

FROM HEADLINES TO THE JURY BOX

Assessing the Impact of Nuclear Verdicts on Litigation

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Over the past decade, trial lawyers and insurers alike have witnessed a dramatic rise in nuclear verdicts. These verdicts, characterized by awards exceeding \$10 million, highlight a fundamental shift in how jurors perceive corporate responsibility and appropriate mechanisms for achieving justice. But when we step back from courtrooms and law offices, how are these verdicts perceived by the broader public? Jury consultants at Verdict Insight Partners (formerly Immersion Legal Jury) set out to explore what jurors, our ultimate decision-makers, think when they hear about massive awards in the media. Results provide a window into public sentiment surrounding nuclear verdicts, shedding light on how news coverage, advertising, and social discussions influence juror expectations before they even set foot in a courthouse.

EXTRAORDINARY JURY AWARDS AREN'T SO OUT OF THE ORDINARY

The legal profession finds itself at a critical juncture where extraordinary jury awards have transcended from occasional outliers to a defining characteristic of modern litigation. In 2024 alone, there were 135 nuclear

verdicts documented, a 52% increase from the previous year. More striking was that the aggregate value of these verdicts totals \$31.3 billion, representing a 116% increase over the 2023 value. Further, the emergence of “thermonuclear verdicts,” which refers to damages exceeding \$100 million, emphasizes this trend. Last year, 49 such verdicts were recorded, with five cases resulting in awards greater than \$1 billion. These figures underscore a seismic shift in the judicial landscape that warrants further review.

PUBLIC CONSCIOUSNESS AND THE REALITY GAP

While the surge in nuclear verdicts has become a focal point in the legal community, the extent of prospective jurors’ knowledge of the trend remains comparatively unclear. To gather insights into public perception of jury awards, VIP consultants surveyed 259 jury-eligible citizens across six venues.¹ Results suggest a striking paradox: while nuclear verdicts dominate legal discourse, only 8.1% of respondents reported seeing or hearing of large verdicts (defined as verdicts of \$10 million or more) in the news. This limited public exposure con-

trasts sharply with the legal community’s heightened concern, suggesting that nuclear verdicts remain largely unknown to the general public.

Among the minority who recall seeing coverage of large verdicts, perhaps unsurprisingly, social media emerges as the predominant medium, accounting for 47.6% of reported exposures, followed by television at 33.3%. Traditional print media (newspapers), once the primary vehicle for legal news dissemination, accounts for merely 4.8% of exposures. This distribution pattern suggests that public understanding of nuclear verdicts is increasingly shaped by network connections rather than traditional news sources.

The implications of this nuclear verdict awareness gap suggest many people are likely to serve on a jury who have never heard of the big cases, so the usual ideas of how news coverage shapes jury decisions don’t always fit. Indeed, the overwhelming majority (90.3%) stated their opinion about lawsuits or the legal system has not changed as a result of any nuclear verdict exposure. At the same time, the few who do see these stories may become more aware and more critical of how

companies behave, which may influence their ultimate damage calculations.

MOTIVATIONS BEHIND LARGE VERDICTS

Despite the low exposure rate to nuclear verdicts among the mock juror population, responses indicate more nuanced views of such large awards. When asked about the justification of substantial jury damages, 38.2% believe large jury awards are often justified, while nearly 55% see merit in them at least some of the time, considering them to sometimes be appropriate. This widespread acceptance reflects a public attitude that mirrors the judicial trend toward large damages awards, laying the groundwork for potential pervasive nuclear verdicts.

A closer look uncovers the deeper framework that shapes how the public interprets and evaluates these awards. When asked about the primary purpose of large verdicts, results were nearly evenly distributed: 40.5% viewed them as mechanisms for "sending a message to companies or society," 32.8% emphasized victim compensation, and 26.6% considered them to serve as punishment for the wrongdoer. This distribution indicates jurors are approaching their potential decision of large damages for varied purposes.

The broader societal impact stemming from nuclear verdicts was also assessed. Results indicate that a significant portion of respondents (41.3%) believe large verdicts lead to positive changes (i.e., improve safety standards, enhanced corporate responsibility), while only 6.2% anticipate primarily negative consequences (i.e., higher insurance premiums). Such optimistic assessment of large verdicts provides crucial context for understanding why juries may feel comfortable delivering substantial awards: They perceive them as constructive tools for societal improvement rather than punitive excess or a detriment to their fellow citizens.

CORPORATE TRUST AND ACCOUNTABILITY

Within the legal community, much of the discussion of nuclear verdicts centers on the changing discourse surrounding corporate trust. However, only a quarter (27.8%) of respondents agreed that their trust in corporations has decreased as a result of hearing about large verdicts in lawsuits against corporations. Just over half

(51.0%) of the jurors remained unsure whether their corporate trust has changed, while 21.2% disagreed that their trust has been affected. This suggests that while nuclear verdicts may fuel debate within the legal field, their broader impact on jurors' trust in corporations remains limited and uncertain.

Nonetheless, 65.6% of respondents view large jury awards as effective mechanisms for holding corporations accountable. Recognizing the role of accountability sheds light on jury motivations, showing that substantial awards are often intended to influence corporate behavior, not just provide compensation. For legal professionals, this emphasizes the need to weave appropriate corporate responsibility into litigation strategies. Results also underscore the importance of trial teams to provide education on the intent and meaning of damages. Educating the jury may combat the potential for jurors to focus on corporate responsibility generally and instead encourage jurors to critically evaluate the specific nuances and details of the case in front of them.

MEDIA INFLUENCE ON JUROR EXPECTATIONS

The relationship between media coverage and nuclear verdict expectations presents both opportunities and challenges for legal professionals. Over half of the respondents (50.2%) agree that news coverage tends to sensationalize verdicts, and another 40.9% were unsure whether headlines carried weight for typical lawsuits. This indicates sophisticated media literacy regarding legal reporting among the majority of jurors. Results of media awareness suggest that potential jurors may approach media coverage of large awards with appropriate skepticism, providing an opportunity to mitigate concerns about pre-trial publicity.

At the same time, results also reveal more subtle influence patterns. While only 29.4% of respondents indicated that media coverage of large awards makes them believe such amounts are typical in successful lawsuits, 46.7% remained unsure about this relationship. This uncertainty creates an opportunity for attorneys to shape jury expectations by providing case-specific calculations to encourage jurors to more narrowly focus their deliberation discussions. Interestingly, advertising by plaintiff's attorneys appears to exert limited influence on public expectations, with only 29.3% indicating such advertising affects their percep-

tion of typical award amounts. This finding suggests that direct, targeted marketing efforts may be less influential than organic media coverage in shaping juror expectations of lawsuit awards. In sum, the majority of jurors are critically evaluating media and advertisement efforts, rather than passively accepting that large verdicts are accurate reflections of courtroom reality.

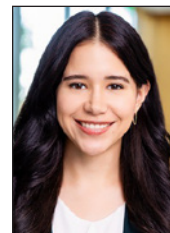
STRATEGIC CONSIDERATIONS FOR CONTEMPORARY PRACTICE AND FUTURE IMPLICATIONS

For defense practitioners, the survey findings emphasize the importance of addressing corporate responsibility themes proactively rather than defensively. Given the public's view of nuclear verdicts as accountability mechanisms, successful defense strategies must acknowledge legitimate corporate responsibility concerns while providing context for appropriate proportionality in awards.

With the trajectory of nuclear verdicts increasing, as reflected by a median award of \$51 million in 2024 compared to \$21 million in 2020, the legal profession must adapt to an environment where large awards become routine considerations rather than outliers. As evidenced by study data, the public is poised to support substantial awards when they serve legitimate purposes and are proportional to the harm addressed. The challenge for the profession lies in maintaining the civil justice system's foundational principles, focusing on fair compensation, appropriate deterrence, and proportional justice, while simultaneously acknowledging the legitimate public expectations that drive nuclear verdict activity.



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Jessica Kansky, Ph.D., leverages over 15 years of expertise in psychology and statistics to analyze jurors' reactions to case themes and predict juror behavior at trial. She provides mock trial facilitation and jury selection assistance with an emphasis on developing juror profiles to effectively guide counsel through jury selection.



With nearly a decade of dedicated trial consulting experience, Juliana Manrique of *Verdict Insight Partners* refines trial strategies through mock jury research, nuanced data analysis, and guidance in jury selection.

¹ The six venues include Chicago (Illinois), Decatur (Alabama), Houston (Texas), Milwaukee (Wisconsin), San Francisco (California), and Seattle (Washington).