

**ALWAYS KNOW  
WHAT LIES AHEAD**

**STATE JUDICIAL  
PROFILES  
BY COUNTY  
2019-2020**

PREPARED BY THE MEMBER FIRMS OF

**USLAW**  
NETWORK, INC<sup>®</sup>

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

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

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

**Editors****Jeffrey Y. Choi**

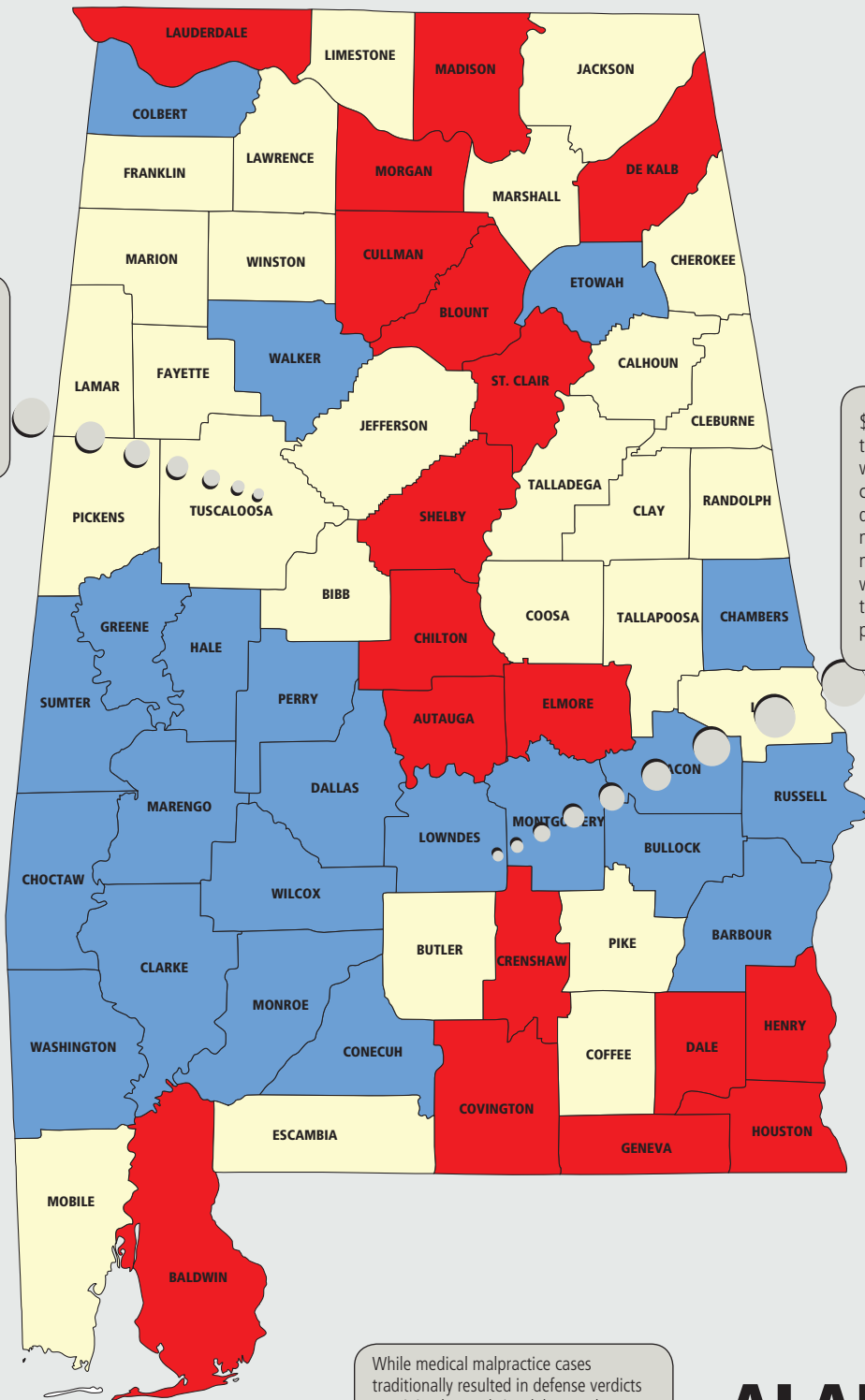
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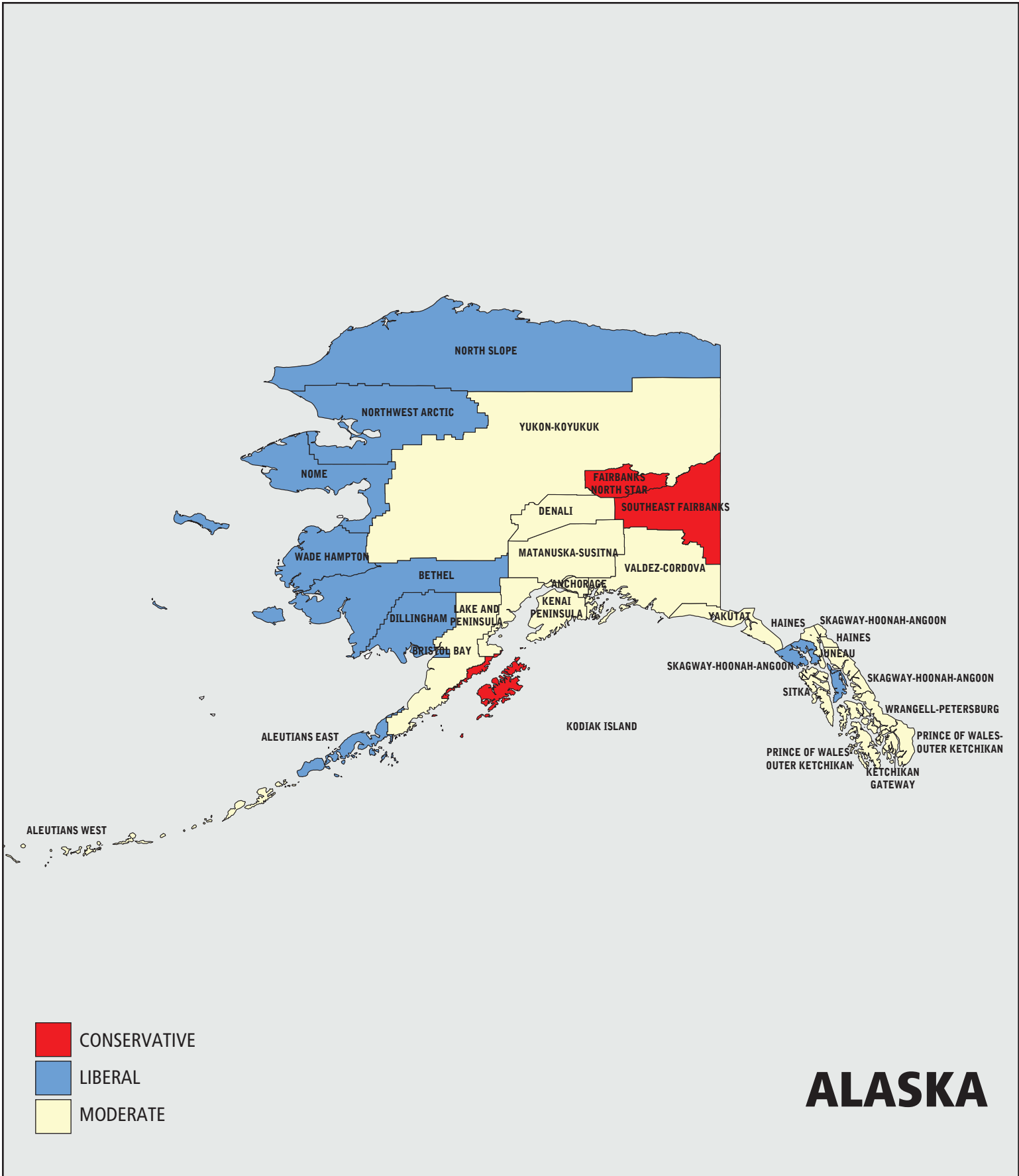


Tuscaloosa County, home of the University of Alabama and previously thought of as a conservative county, recently entered a \$30 million judgment in a wrongful death medical malpractice case. This is the largest medical malpractice award in the history of the state.

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

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

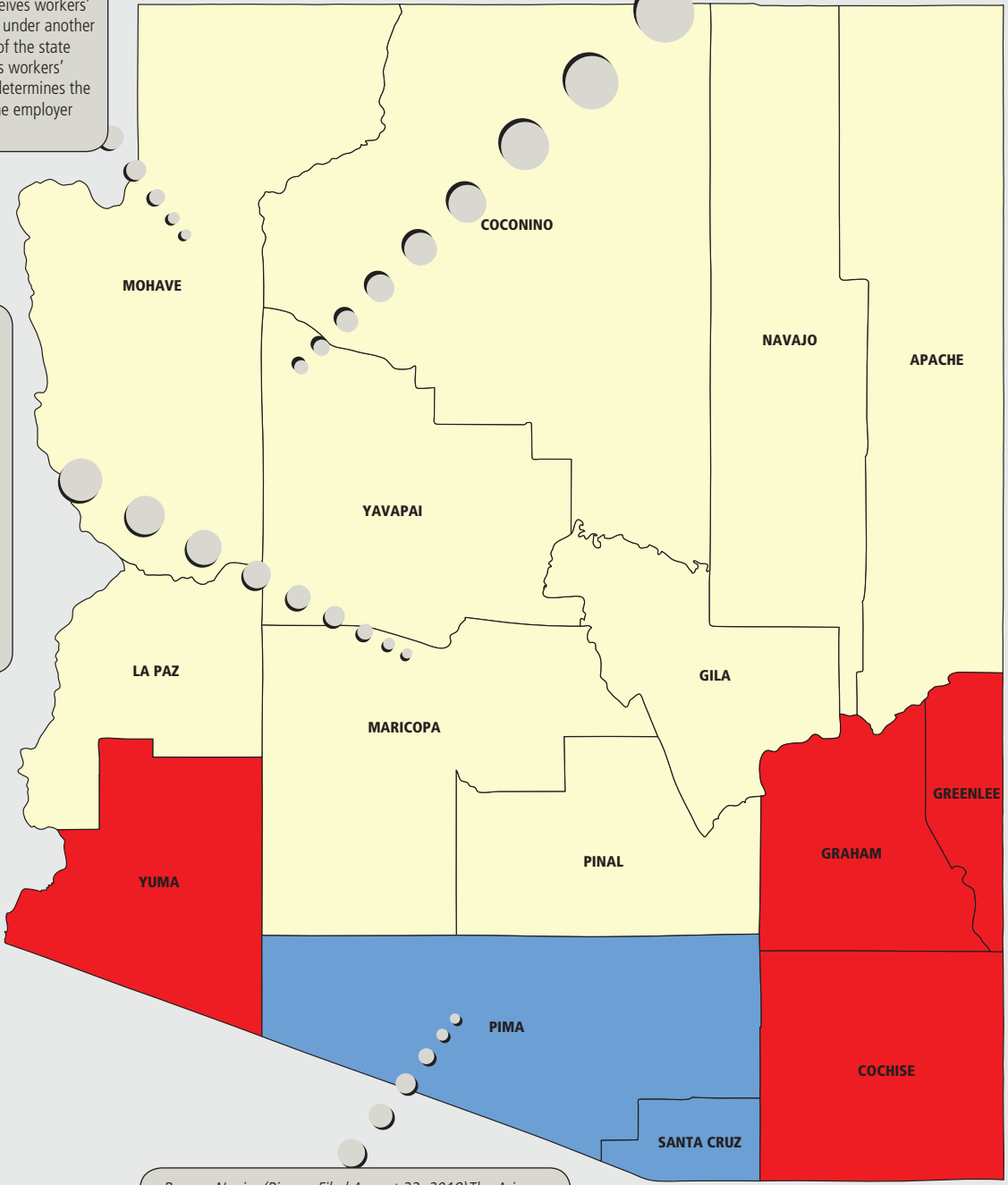
# ALABAMA



*Jackson v. Eagle (Mohave—Filed January 2, 2019)* The Arizona Supreme Court held that Arizona’s automatic assignment provision in A.R.S. § 23-1023(B) does not apply when an employee receives workers’ compensation benefits under another state’s laws. The law of the state in which an employee’s workers’ compensation is paid determines the assignment rights of the employer and employee.

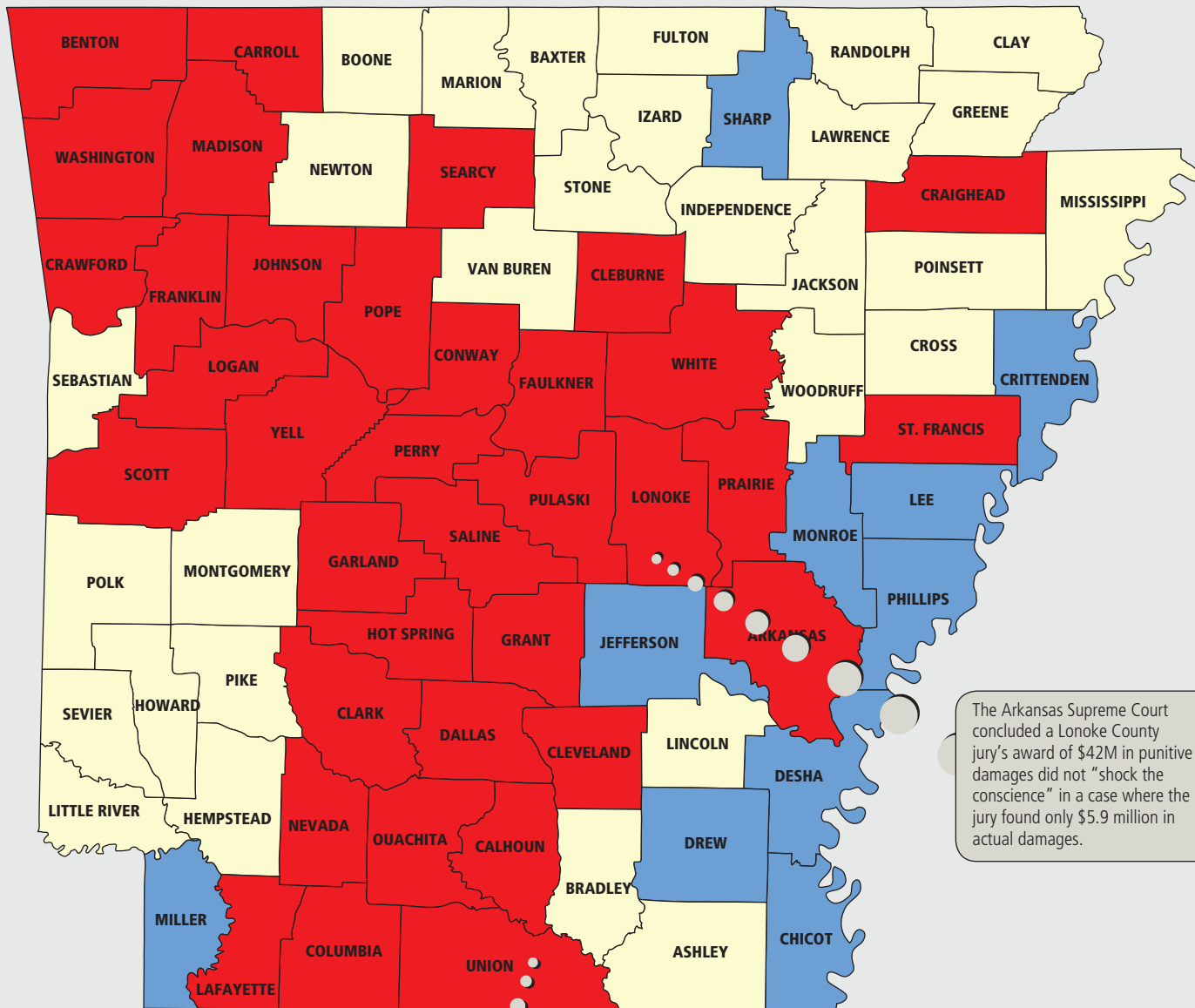
*Spooner v. City of Phoenix (Maricopa—Filed November 27, 2018)* Despite recent and heightened scrutiny of law enforcement officers, the Arizona Court of Appeals held that a law enforcement officer is not subject to civil liability for simple negligence arising from an investigation into criminal activity.

*Donovan v. Yavapai County Community College District (Yavapai—Filed May 31, 2018)* Arizona’s notice of claim statute, A.R.S. § 12-821.01, does not require that the proffered settlement amount be objectively reasonable. Instead, it simply requires a statement of a specific settlement amount with supporting facts. Because the plaintiff’s claim at issue provided a definite and exact amount for which the defendant could settle, it satisfied the requirements of A.R.S. § 12-821.01(A).



*Ryan v. Napier (Pima—Filed August 23, 2018)* The Arizona Supreme Court also held that plaintiffs cannot assert a negligence claim against an officer for the intentional use of physical force. A plaintiff can, however, bring a negligence claim against an officer when the officer’s conduct is independent of the intentional use of physical force.

# ARIZONA



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

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

- CONSERVATIVE
- LIBERAL
- MODERATE

# ARKANSAS



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

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

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

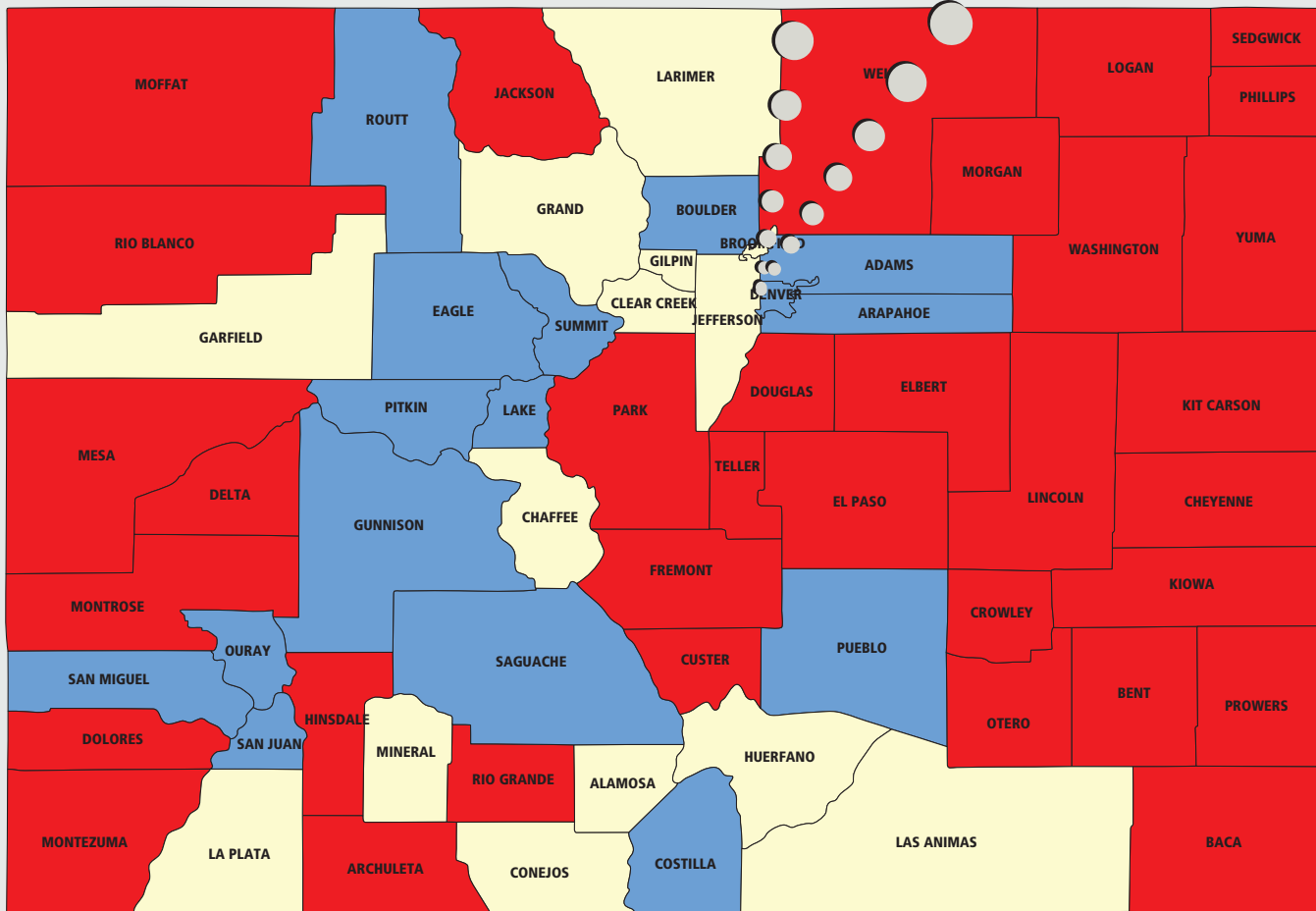
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# CALIFORNIA



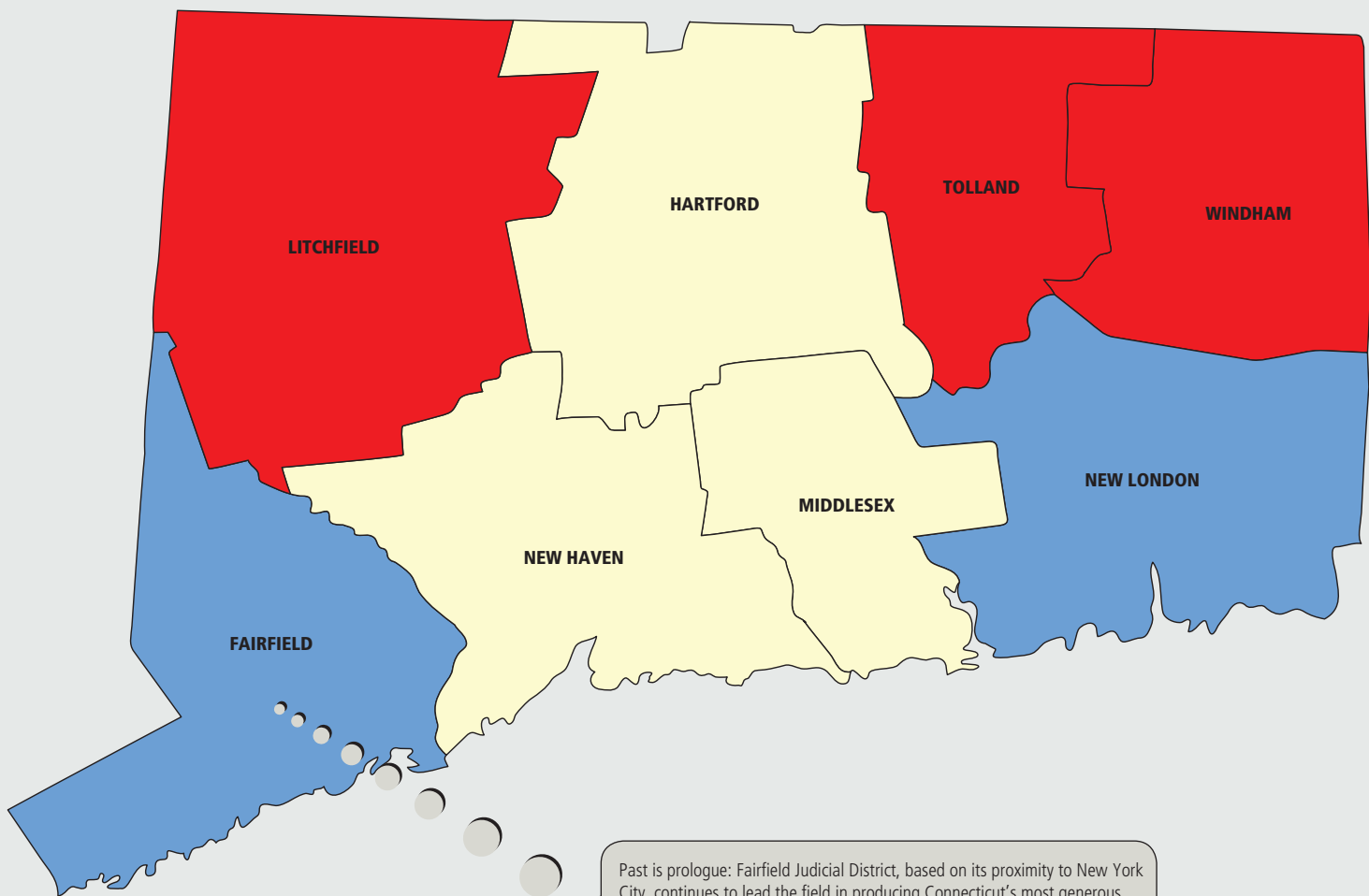
On November 7, 2018, the Colorado Supreme Court clarified the bad faith standard in relation to both claims for common law bad faith and statutory unreasonable delay or denial of benefits. The Court concluded that the insurer's conduct must be evaluated solely on the evidence possessed by the insurer at the time the decision was made. Evidence acquired after the denial of coverage cannot be considered.

On January 14, 2019, the Colorado Supreme Court reversed a Court of Appeals decision requiring the Colorado Oil and Gas Conservation Commission to only grant drilling permits when the proposed drilling would not negatively impact Colorado's atmosphere, water, wildlife, human health, or climate change. The Court instead ruled that the Commission was entitled to balance environmental considerations with other considerations such as property and production rights. The decision is seen as a victory for the oil and gas industry in Colorado.



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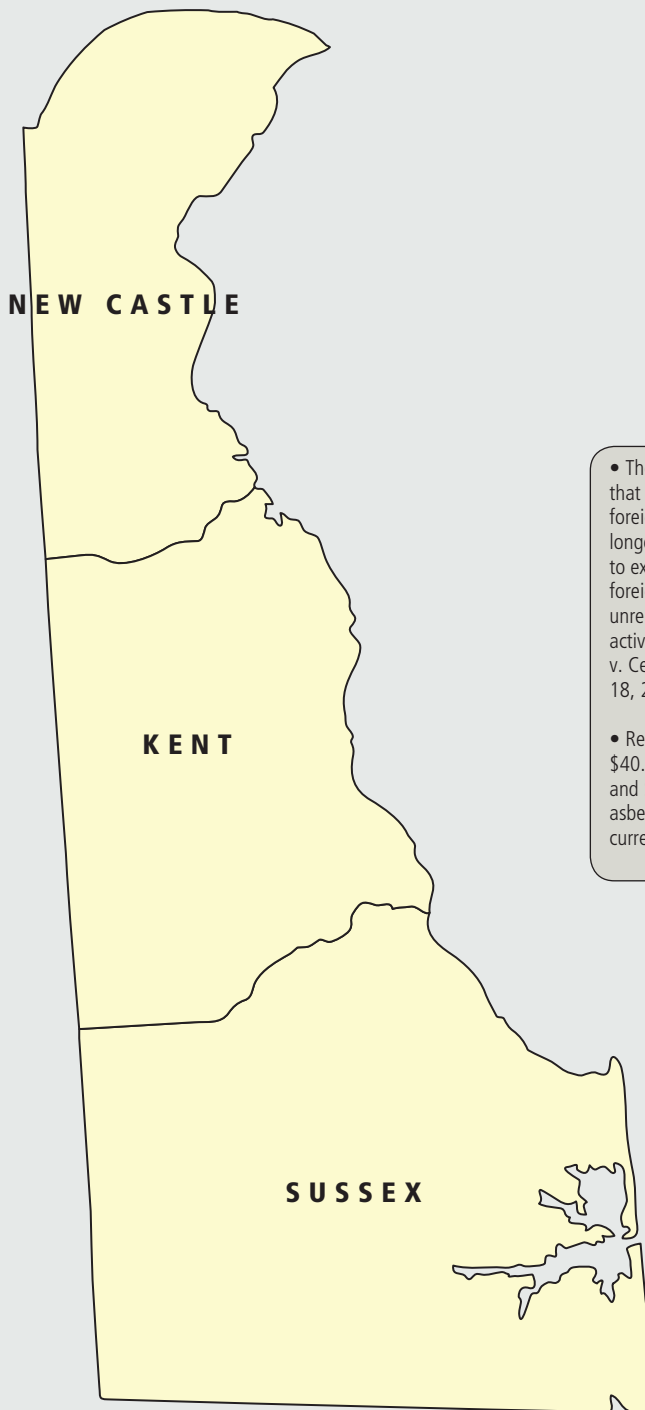
# COLORADO






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

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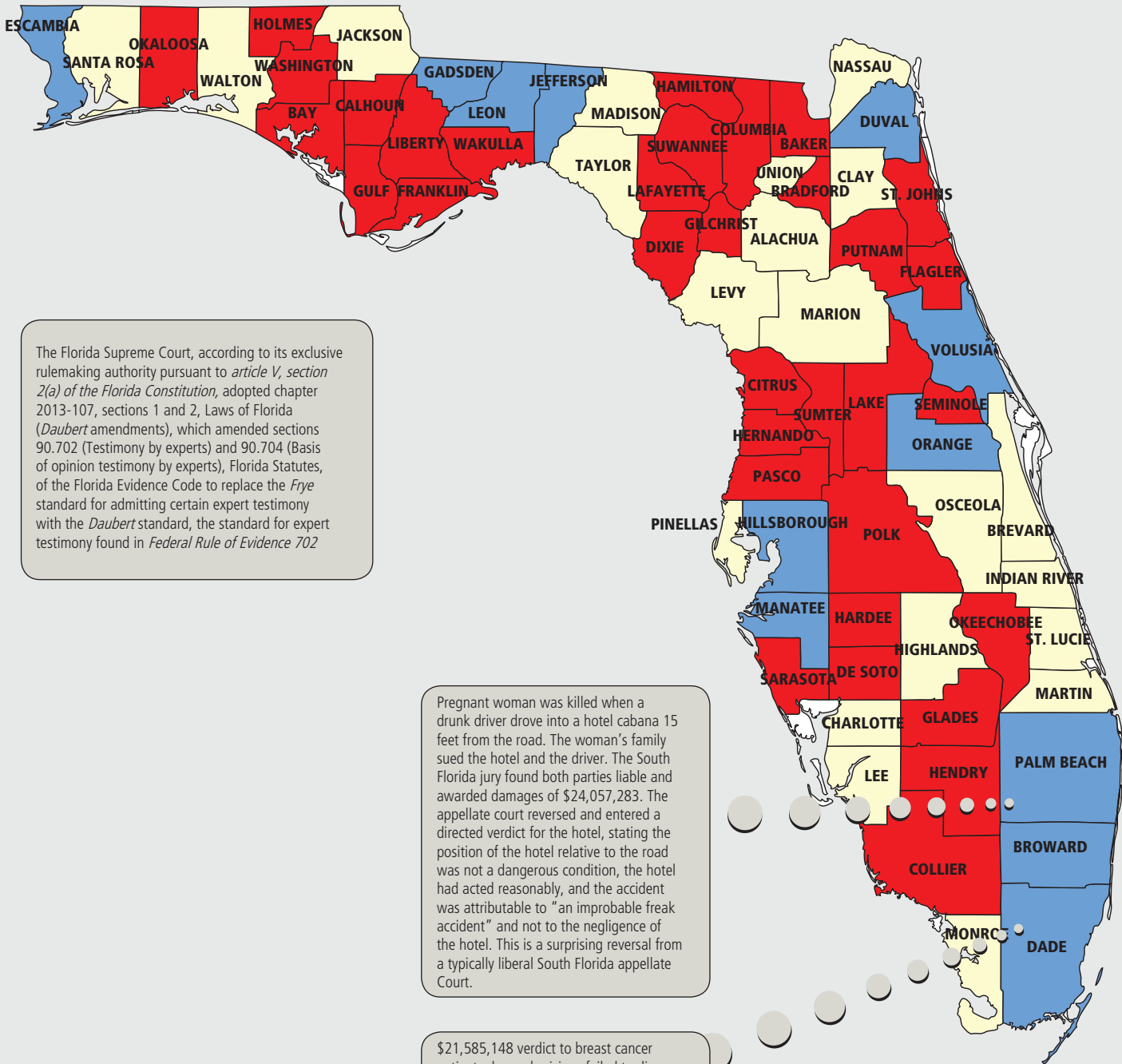
# CONNECTICUT



- The Delaware Supreme Court concluded that registering to do business as a foreign corporation in Delaware will no longer serve as a basis for Delaware to exercise personal jurisdiction over a foreign corporation for a cause of action unrelated to the foreign corporation's activities in Delaware. *Genuine Parts Co. v. Cepec*, No. 528, 2015 (Del. Supr. April 18, 2016).
- Recently, a Delaware jury awarded \$40.6 million in compensatory damages and \$1 million in punitive damages in an asbestos case against Ford. That case is currently on appeal.

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# DELAWARE



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

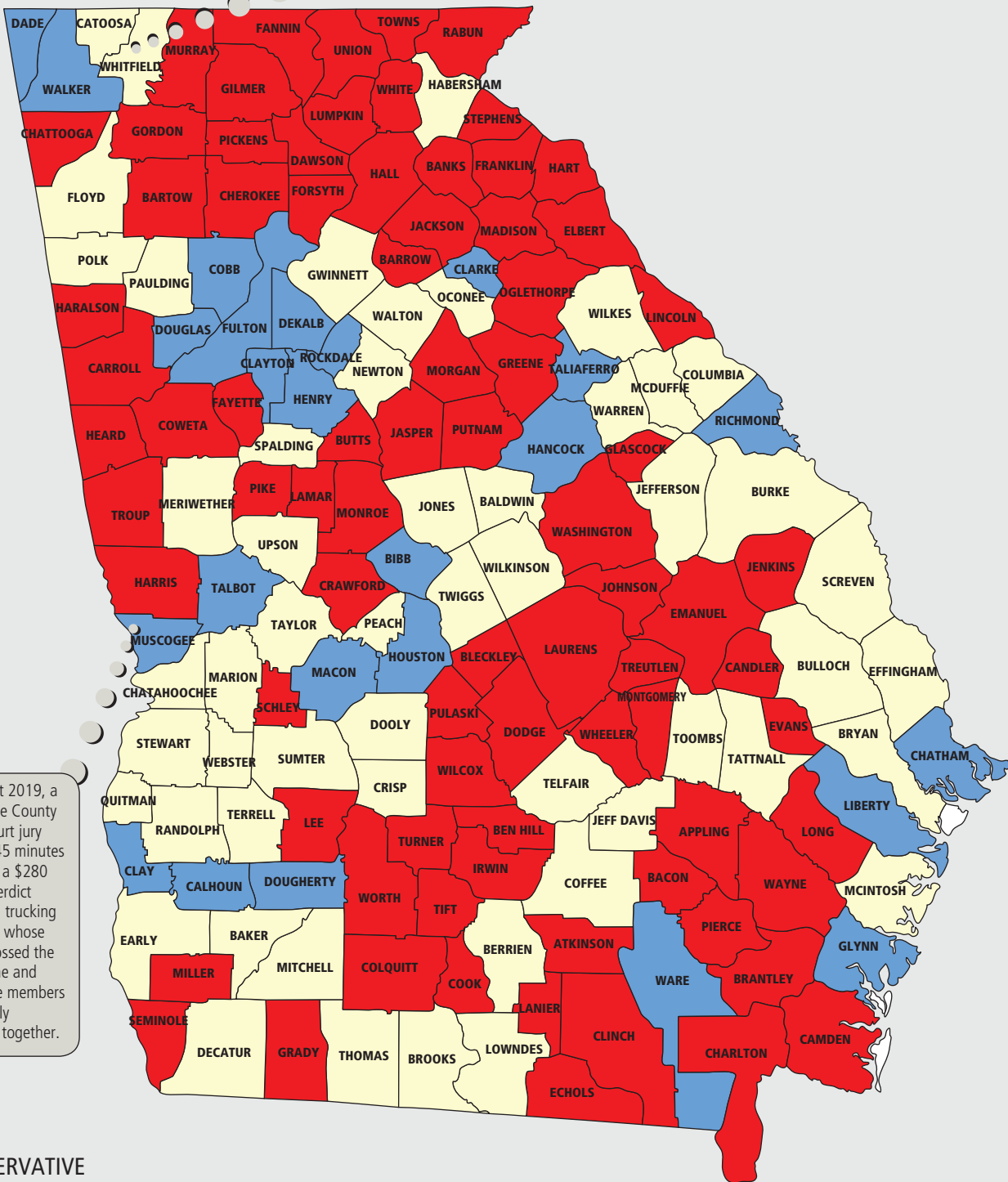
Pregnant woman was killed when a drunk driver drove into a hotel cabana 15 feet from the road. The woman's family sued the hotel and the driver. The South Florida jury found both parties liable and awarded damages of \$24,057,283. The appellate court reversed and entered a directed verdict for the hotel,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

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

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- MODERATE

# FLORIDA

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

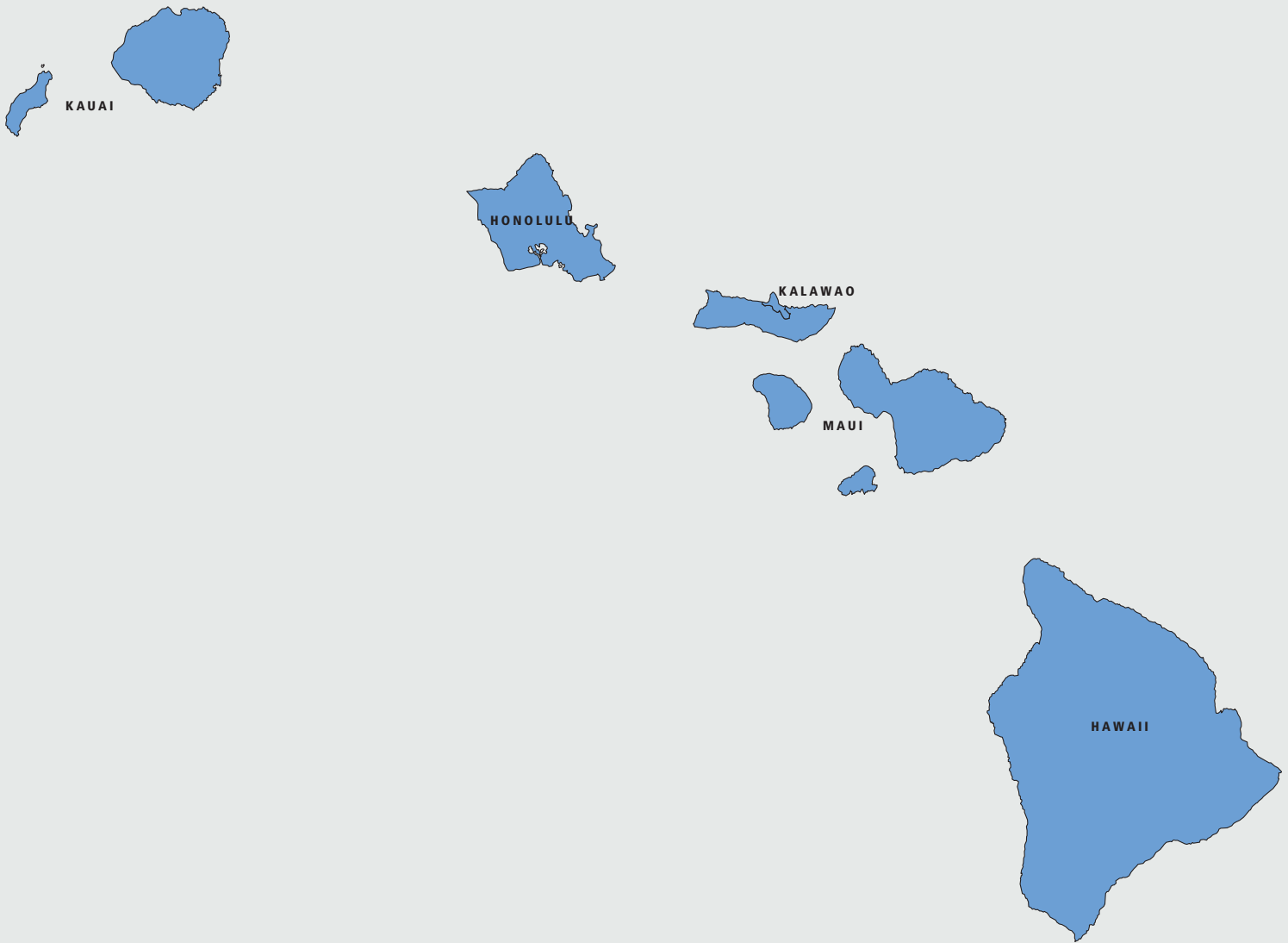


In August 2019, a Muscogee County State Court jury needed 45 minutes to return a \$280 million verdict against a trucking company whose driver crossed the center line and killed five members of a family traveling together.

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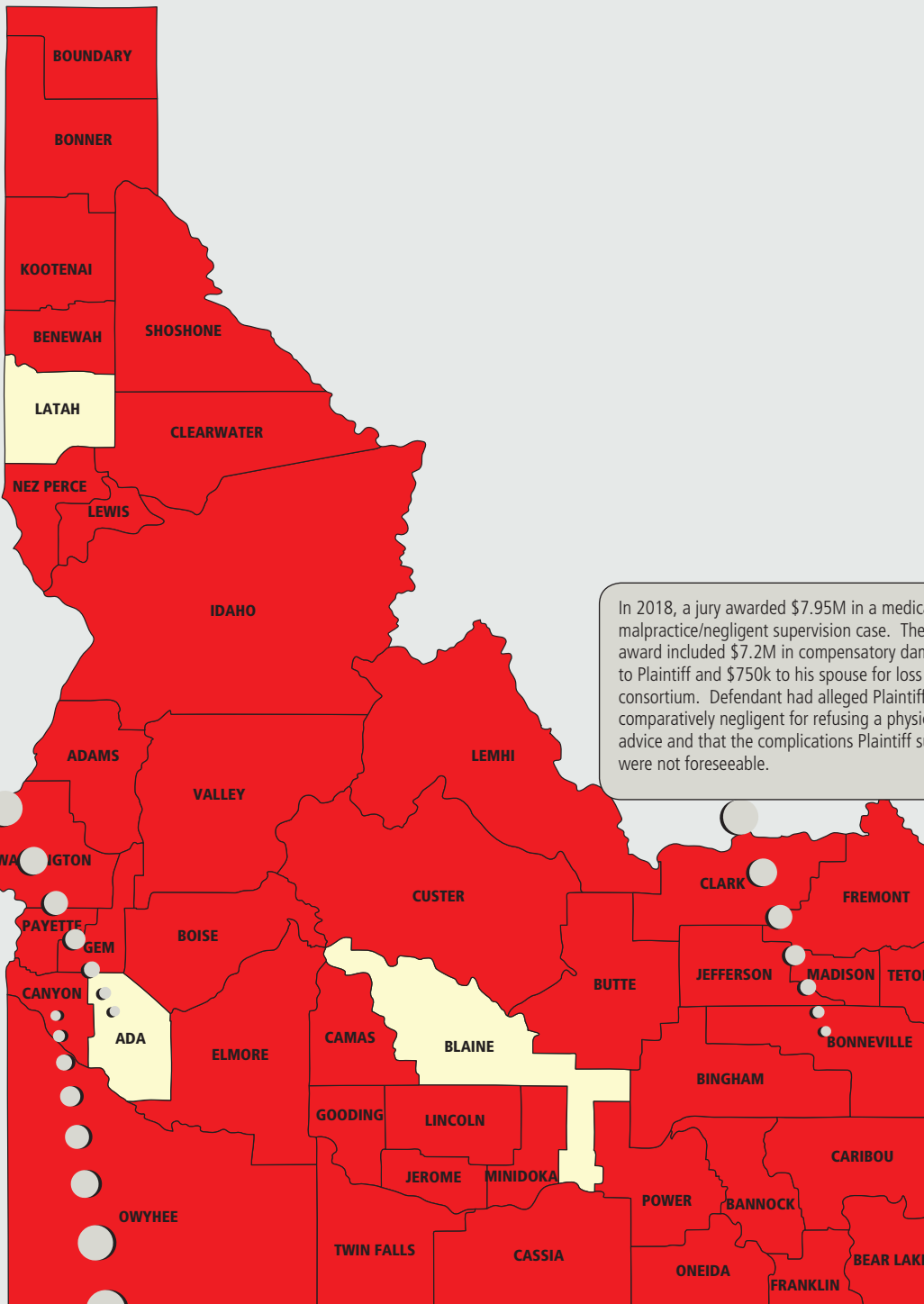
GEORGIA

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



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HAWAII



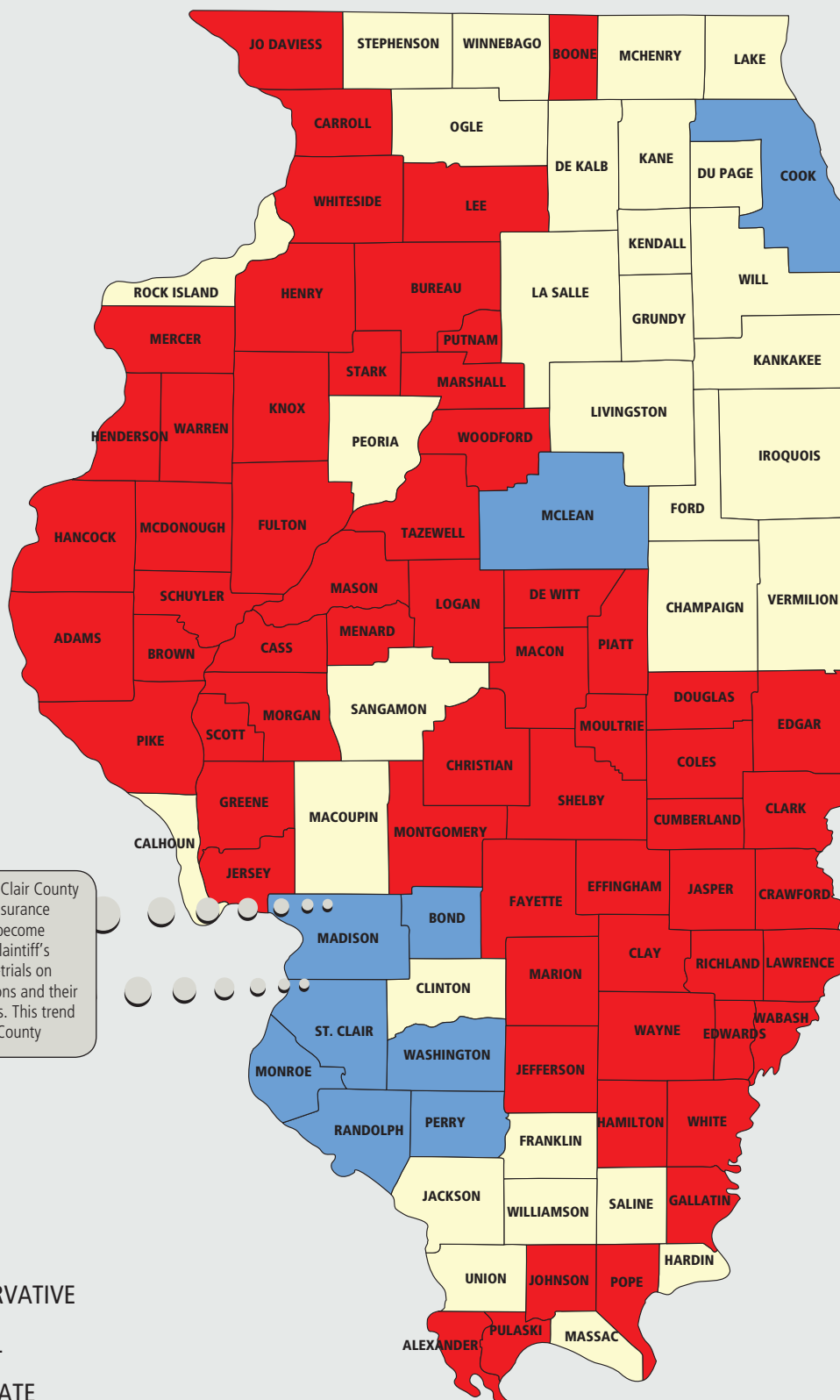
In May 2019 the Supreme Court of Idaho held that the Idaho Protection of Public Employees Act (the "Whistleblower Act") supplants the Idaho Tort Claims Act, thereby rendering the Tort Claims Act damages cap inapplicable to Whistleblower Act claims. The Court made clear that non-economic damages are allowed under the Whistleblower Act and reiterated that a claim under the Whistleblower Act must be brought within 180 days of the alleged violation. Finally, the Court stated that Whistleblower Act remedies preclude common law causes of action in cases where the Act applies, overruling its prior decision in *Wright v. Ada County*, 160 Idaho 491, 376 P.3d 58 (permitting a separate damages action within a whistleblower claim).

In 2018, a jury awarded \$7.95M in a medical malpractice/negligent supervision case. The award included \$7.2M in compensatory damages to Plaintiff and \$750k to his spouse for loss of consortium. Defendant had alleged Plaintiff was comparatively negligent for refusing a physician's advice and that the complications Plaintiff suffered were not foreseeable.

There was a \$3.48M jury verdict in an insurance breach of contract/bad faith case in 2019. This is an extraordinarily high reward for this type of case in a traditionally conservative jury base.

- CONSERVATIVE
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# IDAHO



In 2018 more than 15 eight-figure and 40 seven-figure jury verdicts were rendered primarily in Cook County, but also throughout the state

For Madison and St. Clair County – full disclosure of insurance coverage levels has become a new focus of the plaintiff’s bar resulting in mini-trials on defendant corporations and their practices and policies. This trend has spread to Cook County

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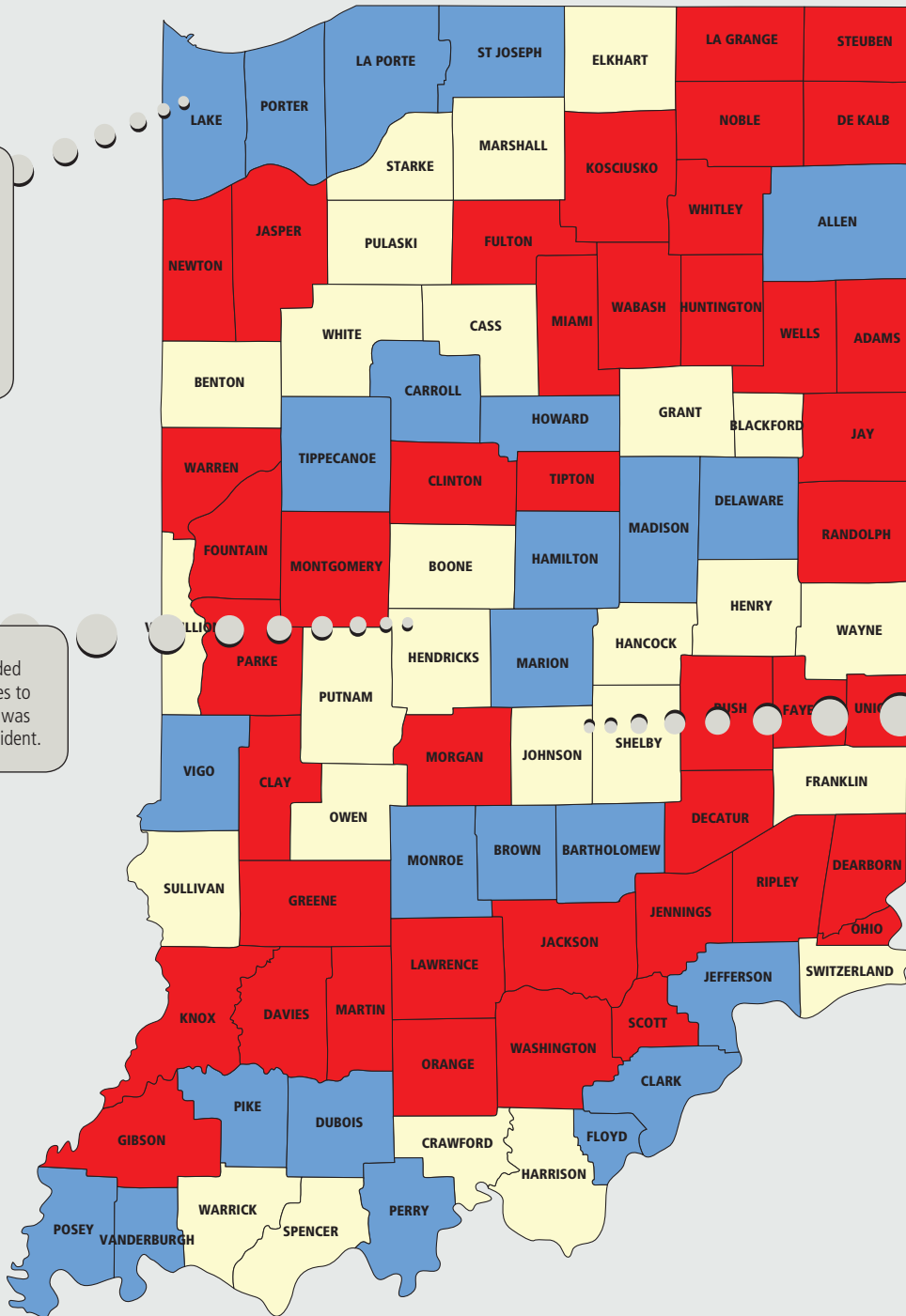
# ILLINOIS



In a premises liability case in plaintiff-friendly Lake County, plaintiff was awarded \$2 million when the jury found that the restaurant was negligent for failing to warn of a hazard on the floor and provide adequate lighting.

A jury in conservative Hendricks County awarded \$18.5 million in damages to a 46-year-old man who was injured in a trucking accident.

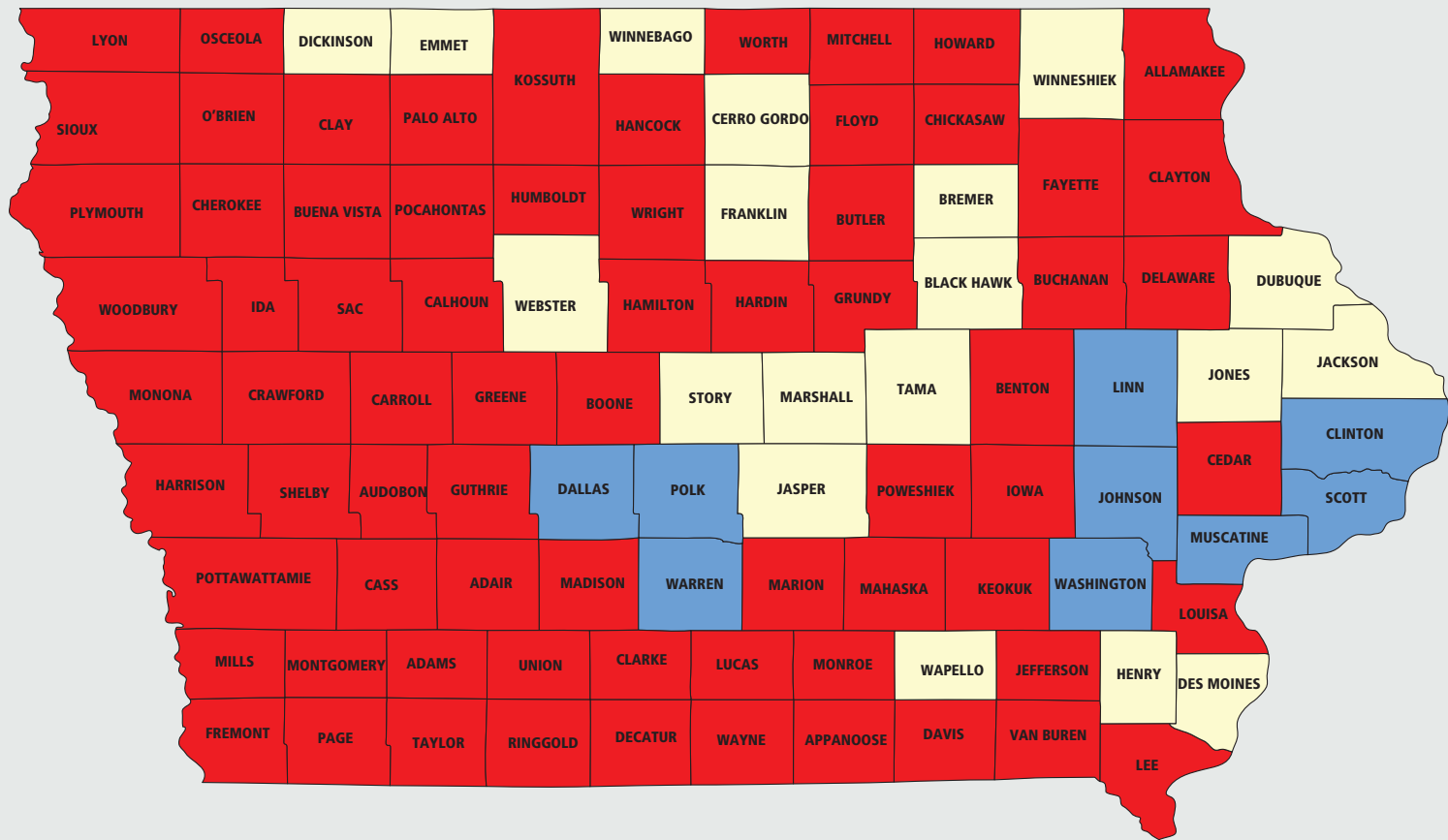
In plaintiff-friendly Marion County (Indianapolis), a jury awarded \$900,000 in damages to a theater patron who had knocked advertising brochures off of a ticket-counter and then slipped and fell on the brochures she had just knocked to the ground.



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# INDIANA

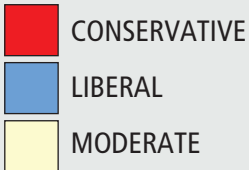
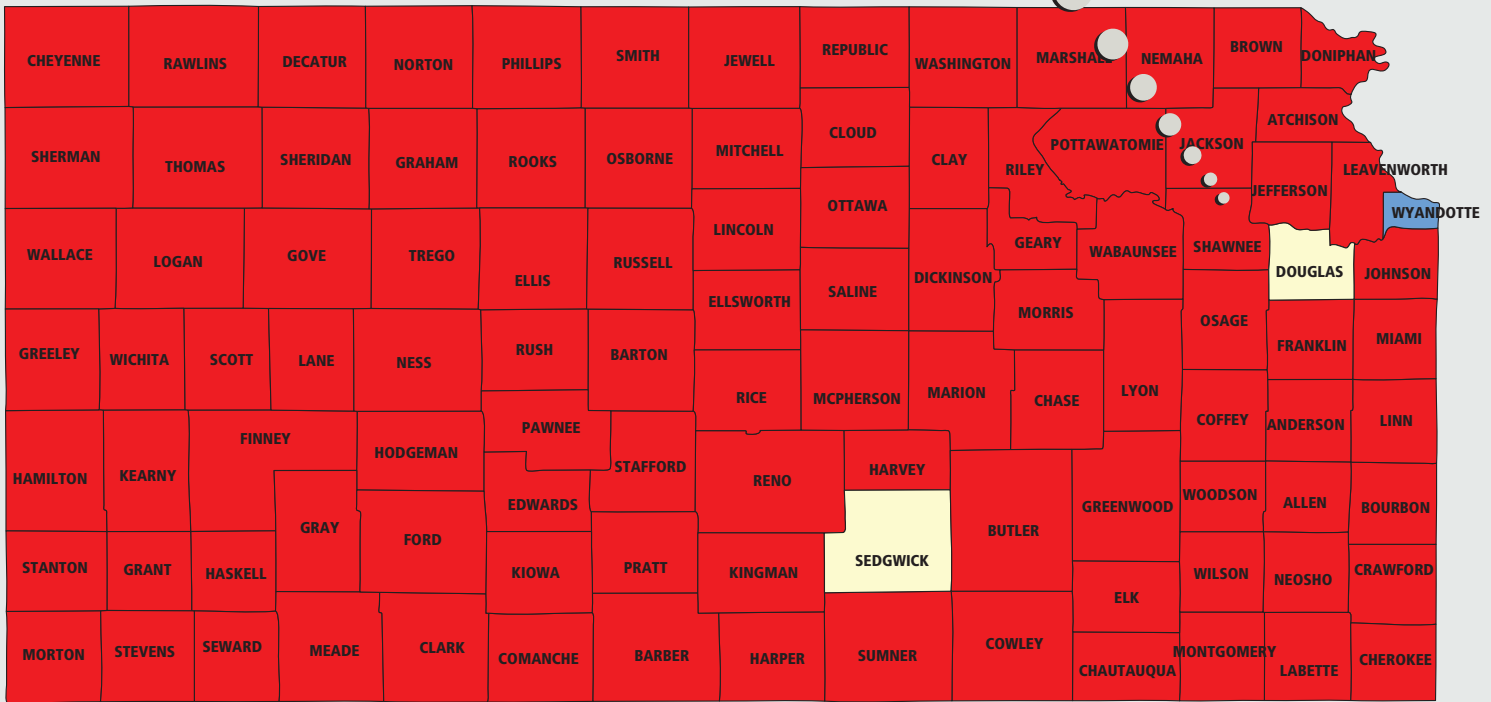
The Iowa Supreme Court's 173-page, three-opinion ruling vacates a \$2.5MM judgement and announces the elements of Iowa law on a sexually hostile work environment, the standard for retaliation claims, and constructive discharge.



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- LIBERAL
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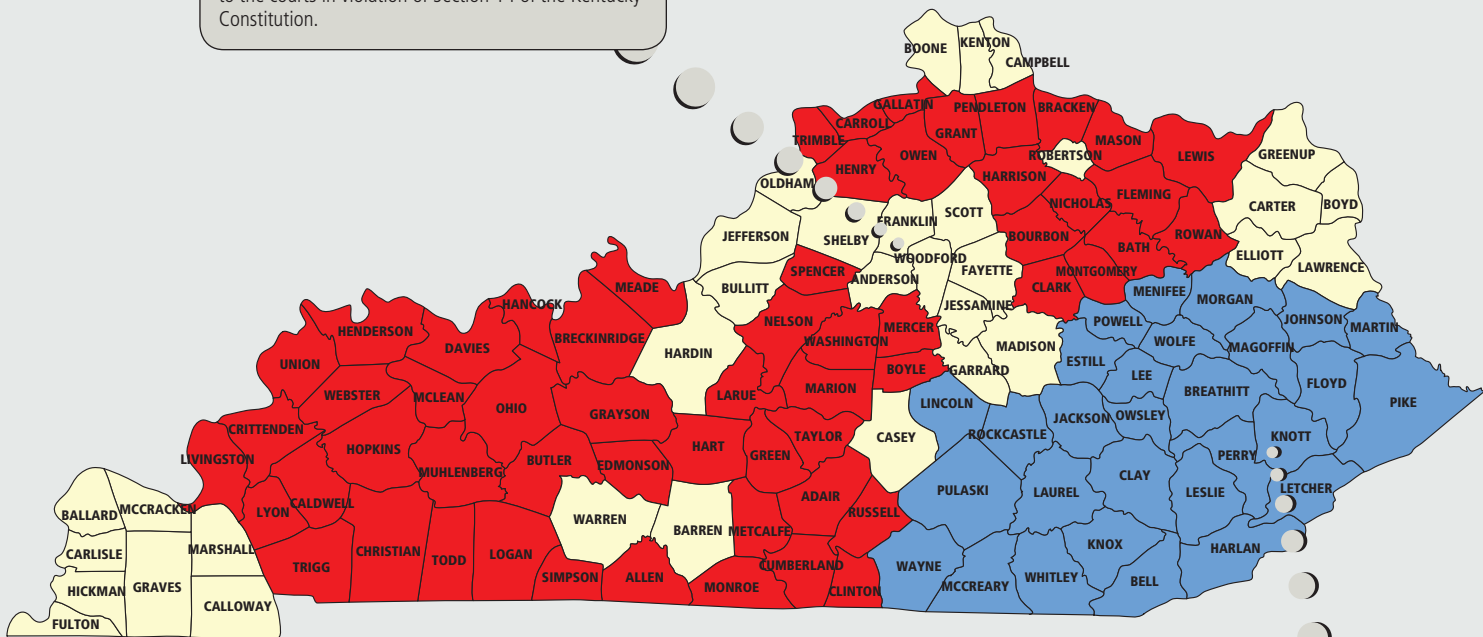
**IOWA**

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



# KANSAS

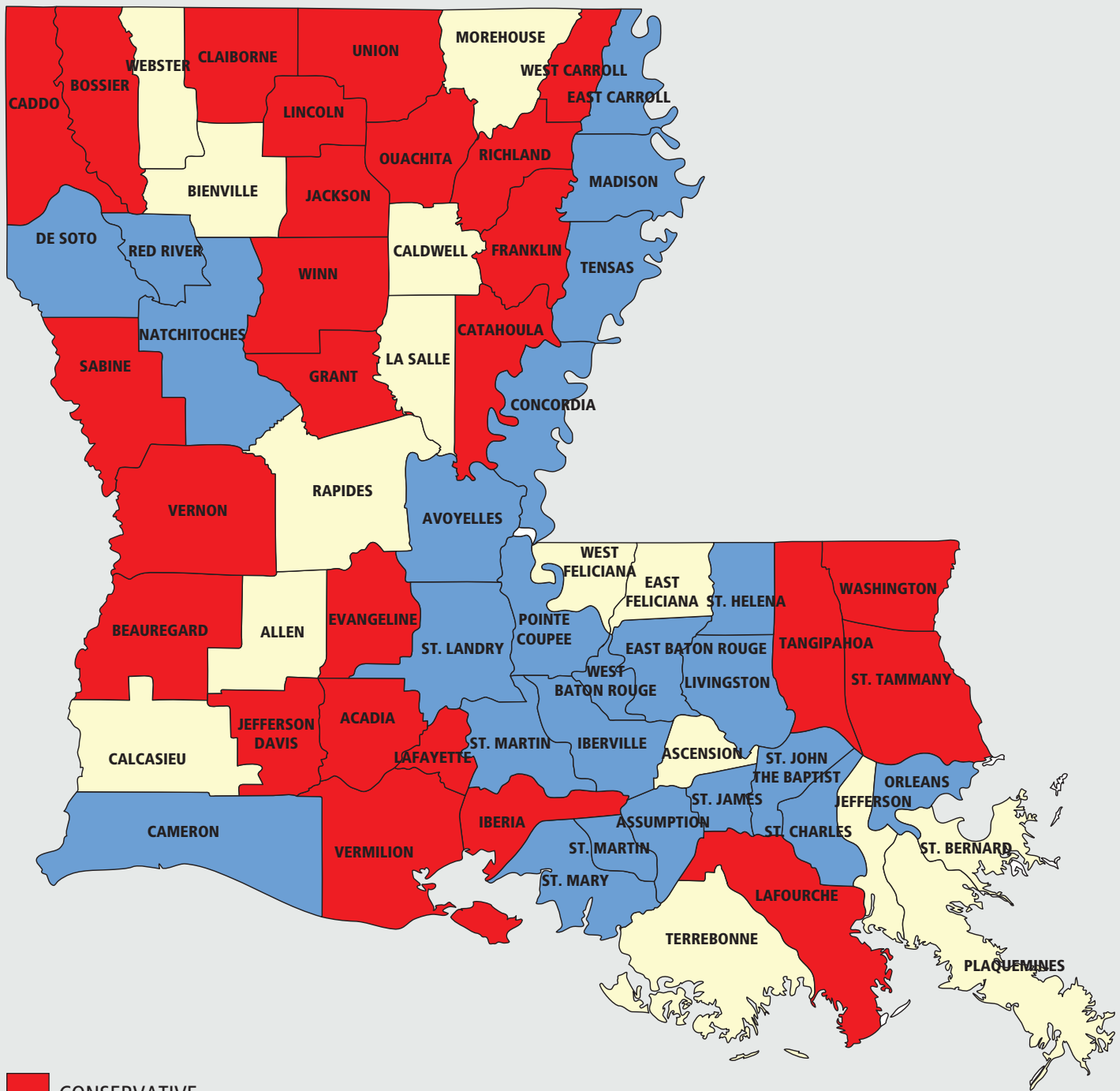
In 2018, the Kentucky Supreme Court declared unconstitutional a recently enacted law that required medical malpractice plaintiffs to submit their claims for evaluation by a medical review panel prior to filing a lawsuit. The Court held that the law delayed access to the courts in violation of Section 14 of the Kentucky Constitution.



Knott County juries awarded two large verdicts in 2018 – one for \$53.7 million and another for \$13.7 million. Both cases involved claims alleging that the plaintiffs developed black lung disease due to defective coal dust masks. These verdicts continue the longstanding reputation of the Appalachian region of eastern Kentucky as being a high-risk venue for corporate defendants.

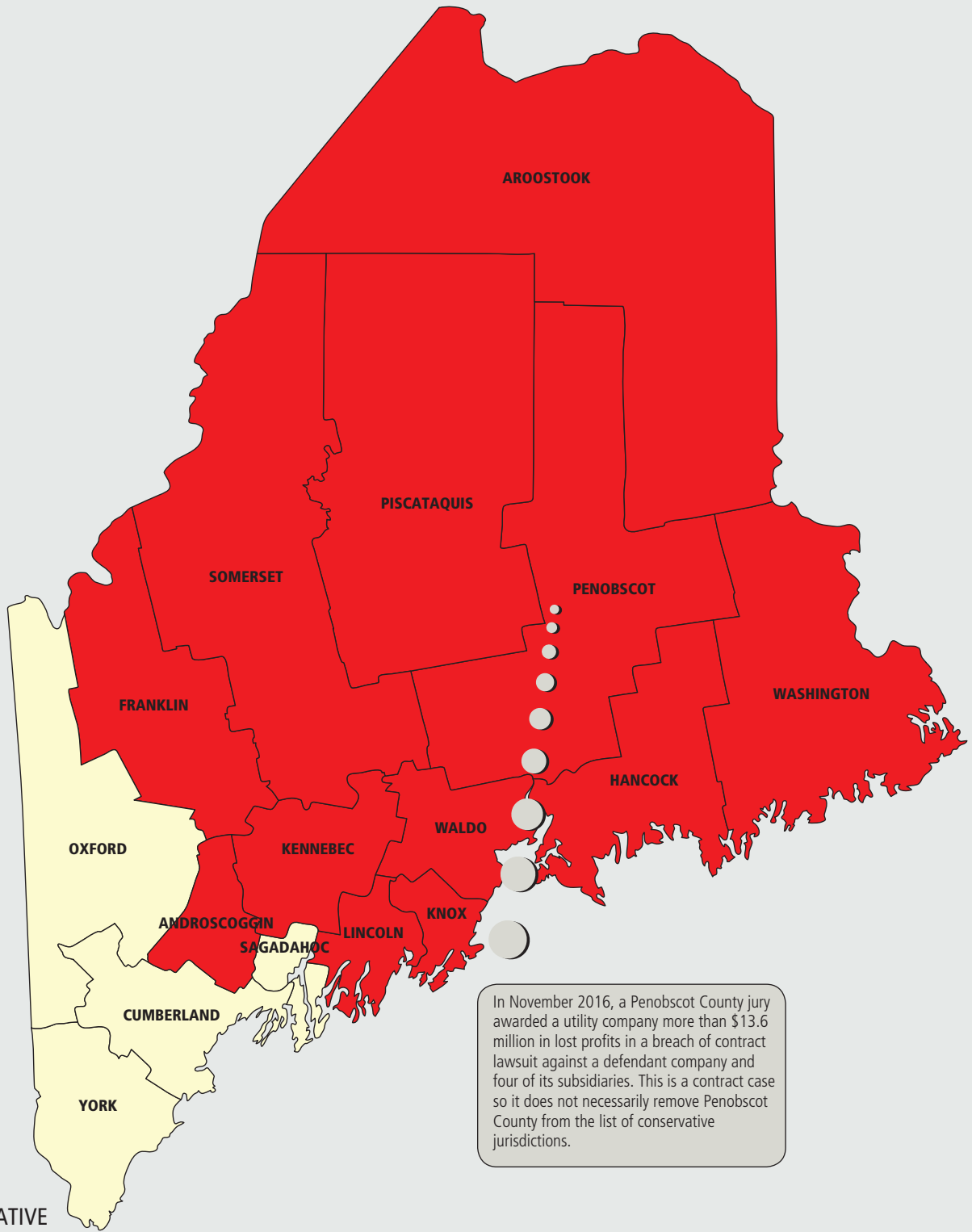
- CONSERVATIVE
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- MODERATE

# KENTUCKY



- CONSERVATIVE
- LIBERAL
- MODERATE

# LOUISIANA



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

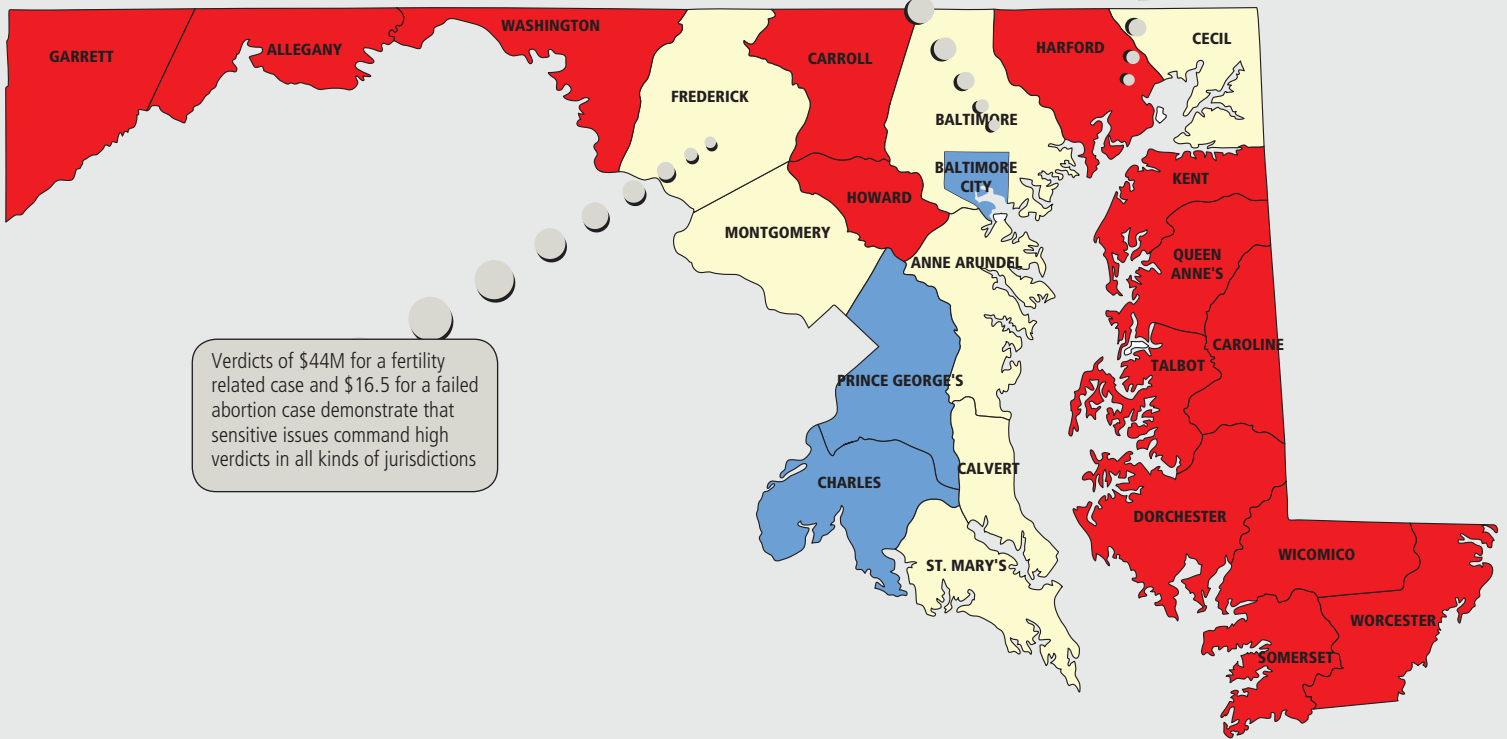
- CONSERVATIVE
- LIBERAL
- MODERATE

MAINE

Three recent lead paint verdicts exceeding \$1.63M to \$3M continue a trend of high verdicts in lead paint cases

\$1.2M for rear-end collision in jurisdiction known for low verdicts

Verdicts of \$44M for a fertility related case and \$16.5 for a failed abortion case demonstrate that sensitive issues command high verdicts in all kinds of jurisdictions



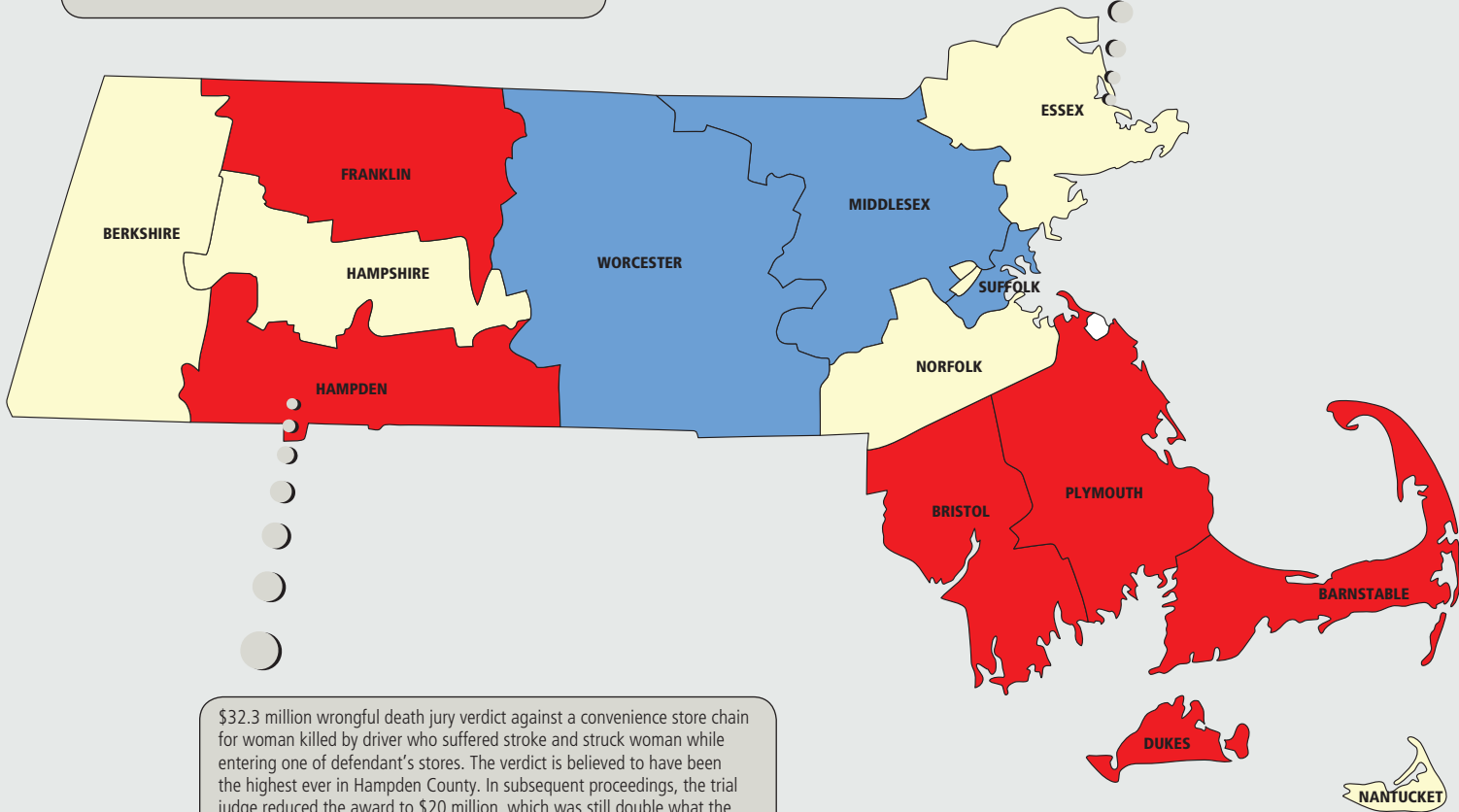
- CONSERVATIVE
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- MODERATE

# MARYLAND

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

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

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

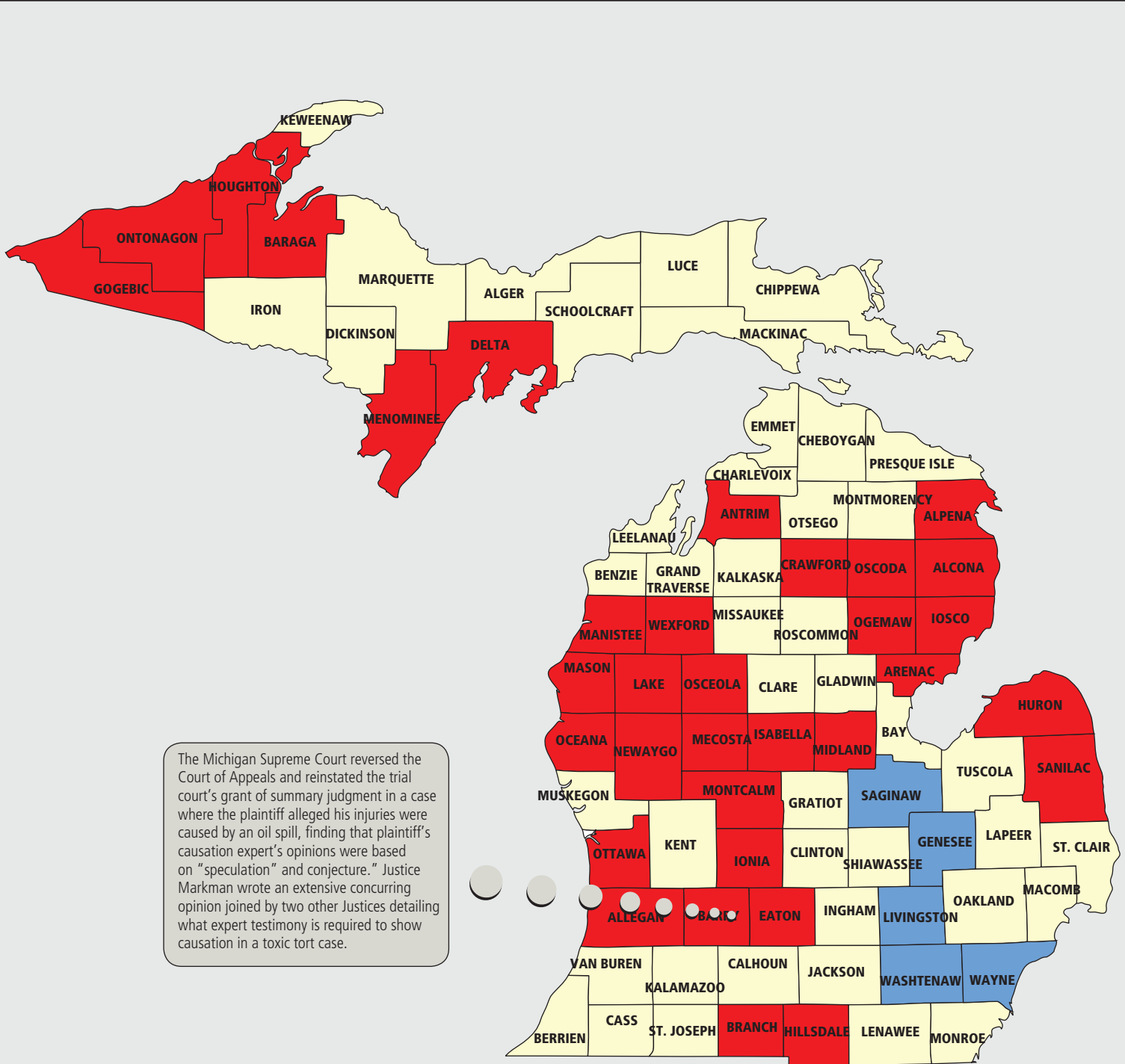


\$32.3 million wrongful death jury verdict against a convenience store chain for woman killed by driver who suffered stroke and struck woman while entering one of defendant's stores. The verdict is believed to have been the highest ever in Hampden County. In subsequent proceedings, the trial judge reduced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

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# MASSACHUSETTS

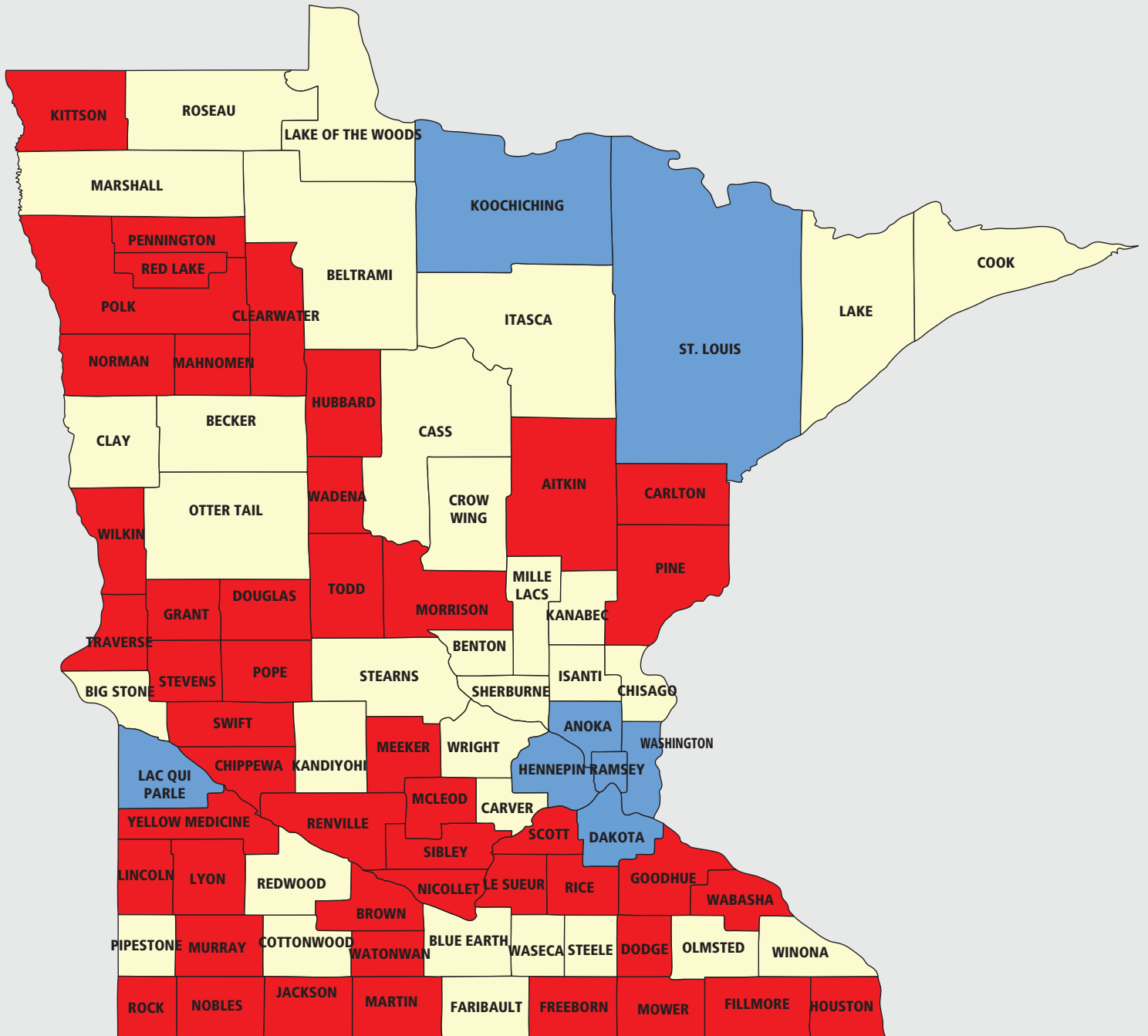




The Michigan Supreme Court reversed the Court of Appeals and reinstated the trial court’s grant of summary judgment in a case where the plaintiff alleged his injuries were caused by an oil spill, finding that plaintiff’s causation expert’s opinions were based on “speculation” and conjecture.” Justice Markman wrote an extensive concurring opinion joined by two other Justices detailing what expert testimony is required to show causation in a toxic tort case.

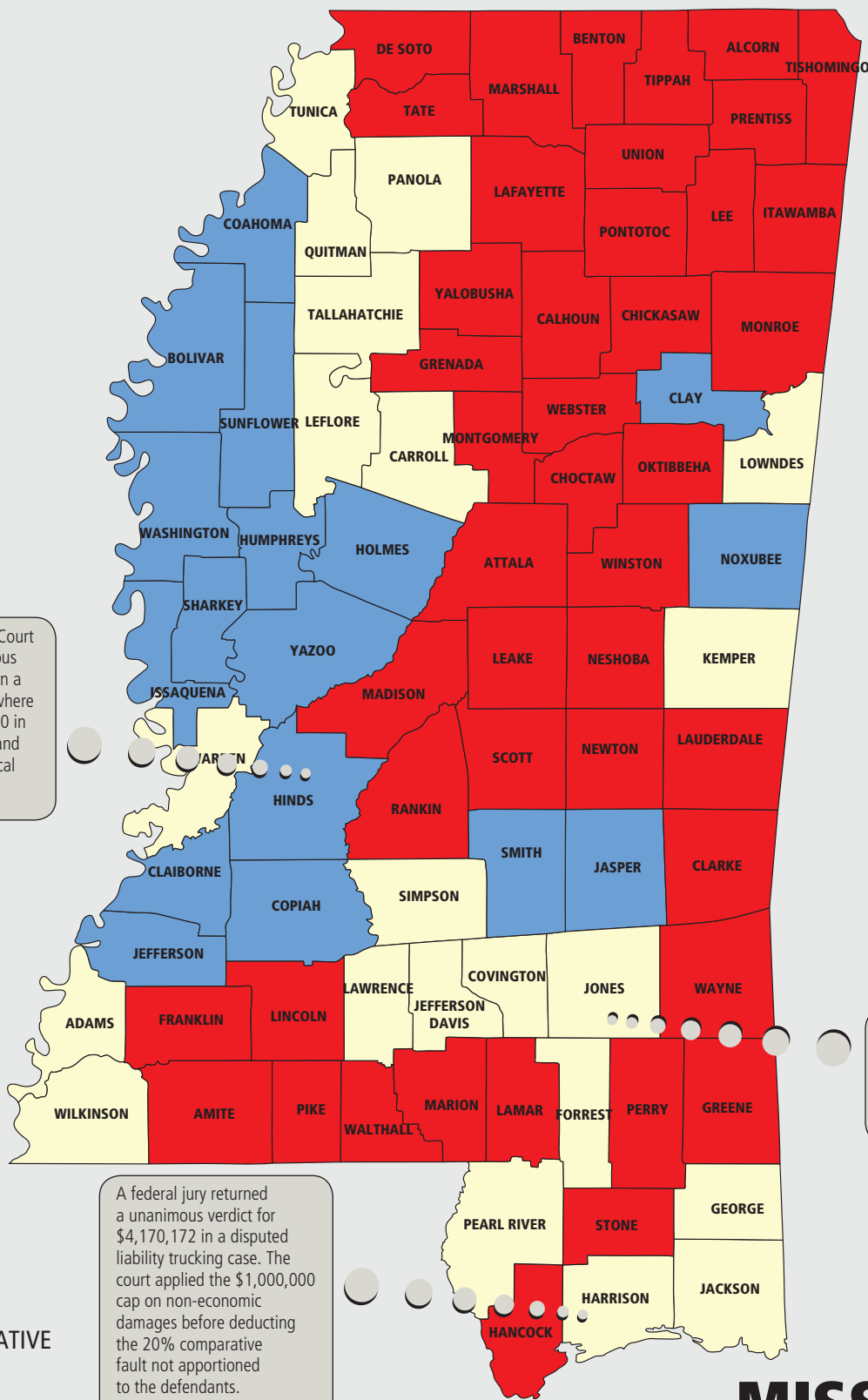
- CONSERVATIVE
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# MICHIGAN



- CONSERVATIVE
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# MINNESOTA



A Hinds County Circuit Court jury returned a unanimous verdict for \$2,000,000 in a disputed liability case, where the plaintiff had \$31,000 in past medical expenses and \$20,000 in future medical expenses.

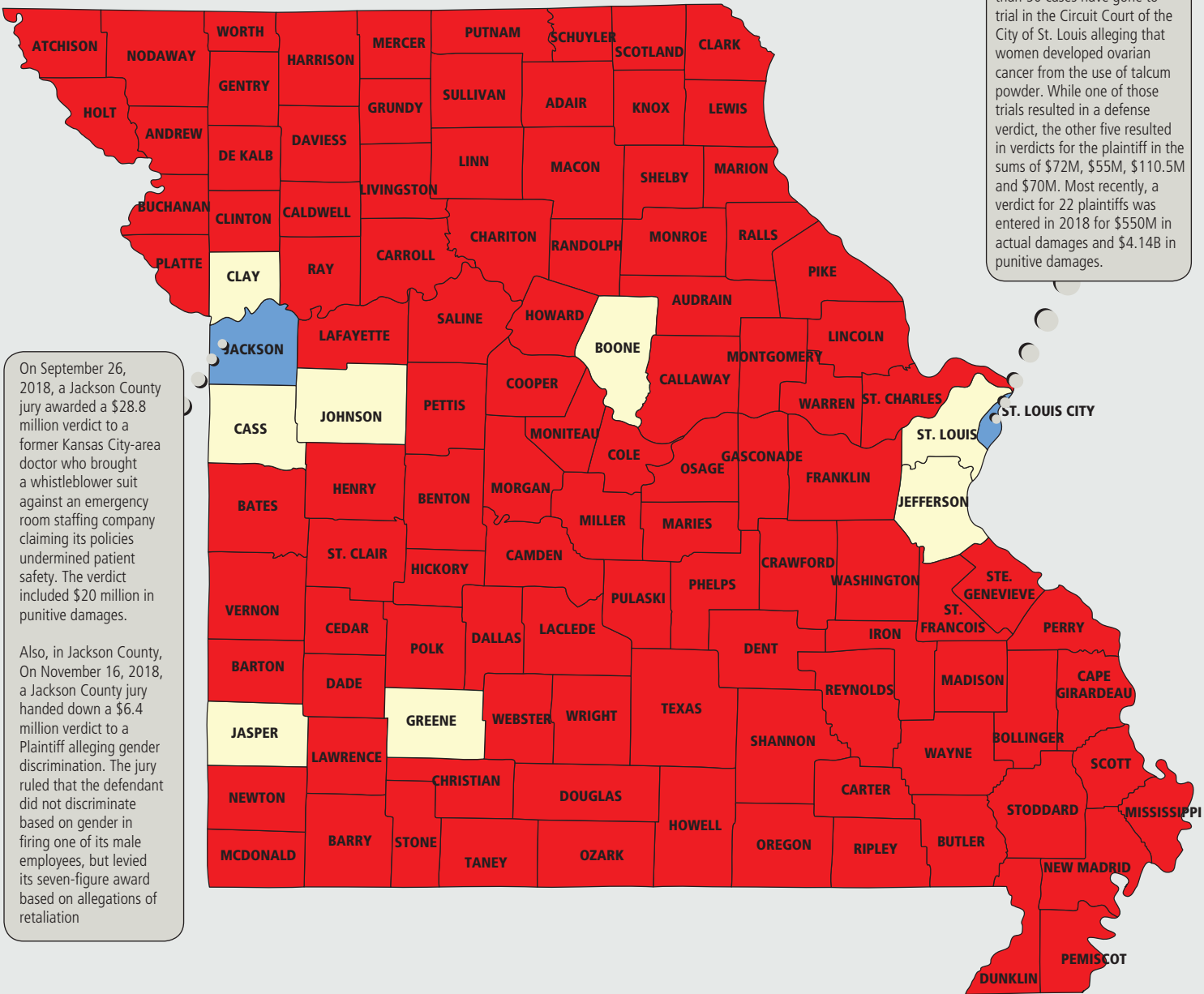
The election of a new state court judge in 2014 has moved this once dangerous venue to moderate/conservative.

A federal jury returned a unanimous verdict for \$4,170,172 in a disputed liability trucking case. The court applied the \$1,000,000 cap on non-economic damages before deducting the 20% comparative fault not apportioned to the defendants. After this application, the total judgment was \$2,936,138.19.

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# MISSISSIPPI

Talcum powder/cancer cases continue to flourish in the city of St. Louis. Since 2016, more than 50 cases have gone to trial in the Circuit Court of the City of St. Louis alleging that women developed ovarian cancer from the use of talcum powder. While one of those trials resulted in a defense verdict, the other five resulted in verdicts for the plaintiff in the sums of \$72M, \$55M, \$110.5M and \$70M. Most recently, a verdict for 22 plaintiffs was entered in 2018 for \$550M in actual damages and \$4.14B in punitive damages.

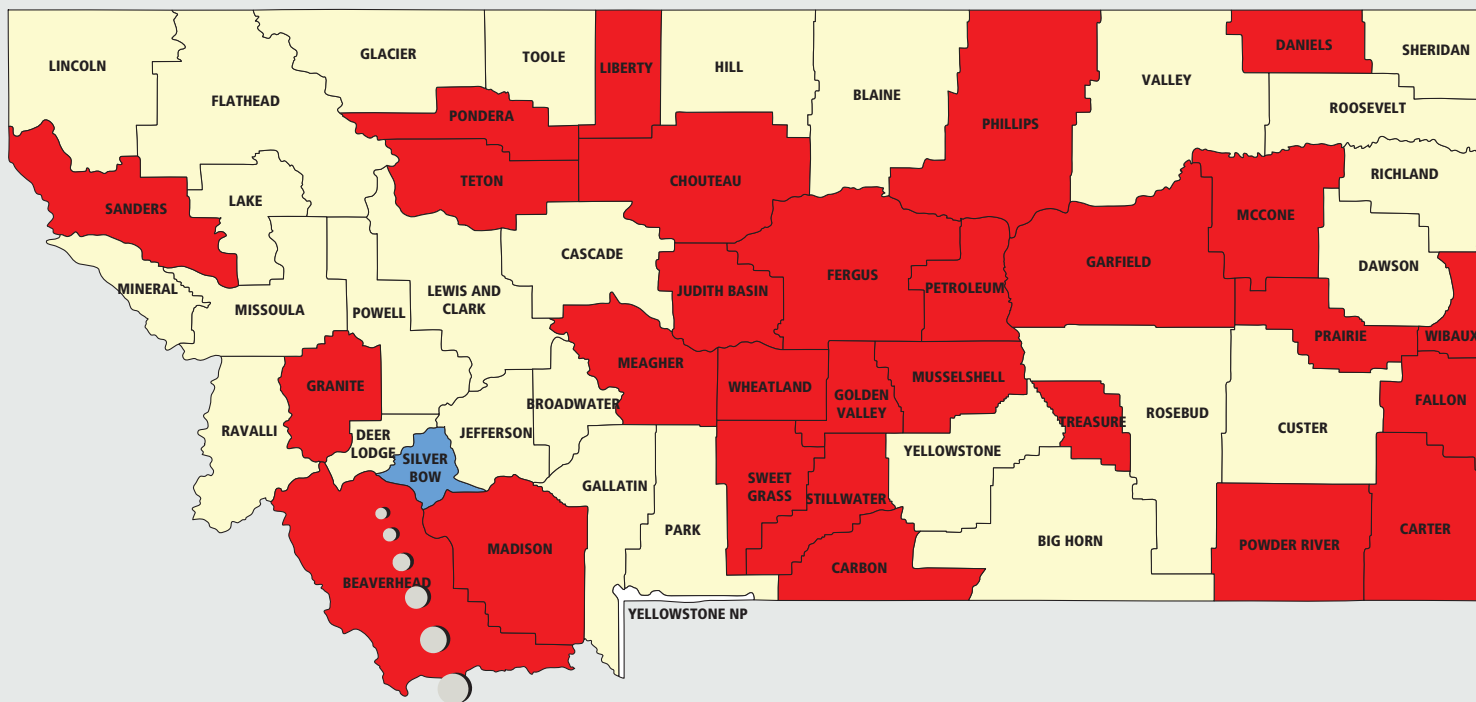


On September 26, 2018, a Jackson County jury awarded a \$28.8 million verdict to a former Kansas City-area doctor who brought a whistleblower suit against an emergency room staffing company claiming its policies undermined patient safety. The verdict included \$20 million in punitive damages.

Also, in Jackson County, On November 16, 2018, a Jackson County jury handed down a \$6.4 million verdict to a Plaintiff alleging gender discrimination. The jury ruled that the defendant did not discriminate based on gender in firing one of its male employees, but levied its seven-figure award based on allegations of retaliation.

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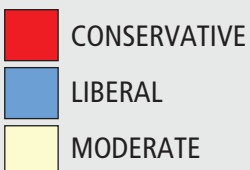
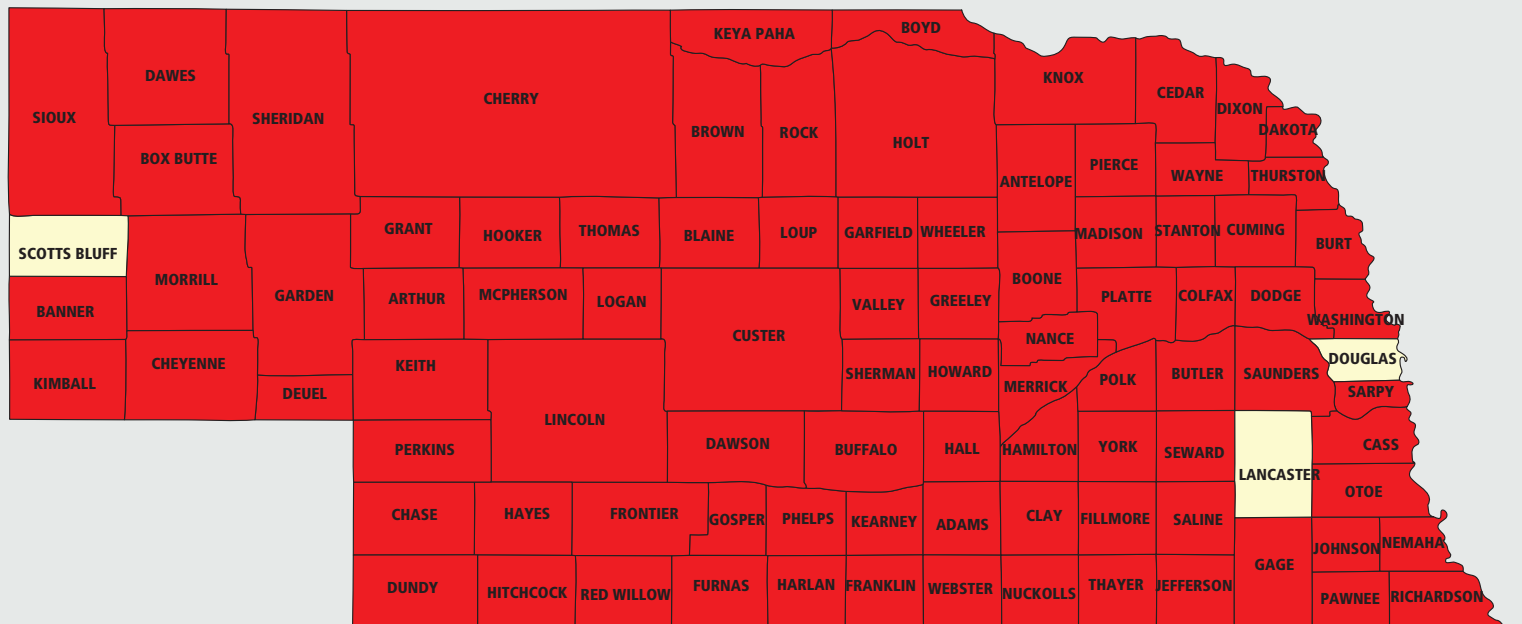
# MISSOURI



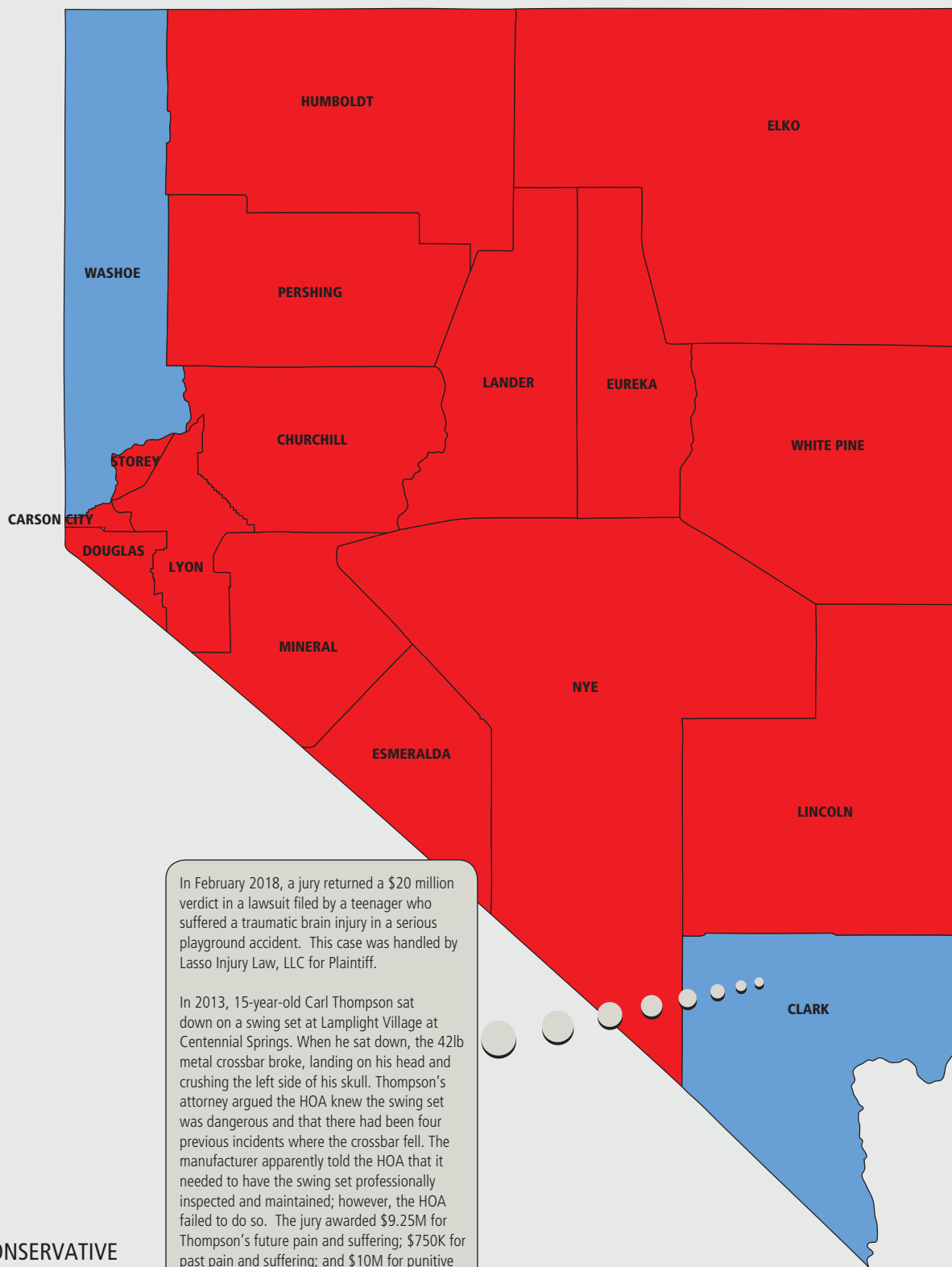
\$52 million jury verdict (including \$10 million punitive) in suit against out-of-state bank for alleged breach of commercial loan agreement in Silver Bow County. New trial ordered on appeal based on trial court wrongfully applying MT law contrary to choice-of-law provision in contract.

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# MONTANA



NEBRASKA

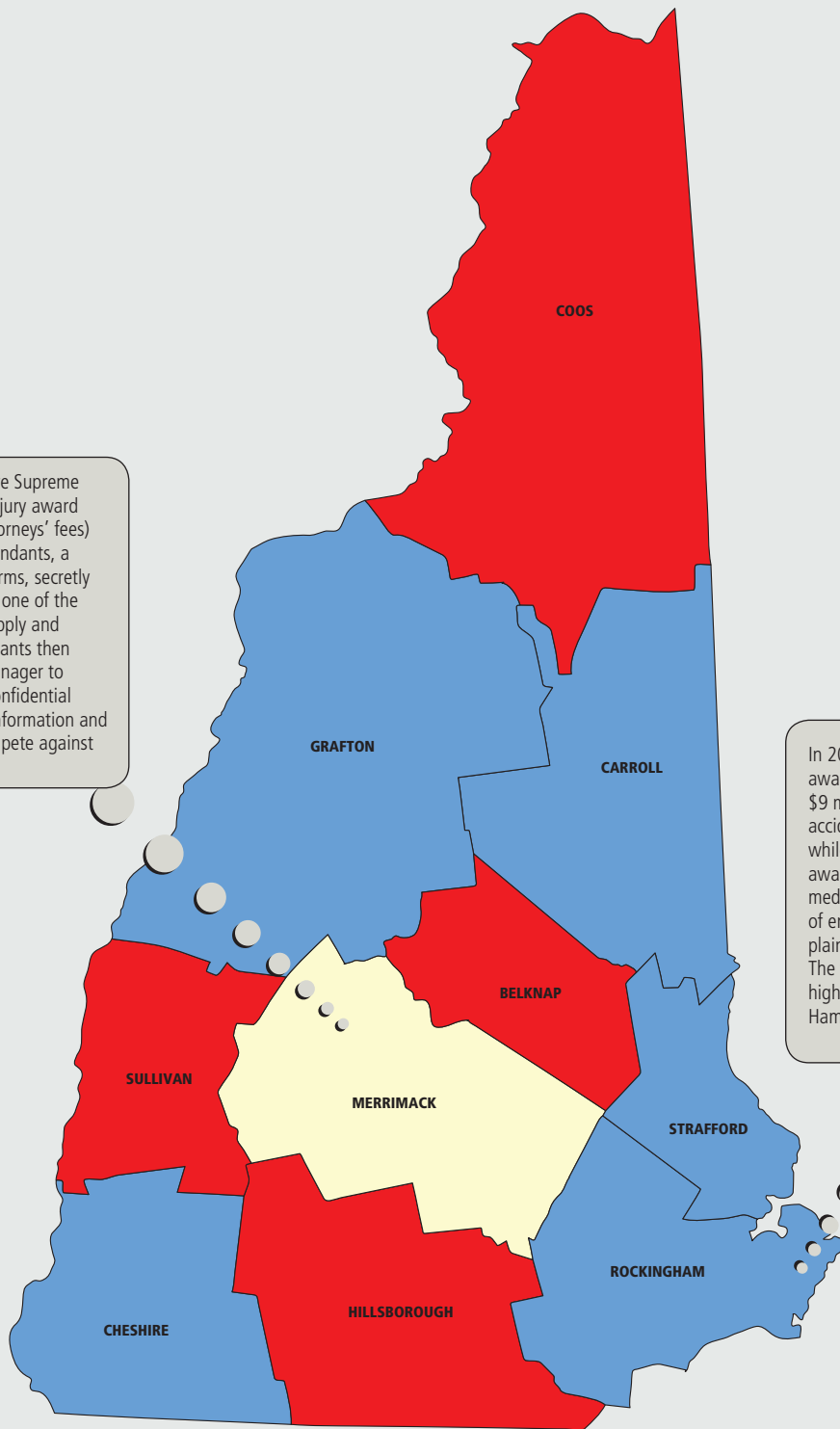


In February 2018, a jury returned a \$20 million verdict in a lawsuit filed by a teenager who suffered a traumatic brain injury in a serious playground accident. This case was handled by Lasso Injury Law, LLC for Plaintiff.

In 2013, 15-year-old Carl Thompson sat down on a swing set at Lamplight Village at Centennial Springs. When he sat down, the 42lb metal crossbar broke, landing on his head and crushing the left side of his skull. Thompson's attorney argued the HOA knew the swing set was dangerous and that there had been four previous incidents where the crossbar fell. The manufacturer apparently told the HOA that it needed to have the swing set professionally inspected and maintained; however, the HOA failed to do so. The jury awarded \$9.25M for Thompson's future pain and suffering; \$750K for past pain and suffering; and \$10M for punitive exemplary damages

- CONSERVATIVE
- LIBERAL
- MODERATE

# NEVADA



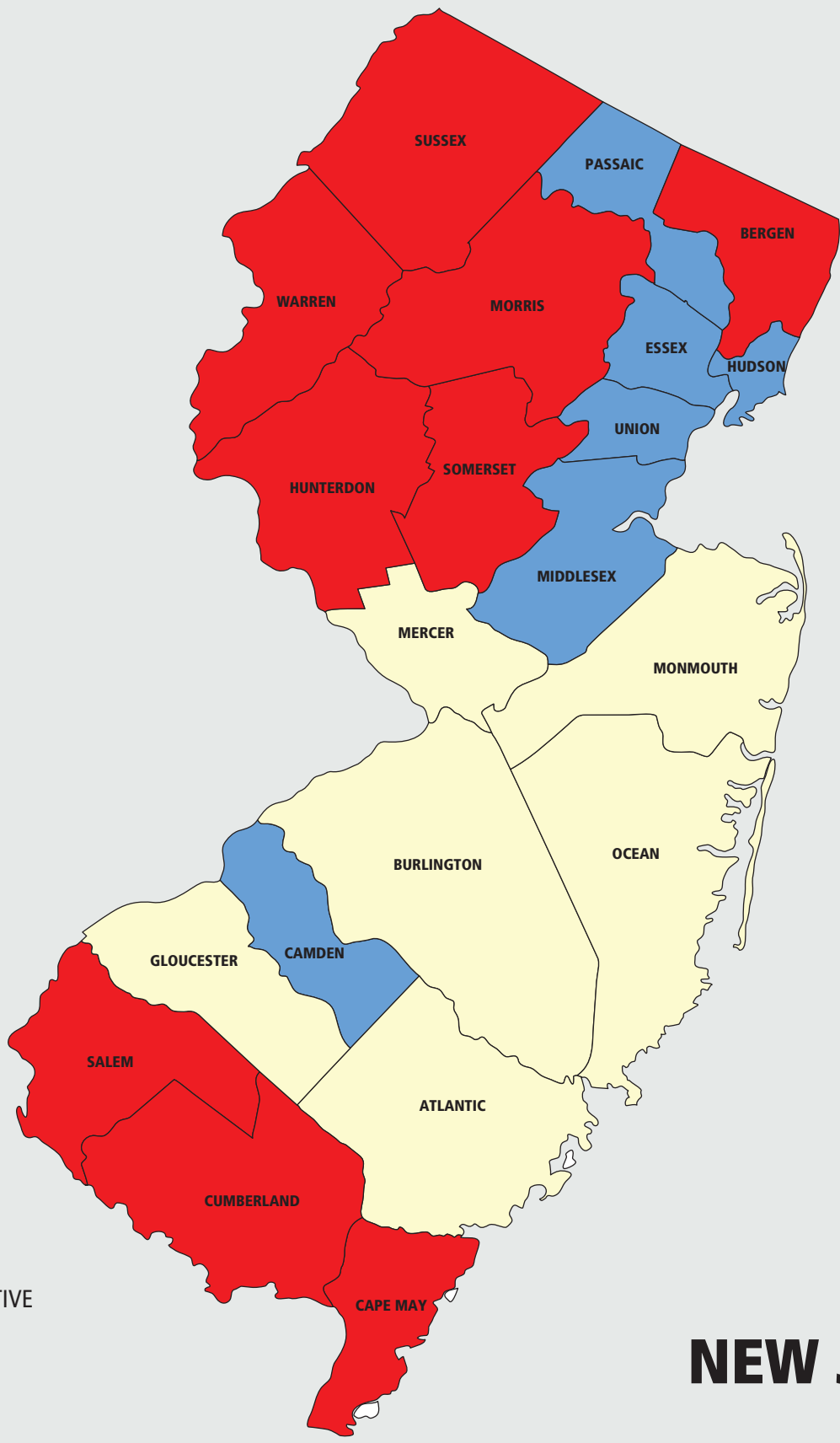
In 2018, the New Hampshire Supreme Court affirmed a \$900,000 jury award (including \$400,000 for attorneys' fees) in a trade secret case. Defendants, a group of utility brokerage firms, secretly hired a sales manager from one of the plaintiffs, several energy supply and consulting services. Defendants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

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

- CONSERVATIVE
- LIBERAL
- MODERATE

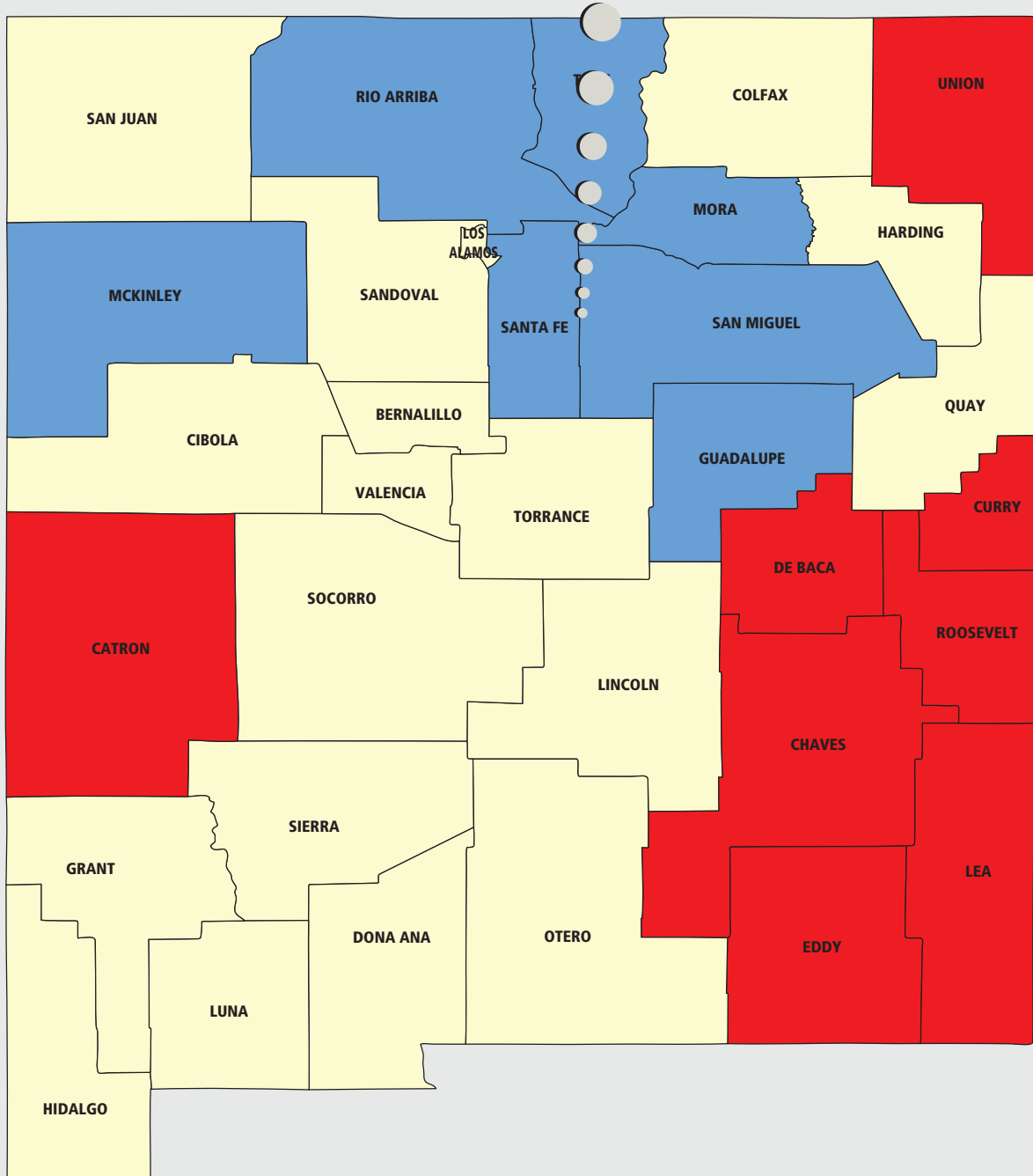
# NEW HAMPSHIRE





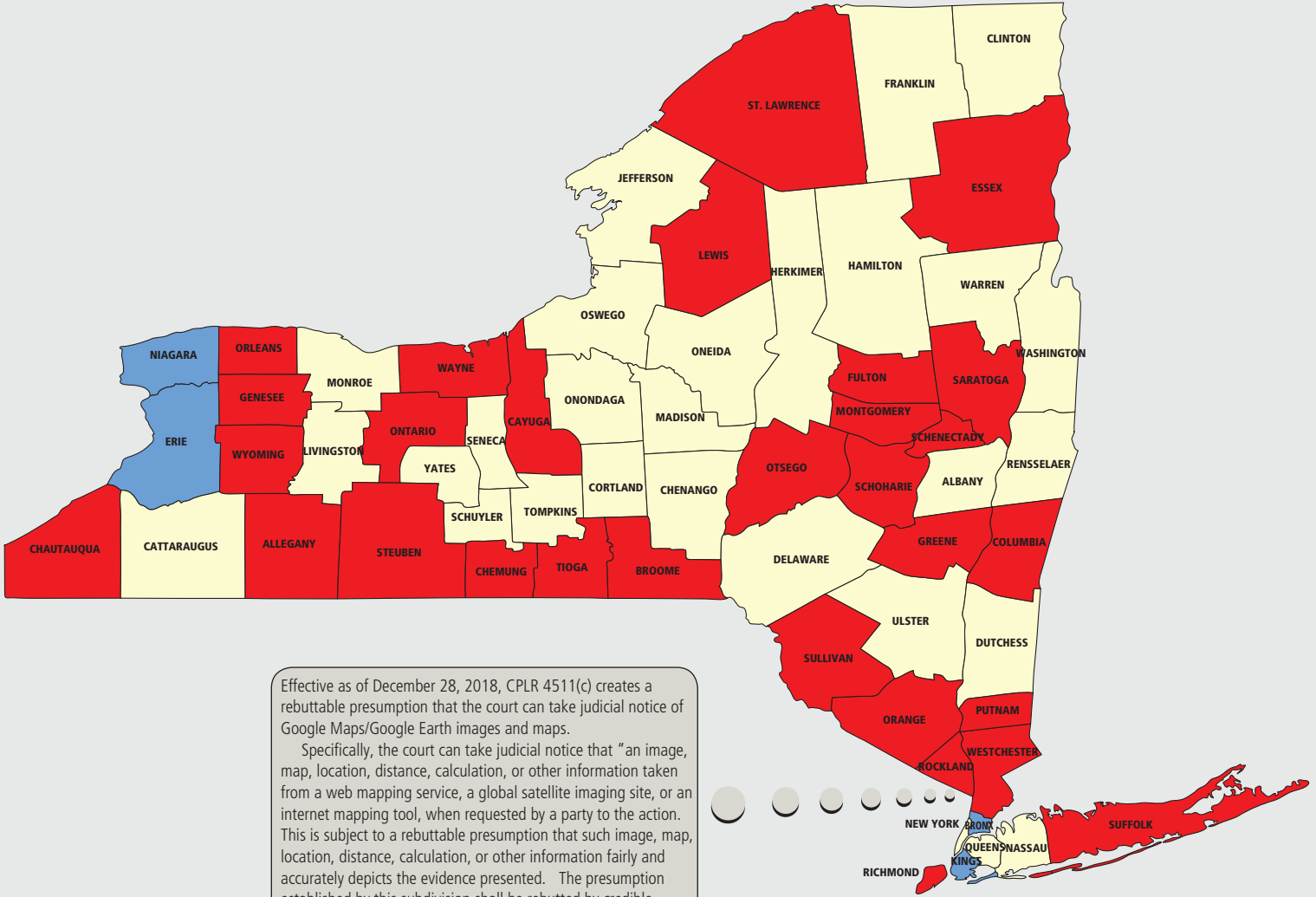
**NEW JERSEY**

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



- CONSERVATIVE
- LIBERAL
- MODERATE

# NEW MEXICO

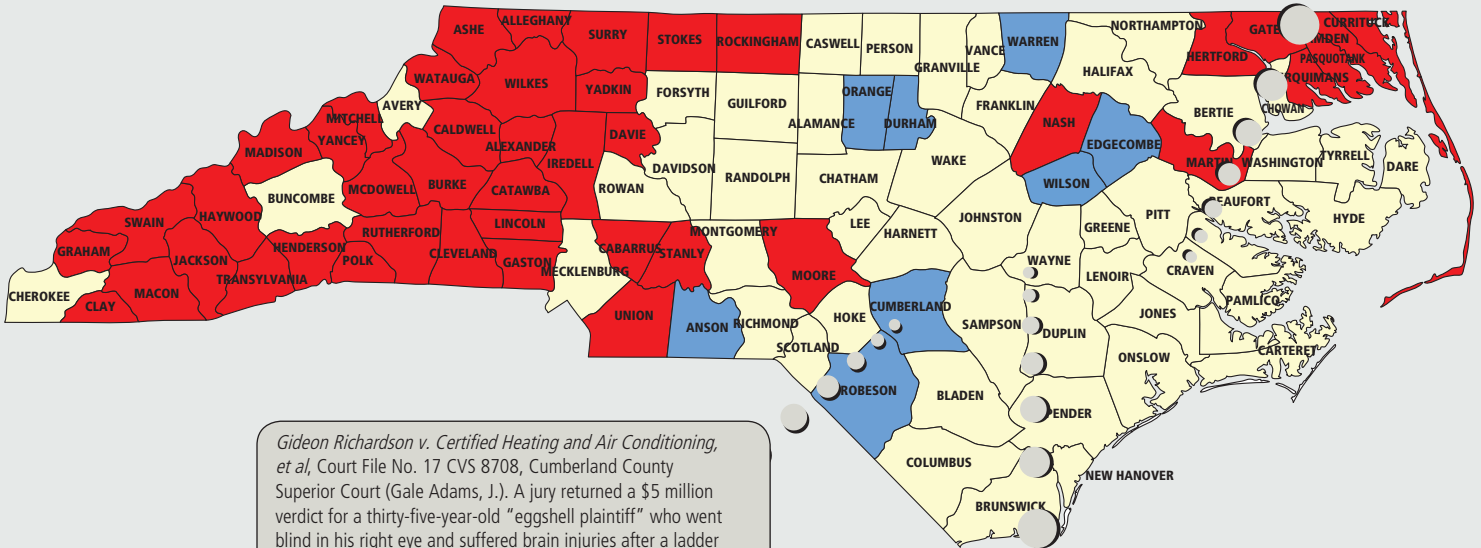


Effective as of December 28, 2018, CPLR 4511(c) creates a rebuttable presumption that the court can take judicial notice of Google Maps/Google Earth images and maps.

Specifically, the court can take judicial notice that "an image, map, location, distance, calculation, or other information taken from a web mapping service, a global satellite imaging site, or an internet mapping tool, when requested by a party to the action. This is subject to a rebuttable presumption that such image, map, location, distance, calculation, or other information fairly and accurately depicts the evidence presented. The presumption established by this subdivision shall be rebutted by credible and reliable evidence that the image, map, location, distance, calculation, or other information taken from a web mapping service, a global satellite imaging site, or an internet mapping tool does not fairly and accurately portray that which it is being offered to prove. A party intending to offer such image or information at a trial or hearing shall, at least thirty days before the trial or hearing, give notice of such intent, providing a copy or specifically identifying the internet address at which such image or information may be inspected.

- CONSERVATIVE
- LIBERAL
- MODERATE

# NEW YORK



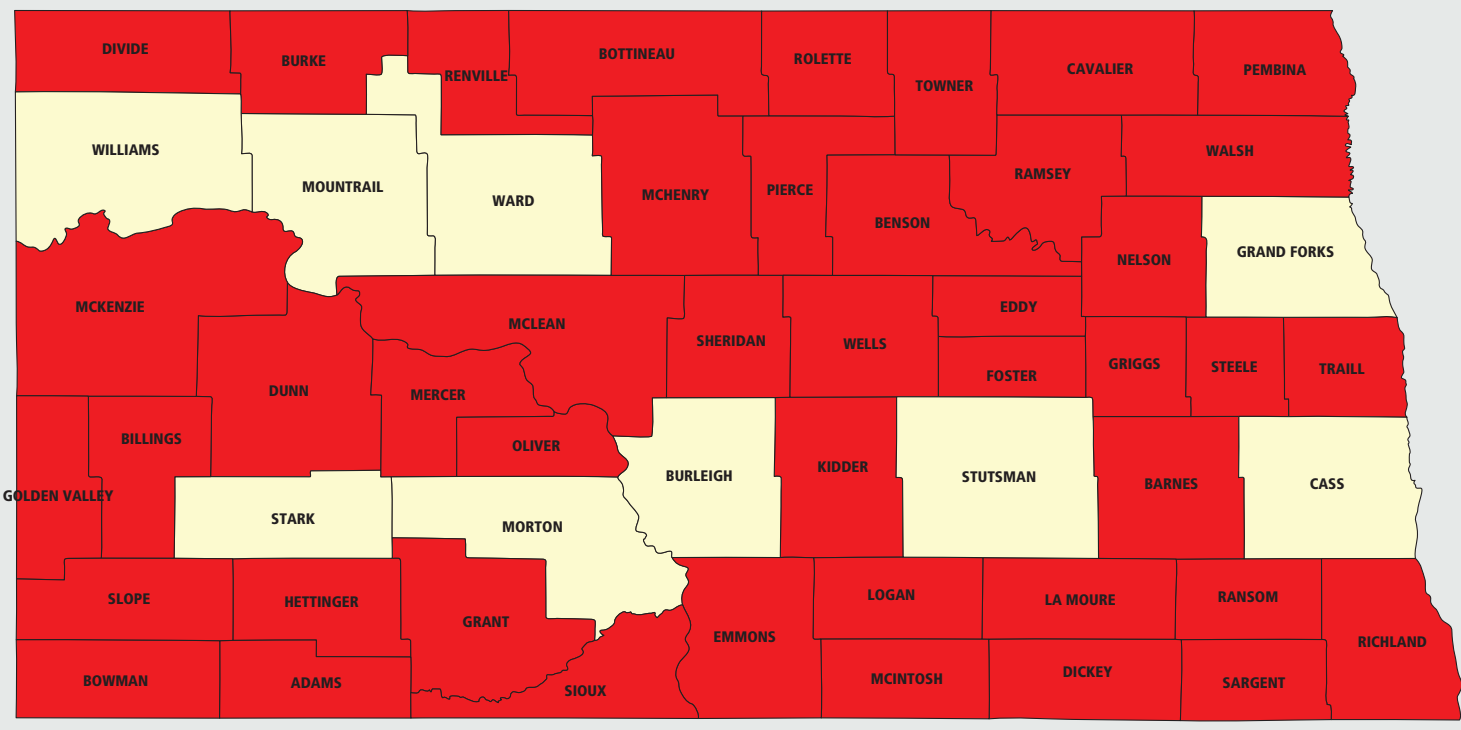
*Chris Justice and Lisa Justice v. Greyhound Bus Lines Inc. & J.L. Robinson*, Court File No. 5:16-CV-132, U.S. District Court for the Eastern District of North Carolina (New Bern, Craven County) (Louise Flanagan, J.). A jury in federal court awarded a former N.C. Highway patrolman \$6 million after a Greyhound bus crashed into the patrolman's car while he was investigating an accident on Christmas Eve. The patrolman's wife was also awarded \$1 million for loss of consortium.

*Gideon Richardson v. Certified Heating and Air Conditioning, et al*, Court File No. 17 CVS 8708, Cumberland County Superior Court (Gale Adams, J.). A jury returned a \$5 million verdict for a thirty-five-year-old "eggshell plaintiff" who went blind in his right eye and suffered brain injuries after a ladder fell off a work van on Interstate 40. The plaintiff did not ask for medical damages or economic damages; he sought non-economic damages based on his life expectancy of 79, and his counsel relied heavily on the "Reptile Theory."

*Wendy G. Carroll, Administrator of the Estate of Thomas Anthony Carroll, deceased, v. Oakley Trucking, Inc.*, Case No. 5:17-CV-00357-BR, U.S. District Court for the Eastern District of North Carolina (Wayne County) (W. Earl Britt, J.). The family of a man who was hit and killed by a tractor-trailer as he tried to pass the truck on his motorcycle was awarded \$1.55 million against the truck driver after a bench trial in federal court. The judgment included an award of \$300,000 for each of the decedent's four children.

- CONSERVATIVE
- LIBERAL
- MODERATE

# NORTH CAROLINA

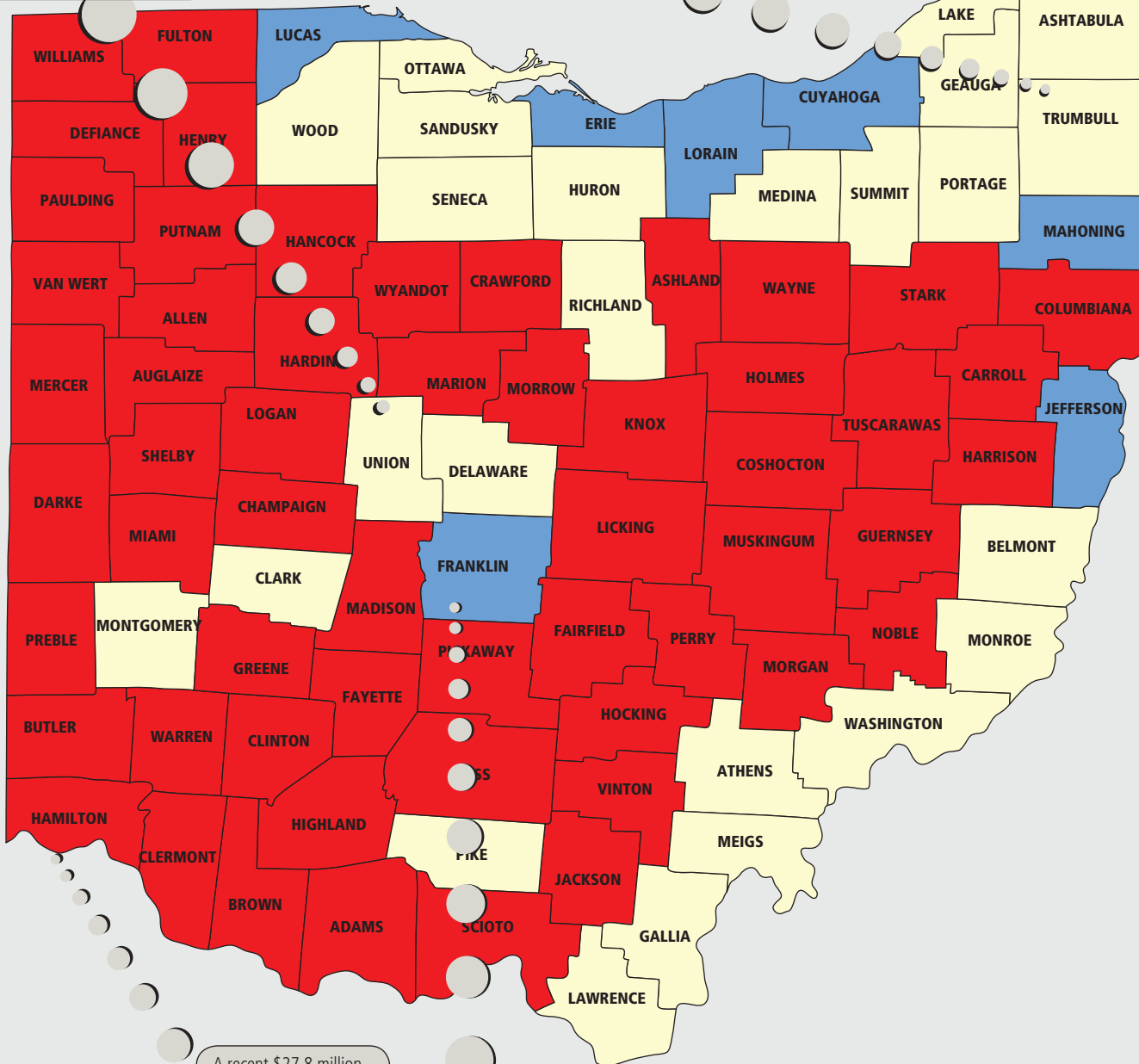


- CONSERVATIVE
- LIBERAL
- MODERATE

# NORTH DAKOTA

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

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

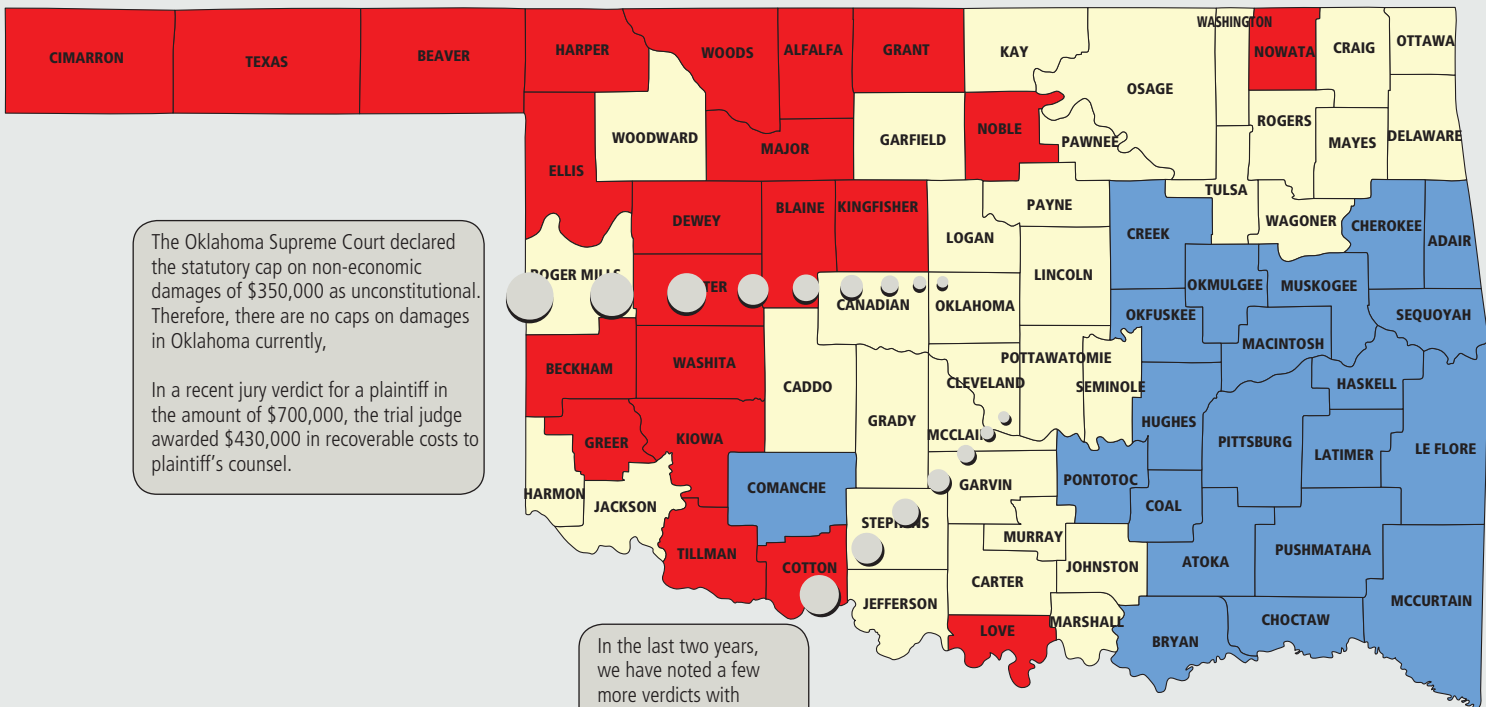


A recent \$27.8 million negligence verdict highlights a trend of plaintiff-friendly verdicts, rendering Hamilton County more of a liberal venue than in previous years.

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

- CONSERVATIVE
- LIBERAL
- MODERATE

OHIO



The Oklahoma Supreme Court declared the statutory cap on non-economic damages of \$350,000 as unconstitutional. Therefore, there are no caps on damages in Oklahoma currently.

In a recent jury verdict for a plaintiff in the amount of \$700,000, the trial judge awarded \$430,000 in recoverable costs to plaintiff's counsel.

In the last two years, we have noted a few more verdicts with higher damages awards than previously seen. The judiciary is also less conservative. Judge Balkman recently awarded damages against Johnson & Johnson for \$572 million in an opioid case on the theory of public nuisance.

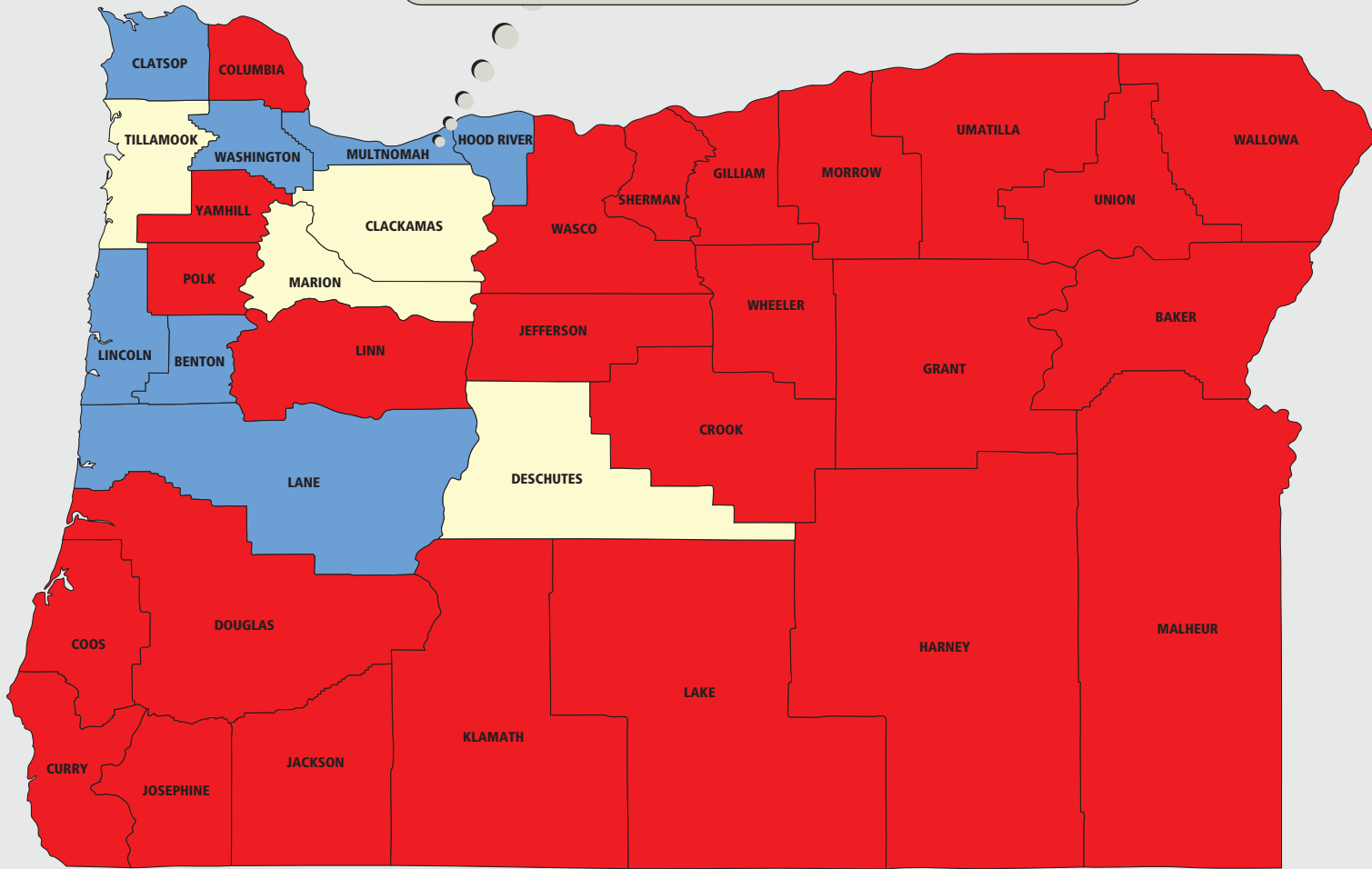
- CONSERVATIVE
- LIBERAL
- MODERATE

# OKLAHOMA

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

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

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



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- LIBERAL
- MODERATE

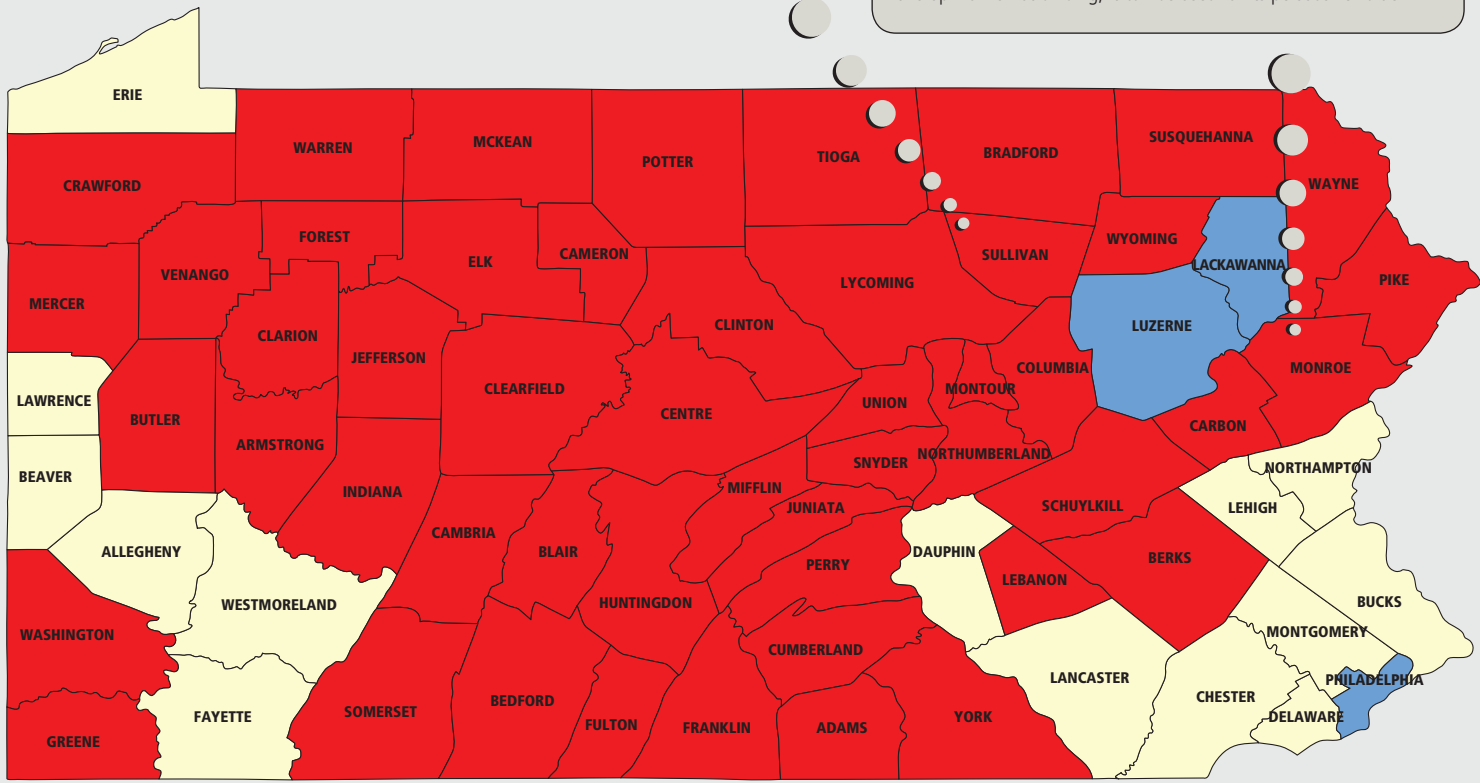
OREGON



Under Pennsylvania Rule of Appellate Procedure 126, effective May 1, 2019, litigants may cite to non-precedential (unpublished) Superior Court opinions dated May 1, 2019, and moving forward, and to non-precedential (unpublished) Commonwealth Court opinions dated January 15, 2008, and moving forward, for their persuasive value. Prior to this amendment, only published opinions could be cited to, and relied upon by, the courts.

In the case of *Pennsylvania Electric Co. v. Antoine's Timbering, Inc.*, No. 2016-CV-50 (C.P. Sullivan Co. Oct. 20, 2018 Shurtleff, P.J.), the court granted a Defendant's Motion for Judgment on the Pleadings based upon a Plaintiff's failure to complete service of original process within the applicable statute of limitations for a negligence cause of action. The court noted that, while the Complaint was filed within the statute of limitations and promptly provided to the Sullivan County Sheriff's Department, service was not effectuated. The Plaintiff then waited approximately eighteen (18) months to reinstate the Complaint. The court noted that waiting eighteen (18) months to reinstate a Complaint on the basis that the Plaintiff's attorney was unable to locate the Defendant in the interim, did not show conduct of good faith and ultimately served to unnecessarily delay the legal process. While this opinion is not binding, it can be used for its persuasive value.

In a case of first impression in *Sullivan v. Crete Carrier Corp.*, No. 8716 - CV - 2015 (C.P. Monroe Co. Jan. 18, 2019 Williamson, J.), the court granted a Defendant's Motion for Partial Summary Judgment and ruled that where a Defendant trucking company concedes an agency relationship with a Co-Defendant truck driver, the Plaintiff's claim against the company for negligent hiring, retention, supervision and/or entrustment cannot stand in the absence of a related claim for punitive damages. While there have been a number of unpublished Federal District Court cases in Pennsylvania that have dismissed similar corporate negligence claims, where no claim for punitive damages has been asserted against an employer Defendant, this is the first state trial court opinion that has exercised that right. While this opinion is not binding, it can be used for its persuasive value.



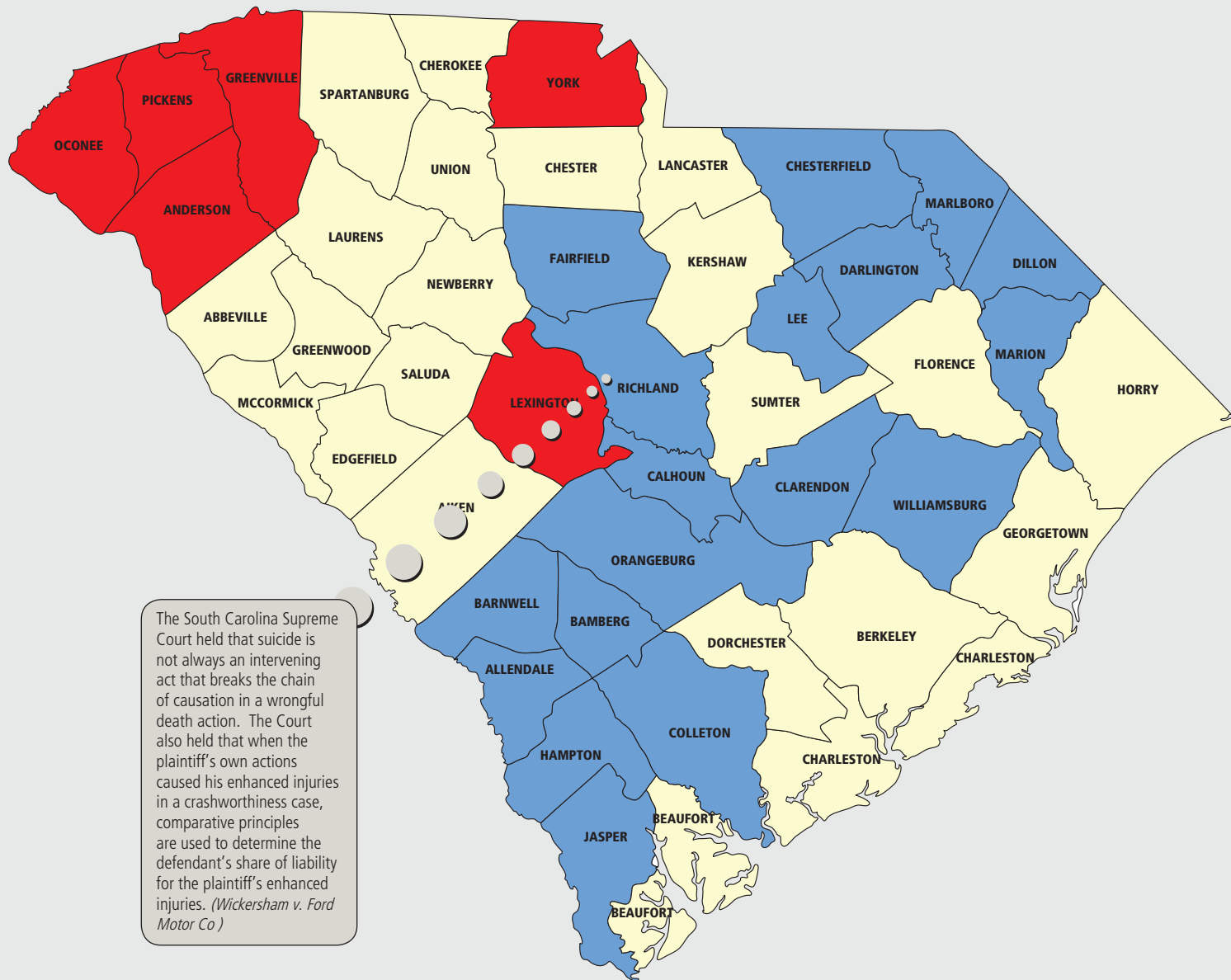
- CONSERVATIVE
- LIBERAL
- MODERATE

# PENNSYLVANIA



- CONSERVATIVE
- LIBERAL
- MODERATE

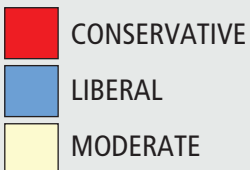
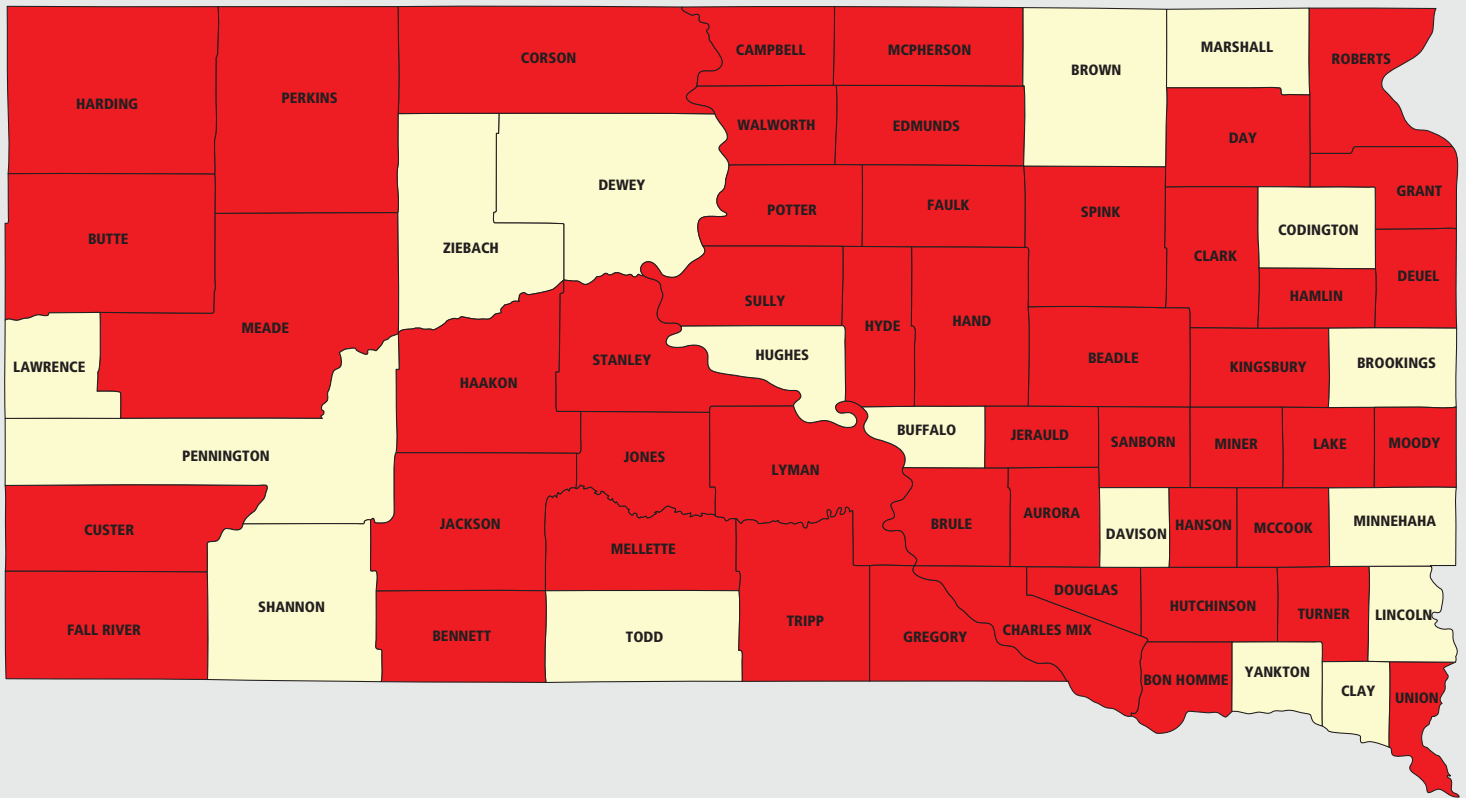
# RHODE ISLAND



The South Carolina Supreme Court held that suicide is not always an intervening act that breaks the chain of causation in a wrongful death action. The Court also held that when the plaintiff's own actions caused his enhanced injuries in a crashworthiness case, comparative principles are used to determine the defendant's share of liability for the plaintiff's enhanced injuries. (*Wickersham v. Ford Motor Co*)

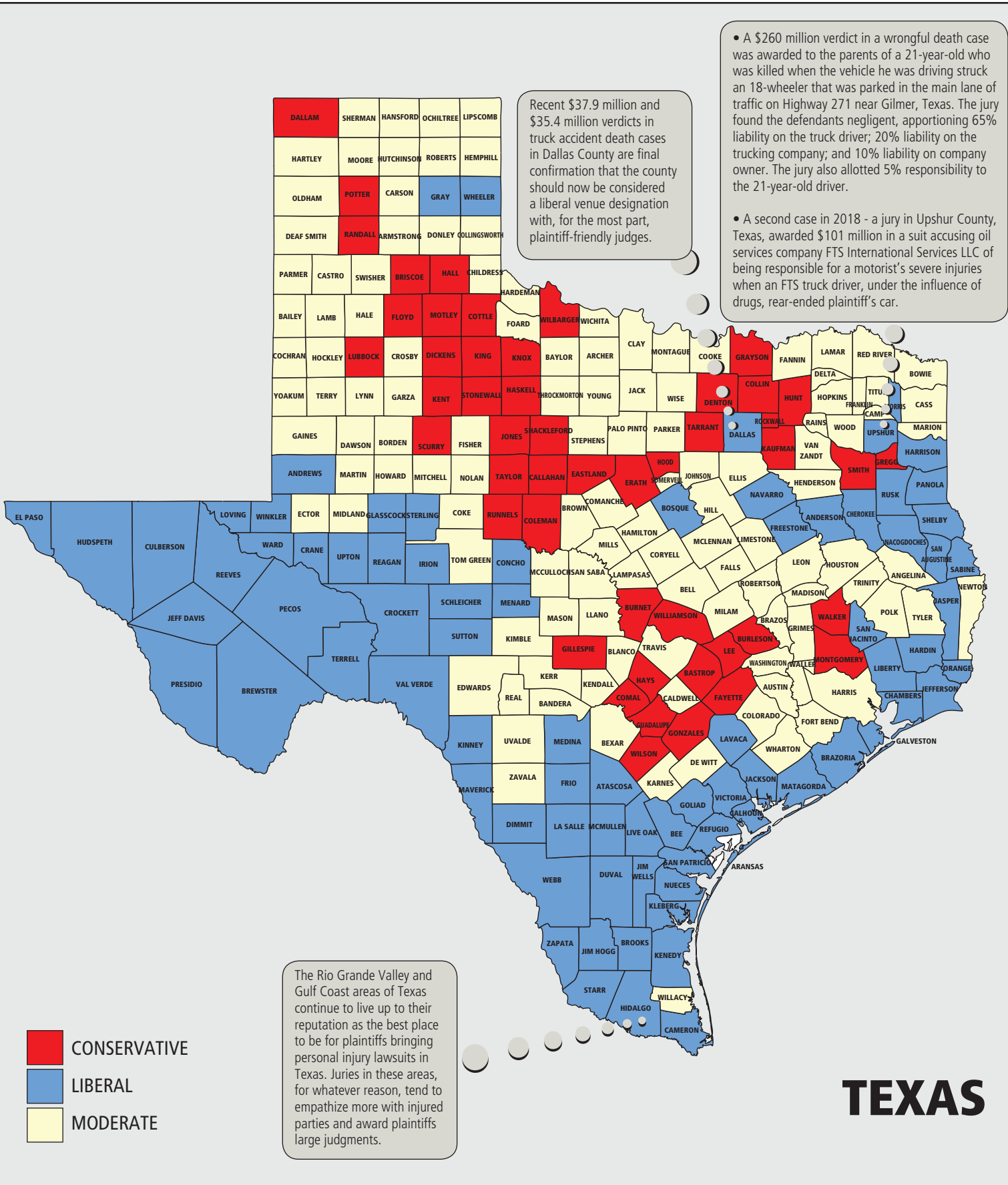
- CONSERVATIVE
- LIBERAL
- MODERATE

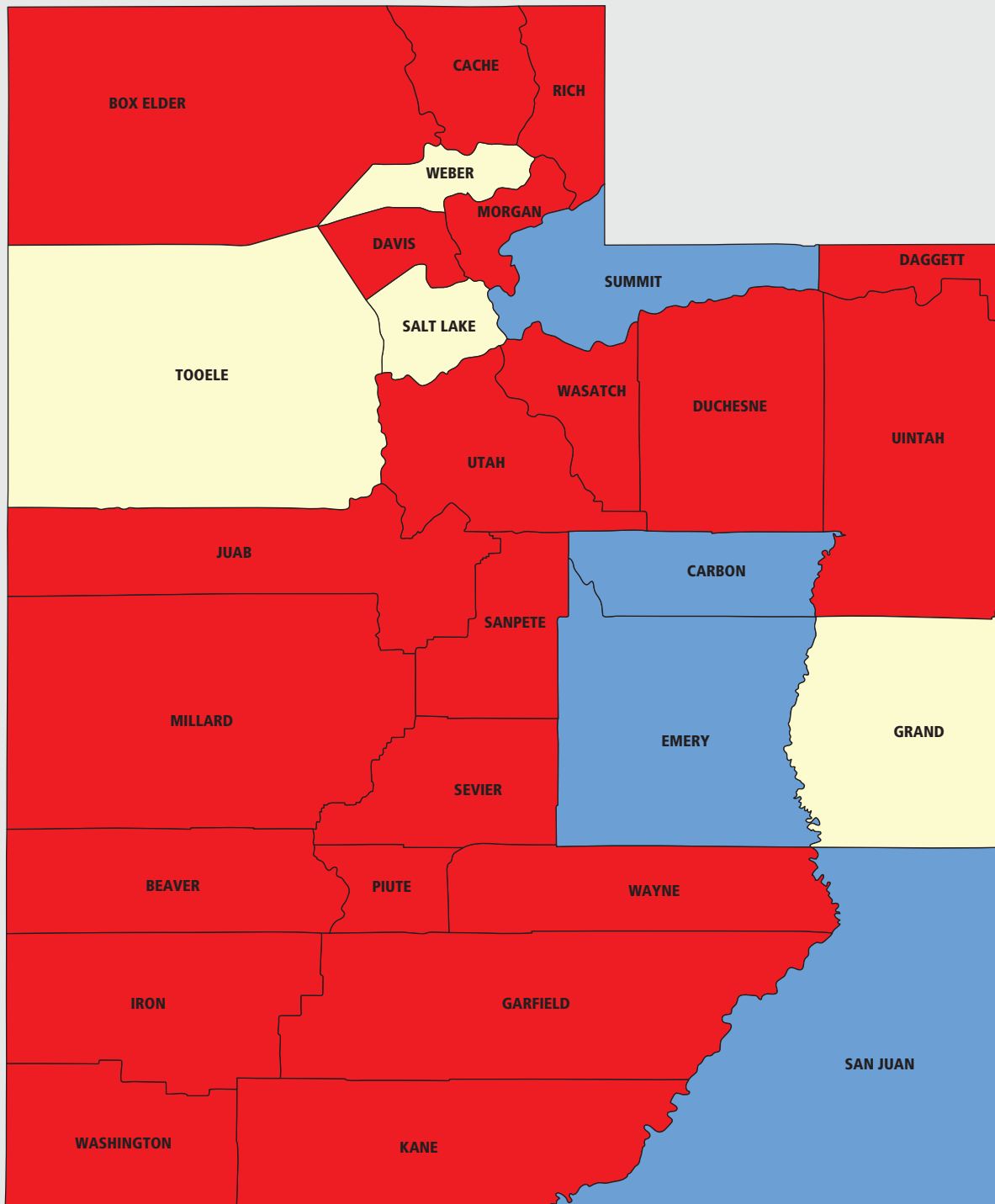
# SOUTH CAROLINA



# SOUTH DAKOTA

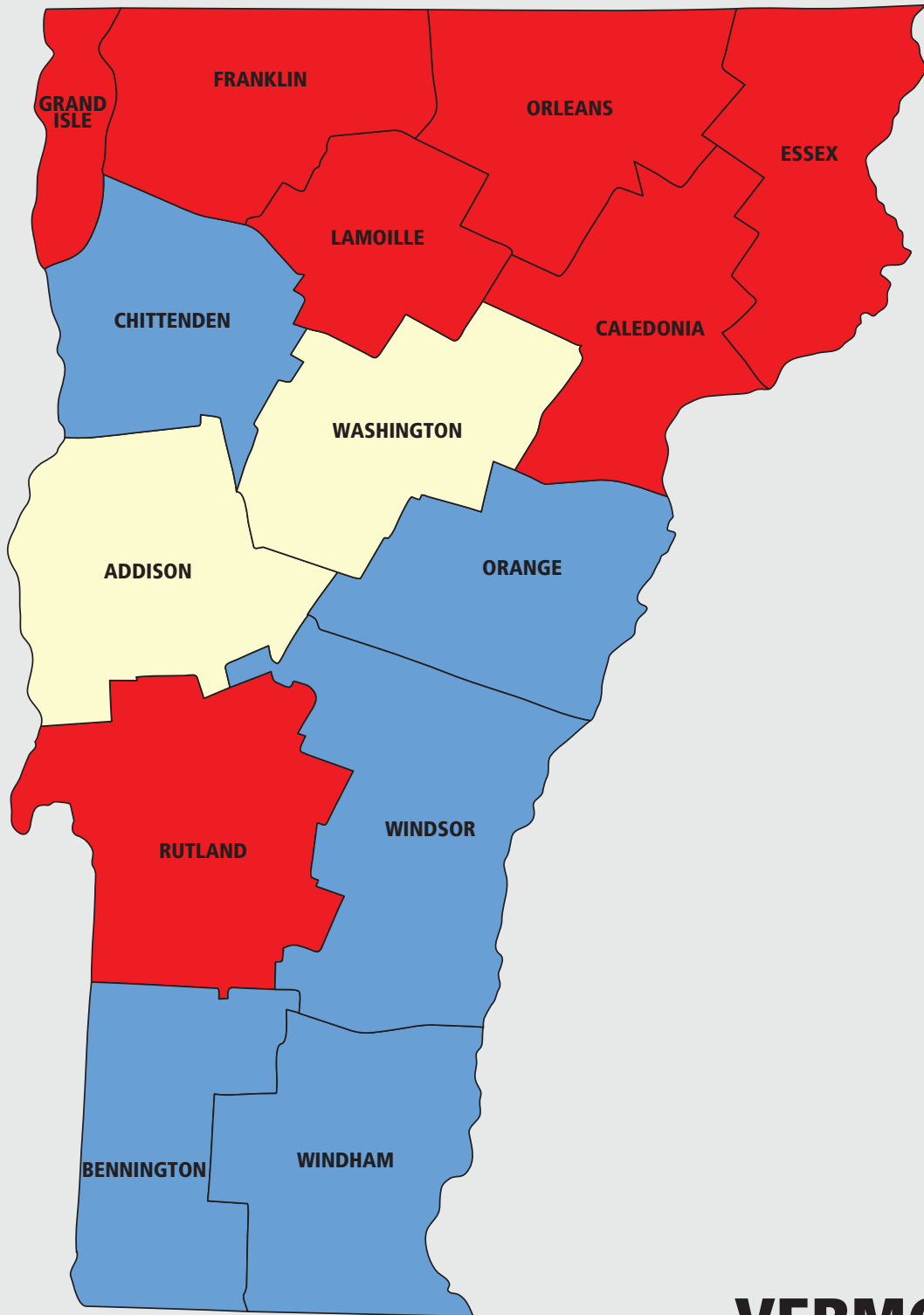






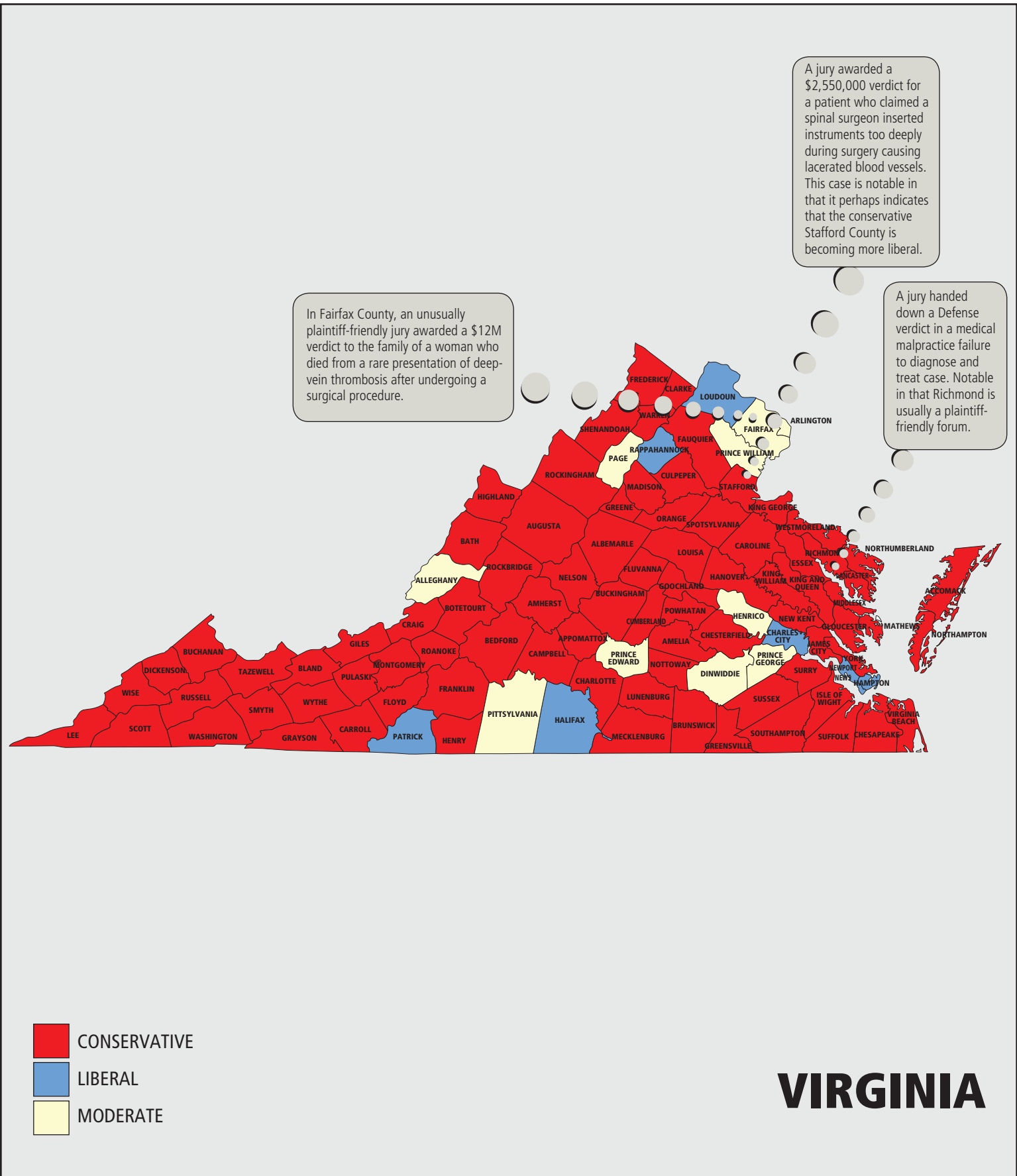
- Conservative
- Liberal
- Moderate

UTAH



**VERMONT**

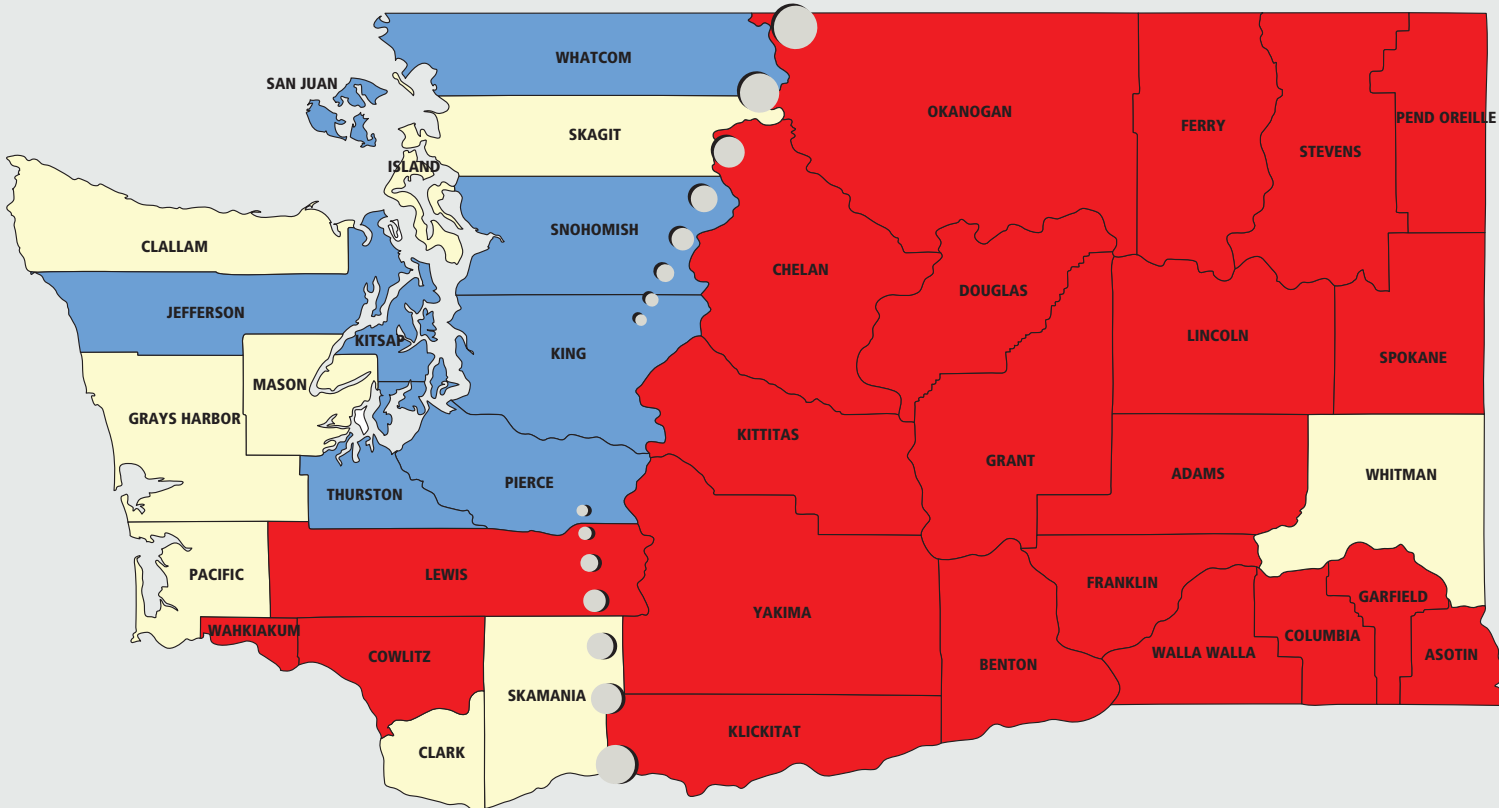




- CONSERVATIVE
- LIBERAL
- MODERATE

# VIRGINIA

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



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

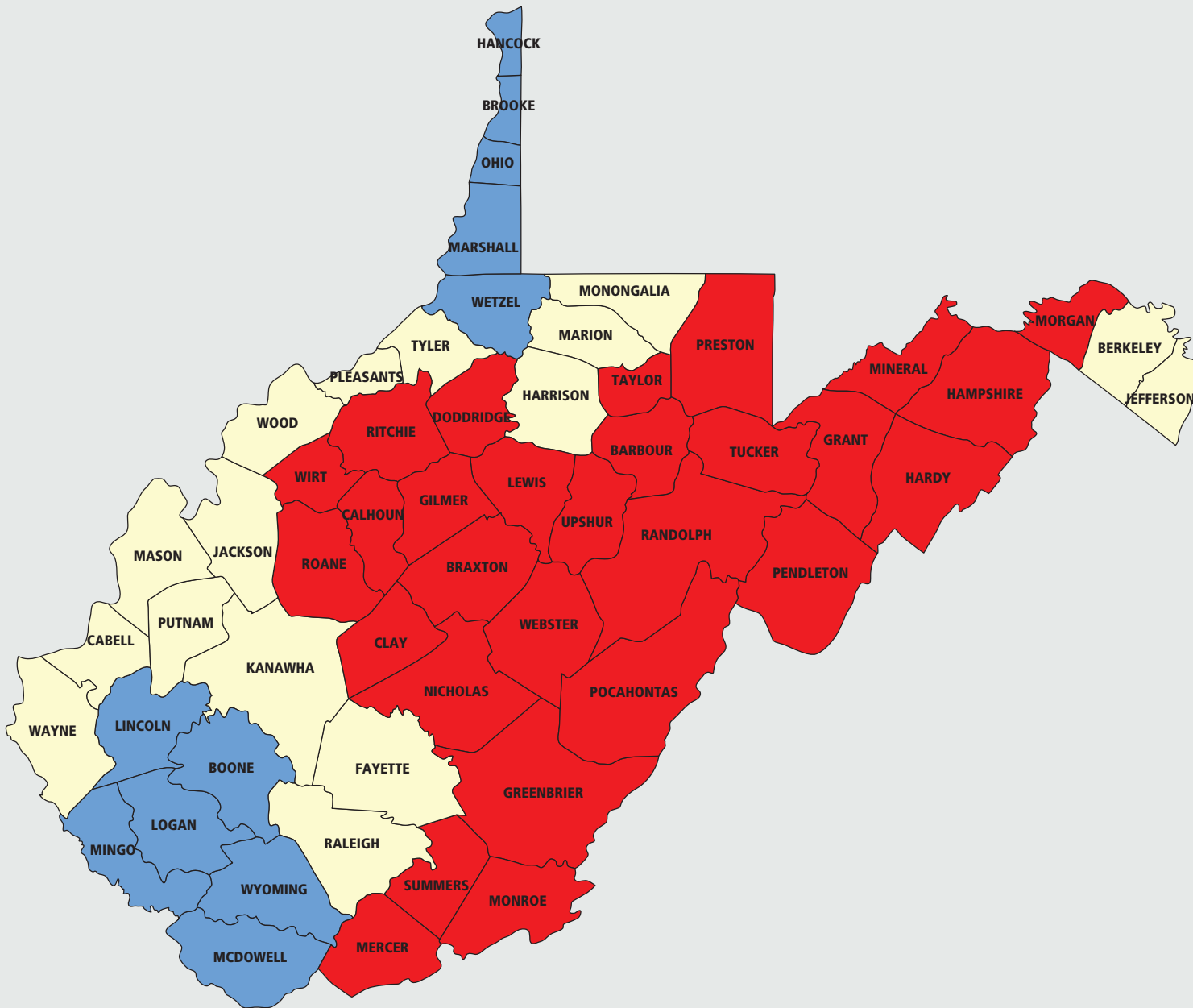
- CONSERVATIVE
- LIBERAL
- MODERATE

# WASHINGTON

In 2015, the West Virginia Legislature passed HB 2010 which requires all Supreme Court of Appeals Justices, circuit court judges, family court judges, and magistrates to be elected on a nonpartisan basis.

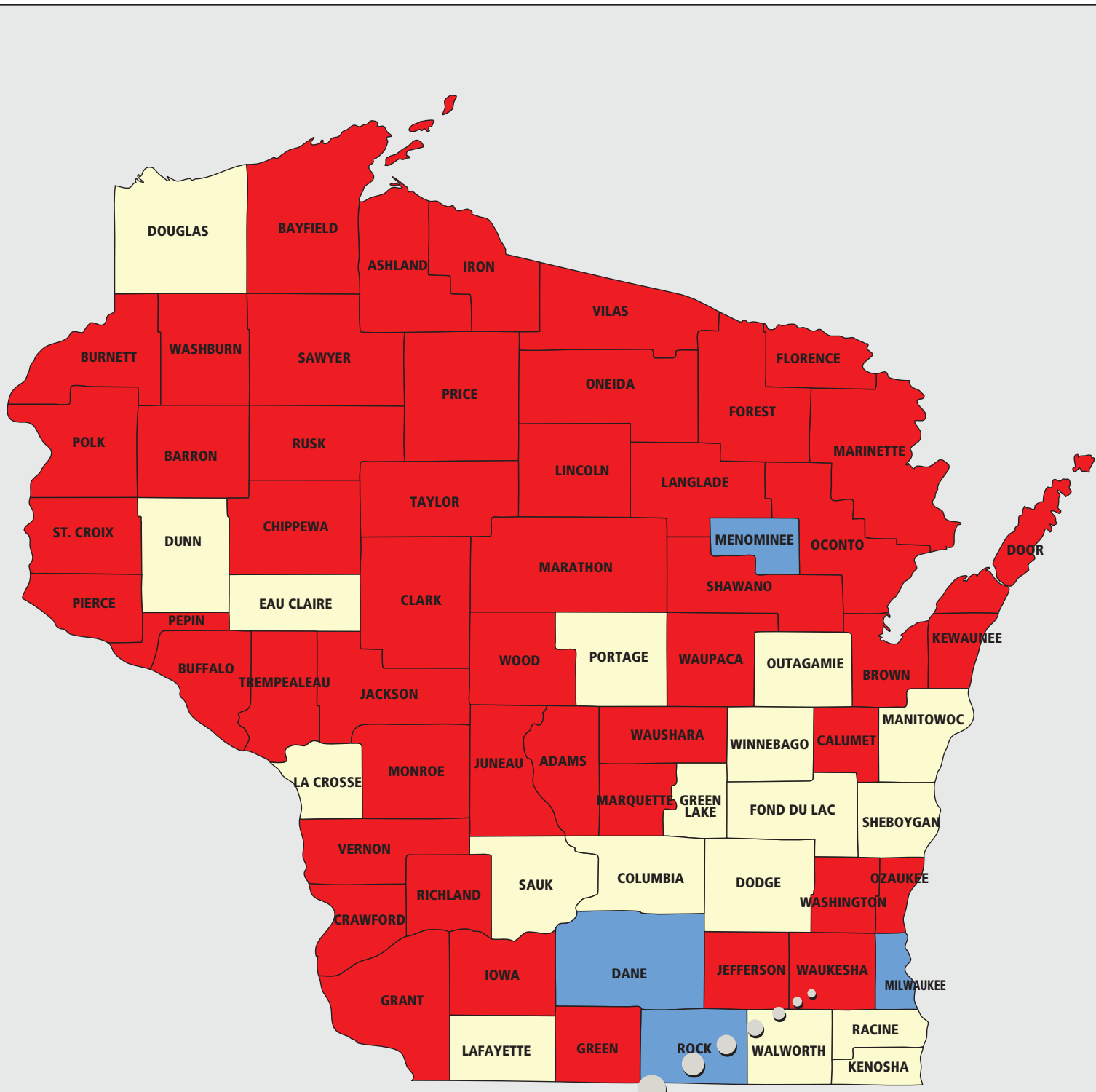
In July of 2017, the Supreme Court of Appeals held that a new statute, which caps punitive damages at the greater of \$500,000 or four times the compensatory damages, applies in cases after its effective date regardless of the date of injury or complaint.

In an effort to improve West Virginia's civil justice system, the West Virginia Legislature passed major tort reform in 2015 and 2016 with regard to a variety of subjects ranging from arbitration, premises liability, wage payment, and medical professional liability.



- CONSERVATIVE
- LIBERAL
- MODERATE

# WEST VIRGINIA

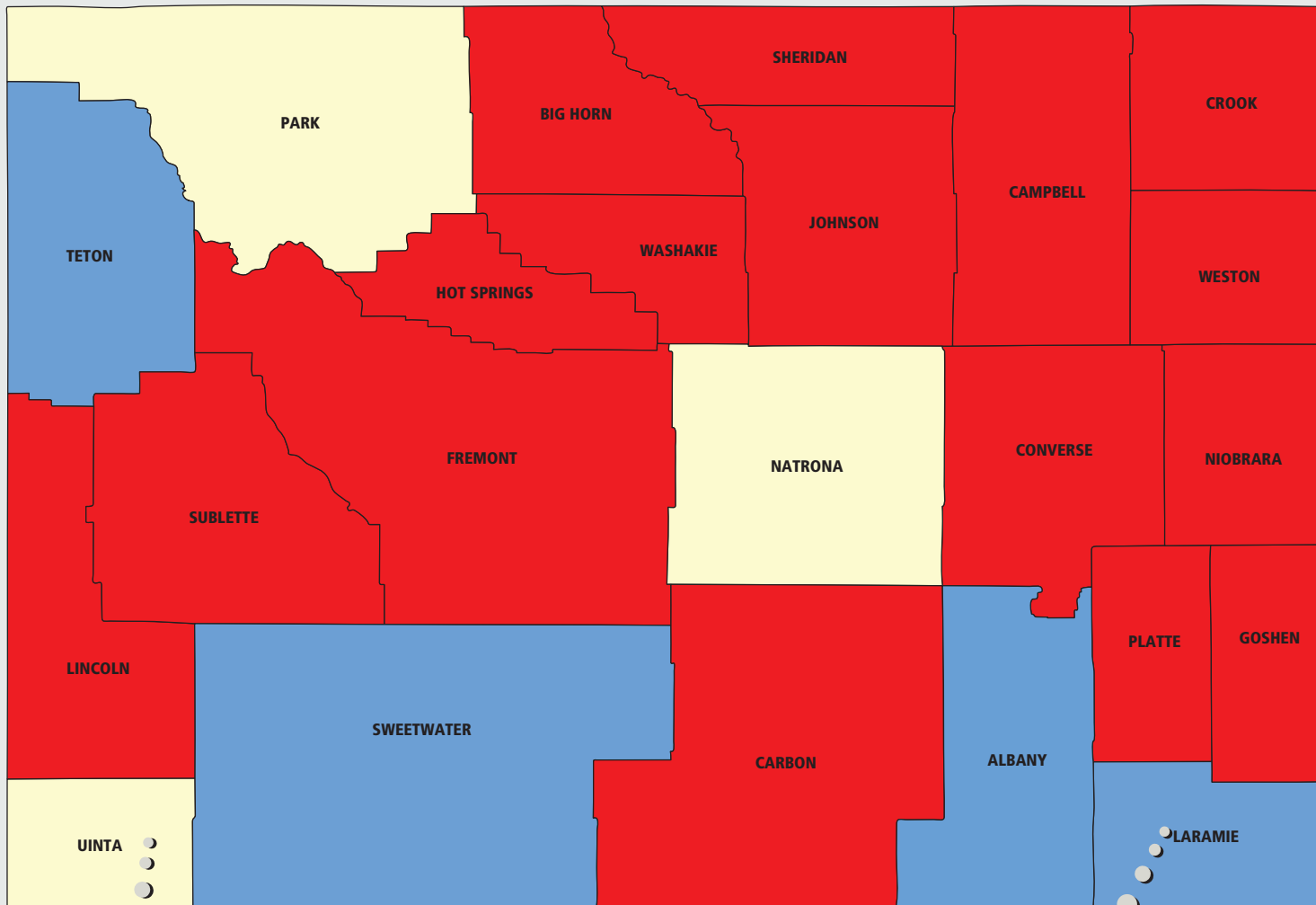


- CONSERVATIVE
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- MODERATE

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

# WISCONSIN

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



In the Wyoming Supreme Court case of *Bogdanski v. Budzik*, 2018 WY 7, 408 P.3d 1156 (Wyo. 2018), the plaintiff was a co-driver of a tractor-trailer that was involved in an accident on I-80. The defendants in the case were a co-driver of another tractor-trailer and the motor carrier. The plaintiff brought vicarious liability and direct negligence claims against the motor carrier. The motor carrier defendant admitted it was vicariously liable for its driver's actions. The Wyoming Supreme Court held that when an employer concedes it is subject to vicarious liability for any negligence of its employee, direct negligence claims such as negligent hiring, supervision, and retention claims become superfluous.

Federal Court trial in carbon monoxide poisoning case resulted in verdict against apartment complex owner for \$3 million in compensatory and \$25 million in punitive damages. The 10th Circuit overturned and confirmed that a ratio of 1:1 between punitive and compensatory damages comports with due process. The combination of a large verdict, the trial court's confirmation of the verdict, and subsequent overturn on appeal confirm this as a liberal region.

- CONSERVATIVE
- LIBERAL
- MODERATE

# WYOMING



# about USLAW NETWORK

## 2001. The Start of Something Better.

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

## Fast-forward to today.

The commitment remains the same as originally envisioned. To provide the highest quality legal representation and seamless cross-jurisdictional service to major corporations, insurance carriers, and to both large and small businesses alike, through a network of professional, innovative law firms dedicated to their client's legal success. Now as a diverse network with more than 6,000 attorneys from more than 60 independent, full practice firms with roots in civil litigation across the U.S., Canada, Latin America and Asia, and with affiliations with TELFA in Europe, USLAW NETWORK remains a responsive, agile legal alternative to the mega-firms.

## Home Field Advantage.

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

## A Legal Network for Purchasers of Legal Services.

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

jurisdictional updates, and resource libraries. We also provide a semi-annual *USLAW Magazine*, USLAW DigiKnow, which features insights into today's trending legal topics, compendiums of law, as well as annual membership directory. To ensure our goals are the same as the clients our member firms serve, our Client Leadership Council and Practice Group Client Advisors are directly involved in the development of our programs and services. This communication pipeline is vital to our success and allows us to better monitor and meet client needs and expectations.

## USLAW Abroad.

Just as legal issues seldom follow state borders, they often extend beyond U.S. boundaries as well. In 2007, USLAW established a relationship with the Trans-European Law Firms Alliance (TELFA), a network of more than 20 independent law firms representing more than 1000 lawyers through Europe to further our service and reach.

## How USLAW NETWORK Membership is Determined.

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

## USLAW in Review.

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

## The USLAW Success Story.

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

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

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





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