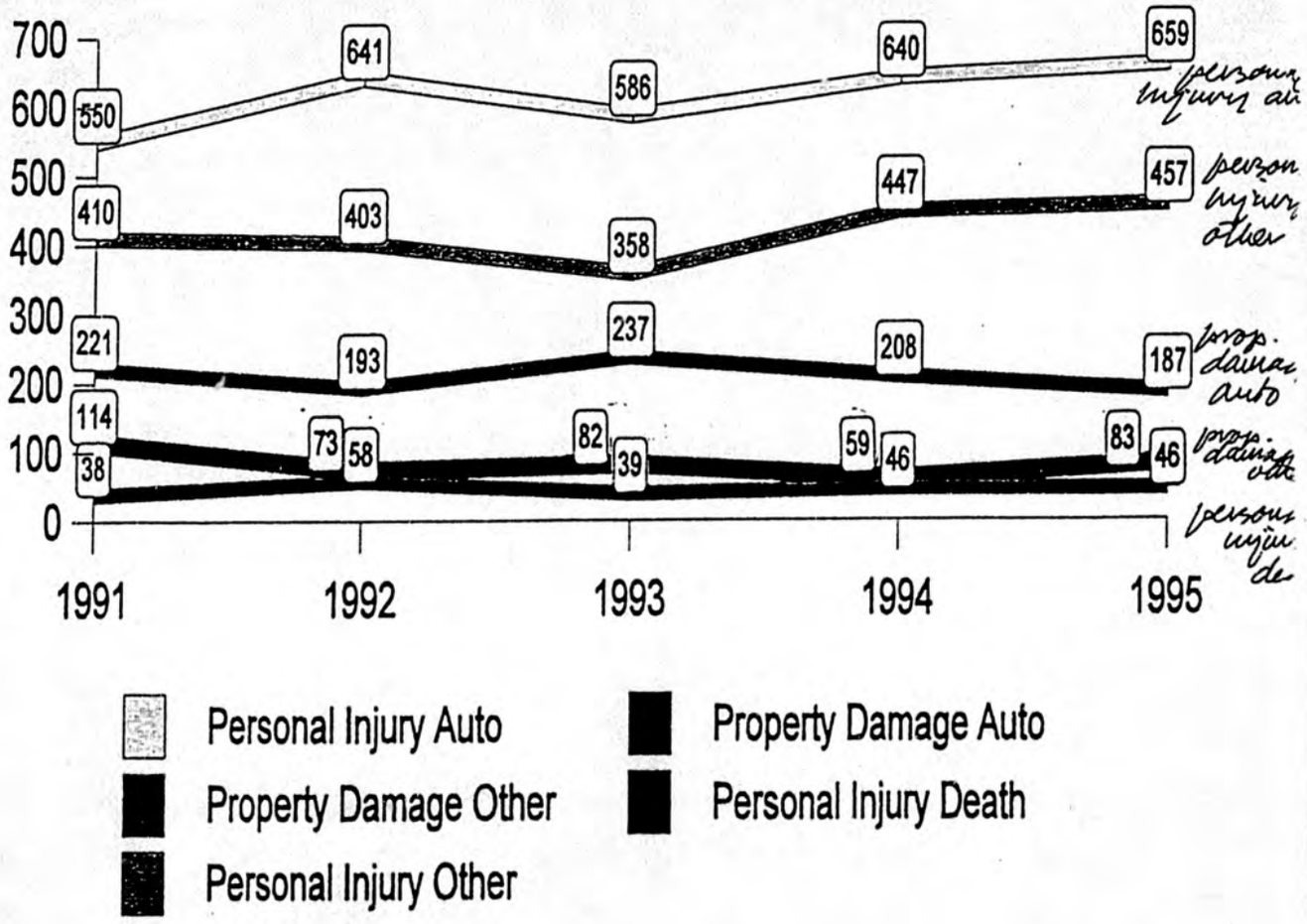


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Alaska Court System Filings 1991-1995

Number of Automobile, Malpractice, and Other Personal Injury Cases

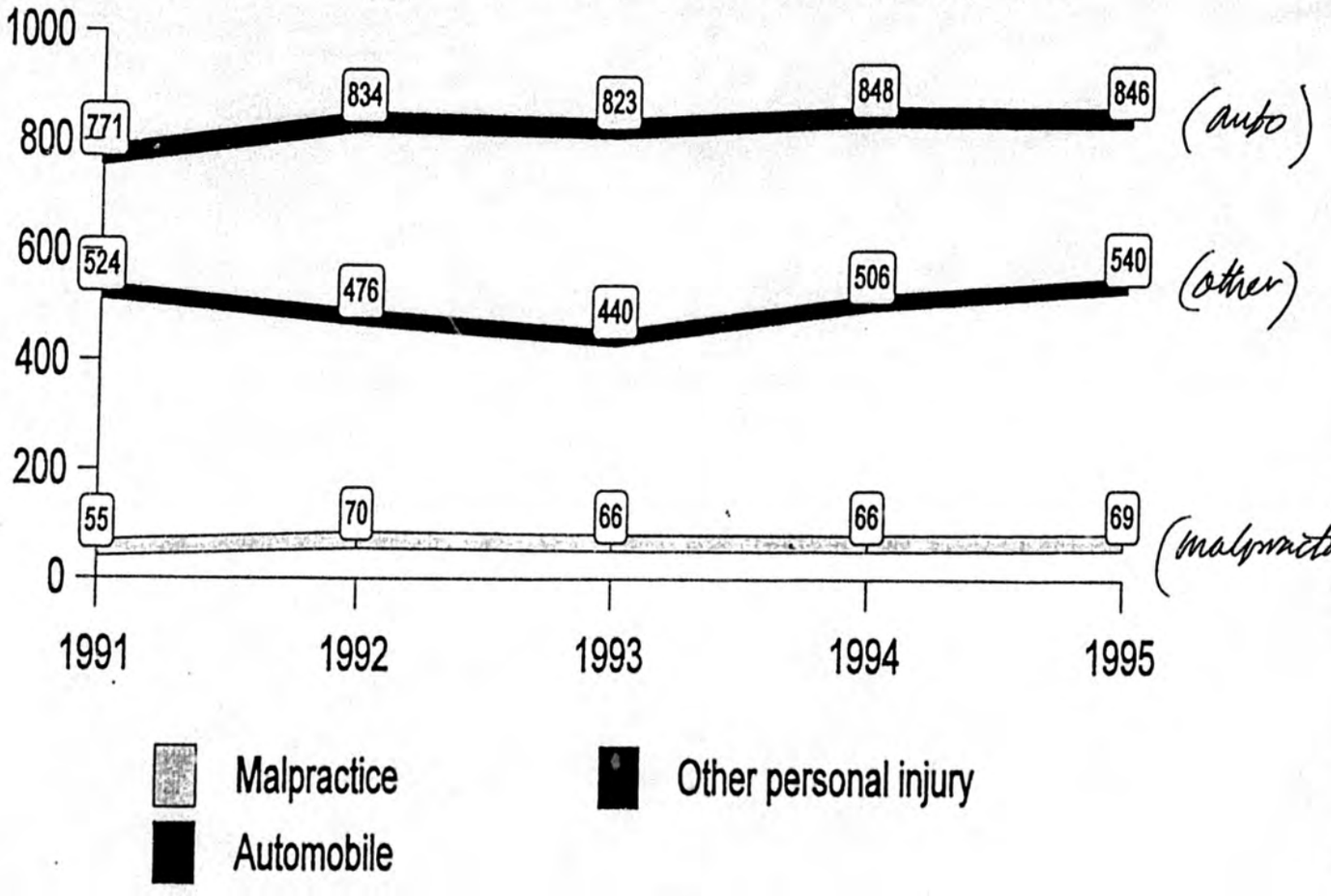


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Alaska Court System Filings 1991-1995

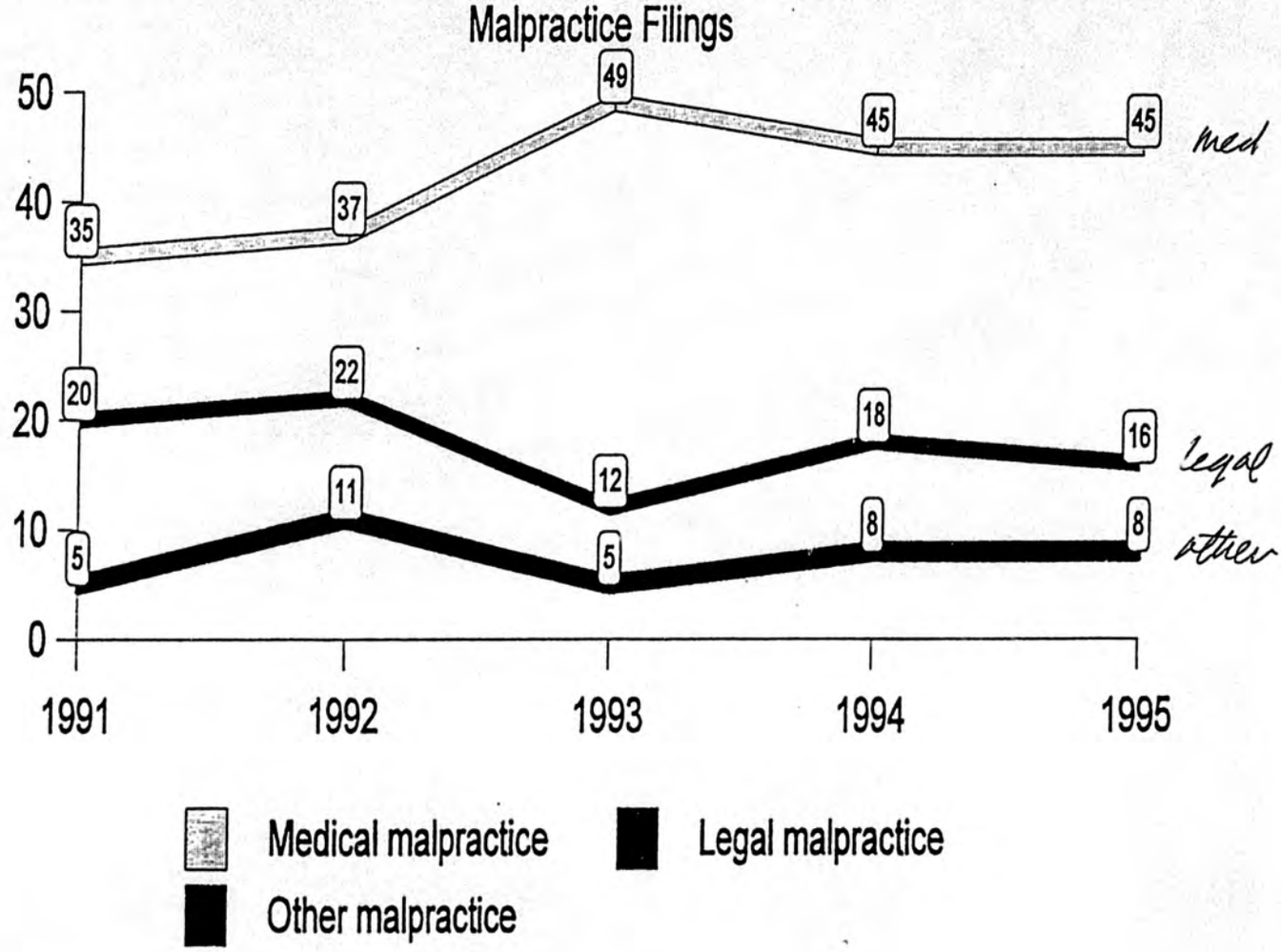


Table prepared by Alaska Governor's Advisory Task Force on Civil Justice Reform August 26, 1996. Data supplied by Alaska Court System Technical Operation August 9, 1996.

ATTACHMENT B

Court Statistics Project, *State Court Caseload Statistics, 1995* (National Center for State Courts, 1996), pp. 198-200.

State Court Caseload Statistics, 1995

Supplement to Examining the Work of State Courts, 1995

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A joint project of the Conference of State Court Administrators, the State Justice Institute, the Bureau of Justice Statistics, and the National Center for State Courts' Court Statistics Project.

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National Center for State Courts
ISBN 0-89656-173-9
NCSC Publication Number R-192

Suggested Citation:
Court Statistics Project, *State Court Caseload Statistics, 1995*
(National Center for State Courts 1996)

This report was developed under Grant SJI-91-07X-O-B-007-P96-1 through 3 from the State Justice Institute and the Bureau of Justice Statistics. Points of view are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute or the Bureau of Justice Statistics.

TABLE 16: Tort Caseload in State Trial Courts of General Jurisdiction, 1986-1995

State/Court name:	Number of filings and qualifying footnotes									
	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
ALABAMA										
Circuit	NA	NA	NA	NA	NA	NA	11,498 B	11,512 B	10,893 B	12,254 B
ALASKA										
Superior	2,344	1,664	937	851	826	838	815	935	875	1,024
ARIZONA*										
Superior	11,888	12,260	20,490	12,559	15,418	15,442	13,842	12,940	22,815	13,776
ARKANSAS										
Circuit	5,541	5,606	5,132	5,000	5,045	5,099	5,098	5,228	5,298	5,254
CALIFORNIA										
Superior	130,206 A	137,455 A	132,378 A	131,900 A	121,960 A	114,298 A	109,219 A	88,346 A	83,721 A	79,490 A
COLORADO										
District*	6,145	3,666	4,506	5,490	5,886	6,295	6,151	5,001	4,977	4,731
CONNECTICUT										
Superior	13,754	15,385	15,741	16,955	16,477	16,266	16,250	15,947	15,642	17,932
DISTRICT OF COLUMBIA										
Superior	NA	NA	NA	NA	NA	3,605	5,424	NA	NA	NA
FLORIDA										
Circuit*	35,535	35,453	35,986	38,415	40,748	44,257	43,458	43,536	43,045	46,025
HAWAII										
Circuit	1,749 A	1,785 A	1,736 A	1,793 A	2,065 A	2,365 A	2,689 A	2,941 A	2,517 A	2,934 A
IDAHO										
District	2,118 A	1,757 A	1,453 A	1,478 A	1,417 A	1,257 A	1,325 A	1,292	1,387	1,306
INDIANA										
Superior and Circuit	NA	NA	NA	5,697	6,719	7,910	8,043	9,452	12,066	13,366
KANSAS										
District	4,273	4,380	4,595	4,513	4,010	4,076	4,338	4,395	4,282	5,082
MAINE										
Superior	2,044	1,786	1,776	1,950	1,878	1,686	1,643	1,615	1,740	1,819
MARYLAND										
Circuit	12,373 A	12,938 A	14,170 A	14,274 A	14,908 A	16,270 A	15,612 A	14,989 A	14,485 A	15,427 A
MASSACHUSETTS										
Trial Court of the Commonwealth	NA	NA	NA	NA	76,806 C	74,641 C	68,341 C	42,704 C	54,559 C	57,898 C
MICHIGAN										
Circuit	32,612	29,756	30,966	32,663	38,784	31,869	34,497	35,450	39,538	30,372
MINNESOTA										
District	10,356	10,739	10,125	9,658	7,135	7,252	7,460	6,861	6,751	6,919

(continued on next page)

TABLE 16: Tort Caseload in State Trial Courts of General Jurisdiction, 1986-1995 (continued)

State/Court name:	Number of filings and qualifying footnotes									
	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
MISSOURI										
Circuit	NA	NA	NA	NA	21,680	21,245	19,999	17,883	16,960	17,506
MONTANA										
District	1,836	1,792	1,541	1,613	1,651	1,518	NA	NA	NA	NA
NEVADA										
District	NA	NA	4,329	4,799	5,295	5,871	6,185	6,788	7,486	7,873
NEW JERSEY										
Superior*	NA	NA	NA	71,367 A	72,463 A	73,614 A	67,380 A	63,776 A	63,538 A	60,234 A
NEW MEXICO										
District	NA	NA	NA	NA	NA	NA	4,578	5,759	4,842	5,159
NEW YORK										
Supreme and County*	NA	NA	53,104	62,189	65,026	65,767	72,189	71,113	75,298	81,265
NORTH CAROLINA										
Superior	8,897	8,881	7,639	7,879	8,175	8,656	9,361	9,754	9,739	10,256
NORTH DAKOTA										
District	561	551	552	602	744	531	411	525	535	685
OHIO										
Court of Common Pleas	28,225	29,375	28,614	29,039	34,488	34,422	33,196	31,229	31,181	33,371
OREGON										
Circuit	NA	NA	NA	NA	NA	5,999	5,568	5,636	6,176	6,850
PUERTO RICO										
Court of First Instance*	4,558 B	4,811 B	4,077 B	5,579 B	6,095 B	6,569 B	5,610 B	4,910 B	5,646 B	10,236 A
TENNESSEE										
Circuit, Criminal, and Chancery	13,167	13,597	NA	13,501	13,453	13,223	13,100	12,106	12,221	13,726
TEXAS										
District	38,238	40,764	36,597	36,710	39,648	44,088	46,762	47,586	48,631	51,544
UTAH										
District	2,527 B	1,335 B	1,404 B	1,233 B	1,531 B	1,729 B	1,979 B	1,804 B	1,928 B	2,056 B
WASHINGTON										
Superior	19,515	8,007	8,746	10,146	10,147	11,375	11,142	11,856	11,950	12,850
WISCONSIN										
Circuit	NA	9,545	9,534	9,152	9,669	8,865	8,835	9,043	9,583	10,559
WYOMING										
District	NA	NA	NA	NA	NA	NA	504 A	553 A	530 A	505 A

(continued on next page)

TABLE 16: Tort Caseload in State Trial Courts of General Jurisdiction, 1986-1995 (continued)

NOTE: The footnoting scheme has been consolidated. Footnotes for 1986-1987 have been translated into the footnote scheme for 1988 through 1995.

NA = Data were unavailable or not comparable.

QUALIFYING FOOTNOTES:

A: The following courts' data are incomplete:

California—Superior Court—Tort data do not include medical malpractice and product liability cases. Tort data for 1989 also do not include partial data from several courts. Data for 1990 and 1992 also do not include partial data from one court. Data for 1991 also do not include data from one court. Data for 1993 also do not include partial data from fourteen courts. Data for 1994 also do not include partial data from three courts. Data for 1995 do not include medical malpractice, product liability and partial data from two courts.

Hawaii—Circuit Court—Tort data do not include a small number of District Court transfers reported with other civil cases.

Idaho—District Court—Tort data for 1986 through 1992 do not include some cases reported with unclassified civil cases.

Maryland—Circuit Court—Tort data do not include some cases reported with unclassified civil cases.

New Jersey—Superior Court—Tort data do not include some cases reported with unclassified civil cases.

Puerto Rico—Court of First Instance—Tort data for 1995 do not include cases from the Municipal Division.

Wyoming—District Court—Tort data for 1992 do not include cases from two counties. For 1993-1995, one county did not report tort data.

B: The following courts' data are overinclusive:

Alabama—Circuit Court— Tort data include some postconviction remedy proceedings.

Puerto Rico—Court of First Instance—Tort data for 1986-1994 include appeals.

Utah—District Court—Tort data include de novo appeals from the Justice Court.

C: The following courts' data are both incomplete and overinclusive:

Massachusetts—Trial Court of the Commonwealth—Tort data for 1990 through 1992 and 1994-1995 include contract cases from the District Court Department, but do not include cases from the Boston Municipal Court Department. 1993 data include contracts from the District Court Department, but do not include tort cases from Boston Municipal Court Department and Superior Court Department.

• Additional court information:

Arizona—Superior Court—Tort reform legislation caused the tort caseload to increase dramatically in 1994.

Colorado—District and Denver Superior Courts—The Denver Superior Court was abolished 11/14/86 and the caseload absorbed by the District Court.

Florida—Circuit Court—The large increase in tort filings for 1991 is due in part to the filing of 1,113 asbestos cases in Miami in July of 1991.

New Jersey—Superior Court—The unit of count changed in 1989, so data from previous years are not comparable.

New York—Supreme and County Court—The unit of count changed in 1988, so data from previous years are not comparable.

Puerto Rico—Court of First Instance—The Judicial Reform Act of 1994 consolidated the Superior, District, and Municipal Courts into one Court of First Instance effective 1995.

ATTACHMENT C

Deborah Hensler, et al., Trends in Tort Litigation: The Story Behind the Statistics [Santa Monica: Rand, 1987], pp. 2-3 and
Deborah Hensler, "Reading the Tort Litigation Tea Leaves: What's Going on in the Civil Liability System?" reprinted by the Rand Corporation from *The Justice System Journal*, Vol. 16, No. 2, (Institute for Court Management, National Center for State Courts), 1993, pp. 139-154.

This research is supported by The Institute for Civil Justice.

ISBN: 0-8330-0834-X

The RAND Publication Series: The Report is the principal publication documenting and transmitting the Institute's major research findings and final research results. The Note reports other outputs of sponsored research for general distribution. Publications of The RAND Corporation do not necessarily reflect the opinions or policies of RAND's and the Institute's research sponsors.

Published by The RAND Corporation
1700 Main Street, P.O. Box 2138, Santa Monica, CA 90406-2138

R-3583-ICJ

Special Report

Trends in Tort Litigation

The Story Behind the Statistics

Deborah R. Hensler, Mary E. Vaiana,
James S. Kakalik, Mark A. Peterson

1987

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FOREWORD

During the last two years, the issue of tort reform has been vigorously debated in virtually every state legislature and in the U.S. Congress. Because the tort system directly affects the interests of the various parties to this debate, it is not surprising that the proponents and opponents of reform have sharply differing ideological positions. The more striking feature of the debate is the sharply differing perceptions of the underlying reality—perceptions buttressed by a bewildering array of seemingly contradictory statistics.

Proponents of reform cite numbers showing an explosion of lawsuits, jury verdicts that are "out of control," and a system where legal fees and expenses rival the amounts paid in compensation. Opponents marshal other data to show that the explosion of suits is a myth, that jury awards have been remarkably stable, and that the transactions costs of the system are reasonable given its objectives.

This report takes on the task of sorting out these conflicting claims and statistics. The task is a natural one for the Institute for Civil Justice—and not simply because both sides have used ICJ research to support their positions. The Institute has played a leading role in shifting the grounds for the debate from an exchange of anecdotes to presentation of empirical data to support assertions.

The central message of the report is that much of the confusion results from the implicit notion of a single, homogeneous tort liability system. This misperception is shared by policymakers and by proponents and opponents of reform who operate under the assumption that indicators of change along one dimension of the system reflect changes in the system as a whole. In fact, the tort liability system appears to consist of three separate systems. The report delineates these systems and suggests why they appear to be evolving in different directions. It proposes an explanation for why diverse statistical data have characterized the policy debate and provides an important framework for understanding the conflicting claims resulting from that debate.

♦ ♦ ♦ ♦ ♦

Most ICJ publications present the findings of a single empirical study. However, as our research inventory has grown, we have frequently been asked to synthesize and interpret our findings. Until now, we have responded to these requests in legislative testimony or in professional journal articles—forums designed for relatively specialized audiences. With this report, the ICJ initiates a new series of publications, intended for a wider audience, that will synthesize the results of previous ICJ studies and place them in a broad policy context.

Kevin F. McCarthy
Director, The Institute for Civil Justice

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INTRODUCTION

Over the past two years, insurers, manufacturers, physicians, consumer advocates, and trial attorneys have vigorously debated the costs and benefits of the tort system as a mechanism for compensating and deterring injuries. The debate began with a perceived "insurance crisis." Liability insurance premiums, particularly for medical malpractice and commercial lines, increased sharply, and insurance for some kinds of activities became unavailable at any price.

While there was broad consensus that obtaining and paying for insurance was a pressing problem, there was little agreement about the cause or its solution. On the one hand, insurers linked rising rates and unavailability to trends in tort litigation, thus focusing attention on the legal system. In many states and at the federal level, insurers, manufacturers, health care professionals, and local government officials formed coalitions to support substantive changes in tort law. On the other hand, trial attorneys and consumer groups generally opposed these changes, arguing that what needed reform was not tort law, but poor management practices in the insurance industry.

It is hardly surprising that the proponents and opponents of what became known as "tort reform" held sharply differing positions. However, they also appeared to hold sharply differing views of reality.

The policy debate over tort reform

Proponents of change argued that there has been an explosion of liability lawsuits in the past five years, that recent verdicts demonstrate that civil juries are "out of control," and that the monetary benefits delivered by the tort system to injured parties are overshadowed by the enormous costs of administering the system. Tort reform was needed to counteract these trends.

Opponents of tort reform argued that the litigation explosion is a myth, that jury awards have been basically stable for 25 years, and that the transactions costs of the system are acceptable, given the system's twin objectives of compensation and deterrence. Tort reform was not only unnecessary—it might be harmful to those whom the system is intended to serve.

The statistical debate . . .

Each side presented statistical data that appeared to support its position. But the differences in the data cited were puzzling even to those wise in the ways of lying with statistics. Each side claimed to be accurately describing the tort litigation system, yet the two sides seemed to be talking about different worlds. A sample:

. . . on the litigation explosion

- *Between 1977 and 1981, the number of civil lawsuits in state courts grew four times faster than the total U.S. population* (Time, *March 24, 1986, p. 20).*
- *The annual number of tort filings in 17 states rose 9 percent between 1978 and 1984; meanwhile, population in those states rose 8 percent ("The Manufactured Crisis,"* Medical Economics, *November 10, 1986, p. 69).*

. . . on the growth in amount awarded

- *The average award in product liability and medical malpractice cases is now over a million dollars* (Time, *March 24, 1986).*
- *Between 1975 and 1984, the growth in the median medical malpractice award has been less than the rise in inflation. In product liability cases, the growth rate for median awards has exceeded the inflation rate, but not by much ("The Manufactured Crisis," p. 68).*

Where does the truth lie?

The worlds of tort litigation

Recent research on trends in tort litigation, conducted by The Institute for Civil Justice (ICJ)[1] at The RAND Corporation, suggests an explanation for the apparent discrepancies among the statistics: There is no longer, if there ever was, a single tort system. Instead, there are at least three types of tort litigation, each with its own distinct class of litigants, attorneys, and legal dynamics.

- The first is the world of routine personal injury torts, exemplified by auto suits. They occur frequently and usually involve modest injuries and relatively low financial stakes. Settled law and routine procedures lend an air of stability to this world.
- The second is the world of high-stakes personal injury suits, such as product liability, malpractice, and business torts. Here the litigation itself is newer, the law is still evolving, and the stakes per case are larger and increasingly uncertain.
- The third is the world of mass latent injury cases, such as asbestos litigation, Dalkon Shield cases, and other suits arising from mass exposure to drugs, chemicals, or toxic substances. The lack of "fit" between traditional tort law and the facts of these cases leads many to view them as problematic.

[1]The Institute for Civil Justice was founded at RAND in 1979 to conduct independent, objective policy analysis and research on civil justice issues. RAND is a nonprofit institution; the ICJ is supported by pooled grants from corporations, including insurance and noninsurance organizations, private foundations, trade and professional associations, and individuals.

Treating three worlds as one invites distortion

Each of these worlds is characterized by a different litigation growth rate, jury verdict trend, and cost profile. Treating the three types of litigation together—as is done whenever overall statistics for tort litigation are reported—produces a distorted picture of tort litigation that does not accurately reflect the reality of any of these worlds. Inferences about trends in one area of litigation based on data drawn from another are also likely to be wrong. Just as the blind men who tried to identify an elephant by feeling different parts of it each perceived different realities—none of them an elephant!—statistical views of any one part of the litigation system are necessarily distorted. And the resulting controversy over whose statistics were *right* has diverted attention from the story behind the statistics: the changes taking place in different areas of litigation—changes that may well merit different types of policy responses.

Key questions to be answered

In this report, we will review and explain the statistical evidence as we sketch a comprehensive picture of the three worlds of tort litigation, drawing on seven years of ICJ research. We will use this research to answer three questions that are at the heart of the recent debate on trends in tort litigation:

- How much litigation is there?
- Are jury awards stable or out of control?
- How much does litigation cost, and who gets the money?

We will show how the answers to these questions differ depending on which world of litigation one examines. And we will suggest why litigation trends and outcomes in these worlds are increasingly divergent.

LITIGATION: HOW MUCH IS THERE?

The controversy

It would be hard to find a wider range of opinions than those held, and strongly asserted, about the amount of litigation nationwide. Some observers claim the United States is witnessing a litigation explosion reflecting litigiousness unmatched anywhere in the world.[1] Others claim that recent statistics on court filings indicate stable, or very slowly increasing, litigation rates.[2] Yet others argue that many Americans with legitimate grievances do not pursue them in court because they lack the financial and social resources necessary to do so.[3]

Why is there so much uncertainty and controversy about this basic question? Three reasons: (1) not enough good data; (2) confusion between litigiousness and amount of litigation; (3) description of different types of tort litigation. In this section, we will attempt to avoid these sources of confusion by examining the amount of litigation *in each of the three worlds.*

Data sources . . .

Three organizations are the source of the most commonly cited data in the debate over litigation rates: (1) the Administrative Office of the U.S. Courts, which yearly collects information about filings in the federal district courts; (2) the National Center for State Courts (NCSC), a private, nonprofit, court-supported organization that has been monitoring the amount of litigation in state courts across the country since the late 1970s; and (3) The Institute for Civil Justice, which does not itself collect or publish caseload statistics, but has reviewed and interpreted the available data in the course of its studies.

---

[1]For example, see Elaine S. Knapp, "Who's to Blame? Insurers or Courts?" *State Government News*, Vol. 29, No. 3, March/April 1986; or "There *Is* a Litigation Explosion," *The National Law Journal*, May 19, 1986.

[2]David Burrow and John E. Collins, "Insurance Crisis—Texas Style: The Case for Insurance Reform," *St. Mary's Law Journal*, Vol. 18, No. 3, Winter 1987, pp. 760–761.

[3]"The Manufactured Crisis," *Medical Economics*, November 10, 1986, p. 61.

. . . and data problems

The growth rate for federal filings is straightforward. The data from the Administrative Office of the Courts are complete and show that tort filings in federal courts grew at an average annual rate of 4 percent between 1981 and 1984. Unfortunately, however, federal filings are a very small part of total tort action. About 95 percent of the tort cases are filed in the state court system,[4] but these data are incomplete. The NCSC is hampered in its recordkeeping because not all state courts distinguish tort litigation from other civil cases such as commercial and contract suits. Therefore, both the NCSC and all other users must extrapolate from the data available. The NCSC estimates an average annual growth of 2.3 percent in tort filings in state courts between 1981 and 1984; the comparable ICJ estimate is 3.9 percent.[5]

Total amount of tort litigation nationwide is growing slowly

Whatever the slight differences among estimates, it is clear that the amount of tort litigation nationwide is growing relatively slowly. Indeed, when the rate is adjusted for population growth, it sinks (according to estimates by ICJ researchers) to a modest 3 percent. This number is not, by itself, a good measure of litigiousness. Such a measure would have to include other kinds of information—for example, whether the number of claims or grievances that could be litigated was growing. But it is a good measure of overall litigation activity.

But growth differs for different case types

But the total amount of tort litigation nationwide is not the relevant statistic for policymakers. When we examine how much litigation occurs in different types of cases, we see significant differences. Figure 2.1 illustrates this point. It shows changes from 1975 to 1985 in the amount of tort litigation in the federal courts and in California state courts, one of the few state courts that tracks the personal injury caseload. The data for the federal caseload let us show separate results for auto, marine, and air cases, other nonproduct personal injury cases, and product liability. For California, we can distinguish only auto and other personal injury, a category that includes product liability,

[4]For further discussion, see James S. Kakalik and Nicholas M. Pace, *Costs and Compensation Paid in Tort Litigation*, The RAND Corporation, R-3391-ICJ, 1986, Chapter II.

[5]The ICJ estimation method is discussed in detail in Kakalik and Pace, 1986.

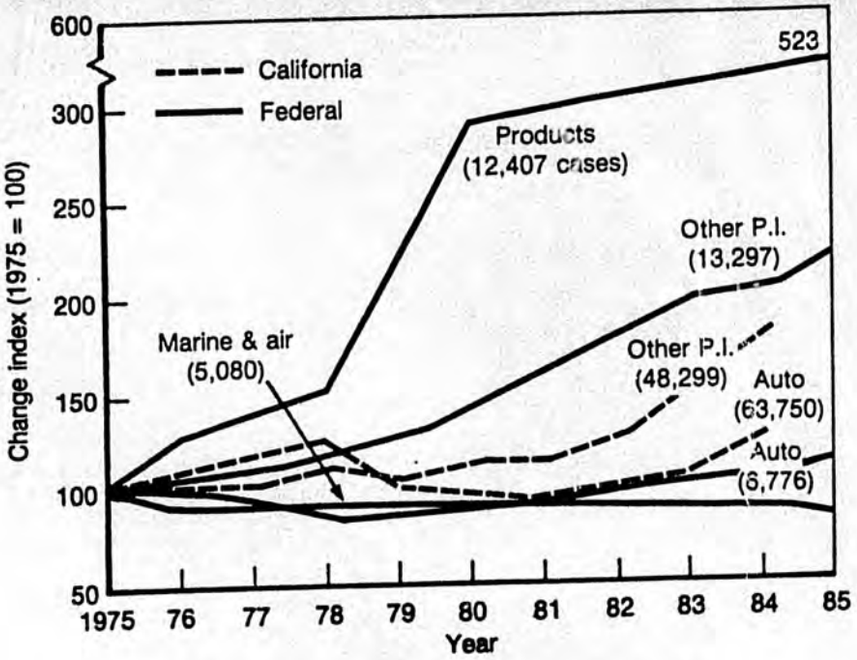


Fig. 2.1—Growth differs for different case types

medical malpractice, and a variety of other personal injury torts. We have used 1975 as the base year and calculated deviation from it.

High-stakes personal injury suits are growing faster

Because there are only two categories, the California pattern is the simpler. The data for auto cases show a slight increase, which roughly mirrors population growth during this period; in other words, litigation in this area remained basically stable. However, the increase in other personal injury suits is much sharper and far outpaces population increases.[6]

[6]See Deborah R. Hensler, *Trends in California Tort Liability Litigation*, The RAND Corporation, P-7287-ICJ, March 1987.

Although the data from the federal courts are more diverse, the basic pattern is the same. The number of auto and marine and air cases was very stable over the entire period. However, other nonproduct personal injury cases grew rapidly and product liability cases have soared. It is the precipitousness of this last increase that has attracted so much media attention. It is unclear whether this quantum jump is because the federal courts are now getting a portion of these cases that used to be filed in state courts, or because asbestos cases and other mass latent injury suits are swelling the caseload. Probably both factors are operating, but we are unable to tease out their separate effects from these data.

A different measure of changing caseload is the composition of the caseload. Table 2.1 shows the shift in caseload for federal courts, California courts, and NCSC data for a group of state courts (California, Hawaii, Maryland, Michigan, and Texas) that report more detailed information about filings.

Table 2.1

AUTO CASES ARE A DECLINING FRACTION OF TORT FILINGS

	Percentage of Case Filings	
Federal courts	**1975**	**1985**
Auto	25	16
Non-auto	75	84
California	**1975–1976**	**1984–1985**
Auto	65	43
Non-auto	35	57
Five state courts[a]	**1980**	**1984**
Auto	61	55
Non-auto	39	45

[a]California, Hawaii, Maryland, Michigan, and Texas (NCSC).

Although the periods covered are not identical because some data are unavailable, we observe similar patterns. In every category, auto cases are a declining percentage of case filings.

For most courts, we are fortunate just to have data on filings. But the ICJ has been able to assemble data on tort trials in San Francisco and in Cook County, Illinois, for 1960–1984. These data allow us to analyze the composition of trial caseloads, as shown in Fig. 2.2.[7] Throughout the period 1970–1984, Cook County tried a much larger percentage of auto cases than did San Francisco. However, in both jurisdictions, auto accident cases constitute a steadily declining slice of the caseload pie, falling from 48 percent to 35 percent in San Francisco, and from 76 percent to 59 percent in Cook County.

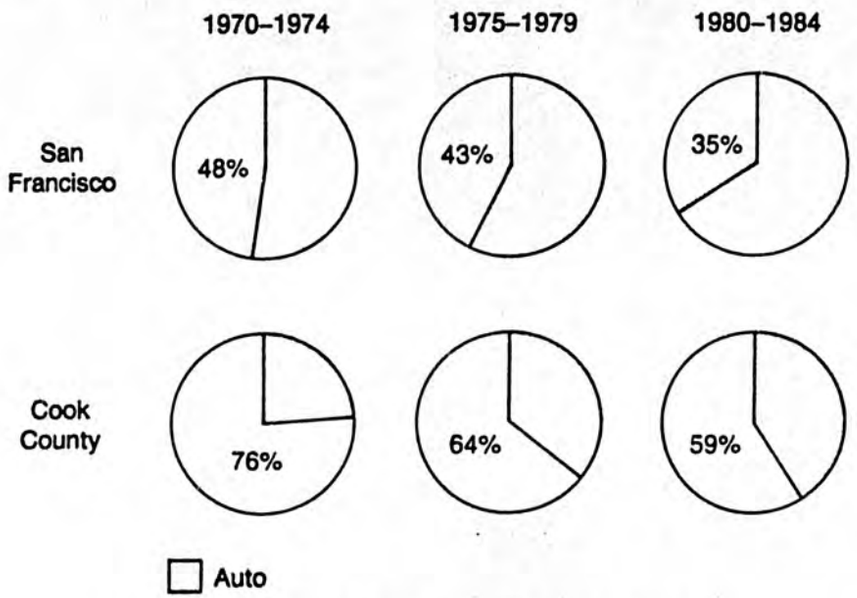


Fig. 2.2—Auto cases are a declining fraction of tort trials

[7]Based on data from Mark A. Peterson, *Civil Juries in the 1980s: Trends in Jury Trials and Verdicts in California and Cook County, Illinois*, The RAND Corporation, R-3466-ICJ, 1987.

Where the explosion may occur

There is little ambiguity about the trends in the third category of cases—mass latent injuries. Data from asbestos and Dalkon Shield claims demonstrate truly explosive growth for these types of cases. For example, most experts estimate that there were about 16,000 asbestos worker injury claims in 1981; five years later, there were more than 30,000 asbestos cases in state and federal courts. In 1981, there were an estimated 7,500 lawsuits pending over injuries from Dalkon Shields. By 1986, after A. H. Robins, the manufacturer, had sought protection under Chapter 11, more than 325,000 claims had been submitted to the bankruptcy court.

Mass latent injury suits have this explosive quality for two reasons. First, some toxic substance litigation is concentrated in particular areas where that substance may have been used. For example, asbestos was widely used in certain industries—in shipbuilding on the east and west coasts and on the Gulf and in the petrochemical industry on the Gulf. Because of this geographical concentration, asbestos claims may flood the courts in some cities even though they might not constitute a very large percentage of the national caseload.

We have estimated the contribution of asbestos claims to judges' civil caseloads in a number of federal and state courts.[8] For 1984, the percentages ranged from a low of about 7 percent in Northern California to highs of approximately 25 percent in Massachusetts and New Jersey.

Second, the statute of limitations defines a time window within which claims must be brought. If newly discovered evidence or a new legal ruling provides a new basis for claims, then a large number of people must file expeditiously. The system may well experience the results as an explosion.

As the metaphor suggests, this explosion of tort filings may be temporary—a bulge that the system slowly absorbs. But because these cases appear on the legal scene suddenly and in very large numbers, they contribute to a

[8]For details, see Deborah R. Hensler, William L.F. Felstiner, Molly Selvin, and Patricia A. Ebener, *Asbestos in the Courts: The Challenge of Mass Toxic Torts*, The RAND Corporation, R-3324-ICJ, 1985, p. 27.

general impression of hectic court activity and may well overwhelm courts in certain locations.

So how much tort litigation is there?

The answer to the question of how much tort litigation there really is depends critically on which world of litigation the data describe.

- *Auto accident cases are a steady or declining percentage of court action.*
- *Non-auto personal injury cases such as malpractice and product liability are growing moderately in state courts and more dramatically in federal courts.*
- *Mass latent injury cases have the potential for explosive growth as new evidence of harms is developed.*

JURY AWARDS: STABLE OR OUT OF CONTROL?

More statistical confusion

Some of the most memorable salvos of the insurance crisis war have been aimed at the amounts that juries award injured plaintiffs. And nowhere is the bewildering discrepancy between statistics so dramatic:

> The average verdict in both product liability cases and medical malpractice cases is now more than $1 million, and the number of million-dollar awards has been growing quickly. Between 1980 and 1984, it jumped nearly 200 percent to 401 (*The Wall Street Journal*, May 16, 1986).

> The increase in awards is necessary to keep up with climbing health care costs. . . . The cost of inpatient, outpatient, and physician care has risen an average of almost 16 percent between 1978 and 1984. During that same period, verdict amounts rose only about 13 percent (*The Wall Street Journal*, April 8, 1987).

Is there a way to reconcile these viewpoints?

Which yardstick to use

The debate about jury awards has been further complicated by argument over the proper statistics to use in describing trends. The most frequently cited statistics are *medians* and *means*.

Median awards

The *median award* is the midpoint of the distribution of jury awards to the plaintiff. To compute the median, one simply lists all the awards in the jurisdiction under study in order of their dollar value and locates the award at the midpoint of the list. Medians are not affected by either extreme high or low values. Although it is possible for many of the values in a distribution to diverge significantly from the median, in the absence of other information, it is reasonable to guess that most of the values are not too much higher or lower than the median. For this reason, it has become popular to think of the median as indicating the "typical" jury award.[1] Trends in median awards indicate whether the behavior of juries, in general, has changed.

[1]A more accurate statistical indicator of the typical award would be the *mode*, which is the value that occurs most frequently.

Mean awards

The *mean award* is the statistical average of all jury awards. To compute it, one sums the dollar value of all awards to the plaintiff in the jurisdiction under study and divides by the number of these awards. A few very high or very low awards will skew the mean award; therefore, it may not be a good measure of what the typical jury is doing. However, it does provide the single most accurate estimate of the amount awarded to successful plaintiffs.

Expected awards

Both medians and means usually describe points in the distribution of dollar amounts in the cases that the plaintiffs have won. However, plaintiffs do not always win. A better estimate of *expected award* includes cases that they lose. We can calculate the expected award by multiplying the *average award* by the *probability of winning*, which is less than one. This expected award is the best available indicator of what plaintiffs can expect to win or defendants expect to lose in the relevant jurisdiction.

ICJ jury verdict studies

Since 1979, the ICJ has conducted a series of studies about the decisions of civil juries. We examined detailed data for more than 14,000 civil cases tried by juries in Cook County, Illinois, and San Francisco, California, between 1960 and 1984. Data were obtained by creating computer records of information published in periodic jury verdict reporters for each jurisdiction.[2] Each record identifies the court and judge, relevant dates, type of case, liability issues involved, number of plaintiffs and defendants, and offers and demands; it also provides data about a wide variety of characteristics of the trial, including information about each defendant, each plaintiff, the nature of the claim, the plaintiff's possible negligence, and the outcome of the trial. ICJ researchers have used this rich database to study:

[2]The *Jury Verdict Reporter*, published by Max Sonderby, is a private, weekly subscription newsletter for lawyers and insurance companies in the Chicago area. *Jury Verdicts Weekly*, published by Kenneth Raymond, is a similar newsletter describing civil cases reaching verdict in California.

Key issues studied

- kinds of cases tried and trends in outcomes[3]
- how juries compensated various types of personal injuries and how compensation changed over time[4]
- how jury verdicts are related to the characteristics of litigants[5]

We draw on these analyses in the following discussion of trends in jury awards. The data are specific to San Francisco and Cook Country, and we would not expect to observe the same medians and means in all the jurisdictions in the country. Indeed, San Francisco and Cook County differ on some dimensions, as we discuss below. However, the data are valuable because they are currently the only data available in the United States that allow us to discuss long-term trends in trial outcomes. And the similarity of trends between the two jurisdictions leads us to believe that the trends we are observing may hold nationwide. Moreover, the difference—discussed below—between verdict amounts for automobile accident and other routine tort cases, on the one hand, and product liability and medical malpractice cases, on the other, are repeated in more than three-fourths of the 44 jurisdictions nationally for which *short-term* jury verdict data have been assembled.[6]

Overall, median awards haven't changed much . . .

Figure 3.1 shows that median tort awards, when adjusted for inflation, remained remarkably stable in both jurisdictions during the period 1960–1975. The median was virtually constant in Cook County. In San Francisco, there is

[3]Mark A. Peterson and George L. Priest, *The Civil Jury: Trends in Trials and Verdicts, Cook County, Illinois, 1960–1979*, The RAND Corporation, R-2881-ICJ, 1982; Michael G. Shanley and Mark A. Peterson, *Comparative Justice: Civil Jury Verdicts in San Francisco and Cook Counties, 1959–1980*, The RAND Corporation, R-3006-ICJ, 1983; Mark A. Peterson, *Civil Juries in the 1980s: Trends in Jury Trials and Verdicts in California and Cook County, Illinois*, The RAND Corporation, R-3466-ICJ, 1987.

[4]Mark A. Peterson, *Compensation of Injuries: Civil Jury Verdicts in Cook County*, The RAND Corporation, R-3011-ICJ, 1984.

[5]Audrey Chin and Mark A. Peterson, *Deep Pockets, Empty Pockets: Who Wins in Cook County Jury Trials?* The RAND Corporation, R-3249-ICJ, 1985.

[6]Stephen Daniels and Joanne Martin, "Jury Verdicts and the 'Crisis' in Civil Justice," *Justice System Journal*, Vol. 11, No. 3, Winter 1986. Daniels and Martin make a practice of reporting medians and interquartile ranges only.

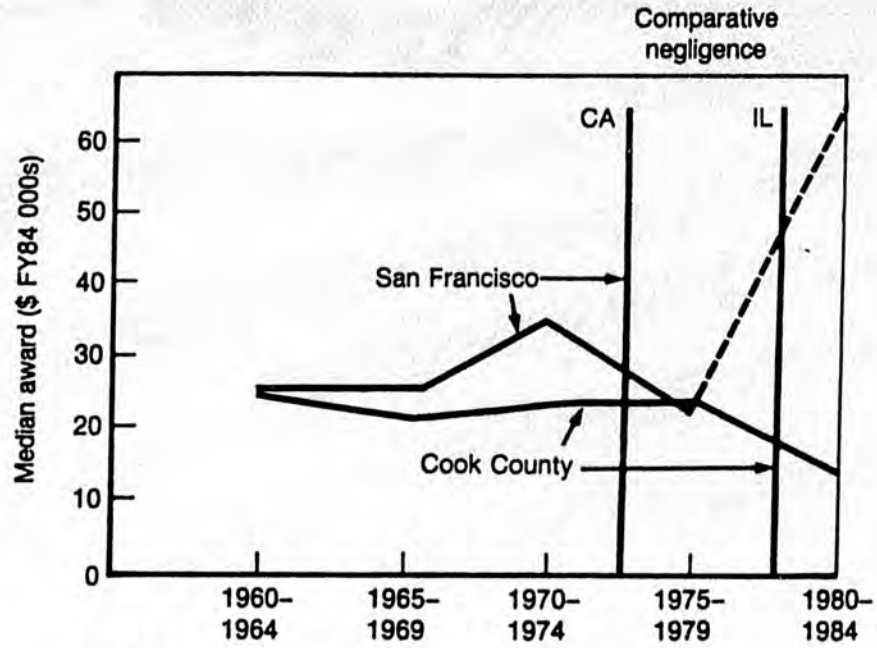


Fig. 3.1—Median tort awards are quite stable over time

more variation; nevertheless, in the period 1975–1979, the median award was slightly lower than it was in 1960.

. . . but some recent changes are evident

In the 1980s, the median tort award (in constant dollars) changed in both jurisdictions. In Cook County it actually fell, but in San Francisco it rose dramatically. We believe that a change in the law—the substitution of a comparative negligence standard for contributory negligence—may be responsible for the decline in the median award in Cook County. More plaintiffs were winning awards, but the awards tended to be smaller, perhaps because they were reduced to reflect the plaintiffs' negligence. In San Francisco, changes in the composition of the trial caseload probably account for the change. The establishment of mandatory arbitration for smaller-value cases and an increase in the jurisdictional level of the lower

court drove smaller-value cases out of the superior courts and caused a higher-value caseload overall.[7]

If our explanation of post-1980 trends in these jurisdictions is correct, then median awards have been strikingly stable over a 25-year period. As with the amount of litigation, however, this aggregate pattern changes when we examine the separate trends for auto vs. product liability cases (Fig. 3.2). The stable trend in medians persists for auto cases. However, the median for product cases has risen very sharply. The trend for medical malpractice suits (not shown in Fig. 3.2) is equally steep.

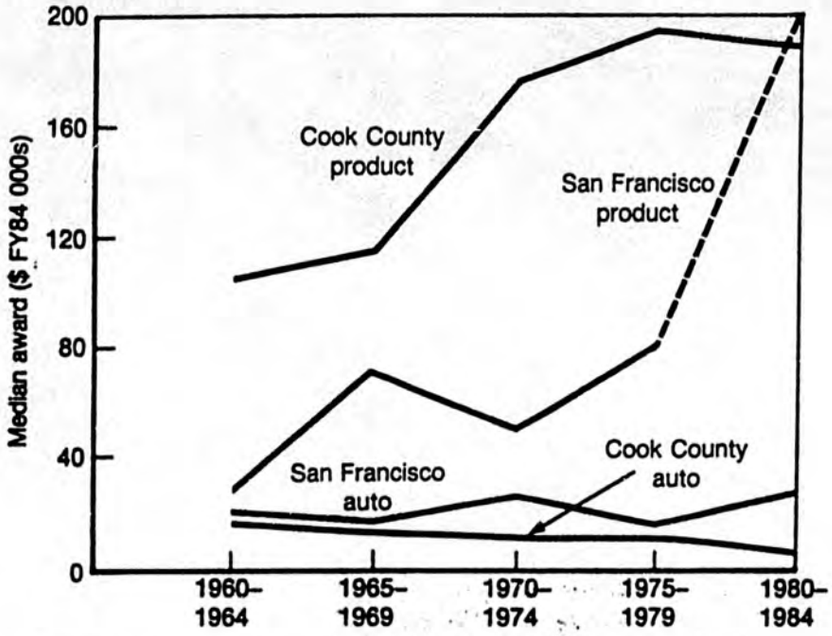


Fig. 3.2—Overall median for tort awards masks sharp differences

[7]These data are discussed in detail in Peterson, *Civil Juries in the 1980s*, 1987.

Average awards have risen sharply

When we focus on the alternative yardstick—the mean—we find that average tort awards, adjusted for inflation, have increased sharply in both jurisdictions; the mean rose steadily in Cook County from $59,000 during 1960–1964 to $187,000 during 1980–1984 and in San Francisco from $66,000 at the beginning of the period to $302,000 during 1980–1984.

Figures 3.3 and 3.4 illustrate why the overall average award has risen so substantially. The average has increased even for routine, usually low-stakes cases such

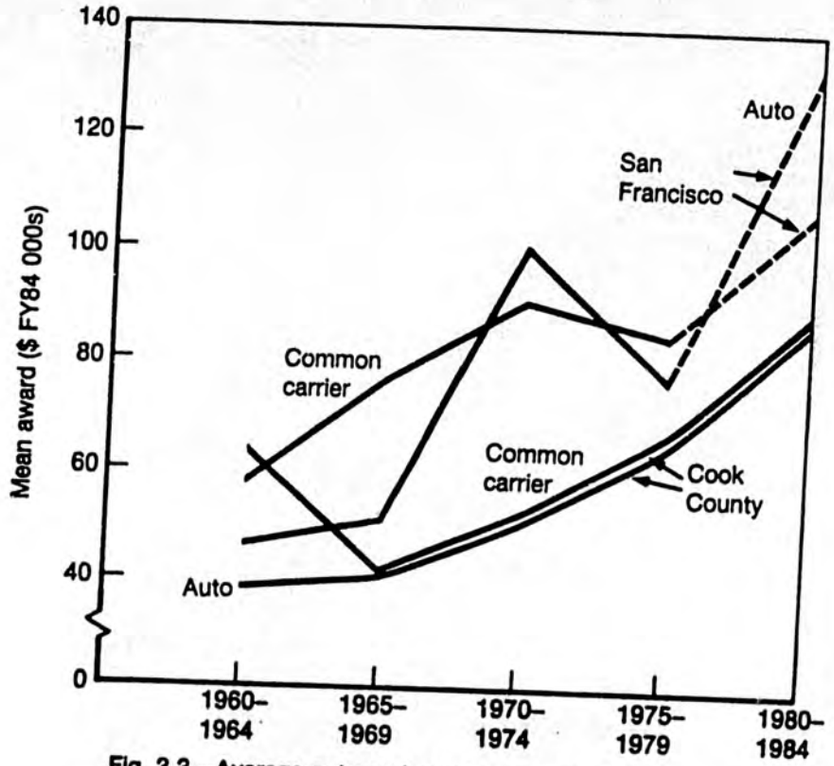


Fig. 3.3—Average auto and common carrier awards have risen for routine cases

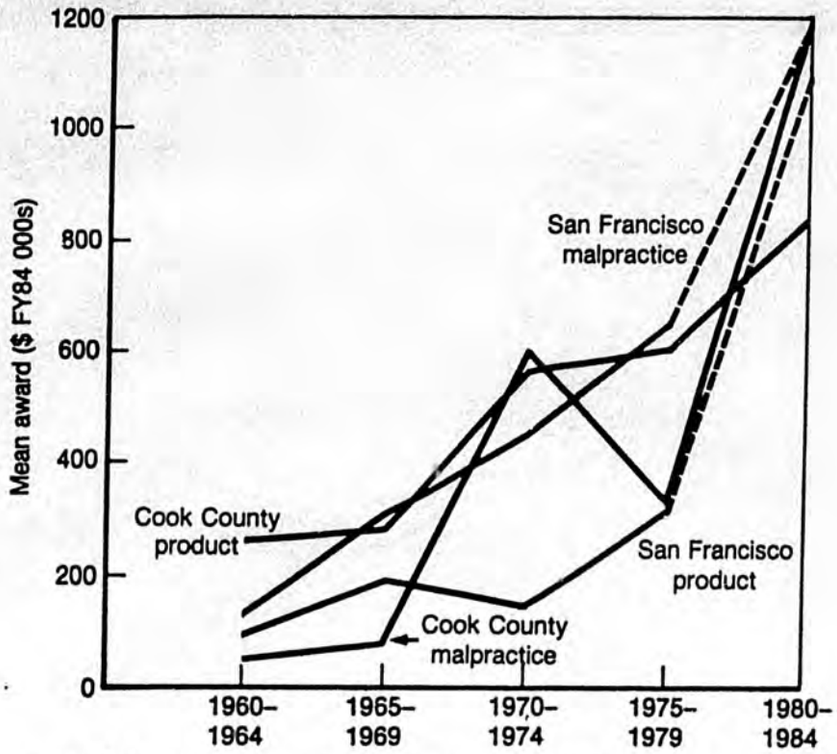


Fig. 3.4—Average award has risen sharply in malpractice and product liability cases

as auto. And in the case of high-stakes suits such as product liability and malpractice, the growth in the average award has been truly explosive, reflecting increases ranging from 200 to more than 1,000 percent.

The chances of winning have increased

The expected award is the product of the average award and the probability of winning. We have just examined two indicators of the trends in jury awards and seen substantial growth in the median award in all but the most routine cases and an increase in average awards across all types of cases. But plaintiffs do not always win. Has the probability of their doing so changed over time?

In the two jurisdictions that we studied, the answer is clearly "yes."[8] For every type of liability case, Cook County plaintiffs were far more successful in the early 1980s than were plaintiffs twenty years earlier. For example, in the 1960s, plaintiffs won about one-fourth of product liability and malpractice cases. In the late 1970s, they won about one-third of such cases. By the 1980s, they were winning almost one-half of them. Plaintiffs in San Francisco also won more often in the 1980s, but the increase in their success rate is not as dramatic across all case types. In the 1970s, they won about one-third of all malpractice trials. Ten years later, they were winning more than one-half of them. For product liability cases, their success rate actually declined slightly over the period, but in the 1980s they were still winning more than one-half of these cases.

The increased probability of winning, coupled with the increase in average awards, results in higher expected awards. Figure 3.5 illustrates this increase as well as the differences among case types. The expected award for auto cases has risen from about $25,000 to $60,000–90,000 at the end of the period, but this move is dwarfed by the rocketing awards in product liability cases, which grew 400–900 percent between 1960 and 1984.

Are juries "out of control?"

Judging from these data, there is little question that average jury awards are increasing in San Francisco and Cook County and that awards have increased more in high-stakes cases than in routine litigation. But are juries, or the jury system more generally, "out of control?" To answer that question we need more information because several other explanations also fit the data. For example:

- *Jury awards might be changing because the cases coming before them are changing.*
- *Jury awards might be changing because juries are doing a better job of calculating the amounts necessary to compensate plaintiffs and deter defendants' negligent behavior.*
- *The jury trial system might be "correcting" any unreasonable or untoward awards through posttrial processes.*

[8]See Peterson, *Civil Juries in the 1980s*, 1987.

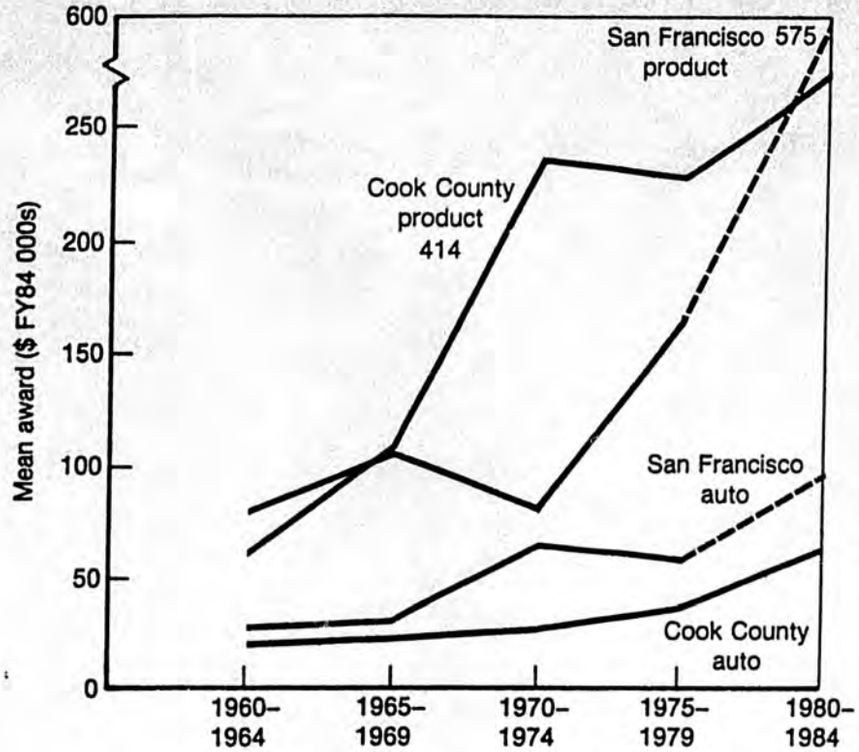


Fig. 3.5—Expected awards have risen

If any or all of these hypotheses hold true, we might conclude that whatever changes we observe in outcomes, juries are not "out of control."

Explaining jury behavior . . .

One way to figure out *why* jury awards are increasing is to perform multivariate statistical analysis that measures how awards vary in relation to characteristics of cases, plaintiffs, and defendants. The database the ICJ has assembled for San Francisco and Cook County is uniquely suited for such analysis. Here's what we have found so far:

. . . trying different kinds of cases

Juries are now seeing cases that involve more serious injuries and larger medical expenses than cases tried at the beginning of the period. To the extent that this is true, juries are not necessarily behaving differently—they are being confronted with different circumstances.[9]

. . . awarding more dollars for serious injuries

After we take into account the increase in both the seriousness of the injuries and the size of medical expenses, juries are still awarding more money for serious injuries than they did 25 years ago.[10]

. . . responding differently to cases from different "worlds" of litigation

Our analyses show that juries are likely to award substantially more money in a product liability, malpractice, or work injury case than in an auto accident case *for an injury of the same degree of severity.* And the "premium" awarded to these kinds of cases has been increasing over time. Juries also award more money when the defendants are institutions or organizations rather than individuals—the "deep-pocket" effect. Since many, if not all, product liability cases and malpractice cases involve institutional defendants, the "premium" effect and the "deep-pocket" effect are often confounded. Nevertheless, we can detect a separate, statistically independent effect for deep-pocket defendants, even in cases that do not involve products or malpractice.[11]

Do juries respond to cases differently because they are "irrational" or "capricious?" The answer is: We don't know. Juries might have "irrational" sympathies for people who are hurt on the job or "irrational" prejudices against corporate defendants. Or it may be that juries presented with product liability, malpractice, or work injury cases feel that the defendant had a special kind of public duty or care that should have been exercised, and that the "premium" awarded is a kind of deterrent signal.

We need to conduct research on *how* and *why* jurors reach their decisions—based on interviewing real jurors or individuals who hear and decide "mock jury" cases—before we can decide which of these explanations (or some other) is

[9]See Peterson, *Compensation of Injuries*, 1984.
[10]See Peterson, *Compensation of Injuries*, 1984.
[11]See Chin and Peterson, *Deep Pockets, Empty Pockets*, 1985.

correct. The ICJ is currently exploring the possibilities for such research.[12]

What happens after trial?

The civil justice system has a number of mechanisms for reducing jury awards, including trial judge adjustments in awards, retrials, and reversals on appeal. A recent ICJ study compared jury awards and ultimate payments in a sample of recently tried cases to see whether these mechanisms were having their intended effect of "correcting" untoward awards. The study involved 900 cases, tried between 1982 and 1984 in Cook County, in San Francisco, and in a group of smaller California cities, including urban, suburban, and rural communities. The sample included a full range of verdicts, from million-dollar awards to defense verdicts.[13]

About 80 percent of the trial verdicts remain unchanged; however, the verdicts that were reduced involved some of the largest rewards, and the reductions were substantial. As Fig. 3.6 shows, the reduced cases had awards more than three times the size of the sample average, and involved reductions of almost half the original award.

The reductions increased with the size of the award. Table 3.1 shows the average award and the ratio of the amount paid to the award for four different case categories. For cases less than $100,000, the average reduction was only 7 percent. However, the percentage reduction increases steadily with award size, and, for cases over $1 million, it amounts to almost 40 percent.

This suggests that awards most likely to be viewed as "excessive" by critics are most likely to be cut substantially. However, trials involving deep-pocket defendants and/or product liability suits had smaller reductions.

[12]Molly Selvin and Larry Picus, *The Debate over Jury Performance: Observations from a Recent Asbestos Case*, The RAND Corporation, R-3479-ICJ, 1987.

[13]Michael G. Shanley and Mark A. Peterson, *Posttrial Adjustments to Jury Awards*, The RAND Corporation, R-3511-ICJ, 1987. See also Peterson, *Civil Juries in the 1980s*, 1987.

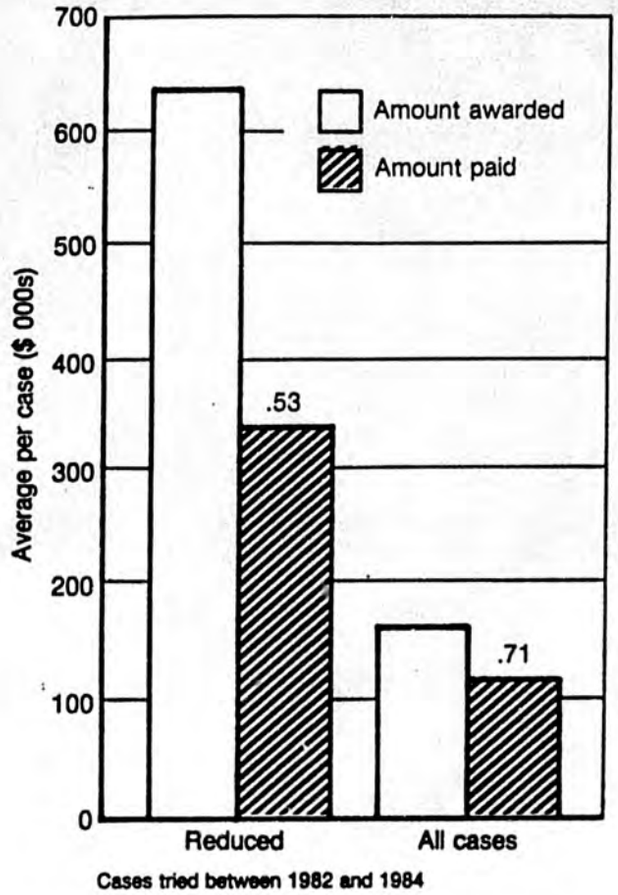


Fig. 3.6—Reduced cases involve large awards and significant reductions

Table 3.1

REDUCTIONS INCREASE WITH AWARD SIZE

Size of Award ($)	Average Jury Award ($000s)	Ratio Paid/Award
1–99 thousand	23	.93
100–999 thousand	314	.82
1–10 million	2,673	.68
10+ million	27,220	.57
All trials	161	.71

The bottom line

*The answer to our initial question, **Are jury awards stable or out of control?** turns out to be complicated. It depends both on which world of litigation you look at and whether you are focusing on bottom-line results—jury awards—or the behavior behind them—jury decisionmaking processes.*

- *Plaintiffs in auto cases involving modest injuries and expense continue to obtain modest awards and, at least in recent years, these awards generally hold after trial.*
- *Plaintiffs in product liability and malpractice cases are winning more frequently and obtaining higher awards.*
- *And deep-pocket defendants in product liability cases ultimately pay much, if not all of the awards against them, even after posttrial adjustments.*
- *Jury behavior seems more unpredictable, but this may simply be because we do not have a very good sense of why juries make the decisions they do.*

LITIGATION COSTS: HOW MUCH, TO WHOM?

"Litigation," says former Chief Justice Warren Burger, has become "too costly, too destructive and too inefficient."[1] Proponents of tort reform claim that the transactions costs of the system exceed the benefits provided in compensation to plaintiffs.

Transactions costs—complaints and rebuttals

Perhaps the aspect of tort litigation that draws the most fire is the contingency fee. Critics complain that contingency fees, typically one-third of the award, are too high and encourage lawyers to take frivolous suits to court. Lawyers retort that contingency fees provide access to the courts for plaintiffs who cannot afford to pay hourly fees, and that the contingency arrangement is an appropriate way to cover the risks and expenses of lawyers, who receive nothing for their time when they do not obtain payment for their clients.

Although plaintiff attorneys get the most bad press, defense costs also draw their share of criticism. Defense attorneys charge by the hour, and there are no standards to suggest how many hours are appropriate for a case unless the defendants provide limits.

Unfortunately, there is no ready measure of the inherent *reasonableness* of the system's transactions costs. Especially when we focus on the tort system's goal of deterrence, we might encounter circumstances in which we find very high transactions costs acceptable. However, when we view the tort system as a compensation system, we would generally argue for costs that are lower, relative to compensation.

Where the dollars go

In any case, a first order of business is to determine how high the transactions costs really are and who is getting them. As with other basic issues in this area, the data are not readily available. Over the last five years, the ICJ has conducted a number of studies on the costs of litigation

[1] *The Wall Street Journal*, May 18, 1986.

and the division of the payments.[2] Here are some aggregate numbers based on these studies.

- In 1985, the total expenditure nationwide for tort litigation terminated in state and federal courts of general jurisdiction was between $29 and $36 billion.[3] This accounts for approximately 92 percent of all compensation paid in tort litigation.
- Of that total, $16 to $19 billion was spent for the various costs of the tort litigation system, not including the net compensation paid to plaintiffs.
- Plaintiffs were paid $21 to $25 billion in total compensation. After deducting their legal fees and expenses, which on average amount to about 30 percent of the total compensation, and the value of their time, they netted $14 to $16 billion in compensation.
- Defendants' legal fees and expenses totaled about $4.7 to $5.7 billion.

Figures 4.1, 4.2, and 4.3 disaggregate litigation costs for the three categories of cases that we have been examining: routine torts such as auto, higher-stakes cases such as product liability and malpractice, and asbestos cases as an example of mass latent injury torts.[4]

[2]James S. Kakalik and Abby Robyn, *Costs of the Civil Justice System: Court Expenditures for Processing Tort Cases*, The RAND Corporation, R-2888-ICJ, 1982; James S. Kakalik, Patricia A. Ebener, William L.F. Felstiner, and Michael G. Shanley, *Costs of Asbestos Litigation*, The RAND Corporation, R-3042-ICJ, 1983; J. S. Kakalik and R. L. Ross, *Costs of the Civil Justice System: Court Expenditures for Various Types of Civil Cases*, The RAND Corporation, R-2985-ICJ, 1983; James S. Kakalik, Patricia A. Ebener, William L.F. Felstiner, Gus W. Haggstrom, and Michael G. Shanley, *Variation in Asbestos Litigation Compensation and Expenses*, The RAND Corporation, R-3132-ICJ, 1984; Kakalik and Pace, *Costs and Compensation Paid in Tort Litigation*, 1986.

[3]We give a range of costs because we made two estimates. The first was top down, starting with the insurance industry's aggregate data on direct losses and expenses paid in 1985, adding self-insurance, and then deleting payments for claims that were not lawsuits. The second estimate was bottom up, starting with data from surveys of individual tort lawsuits, projecting the numbers to 1985, and deriving a national estimate by multiplying by the number of tort lawsuits terminated in 1985.

[4]Asbestos cost estimates are drawn from two reports dealing specifically with those cases: Kakalik et al., *Costs of Asbestos Litigation*, 1983, and Kakalik et al., *Variation in Asbestos Litigation Compensation and Expenses*, 1984.

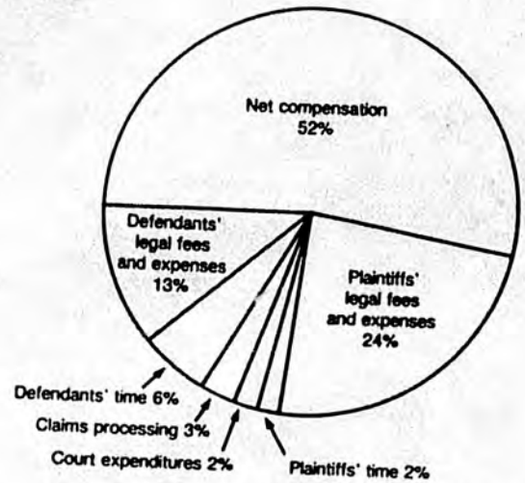


Fig. 4.1—Allocation of total auto tort litigation expenditures,1985

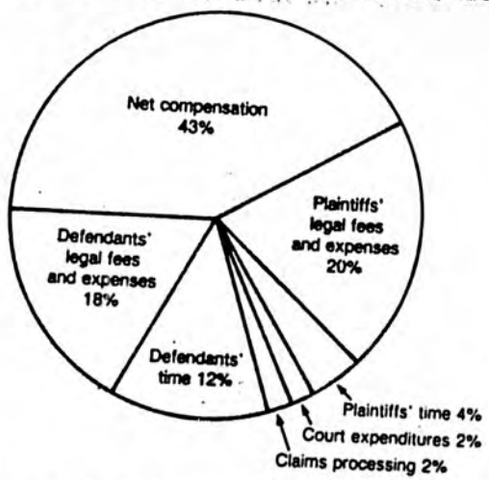


Fig. 4.2—Allocation of total non-auto tort litigation expenditures, 1985

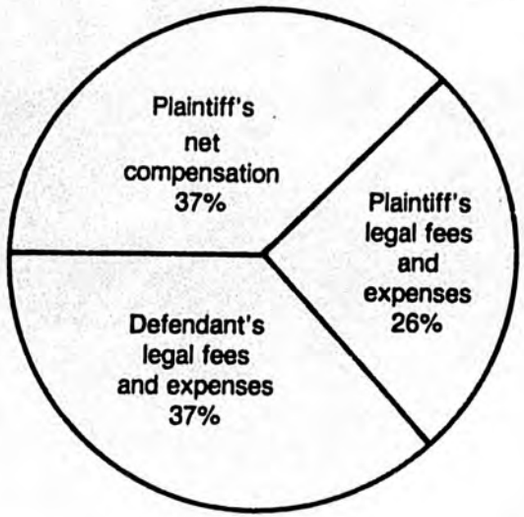


Fig. 4.3—Allocation of per-claim expenditures for asbestos claims closed before 8/82

Effect of case complexity

As we might expect, as the complexity of the case increases, plaintiffs net less and less in compensation. As the summary in Table 4.1 shows, plaintiffs' legal fees and expenses are a relatively stable proportion of expenditures, but defendants' legal fees and expenses increase in more complex cases.

Growth rate for transactions costs

Earlier we noted that the annual growth rate for the amount of tort litigation was approximately 3–4 percent. However, the growth rate in expenditures for the tort system has been higher. Between 1980 and 1985, the average growth rate in insured defendants' average legal fees and expenses paid per claim was about 6 percent for auto (i.e., less than the rate of inflation) and 15 percent for other tort claims.

Table 4.1

ALLOCATION OF LITIGATION EXPENDITURES: SUMMARY
(In percentage of totals)

Type of Case	Defendant Legal Fees	Plaintiff Legal Fees	Net Compensation to Plaintiff
Auto	19	26	52
Non-auto	30	24	43
Asbestos	37	26	37

In sum . . .

Our snapshot of litigation in 1985 shows that the costs of litigation consumed about half of the $29 to $36 billion dollars that were spent on litigation. When we disaggregate these costs, we see that in more complex cases (non-auto torts) the costs of litigation were higher. In the case of asbestos claims, the only mass latent injury cases for which these data have been assembled, litigation costs constituted almost two-thirds of the total per-claim expenditures.

THE STORY BEHIND THE STATISTICS

The emerging worlds of tort litigation

We now understand why the statistics bandied about in the insurance crisis debate generate more confusion than enlightenment. The characteristics we want to examine—for example, growth rates or award amounts—trend up in one kind of case, down in another. Aggregate statistics make it impossible to detect sources of change or stability. In many cases, statistic-bandiers on both sides of the crisis are right—they are just describing different parts of the system.

When we disaggregate the numbers, we can detect clear differences:

- *Routine personal injury torts such as auto cases are growing slowly in frequency and costs, and their outcomes—inflation adjusted—have not changed much over the last 25 years.*
- *Higher-stakes torts such as malpractice and product liability are growing faster in frequency and costs, and their outcomes have increased dramatically over the past 25 years in the jurisdictions we have observed intensively, and substantially in the shorter five-year period for which we have national data.*
- *Mass latent injury torts, once identified, tend to explode in number, carry high transaction costs, and have highly uncertain outcomes.*

We believe that these differences point to an important evolutionary process in the tort system that merits close policymaker attention. In Table 5.1, we characterize the three worlds of litigation that constitute important states in this evolution. Below we discuss these characteristics in more detail, drawing on our previous research and recent discussions with participants in the tort litigation process.

Routine personal injury torts

Auto accident cases epitomize this category. There is a huge volume of such cases, about half a million filed annually nationwide. Perhaps because they have been with us so long, there has been little recent change in the substantive law related to them since the adoption of *no*

Table 5.1

THE EVOLVING WORLDS OF TORT LITIGATION: CASE PROFILES

Auto and Other Ordinary Lawsuits	Product Liability, Malpractice, Business Torts	Mass Latent Injury Cases
• High volume • Stable law • Routinized • Increasing ADR • Modest stakes • Little deterrence potential • Slow growth in frequency, outcomes, costs	• Lower volume • Evolving law • Increasingly specialized • Heavy pretrial procedure • Little ADR • Large $ potential per case • Deterrence is factor • Faster growth in frequency, outcomes, costs	• Concentrated in time and place • Problematic law • Small, highly specialized bar • Discovery critical • Procedural innovation • Enormous $ stakes for parties • Deterrence is key issue • Highly uncertain in number, outcome, and costs

fault insurance provisions. Because of their high volume and the stability of law, it has been possible to routinize their processing and resolution. As a result, we have seen an increasing reliance on alternative dispute resolution procedures, particularly court arbitration programs, for these cases.[1]

Most of these cases involve relatively modest injuries and small amounts of money, and the parties to the dispute are ordinary citizens rather than institutions. Except in cases of very serious injury, there is little basis for large awards,

[1]For further discussion, see Deborah R. Hensler, "What We Know and Don't Know about Court-Administered Arbitration," *Judicature*, Vol. 69, No. 5, February-March 1986.

and the attorneys who handle them are not generally high-stakes litigators. Although the application of tort law to these cases is intended in principle to deter bad drivers, concerns about deterrence do not appear to motivate the attorneys who specialize in this area.

Because of these characteristics, auto lawsuits are not growing significantly. Increasingly, it appears, they are being settled elsewhere, in forums that produce stable, predictable outcomes. The use of alternative procedures and settlement mechanisms produces lower transaction costs than we observe in other tort litigation areas.

In sum, this world of tort litigation is the least problematic by most standards. It also remains the world in which the average citizen is mostly likely to become a participant.

Higher-stakes personal injury torts

Although these kinds of cases have received the lion's share of the attention in the recent tort debate, they are still relatively low volume by comparison with the auto cases.

But these cases differ from routine torts along many dimensions. The law with regard to product liability in particular has changed dramatically since the early 1960s with the adoption of strict liability—a principle that holds that manufacturers may be held liable for any injury that their products might cause. This expansion of the principle of liability has enabled more plaintiffs to bring suits. It has also provided the opportunity for the development of a highly specialized, well-capitalized corps of litigators on both the plaintiff and defense sides.

The stakes in these cases are usually higher than in auto torts, and because the law is perceived as volatile, the outcomes are often uncertain. To many scholars, attorneys, and litigants, deterrence is a central concern: The system has a clearly stated interest in trying to deter manufacturers from making bad products; to deter doctors from practicing bad medicine; to deter businesses from trying inappropriate practices. Plaintiff attorneys may be spurred by these concerns to invest substantial resources in developing cases. And because defendants—particularly manufacturers—may have an incentive to deter further suits over the same product, defending against these cases, rather

than settling them, is particularly attractive. As a result, pretrial discovery—with its associated costs in dollars and time—is a prominent feature of these cases. Alternative dispute resolution is not.

Because the evolution of the law in this area has expanded the grounds for bringing suits, it is not surprising that more suits are being brought. By their nature, these suits involve larger and more uncertain stakes than routine cases such as auto—the injuries are more serious, the defendants have more money, the plaintiff attorneys have invested more and stand to earn more. As a result, we observe higher and less predictable outcomes and higher transaction costs.

Mass latent injury torts

Mass latent injury torts are a special case of product liability torts, with special characteristics that justify treating them separately. Both substantive and procedural law in this area is evolving rapidly, and attorneys on both sides view the litigation process as problematic.[2] Pretrial maneuvering is extensive in these cases because the latency of the injuries produces knotty legal issues; discovery is usually prolonged and costly because attorneys must collect data over extended periods to substantiate charges that the manufacturer's product caused the injury. Because of the large number of claims, the rapid influx of cases into courts after the harm has been identified, and the characteristic geographical concentration of the cases, courts frequently experience overload problems that may lead to further delay and costs.

Deterrence is seen as a critical issue in these torts. Indeed, concerns about deterrence have evoked missionary zeal on the part of some plaintiff attorneys. Defendants have been willing to invest huge amounts of resources because the trials may decide the future of their corporations.

Despite the fact that alternative dispute resolution procedures have not been widely adopted for ordinary product liability and malpractice suits, there has been considerable interest in innovative procedures for dealing with mass latent injury torts. We believe this interest stems

[2]See Hensler et al., *Asbestos in the Courts*, 1985.

from general agreement that the cost of processing these cases under the current system is excessive.

Mass latent injury torts are the most volatile world of tort litigation. Costs, dynamic legal environment, and the uncomfortable fit between these cases and the tort system conspire to make the number, outcome, and future costs of these suits highly uncertain.

What the tort evolution implies for policy

Unlike some of the statistical arguments used in the tort reform debate, the central policy implication of our discussion is clear: We need to know what part of the elephant we are patting. If we want to diagnose the system's ills and prescribe effective remedies, we must disaggregate the system. Researchers must ask sharper questions, target their inquiries, and look for appropriate data so that they do not make assumptions about one part of the system based on trends observed in another. Opinion leaders must be willing to consider the possibility that complex realities generate seemingly inconsistent data and ask what these data mean rather than rejecting them out of hand. And policymakers may need to consider more seriously specialized solutions tailored to special problems that characterize some torts, but not others. Most of all, we need to bring the perspective provided by the "three worlds" framework to bear on the current tort reform debate in the hopes of generating a little more light and a little less heat.

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Reading the Tort Litigation Tea Leaves

What's Going on in the Civil Liability System?

Deborah R. Hensler

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Reprinted from *The Justice System Journal*

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Reading the Tort Litigation Tea Leaves: What's Going on in the Civil Liability System?

Deborah R. Hensler[1]

The recent presidential campaign controversy about the state of the civil justice system provides an incentive for revisiting the question of how to properly characterize the tort litigation system. How many tort cases are there? What is the aggregate rate of growth in tort filings? How different or alike are filing patterns, trial outcomes, and costs for different types of torts? A review of the available data suggests that the liability system is continuing to grow, but that the patterns of growth are far more complex and more difficult to explain than was suggested in the recent presidential campaign. New data support the idea that the tort liability system comprises multiple "worlds" of litigation, but raise questions about what is actually going on in each of these worlds. Current data are inadequate for answering these questions. Without a program of sustained research on litigation behavior and outcomes, we will be forced to rely on "reading the tea leaves" to assess trends in the civil justice system.

The recent presidential campaign controversy about the state of the civil justice system rekindled a debate on tort litigation that last erupted during the liability crisis of the mid-1980s. Although the earlier controversy focused on insurance affordability and availability, and the presidential campaign focused on the role of lawyers in society, concerns and

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1 Senior social scientist, Institute for Civil Justice, RAND, and visiting professor of social science in law, University of Southern California Law Center. An earlier version of this paper was presented at the annual conference of the Law and Society Association in May 1992.

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disagreements about the magnitude of civil litigation, the costs of resolving liability claims, and the outcomes of personal injury cases were central to both (see, e.g., Sanders and Joyce, 1990; Schuck, 1991; and Queenan, 1992). During both controversies, the antagonists frequently used statistics to bolster their respective positions, and controversies over statistics threatened to steal the stage from the substantive debates (Chambers, 1992; Galanter, 1992; Hensler, 1992a). These statistical debates stemmed in large part from the lack of a comprehensive series of "civil justice system indicators" akin to the demographic and economic indicators reported by the U.S. Bureau of the Census. Information about the nation's state and federal courts is incomplete and sometimes unreliable. As a result, the analyst interested in advising decision makers about the actual state of affairs in the civil justice system is forced to rely on a combination of analyses of public record data, inferences from academic research on specific aspects of civil litigation, and expert judgment. At times, one feels uncomfortably like the fortune-teller who reads tea leaves to determine the circumstances and future of her clients.

In 1987 I coauthored a research monograph that engaged in a bit of such tea-leaf reading. Reflecting on the mid-1980s tort reform debate, the monograph argued that the divergent statistics in that debate could be explained, at least in part, by real differences among different sectors of the tort liability system (Hensler et al., 1987). Rather than one "liability system," we argued, there were at least three different "worlds" of tort litigation, each characterized by different formal and informal rules of behavior, which produced different litigation patterns and outcomes. Because of these divergent trends, observers' descriptions of what was going on in the civil justice system depended on the part of the system from which their data were drawn.

The universe of tort litigation, we suggested, was quite complex. In one "world," typified by automobile personal injury litigation, both formal and informal rules of behavior were well known to the key actors, and claims processing was highly bureaucratized. Most injuries resulting in such suits were fairly modest; most lawsuits were straightforward; most awards were not very large; and filing rates, median awards, and costs were growing slowly. In short, this world was characterized by routine behavior and stability.

In a second "world," which we characterized as "high stakes" litigation typified by products liability and medical malpractice suits, formal doctrine had undergone significant change and was viewed by many actors as still in a state of flux. Moreover, attorneys—particularly those representing plaintiffs—had developed a new repertoire of skills and strategies that strengthened individual claimants' positions vis-a-vis corporations and other private and public institutions. Most of these cases were more complex than cases in the first world, often involving multiple parties and complicated technical evidence. Typical awards in such litigation were higher than awards in typical automobile accident cases, and filing rates, median awards, and transaction costs appeared to be growing more rapidly. This was a world in change in which many were still grappling with new rules and new interparty dynamics.

The third "world" we posited comprised mass tort cases, particularly claims associated with exposure to toxic substances and use of pharmaceutical products. This litigation involved thousands of claims against a single defendant or set of defendants and difficult issues of fact and law. Courts found it difficult to resolve these cases expeditiously using

traditional individualized disposition procedures. In this area, we saw real evidence of a "litigation explosion," typified by the influx of asbestos worker injury claims into the tort liability system. Aggregate payments were in billions of dollars, and transaction costs for this litigation could outstrip compensation payments. In many respects, this appeared to be a world in crisis.

Our description of filing patterns, trends in jury awards, and costs in these three "worlds" of litigation relied on state court caseload statistics published by the National Center for State Courts (NCSC), federal court statistics published by the Administrative Office of the U.S. Courts, and research on jury verdicts and costs conducted by RAND's Institute for Civil Justice. Our explanation for the differences in trends among these different sectors of the tort liability system derived in part from case studies that my colleagues at RAND and I conducted on routine and mass tort litigation (Hensler et al., 1985; Adler et al., 1983; MacCoun et al., 1988), but it was to some degree speculative.

Our characterization of the three worlds of litigation was not intended to describe every automobile injury suit, products liability suit, or mass tort claim. Court case files and jury verdict reporters demonstrate that some automobile injury cases—for example, those involving very severe injuries—are not routine, some products liability cases are not high stakes and some mass tort claims are resolved using highly routine processes. Rather, we attempted to delineate Weberian "ideal types" to call attention to and explain the trends that characterize different sectors of the liability system. Some practitioners and scholars found the device helpful; others, however, felt it paid insufficient attention to the variety of cases, parties, and outcomes that compose tort litigation (Rottman, 1990).

The recent presidential campaign controversy about the state of the civil justice system provides an incentive for revisiting the question of how to properly characterize the tort litigation system. How many tort cases are there? What is the aggregate rate of growth in tort filings? How different or alike are filing patterns, trial outcomes, and costs for different types of torts? How can we explain any differences that do exist? In short, what is going on in the civil justice system, and how well does the "three worlds" proposition hold up?

In this article, I discuss new evidence on filing trends, verdicts, and costs and consider the implications of these data for our understanding of tort litigation. I conclude that the liability system is continuing to grow, but that the patterns of growth are far more complex and difficult to explain than was suggested in the recent presidential campaign. New data support the idea that the tort liability system encompasses multiple worlds of litigation, but raise questions about what is actually going on in each of these worlds. Without a program of sustained research on litigation behavior and outcomes, we will be forced to rely on reading the tea leaves to assess trends in the civil justice system.

Civil-filing Trends

A good deal of the ongoing policy controversy over the civil justice system concerns the number of cases filed annually and the rate of change in filings in recent years. The magnitude of litigation is of interest in large part because many observers see it as an indicator of Americans' litigiousness. The most recent available court data indicate that, in 1990, about 18.6 million civil cases were filed nationwide, including 18.4 million state

court cases and about 198,000 federal cases. This amounts to about 1 civil case for every 10 adults.[2]

But many civil suits are filed because civil law requires that particular transactions, such as divorces, probate actions, and so forth, be processed through the courts. Thus, it seems inappropriate to view the total magnitude of civil litigation as an indicator of Americans' litigiousness.

Among civil cases, tort and contract actions may best reflect individuals' propensities to sue, because most of those cases reflect an underlying dispute that parties chose to take to court rather than resolve through some other mechanism. Complete data on tort and contract filings in state courts are not available. However, NCSC does report detailed civil caseload composition data for 24 courts. Although we do not know how representative these jurisdictions' civil caseloads are, these data provide our best basis for estimating state tort and contract filings nationwide. Extrapolating from these data, I estimate that about 920,000 torts and 1.3 million contract cases were filed in state courts of general jurisdiction in 1990.[3] Another 38,000 tort suits and 43,000 contract cases were filed in the federal district courts in that year. The combined total (2.3 million) amounts to about 1 case per 77 adults in 1990. Considering tort filings alone (about 1 million) and using data from a recent RAND study of accidental injuries, I estimate that the rate of tort litigation is about 1 per 30 injured Americans.[4] Both of these figures suggest a far lower rate of litigation than the 1 in 10 figure calculated initially.

While the recent tort litigation debate focused on sheer numbers of cases, the tort litigation critics of the mid-1980s focused on rates of change. As analysts reviewed available data for the early 1980s, we saw:

- Relatively modest annual growth in aggregate civil filings, ranging from 4 to 4-1/2 percent per year (NCSC, 1986).
- Tort cases generally growing at a rate of about 3.9 percent per year or about 3 percent per capita (Kakalik and Pace, 1986:11).

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2 For state court filings, see National Center for State Courts (NCSC), *State Court Caseload Statistics: Annual Report 1990*. Unless otherwise noted, all of the federal court statistics cited in this article are derived from computations performed by RAND staff on the Federal Court Statistical Database (FCSD), produced by the Administrative Office of the U.S. Courts. The FCSD is available from the University of Michigan Inter-university Consortium. Court statistics suffer from an array of reporting problems. For a better understanding of these problems, see the NCSC's statistical report. The "1 case per every 10 adults" figure was widely publicized by President Bush's Council on Competitiveness. See "A Report from the President's Council on Competitiveness: Agenda for Civil Justice Reform in America," August 1991.

3 My extrapolation assumes that about 50 percent of all state court civil suits are filed in courts of general jurisdiction and that 10 percent of all such filings are torts, while 14 percent are contract related. The last two percentages are derived from the detailed 1990 civil caseload composition data reported by the NCSC for 24 states. According to the NCSC's annual reports of state court caseload statistics, the civil caseload has been divided about equally between limited and general jurisdictions courts over the past half-dozen years.

4 To calculate the filing rate, including both contract and tort cases, I used the adult population in 1989 (177 million) as the denominator. The RAND study found that approximately 30 million Americans, including adults and children, suffered economic loss as a result of accidental injury in 1989. Based on self-reported litigation behavior, the RAND study estimated the rate of suit as being 3 percent (Hensler et al., 1991).

Reviewing the more detailed data available for the federal district courts, we saw:

- Federal products liability cases growing at a much faster rate than other federal tort cases: 14 percent annually for products suits compared to about 2 percent annually for other torts for the period 1976-86 (Dunworth, 1988: 31).
- Substantial differences *within* the federal products liability caseload, with asbestos and pharmaceutical cases growing dramatically, compared to more modest but steady growth for other product suits (Dunworth, 1988: 36).

Although it was not known whether the federal trends were matched in state court systems, data for California indicated that tort cases not arising out of automobile accidents—which included products cases as well as professional malpractice cases—were growing at a faster rate than automobile accident litigation. Over 1976-86, automobile accident litigation in California increased about 21 percent, while nonautomobile torts increased about 74 percent (Hensler, 1986). These data suggested that, at least in some states, we might observe differences in filings growth between high stakes cases and other torts similar to those we observed in the federal courts.

What has been the rate of change in civil filings since the mid-1980s?

- Aggregate civil filings in the state courts have continued to increase at about the same rate observed at the beginning of the decade, roughly 4 percent per year through 1990 (NCSC, 1992). However, in the federal courts, aggregate civil filings decreased by about 16 percent during the same period, an average of about 3 percent per year (see **Table 1**).[5] This finding is not entirely unexpected, because there has been an increase in diversity jurisdiction, from $10,000 to $50,000, effective May 1989. But between 1984 and 1988—i.e., *before* the jurisdiction increased—aggregate civil filings decreased by about 10 percent.
- In the 18 states for which NCSC reports detailed caseload data, tort filings rose sharply between 1984 and 1986 and then remained roughly stable through the rest of the decade. On average, tort filings rose at a rate of 4 percent annually during 1984-90 (see **Table 2**). In the federal courts, the average rate of increase in tort filings was about the same—approximately 3-1/2 percent annually from 1984-90.

But as was the case when we examined civil-filing data for the early 1980s, these aggregate trends mask more complex patterns of change in both state and federal tort- filing trends.

Within state courts, there were sharp differences in tort-filing trends across jurisdictions, between case types, and, within case type, by jurisdiction.

- Among the 18 states for which aggregate tort-filing data are available, some saw decreases in filings, some saw modest increases, some saw dramatic increases, and one was basically unchanged (see **Table 2**).
- Among the seven states for which NCSC reports a breakdown of the tort caseload (Arizona, California, Connecticut, Hawaii, Maryland, Michigan, and Texas), automobile accident filings rose at a rate of about 6 percent a year from 1985-90, while

5 In 1991 total federal civil filings decreased an additional 6 percent. From their peak in 1985, total civil filings have decreased about 21 percent through 1991.

Table 1
Civil Filings in Federal District Courts (in Thousands) by Case Type and Year

	1984	1985	1986	1987	1988	1989	1990	1991
All Civil Filings	261.7	273.5	254.5	235.2	235.4	233.9	220.2	208.0
Contracts	88.2	102.6	88.3	68.0	61.7	61.4	45.9	42.3
Property	8.7	9.6	10.2	11.0	11.6	10.7	9.1	9.3
Civil Rights	21.2	19.5	20.0	19.5	18.9	19.2	18.8	19.4
Other Statutes	105.5	99.7	93.1	93.3	98.4	97.9	99.6	99.2
Torts	38.1	42.1	42.8	43.0	44.7	44.7	46.9	37.8
Personal Injury Torts	35.4	39.4	40.1	40.5	42.2	42.3	44.8	35.6
Products Liability	9.8	12.5	12.6	14.2	16.0	15.9	21.5	12.4
Asbestos	2.9	4.3	5.6	8.2	10.8	10.8	16.6	7.1
Nonasbestos	6.9	8.2	7.0	6.0	5.2	5.1	4.9	5.3
All Other Personal Injury	25.6	26.9	27.5	26.4	26.2	26.4	23.3	23.2

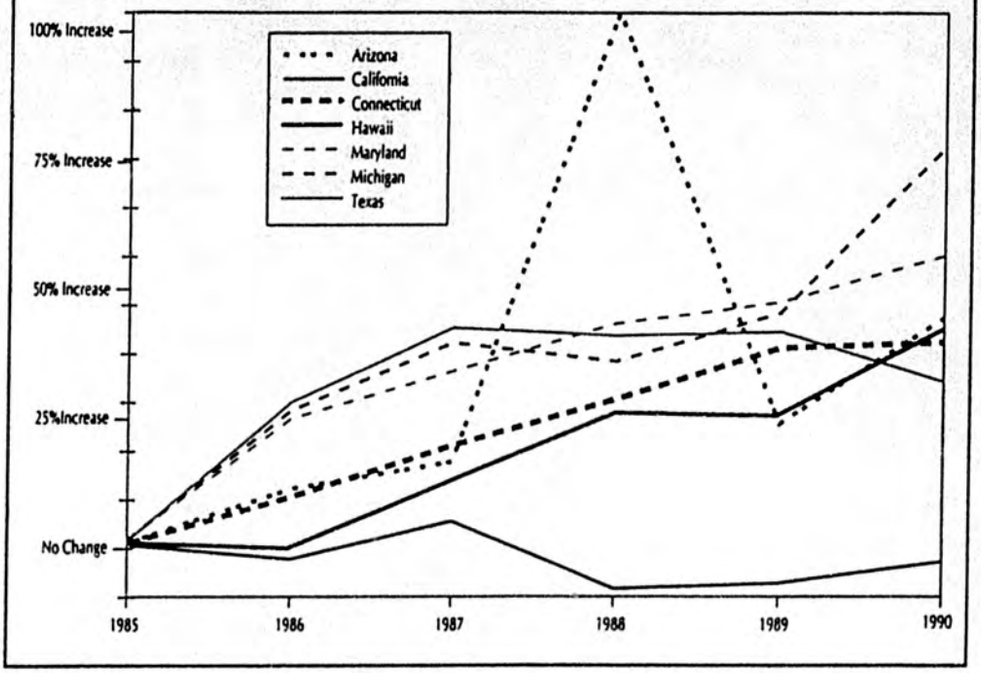
Source: Federal Court Statistical Database

Table 2
Average Annual Change in Tort Filings, Selected State Courts of General Jurisdiction, 1984-90

State	Percent
Arizona	13
California	4
Colorado	14
Florida	6
Hawaii	5
Idaho	-2
Kansas	0
Maine	-2
Maryland	6
Montana	1
New Jersey	6
New York	-3
North Dakota	6
Ohio	8
Puerto Rico	12
Texas	3
Utah	12
Washington	12

Source: Calculated from data reported in Table 16, National Center for State Courts, *State Court Caseload Statistics: Annual Report 1990*. Some data are incomplete. See footnotes to Table 16.

Figure 1
Trends in Motor Vehicle Tort Filings, Selected State Courts of General Jurisdiction, 1985-90



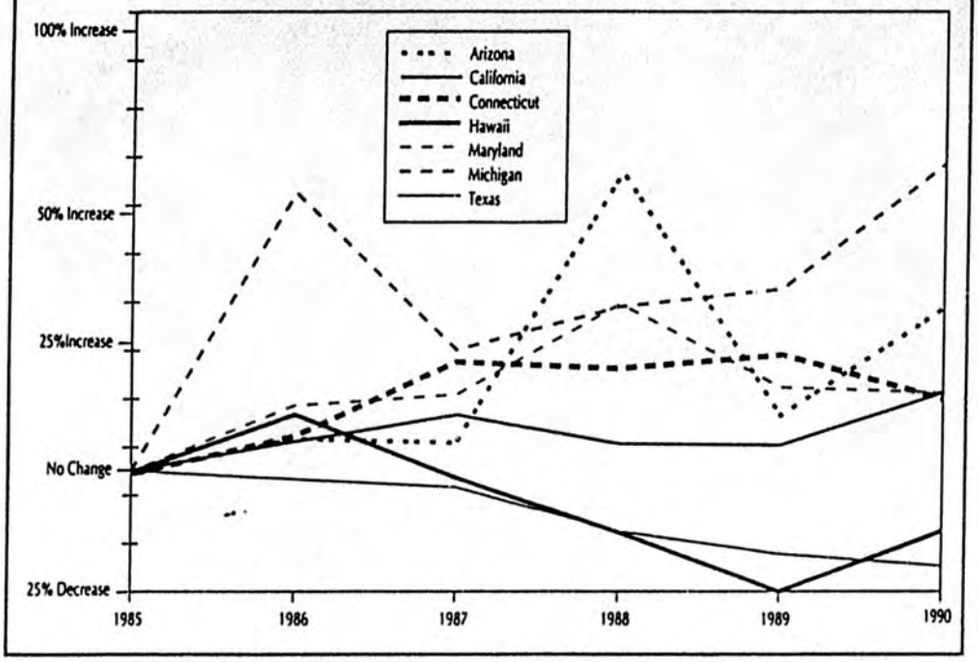
nonautomobile torts, which include medical malpractice and products liability cases, increased at a rate of only about 1 percent per year (aggregate tort filings in these states increased at a rate of about 3 percent annually).

Both trends in automobile accident filings and trends in nonautomobile torts differed by state. The former headed upward in six out of seven states, but at different rates (see **Figure 1**). The latter showed almost as many different patterns as there were states for analysis (see **Figure 2**).[6]

It is difficult to interpret these disparate trends—if indeed we can even characterize them as trends. Clearly, many state courts experienced tort-filings growth from the mid-

6 Calculated from a special tabulation of the tort caseload in selected states, provided by the NCSC's Court Statistics Project. I am grateful for the assistance of Brian Ostrom and Karen Way in interpreting these data. However, I am solely responsible for the calculations reported here.

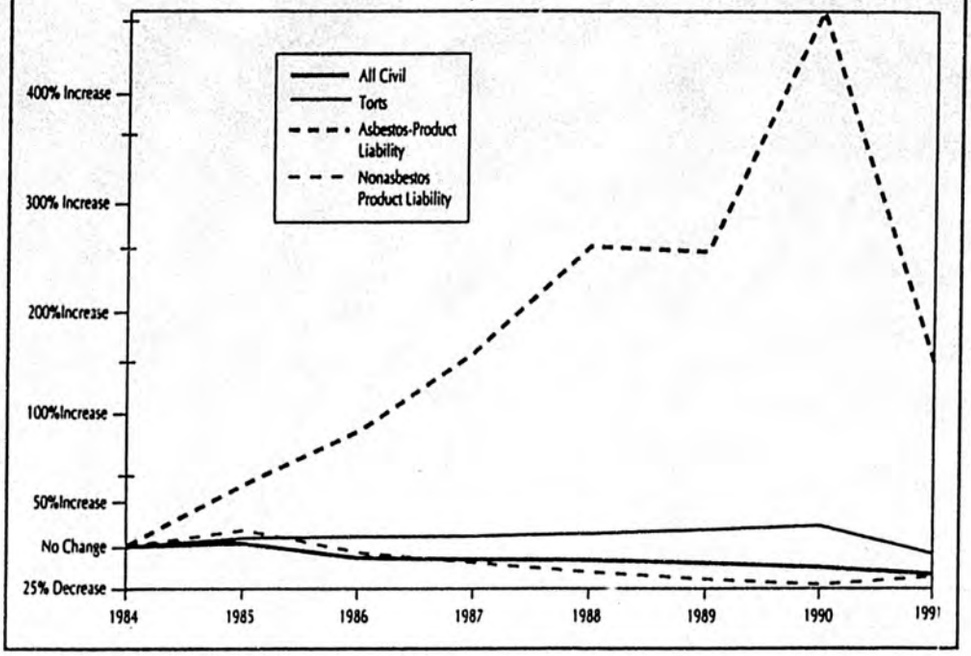
Figure 2
Trends in Other Tort Filings, Selected State Courts of General Jurisdiction, 1985-90



1980s to the end of the decade. But which components of the system grew and by how much seemed to depend on the jurisdiction.

To some degree these differences may be explained by tort reform itself. For example, "spikes" in filings in some jurisdictions (e.g., Arizona) appear to reflect an acceleration in filing claims in anticipation of statutory changes that were expected to disadvantage plaintiffs. If tort reforms had a differential effect on different components of the tort caseload, they might also explain the differences we observe in growth rates by case type. For example, some tort reforms were directed only at medical malpractice cases, which might help to explain different growth rates for automobile accident cases and nonautomobile torts, which include medical malpractice. Other tort reforms, which as a matter of law apply to all torts, might in practice have affected only some types of cases. For example, California's limitation on joint and several liability, which applies to all torts, may have decreased lawyers' incentives to file products liability suits but had little effect on automobile accident cases, which generally do not include corporate defendants or public agencies. This could help to explain the different growth rates we observe for automobile accident cases and nonautomobile torts in that state. However, in the absence of case studies of the effects of tort reforms, these and other explanations for the changes observed will remain speculative.

Figure 3
Trends in Federal Civil Filings, 1984-91



When we turn to the federal district courts, we find a similarly complex set of filing trends. Here, at least, we can observe the entire universe of filings (see **Table 1**).

To understand the general course of federal tort filings from 1984-91 and discern the pattern of products liability filings, we need to disentangle asbestos cases from the remainder of the caseload. When we do this, we find:

- "Ordinary" tort filings (i.e., personal injury cases not involving products liability) declined slowly over the period; there were 9 percent fewer annual filings in 1991 than in 1984 (see **Figure 3**).
- Products liability filings not involving asbestos "spiked" in 1985; but excepting that year, they also declined, at a steeper rate than nonproduct torts. This sharp decline preceded the increase in federal diversity jurisdiction. There were 25 percent fewer nonasbestos products liability filings in 1988, the last full reporting year before the change, than in 1984.
- Asbestos products liability filings continued to explode. By 1988, asbestos litigation accounted for two-thirds of all new federal products liability filings. In 1990, this single litigation accounted for three-quarters of all new federal products liability suits. By the following year, however, new asbestos filings had sunk to about 7,000 and accounted for a mere 57 percent of the new products liability caseload (Hensler, 1992b).

What can we conclude from this review of filing trends in state and federal courts? More specifically, do the trends we observe in civil litigation from the mid-1980s to the present support the proposition that the tort liability system encompasses three separate worlds of litigation? My answer is mixed.

On the one hand, the data demonstrate quite clearly the dangers of inferring anything about litigation behavior from aggregate statistics. During the mid- to late 1980s, different types of tort cases moved to different rhythms. Aggregate statistics obscured these differences. In the federal courts, surging asbestos personal injury filings masked a remarkable decline in nonasbestos products liability filings, and both trends obscured the essentially stable (before the change in diversity jurisdiction) filing patterns for all other torts. In the state courts for which NCSC reports detailed caseload composition, aggregate filings also masked sometimes remarkable differences between automobile accident litigation and other torts.

On the other hand, the pattern of differences we observed in the late 1980s was in two respects significantly at odds with RAND's earlier characterization of the three worlds of litigation. First, federal products cases (other than asbestos), rather than continuing to increase, generally declined. State nonautomobile personal injury torts, which we thought might mimic changes in federal products liability filings, followed no discernible trend, rising and falling from year to year with no consistent pattern among the states for which we have data. Second, the world of automobile litigation, which we depicted as a tranquil backwater of the tort liability system, appeared to be in a remarkable state of flux.

With regard to the third world, our predictions were closer to the mark: asbestos litigation continued to "explode" through the late 1980s. Although some mass tort litigation reached closure as a result of collective dispositions (e.g., Bendectin and Dalkon Shield), by the beginning of the new decade, there were signs of new and potentially explosive mass tort litigation on the horizon (Frankel, 1992).

In the concluding section of this article, I consider the implications of these patterns for drawing generalizations about tort litigation from filings and outcome data. Below, I turn to the question of jury verdict trends.

Jury Verdicts

Since RAND's Institute for Civil Justice (ICJ) published its first descriptive analyses of jury verdict trends in San Francisco and Cook County, Ill.,[7] other analysts have extended these analyses to more jurisdictions. Daniels, singly and in collaboration with Martin, has documented jury outcomes in more than 40 jurisdictions (Daniels, 1990; Daniels and Martin, 1986, 1987). Bovbjerg et al., have conducted analyses on five jurisdictions (1991).[8]

7 Perhaps no area of ICJ research has been the subject of as much controversy as its analyses of civil jury verdict outcomes. ICJ's work has been criticized for its geographical limitations, as well as for its reporting of multiple measures of central tendency, including mean jury awards. I have reviewed this controversy elsewhere (Hensler, 1988).

8 The analyses of Bovbjerg et al. relied in part on the ICJ database for San Francisco and Cook County.

Rottman has reported awards for 24 jurisdictions that make up NCSC's state court trial network (1990). Clermont and Eisenberg have analyzed judge and jury verdicts in the federal district courts (1992). Other researchers have reported on verdicts for select groups of cases (e.g., medical malpractice) in one or more jurisdictions (Vidmar, 1991; GAO, 1989).

Although some analysts have been struck by the differences between various jurisdictions for which data are available, what I find most compelling is the consistent pattern of differences between verdicts in automobile accident cases and other garden-variety torts (e.g., "slip and falls") and verdicts in malpractice and products liability cases. Although the absolute rates of plaintiff verdicts and average amounts of awards differ dramatically from jurisdiction to jurisdiction, in almost every jurisdiction for which we have data, plaintiffs are more likely to succeed in automobile accident cases than in products liability or medical malpractice cases. Average jury awards, whether reported in the form of medians or means, are significantly higher than average awards in auto cases. Bench trial verdicts in the federal district courts follow the same pattern (Clermont and Eisenberg, 1992). The variance of awards in all categories is striking.

What explains these differences? Previous ICJ analyses have suggested that juries (at least from 1960 through the 1970s) might be awarding a premium for injuries incurred in certain circumstances, and that this premium might be explained wholly or partially by a so-called deep pocket effect (Chin and Peterson, 1985). More recent analyses suggest that the explanation for differences in outcomes may be more complex. For example, using data from five jurisdictions (Florida; Kansas City, Kans.; Kansas City, Mo.; San Francisco, Calif.; and Cook County, Ill.) for 1980-85, Bovbjerg et al. (1991) found that awards for medical malpractice cases in 1980 were more than 6 times the average award for automobile accident cases, and awards for products liability cases were more than 2-1/2 times automobile verdicts. By 1985, the gap had increased, with medical malpractice awards more than 10 times the average award for automobile cases and products liability awards almost 6 times the average award for automobile cases. But multivariate analyses indicated that much of the difference between awards in malpractice and products cases was due to differences in case mix. Controlling for injury severity, economic loss (i.e., "special damages"), and various plaintiff characteristics, the ratio between medical malpractice and product cases on one hand and automobile accident cases on the other was reduced to three to one. Moreover, once the lower success rate in high stakes cases was taken into account, the ratio between the two groups was reduced even further. After these adjustments, the expected value of medical malpractice awards (i.e., the probability of a plaintiff verdict multiplied by the mean plaintiff award) was only one- and-one-half times the expected value of automobile accident awards.

Bovbjerg et al. (1991) speculate that the substantial differences we observe in absolute values of awards in different categories of cases are largely a result of "selection effects," which are themselves a consequence of plaintiffs' and plaintiff attorneys' decisions regarding whether or not to file cases and whether or not to take them to trial. Stated most simply, attorneys are less willing to take on medical malpractice and products liability cases and less willing to carry them through trial because they know that these cases are, on average, difficult to win and expensive to litigate.

Clermont and Eisenberg (1992), focusing on differences between bench and jury trial verdicts in federal cases, also find strong grounds for selection effects. Contrary to the conventional wisdom, they find that plaintiffs in products liability and medical malpractice cases are more successful when their cases are tried before judges than when they are tried before juries. (Success rates in automobile accident cases do not differ significantly between the two trial modalities.) They argue that misperceptions of jury and judge biases may lead plaintiff attorneys to try only their strongest malpractice and product cases to judges (e.g., cases where liability is clear). According to this scenario, plaintiff attorneys lose many malpractice and products cases not because juries are biased against physicians or because corporate defense lawyers outspend plaintiff attorneys but rather because the juries are seeing the weaker of the plaintiffs' cases (in terms of liability).

The likelihood of selection effects obviously makes interpretation of jury verdict patterns enormously difficult. But these recent investigations of selectivity bias also have interesting implications for our understanding of different types of tort litigation, which I return to in a later section of this paper.

As with the controversy over filings, much of the policy controversy about jury awards has focused on rates of change (Hensler, 1988). But most of the recent studies rely on cross-sectional data. Clermont and Eisenberg present data indicating that mean jury awards in federal products liability cases increased substantially from the late 1970s through 1985, only to decrease significantly in 1986 and 1987. Mean bench trial awards in federal products cases showed the same pattern, lagging by about a year (1992: Figure 3). But because the numbers of cases actually reaching a verdict is quite small and the variance in award amounts is quite large, I hesitate to infer any sort of underlying trend from these year-to-year changes. Jacobson (1989: 3322) presents data on mean payments for medical malpractice claims (including settled and litigated claims) for a longer period, 1975 through 1988. These data show average claim payments continuing to rise through the period, despite a decrease or leveling out of claim frequency. But Jacobson's data do not distinguish cases tried to verdict, which account for only a small percentage of all paid claims. In sum, there are currently insufficient data to support an analysis of trends in jury awards by case type for the mid- through late 1980s.[9]

Costs

Early ICJ analyses found that transaction costs of plaintiffs and defendants (i.e., legal fees and expenses and claims-processing costs) account for about half of all dollars paid to resolve tort litigation. Transaction cost ratios were higher for high stakes cases, such as medical malpractice suits, than for routine automobile accident litigation. They were highest of all for mass toxic litigation, amounting to about 60 percent of all money paid in asbestos litigation through the early 1980s (Hensler, 1987). More recent analyses appear

9 ICJ is extending its time-series data for California counties and for Cook County, Ill., through 1990. The updated database will also include outcomes for more courts in more geographical regions. The first results of this effort should be available by mid-1993.

to confirm these earlier studies. Bovbjerg et al. present data on trends in "loss adjustment expenses" from 1980-85. They found sharp differences in these expenses, expressed as a percentage of total insurer expenses, for malpractice and automobile accident cases, with expenses for malpractice cases ranging from 23 to 26 percent of total expense and expenses for automobile passenger liability ranging from 13 to 15 percent throughout the period (Bovbjerg et al., 1991: 28). Carroll and Kakalik found that transaction costs for automobile injury claims for plaintiffs and defendants accounted for about 33 percent of the total dollars paid out in the mid-1980s to resolve claims (including claims filed and settled before suits) (1992: 10). Recent commentary on asbestos litigation suggests that transaction costs have continued to account for substantially more than half the total amount paid out to resolve asbestos cases (*In re Joint E. & S. Dist. Asbestos Litig., Findley v. Blinken*, 129 B.R. 710, 749). In sum, available data continue to indicate that there are sharp differences in the costs of resolving injury claims in different areas of litigation.

The Changing Worlds of Tort Litigation

The available data on tort-litigation-filing trends, jury verdicts, and costs over the past half-dozen years or so appear to support the basic proposition that the tort liability system comprises multiple worlds of litigation. The converse notion—that tort liability cases might be all of a piece—strikes me as a distinctly legal concept at odds with most of what we know about human behavior. It is also at odds with what we are beginning to learn about injuries and individual behavior in making legal claims.

The types of injuries that individuals suffer, and the kinds of individuals who are particularly subject to these injuries, differ significantly across circumstances. For example, automobile accidents are more likely to produce serious injuries, and more likely to involve lower-income individuals, than product-associated accidents and slips and falls. Product-associated injuries are more likely than auto accidents or slips and falls to involve middle-aged males in the prime of their income-producing years (Hensler et al., 1991). Moreover, in the United States, the types and amounts of financial compensation and support available to individuals differ significantly depending on the circumstances of the injury. For example, on-the-job-injuries—which account for about 20 percent of injury incidents—usually confer eligibility for workers' compensation and create an obstacle to securing tort compensation. Individuals' reactions to accidental injury—in particular, attributions of causation and blame—also differ with the circumstances of injury. For example, most Americans blame their automobile accident injuries on other individuals (usually some other driver), while a majority of those injured in nonautomobile accidents and nonwork circumstances blame themselves or chance. Consistent with this pattern of "naming and blaming," those injured in automobile accidents are far more likely to seek tort liability compensation and legal representation than those injured in other accidents (Hensler et al., 1991: 127).[10] Only in legal dockets and civil procedure are all torts created equally, and even here the fiction has begun to wear very thin.

10 This pattern holds even when we control for injury severity.

How many worlds of tort litigation there are is to my mind a more problematic issue. In part, this is simply an issue of how finely to slice the loaf of bread. There are, as other analysts have pointed out and injury data demonstrate, minor automobile accidents and those that cause very serious—even fatal—injuries. Asbestos lawsuits differ in many ways from other mass tort lawsuits such as those involving IUDs and breast implants; they also differ among each other. Formal legal rules that have important implications for access to the courts and availability of damages differ across jurisdictions; differences in local legal culture influence informal legal practices, which may, in turn, affect disposition patterns; and juries in different parts of the country apparently view defendants and plaintiffs differently. And, of course, no two cases are ever exactly alike.

As social scientists, however, one of our objectives is to try to discern the systematic patterns that underlie the vast diversity of social behavior. The important question, then, is whether the three worlds proposition helps discern these underlying patterns. In the main, I think that it does. Although the three categories of litigation—routine, high stakes, and mass torts—have evolved somewhat differently than I would have predicted five years ago, they still seem to me to be following different trajectories. I would now give more credit to certain differences within each area of litigation—for example, the differences in doctrinal development between medical malpractice and products liability noted by Gary Schwartz (1991)—but I find the similarities in claiming behavior between individuals injured during medical treatment or while using a product quite striking. In both groups, less than 10 percent attempt to assert legal claims, compared to 50 percent of those injured in motor vehicle accidents (Harvard, 1990; Hensler et al., 1991: 121). These findings indicate important differences in the way individuals view these events. Moreover, new analyses of selection effects on the distribution of jury awards for different categories of torts seem to support the notion that lawyers who specialize in each of the three worlds of litigation adopt quite different litigation strategies.

There are, however, three areas in which I think the characterization of the three worlds was deficient. First, we failed to note the important effects that changes in the legal and political environment may have on litigation behavior and outcomes. Legislated tort reforms, changes in case law, and the widespread belief in a litigation explosion may all have affected filing rates and jury verdicts in the mid- to late 1980s (Blackmon and Zeckhauser, 1991; Henderson and Eisenberg, 1990). At the very least, these exogenous shocks to the litigation system can obscure more systematic underlying trends in legal behavior; they may even fulfill their proponents' hopes of significantly changing that underlying behavior.

Second, we gave insufficient attention to the powerful effect lawyer and claimant behavior has on the distribution of jury awards. Although I am not ready to reject the hypothesis that juries respond differently to different types of injury circumstances, plaintiffs, and defendants, inferring jury attitudes from patterns of jury awards that have not been adjusted for selection effects is clearly problematic.[11]

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11 Imagine, for example, the following scenario: As a result of the increase in federal diversity jurisdiction, product liability suits with probable damages of less than $50,000 are diverted from the federal courts. Moreover, as a result of lawyers' perceiving that it has become more difficult to obtain plaintiff verdicts and to win substantial

Third, we were distracted by the surge in products liability filings in the late 1970s and early 1980s from considering the import of the more modest but steady increase in automobile accident litigation. With an annual growth rate of 4 percent (the rate we observed with available data in the early 1980s) automobile litigation will increase by 50 percent within 10 years; at an annual growth rate of 6 percent (the rate we observed with available data in the mid- to late 1980s) it will increase by that much within 7 years and double within 12 years.[12]

This growth in automobile litigation (assuming that there is, indeed, growth nationwide) does not constitute an "explosion." I would prefer to reserve that term for a sudden surge of cases in the courts, as we have observed with asbestos litigation and may yet observe with silicone breast implant or lead exposure litigation. But it does deserve our attention as sociolegal scholars. RAND's study of injury compensation and claiming suggests that levels of blaming in automobile accident cases are already quite high. However, about half of those injured actually initiate a legal claim and only a quarter contact an attorney to discuss seeking compensation (Hensler, et al., 1991).[13] Increasing automobile accident litigation may indicate that knowledge about and willingness to file legal claims to obtain compensation is indeed growing within the pool of potential claimants.

Afterword

It is sobering to realize that despite all of the attention that tort liability trends have received in recent years (whenever before has the presidential state-of-the-union address included a call for tort reform?!) we have so little data to tell us what is really going on in the tort litigation system. Despite the continued good efforts of NCSC and state court administrators around the country, we cannot even determine with a good degree of assurance how many tort cases are filed each year nationwide, much less how they are disposed. We do not know how many products liability cases there are in the nation's courts, nor whether such cases

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damages (e.g., as a result of changes in composition of the federal judiciary, tort reform, etc.), plaintiff lawyers take fewer—but stronger—products liability cases and file only cases with very large losses in the federal courts. In addition, with the stakes higher, lawyers become more accurate in their estimates of expected values. As a result, analysts observe decreases in federal products liability filings—along with increases in average jury awards. In addition, perhaps, the variance in award amounts decreases. Ignorant of the underlying behavioral shifts, observers conclude that federal civil juries have become even more generous to plaintiffs and more rigid in their damage assessment.

12 In a recent article, Michael Saks has quite appropriately reminded us that we need to consider the denominator, the number of automobile accidents, in assessing changes in automobile personal injury litigation. From 1980 through 1990, the number of traffic fatalities decreased by about 10 percent nationwide (reflecting improvements in automotive and highway safety) while the number of nonfatal automobile-related injuries increased by about 35 percent (reflecting increases in the numbers of licensed drivers and registered motor vehicles). But in each of the seven states for which I have calculated changes in automobile accident suits, the rate of increase in litigation from 1985-1990 substantially outpaced the rate of increase in nonfatal injuries. Blincoe and Faigin (1992: III-15) report data from the Federal Highway Administration State Injury Reports.

13 Among the more seriously injured, and where injuries occurred in circumstances directly involving another person (e.g., multi-vehicle accidents), rates of claiming are much higher. Perhaps as many as 70 percent consult lawyers (Hensler and Marquis, 1991).

are growing or decreasing in number. We do not know how many asbestos cases are pending nationwide.

But when, if ever, we are able to compile such statistics, we will still be a long way from understanding the tort liability system, for that system includes the behaviors of myriad claimants, defendants, attorneys, judges, and juries. Until we understand more about their behavior, we will continue to be reduced to reading the litigation tea leaves—a frustrating intellectual endeavor and an inadequate basis for setting legal policy. jsj

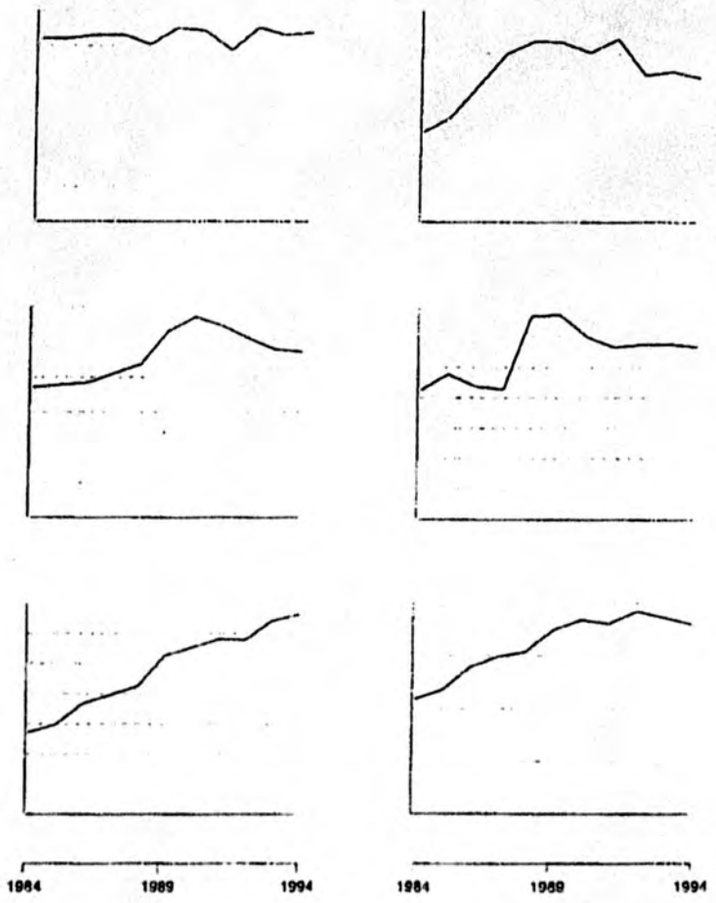
ATTACHMENT D

Examining the Work of State Courts, 1994: A National Perspective from the Court Statistics Project **(NCSC, 1995), pp 7-9 and 30-31.**

Examining the Work of State Courts, 1994

A National Perspective from the Court Statistics Project

Merging State Court Data with Other Justice System Measures



Executive Summary

The state courts are the primary institution for adjudicating disputes in the United States. Understanding the business of the state courts requires compiling data and information from over 16,000 state trial courts operating in the 50 states, the District of Columbia, and Puerto Rico. A central role of the Court Statistics Project (CSP) is to translate diverse state court caseload statistics into a common framework in order to identify and analyze national trends in court activities. This year, we have incorporated data from a variety of other sources to help place the work of state courts within the context of the entire justice system. Unless otherwise noted on the data displays, all information comes from the CSP national databases. Some of the principal findings to emerge include:

- 87 million new cases were filed in state courts in 1994. The total includes 19 million civil and domestic relations cases, nearly 14 million criminal cases, and close to 2 million juvenile cases. The remaining caseload consists of approximately 52 million traffic and ordinance violations.

- State courts of general jurisdiction handled 90 times as many criminal and 26 times as many civil cases as the U.S. District Courts with only 14 times as many judges.

- Growth continued to characterize the more serious segments of state court caseloads. Between 1984 and 1994, civil caseloads rose 24 percent, criminal caseloads rose 35 percent, juvenile caseloads rose 59 percent, and domestic relations caseloads rose 65 percent. In contrast, the U.S. population increased roughly 10 percent over the same time period.

- Traffic caseloads were the one area of decline—dropping 23 percent between 1990 and 1994. Increasingly, less serious traffic cases are being decriminalized or transferred to an executive branch agency.

- Many general jurisdiction courts failed to keep pace with the flow of civil and criminal cases over the past three years. Courts must, by state statutes, give criminal caseloads priority. To meet this requirement, courts sometimes shift resources from the civil side to the criminal side; therefore, maintaining high criminal clearance rates is necessary to ensure timely civil case dispositions as well.

- With tort reform brewing in the U.S. Congress and many state legislatures, civil justice issues remain front-page news. Although torts are currently center stage in the civil litigation debate, there is no evidence that the number of tort cases is increasing. In fact, the volume of tort litigation has declined steadily since 1990.

- About 815,000 tort cases were filed in state courts of general jurisdiction in 1994. Most are automobile accident torts (60 percent) and premises liability (17 percent); high-profile cases such as medical malpractice and products liability account for only 10 percent of all tort claims. The typical tort case is resolved within 14 months of filing.

- Of the less than 3 percent of tort cases that are resolved by jury trial, plaintiffs won 49 percent of the time and received a median award of $51,000. Million dollar awards occurred in 8 percent of jury trials won by plaintiffs.

- Juries awarded punitive damages in 4 percent of tort cases in which the defendant was found liable. The median punitive damage award was $38,000; the mean award, $590,000.

- The most rapid growth in domestic relations cases occurred in the area of domestic violence, with filings increasing over 83 percent since 1989. For the period 1992 to 1994, domestic violence filings increased in all but one of the 32 states reporting such information.

- The majority (64 percent) of juvenile filings involved an allegation of delinquent behavior. While the majority of delinquency cases involved property offenses, the fastest growth is occurring in crimes against the person.

- 11,700 juveniles were transferred to adult court in 1992, representing less than 1 percent of the juvenile court dispositions. The rate of transfers has, however, been increasing slowly but steadily since 1986.

- There is a close parallel between the trend in arrests and criminal filings in the state courts. Growth in total criminal caseloads has slowed in recent years, as total arrests declined between 1989 and 1993. With arrests back up in 1994, state courts will likely experience an upsurge in criminal filings in the coming year.

- The number of DWI filings in state courts has dropped 11 percent since 1985, and dropped to its lowest level in 1994. Decreases have also been observed in the number of people arrested for DWI offenses and in the number of alcohol-related traffic fatalities.

- Changes in felony filing rates are closely watched because serious crime is never far from the public's number one concern. The number of felony filings has increased 70 percent since 1984. At the same time, arrests for serious crimes (offenses involving violent, property, or drug crime) are also up. Most notable is the doubling in the number of persons arrested for drug offenses since 1982.

- State courts reported close to 900,000 convictions for felonies in 1992 (the latest year for which this information is available). There were more convictions for drug trafficking than for any other single offense category.

- From 1983 to 1992, state court prison commitments increased 27 percent for property offenders, 56 percent for violent offenders, and 560 percent for drug offenders. Roughly 300,000 persons received prison sentences in 1992. On average, offenders served 38 percent of their court-imposed sentence.

- A record 263,000 appeals were filed in the state appellate courts in 1994. Ten states (California, Florida, New York, Texas, Pennsylvania, Michigan, Ohio, Louisiana, Illinois, and New Jersey) account for a sizable majority (61 percent) of the nation's appellate filings.

- Many appellate courts continued to have difficulties in keeping up with the steady inflow of cases. Half of the intermediate appellate courts were unable to clear their dockets completely by resolving as many cases as were filed each year.

These numbers illustrate the magnitude of state trial and appellate court activity and reinforce that it is at the state and local level that notions of law and justice are given meaning to most people. State courts are where most individuals have their first, and perhaps only, interaction with the judicial system.

Tort Caseloads in State Trial Courts

The Volume of Tort Litigation in the State Courts

With tort reform legislation pending in the U.S. Congress and in many state legislatures, civil justice is very much in the news. Issues that involve civil justice can be more contentious and conspicuous than those associated with criminal justice. Proposed legislation at the federal and individual state levels would change the ground rules for filing and pursuing tort claims in the courts. Related proposals would revamp the role of the civil jury and expand the use of alternative dispute resolution in deciding tort, contract, and real property disputes. Combined, these endeavors offer the prospect for a greatly altered system of civil justice by the century's close.

Arriving at a policy consensus in civil justice may, in fact, prove more difficult than in criminal justice. While few would argue over the goal of reducing crime, the objective of reducing the volume of civil litigation or redirecting civil disputes away from the courts may not garner consensus from judges, plaintiffs' attorneys, the civil defense bar, or citizens' groups.

Although torts currently are at center stage in the civil litigation debate, national totals on the number and type of tort filings are not compiled in a comprehensive fashion. Accurate national estimates, however, can be made by extrapolating the data gathered in the Civil Trial Court Network (CTCN).

Estimates of Total Tort Cases Filed and Total Jury Trials Held in State Courts of General Jurisdiction, 1992

Case Type	Tort Filings	Percent of Caseload	Jury Trials	Jury Trial Rate
All Torts	815,225	100%	20,046	2.5%
Automobile	490,508	60	8,339	1.7
Premises Liability	141,204	17	4,942	3.5
Medical Malpractice	39,735	5	2,702	6.8
Intentional	23,499	3	634	2.7
Product Liability	27,568	3	717	2.6
Toxic Substance	13,057	2	522	4.0
Professional Malpractice	14,746	2	472	3.2
Slander/Libel	6,823	1	150	2.2
Other Torts	58,085	7	1,568	2.7

*Jury trials include cases settled after a jury trial verdict and cases concluded by a directed verdict.
Source: Civil Trial Court Network (CTCN), National Center for State Courts, sponsored by the U.S. Department of Justice, Bureau of Justice Statistics.

The CTCN, maintained by the NCSC and representing litigation in the largest 75 counties, is the most ambitious investigation to date of civil justice in America. Taking into account differences in litigation rates across the country, the adjacent table shows estimates of total tort filings and total cases disposed by jury trial in state courts in 1992. Thus, while there were close to 20 million total civil cases (including domestic relations cases) filed in the state courts in 1992, less than 5 percent were tort cases filed in general jurisdiction courts. Examining the tip of the litigation pyramid shows that approximately 20,000 tort jury trials were held in 1992.

Naturally, tort cases vary in their complexity and seriousness. Tort case categories offer a broad indication of the potential economic stakes and legal complexity involved. In medical malpractice and product liability cases, for example, the stakes are often high regarding potential damages and harm to the reputation of a physician, hospital, or business if a jury finds negligence by the defendant. These tort cases also are likely to involve the most difficult legal issues (e.g., proof of negligence, causation of harm) and the presentation of scientific evidence. High-profile medical malpractice cases and product liability cases (including toxic substance cases like asbestos) account for 10 percent of all tort claims. Auto accident cases dominate tort filings (60 percent of all torts), and claims for injuries sustained due to the alleged dangerous condition of residential or commercial property (premises liability cases, often referred to as "slip-and-fall" cases) comprise the second most common tort (17 percent). These two categories (auto and premises liability cases) account for more than three-quarters of all torts in urban state courts.

ATTACHMENT E

Public Law 103-298, the General Aviation Revitalization Act of 1994 (GARA).

S. 1458

PUBLIC LAW 103-298

One Hundred Third Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-fifth day of January, one thousand nine hundred and ninety-four

An Act

To amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "General Aviation Revitalization Act of 1994".

SEC. 2. TIME LIMITATIONS ON CIVIL ACTIONS AGAINST AIRCRAFT MANUFACTURERS.

(a) IN GENERAL.—Except as provided in subsection (b), no civil action for damages for death or injury to persons or damage to property arising out of an accident involving a general aviation aircraft may be brought against the manufacturer of the aircraft or the manufacturer of any new component, system, subassembly, or other part of the aircraft, in its capacity as a manufacturer if the accident occurred—

(1) after the applicable limitation period beginning on—

(A) the date of delivery of the aircraft to its first purchaser or lessee, if delivered directly from the manufacturer; or

(B) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing such aircraft; or

(2) with respect to any new component, system, subassembly, or other part which replaced another component, system, subassembly, or other part originally in, or which was added to, the aircraft, and which is alleged to have caused such death, injury, or damage, after the applicable limitation period beginning on the date of completion of the replacement or addition.

(b) EXCEPTIONS.—Subsection (a) does not apply—

(1) if the claimant pleads with specificity the facts necessary to prove, and proves, that the manufacturer with respect to a type certificate or airworthiness certificate for, or obligations with respect to continuing airworthiness of, an aircraft or a component, system, subassembly, or other part of an aircraft knowingly misrepresented to the Federal Aviation Admin-

istration, or concealed or withheld from the Federal Aviation Administration, required information that is material and relevant to the performance or the maintenance or operation of such aircraft, or the component, system, subassembly, or other part, that is causally related to the harm which the claimant allegedly suffered;

(2) if the person for whose injury or death the claim is being made is a passenger for purposes of receiving treatment for a medical or other emergency;

(3) if the person for whose injury or death the claim is being made was not aboard the aircraft at the time of the accident; or

(4) to an action brought under a written warranty enforceable under law but for the operation of this Act.

(c) GENERAL AVIATION AIRCRAFT DEFINED.—For the purposes of this Act, the term "general aviation aircraft" means any aircraft for which a type certificate or an airworthiness certificate has been issued by the Administrator of the Federal Aviation Administration, which, at the time such certificate was originally issued, had a maximum seating capacity of fewer than 20 passengers, and which was not, at the time of the accident, engaged in scheduled passenger-carrying operations as defined under regulations in effect under the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.) at the time of the accident.

(d) RELATIONSHIP TO OTHER LAWS.—This section supersedes any State law to the extent that such law permits a civil action described in subsection (a) to be brought after the applicable limitation period for such civil action established by subsection (a).

SEC. 2. OTHER DEFINITIONS.

For purposes of this Act—

(1) the term "aircraft" has the meaning given such term in section 101(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(5));

(2) the term "airworthiness certificate" means an airworthiness certificate issued under section 603(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(c)) or under any predecessor Federal statute;

(3) the term "limitation period" means 18 years with respect to general aviation aircraft and the components, systems, subassemblies, and other parts of such aircraft; and

(4) the term "type certificate" means a type certificate issued under section 603(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(a)) or under any predecessor Federal statute.

SEC. 4. EFFECTIVE DATE; APPLICATION OF ACT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF ACT.—This Act shall not apply with respect to civil actions commenced before the date of the enactment of this Act.

Thomas S. Foley

Speaker of the House of Representatives.

Robert C. Byrd

~~*Vice President of the United States and*~~ *President of the Senate* PRO tempore.

APPROVED

AUG 17 1994

William Jefferson Clinton

ATTACHMENT F

General Aviation Statistical Databook, 1996 **(Washington, D. C.: General Aviation Manufacturers Association, 1997).**

1996

GENERAL AVIATION

Statistical Databook



GAMA

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FOREWORD

The **GENERAL AVIATION STATISTICAL DATABOOK** has become a useful tool to those examining our industry. In order to provide the most current statistics on General Aviation, the General Aviation Manufacturers Association (GAMA) publishes the **DATABOOK,** as soon as possible, after data from the FAA's annual General Aviation and Air Taxi Activity and Avionics Survey and Forecasts Book are available.

A new addition to the **DATABOOK** includes a new chart in the shipment section containing imported aircraft & billings data.

GENERAL AVIATION MANUFACTURERS ASSOCIATION

GAMA is a national trade association proudly representing 52 American manufacturers of fixed wing general aviation aircraft, engines, avionics, and components. GAMA member companies also operate aircraft fleets, airport fixed-based operation, pilot schools and training facilities across the nation.

Headquartered in Washington, DC, GAMA represents the interests of its members before the United States Congress, the Department of Transportation, the Federal Aviation Administration, and other federal and state government agencies directly concerned with the air transportation system. It also maintains close working relationships with other associations representing various facets of the aviation community. Through its public information and education programs, GAMA promotes better understanding of the air transportation environment and the important role General Aviation plays in the national economy and serving America's transportation needs.

We hope you will keep your **DATABOOK** handy as a quick reference for all your questions on General Aviation.

For more information on General Aviation, chartering or buying an aircraft, learning to fly, or joining one of the many aviation organizations serving the community, call or write the GAMA communications office. We are happy to assist you.

GAMA

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General Aviation Aircraft Shipment Statistics



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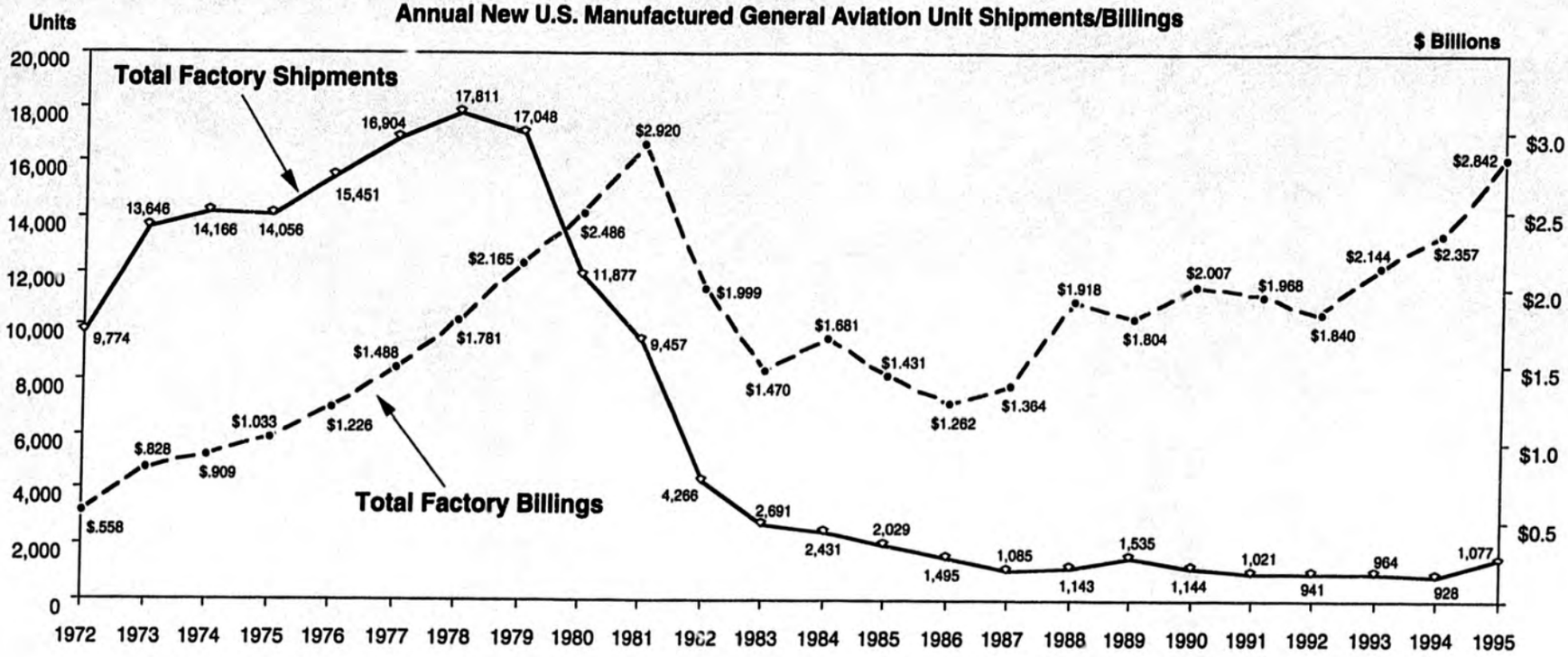
SHIPMENTS

Annual Shipments of New U.S. Manufactured General Aviation Aircraft By Units Shipped, Number of Companies Reporting, and Factory Net Billings

Year	Units Shipped	Companies Reporting	Factory Net Billings (Millions)
1946	35,000	—	$ 110.0
1947	15,594	15	57.9
1948	7,037	12	32.4
1949	3,405	11	17.7
1950	3,386	13	19.1
1951	2,302	12	16.8
1952	3,058	8	26.8
1953	3,788	7	34.4
1954	3,071	7	43.4
1955	4,434	7	68.2
1956	6,738	8	103.7
1957	6,118	9	99.6
1958	6,414	10	101.9
1959	7,689	9	129.8
1960	7,588	8	151.2
1961	6,778	8	124.3
1962	6,697	7	136.8
1963	7,569	7	153.4
1964	9,336	8	198.8
1965	11,852	8	318.2
1966	15,768	10	444.9
1967	13,577	14	359.6
1968	13,698	14	425.7
1969	12,457	14	584.5
1970	7,292	13	337.0
1971	7,466	11	321.5
1972	9,774	12	557.6
1973	13,646	12	828.1
1974	14,166	12	909.4
1975	14,056	12	1,032.9
1976	15,451	12	1,225.5
1977	16,904	12	1,488.1
1978	17,811	12	1,781.2
1979	17,048	12	2,165.0
1980	11,877	12	2,486.2
1981	9,457	12	2,919.9
1982	4,266	11	1,999.5
1983	2,691	10	1,469.5
1984	2,431	9	1,680.7
1985	2,029	9	1,430.6
1986	1,495	9	1,261.9
1987	1,085	9	1,363.5
1988	1,143	9	1,918.4
1989	1,535	11	1,803.9
1990	1,144	14	2,007.5
1991	1,021	14	1,968.3
1992	941	16	1,839.6
1993	964	16	2,143.8
1994	928	13	2,357.1
1995	1,077	13	2,841.9

Source: GAMA

Annual New U.S. Manufactured General Aviation Unit Shipments/Billings



Source: GAMA

...AND BILLINGS

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SHIPMENTS BY TYPE

Annual New U.S. Manufactured General Aviation Aircraft Shipments By Type of Aircraft

Year	Total	Single-Engine	Multi-Engine	Total Piston	Turboprop	Jet	Total Turbine
1962	6,697	5,690	1,007	6,697	0	0	0
1963	7,569	6,248	1,321	7,569	0	0	0
1964	9,336	7,718	1,606	9,324	9	3	12
1965	11,852	9,873	1,780	11,653	87	112	199
1966	15,768	13,250	2,192	15,442	165	161	326
1967	13,577	11,557	1,773	13,330	149	98	247
1968	13,698	11,398	1,959	13,357	248	93	341
1969	12,457	10,054	2,078	12,132	214	111	325
1970	7,292	5,942	1,159	7,101	135	56	191
1971	7,466	6,287	1,043	7,330	89	47	136
1972	9,774	7,913	1,548	9,446	179	134	313
1973	13,646	10,788	2,413	13,193	247	198	445
1974	14,166	11,579	2,135	13,697	250	202	452
1975	14,056	11,441	2,116	13,555	305	194	499
1976	15,451	12,785	2,120	14,905	359	187	546
1977	16,904	14,054	2,195	16,249	428	227	655
1978	17,811	14,398	2,634	17,032	548	231	779
1979	17,048	13,286	2,843	16,129	639	282	921
1980	11,877	9,640	2,116	10,756	778	326	1,104
1981	9,457	6,608	1,542	8,150	918	389	1,307
1982	4,266	2,871	678	3,549	458	259	717
1983	2,691	1,811	417	2,228	321	142	463
1984	2,431	1,620	371	1,991	271	169	440
1985	2,029	1,370	193	1,563	321	145	466
1986	1,495	985	138	1,123	250	122	372
1987	1,085	613	87	700	263	122	385
1988	1,143	628	67	695	291	157	448
1989	1,535	1,023	87	1,110	268	157	425
1990	1,144	608	87	695	281	168	449
1991	1,021	564	49	613	222	186	408
1992	941	552	41	593	177	171	348
1993	964	516	39	555	211	198	409
1994	928	444	55	499	207	222	429
1995	1,077	515	61	576	255	246	501

Source: GAMA

Estimated Value of Annual New U.S. Manufactured General Aviation Aircraft Shipments By Type of Aircraft (In Millions)

Year	Single-Engine	Multi-Engine	Total Piston	Turboprop	Jet	Total Turbine
1975	$ 290	$ 280	$ 570	$ 180	$ 231	$ 461
1976	376	320	696	238	293	531
1977	473	390	863	296	329	625
1978	516	493	1,009	394	378	772
1979	523	555	1,078	548	540	1,088
1980	391	403	794	875	816	1,691
1981	327	348	675	1,120	1,125	2,245
1982	200	220	420	590	990	1,580
1983	145	115	260	460	750	1,210
1984	147	133	280	436	966	1,402
1985	126	68	194	524	713	1,237
1986	80	43	123	430	709	1,139
1987	80	18	98	477	789	1,266
1988	66	12	78	596	1,242	1,838
1989	104	24	128	524	1,149	1,673
1990	68	24	92	644	1,272	1,916
1991	*	*	93	527	1,348	1,875
1992	*	*	96	460	1,284	1,744
1993	*	*	76	595	1,473	2,068
1994	*	*	94	595	1,681	2,276
1995	*	*	123	653	2,066	2,719

*Multi-Engine combined with Single-Engine Piston

Source: GAMA

SHIPMENTS BY YEAR AND BY QUARTER

GAMA

U.S. Manufactured General Aviation Aircraft Shipments By Year and Quarter

YEAR	QUARTER I	QUARTER II	QUARTER III	QUARTER IV
1962	1,782	1,744	1,329	1,842
1963	1,806	2,000	1,625	2,138
1964	2,156	2,503	1,934	2,743
1965	2,642	3,008	2,859	3,343
1966*	3,855	4,266	3,881	3,585
1967*	3,392	3,480	2,801	3,811
1968*	3,661	3,545	3,282	3,068
1969*	3,297	3,592	2,825	2,693
1970*	1,929	2,099	1,749	1,500
1971*	1,771	1,902	1,903	1,770
1972	2,157	2,564	2,417	2,636
1973	3,246	3,555	3,442	3,403
1974	3,493	3,576	3,488	3,609
1975	3,777	3,562	3,291	3,426
1976	3,949	4,159	3,479	3,864
1977	4,124	4,513	3,985	4,282
1978	4,176	4,621	4,672	4,342
1979	4,259	4,602	4,426	3,761
1980	3,512	2,756	2,796	2,813
1981	2,389	2,631	2,529	1,908
1982	1,390	1,126	890	860
1983	659	709	717	606
1984	523	563	681	664
1985	455	519	581	474
1986	285	364	393	453
1987	227	330	239	289
1988	260	291	252	340
1989	304	361	425	445
1990	269	294	274	297
1991	250	262	237	272
1992	193	200	238	225
1993*	170	194	246	260
1994*	181	225	209	266
1995*	208	248	257	315

*Quarterly figures do not sum to annual because some manufacturers reported annual shipments only.

Source: GAMA

U.S. Civil Aircraft Imports from the World—1991-1995 Units and Dollar Value ($Millions)

	1991		1992		1993		1994		1995	
	Units	Dollars	Units	Dollars	Units	Dollars	Units	Dollars	Units	Dollars
Single-Engine	72	$23.4	67	$24.6	96	$28.6	105	$65.9	117	$48.5
Multi-Engine–under 4,400 lbs	1	$0.0	7	$3.1	N/A	N/A	8	$2.8	5	$0.3
Multi-Engine–4,400-10,000 lbs	41	$176.3	18	$75.7	6	$14.8	2	$2.4	2	$3.0
Multi-Engine–Turbojet/Turbofan 10,000-33,000 lbs.	45	$526.9	52	$612.0	66	$792.3	82	$1,030.4	72	$902.4
Muti-Engine–Other —including Turboshaft 10,000-33,000 lbs	95	$840.3	72	$659.5	44	$402.1	64	$609.4	63	$494.6
TOTAL	254	$1,566.9	216	$1,374.9	212	$1,237.8	261	$1,710.9	259	$1,448.8

Source: Aerospace Industries Association

GAMA

EXPORTS

Annual New U.S. Manufactured General Aviation Aircraft Exports

Year	Units Exported	% of Total Production	Factory Net Billings (Millions)	% of Total Dollars
1965	2,325	19.6%	$ 61.2	19.2%
1966	2,903	18.4%	75.4	16.9%
1967	3,035	22.4%	76.5	21.3%
1968	2,803	20.5%	91.5	21.5%
1969	2,623	21.1%	107.1	18.3%
1970	2,170	29.8%	98.9	29.3%
1971	1,854	24.8%	95.6	29.7%
1972	2,254	23.1%	137.9	24.7%
1973	3,530	25.9%	230.2	27.8%
1974	4,248	30.0%	287.5	31.6%
1975	3,512	25.0%	308.1	29.8%
1976	3,539	22.9%	331.2	27.0%
1977	3,611	21.4%	354.5	23.8%
1978	3,612	20.3%	486.7	27.3%
1979	3,995	23.4%	600.9	27.8%
1980	3,555	29.9%	756.4	30.4%
1981	2,270	24.0%	749.0	25.7%
1982	1,162	27.2%	650.2	32.5%
1983	513	19.1%	316.5	21.5%
1984	334	13.7%	260.7	15.5%
1985	354	17.4%	230.0	16.1%
1986	441	29.5%	343.6	27.2%
1987	439	40.5%	469.3	34.4%
1988	425	37.2%	626.8	32.7%
1989	566	36.9%	587.0	32.5%
1990	458	40.0%	872.2	43.4%
1991	382	37.4%	807.0	41.0%
1992	353	39.0%	608.7	33.0%
1993	349	36.2%	856.8	40.0%
1994	277	29.8%	684.2	29.0%
1995	315	29.3%	815.9	28.7%

Source: GAMA

Annual New U.S. Manufactured General Aviation Aircraft Exports by Type

Year	Single-Engine Piston	Multi-Engine Piston	Turboprop	Turbojet
1972	1,715	455	55	29
1973	2,674	732	58	66
1974	3,371	732	75	70
1975	2,680	644	122	66
1976	2,704	669	114	52
1977	2,835	594	126	56
1978	2,712	652	166	82
1979	2,942	774	181	98
1980	2,565	635	245	110
1981	1,546	363	259	102
1982	718	227	135	82
1983	298	119	66	30
1984	199	79	25	31
1985	208	69	49	28
1986	272	69	68	32
1987	252	60	78	49
1988	220	52	91	62
1989	385	46	78	57
1990	224	57	86	91
1991	204	25	74	79
1992	196	16	90	51
1993	149	23	109	68
1994	84	42	84	67
1995	130	30	85	70

Source: GAMA

General Aviation Fleet and Flight Activity



GAMA

GAMA

U.S. FLEET AND FLIGHT HOURS BY TYPE AND USE

Number of Active General Aviation Aircraft By Type and Primary Use—1994 (Excluding Commuters)

Aircraft Type	Active GA Aircraft	Corporate	Business	Personal	Instructional	Aerial Application	Aerial Observation	Sight-Seeing	External Load	Other Work	Air Taxi	Other
ALL AIRCRAFT—TOTAL	**170,800**	**9,652**	**25,554**	**100,639**	**14,568**	**4,215**	**4,963**	**1,898**	**133**	**1,214**	**3,927**	**4,226**
PISTON—Total	**138,909**	**3,747**	**23,608**	**85,093**	**13,216**	**3,418**	**3,906**	**498**	**0**	**1,049**	**2,414**	**1,959**
One-Engine	123,332	1,587	18,727	80,018	12,248	3,316	3,596	472	0	997	740	1,631
Two-Engines	15,509	2,160	6,881	5,075	965	41	310	26	0	53	1,675	323
Other Piston	68	0	0	0	2	62	0	0	0	0	0	4
TURBOPROP—Total	**4,207**	**2,132**	**579**	**341**	**179**	**237**	**12**	**16**	**0**	**39**	**563**	**111**
One-Engine	563	50	65	83	76	235	6	0	0	0	33	16
Two-Engines	3,637	2,082	514	258	103	2	6	16	0	39	530	88
Other Turboprop	7	0	0	0	0	0	0	0	0	0	0	7
TURBOJET—Total	**4,073**	**3,231**	**136**	**125**	**31**	**4**	**0**	**0**	**0**	**1**	**274**	**271**
Two-Engines	3,876	3,050	135	123	31	4	0	0	0	0	272	262
Other Turbojet	197	181	2	2	0	0	0	0	0	1	2	9
ROTORCRAFT—Total	**4,390**	**427**	**386**	**356**	**472**	**516**	**971**	**163**	**126**	**21**	**676**	**275**
Piston	1,381	2	173	265	378	178	247	79	26	11	1	21
Turbine	3,009	425	21	91	94	338	724	84	100	10	675	254
One-Engine	2,299	225	161	62	89	322	688	80	38	0	402	212
Two-Engines	710	200	31	29	6	16	36	4	62	10	274	42
GLIDERS—Total	**2,679**	**0**	**11**	**2,142**	**278**	**0**	**2**	**119**	**0**	**10**	**0**	**117**
LIGHTER-THAN-AIR—Total	**3,491**	**49**	**127**	**2,402**	**160**	**0**	**3**	**505**	**0**	**92**	**0**	**154**
EXPERIMENTAL—Total	**12,852**	**67**	**707**	**10,380**	**232**	**41**	**41**	**37**	**7**	**2**	**0**	**1,139**
Homebuilt	9,523	0	206	8,396	91	30	25	35	0	0	0	739
Exhibition	562	0	44	299	15	2	0	0	0	2	0	200
Other	2,767	67	457	1,685	126	9	16	1	7	1	0	399

Note: Row and column summation may differ from printed totals due to estimation procedures, or because some active aircraft did not report use. Source: FAA

General Aviation Hours Flown By Aircraft Type and Primary Use—1994 (In Thousands of Hours)

Aircraft Type	Active GA Aircraft	Corporate	Business	Personal	Instructional	Aerial Application	Aerial Observation	Sight-Seeing	External Load	Other Work	Air Taxi	Other
ALL AIRCRAFT—TOTAL	**23,866**	**2,548**	**3,055**	**8,116**	**4,156**	**1,210**	**1,750**	**323**	**172**	**226**	**1,670**	**640**
PISTON—Total	**18,370**	**727**	**2,811**	**7,299**	**3,772**	**936**	**1,284**	**142**	**0**	**207**	**948**	**243**
One-Engine	15,765	300	2,233	6,811	3,460	920	1,197	139	0	198	303	203
Two-Engines	2,597	428	578	488	312	8	87	3	0	9	645	40
Other Piston	8	0	0	0	0	8	0	0	0	0	0	0
TURBOPROP—Total	**1,106**	**561**	**81**	**51**	**74**	**119**	**1**	**6**	**0**	**9**	**195**	**9**
One-Engine	207	10	10	17	32	119	0	0	0	0	17	2
Two-Engines	899	550	72	34	42	0	1	6	0	9	178	7
Other Turboprop	0	0	0	0	0	0	0	0	0	0	0	0
TURBOJET—Total	**1,241**	**1,000**	**30**	**23**	**11**	**2**	**0**	**0**	**0**	**0**	**98**	**78**
Two-Engines	1,197	958	29	23	11	2	0	0	0	0	97	77
Other Turbojet	44	41	1	0	0	0	0	0	0	0	0	1
ROTORCRAFT—Total	**2,006**	**242**	**57**	**30**	**196**	**150**	**459**	**86**	**172**	**6**	**430**	**178**
Piston	340	0	20	17	166	38	72	14	5	5	0	1
Turbine	1,666	242	37	13	30	112	387	72	167	1	429	177
One-Engine	1,197	115	34	11	28	103	373	71	18	0	293	151
Two-Engines	469	128	2	2	2	9	14	0	148	1	137	25
GLIDERS—Total	**298**	**0**	**2**	**149**	**70**	**0**	**0**	**57**	**0**	**1**	**0**	**18**
LIGHTER-THAN-AIR—Total	**126**	**4**	**6**	**72**	**5**	**0**	**0**	**30**	**0**	**2**	**0**	**7**
EXPERIMENTAL—Total	**718**	**14**	**69**	**492**	**28**	**3**	**5**	**1**	**0**	**0**	**0**	**106**
Homebuilt	413	0	14	365	8	1	1	1	0	0	0	23
Exhibition	24	0	3	13	0	0	0	0	0	0	0	9
Other	281	14	53	115	20	2	5	0	0	0	0	74

Note: Row and column summation may differ from printed totals due to estimation procedures, or because some active aircraft did not report use. Source: FAA

FLEET BY AGE

Average Age of the U.S. General Aviation Fleet—1995

Aircraft Type	Engine Type	Seats	Average Age In Years
Single-Engine	Piston	1-3	29
		4	27
		5-7	22
		8+	36
		All	27
	Turboprop	All	8
	Jet	All	31
Multi-Engine	Piston	1-3	32
		4	26
		5-7	25
		8+	25
		All	25
	Turboprop	All	16
	Jet	All	16
All Aircraft			**26**

FLEET BY GEOGRAPHIC AREA

U.S. Active General Aviation Aircraft by Region and State

FAA Region and State	1990	1991	1992	1993	1994
ALASKAN	**7,013**	**6,616**	**6,083**	**5,410**	**5,479**
Alaska	7,013	6,616	6,083	5,410	5,479
CENTRAL	**11,795**	**11,404**	**10,251**	**10,517**	**9,374**
Iowa	2,683	2,597	2,489	2,328	2,028
Kansas	3,363	3,421	2,973	2,953	2,738
Missouri	3,891	3,781	3,068	3,494	2,822
Nebraska	1,858	1,605	1,721	1,743	1,787
EASTERN	**24,700**	**22,506**	**21,683**	**21,222**	**20,419**
Delaware	1,328	891	1,047	1,332	1,324
D.C.	12	46	12	24	37
Maryland	2,952	2,717	2,489	2,299	2,210
New Jersey	3,860	3,512	3,547	3,434	2,929
New York	6,273	5,419	5,615	5,371	5,237
Pennsylvania	6,070	5,688	5,398	5,145	5,067
Virginia	3,190	3,288	2,609	2,764	2,795
West Virginia	1,015	945	966	852	824
GREAT LAKES	**37,312**	**34,792**	**32,943**	**32,424**	**30,884**
Illinois	6,769	6,543	6,373	6,160	6,002
Indiana	3,897	3,460	3,411	3,753	3,560
Michigan	7,461	6,823	6,248	6,150	5,737
Minnesota	4,893	4,097	4,517	4,583	3,904
North Dakota	1,645	1,489	1,323	1,322	1,143
Ohio	7,501	6,919	6,101	5,620	5,583
South Dakota	1,056	1,072	1,005	1,001	919
Wisconsin	4,090	4,389	3,965	3,836	4,037
NEW ENGLAND	**8,717**	**8,223**	**7,248**	**7,160**	**6,581**
Connecticut	1,919	1,872	1,589	1,477	1,339
Maine	1,721	1,251	982	1,029	835
Massachusetts	3,025	2,776	2,483	2,691	2,605
New Hampshire	1,173	1,393	1,385	1,216	1,026
Rhode Island	342	415	322	284	324
Vermont	537	561	487	464	452

FAA Region and State	1990	1991	1992	1993	1994
N.W. MOUNTAIN	**21,803**	**19,390**	**19,153**	**18,259**	**17,415**
Colorado	4,452	4,064	3,676	3,855	3,604
Idaho	1,827	1,820	1,804	1,797	1,580
Montana	1,834	1,851	1,923	1,808	1,770
Oregon	5,011	4,559	3,935	3,789	4,057
Utah	1,348	1,031	1,264	1,041	959
Washington	6,534	5,376	5,874	5,326	4,729
Wyoming	797	698	677	645	717
SOUTHERN	**35,096**	**32,380**	**30,731**	**28,544**	**28,731**
Alabama	3,364	3,010	2,873	2,736	2,362
Florida	13,290	12,336	11,753	10,498	10,574
Georgia	4,476	4,540	4,326	3,796	3,983
Kentucky	1,554	1,446	1,472	1,476	1,411
Mississippi	1,842	1,770	1,776	1,469	1,661
North Carolina	4,803	4 493	3,729	3,782	4,014
Puerto Rico	412	394	370	305	217
South Carolina	2,092	1,878	1,669	1,641	1,566
Tennessee	3,263	2,513	2,763	2,766	2,862
SOUTHWEST	**28,336**	**26,517**	**24,884**	**22,868**	**23,529**
Arkansas	2,507	2,206	2,469	2,415	2,078
Louisiana	3,391	2,843	2,823	2,255	2,437
New Mexico	1,963	1,891	2,043	2,120	2,180
Oklahoma	3,819	3,371	2,762	3,135	2,858
Texas	16,656	16,206	14,787	12,944	13,976
WESTERN-PACIFIC	**37,352**	**36,522**	**31,320**	**29,598**	**28,185**
Arizona	5,486	4,789	4,355	4,111	4,332
California	29,316	29,261	24,909	23,279	21,728
Hawaii	561	484	372	312	391
Nevada	1,989	1,988	1,684	1,838	1,729
OTHER U.S. TERRITORIES	**98**	**72**	**136**	**N/A**	**N/A**
GRAND TOTAL	**198,010**	**188,422**	**184,434**	**176,006**	**170,600**

Note: Column total may differ from printed totals due to estimation procedures.

Source: FAA

U.S. Registered Certificated Experimental Aircraft By Type—1984-1994

Aircraft Type	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
ALL AIRCRAFT—TOTAL	16,477	16,204	16,994	17,658	18,192	19,757	21,027	21,615	22,700	26,922	28,152
FIXED-WING—Total	13,767	13,344	14,046	14,619	15,123	16,449	17,564	18,175	19,137	22,363	23,581
Piston	13,682	13,210	13,957	14,488	14,982	16,045	16,998	17,619	18,678	21,505	22,749
Turbine	85	134	89	131	141	404	566	556	459	858	832
ROTORCRAFT—Total	1,548	1,612	1,655	1,723	1,801	1,891	1,982	1,951	2,010	2,299	2,283
GLIDERS—Total	865	930	954	951	919	966	985	993	1,027	1,759	1,792
BALLOONS & DIRIGIBLES—Total	297	318	339	365	349	451	496	496	526	501	496

Note: Prior to 1994, Experimental aircraft included those built without a production certificate. Beginning in 1994 Experimental includes aircraft with an experimental airworthiness certificate. These include research and development, amateur built, exhibition, racing, crew training, and market survey aircraft and aircraft used to show compliance with the Federal Aviation Regulations.

Source: FAA

FLIGHT HOURS BY TYPE

GAMA

Estimated Hours Flown in General Aviation by Type of Aircraft (In Thousands of Hours)

As of December 31	Total	FIXED WING			ROTORCRAFT		Balloons Dirigibles Gliders	Experimental
		Piston	Turboprop	Turbojet	Piston	Turbine		
1977	**35,791**	30,965	1,549	1,165	609	1,259	245	N/A
1978	**39,409**	34,043	1,606	1,194	806	1,421	338	N/A
1979	**43,340**	37,303	1,871	1,259	892	1,664	353	N/A
1980	**41,016**	34,747	2,240	1,332	736	1,603	359	N/A
1981	**40,704**	34,086	2,155	1,387	930	1,754	391	N/A
1982	**36,457**	29,950	2,168	1,611	579	1,771	379	N/A
1983	**35,249**	28,911	2,173	1,473	572	1,700	420	N/A
1984	**36,119**	29,194	2,506	1,566	592	1,903	358	N/A
1985R	**31,456**	25,666	1,921	1,498	521	1,468	382	N/A
1986R	**31,782**	24,805	2,661	1,527	742	1,682	364	N/A
1987R	**30,883**	24,969	2,010	1,411	602	1,506	384	N/A
1988R	**31,114**	24,291	2,195	1,554	533	1,974	568	N/A
1989R	**32,332**	24,907	2,892	1,527	692	1,918	396	N/A
1990R	**32,096**	25,832	2,319	1,396	716	1,493	341	N/A
1991	**30,067**	24,102	1,513	1,236	585	2,172	459	N/A
1992	**26,493**	21,251	1,478	1,072	416	1,866	410	N/A
1993	**24,340**	19,029	1,227	1,165	370	1,462	376	711
1994	**23,866**	18,370	1,106	1,241	340	1,666	424	718

Source: FAA

Note: Columns may not add due to rounding and estimation procedures.
Beginning in 1993, commuters were excluded.
N/A=Not available.
R=Revised to correct for nonresponse bias.

... AND PER AIRCRAFT

Active U.S. General Aviation Aircraft and Average Hours Annually Flown Per Aircraft, by Type

Aircraft Type	ESTIMATED ACTIVE AIRCRAFT					ESTIMATED AVERAGE HOURS / AIRCRAFT / YR.				
	1990	1991	1992	1993	1994	1990R	1991	1992	1993	1994
ALL AIRCRAFT—TOTAL	**198,010**	**188,475**	**184,434**	**176,006**	**170,660**	**162**	**149**	**144**	**138**	**136**
PISTON—Total	**187,773**	**175,347**	**162,117**	**147,094**	**138,909**	**147**	**138**	**131**	**129**	**132**
One-Engine	165,073	154,102	143,580	130,687	123,332	142	134	126	126	129
1-3 seats	60,507	55,652	52,534	41,251	38,987	N/A	123	108	115	116
4 + seats	104,566	98,450	91,046	89,437	84,344	N/A	141	136	131	134
Two-Engines	22,606	21,119	18,451	16,388	15,508	185	167	172	153	165
1-6 seats	15,186	13,561	11,807	10,922	10,137	N/A	160	157	148	164
7 + seats	7,421	7,557	6,644	5,466	5,371	N/A	182	198	164	170
Other Piston	94	127	86	18	68	526	41	52	51	113
TURBOPROP—Total	**5,652**	**4,920**	**4,704**	**4,359**	**4,206**	**438**	**308**	**314**	**281**	**264**
One-Engine	N/A	N/A	N/A	703	563	N/A	N/A	N/A	347	384
Two-Engines	5,257	4,398	4,094	3,632	3,636	441	312	302	270	247
1-12 seats	4,320	3,820	3,512	3,266	3,274	N/A	283	265	258	246
13 + seats	937	577	582	366	362	N/A	589	528	369	247
Other Turboprop	395	522	610	24	6	393	279	394	137	21
TURBOJET—Total	**4,374**	**4,353**	**4,022**	**3,859**	**4,072**	**341**	**290**	**267**	**302**	**309**
Two-Engines	3,950	4,066	3,790	3,673	3,876	346	297	272	307	314
Other Turbojet	425	286	232	186	196	293	193	181	211	226
ROTORCRAFT—Total	**7,397**	**5,753**	**6,292**	**4,510**	**4,389**	**320**	**452**	**397**	**406**	**459**
Piston—Total	**3,459**	**2,470**	**2,211**	**1,646**	**1,380**	**224**	**234**	**188**	**225**	**253**
Turbine—Total	**3,938**	**3,822**	**3,542**	**2,864**	**3,009**	**404**	**592**	**527**	**502**	**571**
One-Engine	N/A	N/A	N/A	2,144	2,298	N/A	N/A	N/A	500	526
Two-Engines	N/A	N/A	N/A	720	710	N/A	N/A	N/A	541	762
GLIDERS—Total	**N/A**	**N/A**	**N/A**	**1,645**	**2,678**	**N/A**	**N/A**	**N/A**	**97**	**106**
LIGHTER-THAN-AIR—Total	**N/A**	**N/A**	**N/A**	**3,602**	**3,490**	**N/A**	**N/A**	**N/A**	**60**	**35**
EXPERIMENTAL—Total	**N/A**	**N/A**	**N/A**	**10,938**	**12,852**	**N/A**	**N/A**	**N/A**	**65**	**53**
Homebuilt/Amateur	N/A	N/A	N/A	6,854	9,523	N/A	N/A	N/A	44	43
Exhibition	N/A	N/A	N/A	1,622	562	N/A	N/A	N/A	54	43
Other	N/A	N/A	N/A	2,462	2,766	N/A	N/A	N/A	N/A	99
OTHER—Total	**7,032**	**7,563**	**7,837**	**N/A**	**N/A**	**52**	**61**	**52**	**N/A**	**N/A**

Source: FAA

Note: Columns may not add due to rounding and estimation procedures.
Beginning in 1993, commuters were excluded.
N/A=Not available.
R=Revised to correct for nonresponse bias.

GAMA

GENERAL AVIATION OPERATIONS & ACTIVITY

DOMESTIC

Summary of U.S. General Aviation Operation Statistics—1985-1994

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
IFR Aircraft Handled at ARTCCs	8,329,512	8,054,741	8,102,631	8,053,133	8,197,964	7,931,305	7,389,654	7,393,276	7,433,281	7,685,430
Total Instrument Operations at FAA Facilities**	16,428,676	16,877,404*	18,040,059*	18,377,439*	19,924,116*	19,233,821*	18,250,688*	18,334,640*	17,893,667	18,049,094
Total Aircraft Contacts at FSSs	5,826,387	5,382,619	5,208,721	5,008,210	4,873,102	4,795,332	4,376,481	4,129,578	3,702,865	3,509,395
Total Airport Operations at FAA Control Towers	37,191,215	37,693,575*	38,521,783*	38,252,313*	38,832,133*	40,449,432*	38,910,962*	38,354,750*	36,600,990*	34,691,111
Itinerant Operations at FAA Control Towers	22,373,031	21,942,188	22,078,782	22,096,026	22,078,592	22,479,791	21,538,486	21,280,913	20,376,766	20,208,653
Local Operations at FAA Control Towers	14,818,184	15,158,469	14,751,742	15,407,223	15,674,413	16,690,014	16,039,817	15,664,447	14,851,004	14,484,055

*Includes Federal and Contract Operated Towers and Facilities
**Facilities=Control Towers, T.R.A.C.O.N.s, C.E.R.A.P.s, and R.A.P.C.O.N.s

Source: FAA

INTERNATIONAL

Number of General Aviation Aircraft

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Europe	30,500	30,700	30,200	30,800	31,200	31,500	32,000	33,100	33,200	31,300	31,100	36,200
Africa	4,000	3,700	4,750	4,600	4,650	4,600	4,500	4,970	4,950	6,200	5,500	6,200
Middle East	500	550	550	520	540	550	600	690	670	610	580	590
Asia & Pacific	9,500	8,600	8,700	8,400	8,500	9,200	9,800	10,300	10,200	10,240	10,250	11,100
N. America	229,000	231,400	233,000	236,000	224,300	224,150	229,320	223,030	232,080	224,750	219,000	188,300
Latin America & Caribbean	19,500	12,000	14,000	13,700	13,900	13,800	13,500	15,200	15,200	18,900	18,600	18,800
TOTAL-ICAO States	**293,000**	**286,950**	**291,200**	**294,020**	**283,990**	**283,800**	**289,720**	**287,290**	**296,300**	**292,000**	**285,030**	**261,190**

Source: ICAO

General Aviation Hours Flown (In Thousands)

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Europe	5,850	6,000	5,950	6,080	6,400	6,500	6,600	6,720	6,870	6,730	6,700	7,260
Africa	780	750	820	790	820	800	800	820	820	700	700	800
Middle East	270	270	280	260	240	260	260	270	310	300	180	300
Asia & Pacific	2,400	2,400	2,380	2,420	2,740	3,060	3,250	3,380	3,470	3,500	3,770	4,180
N. America	39,700	34,650	33,100	33,920	32,100	31,070	31,110	31,610	31,950	32,100	26,200	24,220
Latin America & Caribbean	3,890	3,940	3,800	3,850	3,380	3,550	3,570	3,400	3,300	3,150	3,150	3,340
TOTAL-ICAO States	**52,940**	**47,880**	**46,360**	**46,830**	**45,870**	**45,260**	**45,430**	**46,140**	**46,710**	**46,380**	**40,700**	**40,100**

Source: ICAO

U.S. Pilots



GAMA

Active U.S. Pilot and Non-Pilot Certificates Held—1977-1995

Category	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
PILOT—Total	**783,932**	**798,833**	**814,667**	**827,071**	**764,182**	**733,255**	**718,004**	**722,376**	**709,540**	**709,118**	**699,653**	**694,016**	**700,010**	**702,659**	**692,095**	**682,959**	**666,069**	**654,088**	**639,184**
Student	203,510	204,874	210,180	199,833	179,912	156,361	147,197	150,081	146,652	150,273	146,016	136,913	142,544	128,663	120,203	114,597	103,583	96,254	101,279
Private	327,424	337,644	343,276	357,479	328,562	322,094	318,643	320,086	311,086	305,736	300,949	299,786	293,179	299,111	293,306	288,078	283,700	284,236	261,399
Commercial	188,763	185,833	182,097	183,442	168,580	165,093	159,495	155,929	151,632	147,798	143,645	143,030	144,540	149,666	148,385	146,385	143,014	138,728	133,980
Airline Transport	50,149	55,881	63,652	69,569	70,311	73,471	75,938	79,192	82,740	87,186	91,287	96,968	102,087	107,732	112,167	115,855	117,070	117,434	123,877
Helicopter (only)	4,819	4,874	5,218	6,030	6,453	7,034	7,237	7,532	8,123	8,122	8,702	8,608	8,863	9,567	9,860	9,652	9,166	8,719	7,183
Glider (only)[1]	6,208	6,541	6,796	7,039	7,388	7,842	8,157	8,390	8,168	8,411	7,901	7,600	7,708	7,833	8,033	8,205	8,328	8,476	11,234
Lighter-Than-Air[1]	3,059	3,186	3,448	3,679	2,976	1,360	1,337	1,166	1,139	1,133	1,153	1,111	1,089	[2]	[2]	[2]	[2]	[2]	[2]
Recreational	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	87	161	187	206	241	232
Flight Instructor Certificates[3]	**49,362**	**52,201**	**54,398**	**60,440**	**57,523**	**62,492**	**62,201**	**61,173**	**58,940**	**57,355**	**60,316**	**61,798**	**61,472**	**63,775**	**69,209**	**72,148**	**75,621**	**76,171**	**77,613**
NON-PILOT—Total	**348,584**	**362,350**	**377,213**	**393,486**	**382,840**	**399,661**	**413,199**	**426,802**	**395,139**	**410,079**	**427,962**	**448,710**	**468,405**	**492,237**	**517,462**	**540,548**	**669,726**	**571,358**	**651,341**
Mechanic[4]	220,768	228,743	237,611	250,157	262,705	277,436	288,335	298,028	274,100	284,241	297,178	312,419	326,243	344,232	366,392	384,669	401,060	411,071	405,294
Repair Men	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	61,233
Parachute Rigger[4]	8,994	9,200	9,831	9,547	9,716	9,893	10,074	10,194	9,395	9,535	9,659	9,770	9,879	10,094	7,916	8,163	8,417	8,631	11,824
Ground Instructor[4]	55,717	57,738	59,680	61,550	63,246	65,004	66,385	67,463	58,214	59,443	60,861	62,582	64,503	66,882	70,086	73,276	78,050	77,788	96,165
Dispatcher[4]	5,972	6,161	6,446	6,799	7,094	7,580	8,223	8,980	8,511	9,025	9,491	10,020	10,455	11,002	11,607	12,264	12,683	13,410	15,642
Flight Navigator	2,155	2,092	1,994	1,936	1,785	1,695	1,636	1,603	1,542	1,512	1,445	1,400	1,357	1,290	1,225	1,154	1,039	990	916
Flight Engineer	29,871	33,028	36,869	38,367	38,294	38,053	38,546	40,534	43,377	46,323	49,328	52,519	55,968	58,687	60,236	61,022	60,277	59,467	60,267
Instrument Rating[5,3]	226,334	236,312	247,096	260,461	252,535	255,073	254,271	256,584	258,559	262,388	266,122	273,804	282,804	297,073	303,193	306,169	385,617	302,300	298,301

[1]Glider and Lighter-Than-Air pilots are not required to have a medical examination; however, the totals above represent pilots who received a medical examination within the last 25 months, except for 1994 numbers, which are based on medical certificates issued 27 or less months ago.

[2]Lighter-Than-Air type ratings are no longer being issued.

[3]Not included in the total.

[4]Numbers represent all certificates on record. No medical examination required.

[5]Special ratings shown on pilot certificates; does not indicate additional certificates.

N/A=Not available. Recreational certificate first issued in 1990.

Source: FAA

PILOTS BY GEOGRAPHIC AREA

Estimated Active Pilots and Flight Instructors By FAA Region and State—1995

GAMA

FAA Region and State	Total Pilots	AIRPLANE[2]				Misc.[3]	Flight Instructor[4]
		Student[1]	Private	Commercial	Airline Transport		
GRAND TOTAL[5]	**689,184**	**101,279**	**261,399**	**138,980**	**123,877**	**16,848**	**77,613**
UNITED STATES—Total	**611,078**	**97,133**	**255,508**	**124,981**	**116,289**	**17,167**	**75,533**
ALASKAN—Total	**9,024**	**1,064**	**3,978**	**2,286**	**1,594**	**102**	**1,034**
CENTRAL—Total	**31,087**	**4,718**	**15,275**	**6,511**	**4,166**	**417**	**3,723**
Iowa	6,427	968	3,470	1,321	596	72	764
Kansas	8,739	1,341	4,253	1,916	1,103	126	1,032
Missouri	11,568	1,753	5,378	2,246	2,003	188	1,454
Nebraska	4,353	656	2,174	1,028	464	31	473
EASTERN—Total	**80,077**	14,455	33,141	15,491	14,027	2,963	10,504
Delaware	1,554	256	625	303	329	41	223
District of Columbia	496	100	201	110	40	45	54
Maryland	8,898	1,517	3,838	1,752	1,514	304	1,174
New Jersey	12,399	2,189	5,265	2,183	2,270	492	1,592
New York	19,9[illegible]	4,049	8,571	3,788	2,509	1,076	2,521
Pennsylvania	19,4[illegible]	3,328	8,253	3,648	3,650	570	2,665
Virginia	14,4[illegible]6	2,416	5,164	3,118	3,384	364	1,953
West Virginia	2,317	472	1,081	462	259	43	262
Armed Forces Europe[6]	525	128	143	154	72	28	60
GREAT LAKES—Total	**105,654**	**17,909**	**49,372**	**20,742**	**15,764**	**1,876**	**13,209**
Illinois	22,999	3,877	9,937	4,471	4,250	464	3,118
Indiana	12,041	2,198	5,808	2,315	1,545	175	1,447
Michigan	18,906	3,538	9,198	3,429	2,306	435	2,264
Minnesota	15,377	2,246	6,907	3,257	2,782	185	1,933
North Dakota	2,818	381	1,271	958	190	18	340
Ohio	19,642	3,312	9,233	3,722	2,902	473	2,486
South Dakota	2,262	355	1,086	543	265	13	244
Wisconsin	11,609	2,002	5,932	2,047	1,524	104	1,377
NEW ENGLAND—Total	**28,456**	**4,647**	**12,544**	**5,162**	**5,125**	**978**	**3,430**
Connecticut	7,192	1,063	3,000	1,202	1,659	268	888
Maine	3,432	605	1,653	692	440	42	358
Massachusetts	10,563	1,860	4,964	1,909	1,371	459	1,242
New Hampshire	4,288	597	1,593	775	1,222	101	596
Rhode Island	1,337	256	600	266	178	37	146
Vermont	1,644	266	734	318	255	71	200
NORTHWEST MOUNTAIN—Total	**64,626**	**9,838**	**26,999**	**13,237**	**12,736**	**1,816**	**7,790**
Colorado	16,821	2,338	6,079	3,508	4,183	713	2,425
Idaho	4,541	708	2,189	981	588	75	466
Montana	3,746	538	1,810	939	408	51	422
Oregon	10,247	1,756	5,084	2,092	1,080	235	1,111
Utah	6,035	1,120	2,438	1,080	1,272	125	617
Washington	21,344	3,112	8,459	4,261	4,925	587	2,535
Wyoming	1,892	266	940	376	280	30	214
SOUTHERN—Total	**114,215**	**17,624**	**42,207**	**24,578**	**27,434**	**2,372**	**13,852**
Alabama	8,077	1,433	3,229	2,016	978	421	992
Florida	45,637	6,563	16,223	10,550	11,541	787	5,969
Georgia	17,455	2,550	5,865	3,308	5,414	318	1,873
Kentucky	6,389	1,080	2,467	1,086	1,656	100	771
Mississippi	4,135	755	1,571	1,168	559	82	459
North Carolina	14,222	2,214	5,798	2,776	3,145	289	1,594
South Carolina	6,167	1,116	2,573	1,401	957	120	666
Tennessee	12,065	1,928	4,462	2,252	3,169	254	1,521
Armed Forces Europe[6]	68	12	19	21	15	1	7
SOUTHWEST—Total	**73,034**	**11,030**	**27,864**	**16,081**	**16,466**	**1,593**	**9,409**
Arkansas	5,428	970	2,303	1,412	686	57	622
Louisiana	6,449	1,012	2,364	1,736	1,087	250	803
New Mexico	4,572	654	1,940	1,100	748	130	593
Oklahoma	9,254	1,683	4,182	2,096	1,187	106	1,247
Texas	47,331	6,711	17,075	9,737	12,758	1,050	6,144
WESTERN-PACIFIC—Total	**104,343**	**15,844**	**44,120**	**20,891**	**18,976**	**4,512**	**12,581**
Arizona	15,662	2,490	5,811	3,332	3,486	543	2,245
California	79,590	12,086	35,492	15,667	12,801	3,544	9,119
Hawaii	2,736	382	640	635	859	220	363
Nevada	5,833	694	2,053	1,125	1,776	185	809
Armed Forces Pacific[6]	522	192	124	132	54	20	45
UNKNOWN	**562**	**4**	**8**	**2**	**1**	**574**	**1**
OUTSIDE U.S.—Total[7]	**28,106**	**4,146**	**5,891**	**8,999**	**7,588**	**1,482**	**2,080**
OTHER U.S. AREAS—Total	**2,229**	**622**	**626**	**423**	**498**	**60**	**251**
American Samoa	14	0	1	5	7	1	2
Guam	198	26	33	36	101	2	20
Puerto Rico	1,684	536	462	317	316	53	186
Virgin Islands	291	53	116	53	66	3	31

[1]Category of medical certificate unknown.
[2]Includes pilots with an airplane-only certificate. Also includes those with an airplane and a helicopter and/or glider certificate.
[3]Includes helicopter, glider, and recreational.
[4]Not included in total.
[5]Includes Outside U.S.
[6]Military personnel holding civilian certificate stationed in foreign country.
[7]Outside U.S. includes other U.S. areas outside of the 50 states and foreign countries.

Source: FAA

GAMA

ACTIVE AIRMEN

Estimated FAA Active Pilot Certificates Held by Category and Age Group of Holder—1995

Age Group	Total	TYPE OF PILOT CERTIFICATES							
		Airplane[1]					Rotorcraft (Only)	Glider (Only)[2]	Flight Instructor[3]
		Student	Recreational	Private	Commercial	Airline Transport			
Total	**639,184**	**101,279**	**232**	**261,399**	**133,980**	**123,877**	**7,183**	**11,234**	**77,613**
14-15	**196**	196	0	0	0	0	0	0	0
16-19	**14,316**	10,681	4	3,314	205	0	32	80	52
20-24	**39,395**	14,423	2	14,748	9,332	318	366	206	4,787
25-29	**57,189**	14,579	17	17,611	18,019	5,637	1,007	319	11,734
30-34	**73,661**	14,798	16	25,199	16,186	15,401	1,398	663	10,470
35-39	**86,337**	13,993	34	34,402	14,476	21,002	1,251	1,179	9,445
40-44	**88,005**	11,531	24	40,192	13,844	19,545	1,088	1,781	9,171
45-49	**85,701**	8,587	28	36,924	15,441	21,785	1,217	1,719	9,775
50-54	**67,497**	5,439	27	29,081	14,120	17,143	516	1,171	7,854
55-59	**48,240**	2,998	26	20,816	10,706	12,678	195	821	5,595
60 and over	**78,647**	4,054	54	39,112	21,651	10,368	113	3,295	8,730

Source: FAA

[1]Includes outside U.S.
[2]Glider pilots are not required to have a medical examination; however, totals above represent pilots who received a medical examination.
[3]Not included in total active pilots.

Average Age of Active Pilots by Category

Calendar Year	Total[1]	Student	Recreational	Private	Commercial	Airline Transport
1981	**37.8**	30.7	N/A	39.3	40.7	42.0
1982	**38.3**	31.2	N/A	39.5	41.0	42.3
1983	**38.8**	31.7	N/A	40.0	41.5	42.5
1984	**39.2**	32.1	N/A	40.4	42.0	42.7
1985	**39.5**	32.4	N/A	40.8	42.4	42.8
1986	**39.7**	32.2	N/A	41.1	42.6	43.0
1987	**39.9**	32.3	N/A	41.4	42.7	43.1
1988	**40.1**	32.5	N/A	41.4	42.6	43.2
1989	**40.2**	32.7	N/A	41.8	42.5	43.4
1990	**40.5**	32.5	41.7	42.0	42.2	43.6
1991	**40.5**	32.6	43.5	42.0	41.8	43.7
1992	**40.8**	32.9	44.4	42.2	41.7	43.8
1993	**41.3**	33.7	45.5	42.7	41.9	44.1
1994	**41.9**	34.3	46.5	43.2	42.4	44.4
1995	**42.9**	34.5	48.3	44.6	43.7	44.9

Source: FAA

[1]Includes helicopter (only) and glider (only).
N/A=Not available. Recreational certificate first issued in 1990.

Estimated Active Women Pilot Certificates Held—1995

Category	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
PILOT—Total	**43,082**	**42,578**	**42,299**	**42,366**	**40,515**	**40,931**	**40,620**	**39,460**	**39,157**	**38,032**
Student[1]	18,899	18,367	17,529	17,637	15,007	14,501	13,921	12,788	12,061	12,710
Recreational[1]	N/A	N/A	N/A	N/A	6	15	10	17	21	16
Airplane[2]										
Private	17,532	17,349	17,544	16,988	17,301	17,514	17,276	16,997	17,196	15,398
Commercial	4,176	4,208	4,410	4,760	5,210	5,652	5,918	5,981	6,000	5,694
Airline Transport	1,334	1,538	1,745	1,898	2,082	2,308	2,530	2,738	2,924	3,134
Helicopter (only)	232	247	259	273	292	307	313	276	277	N/A
Glider (only)[3]	667	627	590	586	617	634	652	663	678	N/A
Lighter-Than-Air[3,4]	242	242	222	224	[4]	[4]	[4]	[4]	[4]	[4]
Flight Instructor Certificates[5]	**2,687**	**2,909**	**3,018**	**3,074**	**3,239**	**3,629**	**3,964**	**4,338**	**4,481**	**4,556**
NONPILOT—Total	**6,502**	**7,101**	**7,842**	**10,683**	**9,557**	**10,324**	**11,514**	**12,363**	**13,026**	**15,120**
Mechanic[6]	1,964	2,237	2,565	2,892	3,333	3,901	4,398	4,839	5,175	3,914
Repair Men	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,710
Parachute Rigger[6]	414	428	441	451	474	363	390	413	442	672
Ground Instructor[6]	3,087	3,232	3,391	3,554	3,760	3,952	4,338	4,615	4,804	6,019
Dispatcher[6]	460	524	622	711	802	852	1,004	1,083	1,159	1,270
Flight Navigator	0	0	1	1	0	0	0	0	0	0
Flight Engineer	577	680	822	3,074	1,188	1,256	1,384	1,413	1,446	1,535

Source: FAA

[1]Category of medical certificate unknown.
[2]Includes pilots with an airplane only certificate. Also includes those with an airplane and a helicopter and/or glider certificate.
[3]Glider and Lighter-Than-Air pilots are not required to have a medical examination; however, the totals above represent pilots who received a medical examination within the last 25 months.
[4]Lighter-Than-Air type ratings are no longer being issued.
[5]Not included in total.
[6]Numbers represent all certificates on record. No medical examination required.
N/A=Not available. Recreational certificate first issued in 1990.

INSTRUMENT-RATED PILOTS

Estimated Total Active Pilots and Instrument-Rated Pilots—1976-1995

Calendar Year	Total Active Pilots[1]	INSTRUMENT-RATED PILOTS	
		Number	Percent of Total
1976	555,625	211,364	38
1977	580,422	226,334	39
1978	593,959	236,312	40
1979	604,487	247,096	41
1980	627,238	260,461	42
1981	584,270	252,535	43
1982	576,894	255,073	44
1983	570,807	254,271	45
1984	572,295	256,584	45
1985	562,888	258,559	46
1986	558,845	262,388	47
1987	553,637	266,122	48
1988	557,103	273,804	49
1989	557,466	282,804	51
1990	573,909	297,073	52
1991	571,731	306,193	53
1992	568,175	306,169	54
1993	561,280	305,517	54
1994	557,593	302,300	54
1995	537,673	298,798	56

[1]Excludes student pilots and recreational pilots.

Source: FAA

PILOT CERTIFICATES ISSUED

Pilot Certificates Issued By Category—1964-1995

Year	STUDENT		PRIVATE		COMMERCIAL		AIRLINE TRANSPORT		HELICOPTER (ONLY)		GLIDER (ONLY)	
	Original	Additional[1]	Original	Additional[1]	Original	Additional[1]	Original	Additional[1]	Original	Additional[1]	Original	Additional[1]
1964	84,629	N/A	26,425	4,394	8,772	10,123	983	3,114	344	48	191	N/A
1965	94,635	N/A	33,337	4,981	11,043	12,557	1,177	4,018	549	74	252	N/A
1966	129,180	N/A	42,464	5,648	14,210	15,360	1,513	5,571	822	53	316	2
1967	159,399	N/A	57,520	8,036	19,996	21,272	2,745	5,726	1,411	105	422	4
1968	149,444	N/A	54,232	7,926	20,157	21,795	2,601	4,911	1,433	94	476	17
1969	132,926	N/A	54,597	8,096	21,399	25,706	3,469	4,616	2,326	148	521	N/A
1970	126,871	N/A	53,026	8,374	21,130	25,746	3,745	3,917	4,250	187	652	N/A
1971	128,004	N/A	49,579	7,775	16,356	22,695	2,439	2,567	3,448	172	611	10
1972	121,543	N/A	50,523	8,371	16,043	22,236	2,604	3,410	2,421	263	713	14
1973	131,384	N/A	53,140	9,797	16,769	24,823	3,224	4,391	1,719	507	892	131
1974	113,997	N/A	48,501	9,866	17,693	24,638	3,219	3,557	1,298	387	832	244
1975	127,424	N/A	49,733	9,734	12,620	21,860	2,765	3,370	866	251	230	158
1976	129,280	N/A	55,583	12,618	13,577	22,059	3,869	3,910	1,064	276	848	238
1977	138,816	N/A	54,657	15,104	11,121	22,806	5,697	6,229	944	328	792	220
1978	137,032	N/A	58,064	16,048	11,789	17,501	6,912	5,921	1,122	287	759	188
1979	135,956	N/A	54,466	16,466	12,627	17,793	8,981	6,603	1,300	283	642	157
1980	102,301	N/A	50,458	16,035	12,452	16,015	7,116	6,289	1,721	272	583	151
1981	111,531	N/A	45,713	14,897	10,657	12,146	4,763	5,991	1,985	302	629	164
1982	90,816	N/A	52,144	16,276	11,048	11,910	5,037	7,956	2,256	330	793	184
1983	92,239	N/A	41,210	12,721	8,789	9,513	5,643	8,187	1,932	315	606	162
1984	90,167	N/A	36,545	11,784	7,702	8,892	5,099	9,335	1,808	319	524	139
1985	86,060	N/A	35,402	11,636	8,404	7,197	6,081	9,192	2,105	207	537	138
1986	88,699	N/A	34,816	12,672	8,889	9,241	6,498	10,372	2,209	234	514	109
1987	85,611	N/A	42,287	16,302	11,314	11,365	7,678	11,956	2,217	293	542	74
1988	86,193	N/A	39,900	15,800	12,042	10,597	7,461	11,209	1,947	287	475	28
1989	87,698	N/A	35,360	22,240	13,759	11,778	7,829	12,698	2,240	252	336	22
1990	88,586	N/A	41,749	19,299	15,500	12,584	8,013	13,540	2,700	266	378	41
1991	82,205	N/A	49,580	23,630	16,869	13,506	8,437	13,979	3,344	291	487	29
1992	78,377	N/A	39,968	19,416	14,354	11,630	7,699	13,391	2,684	291	376	32
1993	69,178	N/A	39,060	18,801	12,645	10,466	6,126	12,995	2,310	370	341	28
1994	66,501R	N/A	32,787	14,568	9,237	8,630	5,360	10,963	1,801	267	320	25
1995	62,241E	N/A	28,333	15,331	9,133	9,042	5,965	13,641	1,724	290	373	83

Notes: [1]An additional rating added to an existing pilot certificate (e.g. instrument rating added to a private certificate).
R=Revised.
E=Estimated.
N/A=Not available.

Source: FAA

Airports and Aeronautical Facilities

GAMA

AIRPORTS BY GEOGRAPHIC AREA

U.S. Civil and Joint Use Heliports, Stolports, and Seaplane Bases On Record By Type Of Ownership—1995

GAMA

FAA Region and State	Facilities	TOTAL FACILITIES BY OWNERSHIP		AIRPORTS OPEN TO THE PUBLIC				
				PAVED AIRPORTS[1]		UNPAVED AIRPORTS[1]		TOTAL AIRPORTS
		Public	Private	Lighted	Unlighted	Lighted	Unlighted	
GRAND TOTAL	18,212	5,182	13,030	3,605	301	406	816	5,130
UNITED STATES—Total*	**18,145**	**5,082**	**13,054**	**3,582**	**298**	**406**	**805**	**5,091**
ALASKAN—Total	**547**	**384**	**163**	**44**	**5**	**100**	**157**	**306**
CENTRAL—Total	**1,479**	**496**	**983**	**388**	**17**	**42**	**56**	**503**
Iowa	300	135	165	96	1	14	14	125
Kansas	385	132	253	101	9	17	21	148
Missouri	496	136	360	114	6	6	11	137
Nebraska	298	93	205	77	1	5	10	93
EASTERN—Total	**2,353**	**348**	**2,005**	**330**	**28**	**48**	**82**	**488**
Delaware	35	4	31	5	0	3	1	9
District of Columbia	17	8	9	2	0	0	0	2
Maryland	201	21	180	28	1	3	3	35
New Jersey	348	47	301	36	2	4	7	49
New York	535	91	444	81	15	22	30	148
Pennsylvania	747	73	674	89	5	14	28	136
Virginia	365	73	292	63	1	1	4	69
West Virginia	105	31	74	26	4	1	9	40
GREAT LAKES—Total	**4,273**	**908**	**3,365**	**745**	**22**	**145**	**159**	**1,071**
Illinois	898	122	776	93	0	18	5	116
Indiana	608	87	521	78	4	6	21	109
Michigan	469	135	334	124	6	42	55	227
Minnesota	476	150	326	106	1	23	16	146
North Dakota	436	97	339	66	5	12	12	95
Ohio	742	136	606	125	2	17	28	172
South Dakota	156	77	79	53	2	15	4	74
Wisconsin	488	104	384	100	2	12	18	132
NEW ENGLAND—Total	**707**	**144**	**563**	**116**	**18**	**4**	**29**	**167**
Connecticut	136	16	120	17	2	0	4	23
Maine	151	47	104	30	8	2	9	49
Massachusetts	227	35	192	36	4	1	5	46
New Hampshire	94	17	77	16	3	1	6	26
Rhode Island	26	9	17	7	0	0	0	7
Vermont	73	20	53	10	1	0	5	16
N.W. MOUNTAIN—Total	**1,887**	**682**	**1,205**	**405**	**51**	**23**	**145**	**624**
Colorado	376	92	284	64	4	3	9	80
Idaho	223	131	92	44	9	1	64	118
Montana	241	123	118	72	7	9	31	119
Oregon	398	103	295	59	16	4	18	97
Utah	124	58	66	41	5	0	1	47
Washington	422	126	296	91	9	5	17	122
Wyoming	103	49	54	34	1	1	5	41
SOUTHERN—Total	**2,623**	**841**	**1,782**	**632**	**51**	**26**	**53**	**762**
Alabama	240	103	137	86	5	4	6	101
Florida	769	162	607	100	5	8	14	127
Georgia	401	137	264	98	9	2	2	111
Kentucky	179	73	106	53	9	0	3	65
Mississippi	221	90	131	70	9	2	2	83
North Carolina	355	95	260	86	5	5	18	114
Puerto Rico	32	17	15	10	1	0	0	11
South Carolina	165	69	96	56	2	5	6	69
Tennessee	252	89	163	71	6	0	2	79
Virgin Islands	9	6	3	2	0	0	0	2
SOUTHWEST—Total	**2,933**	**818**	**2,115**	**639**	**46**	**14**	**79**	**778**
Arkansas	253	115	138	89	6	0	5	100
Louisiana	426	110	316	71	2	1	7	81
New Mexico	164	73	91	44	9	0	10	63
Oklahoma	413	161	252	112	14	6	19	151
Texas	1,677	359	1,318	323	15	7	38	383
WESTERN—Total	**1,410**	**511**	**899**	**306**	**63**	**4**	**58**	**431**
Arizona	276	88	188	54	8	0	14	76
California	932	318	614	206	42	1	11	260
Hawaii	46	18	28	11	2	0	0	13
Nevada	121	60	61	24	9	3	20	56
South Pacific**	35	27	8	11	2	0	13	26

*Excludes Puerto Rico, Virgin Islands, N. Mariana Islands, and South Pacific.
**American Samoa, Guam, and Trust Territories.
[1]Among all airports open to the public, either publicly or privately owned.

Source: FAA

AERONAUTICAL FACILITIES

FAA Air Route Facilities and Services—1972-1995

As of December 31	VOR VORTAC	Non-directional Beacons	Air Route Traffic Control Centers	Airport Traffic Control Towers	Flight Service Stations	International Flight Service Stations	Instrument Landing Systems	Airport Surveillance Radar
1972	991	706	27	355	324	7	403	125
1973	995	739	27	403	315	7	467	142
1974	1,000	793	26	417	320	7	490	156
1975	1,011	848	25	487	321	7	580	177
1976	1,020	920	25	488	321	7	640	175
1977	1,021	959	25	495	319	7	678	182
1978	1,020	988	25	494	319	6	698	185
1979	1,028	1,015	25	499	318	6	753	192
1980	1,037	1,055	25	502	317	6	796	192
1981	1,033	1,123	25	501	316	6	940	199
1982	1,029	1,143	25	492	316	6	884	197
1983	1,032	1,183	25	494	316	5	934	197
1984	1,035	1,211	25	497	310	5	955	197
1985	1,039	1,222	25	500	302	4	968	198
1986	1,043	1,239	25	686	293	3	977	312
1987	1,039	1,212	25	500	302	4	968	198
1988	1,043	1,239	25	686	293	3	977	312
1989	1,046	1,263	25	686	255	3	1,100	312
1990	1,045	1,271	25	686	235	3	1,120	311
1991	1,045	1,295	24	694	192	3	1,114	318
1992	1,044	1,314	24	691	179	3	1,177	312
1993	1,041	1,344	24	684	165	3	1,231	310
1994	1,041	1,342	24	685	156	3	1,245	303
1995	1,039[1]	1,333[2]	24[3]	683[4]	91[5]	3	1,280[6]	298[7]

Source: FAA

[1]Includes 73 nonfederal and 32 military.
[2]Includes 976 nonfederal and 57 military.
[3]Includes 3 combined center/radar approach control facilities (CERAP).
[4]Includes 89 nonfederal and 178 military.
[5]Includes 58 automated flight service stations (AFSS).
[6]Includes 230 partial, 23 landing directional aids (LDA), 5 interim microwave landing systems (ISMLS), 25 simplified direction finders, 213 nonfederal and 18 military.
[7]Includes 222 airport surveillance radars (ASR), 52 airport surveillance radar/precision approach radars (ASRPAR), 18 ground control approaches (GCA), 4 precision approach radars (PAR), and 2 beacons (BCN).

Forecasts and Other Information

GAMA

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AIRCRAFT FORECAST

U.S. Active General Aviation and Air Taxi Aircraft (In Thousands)

	FIXED WING				ROTORCRAFT				
	Piston								
Calendar Year	Single-Engine	Multi-Engine	Turboprop	Turbojet	Piston	Turbine	Experimental	Other	Total
Historical									
1989	158.9	21.9	5.9	4.1	3.0	4.0	N/A	7.2	**205.0**
1990	154.0	21.2	5.3	4.1	3.2	3.7	N/A	6.6	**198.0**
1991	154.1	21.2	4.9	4.4	2.5	3.8	N/A	7.6	**198.5**
1992	143.6	18.6	4.7	4.0	2.2	3.5	N/A	7.8	**184.4**
1993	130.7	16.4	4.4	3.9	1.6	2.9	11.0	5.2	**176.0**
1994	123.3	15.6	4.2	4.1	1.4	3.0	12.9	6.2	**170.6**
Forecast									
1995	120.0	15.2	4.2	4.1	1.3	3.0	13.1	6.4	**167.3**
1996	117.8	14.9	4.3	4.2	1.3	3.0	13.3	6.6	**165.4**
1997	119.0	15.1	4.4	4.3	1.3	3.0	13.5	6.7	**167.3**
1998	120.1	15.2	4.4	4.3	1.2	3.0	13.7	6.8	**168.7**
1999	121.4	15.4	4.5	4.4	1.2	3.0	13.9	6.9	**170.7**
2000	122.6	15.5	4.6	4.5	1.2	3.0	14.1	7.0	**172.5**
2001	123.3	15.5	4.6	4.5	1.2	3.0	14.3	7.1	**173.5**
2002	123.9	15.6	4.7	4.6	1.1	3.0	14.5	7.3	**174.7**
2003	124.5	15.6	4.8	4.7	1.1	3.0	14.6	7.4	**175.7**
2004	125.1	15.7	4.9	4.7	1.1	3.0	14.8	7.5	**176.8**
2005	125.8	15.8	4.9	4.8	1.1	3.0	14.9	7.6	**177.9**
2006	126.4	15.8	5.0	4.9	1.1	3.0	15.0	7.7	**178.9**

*First year reported.
Notes: Detail may not add to total because of independent rounding. An active aircraft must have a current registration and it must have been flown at least one hour during the previous calendar year.
N/A=Not available.

Historical Source: FAA Statistical Handbook of Aviation
Forecast Source: FAA Aviation Forecasts

PILOT FORECAST

Active Pilots by Type of Certificate (In Thousands)

Calendar Year	Students	Recreational[2] Lighter-Than-Air[3]	Private	Commercial	Airline Transport	Helicopter	Glider	Total	Instrument Rated[1]
Historical									
1989	142.5	1.1	293.2	144.5	102.1	8.9	7.7	**700.0**	282.8
1990	128.7	0.1	299.1	149.7	107.7	9.6	7.8	**702.7**	297.1
1991	120.2	0.2	293.3	148.4	112.2	9.9	8.0	**692.2**	303.2
1992	114.6	0.2	288.1	146.4	115.9	9.7	8.2	**683.0**	306.2
1993	103.6	0.2	283.7	143.0	117.1	9.2	8.3	**665.1**	305.5
1994	96.3	0.2	284.2	138.7	117.4	8.7	8.5	**654.0**	302.3
1995	101.3	0.2	261.4	134.0	123.9	7.2	11.2	**639.2**	298.3
Forecast									
1996	94.6	0.3	278.4	135.9	120.4	8.5	8.7	**646.8**	306.8
1997	96.4	0.3	281.4	137.2	122.2	8.6	8.8	**654.9**	309.9
1998	98.2	0.3	284.5	138.6	124.3	8.7	8.8	**663.4**	313.0
1999	100.1	0.3	287.6	140.0	126.8	8.8	8.9	**672.5**	316.1
2000	101.9	0.4	290.5	140.7	129.3	8.8	8.9	**680.5**	319.3
2001	103.2	0.4	292.7	141.4	131.3	8.9	9.0	**686.9**	321.7
2002	104.7	0.4	294.8	142.1	133.2	9.0	9.0	**693.2**	324.1
2003	105.8	0.4	297.1	142.8	134.9	9.1	9.1	**699.2**	326.5
2004	106.6	0.5	299.0	143.6	136.6	9.1	9.1	**704.5**	329.0
2005	107.4	0.5	300.5	144.3	138.3	9.2	9.2	**709.4**	331.4
2006	108.2	0.5	302.0	145.0	139.7	9.3	9.2	**713.9**	333.9

[1]Instrument rated pilots should not be added to other categories in deriving total.
[2]Recreational rating not available until 1991.
[3]Lighter-Than-Air type rating is no longer issued after 1990.
Notes: Detail may not add to total because of independent rounding.

Historical Source: FAA Statistical Handbook of Aviation
Forecast Source: FAA Aviation Forecasts

FLIGHT HOURS FORECAST

U.S. Active General Aviation and Air Taxi Hours Flown (In Millions)

Calendar Year	FIXED WING				ROTORCRAFT		Experimental	Other	Total
	PISTON								
	Single-Engine	Multi-Engine	Turboprop	Turbojet	Piston	Turbine			
Historical									
1990	21.9	4.0	2.3	1.4	0.7	1.5	N/A	0.3	32.1
1991	20.5	3.6	1.5	1.2	0.6	2.2	N/A	0.5	30.1
1992	18.1	3.2	1.5	1.1	0.4	1.9	N/A	0.4	26.5
1993	16.5	2.5	1.2	1.2	0.4	1.5	0.7	0.4	24.3
1994	15.8	2.6	1.1	1.2	0.3	1.7	0.7	0.4	23.9
1995E	15.5	2.5	1.1	1.2	0.3	1.6	0.7	0.4	23.3
Forecast									
1996	15.3	2.5	1.1	1.3	0.3	1.6	0.7	0.4	23.2
1997	15.2	2.5	1.2	1.3	0.3	1.7	0.8	0.4	23.4
1998	15.3	2.6	1.2	1.4	0.3	1.7	0.8	0.4	23.7
1999	15.5	2.6	1.2	1.4	0.3	1.7	0.8	0.4	23.9
2000	15.7	2.6	1.2	1.4	0.3	1.7	0.8	0.4	24.1
2001	15.8	2.6	1.3	1.5	0.3	1.7	0.8	0.5	24.5
2002	15.9	2.7	1.3	1.5	0.3	1.8	0.8	0.5	24.8
2003	16.0	2.7	1.3	1.5	0.3	1.8	0.8	0.5	24.9
2004	16.0	2.7	1.3	1.6	0.3	1.8	0.8	0.5	25.0
2005	16.1	2.7	1.4	1.6	0.3	1.8	0.8	0.5	25.2
2006	16.2	2.7	1.4	1.6	0.3	1.8	0.9	0.5	25.4
2007	16.3	2.7	1.4	1.7	0.3	1.8	0.9	0.5	25.6

*First year reported in Survey.
Notes: Detail may not add to total because of independent rounding.
An active aircraft must have a current registration and it must have been flown at least one hour during the previous calendar year.
E=Estimated.
N/A=Not available.

Historical Source: FAA General Aviation and Air Taxi Surveys
Forecast Source: FAA Aivation Forecasts

FUEL USE FORECAST

U.S. General Aviation Aircraft Fuel Consumption (In Millions of Gallons)

Calendar Year	FIXED WING				ROTORCRAFT		Other/ Experimental	Total
	PISTON							
	Single-Engine	Multi-Engine	Turboprop	Turbojet	Piston	Turbine		
Historical*								
1990	220.4	118.8	204.4	418.1	9.5	40.3	1.0	1,012.5
1991	230.8	110.3	133.3	351.1	7.7	92.4	4.8	930.4
1992	202.2	98.9	124.3	289.0	6.5	80.6	6.5	808.0
1993	178.7	74.7	99.9	310.6	5.6	43.5	9.4	722.4
1994	170.7	78.8	89.8	331.0	5.1	50.0	9.5	734.9
1995E	167.5	75.8	89.8	331.0	5.1	48.5	9.7	727.4
Forecast								
1996	165.3	75.8	91.5	340.9	5.1	47.0	9.9	735.5
1997	164.1	75.8	93.4	351.2	5.1	47.5	10.1	747.2
1998	165.3	76.6	95.2	361.7	5.1	47.9	10.2	762.0
1999	167.4	77.3	97.2	372.5	5.1	48.4	10.4	778.3
2000	169.6	78.1	99.1	383.7	5.1	48.9	10.6	795.1
2001	170.4	78.9	101.1	395.2	5.1	49.4	10.8	810.9
2002	171.3	79.4	103.2	405.9	5.1	49.8	11.0	825.8
2003	172.2	79.8	105.2	416.8	5.1	50.4	11.3	840.8
2004	173.0	80.3	107.3	428.1	5.1	50.9	11.5	856.2
2005	173.9	80.8	109.5	439.6	5.1	51.4	11.7	872.0
2006	174.7	81.3	111.7	451.5	5.1	51.9	11.9	888.1
2007	175.6	81.7	113.7	463.7	5.1	52.4	12.1	904.3

*Adjusted to reflect nonrespondent sampling error.
Note: Detail may not add to total because of independent rounding.
E=Estimated.

Source: FAA APO Estimates

AIRCRAFT FUEL CONSUMPTION

Total General Aviation Fuel Consumed and Average Fuel Consumption Rate in the U.S. By Aircraft Type—1994

Aircraft Type	Average Rate GPH	Estimated Fuel Use (Mil. Gal.)	Percent Standard Error
ALL AIRCRAFT—TOTAL	**26.8**	**734.9**	**2.1**
PISTON—Total	**13.2**	**249.5**	**2.2**
One-Engine	10.8	170.6	2.3
1-3 seats	9.4	42.6	4.7
4 + seats	11.4	128.0	2.7
Two-Engines	29.5	77.0	4.5
1-6 seats	26.6	44.4	6.2
7 + seats	35.1	32.6	6.5
Other Piston	238.7	1.8	52.4
TURBOPROP—Total	**81.2**	**89.8**	**5.6**
One-Engine	54.4	11.2	8.9
Two-Engines	87.2	78.6	6.3
1-12 seats	84.8	68.7	6.6
13 + seats	110.4	9.9	19.5
Other Turboprop	54.4	0.0	8.0
TURBOJET—Total	**266.5**	**331.0**	**3.8**
Two-Engines	263.2	315.1	3.9
Other Turbojet	362.1	15.9	18.6
ROTORCRAFT—Total	**26.8**	**55.1**	**9.8**
Piston	15.1	5.1	12.4
Turbine	29.7	50.0	10.7
EXPERIMENTAL—Total	**13.2**	**9.5**	**6.3**
Homebuilt	13.2	5.5	7.9
Exhibition	13.2	0.3	26.5
Other	13.2	3.7	11.1
JET FUEL—Total	**118.9**	**470.8**	**2.8**
AVIATION GASOLINE—Total	**13.0**	**264.1**	**3.1**

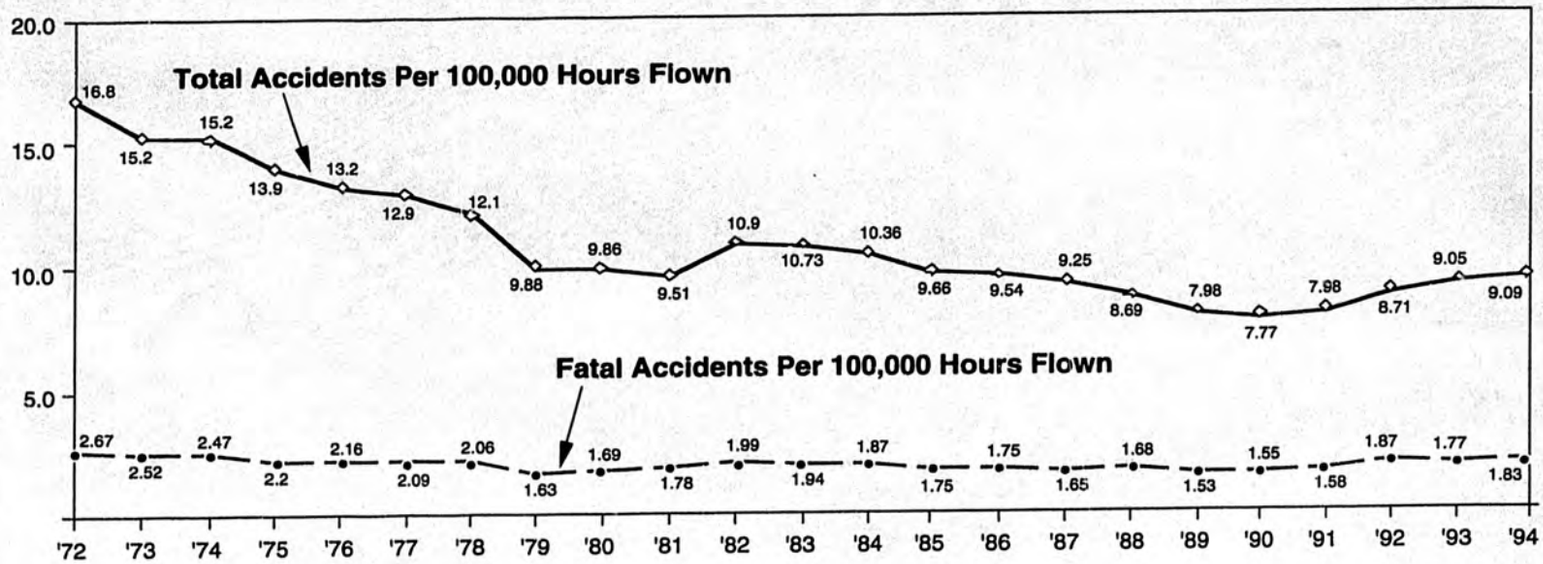
Note: Row and column summation may differ from printed totals due to estimation procedures.

Source: FAA

HISTORICAL SAFETY RECORD

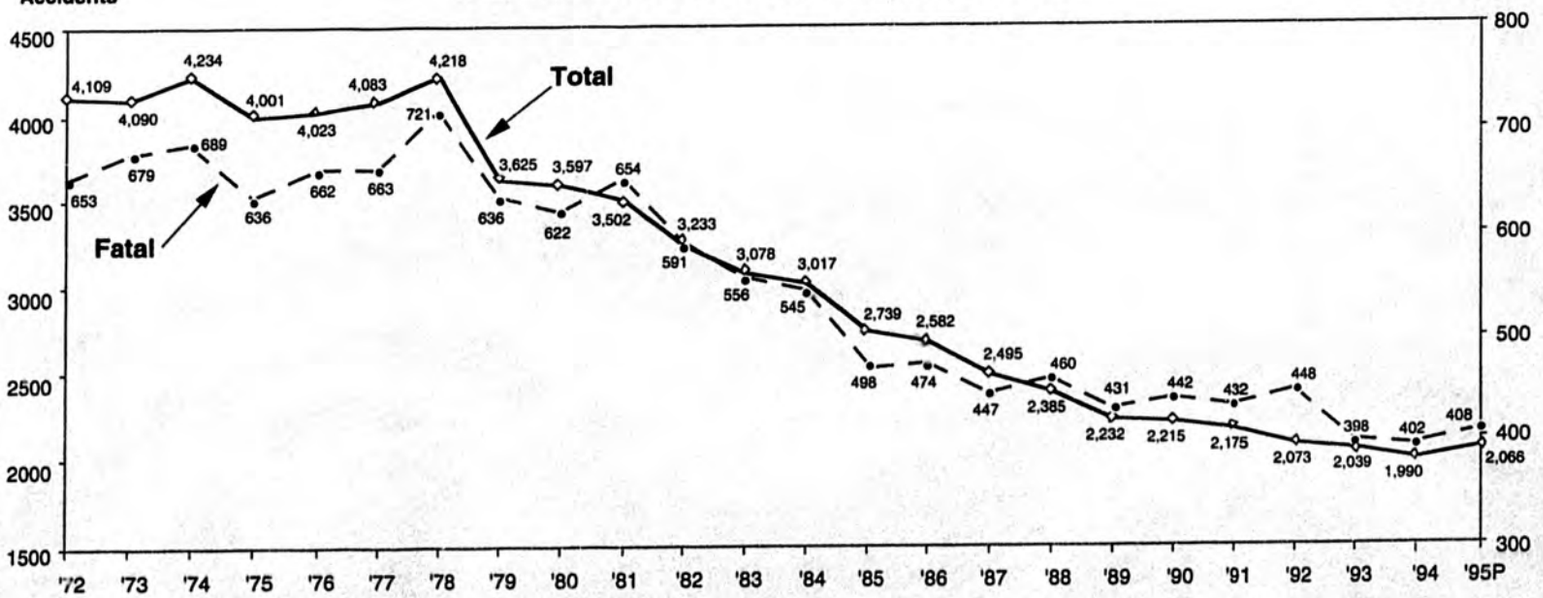
GAMA

Accident Rates In U.S. General Aviation (1972-1994)



Source: NTSB

Total Accidents in U.S. General Aviation (1972-1995)



Note: Prior to 1981, Accident data included Air Taxi.
1995—Preliminary

Source: NTSB

GAMA

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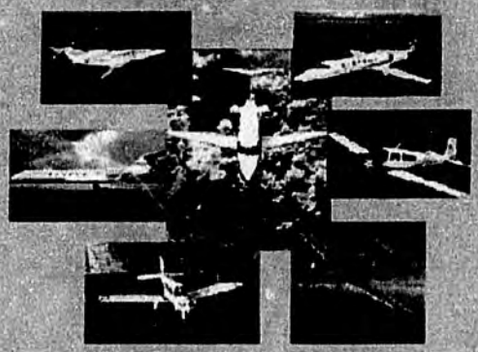
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ATTACHMENT G

One-page synopsis of a general aviation industry survey, supplied by General Aviation Manufacturers Association.

INDUSTRY SURVEYS SHOWED THAT IN 1986, PAID CLAIMS AND OUT-OF-POCKET EXPENSES TOTALLED $210 MILLION. WHAT HAS BEEN RECENT EXPERIENCE?

Industry surveys had previously found that industry product liability costs had risen rapidly over the years 1979 to 1986, peaking at $210 in 1986. Since that survey, the industry has been dramatically restructured.

It is extremely difficult, if not impossible, to construct a comparative product liability picture today. Because of high liability costs, Cessna Aircraft Corporation, once the world's largest piston-powered airplane producer, stopped all production of piston airplanes in 1986. Citing product liability costs as the primary factor, Piper Aircraft was forced to declare bankruptcy in 1990. Bankruptcy proceedings have temporarily sheltered Piper from further liability lawsuits.

Manufacturers have seen their production rates drop to a small fraction of that produced in 1979, from an industry average of 68 airplanes per day to only 2 per day in 1993. Industry shipments have declined 95 percent, reaching their lowest point since World War II. Industry average production rates that once reached 68 airplanes per day, plummeted to only 2 per day in 1993.

In the past, most manufacturers carried large liability insurance policies. But now, most manufacturers are "self insured" up to a very high "umbrella" policy. Because of this extensive restructuring, a more recent, comparable survey of industry product liability costs is not meaningful.

American General Aircraft Corporation has stated that next to material, product liability costs are the single largest component of an aircraft's price, adding as much as one third to the cost.

ATTACHMENT H

General Aviation Manufacturers Association Annual Industry Review for 1996 and General Aviation Manufacturers Association brochure, "Results of the General Aviation Revitalization Act."

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U.S. NEWS STORY PAGE



Simpson jury awards $25 million in punitive damages

$12.5 million to each family

February 10, 1997
Web posted at: 8:30 p.m. EST

SANTA MONICA, California (CNN) -- The jury in the O.J. Simpson civil trial reached a verdict Monday concerning punitive damages against the former football star, deciding that he must pay $25 million to the families of Nicole Brown Simpson and Ron Goldman, $12.5 million each.

The jury's decision on punitive damages, which are intended to punish the defendant for malicious wrongdoing, came after about five hours of deliberations. The jury voted 11-1 that punitive damages should be paid, and 10-2 on the amount of the damages.

ALSO
Simpson jurors say they weighed evidence with care

Last Tuesday the same jury unanimously ordered Simpson to pay the Goldman family $8.5 million in compensatory damages.



Simpson was not present in court Monday, but learned about the punitive damage verdicts against him as he ate lunch at a public golf course bar and grill.

A bartender at the Knollwood Golf Course in Granada Hills said Simpson "wasn't even paying attention" when the verdict was broadcast on a bar television. Simpson was talking with friends about their golf game and eating his lunch when the verdicts were announced, the bartender said.

However, the jury's verdict Monday is far from final. By California law, a 10-day stay is automatically placed on the verdict, during which time lead plaintiffs' lawyer Daniel Petrocelli and Simpson lawyer Robert Baker will prepare their judgments on the verdict.

If Judge Hiroshi Fujisaki reviews, signs and certifies the plaintiffs' judgment, then the verdict will be entered. If by that time, Simpson hasn't appealed and hasn't put up bond, the plaintiffs can begin to try to attach whatever assets they can find, said CNN legal analyst Roger Cossack.

However, "excessive damages are grounds for appeal and a reversal in many states," Cossack said.

If the judgment was "clearly out of scope, sometimes the judge will change it himself. Or the parties can get together and agree" on a lower payment, he said.

Civil attorney Howard Price agreed. "Historically, it's quite common for the trial court, if not the appellate court, to cut down punitive damages because punitive damages quite often are exorbitant, or at lest they're viewed that way by the courts," he said.

CNN's Greg LaMotte reports on how the jurors voted

Question 1 - (119K/10 sec. AIFF or WAV sound)

Question 2 - (162K/14 sec. AIFF or WAV sound)

Question 3 - (128K/11 sec. AIFF or WAV sound)

Question 4 - (162K/13 sec. AIFF or WAV sound)

If Simpson does seek an appeal he still will have to pay a price. In order to hold off creditors during the appeal process, the defendant must show the ability to pay his bills. Usually, a defendant must put up a bond equal to 150 percent of the jury award.

Simpson must have collateral to back up such a bond. Finding so much collateral could be difficult, since he still owes legal fees from his civil, criminal and child custody trials, not to mention the $8.5 million compensatory damages already levied in the civil trial.

Simpson's lawyers are likely to argue that the punitive damages are unreasonable. In court,

View the Vivo movie

CNN's Greg Lamotte reads the verdict

during the punitive damages phase of the civil trial, Simpson attorney Robert Baker said Simpson is "in effect, without assets. Hence, punitive damages are totally inappropriate in this case."

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• Vivo's technical FAQ



The defense says Simpson is broke (CNN/File)

The defense argued the opposite. "Mr. Simpson has a lot of money, in the neighborhood of many millions of dollars," said Daniel Petrocelli, the attorney for the family of Ron Goldman.

The plaintiffs say Simpson's assets are worth $15.7 million. They include his future earnings in that estimate -- a plaintiffs' celebrity marketing expert testified that Simpson would be worth $24.5 million, if paid out today.

According to the defense, Simpson is worth less than nothing. Considering the compensatory damage award against Simpson, they said last week that he was $9.3 million in debt.

His attorneys also denied that his future earnings would be worth anywhere near plaintiff estimates, arguing against estimates that his autograph is worth $60.

Neither estimate includes his retirement and pension funds, which cannot be seized by the court. Simpson's defense lists the retirement funds at just over $4 million. A CNN-TIME Magazine investigation found Simpson's net worth to be about $2.5 million, most of it in pension and retirement funds.

The CNN-TIME investigation also found that since 1993, Simpson has sold most of his property, with the exception of his house and a San Francisco condominium where his elderly mother lives.

Price also sounded skepticism towards the plaintiffs' high estimate of Simpson's worth. "For the plaintiffs to say that this man has the possibility of making $25 million in the future seems problematical. I don't see where he's going to do any endorsements except possibly for knives," Price said.

Correspondents Jennifer Auther, Jim Hill and Greg LaMotte contributed to this report.

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To: Joel Lounsbury

Fax: 465-3834

From: Paul Brandt

Date: March 11, 1997

Pages: 5, including cover sheet.

The jury awarded and the judge confirmed $25 million in punitive damages ($12.5 million to each family) and an additional $8.5 million in compensatory damages to the Goldman family.

fax

From the desk of...

Paul Brandt
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WORK ORDER

No: 97.063
Short Title: Statistics Pertaining to Tort Reform

Legislator: Representative Brian Porter **Phone:** 465-6850

Legislative Staff Contact: Jim Sourant ☒ Phone ☐ Memo

Date Requested: February 27, 1997

Staff Assignment: Patricia Young

Date Assigned: February 28, 1997

Questions Asked/Information Sought

For each of the last five years (1992-96), provide the number of practicing attorneys in Alaska and the U.S., the total population of Alaska and the U.S., and the number of civil cases filed in Alaska and U.S courts.

Regarding small plane manufacturers, specifically Cessna and Piper, were these companies able to start making planes again because of new tort reform legislation? What is the cost of a new small plane? How does the cost compare to the price before the company stopped production? Is a portion of the cost directly attributable to potential civil liabilities? Please provide a copy of the federal tort reform law that places a 17-year statute of limitations on civil actions filed against small plane manufacturers.

Expected Completion Date: March 7, 1997

Priority Status: 4

Due to a reduction in staff, Legislative Research Services has been directed by Legislative Council to prioritize work assignments according to the attached policy. Research staff will try to complete this request by the expected completion date listed above. If another request is assigned with a higher priority, however, your research may be delayed.

Jim,
Let's see if they came close to march 7
P.

LEGAL AND RESEARCH SERVICES

Legislative Council Research Priority Policy

The Legislative Council recognizes that staffing reductions have made it impossible to provide the level of research services that have been provided in the past. With enhanced technological support like Internet now available, the Council expects committee aides and staff of individual Legislators to perform routine research. Therefore, the Council directs the Legislative Research Section of the Division of Legal and Research Services to concentrate on providing assistance to legislative staff in finding materials and conduct their own research. Furthermore, as to research conducted by the Legislative Research Section itself, under the authority of AS 24.20.100, the Council directs the section to give priority in the following order to research requests:

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2. Research for standing, joint, special, permanent interim, and other committees of the Legislature requested in writing and signed by the committee chair.

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Time, Aug 1, 1983 v122 p64(2)

Land without lawyers. (Japan) *J.D. Reed.*

Full Text: COPYRIGHT Time Inc. 1983 American parents are fond of telling their college-bound children, "We'll always need lawyers." Partly as a result, there are 600,000 practicing attorneys in the U.S., or one for every 400 Americans. Most Japanese parents, by contrast, are barely aware of the profession. Amazingly, in this highly competitive and complex island society, there are a mere 12,500 attorneys in private practice, roughly one for every 10,000 citizens. Most Japanese live--and die--without ever having seen a lawyer. Humorist Russell Baker recently suggested curing the imbalance by "exporting one lawyer to Japan for every car Japan exports to the United States."

The lawyers traded overseas, however, would find their occupation severely limited. Americans operate on the principle that the rights of individuals, and the wrongs done to them, are morally compelling claims worthy of full-dress legal battle. Although the Japanese have a highly developed sense of individual rights, social harmony, not personal justice, is the basis of their law. Litigation, never common, has actually decreased during the past 15 years. As the distinguished jurist Takenori Kawashima wrote in 1967, "We think of the law as a hereditary family sword . . . an ornament rather than a means for enforcing the power of the government to control the daily life of our society."

Since the 19th century, the venerated ideals of consultation and agreement in Japan hav helped to keep the sword sheathed. The 1942 Conciliation of Personal Affairs Act, for instance, outlines the philosophy in language that would irritate most American jurists. The main object, it states, lies in reaching a solution "based upon sound morals and with a warm heart." Such beliefs have been combined with borrowings from both the German and French legal systems. Like the European models, Japan's civil law puts less stress on judicial precedent than there is in the U.S., and it is used less frequently to resolve disputes and create rules of conduct.

Court trials, for example, still upset the Japanese sense of privacy and are considered public embarrassments. They also aggravate a deeply ingrained reluctance to assess good and evil in others. Kawashima notes that unlike most Westerners, the Japanese find that "there is no tension posed between what ought to be . . . morality, on one hand, and the realities of the human spirit and human society as it exists." One practice that caters to such beliefs: proceedings in some civil cases are extensively thrashed out n chambers to avoid surprises, making court appearances anticlimactic. Says an American attorney working in Japan: "They won't tolerate Perry Mason-type behavior."

In criminal cases, Japan's courts tend to be staunchly severe on rape, gun control and narcotics

violations. But the nation's 99% conviction rate in cases brought to trial is not solely due to tough application of the codes. Prosecutors rarely go before the bench unless their case is a strong one. Moreover, the confession rate is very high. Japan's 2,774 judges are often moved to impose lighter sentences by pleas of remorse. Writer Frank Gibney, an expert on Japan, observes, "Be it only a traffic accident, if a person has caused injury to another, he is well advised to rush to the hospital with flowers and gifts for the victim."

Bringing a civil damage suit requires more than presents. There are high, nonrefundable filing fees, payable in advance and based on a percentage; to sue for a million dollars, for instance, costs $5,032 in Japan. On top of that is the lawyer's fee, which must be paid no matter what the outcome. U.S.-style contingency agreements, under which losers pay no fee, are ethically prohibited in Japan. Finally, despite the relatively low amount of litigation, courts are often backlogged for years because trials move at a snail's pace.

Japan's lawyers are rigorously selected and intentionally limited. Last year more than 26,000 university graduates took a prohibitively difficult test for entrance into the two-year course at the Judicial Research and Training Institute, Japan's only professional school for lawyers, judges and prosecutors. A mere 457 passed. Graduades find the law no stepping stone to prominence. None of Japan's 16 postwar Prime Ministers, for instance, has been a lawyer. Only 51 of the 763 Diet members are attorneys. Nor does the position confer wealth. Only 20% make more than $43,000 annnually.

The legal system is not burdened with many large and small matters for which U.S. courtrooms are so often the first resort. "Their courts are not the place where one manipulates the system," says Columbia Law Professor Michael Young, an expert on the Japanese legal system. "They do not decide on social change." As for less weightly conflicts, family elders often still handle matters like inheritance. Local police stations actively work to resolve neighborhood and domestic disputes (see box). The system of chotei (mediation) handles serious confrontations like divorce by having litigants and their lawyers meet with court-appointed masters who hear both sides and recommend a settlement.

Much of the work done in the U.S. by attorneys is processed in Japan by nearly 90,000 scriveners and other workers, many of whom have undergraduate law degrees. They make up an extensive, inexpensive and nearly invisible legal-services network, dealing with ordinary tax, patient, administrative and real estate transactions. Nor do lawyers handle fender-bending auto accidents. Japanese insurance without resorting to the almost pro forma suits that many U.S. underwriters seem to demand before a settlement is made. A judge's ruling is sought only in extreme conditions if negotiation fails.

Although they hire foreign attorneys for overseas operations and have legal departments to review their paperwork, at home Japanese companies still frown on the American practice of using attorneys to write contracts. Says diet Member Taro Aso, for 13 years an executive at Aso, Japan's largest cement company: "We never had a formal, written contract with any supplier or customer. There was no need." The details of deals are nonetheless carefully negotiated, sometimes with maddening thoroughness, and notes on the agreement are kept by both sides. Any subsequent disputes are settled by negotiation, in part because courts tend to make small awards; litigation is not cost efficient.

Will modern necessity be the mother of new interventions? Some in Japan see signs that change is coming. While only 200 or so Japanese lawyers now prepare international contracts

on a full-time basis, more are moving into the growing area. Group lawsuits, unheard of two decades ago, have resulted in commendable antipollution laws. And ordinary citizens are beginning to be a little more litigious. Says Tokyo Attorney Shin Asahina: "In the past we hesitated even to use the word Kenri (rights) with lawmen because it was too strong. Now ordinary people use words like litigation and enforcement of rights, even if their fundamental feelings about them haven't changed."

Those fundamental feelings can still be powerful inhibitors. When three-year-old Yasuyuki Yamanaka drowned in a reservoir near the town of Nagoya, his parents sued their neighbors, who had been baby-sitting. The court recently awarded the parents $24,000 in damages. But the Yamanakas became public pariahs. They received hundreds of calls a day shaming them not only for taking money from neighbors but even for bringing suit against them. TV crews camped on their doorstep, and poison-pen letters flooded their mailbox. Less than an month later, the Yamanakas went back to court, returned the money and dropped the case.

Article A2863007

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pay legal fees if a suit was not legally justified. The solutions are numerous and clear.

We are the only nation in the world that has a jury trial in a civil case. No less an advocate than F. Lee Bailey has stated: "Every democratic nation, including our model, Great Britain, has given up the right to a jury trial on most civil lawsuits. Were we to imitate them we might see substantial reform, yet we continue to expend tremendous amounts of effort and money in preserving a procedural nicety which no longer insures a fair and independent accounting."

Deeper reasons also apply here. Lawyers are partly mirroring the adversarial nature of our culture. We are less willing to accept certain loses as non-compensable acts of God. We increasingly believe we have a right to be compensated for every loss.

Additionally, we have come to view the legal system like the lottery, as our outside chance to get rich without working for it. The legal system, like the lottery, promises easy riches to the citizens of the casino society.

President Derek Bok of Harvard put it succinctly, "Our societal gains from law and lawyering are outweighed by their societal costs." Most Americans understand this and agree. We know the solutions. But we fail to act. We cannot even save ourselves from the obvious.

* * * * * * * * *

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