



**For Immediate Release**

For more information, contact:  
**Tim Kolly** | DIRECTOR OF COMMUNICATIONS  
P: 312.698.6220 | E: [tkolly@dri.org](mailto:tkolly@dri.org)

## **DRI Annual Poll: Large Majority of Americans Disagree with Current Class Action Practices**

*Americans Also Queried Regarding Court's Fairness, Potential Juror Bias, and Judicial Funding*

**Chicago, January 9, 2014** – Americans, by a wide majority that cuts across ideology and political affiliations, disagree with current practices in class action lawsuits. They also continue to express significant doubt in the fairness of the civil justice system and don't seem convinced that there is a funding crisis in the judiciary. By about 2 to 1, Americans would prefer their case to be heard by a jury (46%) than either a judge (24%) or an arbitrator (22%). Those are just some of the findings in the nation's only annual poll devoted exclusively to the civil justice system. The poll, commissioned by DRI's Center for Law and Public Policy and conducted by Langer Research Associates of New York, was a telephone survey based upon a national, random, scientific sample of adults. Gary Langer is the former head of polling for ABC News.

On Class Action suits:

- Just 26% overall say that showing the potential for harm should be adequate to join a class-action lawsuit; more than two-thirds instead say individuals should be permitted to join a class action lawsuit only if they can show they've actually been harmed.
- Eighty-five percent say class-action lawyers should be required to obtain permission from individuals before enrolling them as plaintiffs. Just 10% support the current practice allowing lawyers to include individuals whom they believe are eligible without getting their permission first, then providing them the opportunity to opt-out later.
- Only 10% support the use of coupon settlements in class actions, in which lawyers are paid cash while plaintiffs themselves receive comparatively low-value coupons redeemable for products or services. Eighty-three percent say cash payments to plaintiffs should be required.

"What is surprising about these results," said DRI President Mike Weston, "is the breadth of disagreement with current practice. Usually, on questions of justice, civil or criminal, one will find that orientations vary by demographic characteristics. Not so here. Large majorities across all twelve of our demographic categories disagree with these three current practices."

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While the civil justice system enjoys the confidence of a majority, there appears to be serious doubt in a significant portion of Americans. Public confidence in the civil justice system is down slightly from last year's poll from 58% to 56%. Of concern however is that only 7% are "very confident" in the civil law system (down from 9% in last year's poll). While these declines in public confidence are not statistically significant, they bear watching should the trend continue.

Surprisingly, the public doesn't appear convinced that there is a serious funding shortfall for the judiciary. Well fewer than half, 40%, believe the civil courts in their state have all the funding they need to do their job adequately; an identical 40% say these courts are short of needed funding, with the rest unsure.

"This is stunning," said Sky Woodward, chair of DRI's Center for Law and Public Policy. "Literally hundreds of news articles and segments on the funding crisis, the curtailment of judicial services, trial delays, and very public warnings don't seem to have had an impact on the public consciousness. While it may be that the courts are rarely used by the majority of citizens, we have to do a better job of explaining to the public that, whether or not they use them personally, the courts have a direct impact on their lives and livelihoods."

Continuing a line of questioning begun last year, the DRI Poll asked respondents to imagine they were on a jury in a civil case in which an individual sued a corporation. In this year's poll, 54% said that, all else being equal, they'd be inclined to favor the individual, essentially the same figure from the 2012 poll. Measuring potential bias toward particular sectors, respondents said that if the defending party were an insurance company, 58% would be inclined to favor the individual; if a bank, 56%; and if a pharmaceutical firm, 53%.

"What this shows," said John R. Kouris, DRI executive director, "is that people have a proclivity to pick sides, either for the plaintiff or for the defendant. Those who did not express a preference for one side or another were a small minority, rarely as high as 20% in any demographic category. Judges and attorneys need to be aware of this."

The above findings come from an independent, nonpartisan telephone survey conducted via landline and cell-phone interviews with a random national sample of 1,005 adults. The results have a margin of sampling error of plus or minus 3.5 percentage points for the full sample. All characterizations of differences in results have been tested for statistical significance. The survey was produced by Langer Research Associates of New York, N.Y.

For the full report of the national survey as well as downloadable graphs and charts, please click here to go to the web site for [DRI's Center for Law and Public Policy](#). For purposes of transparency and accessibility, a full data set of the survey and methodology will be available to journalists and researchers through the Roper Center for Public Opinion Research at the University of Connecticut.

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### **About DRI – The Voice of the Defense Bar**

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