

The Star-Ledger/Eagleton-Rutgers Poll

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RELEASE INFORMATION

A story based on the survey findings presented in this release and background memo will appear in Sunday's *Star-Ledger*. We ask users to properly attribute this copyrighted information to "*The Star-Ledger/Eagleton Poll*."

NEW JERSEYANS' OPINIONS ON LIABILITY LAWSUIT REFORMS: PERCEIVE MISUSE AND SUPPORT LIMITATIONS

Most New Jerseyans have the impression that the right to sue is being misused. A strong majority — 62 percent — of New Jersey residents feel that a great many people who bring lawsuits against others are taking advantage of their right to sue.

Even though many residents have not been following the debate to develop legislation to reform liability laws, the public supports the idea of limiting lawsuits. Seventy-one percent would support a law that would set limits on the amount of money a person could be awarded in a law suit, and 67 percent report that they would support a law that specifically makes it harder to sue.

Overall, about 6-in-10 New Jerseyans think that limiting lawsuits is a good idea, and it will reduce the costs of auto and medical insurance and the costs of developing new products. Specifically, 59 percent say there should be limits on the right to sue for personal injuries in an automobile accident, 58 percent for injuries related to a product, and 51 percent would limit the right to sue for injuries that occur when medical treatment is being given.

In a telephone survey of 801 New Jerseyans that was conducted from February 10 to 16, 1994, 40 percent report that they have not read or heard anything about the discussion on limiting lawsuits. Also, 25 percent say that either they or someone in their family has at sometime filed a lawsuit.

ATTENTION RADIO STATIONS:

Audio is available after 8:00 A.M. on Monday, March 7, 1994, from (908)445-3605 (Rutgers Feature Phone).

"A key issue in reforming liability lawsuits is the trade-off between maintaining an individual's right to sue and reducing costs. Right now, the public's choice is to reduce costs," commented Janice Ballou, Director of the Poll. "While these types of reforms are complex, the debate on this issue will be played against a backdrop of public opinion that starts out in favor of the suggested reforms."

Public Attitudes About Limiting Lawsuits

Overall, at this time New Jerseyans favor the idea of having limits on lawsuits. Seventy-one percent would strongly (48%) or mildly (23%) support a law that set limits on the amount of money a person could be awarded if he/she did sue; 67 percent would strongly (45%) or mildly (22%) support a law that made it harder to sue.

New Jerseyans with more than a high school education are more likely to support a law to make it harder to sue than those with less than a high school education by a margin of 74 to 53 percent. Also, white residents (74%) support this type of legislation more than non-white residents (48%). There are partisan differences in the support for this type of legislation — Republicans (83%) are more likely than independents (69%) or Democrats (58%) to favor making it harder for people to sue.

There are similar differences in the support for a law to set limits on the amount of money a person could be awarded if they did sue. New Jerseyans with more than a high school education are more likely to support this law than those with less than a high school education by a margin of 75 to 64 percent. Also, white residents (76%) support this type of legislation more than non-white residents (59%). Republicans (78%) are more likely than independents (75%) or Democrats (62%) to favor setting limits on the amount of money a person can be awarded in a lawsuit.

In assessing three different areas where there could be limits on both the right to sue and the amount of money a person is awarded, 59 percent say there should be limits for personal injuries in an automobile accident, 58 percent for injuries resulting from products, and 51 percent for injuries related to medical treatment.

A strong majority — 58 percent — agree that it is a good idea to limit lawsuits as a means to reduce costs for auto and medical insurance and the development of new products. In comparison, 35 percent do not think it is a good idea because they say it will put unfair restrictions on the right to sue. New Jerseyans who are the most aware of the discussion about these possible reforms (64%) are more likely than those who have not heard about placing limitations on lawsuits (50%) to think it is a good idea. New Jerseyans who have had experience with lawsuits (47%) are less likely than those who have not had this experience (62%) to say limiting lawsuits will reduce costs. Also, Republicans (72%),

residents with more than a high school education (64%), and white residents (64%) are more likely than their counterparts to say limiting law suits will help reduce costs.

Perceptions on Misuse of Liability Lawsuits

Overall, 62 percent of New Jersey residents feel a great many people take advantage of their right to sue. In comparison, 24 percent say some people misuse lawsuits, 9 percent feel only a few take advantage of suing, and only 3 percent say not many at all.

Experiences with Filing Lawsuits

Most New Jerseyans have not had the experience of filing a liability lawsuit. While 25 percent say that either they or someone in their family has filed a lawsuit for automobile injuries, injuries while getting medical treatment, or injuries from some type of a product, 74 percent have not filed these types of lawsuits. Among those who have filed a lawsuit, 86 percent say the lawsuit was related to an automobile problem, 6 percent a medical injury, and 2 percent reported it was a product injury. The majority (58%) of these lawsuits were settled out of court, while 23 percent involved court cases and 14 percent are still pending.

- 30 -

BACKGROUND MEMO — RELEASE SL/EP47-3 (EP97-3), SUNDAY, MARCH 6, 1994

The latest *Star-Ledger*/Eagleton Poll was conducted between February 10 and February 16, 1994, when a random sample of 801 New Jerseyans, 18 years and older, was interviewed by telephone. Figures based on this sample size are subject to a sampling error of about ± 3.5 percent at a 95 percent confidence interval. Sampling error is the probable difference in results between interviewing everyone in the population versus a scientific sample taken from that population. Sampling error does not take into account other possible sources of error inherent in any study of public opinion. The questions and figures referred to in this release are presented below. The location of each question on the actual questionnaire is in brackets.

"There are currently some discussions in New Jersey about passing laws to limit lawsuits. Limiting lawsuits is also called tort reform. How much have you read or heard about limiting law suits or tort reform — a great deal, some, not much, or nothing at all? [Q.36]

	<u>A Great Deal</u>	<u>Some</u>	<u>Not Much</u>	<u>Nothing At All</u>	<u>Don't Know</u>	<u>Total</u>	<u>(n)</u>
February, 1994	6%	27%	26%	40%	2%	101%	(801)

"Those who think it is a good idea to limit law suits say this will reduce costs for things such as auto and medical insurance and developing new products. Those who think it is not a good idea to limit lawsuits say these laws would put unfair restrictions of peoples' rights to sue. Which of these two statements do you agree with more . . . do you think limiting law suits will reduce costs or do you think it will put unfair restrictions on the right to sue?" [Q.37]

	<u>Good Idea Reduce Costs</u>	<u>Bad Idea Put Unfair Restrictions</u>	<u>Depends</u>	<u>Don't Know</u>	<u>Total</u>	<u>(n)</u>
February, 1994	58%	35%	2%	5%	100%	(801)

Party ID

--Democrat	50	42	1	7	100	(237)
--Independent	59	35	3	3	100	(334)
--Republican	72	23	2	3	100	(197)

Education

--Less than high school	44	45	--	11	100	(76)
--High school graduate	58	36	3	3	100	(232)
--More than high school	64	29	3	3	99	(493)

Race

--White	64	29	2	4	99	(620)
--Non-white	40	52	2	6	100	(162)

Awareness of Tort Reform

--Aware*	65	29	2	4	100	(468)
--Not aware	50	44	2	4	100	(317)

Experience With Lawsuits

--Someone in family has sued	47	43	3	7	100	(203)
--No one in family has sued	62	32	2	4	100	(596)

*Includes those who said they read or heard a great deal, some or not much in Q.36.

"In general, would you support or oppose a law that would make it harder for people to sue? Would you (support/oppose) it strongly or mildly?" [Q.38]

	<u>Strongly Support</u>	<u>Mildly Support</u>	<u>Mildly Oppose</u>	<u>Strongly Oppose</u>	<u>Don't Know</u>	<u>Total</u>	<u>(n)</u>
February, 1994	45%	22%	12%	15%	5%	99%	(800)
<i>Party ID</i>							
--Democrat	34	24	14	23	6	101	(237)
--Independent	47	22	13	14	4	100	(334)
--Republican	61	22	7	8	4	102	(197)
<i>Education</i>							
--Less than high school	26	27	19	20	8	100	(76)
--High school graduate	47	23	11	16	3	100	(232)
--More than high school	54	20	9	13	5	101	(493)
<i>Race</i>							
--White	51	23	9	11	5	99	(620)
--Non-white	29	19	21	27	5	101	(162)
<i>Awareness of Tort Reform</i>							
--Aware	53	19	10	15	4	101	(468)
--Not aware	37	28	15	17	4	101	(317)
<i>Experience With Lawsuits</i>							
--Someone in family has sued	35	21	13	24	7	100	(203)
--No one in family has sued	49	23	12	12	4	100	(596)

"And, would you support or oppose a law that would set limits on the amount of money a person could be awarded if they did sue. Would you (support/oppose) it strongly or mildly?" [Q.39]

	<u>Strongly Support</u>	<u>Mildly Support</u>	<u>Mildly Oppose</u>	<u>Strongly Oppose</u>	<u>Don't Know</u>	<u>Total</u>	<u>(n)</u>
February, 1994	48%	23%	8%	16%	4%	99%	(801)
<i>Party ID</i>							
--Democrat	39	23	12	21	4	99	(237)
--Independent	50	25	6	15	5	101	(334)
--Republican	60	18	8	12	3	101	(197)
<i>Education</i>							
--Less than high school	33	31	6	22	8	100	(76)
--High school graduate	50	21	9	17	2	99	(232)
--More than high school	55	20	8	12	4	99	(493)
<i>Race</i>							
--White	53	23	8	12	5	101	(620)
--Non-white	35	24	9	27	5	100	(162)
<i>Awareness of Tort Reform</i>							
--Aware	53	20	9	15	3	100	(468)
--Not aware	43	26	8	19	5	101	(317)
<i>Experience With Lawsuits</i>							
--Someone in family has sued	41	20	10	26	4	101	(203)

--No one in family has sued 51 24 8 12 5 100 (596)

"There are many different areas where there could be limits on the right to sue or limits on the amount of money a person is awarded when they sue. Do you think there should or should not be limits on the right to sue?" [Q.40]

	<u>Should Be Limits</u>	<u>Should Not Be Limits</u>	<u>Depends</u>	<u>Don't Know</u>	<u>Total</u>	<u>(n)</u>
February, 1994:						
--For personal injuries in an automobile accident	59%	33%	7%	1%	100%	(801)
--For injuries from some type of product that is being used	58	35	4	3	100	(801)
--For injuries that occur when medical treatment is being given	51	42	3	3	99	(801)

"Legislation passed in 1988 gave people the choice of buying lower car insurance in return for limiting their right to sue for "pain and suffering" in automobile accidents. As far as you know, do you or do you not have a car insurance policy that limits your right to sue for pain and suffering?" [Q.41]

	<u>Have Limits</u>	<u>Do Not Have Limits</u>	<u>Do Not Have Car</u>	<u>Don't Know</u>	<u>Total</u>	<u>(n)</u>
February, 1994	34%	34%	11%	21%	100%	(801)

"Is your opinion, about how many people who bring lawsuits against others are taking advantage of their right to sue — a great many, some, just a few, or not many at all?" [Q.42]

	<u>A Great Many</u>	<u>Some</u>	<u>Just A Few</u>	<u>Not Many At All</u>	<u>Don't Know</u>	<u>Total</u>	<u>(n)</u>
February, 1994	62%	24%	9%	3%	3%	101%	(801)

"Have you or anyone in your family ever filed a lawsuit because of automobile injuries, injuries while getting medical treatment, or injuries from some type of a product?" [Q.43]

	<u>Have</u>	<u>Have Not</u>	<u>Don't Know</u>	<u>Total</u>	<u>(n)</u>
February, 1994	25%	74%	--	99%	(801)

AMONG THOSE WHO HAVE HAD A LAWSUIT:

"What type of problem was it?" [Q.44]

	<u>Automobile</u>	<u>Medical Injuries</u>	<u>Produce Injuries</u>	<u>Other</u>	<u>Don't Know/ Refused</u>	<u>Total</u>	<u>(n)</u>
February, 1994	86%	6%	2%	2%	4%	100%	(193)

"Was the case settled in court or out of court?" [Q.45]

	<u>In Court</u>	<u>Out Of Court</u>	<u>Pending</u>	<u>Don't Know/ Refused</u>	<u>Total</u>	<u>(n)</u>
February, 1994	23%	58%	14%	5%	100%	(193)

"And, was the case in New Jersey or some other state?" [Q.46]

	<u>New Jersey</u>	<u>Other State</u>	<u>Don't Know</u>	<u>Total</u>	<u>(n)</u>
February, 1994	94%	6%	--	100%	(193)