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**Knowledge, Attitudes toward Corporations, and Belief in a Just World as Correlates  
of Tort Reform Attitudes**

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### Abstract

Recent legislation in tort law has resulted in such changes as states capping punitive and non-economic damages as well as abolishing the collateral source rule and joint and several liability. The purpose of the present research is to examine attitudes toward changes in tort law. We asked American adults about their attitudes toward the civil justice system and its players, experiences in the civil justice system, and belief in a just world. We found that a more negative attitude toward litigation and juries, higher belief in a just world, and a more positive attitude toward corporations and doctors predicted a more positive view of recent changes in tort legislation.

The American public is no stranger to the civil justice system. Even for those who have never been involved in a civil suit, information about product liability and medical malpractice lawsuits is readily available through media sources. Some of the lawsuits have been notable for their high damage awards, and as a result, have been sensationalized and exploited by the media and other groups that have particular agendas (Hot Coffee, 2011). In *Liebeck v. McDonald's Restaurants*, compensatory damages of \$160,000 were combined with a \$2.7 million punitive judgment. In *Browning-Ferris Industries v. Kelco Disposal, Inc.*, compensatory damages of \$52,146 were joined with a \$6 million punitive judgment. And in *TXO Production Corp. v. Alliance Resources Corp.*, compensatory damages of \$19,000 were boosted with a \$10 million punitive award (Karpoff & Lott, 1998). These cases and many more of similar and higher amounts made headlines across the nation, through various media resources. Meanwhile, between 2008 and 2010, the Consumer Product Safety Commission estimates that there was an annual average of 43,400 people treated in emergency departments in the U.S. for injuries related to the instability of televisions, furniture and appliances (Gibson, K. & Suchy, A., 2011). Contaminated food causes approximately 128,000 hospitalizations and 3,000 deaths each year (Centers for Disease Control, 2011). And, as many as 98,000 people die each year as a result of preventable medical errors. (Institute of Medicine, 1999).

Over the past several decades, a great deal of legislation has been passed in the wake of growing sentiment that the civil justice system was broken, and in need of repair. "Run-away" jury verdicts, and rising costs of insurance fueled the spate of reform efforts, which have resulted in states capping punitive and non-economic damages, and abolishing the collateral source rule and joint and several liability, among other measures. Scholarship on the effects of tort reform has predictably burgeoned as a result of the new laws. Some of the work done on the effects of changes in tort laws has been empirical. However, very little empirical work has been done to investigate attitudes about tort reform, and how various factors influence these attitudes. This is an important omission, particularly in light of the fact that public support for tort legislation has been a critical factor in the success of reform efforts. This study seeks to remedy a gap in the literature by examining the relationship between attitudes about tort reform and the amount of information a person has about the details of tort reform, as well as personal beliefs about corporations and health care providers, and the extent to which individuals subscribe to the notion that people "get what they deserve." In summary, this study will examine the correlations

between attitudes about changes in tort law and (1) knowledge of the details of tort legislation; (2) attitudes about corporations and health care professionals; and (3) belief-in-a-just-world.

The existing body of research generally focuses on empirical studies looking at the effects of tort reform on the number of claims brought, the amount of damages paid out, and the cost of insurance. However, only a very small number of studies have looked at attitudes about tort reform and the civil justice system more generally. One such study from 2001 focused on citizens of New Orleans and examined the extent to which residents of this city perceived a "litigation explosion" (Hold and Neubauer, 2001). The study's authors found that perception of a "litigation explosion" was pervasive among respondents, in spite of the fact that there was no evidence of such a phenomenon. (Meinhold and Neubauer, 2001, p. 112)." Sixty-seven percent of the respondents claimed people are too quick to sue, and 90 percent believed there were too many "frivolous" lawsuits. Seventy percent believed the large number of suits shows that our society is "breaking down," and the same number expressed the view that courts have not made society any safer by making it easier to sue (Meinhold & Neubauer, 2001).

A similar study was conducted in the state of Tennessee, where in 2008, the Tennessee General Assembly approved a bill that places a cap of \$750,000 on non-economic damages such as pain and emotional suffering and a \$500,000 cap on economic or punitive damages (HB 2008). The bill also places a \$1 million cap on catastrophic cases, a cap that would apply in instances where a person became paralyzed, burned, blinded, suffered an amputation or otherwise died leaving behind minor children. Following the enactment of this bill, the number of lawsuits filed declined. In the year ending in September 2008, 546 filings were made as compared with the year ending in September of 2009, when 264 suits were filed. Medical malpractice case filings reported show a decrease of about 136 cases, or about 25 percent between 2008 and 2011 (Day, 2012). During the same period of time, as filings continued to drop in number, the population of Tennessee increased from 4 million to 6.4 million (Day, 2012). More recently, on June 16<sup>th</sup>, 2011, the Tennessee legislature imposed a \$750,000 cap on medical liability awards (Tennessee Civil Justice Act, 2011). Following the signing into law of the new cap, Tennessee respondents were questioned about their attitudes toward the change. By more than a two-to-one margin—58 percent to 26 percent—Tennessee voters favored limiting medical malpractice lawsuits. Forty-six percent expressed support for "lawsuit abuse reform," while thirty percent preferred the status quo. Forty-four percent of the

respondents subscribed to the sentiment that people file lawsuits to “win big money” (Sparks, 2011).

Texas is another state which, like Tennessee, has experienced significant changes in tort law. In 1996, 800 registered voters in Texas were questioned about their attitudes towards changes to the civil justice system (Bender, Leone & Roleff, 1996). Seventy-nine percent expressed the view that there were problems with their state’s civil justice system, while ten percent claimed the system was working well. Seventy-one percent supported legislature-initiated reforms. Respondents generally supported the collateral source rule (informing juries of compensation already given to the plaintiff, in order to avoid double recovery) (81 percent); limiting the amount of money that jurors can award for non-economic damages such as pain and suffering (74 percent); using government safety standards as a defense in product liability cases (62 percent), and restricting lawsuits for additional compensation by people who have received worker’s compensation benefits (57 percent) (Bender, Leone & Roleff, 1996).

An Associated Press Poll with a sample size of 1,502 adults nationwide, found that 54 percent of Americans would support measures making it more difficult to sue hospitals and doctors, while 32 percent were opposed to placing such limits on medical malpractice litigation. In a study by Rizo in 2009, respondents who favored more hurdles to recovering damages from medical providers expressed skepticism that lawsuits result in better care, and concern over rising health care costs (Rizo, 2009). A 2005 Harris Poll revealed that 56 percent of respondents believed that the legal system was in need of fundamental changes. In another survey, 75 percent of the respondents indicated litigation costs are too expensive to justify the system currently in place (Kourlis & Olin, 2011).

One reason why American citizens may be skeptical of the ability of the civil court system to mete out justice may be a perceived disparity in access. A U.S. News & World Report survey asked about the extent to which “average Americans” had access to the legal system as compared to that of “rich people:” sixty-two percent said the average American had “much less” access and 13 percent just said “less” access. Respondents were also asked which types of people were “not apt to be treated fairly by the law,” respondents identified the poor (54 percent), the uneducated (47 percent) and African Americans (33 percent) as most likely to not be treated fairly (Galanter, 1993).

Attitudes about litigation vary depending upon past experience. Many people claim to be “pro-plaintiff” when they have been a plaintiff in the past (Hans & Vadino, 2007). In 2005, a study was conducted in which 1,008 adults were asked, “which of these statements do you think best describes the system that regulates the amount of money plaintiffs get when they win lawsuits: a state of crises, a major problem, a minor problem, or not a problem at all?” Twelve percent said that the system was in crisis, 45 percent said that there were major problems, 31 reported perceiving minor problems, and eight and four percent indicated that there was no problem or they were unsure, respectively (“Polling Report,” 2012).

Other studies have used mock jurors or looked at groups that share common characteristics that could influence attitudes. A 1994 study by Moran, Cutler, De Lisa (1994) involved providing mock jurors with civil and criminal case scenarios. The participants were asked to render verdicts and were asked their opinion of tort reform. The study concluded that those in favor of tort reform favor the prosecution in criminal cases and the defense in tort litigation (Moran, Cutler and De Lisa, 1994). Another study by Songer (1988) looked at whether doctors, attorneys and members of the South Carolina legislature held accurate beliefs about jury awards in tort cases. Songer found that members of this group held incorrect beliefs about the magnitude of jury awards, and that these misperceptions were resistant to change, even in the face of empirical evidence to the contrary (Songer, 1988). Hans (1993) likewise found evidence of misinformation, even among attorneys (Hans, 1993). Hans’ study, which measured opinion of the jury system among judges, attorneys, and litigants, found widespread support of the civil system. Unsurprisingly, judges widely endorse a civil jury system, while litigants held mixed opinions of juries, depending on their experience in court (Hans, 1993).

When it comes to perceptions of corporations—important because corporations are often the defendants in civil suits—there is evidence the public and jurors alike, in the aggregate, hold corporations to higher standards than that to which they hold individuals (Rizo, 2009). A poll from 2007 revealed that 90 percent of Americans believe that large corporations often get away with wrongdoings because they have the money to hire the good lawyers and expert witnesses. (Howard, 2009). The influence of the public’s attitudes toward corporations was explored in a 2004 study by McGorty (McGorty, 2004). McGorty’s study examined the effects of the presence of corporate representatives in the courtroom during a mock trial and the verdicts that followed. The mock jurors perceived defendants more positively when a representative of the

corporate office was physically present. Absence of a corporate representative, conversely, benefited the plaintiff. The author hypothesized that putting a human face on a corporate defendant may have made jurors more sympathetic to the defendant's position (McGorty, 2004; Bornstein, McGorty & Thimsen, 2011).

In 1993, Vidmar tested attitudes of mock jurors in six conditions, including a malpractice scenario involving three types of defendants and a motor vehicle accident involving three types of defendants. Overall, jurors thought that injuries caused by malpractice were "more avoidable" than injuries caused by automobile accidents. Mock jurors also awarded more money to the plaintiff when the hospital was the defendant. The jurors, in the aggregate, claimed the plaintiff was more responsible for accidents when it resulted from motor vehicle negligence; but the awards given in the motor vehicle scenario were significantly less than the awards in the malpractice scenarios (Vidmar, 1993). This study may illustrate a tendency of individuals to take into consideration the relative wealth of plaintiffs and defendants in civil suits, the so-called "deep-pocket" effect. Whether this effect influences attitudes about tort reform more generally is up for debate.

Past research on attitudes about the civil court system, suffers from one or more important flaws. In each of the studies, either the sample used is from a single state, making translation of the results to the American public generally impossible, or the study focuses on mock jurors—a useful paradigm for some purposes, but not easily translated into attitudes more generally. Among studies using a national sample, the findings are generally outdated, and do not necessarily reflect current attitudes of the public. This study will provide a current picture of the attitudes of citizens toward civil litigation as well as their view with respect to changes in tort law. Specifically, this research investigates four potential correlates of attitudes: knowledge of tort law, views of litigation and those involved in the legal system (lawyers; juries), views of corporations and medical professionals, and belief in a just world. Findings from this study will provide insight into why people support or do not support reforms. The current study will reveal how much people actually know about tort reform, and whether greater knowledge is associated with less support of tort reform (our first hypothesis). It will also determine whether a positive view of corporations and medical professionals is associated with more support of tort reforms (our second hypothesis). In addition, it will examine whether a negative attitude toward litigation and participants involved in the legal system is correlated with more support of tor

reforms (our third hypothesis). Finally, it will provide insight into whether a greater belief in a just world is correlated with more support of tort reforms (our fourth hypothesis).

## **Method**

### **Participants and procedure**

American adults (94 women, 108 men, 2 unknown,  $M = 31.63$  years) completed the survey online through Amazon's Mechanical Turk (Buhrmester, Kwang, & Gosling, 2011). Each participant was paid 20 cents for their participation.

### **Materials**

Scales were formed by averaging the items in the scale.

**Knowledge.** Participants were asked "How much do you know about the recent changes in tort law? (Tort law encompasses civil actions that are brought in order to recover money damages for harms inflicted by one person or company on another person or persons)" on a 1=Not at all to 7=Very much scale.

**Favor.** Participants were asked "Have the changes in tort law favored plaintiffs (making it easier for people to collect money for harms), or have they favored defendants (making it more difficult for people to collect money for harms)?" on a 1=Favored defendants to 7=Favored plaintiffs scale.

**Attitude toward tort reform.** Participants completed the following items ( $\alpha = .80$ ) to measure attitudes toward changes in tort law: "How much in favor of you are of placing limits on the amount of damages a person can recover beyond out-of-pocket expenses? This includes limiting damages to compensate for life-long pain or loss of mobility, sight, hearing, or other handicaps.", "How much in favor of you are of placing limits on the amount of damages a defendant in a trial can be subject to as punishment for particularly bad behavior?", "How much in favor of you are of requiring people to forgo (give up) bringing a lawsuit if they have knowingly signed an agreement specifying that they will go to arbitration (a way of resolving disputes where a neutral party determines the outcome, rather than a judge or jury)?", "How much in favor of you are of requiring people to forgo (give up) bringing a lawsuit if they have unknowingly (because part of the agreement was in fine print) signed an agreement specifying that they will go to arbitration?", and "How much in favor of you are of allowing a jury to limit

money damages awarded in situations in which a plaintiff's (injured person) insurance company has paid for some of the harms already?" on a 1=Not at all to 7=Very much scale.

**Attitude toward litigation.** Participants completed the litigation crisis scale (Hans & Loftquist, 1992) to assess attitude toward litigation, which included the items ( $\alpha = .79$ ): "There are far too many frivolous lawsuits today.", "People are too quick to sue, rather than trying to solve disputes in some way.", "The large number of lawsuits show that our society is breaking down.", "The money awards that juries are awarding in civil cases are too large.", "Most people who sue others in court have legitimate grievances. (reversed)", "By making it easier to sue, the courts have made this a safer society. (reversed)", and "Juries do a good job determining the outcomes of lawsuits and assessing damages. (reversed)" on a 1=Strongly disagree to 7=Strongly agree scale.

**Attitude toward business.** Participants completed the following items ( $\alpha = .81$ ) to measure attitude toward businesses and corporations: "Corporations and businesses can influence the legal system to serve their interests.", "Corporations and businesses want to limit the ability of citizens to punish businesses.", "Corporations and businesses have too much power when it comes to changing the legal system.", and "Corporations and businesses will have a "free pass" for causing harm." on a 1=Not at all to 7=Very much scale.

**Attitude toward doctors.** Participants completed the following items ( $\alpha = .57$ ) to measure attitude toward doctors: "Doctors and hospitals rarely make mistakes.", "Medical professionals are subject to too many lawsuits.", and "There should be a different standard for medical malpractice and product defects." on a 1=Not at all to 7=Very much scale.

**Attitude toward lawyers.** Participants completed the following items ( $\alpha = .88$ ) to measure attitude toward lawyers: "Lawyers pursue too many needless civil lawsuits." and "Lawyers encourage clients to sue when they shouldn't." on a 1=Not at all to 7=Very much scale.

**Attitude toward juries.** Participants completed the following items ( $\alpha = .72$ ) to measure attitude toward juries: "Jurors have too much sympathy for plaintiffs in civil lawsuits.", "Jurors tend to be hostile towards corporations and businesses in civil lawsuits.", "Jurors do not understand the difference between valid and invalid lawsuits.", and "Jurors tend to award plaintiffs in civil lawsuits too much." on a 1=Not at all to 7=Very much scale.

**Access to justice system.** Participants were asked “How important is it that people are able to access the civil justice system in order to get compensation for injuries that were wrongly inflicted?” on a 1=Not at all to 7=Very much scale.

**Belief in a just world.** Participants completed the belief in a just world scale (Lipkus, 1991), which included the items ( $\alpha = .89$ ): “I feel that people get what they are entitled to have in life.”, “I feel that a person’s efforts are noticed and rewarded.”, “I feel that people treat each other fairly in life.”, “I feel that people earn the rewards and punishments they get.”, “I feel that when people have met with misfortune, they have brought it upon themselves.”, “I feel that people get what they deserve.”, “I feel that people treat each other with the respect they deserve.” and “I feel that the world treats people fairly.” on a 1=Strongly disagree to 7=Strongly agree scale.

**Experience.** Participants were asked whether they or a close other had been a defendant or plaintiff in a civil lawsuit and how positive the experience was on a 1=Not at all positive to 7=Very positive scale.

## Results

### Descriptive statistics

There were 205 total participants. Twenty-five had been a plaintiff in a civil lawsuit, 21 had been a defendant, 46 had a close other who had been a plaintiff, and 29 had a close other who had been a defendant. Means and standard deviations for the scales and questions are reported in Table 1.

We conducted a series of t-tests to see if responses to questions regarding attitudes toward tort reform and the civil justice system and players were different from the midpoint (4). Means and standard deviations for the measures are listed in Table 1. For knowledge,  $t(204) = -23.05, p < .001$ . For favoring plaintiffs,  $t(204) = 2.00, p < .05$ . For attitude toward litigation,  $t(196) = 5.73, p < .001$ . For attitude toward business,  $t(196) = 19.26, p < .001$ . For attitude toward doctors,  $t(196) = -.71, p = .47$ . For attitude toward juries,  $t(202) = -.94, p = .35$ . For attitude toward lawyers,  $t(198) = 8.25, p < .001$ . For access to the civil justice system,  $t(203) = 21.49, p < .001$ .

Since our main focus in attitude toward tort reform, we first tested each item separately, and then the scale. For the item: “How much in favor of you are of placing limits on the amount of damages a person can recover beyond out-of-pocket expenses...”,  $t(204) = -1.69, p = .09$ . For

the item: “How much in favor of you are of placing limits on the amount of damages a defendant in a trial can be subject to as punishment for particularly bad behavior?”,  $t(201) = -1.12, p = .27$ . For the item: “How much in favor of you are of requiring people to forgo (give up) bringing a lawsuit if they have knowingly signed an agreement specifying that they will go to arbitration...”,  $t(200) = .67, p = .50$ . For the item: “How much in favor of you are of requiring people to forgo (give up) bringing a lawsuit if they have unknowingly (because part of the agreement was in fine print) signed an agreement specifying that they will go to arbitration?”,  $t(201) = -8.08, p < .001$ . For the item: “How much in favor of you are of allowing a jury to limit money damages awarded in situations in which a plaintiff's (injured person) insurance company has paid for some of the harms already?”,  $t(202) = 2.05, p < .05$ . For the full attitude toward tort scale:  $t(198) = -2.22, p < .05$ .

### **Correlational analysis**

We first ran correlations including all the scales as well as self-reported knowledge and how much participants thought changes in tort law favored plaintiffs (Table 2). A more positive attitude toward changes in tort law was significantly positively correlated with a more negative attitude toward litigation, a more positive attitude toward doctors, a more negative attitude toward juries, a more negative attitude toward lawyers, and a higher belief in a just world. A more positive attitude toward changes in tort law was significantly negatively correlated with a more negative attitude toward corporations and importance of access to the civil justice system. Believing that the justice system favored Plaintiffs was negatively correlated with a positive attitude toward tort changes. In other words, when participants believed that changes favored Plaintiffs, they were more negative toward tort reforms.

### **Regression analysis**

In order to control for demographics and experience with the civil justice system, as well as to test the effects of each predictor on attitude toward changes in tort law when accounting for all the predictors, we used hierarchical regression. Attitude toward changes in tort law was predicted using a 3-step hierarchical regression analysis (Table 3). In step 1, gender (0=women, 1=men), age, and political orientation (1=Very conservative to 7=Very liberal) were entered. At step 1, political orientation was a marginally significant predictor of attitude toward tort reform ( $\beta = .15, t = 1.91, p = .06$ ), such that participants who were more liberal favored changes in tort law more.

At step 2, whether participants had been a defendant (0=no 1=yes), whether participants had been a plaintiff (0=no 1=yes), whether a close other had been a defendant (0=no 1=yes), and whether a close other had been a plaintiff (0=no 1=yes) were entered. These were not significant predictors of attitude toward tort reform.

In step 3, attitude toward litigation, attitude toward businesses, attitude toward doctors, attitude toward lawyers, attitude toward juries, access to the civil justice system, and belief in a just world were entered. A more negative attitude toward litigation was a significant predictor of a positive attitude toward tort reform ( $\beta = .32, t = 3.31, p < .05$ ), as was a more positive attitude toward doctors ( $\beta = .19, t = 2.54, p < .05$ ), and a more negative attitude toward juries ( $\beta = .20, t = 2.31, p < .05$ ). A more negative attitude toward business was a significant predictor of a more negative attitude toward tort law change ( $\beta = -.15, t = -1.96, p = .05$ ). Believing that access to the civil justice system was more important ( $\beta = -.13, t = -1.73, p = .09$ ) was a marginally significant predictor of a more negative attitude toward tort law changes and higher belief in a just world, ( $\beta = .13, t = 1.71, p = .09$ ) was marginally significant predictor of a more positive attitude toward tort law changes. For step 1,  $\Delta R^2 = .03, F(3, 162) = 1.47, p = .23$ . For step 2,  $\Delta R^2 = .02, F(4, 158) = 1.01, p = .41$ . For step 3,  $\Delta R^2 = .37, F(8, 148) = 10.86, p < .001$ .

### Discussion

While there was no significant correlation between knowledge and attitudes about tort reform at the  $p < .05$  level, this may have been because of a floor effect for knowledge. The very low numbers for knowledge, indicating a self-reported ignorance of tort terms and changes in tort law, is also reflected in follow-up questions that asked participants to define terms such as “non-economic damages,” “punitive damages,” “joint and several liability,” and “collateral damages.” While more than half of respondents accurately defined “non-economic damages” as damages that are not easily calculated based upon a pecuniary loss, the term “punitive damages” was defined inaccurately or not at all by two thirds of respondents. Respondents were even less accurate with respect to the phrase “joint and several liability,” and only eight respondents out of 205 knew that the collateral source rule relates to money collected by a source other than the defendant (only four provided a fully accurate definition). Notably, only ten respondents

answered accurately that law makers have introduced changes to the law affecting all four areas, and of those ten, five admitted that they were guessing. These findings echo that of Songer, who found low accuracy in judgments about tort outcomes, even among fairly sophisticated groups such as attorneys and lawmakers (Songer, 1988).

The scaled question regarding the extent to which reforms have favored plaintiffs or defendants allowed us to correlate responses to this question with attitudes toward tort reform. When respondents perceived that reforms favored plaintiffs, they were less favorable toward the reforms, indicating that most respondents believe that the tort system should not be made any more advantageous for those who bring civil suits. This would seem to be at odds with the tendency of respondents to be unfavorable toward tort reforms. In addition to allowing us to analyze attitudes toward specific types of tort reform, this question also provides another look at the knowledge of respondents about changes in tort law. The fact that the mean for this question was above the midpoint, means that on average, respondents thought that changes have favored plaintiffs. The reality is that the trend in civil litigation has been decidedly pro-defendant, so that even if the average were at the midpoint, it would still suggest that respondents were misinformed with respect to changes in tort law. Again, this is similar to past findings (Hans, 1993).

The finding that respondents held negative views of corporations, litigation, and lawyers would seem to support past research (Howard, 2009; McGorty, 2004; Galanter, 1993). In spite of an overall negative attitude toward litigation and lawyers, respondents placed a high value on access to the civil justice system. This contrast may reflect a desire for justice in the abstract, but ambivalence toward certain aspects or players in the system. The more positively respondents viewed doctors, the more in favor they were of changes to tort law. This is likely a result of the well-publicized notion that civil suits make it difficult for health professionals to practice medicine. To the extent that respondents held positive views of physicians, they were more likely to tip the scales in favor of protecting physicians and away from protecting the ability of plaintiffs to recover for harms. The fact that respondents who were more positive in their attitudes toward tort reform also thought that access to the court system was less important suggests that in spite of evidence that American citizens are fairly poorly informed with respect to tort reform, they nevertheless understand that reforms result in more hurdles for potential plaintiffs, and limits on recovery for harms (Rizo, 2009).

A more negative attitude toward litigation and jurors predicted more support of tort reform. This supports past research that people are often skeptical about the ability of jurors to decide complicated civil cases and the belief that jurors award damages in excessive amounts (Hans & Albertson, 2003; Hans & Loftquist, 1992). In the final regression model attitude toward lawyers did not predict attitude toward tort reform. However, changes in tort legislation focus more on limiting the freedom of juries rather than lawyers, which may explain why negative views regarding juries are a significant predictor of supporting tort reform, but views on lawyers or not.

Overall, respondents held negative attitudes toward tort reform. If respondents were generally indifferent with respect to tort reforms, we would expect to see the average hit or be close to the midpoint (4) for the combined scale. A t test revealed that respondents were significantly different from the midpoint in the negative direction (that is to say, overall, they disapproved of the reforms). This would seem to be at odds with past polling (Associated Press, 2009). The combined scale of attitudes toward tort reform is somewhat informative, but a look at attitudes toward each of the different types of reforms reveals a clearer picture of precisely what is driving the finding of unfavorability. Two types of reforms were significantly different from “neutral.” The first was with respect to allowing juries to limit damage awards when an insurance company had already paid out to the plaintiff. Here, respondents were favorable. The second was requiring people to go to binding arbitration when they have unknowingly signed away their rights to a trial. Here, respondents were unfavorable. Respondents also exhibited a tendency to disapprove of limiting damages in the case of non-economic damages, although this did not reach significance ( $p = .09$ ). The fact that respondents were against two of the reform measures (one very significantly, the other almost significantly) skewed the combined scale in an unfavorable (anti-reform) direction. The picture painted by these results is at odds with past findings (Bender, Leone & Roleff, 1996), and may reflect a more neutral format and language than has typically been used by various polling organizations in the past. At no point in the survey were the words “tort reform” used, in part because this language is associated with efforts on the part of interest groups to advance a specific agenda. Because the term “reform” typically signals efforts to fix a broken or corrupt system, it may automatically trigger a positive association. Future research should investigate how labeling changes in tort legislation affect support of it.

The primary goal of this empirical investigation was to determine whether there was a correlation between attitudes about changes in tort law and knowledge, attitudes about corporations, attitudes about litigation, and belief in a just world. We were also interested in knowing how attitudes about various players (such as doctors and lawyers) would influence attitudes about changes in tort law. The hypothesis that a greater knowledge of the details of tort reform would be correlated with less support for tort reforms was not supported. However, this may have been due to a floor effect, and knowledge among respondents was very low. As we predicted, a negative view of corporations predicted less support of tort reforms. Because tort reforms make it more difficult to successfully sue corporations, citizens who believe that corporations already have the means to escape responsibility for harms caused are unlikely to favor more hurdles for plaintiffs (Howard, 2009).

Finally, our prediction that participants who scored high on Belief in a Just World (BJW) would be relatively more supportive of changes to tort law was supported. This finding is particularly interesting in that it provides some insight into what may motivate certain attitudes regarding tort reforms. The BJW scale involves statements such as *“I feel that people get what they are entitled to have in life”* and *“I feel that when people have met with misfortune, they have brought it upon themselves.”* When it comes to civil harms, people who generally believe that the world is fair are less likely to see a need to get compensation for individuals who are harmed by services or devices. In contrast, people who see injustice in the world are relatively more likely to think that we need a system that attempts to restore victims to their pre-injury status. Individuals in the latter group are also less likely to agree with the statements *“I feel that people treat each other with the respect they deserve”* and *“I feel that the world treats people fairly,”* and this may reflect a general skepticism that sources of harm, such as corporations and medical providers, will “do the right thing” when a mistake has occurred.

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Table 1

*Descriptive statistics*

|   | Mean | Standard deviation |
|---|------|--------------------|
| Limiting beyond out of pocket expenses* | 3.78 | 1.86               |
| Limiting punitive damages*              | 3.86 | 1.83               |
| Informed arbitration*                   | 4.08 | 1.79               |
| Uninformed arbitration*                 | 2.95 | 1.87               |
| Limiting damages with insurance payout* | 4.25 | 1.71               |
| Tort attitude*                          | 3.79 | 1.35               |
| Knowledge*                              | 1.85 | 1.34               |
| Reforms favor plaintiffs / defendants*  | 4.21 | 1.50               |
| Litigation (total) attitude+            | 4.42 | 1.02               |
| Business attitude+                      | 5.53 | 1.12               |
| Doctor attitude*                        | 4.06 | 1.22               |
| Jury attitude+                          | 3.93 | 1.11               |
| Lawyer attitude+                        | 4.92 | 1.57               |
| Access to civil justice system*         | 5.93 | 1.29               |
| Just world*                             | 3.67 | 1.16               |
| Political orientation*                  | 3.23 | 1.67               |

*Note.* \*Higher numbers are more favorable/more knowledgeable/reflect a belief that reforms favor plaintiffs/reflect more of a belief in a just world/more liberal.

+Higher numbers are less favorable.

Table 2  
Correlations

|                     | 1     | 2     | 3     | 4     | 5     | 6    | 7     | 8    | 9     | 10 |
|---------------------|-------|-------|-------|-------|-------|------|-------|------|-------|----|
| 1. Tort attitude    | -     |       |       |       |       |      |       |      |       |    |
| 2. Knowledge        | .13+  | -     |       |       |       |      |       |      |       |    |
| 3. Favor plaintiffs | -.18* | -.01  | -     |       |       |      |       |      |       |    |
| 4. Litigation       | .45*  | -.08  | -.30* | -     |       |      |       |      |       |    |
| 5. Business         | -.29* | -.15* | .17*  | -.14* | -     |      |       |      |       |    |
| 6. Doctors          | .29*  | .16*  | -.13+ | .26*  | -.13+ | -    |       |      |       |    |
| 7. Jury             | .41*  | .14*  | -.14* | .49*  | -.24* | .31* | -     |      |       |    |
| 8. Lawyer           | .32*  | .05*  | -.15* | .62*  | -.05  | .28* | .37*  | -    |       |    |
| 9. Access           | -.25* | -.15* | .14*  | -.09  | .43*  | -.07 | -.17* | .03  | -     |    |
| 10. Just world      | .32*  | .18*  | .06   | .14+  | -.15* | .32* | .26*  | .16* | -.29* | -  |

Note: \* =  $p < .05$ . +  $p < .10$

Table 3

*Summary of Hierarchical Regression to Predict Attitude toward Tort Law Changes*

|                          | Model 1  |             |         | Model 2  |             |         | Model 3  |             |         |
|--------------------------|----------|-------------|---------|----------|-------------|---------|----------|-------------|---------|
|                          | <i>B</i> | <i>SE B</i> | $\beta$ | <i>B</i> | <i>SE B</i> | $\beta$ | <i>B</i> | <i>SE B</i> | $\beta$ |
| Age                      | -.01     | .01         | -.08    | -.01     | .01         | -.10    | .003     | .008        | .02     |
| Political<br>Orientation | .12      | .07         | .15+    | .12      | .07         | .15+    | -.12     | .06         | -.15*   |
| Gender                   | -.17     | .21         | -.06    | -.19     | .21         | -.07    | -.08     | .18         | -.03    |
| Plaintiff                |          |             |         | .37      | .41         | .08     | .40      | .35         | .09     |
| Defendant                |          |             |         | .44      | .43         | .09     | -.14     | .37         | -.03    |
| Close Plaintiff          |          |             |         | .08      | .28         | .03     | .03      | .24         | .01     |
| Close<br>Defendant       |          |             |         | -.02     | .35         | -.004   | .10      | .29         | .03     |
| Knowledge                |          |             |         |          |             |         | .03      | .07         | .03     |
| Favor                    |          |             |         |          |             |         | .004     | .07         | .004    |
| Litigation               |          |             |         |          |             |         | .43      | .13         | .32*    |
| Business                 |          |             |         |          |             |         | -.18     | .09         | -.15*   |
| Doctor                   |          |             |         |          |             |         | .21      | .08         | .19*    |
| Jury                     |          |             |         |          |             |         | .24      | .10         | .20*    |
| Lawyer                   |          |             |         |          |             |         | -.007    | .08         | -.01    |
| Access                   |          |             |         |          |             |         | -.15     | -.09        | -.13+   |
| Just world               |          |             |         |          |             |         | .15      | .09         | .13+    |

*Note.* + $p < .10$ . \* $p < .05$ .