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Of Frivolous Litigation and Runaway Juries: A View from the Bench

Thomas A. Eaton
University of Georgia School of Law, teaton@uga.edu

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* J. Alton Hosch Professor, University of Georgia, School of Law.

I. INTRODUCTION

The political case for tort reform is based in large measure on the perception that there are too many frivolous law suits and too many excessive jury awards. While there is considerable empirical evidence casting doubt on both these propositions, they remain the linchpins of the tort reform movement. Scholars, lobbyists, and legislators all have had a voice in the tort reform debates. The viewpoints of trial judges, however, have been largely absent. This is unfortunate because trial judges are the government officials with the closest view of the tort litigation system. They are the ones who see tort litigation on a day-in, day-out basis and are therefore uniquely qualified to comment on the extent of problems in the system. This study[1] begins to fill this void by reporting on the views of Georgia Superior Court and State Court judges on tort litigation in their courts.

II. METHODOLOGY

Between September 26 and October 24, 2005, a telephone survey of Georgia Superior and State Court judges was conducted by the Survey Research Center (SRC) of the University of Georgia. The survey consisted of seven questions[2] pertaining to the responding judge's observations of what transpired in his or her court. Prior to conducting the study, the telephone interviewers attended two three-hour training sessions that covered survey methods, standard procedures of telephone interviewing, the purpose of the survey, an explanation of the survey instrument, and a practice session. At least one supervisor was present at all times during the interviewing to provide quality control. Also, a letter was mailed to each judge prior to the telephone contact explaining the study and

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[1] This survey was supported by a grant from the Georgia Civil Justice Foundation. This is not the first endeavor to report the views of Georgia judges. My colleague, Perry Sentell published a series of articles capturing the 'view from the bench' in the early 1990s. R. Perry Sentell, Jr., *The Georgia Jury and Negligence: The View from the (Federal) Bench*, 27 GA. L. REV. 59 (1992); R. Perry Sentell, Jr., *The Georgia Jury and Negligence: The View from the Trenches*, 28 GA. L. REV. 1 (1993). Professor Sentell's studies were inspired by a similar project undertaken by Harry Kalven, Jr., a University of Chicago professor. Harry Kalven, Jr., *The Dignity of the Civil Jury*, 50 VA. L. REV. 1055 (1964).

[2] The questions as asked are reproduced *infra* in APPENDIX I.

its purpose. Judges were provided with a toll-free number at the Center to call with questions or to request specific times for the interview. In addition, the SRC faxed or emailed the survey to judges upon request.

The original listing of judges consisted of 300 Georgia Superior and State Court judges. Six of these were duplicates. An additional twenty-two judges were deemed ineligible[3] for participation in the survey. A total of 145 interviews were successfully completed.[4] One hundred twenty-seven attempted contacts were unsuccessful for a variety of reasons, including the following: no response, unresolved call backs, and unreturned messages on answering machines. Only thirteen judges affirmatively declined to participate in the survey. The overall response rate for the study was 53.3%.

Following the initial data collection period, responding judges were recontacted between November 28, 2005 and January 13, 2006 to provide more specific information regarding three questions on the survey. A total of 110 responding judges (75.9%) were successfully recontacted to answer the follow-up questions.[5]

The data compiled in the tables[6] below are composite answers provided by State and Superior Court judges. The SRC determined that there were no statistically significant differences between the responses of the two sets of judges.[7] The SRC also collected comments volunteered by judges regarding specific questions and the survey as a whole. Those comments will be summarized in the Results section.

As a survey of judges' perceptions of what they observed in their courtrooms, this study is limited in several respects. Conclusions

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[3] Inaccurate contact information accounted for seven of those deemed "ineligible." The other fifteen stated that due to the recency of their appointments or the division of cases within their courts, they had not presided over a tort trial during the past two years.

[4] An interview was considered "complete" if a judge provided some information (e.g., a comment) even if he or she did not answer every question. In fact, some judges answered some, but not all, questions. This explains why the total number of answers for specific questions ranges from 136 to 141.

[5] The three questions asked in the follow-up survey are reproduced *infra* in APPENDIX II.

[6] The results from the initial contact are reported in tables labeled simply as "Table" or, if there was a follow-up contact, as "Initial Survey." The results from the second contact are reported in the tables labeled "Follow-Up."

[7] There was no statistically significant difference between State and Superior Court judges in this survey. For each data point, the significance values were greater than 0.05 and were therefore not statistically significant. *See infra* APPENDIX III.

regarding whether a lawsuit is "frivolous" or whether a verdict is "supported by the evidence" are inherently subjective. This study, therefore, provides empirical evidence of the judges' perceptions, but does not actually determine whether lawsuits are "frivolous" or awards "excessive." Frivolousness and excessiveness are not absolute truths. Determining whether a lawsuit is "frivolous" or an award is "excessive" requires the exercise of judgment. In our legal system, the trial judge is vested with the responsibility of exercising this judgment. As neutral arbiters with first-hand experience overseeing tort litigation, their opinions are valuable indicators of the actual operation of tort litigation in Georgia.

This study also is limited by the sample of judges surveyed. While a 53% response rate is typical for survey research,[8] there is always the potential for sample bias. More specifically, there is no way of knowing whether the responding judges tend to favor or oppose tort reform more than the judges who did not respond. Nonetheless, the survey does reflect the perceptions of more than half the trial judges in the state, findings of which alone provide meaningful information for policymakers.

III. RESULTS

A. ALMOST ALL THE JUDGES SURVEYED OBSERVED THAT JURY AWARDS ARE NOT DISPROPORTIONATELY HIGH COMPARED TO THE EVIDENCE PRESENTED

The first question posed to the judges was:

> Based on your experiences *in your courtroom* within the last twenty-four months, in what percentage of tort cases did you believe that jury awards were disproportionately high compared to the evidence of damages being presented?[9]

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[8] *See* Richard Curtin et al., *Changes in Telephone Survey Nonresponse over the Past Quarter Century*, 69 PUB. OPINION Q. 87, 90 (2005) (describing drop in overall response rate for University of Michigan's Survey of Consumer Attitudes over last quarter century, with low of 48% in 2003).

[9] *See infra* APPENDIX I.

The responses are compiled in Table 1.

Table 1

Initial Survey

	n	%
0–10%	136	96.5%
11–20%	4	2.8
21–30%	0	0.0
31–40%	0	0.0
41% and higher	1	0.7
TOTAL	141	100.0

As reflected in Table 1, 96.5% of the judges selected the smallest percentage range, 0–10%. That is, over 96% of the judges surveyed believed that damage awards were not disproportionately high compared to the evidence of damages being presented in 90–100% of the trials. The follow-up survey offered judges a smaller range of percentages from which to choose. These results are summarized in Table 2.

Table 2

Follow-Up

	n	%
0–5%	106	97.2%
6–10%	0	0.0
11–15%	2	1.8
16–20%	0	0.0
21%+	1	0.8
TOTAL	109	99.9

Approximately 97% of the respondents indicated that jury verdicts were disproportionately high only in 0–5% of the cases. Combined, Tables 1 and 2 strongly indicate that judges believe that excessive jury awards are quite rare. This finding is reinforced by the comments provided by individual judges. Among the comments received were the following:

> If anything, [damages awarded by juries are] lower than compared to the evidence.
>
> It has never occurred in my two and one-half years on the bench.
>
> [T]he proper answer . . . is 'zero' rather than the ranges provided. There is no litigation explosion in this circuit, and there certainly are no 'runaway juries.'

There was not a single comment indicating that damages awarded by juries exceed amounts proven by the evidence.

B. GEORGIA TRIAL JUDGES HAVE FEW OCCASIONS TO ORDER A REMITTITUR

Georgia, like most states, gives trial judges the authority to police excessive jury verdicts through the power of remittitur.[10] In the remittitur process, the trial court can order a new trial unless the plaintiff agrees to accept a lower damage award stipulated by the court.[11] The conventional wisdom is that plaintiffs almost always accept the lower award stipulated by the court rather than undergo a new trial.[12] Remittitur provides a less drastic means of controlling excessive jury verdicts than damage caps. The frequency with which remittitur is ordered provides another measure of how often

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[10] O.C.G.A. § 51-12-12 (2006).

[11] *Id.*

[12] Ronen Avraham, *Putting a Price on Pain-and-Suffering Damages: A Critique of the Current Approaches and a Preliminary Proposal for Change*, 100 NW. U. L. REV. 87, 91 n.18 (2006). For a comprehensive treatment of remittitur and tort reform, see generally David Fink, Comment, Best v. Taylor Machine Works, *the Remittitur Doctrine, and the Implications for Tort Reform*, 94 NW. U. L. REV. 227 (1999).

judges believe juries award damages that are excessive. Accordingly, the judges were asked:

> How many remittiturs in tort cases have been granted in your courtroom within the last twenty-four months because the jury verdict was excessive?[13]

The responses to this question are summarized in Table 3.

Table 3

	n	%
0–5%	140	100.0%
6–10%	0	0.0
11–15%	0	0.0
16–20%	0	0.0
21% and higher	0	0.0
TOTAL	140	100.0

Every judge selected the lowest percentage range, 0–5%. There is reason to believe the actual number of remittiturs granted is closer to 0 than to 5%. Each of the five judges who commented on this question stated that they have not ordered a remittitur in the past two years. Of course, the infrequent use of remittitur is consistent with the responses to Question 1, that damages rarely exceed an amount justified by the evidence presented at trial.

C. ALMOST ALL THE JUDGES SURVEYED OBSERVED THAT NONECONOMIC DAMAGES ARE NOT DISPROPORTIONATELY HIGH COMPARED TO THE EVIDENCE PRESENTED

The survey inquired more specifically about noneconomic damages (sometimes referred to as general damages) as these are

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[13] *See infra* APPENDIX I.

a matter of special concern. Although a plaintiff can offer objective evidence to support an award for lost earnings and medical expenses, there is no easy way to place a dollar value on pain and suffering or emotional distress.[14] For this reason, some maintain that special care must be taken to make sure juries do not award excessive amounts of damages for noneconomic loss, such as Georgia's recently enacted cap on noneconomic damages in medical malpractice litigation.[15] Critics of such legislation have offered empirical evidence that caps make it more difficult for children, women, and the elderly to secure legal representation.[16] To get a clearer picture of the extent to which judges observed excessive awards of noneconomic damages, the judges were asked:

> In what percentage of trials of tort cases in which the plaintiff prevailed did you find the jury's award of damages for noneconomic loss to be disproportionately high compared to the evidence of damages being presented?[17]

The responses are summarized in Table 4.

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[14] *See generally* Richard Abel, *General Damages Are Incoherent, Incalculable, Incommensurable, and Inegalitarian (but Otherwise a Great Idea)*, 55 DEPAUL L. REV. 253 (2006) (providing case examples that illustrate difficulties in measuring noneconomic damages); Avraham, *supra* note 12 (analyzing various proposals for pricing pain and suffering and proposing use of age-adjusted multipliers of plaintiffs' medical costs). Professor Abel's article is one of fifteen thoughtful pieces on noneconomic damages that appear in a Symposium in the DePaul Law Review. Symposium, *Who Feels Their Pain? The Challenge of Noneconomic Damages in Civil Litigation*, 55 DEPAUL L. REV. 249 (2006).

[15] O.C.G.A. § 51-13-1 (2006).

[16] *See, e.g.*, Stephen Daniels & Joanne Martin, *The Texas Two-Step: Evidence on the Link Between Damage Caps and Access to the Civil Justice System*, 55 DEPAUL L. REV. 635, 643–47 (2006) (using empirical evidence to show impact of damage caps on disadvantaged groups); Lucinda M. Finley, *The Hidden Victims of Tort Reform: Women, Children, and the Elderly*, 53 EMORY L.J. 1263, 1279–80 (2004) (same).

[17] *See infra* APPENDIX I.

Table 4

Initial Survey

	n	%
0–20%	140	98.6
21–40%	0	0
41–60%	2	1.4
61–80%	0	0
81% and higher	0	0
TOTAL	142	100

Over 98% of the judges selected the smallest percentage range, 0–20%. To refine this response, the follow-up call asked the same question, but offered respondents smaller ranges for their responses. The responses to the follow-up question are reflected in Table 5.

Table 5

Follow-Up

	n	%
0–5%	108	98.2
6–10%	0	0
11–15%	1	0.9
16–20%	0	0
21% and higher	1	0.9
TOTAL	110	100

Again, over 98% of the respondents to the follow-up question selected the smallest percentage range, 0–5%. Together, Tables 4 and 5 strongly suggest that judges rarely observe juries making excessive awards for noneconomic damages. This suggestion is

reinforced by the comments provided by several judges. Five judges stated that they observed no instances of excessive awards for noneconomic loss in the past two years. More specific comments included:

> Plaintiffs are lucky if they get their special [economic] damages.
>
> I have never presided in a case where the plaintiff recovered more than actual medical expenses—no lost earning, pain and suffering or anything else. In some cases, had I been the trier of fact, I would have awarded special and general damages, yet the jury awarded nothing.

D. PUNITIVE DAMAGES ARE RARELY AWARDED

The frequency and size of punitive damage awards are also significant issues in the tort reform debates. Critics of punitive damages maintain that punitive damage awards are highly unpredictable, with large variations in size, and that juries are not capable of performing rational risk assessments.[18] Other scholars find these criticisms to be vastly exaggerated. They assert that punitive damage awards are rare, that they are made in appropriate cases, and that the size of such awards relates strongly to compensatory damages.[19] In order to determine the extent to which Georgia judges perceive the frequency and size of punitive damage awards to be a problem, the survey asked two questions. First, the survey asked:

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[18] For an overview of these criticisms, see generally CASS R. SUNSTEIN ET AL., PUNITIVE DAMAGES: HOW JURIES DECIDE (U. Chi. Press 2002).

[19] *See, e.g.*, Theodore Eisenberg et al., *The Predictability of Punitive Damages*, 26 J. LEGAL STUD. 623, 638–39 (1997) (providing formula to calculate mean punitive awards based on compensatory awards); Theodore Eisenberg et al., *Juries, Judges, and Punitive Damages: An Empirical Study*, 87 CORNELL L. REV. 743, 1773 (2002) (indicating compensatory awards are most powerful indicators of punitive awards).

> How many punitive damages awards in tort cases have been granted by juries in your courtrooms within the last twenty-four months?[20]

The responses are summarized in Table 6.

Table 6

	n	%
0–5%	138	99.3
6–10%	0	0
11–15%	0	0
16–20%	1	0.7
21% and higher	0	0
TOTAL	139	100

More than 99% of the judges selected the smallest percentage range, 0–5%. Eight judges commented that they had no punitive damages awarded by juries in their courtrooms during the past twenty-four months. One judge said there had been one punitive damage award. No comment indicated that punitive damages are awarded with any frequency. These responses and comments are consistent with previous studies concluding that punitive damage awards are exceedingly rare in Georgia.[21]

The survey also asked judges:

> In what percentage of time did you find the punitive damage award in a tort case was consistent with the evidence presented at trial?[22]

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[20] *See infra* APPENDIX I.

[21] *See, e.g.*, Thomas A. Eaton et al., *Another Brick in the Wall: An Empirical Look at Georgia Tort Litigation in the 1990s*, 34 GA. L. REV. 1049, 1094 (2000) (finding fifteen punitive damage awards in 829 bench and jury trials in six counties during four year period).

[22] *See infra* APPENDIX I.

The responses are reported in Table 7.

Table 7

	n	%
0–20%	26	29.2
21–40%	0	0
41–60%	2	2.2
61–80%	2	2.2
81%–100%	59	66.3
TOTAL	89	100

This question produced the most varied answers. Two-thirds of the responding judges stated that as many as 81% or more of the awards of punitive damages in their courtrooms were supported by the evidence. However, 29.2% reported that such awards were consistent with the evidence in only 0–20% of the cases. The comments provided by the judges suggest that the question may have been poorly phrased or logically difficult to answer. The question of whether a punitive damage award is consistent with the evidence assumes there has been an award of punitive damages. The root problem is how to respond if there have been no punitive damage awards. One cannot calculate or even estimate a percentage of zero. Nineteen judges commented there were no punitive damage awards in their courts during the past twenty-four months. For these nineteen judges, and perhaps others who did not volunteer an explicit comment, it was simply impossible to logically answer the question as phrased. The comments of other judges suggest that they do not encounter problems with punitive damage awards:

> Very low on average.
>
> Always consistent.
>
> Very low award.

Indeed, of the twenty unsolicited comments generated by this question, not one was critical of jury performance with regard to punitive damage awards. The absence of judicial criticism is not surprising given the rarity with which such awards are made.

E. WHILE MORE THAN 70% OF JUDGES CHARACTERIZE A SMALL PERCENTAGE OF TORT CASES AS "FRIVOLOUS," APPROXIMATELY 10% OF THE JUDGES CHARACTERIZE MORE THAN 20% OF TORT CASES AS "FRIVOLOUS"

Frivolous litigation is a recurring theme in the popular debates on tort reform. The judges were asked:

> In the last twenty-four months, what percentage of tort suits would you categorize as 'frivolous'?[23]

The responses are reported in Table 8.

Table 8

Initial Survey

	n	%
0–10%	107	78.7
11–20%	17	12.5
21–30%	6	4.4
31–40%	2	1.4
41% and higher	4	2.9
TOTAL	136	99.9

While 78.7% of the judges selected the smallest range, 0 to 10%, 21.2% selected ranges above 10%, with some judges characterizing more than 40% of tort cases as frivolous. In order to provide more

[23] *See infra* APPENDIX I.

refined numbers, judges were later asked the same question but given smaller ranges in the answers. The responses to the follow up question are contained summarized in Table 9.

Table 9

Follow-Up

	n	%
0–5%	77	72.6
6–10%	9	8.5
11–15%	8	7.5
16–20%	2	1.9
21% and higher	10	9.4
TOTAL	106	99.4

The responses to the follow-up question reveal that 81.1% of the judges label no more than 10% of tort cases as frivolous, with the vast majority of judges, 72.6%, selecting the smallest range available, 0–5%, and an additional 8.5% reporting 6–10% of the tort cases as frivolous. The remaining 18.8% of responding judges characterize more than 10% of tort cases as frivolous, however, with half of those, 9.4%, stating that more than 20% of tort cases are frivolous. None of the eleven judges who volunteered comments indicated that frivolous litigation was common. Comments included:

> I haven't seen one that I consider 'frivolous,' though I'm certain some are.
>
> I wouldn't say that they were frivolous at the time they were filed, but I would say they probably should've been settled.
>
> [Frivolous cases] don't make it to trial.

> In the last twenty-five years of my practice, I had only one case in trial that I could categorize as frivolous.

F. FORMAL PENALTIES FOR FRIVOLOUS OR ABUSIVE LITIGATION ARE RARELY IMPOSED

Sanctions are usually available for frivolous or abusive litigation. In Georgia, costs and attorneys fees can be awarded when a party asserts a frivolous claim or defense,[24] and damages can be awarded for abusive litigation.[25] In order to ascertain the frequency with which these sanctions are imposed, the survey asked the following question:

> In the last twenty-four months, approximately how many times have you granted motions made under O.C.G.A. section 9-15-14 (attorney's fees and costs) and/or O.C.G.A. section 51-7-83 (damages for abusive litigation) in tort cases?[26]

The responses are reported in Table 10.

Table 10

	n	%
0–10%	135	98.5
11–20%	2	1.5
21–30%	0	0
31–40%	0	0
41% and higher	0	0
TOTAL	137	100

[24] O.C.G.A. § 9-15-14 (2006).
[25] O.C.G.A. § 51-7-83 (2006).
[26] *See infra* APPENDIX I.

Almost every judge selected the response with the smallest percentage range, 0–10%. Of the five unsolicited comments, four indicated they had never imposed a sanction under either statute in a tort case, while one stated that he or she had done so in 10% of the cases. One curious observation emerges when one compares Table 10 with Tables 8 and 9. It would appear that the percentage of tort cases in which formal sanctions for abusive or frivolous litigation are imposed is much smaller than the percentage of cases that some judges would characterize as frivolous.

IV. CONCLUSION

The responses to the initial survey and the follow-up survey, and the comments volunteered by the judges, provide valuable insights into the tort litigation system. Four points stand out. First, it is clear that Georgia trial judges observe few signs of runaway juries. Judges report that damage awards in general and awards for noneconomic loss in particular are supported by the evidence. Indeed, several judges commented that damage awards are frequently lower than the evidence would support. Second, consistent with other state and national studies, punitive damage awards are few and far between. Third, while more than 70% of the judges surveyed report that they do not see many frivolous tort cases, a sizeable percentage of judges, 10%, report that more than 20% of tort cases are frivolous. Fourth, formal sanctions for frivolous or abusive litigation are rarely imposed.

The unsolicited comments of the responding judges also are quite striking. There were seventy-eight comments made regarding specific questions or regarding the survey as a whole. Not one of these comments suggested there is a problem with tort litigation in Georgia. Indeed, some comments were outright critical of the tort reform process. Such comments included:

> The public has been duped by those groups who got tort reform passed.
>
> The misconception that tort litigation is 'out of control' is hogwash.

Perhaps it is best to conclude with the comments of one judge who said:

> Thank you for conducting this survey. Based on what I have seen in the news reports, I have wondered if our legislators had any awareness of actual jury verdicts in this state. I have thought, 'Why don't they ask the trial judges?' Our experience in _____ County is that not only do juries not make large awards to plaintiffs, they generally award very little in relation to the special damages. It seems that some in the General Assembly believe we have shyster lawyers routinely taking frivolous cases and smooth talking unsuspecting juries into making excessive awards. I have not seen or heard of that happening in this state. Don't they know that the legal system already has tools in place to deal with the rare verdict that is truly out of line? The civil justice system is not perfect but I believe that, day in and day out, it actually works pretty well.

APPENDIX I

INITIAL SURVEY

1) Based on experiences *in your courtroom* within the last twenty-four months, in what percentage of tort cases did you believe that jury awards were disproportionately high compared to the evidence of damages being presented? (Please circle one.)

   A. 0–10%
   B. 20%
   C. 21–30%
   D. 31–40%
   E. 41% and higher

2) How many remittiturs in tort cases have been granted in your courtroom within the last twenty-four months because the jury verdict was excessive? (Please circle one.)

   A. 0–5%
   B. 6–10%
   C. 11–15%
   D. 16–20%
   E. 21% and higher

3) In what percentage of trials of tort cases in which the plaintiff prevailed did you find the jury's award of damages for noneconomic loss to be disproportionately high compared to the evidence of damages being presented? (Please circle one.)

   A. 0–20%
   B. 21–40%
   C. 41–60%
   D. 61–80%
   E. 81% and higher

4) How many punitive damages awards in tort cases have been granted by juries in your courtroom(s) within the last twenty-four months? (Please circle one.)

A. 0–5%
B. 6–10%
C. 11–15%
D. 16–20%
E. 21% and higher

5) In what percentage of time did you find the punitive damage award in a tort case was consistent with the evidence presented at trial? (Please circle one.)

A. 0–20%
B. 21–40%
C. 41–60%
D. 61–80%
E. 81–100%

6) In the last twenty-four months, what percentage of tort suits would you categorize as "frivolous?" (Please circle one.)

A. 0–10%
B. 11–20%
C. 21–30%
D. 31–40%
E. 41% and higher

7) In the last twenty-four months, approximately how many times have you granted motions made under O.C.G.A. section 9-15-14 (attorney's fees and costs) and/or O.C.G.A. section 51-7-81 (damages for abusive litigation) in tort cases? (Please circle one.)

A. 0–10%
B. 11–20%
C. 21–30%
D. 31–40%
E. 41% and higher

APPENDIX II

FOLLOW-UP SURVEY

1) Based on experiences *in your courtroom* within the last twenty-four months, in what percentage of tort cases did you believe that jury awards were disproportionately high compared to the evidence of damages being presented? (Please circle one.)

   A. 0–5%
   B. 6–10%
   C. 11–15%
   D. 16–20%
   E. 21% and higher

2) In what percentage of trials of tort cases in which the plaintiff prevailed did you find the jury's award of damages for noneconomic loss to be disproportionately high compared to the evidence of damages being presented? (Please circle one.)

   A. 0–5%
   B. 6–10%
   C. 11–15%
   D. 16–20%
   E. 21% and higher

3) In the last twenty-four months, what percentage of tort suits would you categorize as "frivolous?" (Please circle one.)

   A. 0–5%
   B. 6–10%
   C. 11–15%
   D. 16–20%
   E. 21% and higher

APPENDIX III

VARIATION IN RESPONSES OF STATE AND SUPERIOR COURT JUDGES

	PEARSON CHI-SQUARE VALUE	ASYMP SIG (P)
JURY AWARDS DISPROPORTIONATELY HIGH	0.829	0.661
NUMBER OF REMITTITURS	No statistics computed because number of remittiturs was constant	
DAMAGES FOR NONECONOMIC LOSS DISPROPORTIONATELY HIGH	0.066	0.797
NUMBER OF PUNITIVE DAMAGE AWARDS	1.475	0.225
PUNITIVE DAMAGE CONSISTENT WITH EVIDENCE	2.921	0.404
FRIVOLOUS TORT SUITS	1.984	0.739
MOTIONS UNDER O.C.G.A. SECTION 51-7-81	0.065	0.798

*$p < 0.05$ would show statistical significance