



Risk Manager

The Most Plaintiff-Friendly Jurisdiction in Virginia?

By: Erin McNeill. *Wednesday, January 23rd, 2013*

Among liability defense counsel and those in the liability insurance industry, the City of Richmond has a long standing, widely-held reputation as one of the most plaintiff-friendly jurisdiction in Virginia, with a higher likelihood of jurors finding liability and awarding a big judgment. However, the **Virginia Lawyers Weekly** published the results of their annual survey of the biggest verdicts in Virginia and they found that the Hampton Roads area was responsible for the most jury verdicts over \$1 million dollars for 2012.

The Virginia Lawyers Weekly article published a great analysis of the 20 biggest verdicts handed down by Virginia juries in 2012. The article is available online here: **Virginia's Largest Verdicts of 2012**. [<http://valawyersweekly.com/2013/01/21/virginias-largest-verdicts-of-2012/>]. There were some trends that should come as no surprise – for example the largest verdicts were from cases involving intentional torts, in which punitive damages played a part in the overall verdict. The total amount of punitive damages awarded was included in the amount of the verdict. (Under Virginia law, punitive damages are reduced to a statutory limit of \$350,000 after trial if a jury awards more.) Also no surprise was that medical malpractice dominated the list for multimillion dollar verdicts. With plaintiffs who are already seeking medical treatment at the time of the alleged tortious act, the damages claims for medical care can cause jurors to return record verdicts. These verdicts are also reduced after trial to a statutory cap on medical malpractice damages, which varies depending on the year that the alleged malpractice occurred.

One finding that may come as a surprise, however, is that only one of the twenty largest verdicts returned in 2012 came out of the City of Richmond. Instead, the Hampton Roads area had six jury verdicts over \$1 million in 2012, 30% of all of verdicts that made the Virginia Lawyers Weekly list. Northern Virginia had five verdicts, which is less surprising given the jurisdiction has a large population and higher cost of living, including costs for medical care and bigger claims for lost wages from high paying jobs, which may push damages claims higher than in other areas of Virginia. Another surprise was that the **City of Roanoke**, a jurisdiction that does not have a reputation for being particularly plaintiff-friendly, had three verdicts in excess of a million dollars.

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The remainder of the top twenty appear to be verdicts motivated by the facts of the case, and not any particular statement about the loose purse strings of jurors in those jurisdictions.

What can those tasked with evaluating case values learn from Virginia Lawyers Weekly's survey? First, intentional tortfeasors had better be prepared to pay handsomely for their bad acts. Secondly, the Hampton Roads area should begin replacing Richmond in the minds of many as far as jurors' willingness to award a high dollar amount for a judgment. Finally, it is clear that the facts drive the size of the award far more than the characteristics of the jury pool, as there appears to be more in common among the facts of the cases that motivated these awards than there are in juror demographics.

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