

# Using Jury Verdicts to Evaluate Damages

One useful tool for evaluating a case and assessing damages is the collection of jury verdict reports on Westlaw. These reports summarize various types of cases and the damages that juries have awarded in them. You can define your search by jurisdiction, judge, and cause of action, review the damages that have been awarded, and estimate the value of your client's claim.

Westlaw has a large library of jury verdict and settlement summaries. These summaries are arranged in a variety of databases, organized by jurisdiction, topic, and publisher. They are easily accessed on the tabbed Litigation page in westlaw.com. This quick reference guide introduces you to these jury verdict resources on Westlaw. While most of the examples are based on personal injury claims, jury verdict summaries are available for many types of injuries, losses, and causes of action.

## The Tabbed Litigation Page

If you frequently search for verdict and settlement information or need other types of information for case evaluation, investigation, and trial preparation, the tabbed Litigation page in westlaw.com® has tools and resources that make it easier to retrieve the information you need.

- The Quick Valuation feature in the *Shortcuts* section of the Litigation page makes it easy to get an overview of how an injury or loss has been compensated.
- Links to databases under *Jury Verdicts and Related* in the *Resources* section make it easy to access databases.

If the database you want to search is not listed, click **Jury Verdicts and Related** to display a search template.

To add the Litigation page, click **Add/Remove Tabs**.

Use the Quick Valuation feature to get an overview of how an injury or loss has been compensated.

Links displayed under the *Jury Verdicts and Related* heading provide easy access to databases.

The screenshot shows the Westlaw interface with the following sections visible:

- Shortcuts:** Quick Valuation (Search for a valuation by type of injury: All jurisdictions, No date restriction), Dockets (Westlaw CourtExpress), Andrews Litigation Reporters: Current Awareness (Select a Reporter), Search (Court Documents, Litigation Reporters), Recent Developments (Litigation Updates, U.S. Supreme Court Briefs Updates), Finding Tools (Find a Person, Find a Brief by Party Name), Profiler - Expert (Search by name or area of expertise).
- Litigation Documents & Transcripts:** Expert Witness Filings, Supreme Court Joint Appendices, Andrews Underlying Court Documents, Trial Motions, Trial Pleadings, US DCT Trial Filings by Juris, Order a Document, More...
- Criminal Public Records:** Criminal Records All, Fed Crim Records, CA Crim Records, FL Crim Records, IL Crim Records, NY Crim Records, OFAC List, Sex Offenders, Order a Document, More...
- Jury Verdicts & Related:** National Evaluator Library, All Jury Verdicts, National Jury Verdicts, ALM Verdicts, Multibase, NY ALM VerdictSearch, CA ALM VerdictSearch, TX ALM VerdictSearch, Andrews Litigation Reporters Combined, Stein - Digest of Awards, Trials Digest, ALR - Pers Ini Damages, Damages - Texts & Periodicals, More...
- Investigation:** Physicians Directory, Person Tracker, Name Tracker, Address Search, Adverse Filings Combined, Asset Search Combined, DEA Licenses, Death Records, Professional Licenses, Business Tracker
- Other sections:** Bulletin, TX Lawyer, Lawyers Desk Reference 9th Edition, WLD ADR Professionals, WLD Legal Investigators, More...; Dockets (All Dockets, All Federal Dockets, All State Dockets, US Supreme Court, Federal District Courts, Federal Courts of Appeal, Bankruptcy Courts, Order a Document, Westlaw CourtExpress, More...); Court Rules (Fed Rules, Fed Orders, State Rules, State Orders, CA Rules, NY Rules, TX Rules, More...); Practice Guides & Newsletters (ATLA's Lit Tort, Am Jur POE, Am Jur Trials, Causes of Action, Fed Prac & Proc, Fed Proc Lawyer's Ed, Fed Jury Prac & Instructions, Newberg Class Actions, Sutherland Statutory Construction, More...); Forms & Checklists (All P&P, Am Jur P&P, West's Fed Forms, Federal Proc Forms, Pattern Dep Checklists, Expert Witness Checklists, Am Jur Legal Forms, Am Jur Legal Forms Tax Guide, More...); Legal Research Library (ALR All, Am Jur, Am Jur Library - All Journals &...

The tabbed Litigation page in westlaw.com

Westlaw is available on the Web at [www.westlaw.com](http://www.westlaw.com).

For technical assistance, call West Customer Technical Support at **1-800-WESTLAW** (1-800-937-8529).

For search assistance, call the West Reference Attorneys at **1-800-REF-ATTY** (1-800-733-2889).

If you are a law student, call **1-800-850-WEST** (1-800-850-9378) for assistance.

## Using the Quick Valuation Feature for an Overview of Case Verdicts and Settlements

The Quick Valuation feature on the tabbed Litigation page makes it easy to retrieve summaries of verdicts and settlements that involve a particular type of injury or loss. A Quick Valuation search uses the Natural Language search method to retrieve the documents that best match the concepts you enter as search terms. You can restrict your Quick Valuation search by jurisdiction and date.

### Search Tips for an Effective Quick Valuation Search

Here are some tips that will help you effectively use the Quick Valuation feature to retrieve verdict and settlement summaries.

- Simple searches work best. Enter key concepts that focus on the injury, agent of injury, or cause of action.
- Place phrases in quotation marks (“ ”), e.g., “**subdural hematoma**” or “**compression fracture.**”
- Place important synonyms or alternative terms in parentheses following the term for which it is an alternative, e.g., “**all-terrain vehicle**”(a.t.v.).
- You can limit your search by state or by date using drop-down lists.

### Quick Valuation Search Examples

For each example, follow the steps to retrieve summaries of jury verdicts and settlements.

#### Example 1

You want an overview of awards made in California during the last two years for paraplegia.

1. Type **paraplegia** in the *Search for a valuation by type of injury* text box.
2. Select **California with ALM** from the jurisdiction drop-down list.
3. Select **This year and last year** from the date restriction drop-down list. Click **Go**.

Now, after reviewing the results of your first search, suppose that you want to focus your search on cases of paraplegia that are related to doctor or hospital malpractice.

1. At the Results page, click **Edit Search** to display a Search page. The text of the previous search is retained in the *Search* text box. The Natural Language search method is selected.
2. Add the term *malpractice* so that the search description is **paraplegia malpractice**. Click **Search**. Your search retrieves summaries that discuss paraplegia as the result of malpractice.

Jury verdict and settlement summaries on Westlaw include information such the type of case; location of the trial; names of parties, attorneys, expert witnesses, and judges; factual information about the case; and the amount of the verdict or settlement.

2005 WL 3964633  
Blair Marsh v. Stephen To  
No. PC030710  
DATE OF VERDICT/SETTLEMENT: December 01, 2005

2005 WL 3964633 (Cal.Superior)  
Copyright (C) 2006 ALM Properties, Inc. All Rights Reserved.

Superior Court, Los Angeles County, California  
Blair Marsh v. Stephen To  
No. PC030710  
DATE OF VERDICT/SETTLEMENT: December 01, 2005

TOPIC: MEDICAL **MALPRACTICE** - FAILURE TO DETECT - MEDICAL **MALPRACTICE** - RADIOLOGIST - MEDICAL **MALPRACTICE** - RADIOLOGY DOCTOR MISSED ABSCESS RESULTING IN **PARAPLEGIA**; PLAINTIFF SUMMARY:

Award Total: \$0  
RESULT: Decision-Defendant  
Hon. John P. Farrell ruled for the defense on liability in this bifurcated case.  
EXPERT WITNESSES:  
Plaintiff: [Clayton A. Varga](#), M.D.; Pain Management; Pasadena, CA [Jeffrey L. Rush](#); Neurosurgery; Los Angeles, CA [Stanford R. Schwimer](#); Radiology; Beverly Hills, CA [Stephen J. Uman](#); Infectious Diseases; Los Angeles, CA  
Defendant: [Chi-Sing Zee](#); Neuroradiology; Los Angeles, CA [John Peter Gruen](#), M.D.; Neurosurgery; Los Angeles, CA  
Nicholas S. Fuller; Pain Management; Beverly Hills, CA [Sandra L. Wallace](#); Infectious Diseases; Pasadena, CA  
ATTORNEYS:  
Plaintiff: [Steven C. Glickman](#); Glickman & Glickman; Beverly Hills, CA  
Defendant: [Mark V. Franzen](#); Carroll, Kelly, Trotter, Franzen & McKenna; Long Beach, CA  
JUDGE: [John P. Farrell](#)  
RANGE AMOUNT: 0  
STATE: California  
COUNTY: Los Angeles County  
INJURIES: Marsh sustained complete T7-level paralysis. He presented cash value of future medical care of \$1.4 million to \$1.57 million.

Document retrieved by a Quick Valuation search

## Example 2

You practice in New York. Your client fell on a sidewalk and suffered a femur fracture. Surgery was required with open reduction and internal fixation. You want to research New York jury verdicts and settlements that involve the same injury and similar causation.

1. Type sidewalk femur “open reduction” “internal fixation” in the *Search for a valuation by type of injury* text box.
2. Select New York with ALM from the jurisdiction drop-down list.
3. Select This year and last year from the date restriction drop-down list. Click Go.

## Example 3

Your client asserts that he was fired from his job because he took a leave under the provisions of the Family and Medical Leave Act (FMLA). You want to research nationwide verdicts and settlements from the last two years that involve the same sort of claim.

1. Type “wrongful termination” “family and medical leave act” (f.m.l.a.) in the *Search for a valuation by type of injury* text box.
2. Make sure that All jurisdictions (the default setting) is selected from the jurisdiction drop-down list.
3. Select This year and last year from the date restriction drop-down list. Click Go.

## Use Westlaw Profiler® Links to Access Information About Attorneys, Judges, and Experts

Verdict and settlement summaries are linked to profiles of participating attorneys, judges, and experts that list other cases in which they have participated. Click a participant name in the summary to display directory and biographical information in the right frame. Then, to view a list of jury verdict and settlement summaries, appellate briefs, cases, or law review and journal articles associated with the attorney, judge, or expert witness, click **Profiler References** in the left frame.

The screenshot displays a Westlaw litigation search result for case 2005 WL 1420920. The case summary includes the title "JO ANN ROMERO V. BELL BOTTOM FOUNDATION COMPANY", the date of verdict/settlement (February 8, 2005), and the court (District Court of Texas, 149th Judicial District, Brazoria County). The summary text states: "TOPIC: EMPLOYMENT - RETALIATION - EMPLOYMENT - FMLA - EMPLOYMENT - FAMILY MEDICAL LEAVE ACT. WOMAN FIRED AFTER TAKING FMLA LEAVE FOR BREAST CANCER SURGERY. SUMMARY: AWARD: \$48,300. RESULT: Verdict-Plaintiff. The jury found that taking FMLA leave was a motivating factor in Bell Bottom's decision to terminate her employment. They awarded Romero \$48,300, which was two years of back pay. ATTORNEYS: Plaintiff: Syd Phillips; Houston, TX. Defendant: Steven E. Thompson; Lovett and Thompson, L.L.P.; Houston, TX. JUDGE: Robert E. May. RANGE AMOUNT: \$1-49,999. STATE: Texas. COUNTY: Brazoria County." A blue arrow points from the judge's name, "Robert E. May", in the summary to a separate window showing his profile. The profile window includes a "Profiler References (137)" section with a sub-section for "Verdict and Settlement Summaries" containing a list of five cases. A second blue arrow points from the text "To view the full text of a document, click the number to the left of the citation." to the number "1" next to the first case in the list: "1 TITLE: MONTE SAMS V. SAM ROSSI, JR. AND ASUNCION ESPARZA, 2005 WL 2850637, () (Tex.Dist. Jul 07, 2005) (NO. 19723RM02)".

Verdict and settlement summaries include links for Profiler information

## Accessing and Searching Databases

While the Quick Valuation feature is good starting point for your verdicts and settlements research, your selection of databases is limited and Natural Language is the only available search method. When your research calls for a wider selection of databases or a choice of search methods, start by accessing a database.

### Accessing Databases

Databases can be accessed in several ways. You can

- type a database identifier in the *Search these databases* text box on the Westlaw page or the Litigation page. Up to 10 databases may be entered. For example, to access the Combined Jury Verdicts and Settlements database (JV-ALL), type **ju-all** in the *Search these databases* text box and click **Go**.
- use the Westlaw Directory. Click **Directory** at the top of any page, then click **Verdicts** under the *Litigation* heading. Click a database name to access the Search page, or click to view databases listed in additional folders.
- click a database name on the Litigation page under *Jury Verdicts and Related*. Or, click **Jury Verdicts and Related** to display a Search page that allows you to select databases and type a search on the same page.

Click **Directory** to access the Westlaw Directory.

Click **Verdicts** to display the jury verdicts section of the directory.

Westlaw Directory

Search the Westlaw Directory: [Search]

**U.S. Federal Materials**  
Cases, Statutes, Rules, ...

**U.S. State Materials**  
Minnesota, Cases, Statutes, Admin. Mat'l, ...

**International/Worldwide Materials**  
N. America, EU, UK, Asia Pacific, ...

**Topical Practice Areas**  
Bankruptcy, Tax, Labor/Employment, ...

**Treatises, CLEs, Practice Guides**  
ALR, AMJUR, Corpus Juris Secundum, Re...

**Legal Periodicals & Current Awareness**  
Law Reviews, Legal News, Highlights, ...

**Litigation**  
Dockets, Pleadings, Motions, Verdicts, Briefs, ...

**Business & News**  
News, Companies, People, Industries, ...

**Public Records**  
Assets, People, Businesses, Filings, ...

Directories, Reference

Westlaw Directory

Directory Location: All Databases > Litigation > Jury Verdicts, Settlements & Judgments

Search

Search only Jury Verdicts, Settlements & Judgments  
 Search entire directory

**Databases**

- Combined Jury Verdicts and Settlements (JV-ALL) ⓘ
- Combined ALM VerdictSearch Jury Verdicts & Settlement (ALMVS-JV) ⓘ
- IAS Jury Verdicts CT, GA, MA, MD, MI, OH, RI, VA & DC (IAS-JV) ⓘ
- California Trials Digest (CA-JV) ⓘ
- Florida Jury Verdict Reporter (FLPFL-JV) ⓘ
- Jury Verdicts Northwest (JVN-JV) ⓘ
- North Carolina Academy of Trial Lawyers Verdicts & Settlements (NCATL-VERDICTS) ⓘ
- Combined Jury Verdicts Review & Analysis (JVPRP-JV) ⓘ
- National Jury Verdicts Review & Analysis (JVPRNAT-JV) ⓘ
- National Law Journal - Annual Jury Verdict Reports (NLJ-RPT-JV) ⓘ
- Jury Verdict & Settlement Summaries (LRP-JV) ⓘ
- Verdicts, Settlements & Tactics (VST) ⓘ
- Stein on Personal Injury Damages (STEIN) ⓘ
- West's Jury Verdicts - Arizona Reports (AZ-WEST-JV) ⓘ

Accessing the jury verdicts section of the Westlaw Directory

## Using Search Templates

Many jury verdict databases—including the Individual State Jury Verdicts Combined databases (XX-JV, where XX is a state’s two-letter postal abbreviation)—feature a Terms and Connectors search template as the default search method. For example, type `mi-jv` in the *Search these databases* text box on the Litigation page and click **Go** to display the search template for the Michigan Jury Verdicts Combined database (MI-JV). The template includes drop-down lists that you can use to limit documents retrieved by the range of damages awarded and by date. All documents in the database that meet your search requirements are retrieved.

**Tip:** Simple searches for a term or phrase are recommended. Place phrases in quotation marks, e.g., “**facial scarring**” or “**dislocated knee.**” For more advanced Terms and Connectors searches, click **Terms and Connectors** to access the Terms and Connectors search page.

Click a link to search using Terms and Connectors or Natural Language Search

To limit your search results by the range of damages awarded, select a range from the *Damages Range* drop-down list.

Search template for the Michigan Jury Verdicts Combined database

## The Natural Language Search Method

Natural Language is particularly helpful when you are working with large collections of documents and want to limit your search result to a set of documents that best match your search description.

To search with Natural Language, access a database. Click **Natural Language** on the Search page to select Natural Language as your search method, if it is not already selected. Type your search terms in the text box, then click **Search**.

The search tips that apply to a Quick Valuation search also apply to a Natural Language database search:

- Simple searches work best. Enter key concepts that focus on the injury, agent of injury, or cause of action.
- Place phrases in quotation marks (“ ”), e.g., “**subdural hematoma**” or “**compression fracture.**”
- Place important synonyms or alternative terms in parentheses following the term for which it is an alternative, e.g., “**all-terrain vehicle**”(a.t.v.).
- When possible, start your research in smaller databases that cover the jurisdictions you are most interested in before selecting a large multi-jurisdictional database.

### Example

A potential client suffered salmonella food poisoning after eating at a restaurant. What sort of damages have been awarded for this type of injury?

1. On the Litigation page, under *Jury Verdicts and Related*, click **All Jury Verdicts**. The Search page is displayed. Select **Natural Language**.
2. Type “**food poisoning**” **salmonella restaurant** in the text box.
3. Click **Search**.

Additional model Natural Language search descriptions are included in the “Quick Valuation Search Examples” section of this guide.

## The Terms and Connectors Search Method

The Terms and Connectors search method allows you to enter a query consisting of key terms and connectors that specify the relationship between those terms. For example, you can use grammatical connectors to require that your terms appear within the same sentence or paragraph, or use numerical connectors to require search terms to appear within a specified number of terms of each other. Every verdict or settlement in the database that meets the search requirements will be retrieved. Terms and Connectors also allows field searching, i.e., a search that retrieves documents based on the appearance of terms in a specified portion of the verdict or settlement summary.

To select the Terms and Connectors search method, if it is not already selected, click **Terms and Connectors** on the database Search page.

Terms and Connectors is also available if you click **Edit Query** after running a Quick Valuation search.

## When Should I Use Terms and Connectors to Search for Verdict and Settlement Summaries?

Search with Terms and Connectors when

- a Quick Valuation or Natural Language search does not retrieve the kind of summaries that you want.
- you want to retrieve every verdict or settlement in the database that contains your search terms in the specified relationship.
- you want to search using the root expander (!) or the universal character (\*) to broaden the search.
- you want to narrow your search by field (for example, for ranges of dollar amounts awarded).
- you want to retrieve summaries that reflect a very specific set of facts or circumstances.

## Terms and Connectors Search Examples

In the following examples, note the use of alternative terms and the use of the root expander (!) and the universal character (\*).

### Example 1

Suppose that you have already used the Quick Valuation tool to retrieve an overview of jury verdicts relating to injuries caused by an attacking dog. You want to focus your research on verdicts or settlements where the attack caused facial injuries and resulted in a permanent scar. You want to search multiple jurisdictions but only want documents dated after 2002. Follow these steps:

1. On the Litigation page, under *Jury Verdicts and Related*, click **All Jury Verdicts**. The Search page is displayed. (Click **Terms and Connectors** above the *Search* text box if it is not already selected.)
2. In the *Search* text box, type

**dog & attack! bit! & face facial & permanent! /3 scar! & da(aft 2002)**

3. Click **Search**.

You can narrow the search results even more by adding additional required terms. For example, to narrow the summaries retrieved to those that refer to lip or chin injuries, click **Edit Search** in the left frame and type

**dog & attack! bit! & face facial & permanent! /3 scar! & lip chin & da(aft 2002)**

### Example 2

To retrieve documents that describe a bicycle and vehicle collision that results in a broken clavicle and the cyclist is a teenage, follow these steps:

1. On the Litigation page, under *Jury Verdicts and Related*, click **All Jury Verdicts**. The Search page is displayed.
2. In the *Search* text box, type

**bicycle & colli! accident! & clavicle & teen! (1\* +2 “year old”)**

3. Click **Search**.

### Limiting Search Results by the Amount Awarded

You can limit your results to verdicts or settlements within a specified dollar value range by adding a range field restriction (ra) to your search, e.g., ra(val3). The available ranges are

Total Award	Range Field Search Term	Total Award	Range Field Search Term
\$0	val0	\$500,000–999,999	val5
\$1–49,999	val1	\$1,000,000–1,999,999	val6
\$50,000–99,999	val2	\$2,000,000–4,999,999	val7
\$100,000–199,999	val3	\$5,000,000–999,999,999	val8
\$200,000–499,999	val4	\$1,000,000,000–999,999,999,999	val9

### Example 3

Follow these steps to retrieve summaries of verdicts and settlements from all jurisdictions in which *Philip Morris, Inc.* is a party and the value of the award is \$500,000 or greater.

1. On the tabbed Litigation page, under *Jury Verdicts and Related*, click **All Jury Verdicts**. The Search page is displayed.
2. In the *Search* text box, type

ti("phil! morris") & ra(val5 val6 val7 val8 val9)

3. Click **Search**.

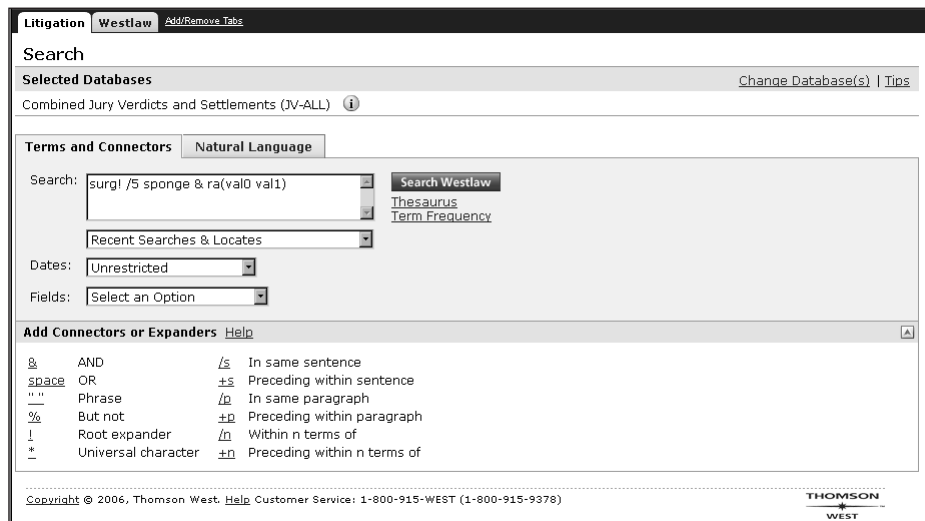
### Example 4

Follow these steps to retrieve summaries of verdicts and settlements from all jurisdictions that involve the failure to remove a surgical sponge upon completion of surgery and in which the value of the award is less than \$50,000.

1. On the tabbed Litigation page, under *Jury Verdicts and Related*, click **All Jury Verdicts**. The Search page is displayed.
2. In the *Search* text box type

surg! /5 sponge & ra(val0 val1)

3. Click **Search**.



Terms and Connectors query in the Combined Jury Verdicts and Settlements database

## Key Databases

Many of the databases listed below can be accessed via a link under the *Jury Verdicts and Related* heading on the Litigation page or by clicking the **More** link under the same heading to view an extended list of databases. Any database listed below can also be accessed by typing its database identifier in the *Search these databases* text box on the Westlaw page, the Litigation page, or other tabbed pages.

Please note that the databases listed below may not be included in your particular subscription plan, and that an additional charge is applied if you access a database not included in your plan.

In the following list, database names as they appear on the Litigation page are shown in parentheses.

### Combined Jury Verdicts and Settlements (All Jury Verdicts)

The Combined Jury Verdicts and Settlements database (JV-ALL) contains summaries of jury verdicts, judgments, settlements, and arbitration awards from around the country. It is the most comprehensive database of jury verdicts and settlement summaries on Westlaw. This database combines summaries supplied by Florida Legal Periodicals, LRP Publications, JAS Publications, Jury Verdicts Northwest, Jury Verdicts Review Publications, Trials Digest Publishing, ALM, and West. Coverage varies by source.

### Individual State Jury Verdicts--All

For Florida, Illinois, Kansas, Missouri, New Jersey, New Mexico, New York, Ohio, Pennsylvania, and Texas, the most comprehensive collection of jury verdict and settlement summaries is found in the database XX-JV-ALL\*. The most comprehensive database for California summaries is California Combined Jury Verdicts (CA-JV-COMB). These databases include summaries from the all of the publishers listed above.

### Individual State Jury Verdicts--Combined

Combined summaries for individual states and the District of Columbia are found in databases with the identifier XX-JV\*. Combined summaries for California are found in CA-JV-ALL. These databases include summaries from the publishers listed above, except ALM.

### Combined ALM VerdictSearch Jury Verdicts and Settlements (ALM Verdicts Multibase) and Individual State ALM VerdictSearch Jury Verdicts (Individual State ALM VerdictSearch)

The Combined ALM VerdictSearch Jury Verdicts and Settlements database (ALMVS-JV) contains summaries from ALM of civil jury verdicts, judgments, settlements, and arbitrations from California, Florida, Illinois, Kansas, Missouri, New Jersey, New Mexico, New York, Ohio, Pennsylvania, and Texas. Summaries include information such as case type; jurisdiction; names of parties, attorneys, and expert witnesses; summary of the facts; and award amount. Summaries from the included individual states are available in databases identified as ALMVS-XX-JV\*.

### National Evaluator Multibase (National Evaluator Library)

The National Evaluator Multibase database (NATEVAL-ALL) is a multibase containing a variety of primary and secondary sources for use in the evaluation of civil lawsuits, including personal injury and products liability lawsuits. These sources include jury verdicts, cases, statutes, and legal periodicals.

### Attorneys Medical Advisor

The Attorneys Medical Advisor database (MEDADV) contains the text of the *Attorneys Medical Advisor*, a treatise by Bruce F. Freeman, J. Stanley McQuade, and Lee R. Russ that provides comprehensive, plain-language medical explanations for use in preparing for litigation, including information on normal anatomy and physiology of the human body; birth, growth, and aging processes; diagnostic techniques; treatment procedures; trauma; and mental and physical impairments. Citations to medical literature are linked to MEDLINE abstracts in the Cited MEDLINE Abstracts database (MEDLINEAB).

\*XX indicates a state's two-letter postal abbreviation.

Printed 6/06. Material #40525395. Replaces Material #40360077