



Survey Results Overview

Variability Levels in How Litigation Executives and Defense Counsel Would Use Venue and Plaintiff Attorney Risk Factors

Conducted By Suite 200 Solutions
May 2024

Background

- Suite 200 Solutions has been integrally involved in the development of a data analytics tools to assess venue and plaintiff attorney risk.
- This survey was developed to assess the variability in how litigation executive and defense counsel view specific risk factors and their importance to the management of cases.

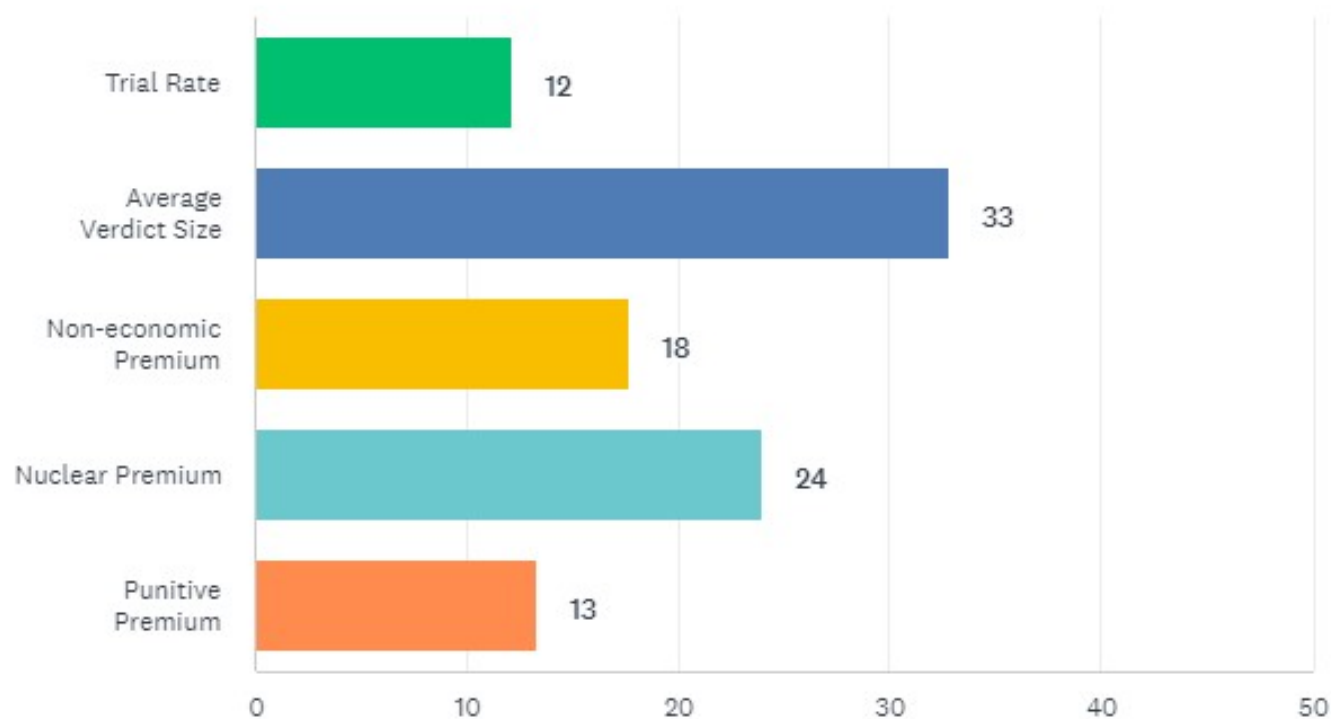
Methodology

- This was an informal survey conducted in May of 2024.
- 37 heads of litigation and insurance defense attorneys participated.
- Results showed very high variability levels with specific factors, suggesting that users of such critical data points require flexibility in their use.

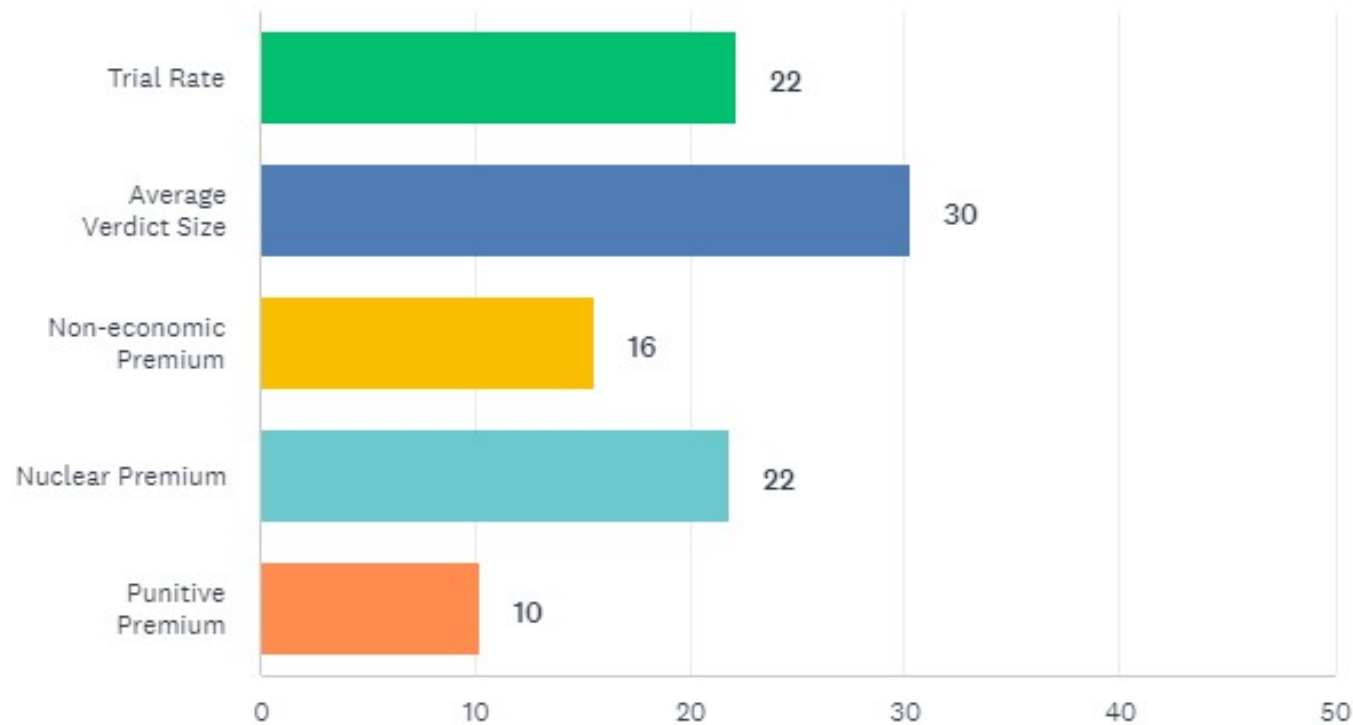
Definitions

- **Trial Rate** --- The percentage of cases resolved by trial (in this venue, or by this attorney)
- **Average Verdict Size** -- the average verdict size from nationally aggregated verdict data (in this venue or for this attorney)
- **Non-economic Premium** -- whether the general damages obtained in verdicts is higher or lower than an figure produced by a state-of-the-art machine-learning model (in this venue or obtained by this attorney). (Assume that you trust the machine learning model).
- **Nuclear Premium** -- the amount and frequency of nuclear verdicts (in this venue or by this attorney)
- **Punitive Premium** -- the amount and frequency of punitive damages obtained in verdicts (in this venue or by this attorney)

VENUE – Big Picture (aggregate scores)

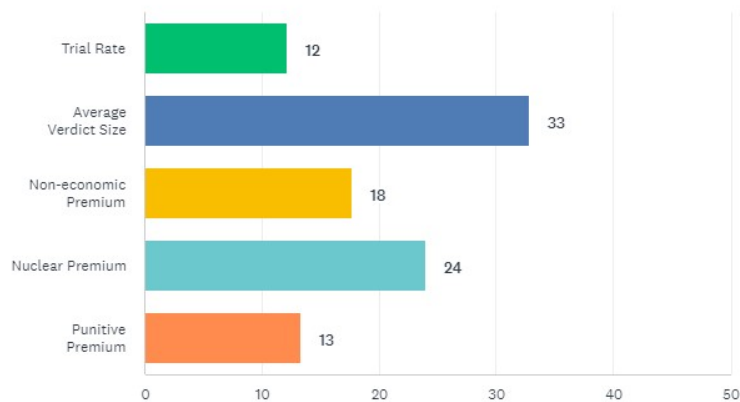


Attorney Risk – Big Picture (aggregate scores)

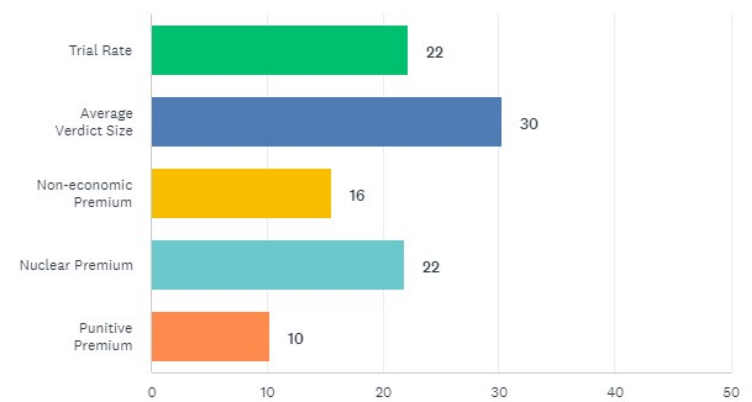


Side By Side (aggregate scores)

Venue



Attorney



Venue – Variability (see standard deviation)

BASIC STATISTICS ?						
	MINIMUM	MAXIMUM	MEDIAN	MEAN	STANDARD DEVIATION	
Punitive Premium	0.00	35.00	10.00	13.33	8.50	
Trial Rate	0.00	40.00	10.00	12.11	9.49	
Nuclear Premium	5.00	50.00	25.00	23.97	9.60	
Non-economic Premium	0.00	50.00	15.00	17.75	11.97	
Average Verdict Size	5.00	80.00	30.00	32.83	15.92	

Attorney Risk – Variability (see standard deviation)

BASIC STATISTICS ?						
	MINIMUM	MAXIMUM	MEDIAN	MEAN	STANDARD DEVIATION	
Punitive Premium	0.00	40.00	10.00	10.22		7.92
Non-economic Premium	0.00	50.00	15.00	15.51		11.47
Nuclear Premium	3.00	50.00	20.00	21.84		11.79
Trial Rate	0.00	50.00	20.00	22.16		12.39
Average Verdict Size	5.00	60.00	30.00	30.27		13.90

Comments

The venue outweighs the plaintiff attorney skills or ability. Even a bad attorney can get a large verdict in a poor venue. The jury pool drives the outcome more than the plaintiff attorney skills. The facts are the facts, and the jury pool is the behavioral component that no one can predict. The jury dynamic of more millennials and GenZ is changing the jury pool in many areas and the value of a dollar has changed with social media. The facts almost don't matter anymore. And the trial attorney skills don't matter either. It truly right vs. wrong and purpose

5/20/2024 07:27 PM

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Saw some interesting data recently relative to jury attitudes towards punitives. Probably influenced me here. Happy to discuss more if you're curious!

5/20/2024 11:52 AM

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Venue - some venues generally award more \$\$\$ (eg. Bronx). Worries are what is average verdict and are we seeing nuclear verdicts. Keep in mind that often verdict results are reported by P counsel so verdict amounts are skewed higher and often we do not see defense "wins" factored into because not reported/collected/factored in. Attorney/firm - first question is will they try a case and are they competent and then you go to the firm's results. Just a couple quick comments; happy to discuss more in depth.

Comments

so many variables, I hate to generalize like this...

5/15/2024 07:36 PM

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If the "state-of-the-art" machine learning model is partially informed by verdicts, it would be interesting to know the spread between settled matters and verdicts in any particular venue or with any particular attorney. In general, I rely very little on verdict "research" because I think it is too difficult to compile a cohort of similar enough cases and because this is a biased/skewed sample.

5/14/2024 02:40 PM

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Timing of the information--I'd want to know this information as early on in a case as possible--particularly when I have been able to settle the case or know what I am up against.

5/14/2024 10:48 AM

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Comments

It's hard to assign the percentages. Each could be more important depending the result. If a particular plaintiff's attorney in a particular venue seems to always get larger non-economic awards but rarely get a nuclear award than that might weigh more for that attorney.

5/14/2024 07:34 AM

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Theoretically, if there was a state-of-the-art machine learning model that I trusted to predict outcomes, providing information on damage numbers above or below that model could be 100% because it would subsume/make largely irrelevant the information gained from the other factors. Outside that, I'm thinking the more individualized information is more valuable for the specific attorney and the more generalized information more valuable for the venue.

5/13/2024 01:00 PM

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It is very important to know a specific attorney's results in a specific venue.

Comments

I have always used a list of 5 factors to value claims, and the top 2 factors are plaintiff counsel and venue followed by judge, defendant and defense counsel.

5/13/2024 09:36 AM

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Stating the obvious, the worst setting is when the good Plaintiff attorney is in the venue that he/she is known to be successful in. Some Plaintiff's atty's skills transfer across venues, some seem to be good in their particular "hometown" and not so much outside of it.

5/13/2024 07:15 AM

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I don't buy in to the hype of venue or plaintiff's counsel. I have had success in liberal venues. Just try the case at your evaluation number and don't let aberration verdicts cause you to inflate your case value. Use jury consultants.

Comments

The venue of the case is an important consideration when assessing potential settlement and verdict values for the carrier. The particular plaintiff's counsel, based upon their reputation and track record, also has a significant impact on assessing a case's potential settlement and verdict value.

5/11/2024 04:34 PM

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The facts of the loss remain the most critical when we size up the case. The strength of these facts is diluted when we go to trial in a dangerous venue. Recent experience in bad venue serving as an example, we had competing facts on liability which would have prevailed in a more traditional venue (or so we think). Jury gave just enough percentage to give the plaintiff an award and then went to town on the damages. Experienced defense atty kept it from being worse. Experienced plaintiff atty made a difference in favor of plaintiff. Our biggest concern was runaway verdict, muted with a last minute hi lo while the jury was out. A win in the end.

5/11/2024 01:20 PM

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I am generally familiar with the quality of trial counsel and the venues in states in which I practice. I have often told clients that the same case may have nominal value if tried in one venue or by one particular attorney, and much greater value if tried elsewhere or by another attorney. In that regard, however, I do think VENUE predictability is more important and more likely to have impact on damages and trial results than any individual plaintiff attorney.

Comments

I think the specific attorney makes the most difference and that attorney's track record of verdict values. Attorneys that have a track record of high and nuclear verdicts should drive up the value. Less so, the venue but venue and it's history of large verdicts is a significant factor in case evaluation.

5/10/2024 02:46 PM

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When it comes to the venues, that is when I am looking at the overall data and recent published verdicts. What the average case of X type settling for in X venue? What do juries here usually respond to and why? When it comes to specific attorneys, that is when I am more concerned about combatting their particular tactics. Does this attorney go to trial often? Do I need to fight this case particularly hard to send a message to this attorney that we will not fold based on our previous experiences, etc.

5/10/2024 02:43 PM

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I tell people that plaintiffs lawyers are like quarterbacks, if the other side has Tom Brady, they are going to find a way to score.m/win. And so, I rather face a bad pl lawyer in a very favorable plaintiffs venue then a great plaintiff lawyer in a very favorable defense venue.

Comments

I would like to see these same questions posed to Jury Focus Study Vendors....they should be able to offer a lot of data driven insight as to what they are seeing.

5/10/2024 02:27 PM

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Venue and Trial Attorney has become a one two punch. The attorneys in certain jurisdictions in Texas, California, Florida, New Mexico and others who have obtained the largest verdicts seem to get the home field advantage even more so. The # and magnitude of nuclear verdicts in a venue or by a particular plaintiff counsel are very important areas of focus.