

**ALWAYS KNOW
WHAT LIES AHEAD**

**STATE JUDICIAL
PROFILES
BY COUNTY
2021-2022**

PREPARED BY THE MEMBER FIRMS OF

USLAW
NETWORK, INC.

USLAW is your home field advantage. The home field advantage comes from knowing and understanding the venue in a way that allows a competitive advantage – a truism in both sports and business. Jurisdictional awareness is a key ingredient to successfully operating throughout the United States and abroad. Knowing the local rules, the judge, and the local business and legal environment provides our firms' clients this advantage. USLAW NETWORK bring this advantage to its member firms' clients with the strength and power of a national presence combined with the understanding of a respected local firm.

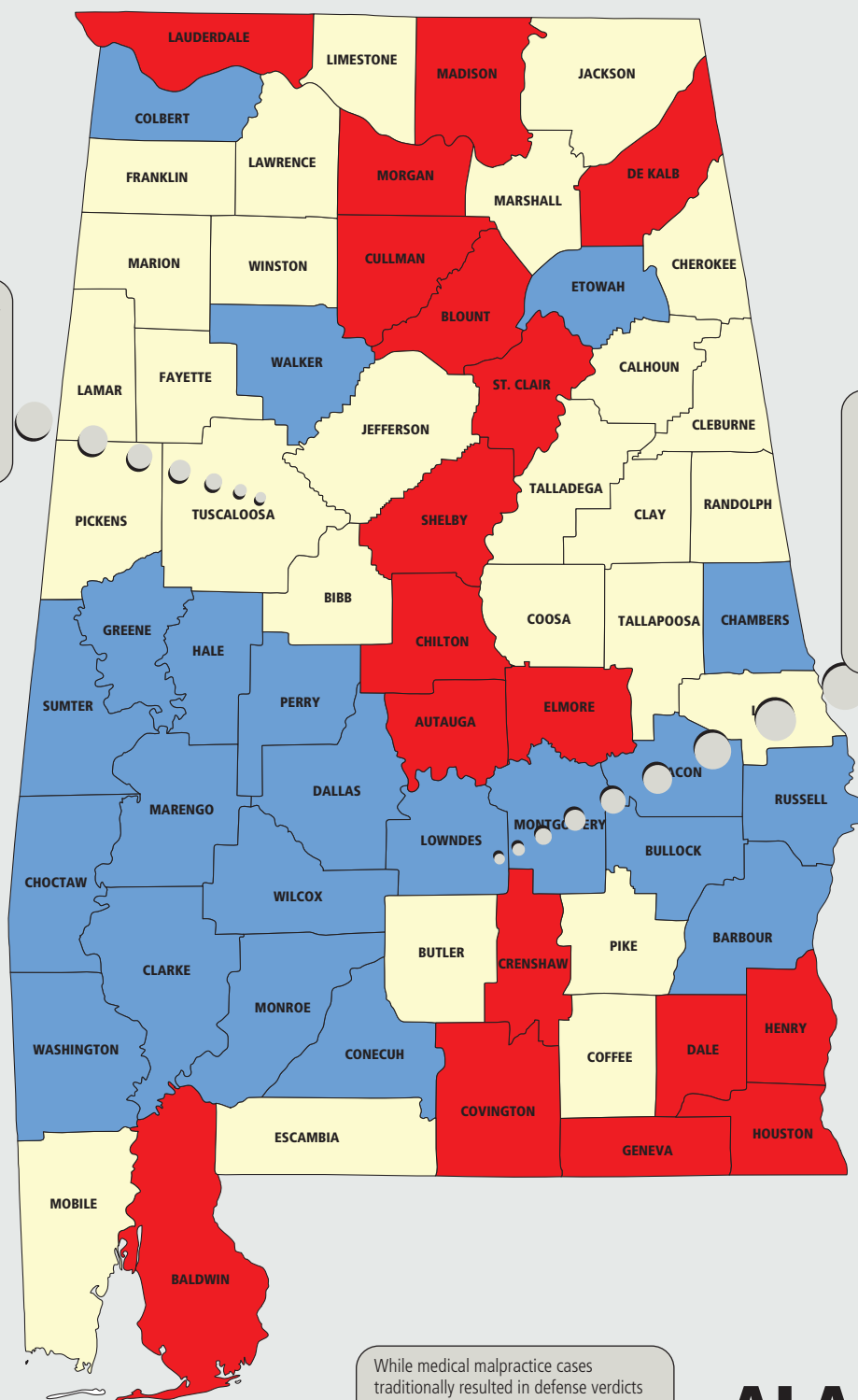
In order to best serve clients, USLAW NETWORK biennially updates its county-by-county jurisdictional profile, including key court decisions and results that change the legal landscape in various states. The document is supported by the common consensus of member firm lawyers whose understanding of each jurisdiction is based on personal experience and opinion. Please remember that the state county-by-county comparisons are in-state comparisons and not comparisons between states. There are a multitude of factors that go into such subjective observations that can only be developed over years of experience and participation. We are pleased on behalf of USLAW NETWORK to provide you with this jurisdictional snapshot.

The information here is a great starter for discussion with the local USLAW member firm on how you can succeed in any jurisdiction. This conversation supplements the snapshot because as we all know as with many things in life, jurisdictions can change quickly. Please use this document as a way to begin exploring the benefits of an ongoing relationship with USLAW.

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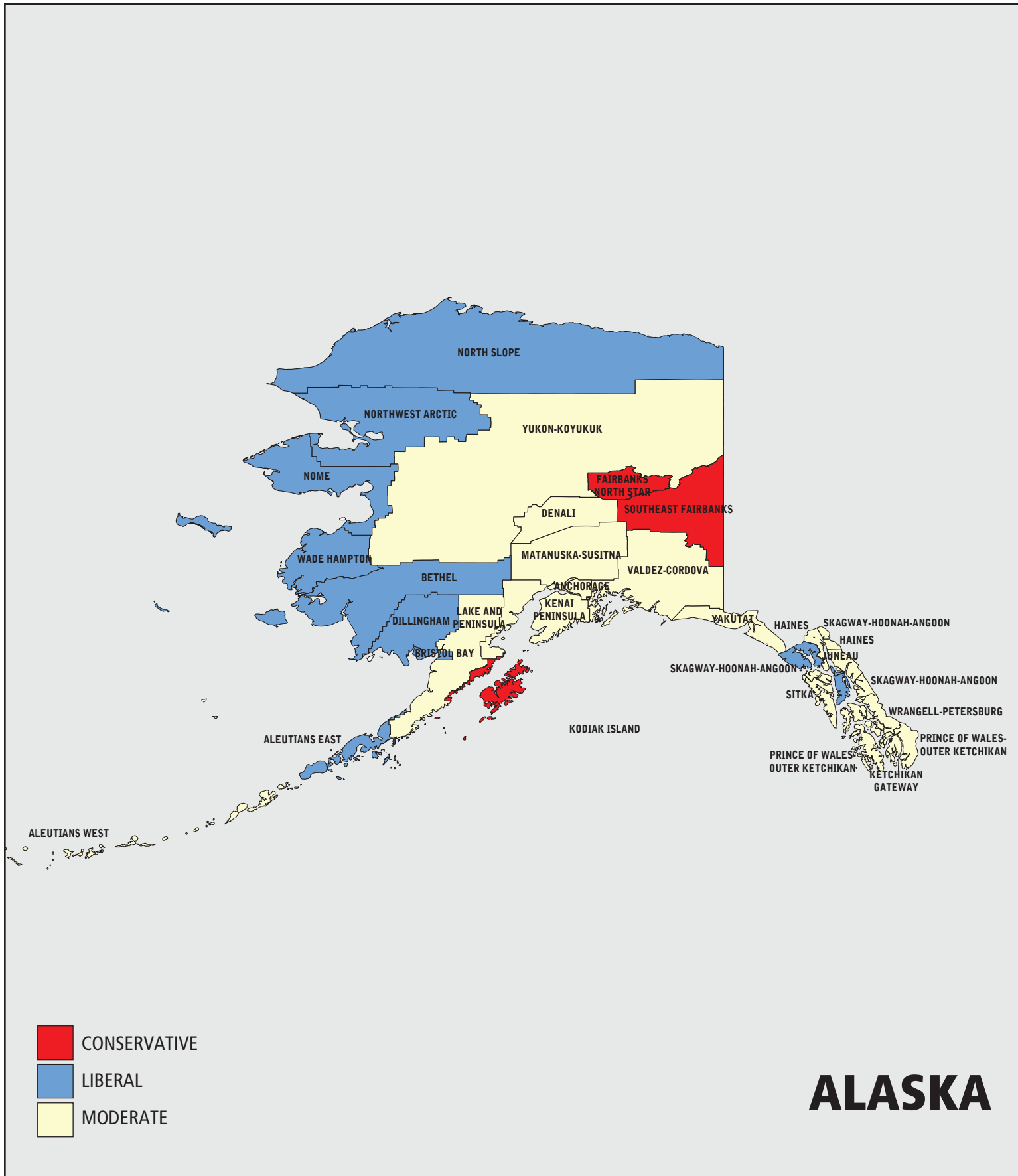


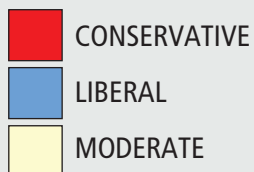
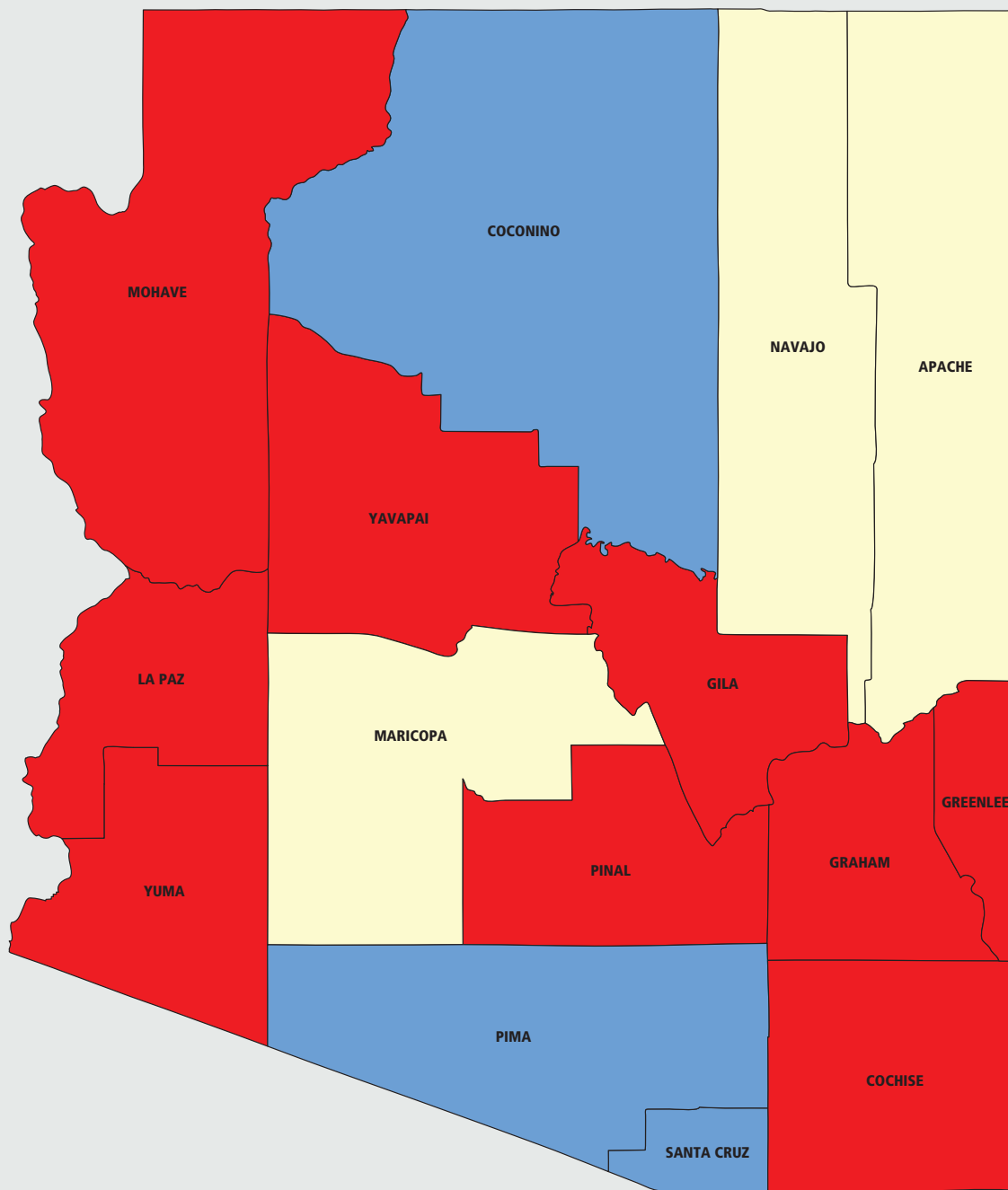
Tuscaloosa County, home of the University of Alabama and previously thought of as a conservative county, recently entered a \$30 million judgment in a wrongful death medical malpractice case. This is the largest medical malpractice award in the history of the state.

\$16 million verdict in truck accident case was tried as a products case so that standard defenses in auto negligence cases were no longer available, which is a new tact taken by sophisticated plaintiffs' counsel.

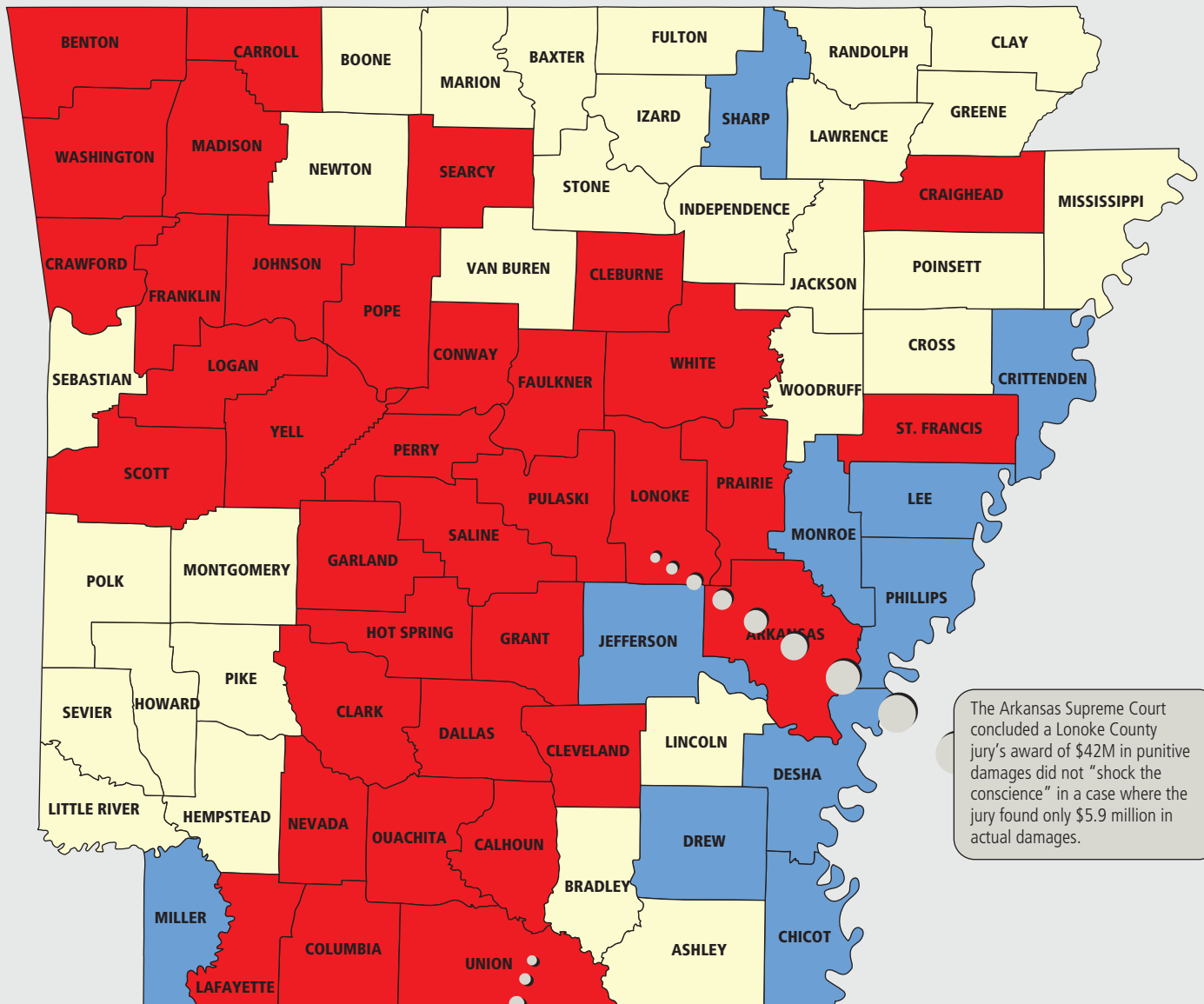
While medical malpractice cases traditionally resulted in defense verdicts or minimal awards in Alabama, there has been a significant increase in the potential value of these cases throughout the entire state.

ALABAMA





ARIZONA



ARKANSAS



An appellate court considering a Contra Costa County case found that defendants could present evidence of benefits under the Affordable Care Act to argue for a reduction in the costs of future medical care. The case is the latest in the line of cases establishing that plaintiff can only seek medical specials based on what was or will be paid rather than grossly billed by medical providers.

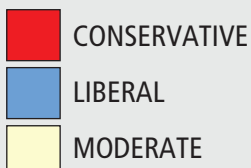
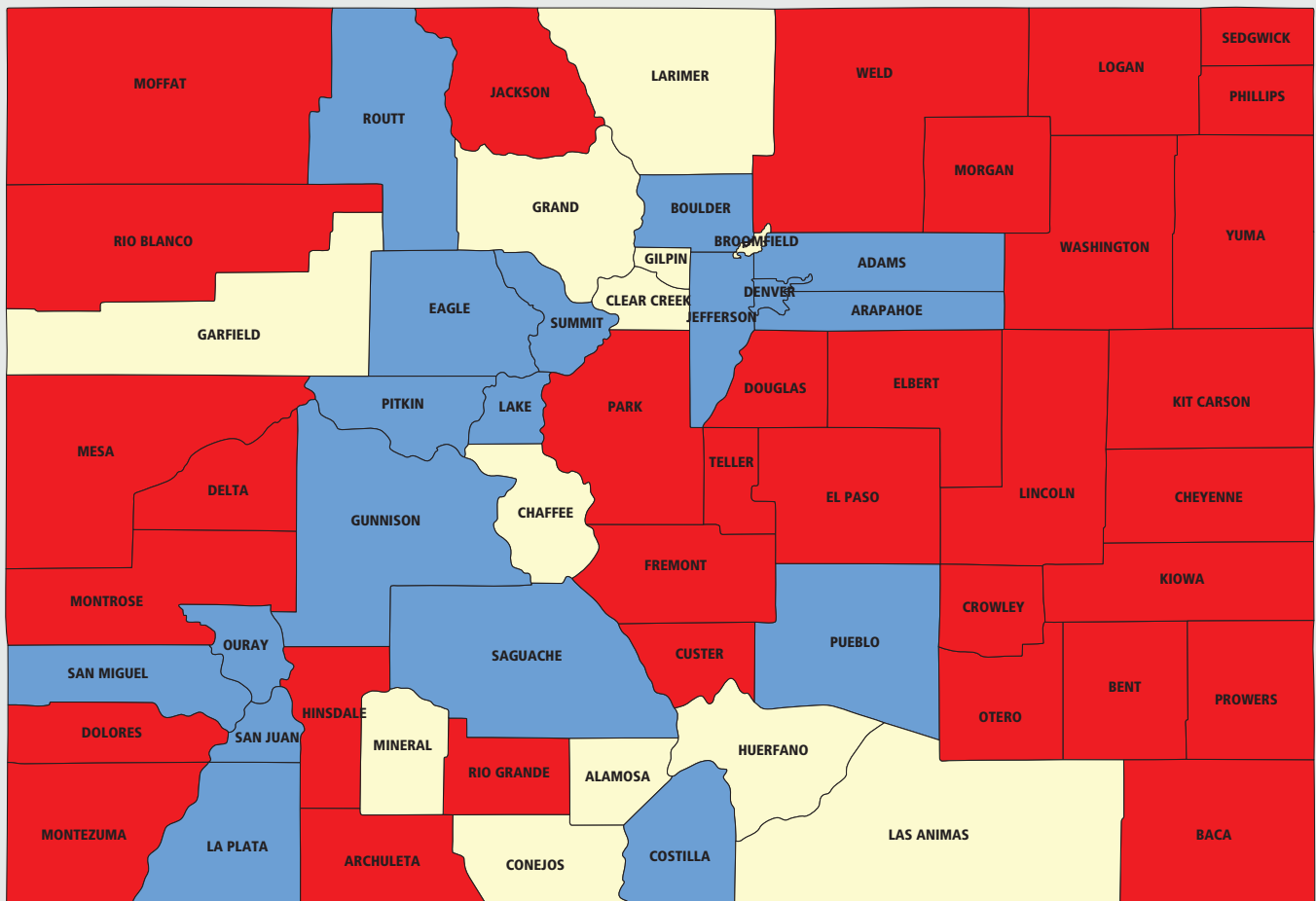
As a monolith, Los Angeles County is viewed as liberal. However, analysis of the sub-venue is required for a more accurate assessment. For example, sub-venues such as downtown Los Angeles and Compton have liberal juries, whereas sub-venues such as Long Beach and Santa Monica are relatively moderate, and sub-venues such as Chatsworth, Alhambra, Torrance, Van Nuys and Norwalk can even tilt conservative.

While Orange County has been a rock-ribbed conservative venue, the changing political and cultural landscape is being reflected in the jury pools. Juries in Orange County may now consist of many Asian-American and Hispanic-American jurors. Relatively, it is still a good place to try a California case as a defendant, as the changing landscape seems more socially liberal while remaining economically conservative. For example, a USLAW member attorney recently obtained a defense verdict in a seven-figure slip-and-fall case despite arguing to a jury consisting of two registered Republicans and ten registered Democrats or Independents.

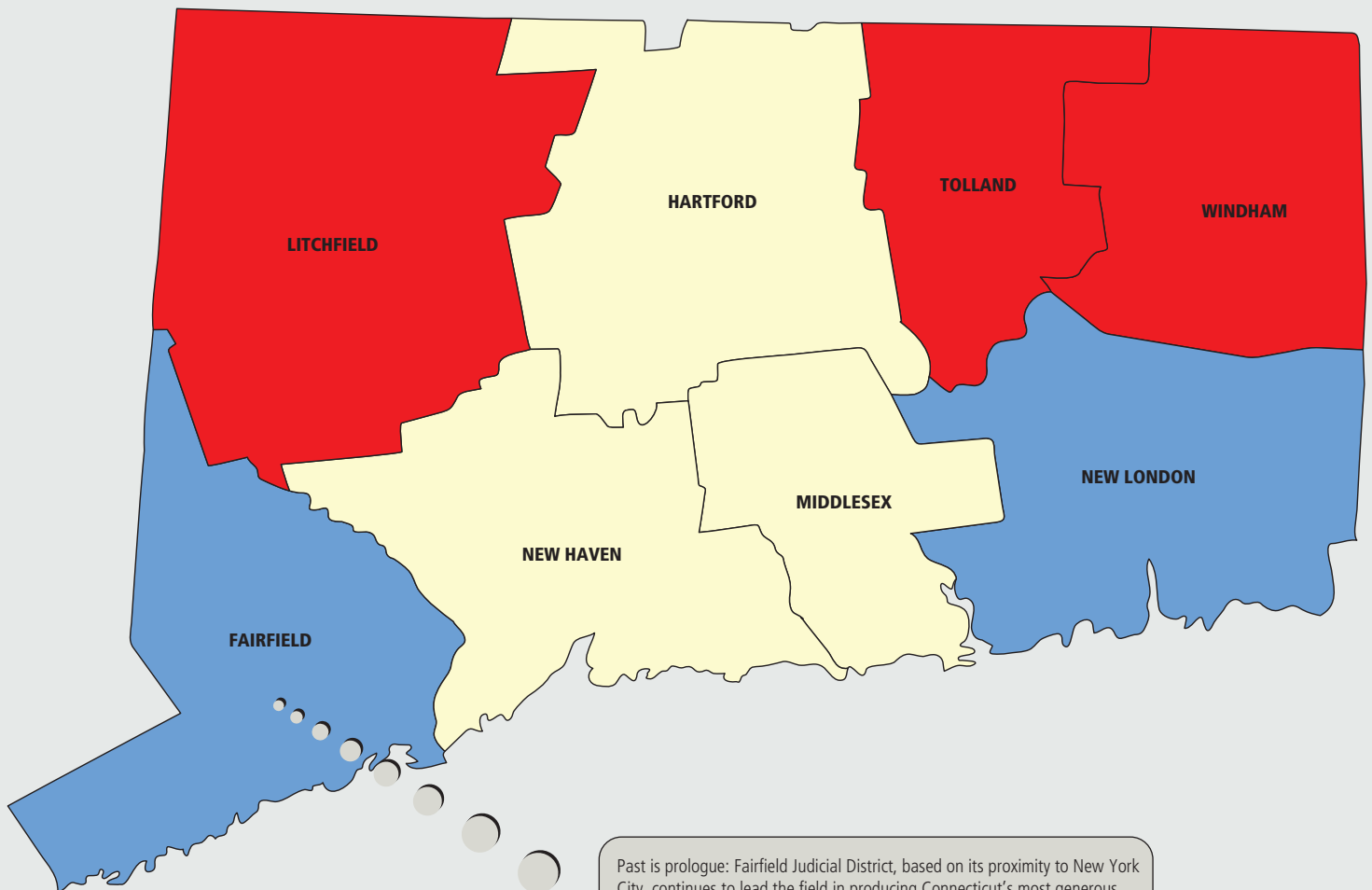
CALIFORNIA

The Colorado General Assembly passed House Bill 21-1188, which allows a plaintiff to bring direct negligence claims against an employer even if the employer admits liability for the tortious actions of its employee. This bill explicitly overrules *Ferrer v. Okbamicael*, 390 P.3d 836 (Colo. 2017), which previously allowed employers to dismiss direct negligence claims if they admitted their employee was acting within the course and scope of their employment when they committed the alleged tort. This increases potential exposure for employers.

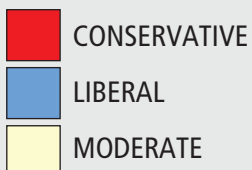
In *Nieto v. Clark's Market, Inc.*, __ P.3d __, 2021 CO 48 (Colo. 2021), the Colorado Supreme Court unanimously held that under the Colorado Wage Claim Act, all earned and determinable vacation pay must be paid out to an employee when she leaves her job. This ruling means that employers cannot require employees to forfeit unused vacation pay at the end of their employment. This decision could have potentially significant impacts for Colorado employers who do not already adhere to this practice.



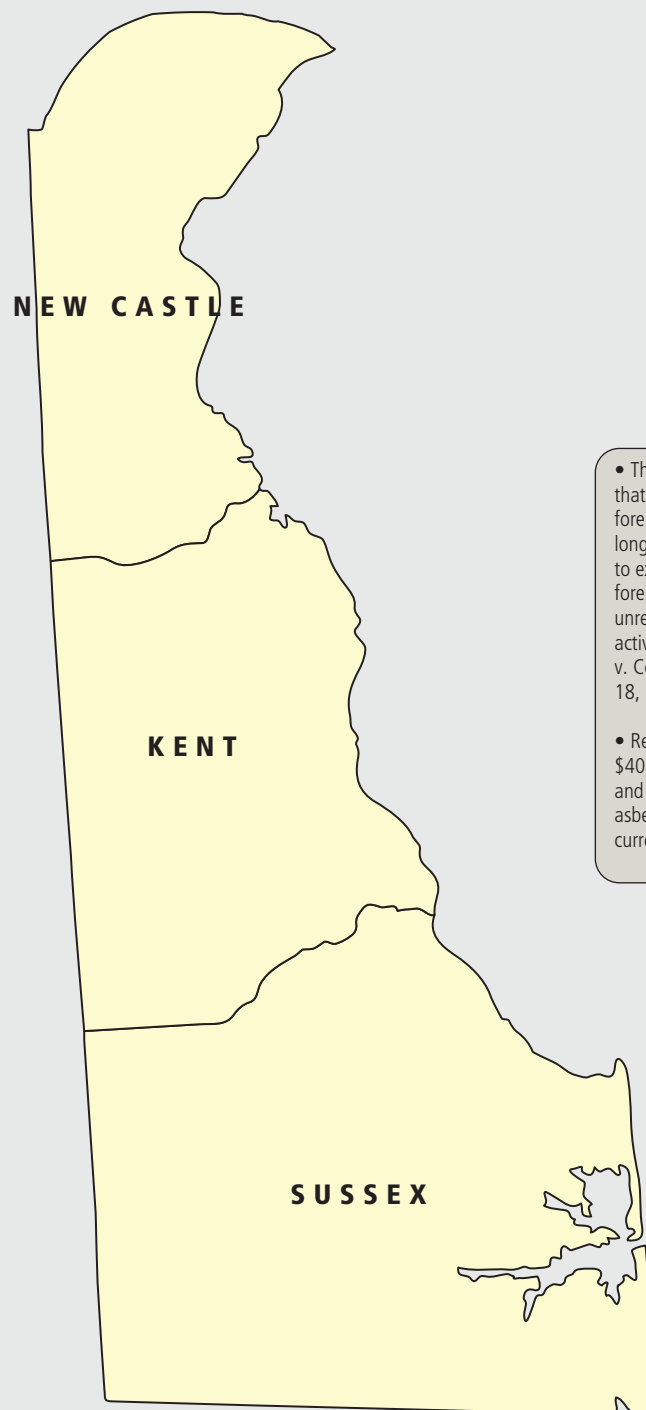
COLORADO



Past is prologue: Fairfield Judicial District, based on its proximity to New York City, continues to lead the field in producing Connecticut's most generous jury pool. On May 22, 2019, after five and a half days of deliberations, a jury in Stamford Superior Court awarded \$14.2 million to a plaintiff who suffered back and neck injuries after a tractor-trailer rear-ended his car on an interstate highway. In addition to that verdict, the jury also awarded his wife \$727,562.50 in past and future loss of consortium. This is believed to be one of the largest vehicular verdicts in Connecticut's history.

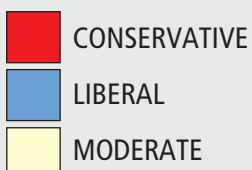


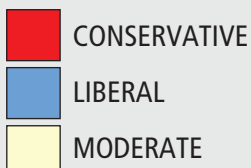
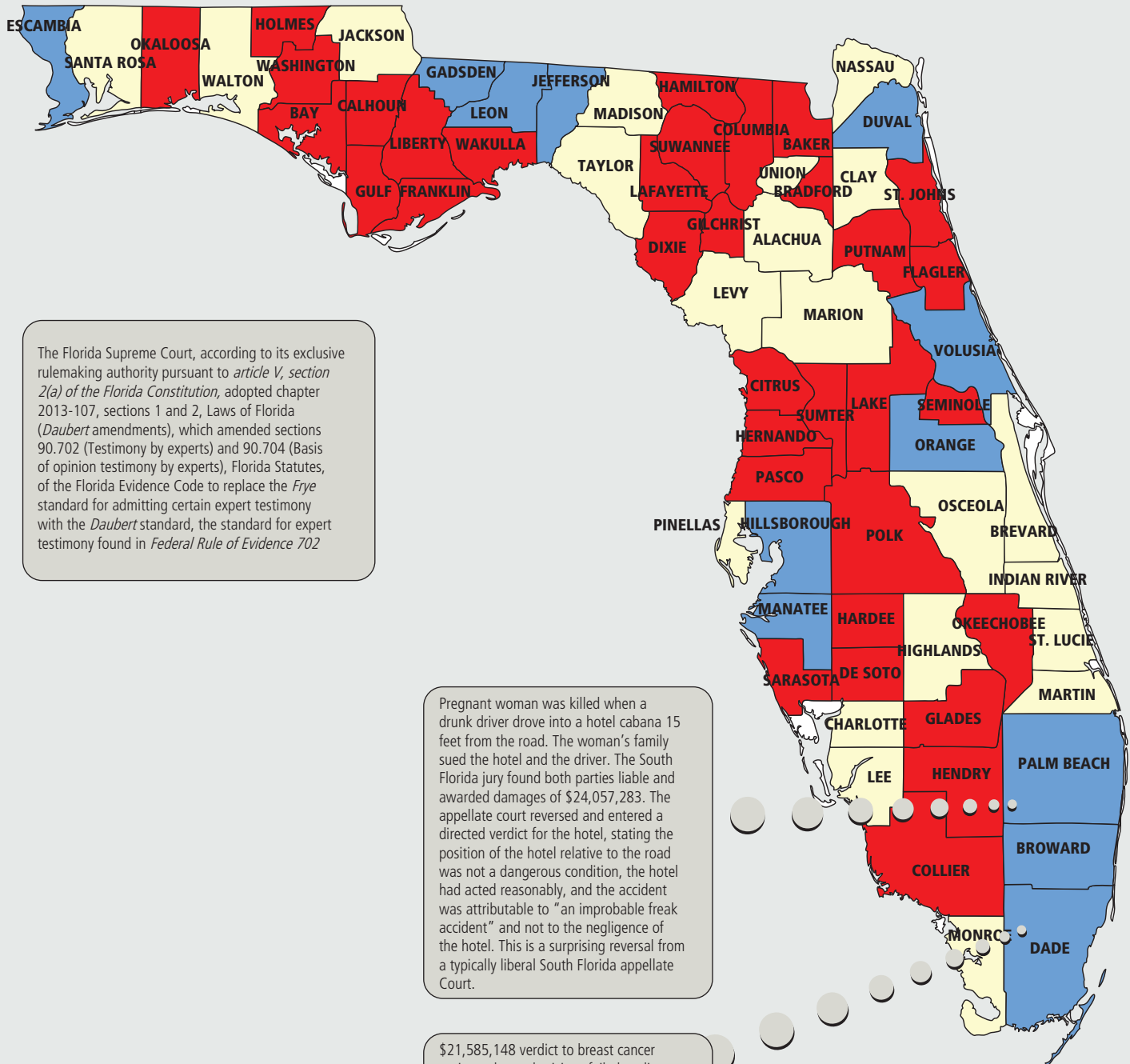
CONNECTICUT



- The Delaware Supreme Court concluded that registering to do business as a foreign corporation in Delaware will no longer serve as a basis for Delaware to exercise personal jurisdiction over a foreign corporation for a cause of action unrelated to the foreign corporation's activities in Delaware. *Genuine Parts Co. v. Cepec*, No. 528, 2015 (Del. Supr. April 18, 2016).

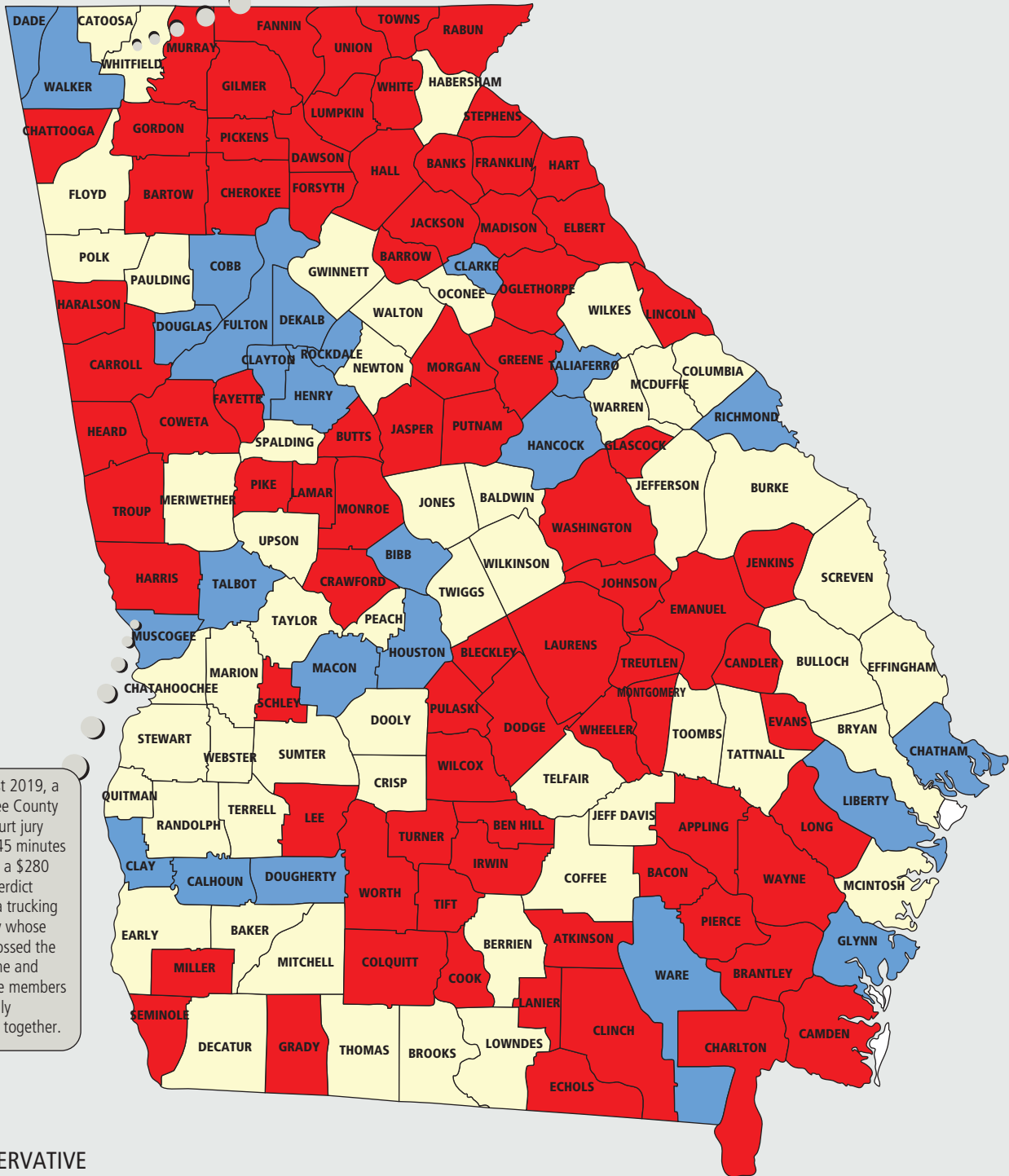
- Recently, a Delaware jury awarded \$40.6 million in compensatory damages and \$1 million in punitive damages in an asbestos case against Ford. That case is currently on appeal.

**DELAWARE**



FLORIDA

In May 2019, a Whitfield County Superior Court jury needed less than two hours to return a \$21.6 million verdict against a trucking company in an accident that resulted in a below-the-knee amputation of the plaintiff's left leg. This is a very high award for a historically conservative county.

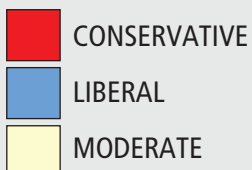
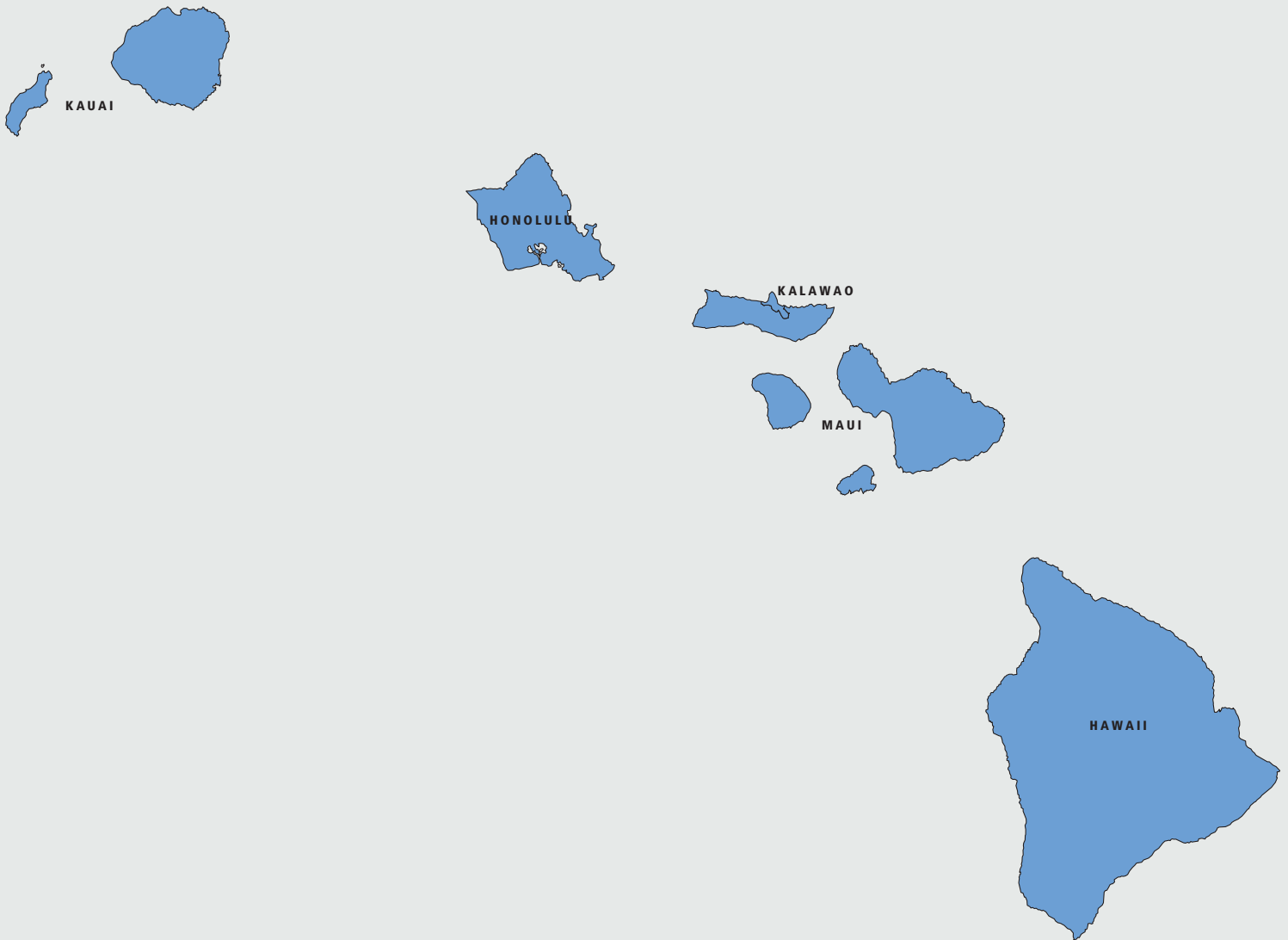


In August 2019, a Muscogee County State Court jury needed 45 minutes to return a \$280 million verdict against a trucking company whose driver crossed the center line and killed five members of a family traveling together.

- CONSERVATIVE
- LIBERAL
- MODERATE

GEORGIA

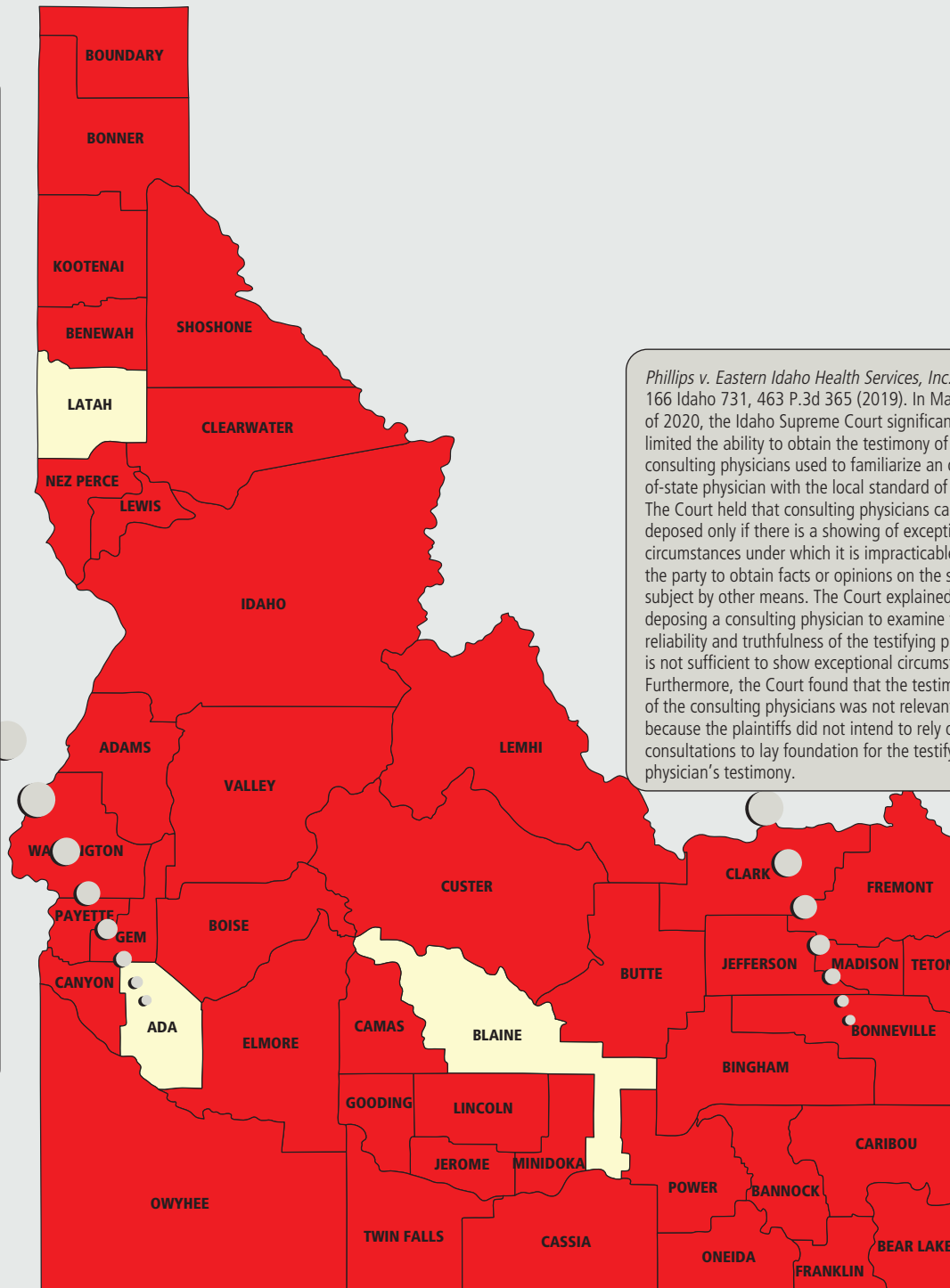
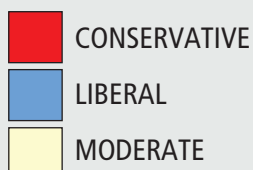
A May 2019 decision from the Hawaii Supreme Court in *Nationstar Mortgage* continues the Court's recent trend of applying ordinary litigation rules very strictly to foreclosure actions, including the standing requirement and the business records exception to the hearsay rule. *Nationstar Mortgage LLC v. Kanahele*, 2019 WL 1931703 (Haw. May 1, 2019). In *Nationstar*, the court concluded that discrepancies in *Nationstar's* records indicated that the records were not trustworthy under the business records exception and additional affirmative steps would have to be taken to address the discrepancies on remand.

**HAWAII**

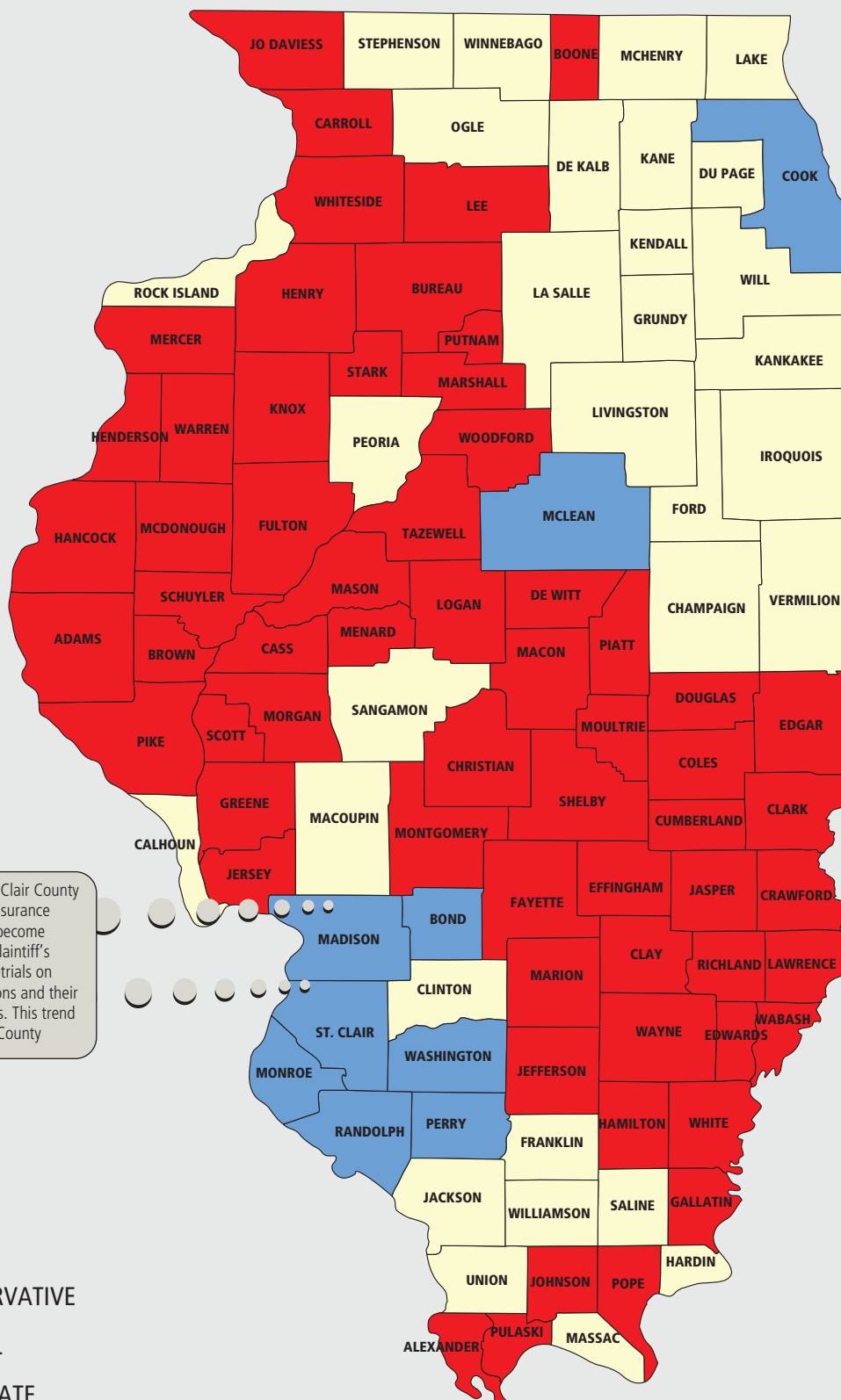
Hawes v. Western Pacific Timber, LLC, 167 Idaho 896, 477 P. 3d 950 (2020). In December of 2020, the Idaho Supreme Court affirmed a \$2.2 million judgment against Western Pacific Timber, LLC for breach of contract. Western Pacific Timber, LLC offered a private attorney an in-house general counsel position, which included a severance package of up to \$500,000 to leave the attorney's firm. The severance was not paid, and the in-house counsel position was later eliminated at the company. The jury awarded plaintiff \$500,000, which was trebled by the district court because it was a claim for unpaid wages and \$573,904.38 was awarded in attorneys fees.

Brauner v. AHC of Boise, LLC, 166 Idaho 398, 459 P.3d 1246 (2020). In February of 2020, the Idaho Supreme Court affirmed a judgment awarding plaintiff \$2,265,204 in damages in a medical malpractice case. The judgment was awarded against AHC of Boise, LLC due to AHC's delay in care, which was a substantial factor resulting in an above-the-knee amputation of plaintiff's leg.

Phillips v. Eastern Idaho Health Services, Inc., 166 Idaho 731, 463 P.3d 365 (2019). In March of 2020, the Idaho Supreme Court significantly limited the ability to obtain the testimony of consulting physicians used to familiarize an out-of-state physician with the local standard of care. The Court held that consulting physicians can be deposed only if there is a showing of exceptional circumstances under which it is impracticable for the party to obtain facts or opinions on the same subject by other means. The Court explained that deposing a consulting physician to examine the reliability and truthfulness of the testifying physician is not sufficient to show exceptional circumstances. Furthermore, the Court found that the testimony of the consulting physicians was not relevant because the plaintiffs did not intend to rely on the consultations to lay foundation for the testifying physician's testimony.



IDAHO



In 2018 more than 15 eight-figure and 40 seven-figure jury verdicts were rendered primarily in Cook County, but also throughout the state

For Madison and St. Clair County – full disclosure of insurance coverage levels has become a new focus of the plaintiff's bar resulting in mini-trials on defendant corporations and their practices and policies. This trend has spread to Cook County

- CONSERVATIVE
- LIBERAL
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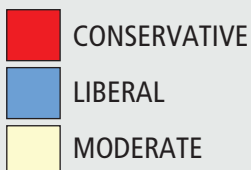
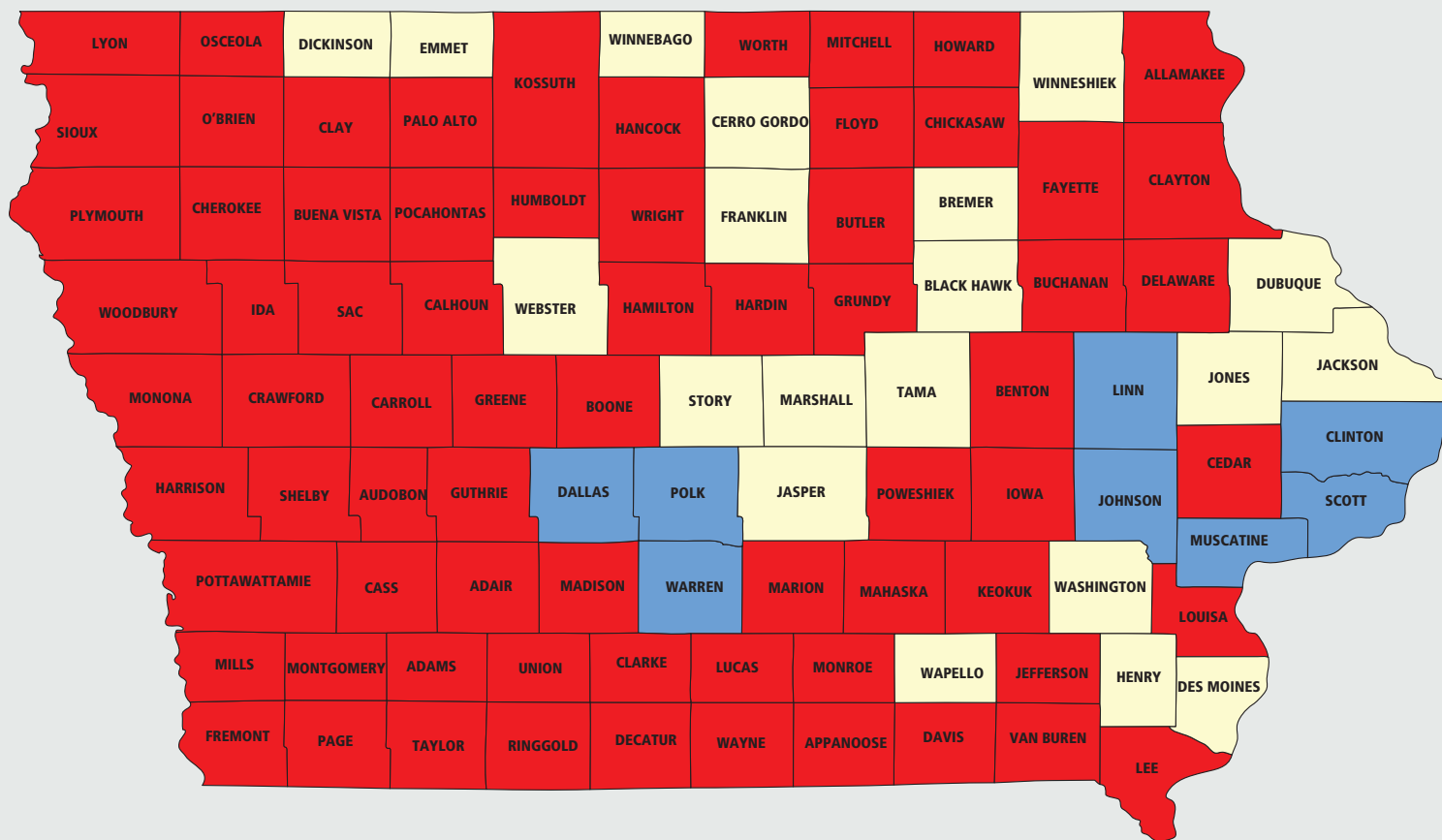
ILLINOIS



- CONSERVATIVE
- LIBERAL
- MODERATE

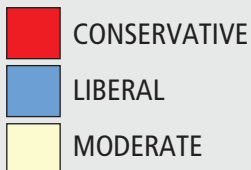
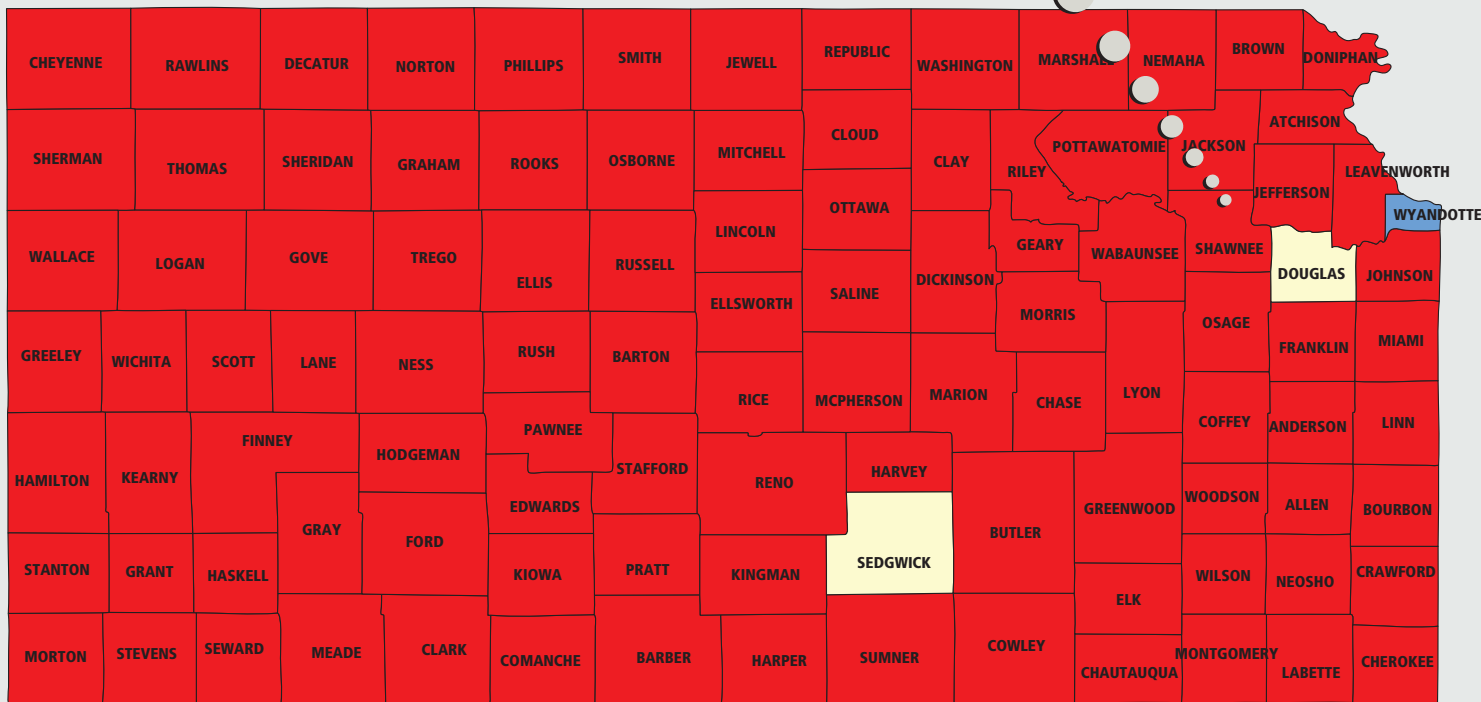
INDIANA

The Iowa Supreme Court's 173-page, three-opinion ruling vacates a \$2.5MM judgement and announces the elements of Iowa law on a sexually hostile work environment, the standard for retaliation claims, and constructive discharge.



IOWA

In June 2019, the Kansas Supreme Court, which sits in Shawnee County, struck down as unconstitutional the state's long-standing cap on non-economic damages. At the time, the cap was \$325,000.

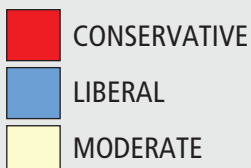
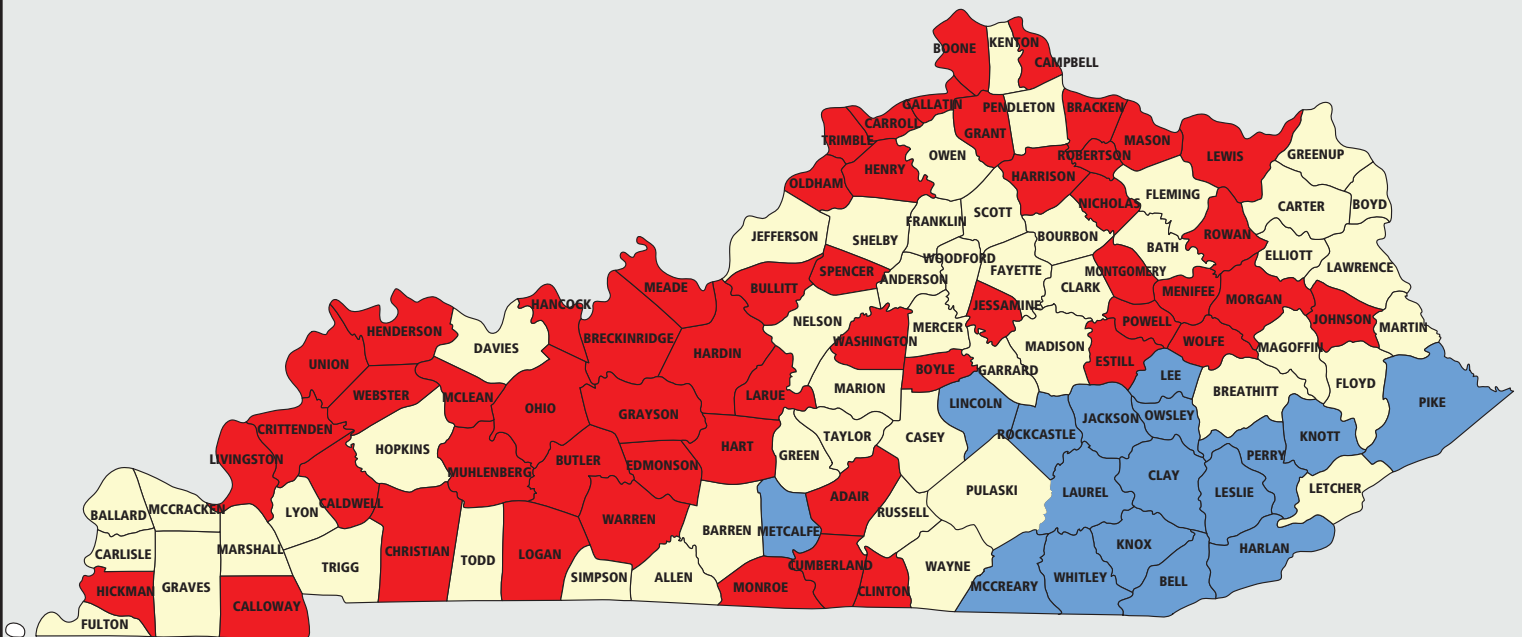


KANSAS

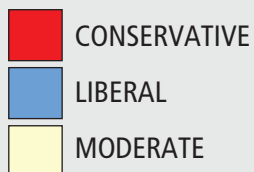
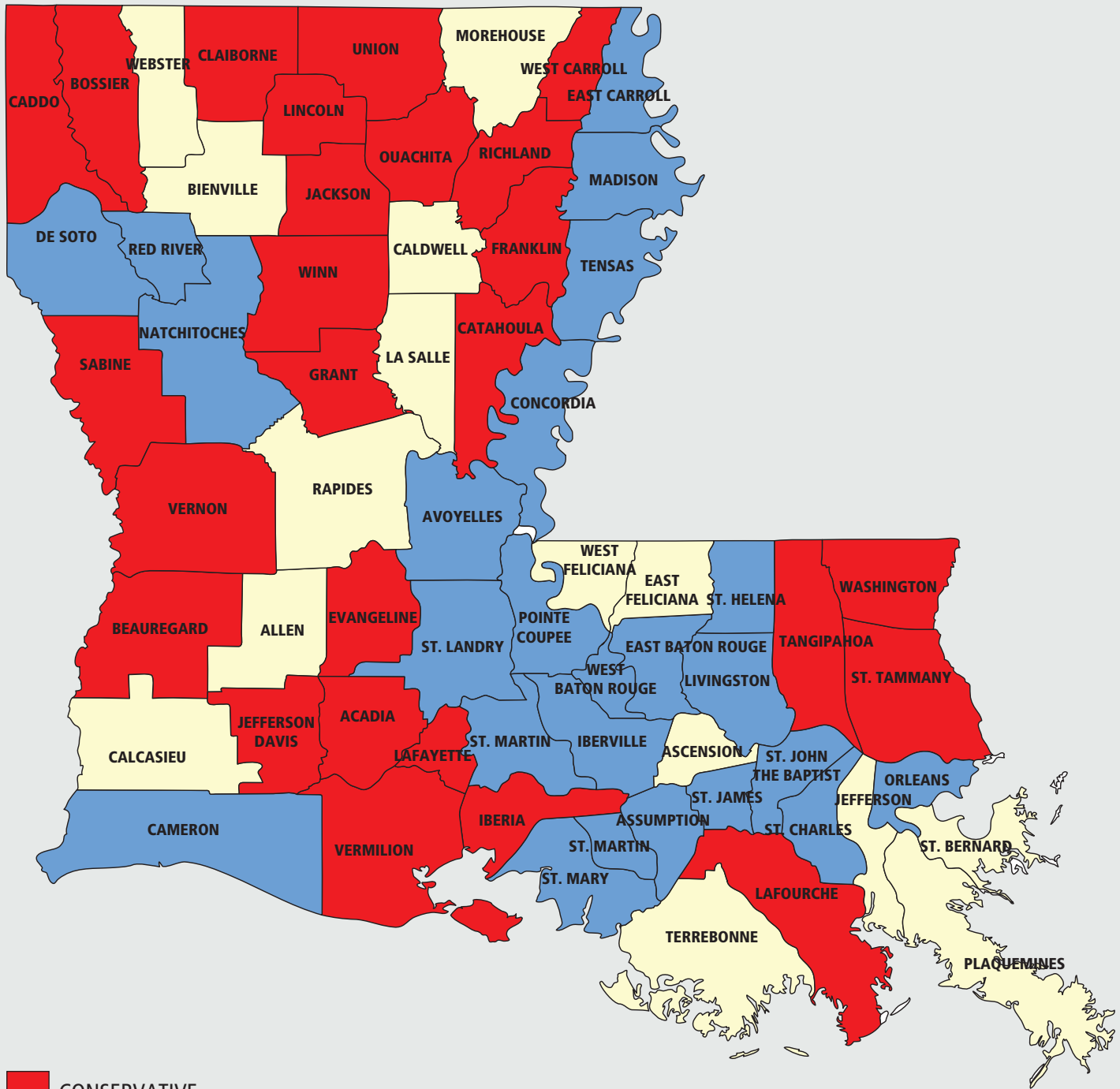
In *Lawson v. Ribeiro*, __ S.W.3d __ (Ky. 2021), the Kentucky Supreme Court held that the Kentucky Court of Appeals exceeded the statutory basis for vacating an arbitration award. The Court of Appeals vacated an arbitration award in favor of a real estate agent who had been sued by her former client for breach of fiduciary duty. The Supreme Court's decision reaffirmed a long-standing policy in Kentucky that a court's review of an arbitrator's award is limited. An arbitration award can only be vacated for the five grounds set forth in KRS 417.160, none of which were present in this case.

In *Watson v. United States Liability Insurance Company* – 2019-SC-475 – the Kentucky Supreme Court held that bad faith claims accrue when parties to litigation reach a settlement agreement because that is when the insurer becomes obligated to pay.

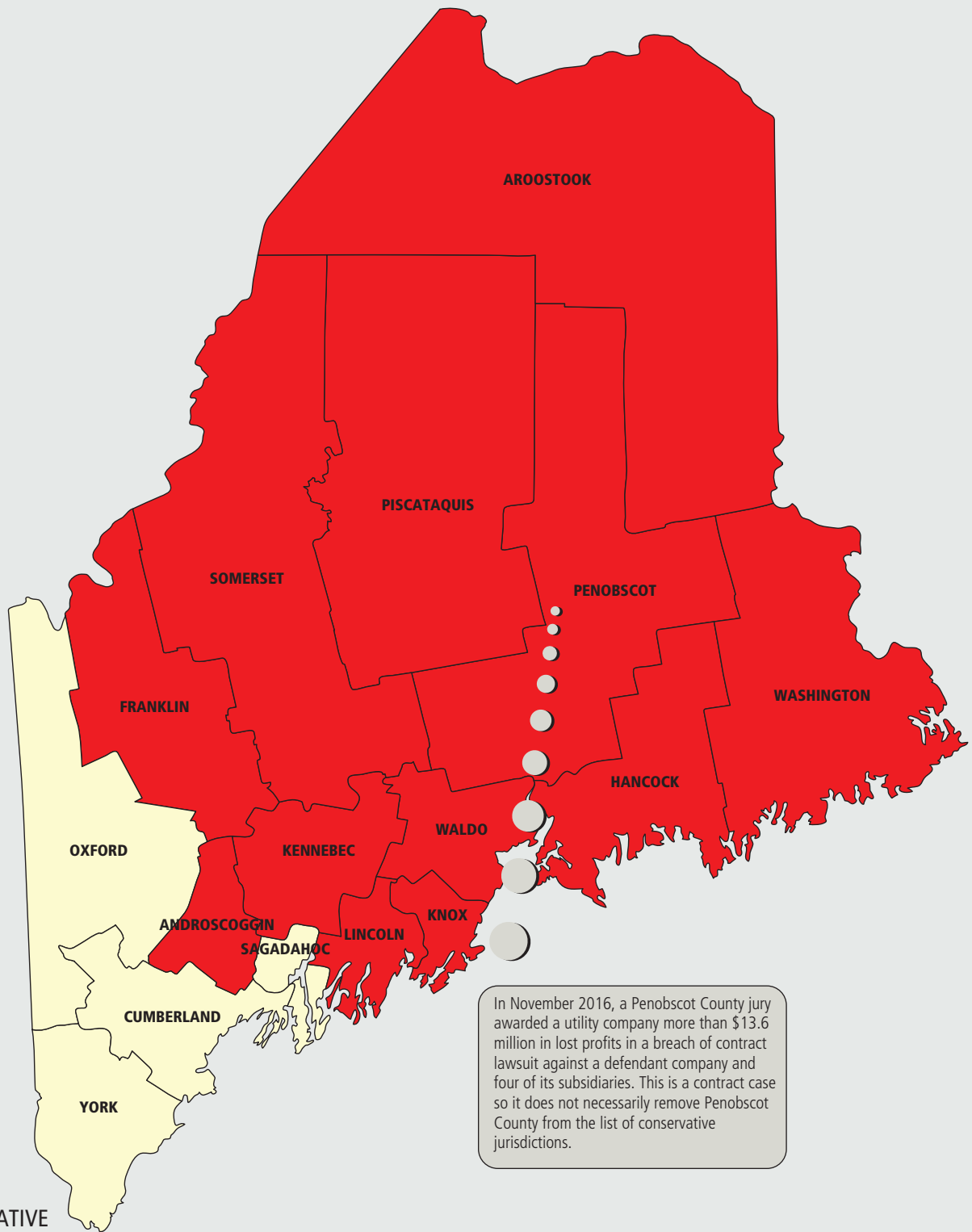
In *Miller v. House of Boom Kentucky, LLC* – 2018-SC-625 – the Kentucky Supreme Court held that pre-injury waivers for minors are not enforceable even if signed by a parent/guardian.



KENTUCKY



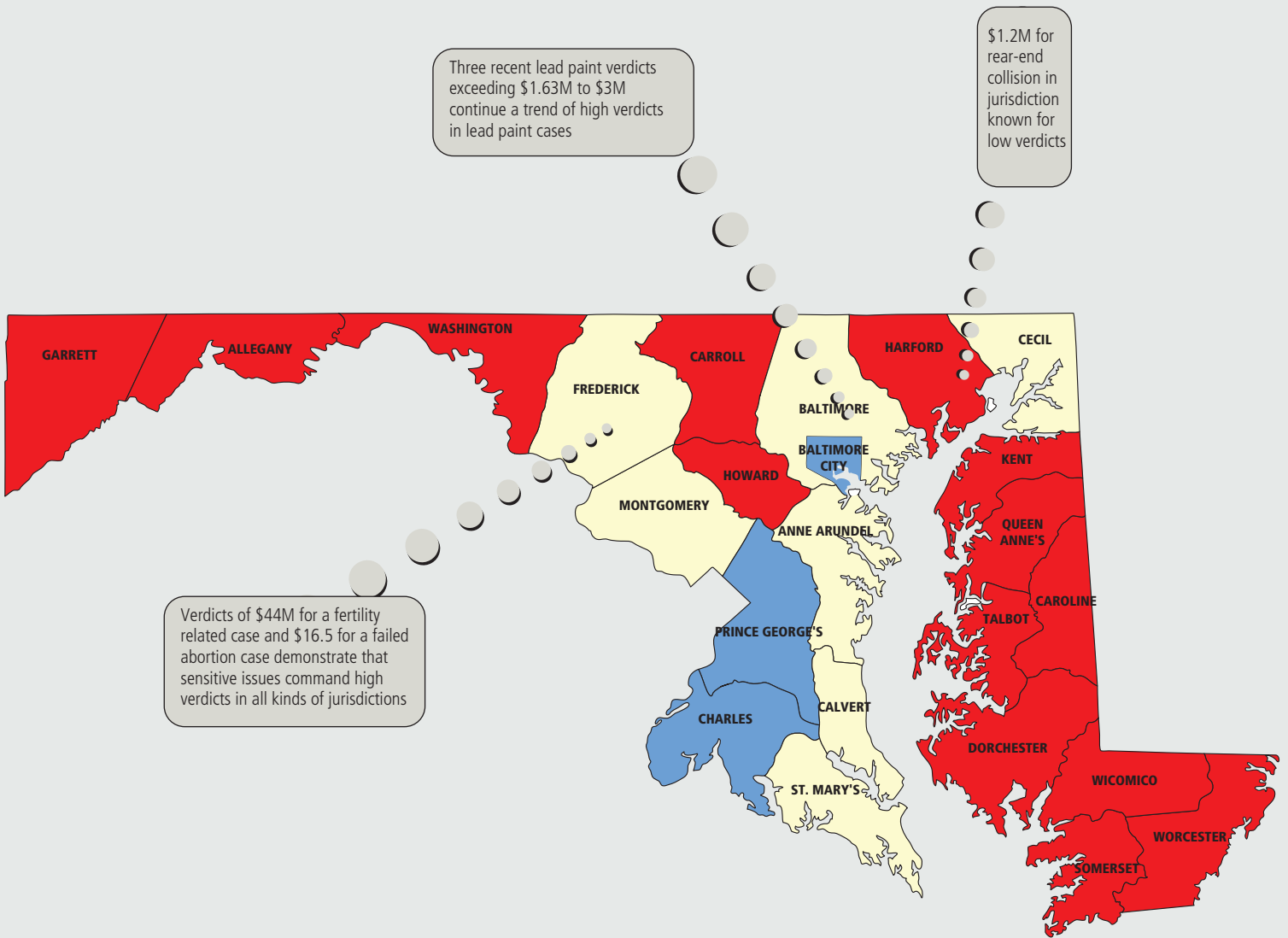
LOUISIANA



In November 2016, a Penobscot County jury awarded a utility company more than \$13.6 million in lost profits in a breach of contract lawsuit against a defendant company and four of its subsidiaries. This is a contract case so it does not necessarily remove Penobscot County from the list of conservative jurisdictions.

- CONSERVATIVE
- LIBERAL
- MODERATE

MAINE



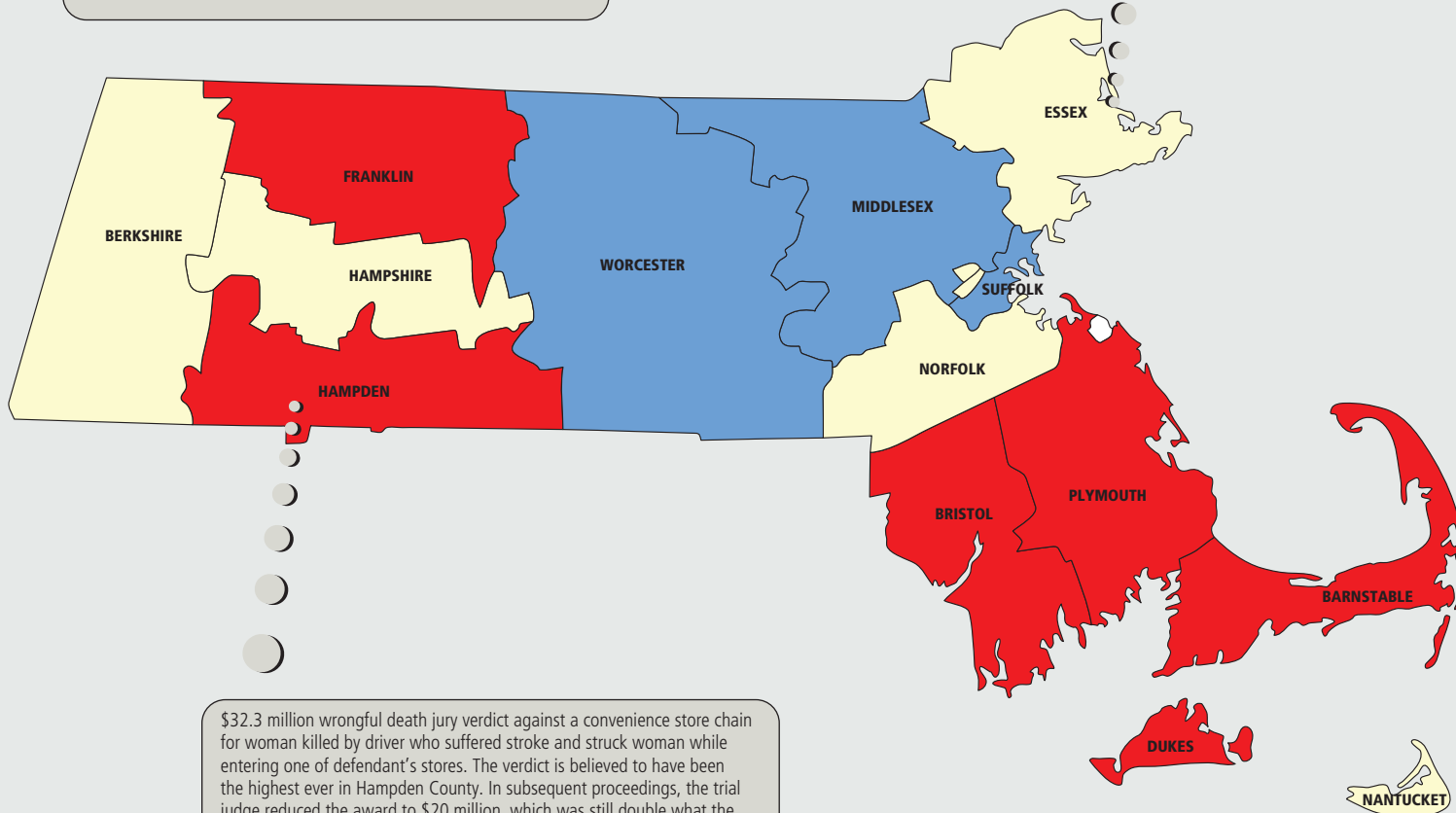
CONSERVATIVE
 LIBERAL
 MODERATE

MARYLAND

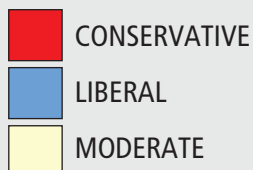
The Massachusetts Legislature recently enacted a new law governing non-competition agreements. The new law allows such agreements, but imposes strict requirements before they can be enforced. This will have a major impact on local businesses and will be the subject of much written case law in the coming months/years.

Massachusetts courts have enacted new rules governing collection of consumer credit card debt. Consumers now enjoy greater protection as commercial debt collectors face additional hurdles before filing collection complaints. This will also have a positive effect on the courts' caseloads.

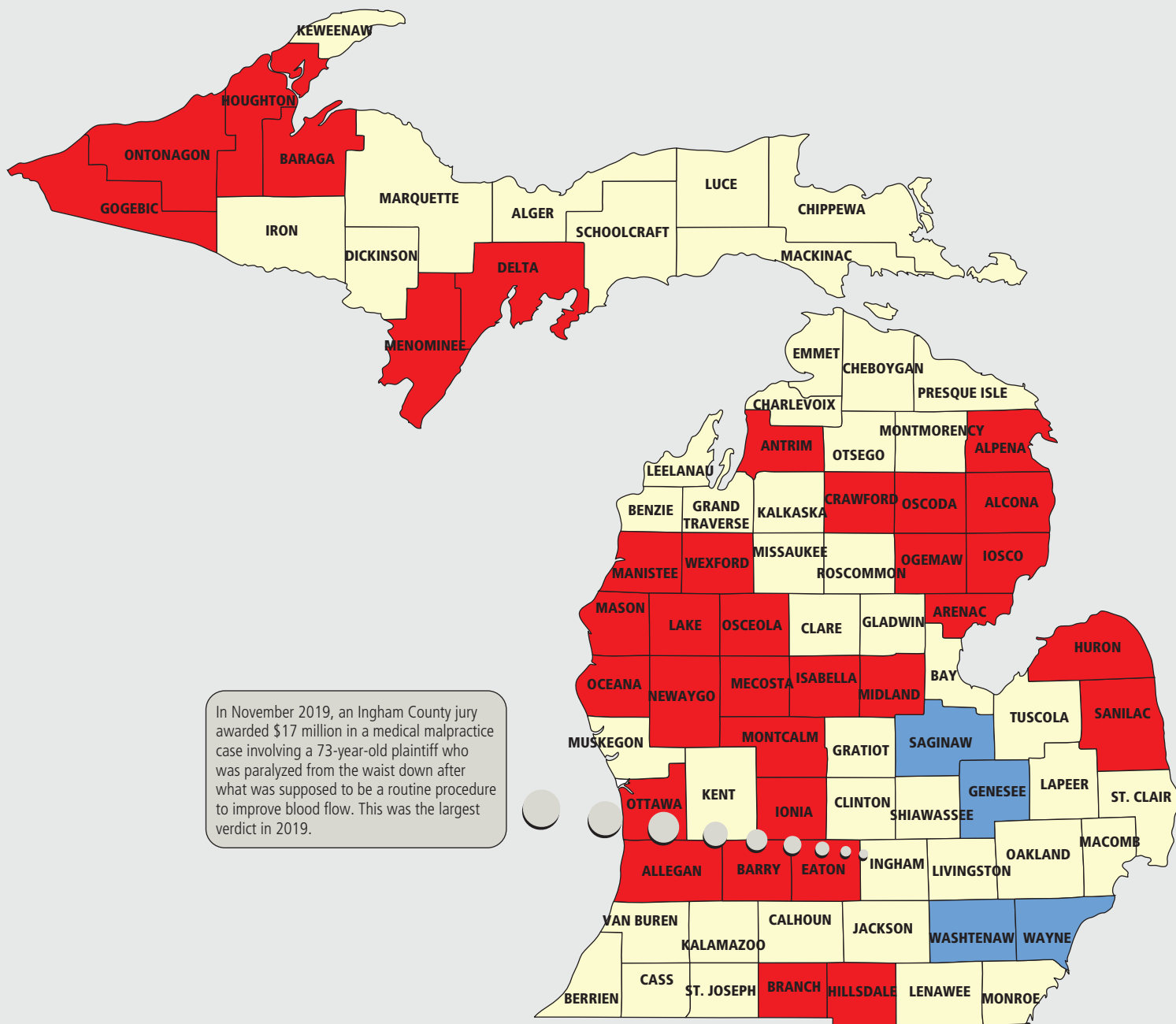
Multiple multimillion dollar jury verdicts across state for brain injuries relating to births. \$12.8 million jury verdict for brain injury suffered by child after delivery for negligent newborn care in Essex. \$29.9 million jury verdict for brain injuries caused by birth complications in Hampden County. Both within the top 5 highest verdicts of the year, and both tried by the same plaintiff's firm.



\$32.3 million wrongful death jury verdict against a convenience store chain for woman killed by driver who suffered stroke and struck woman while entering one of defendant's stores. The verdict is believed to have been the highest ever in Hampden County. In subsequent proceedings, the trial judge reduced the award to \$20 million, which was still double what the decedent's family had requested. Although Hampden County is relatively conservative, the jury award seems to reflect a trend toward more generous awards in the county.



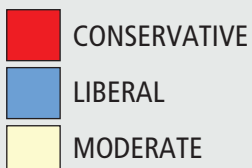
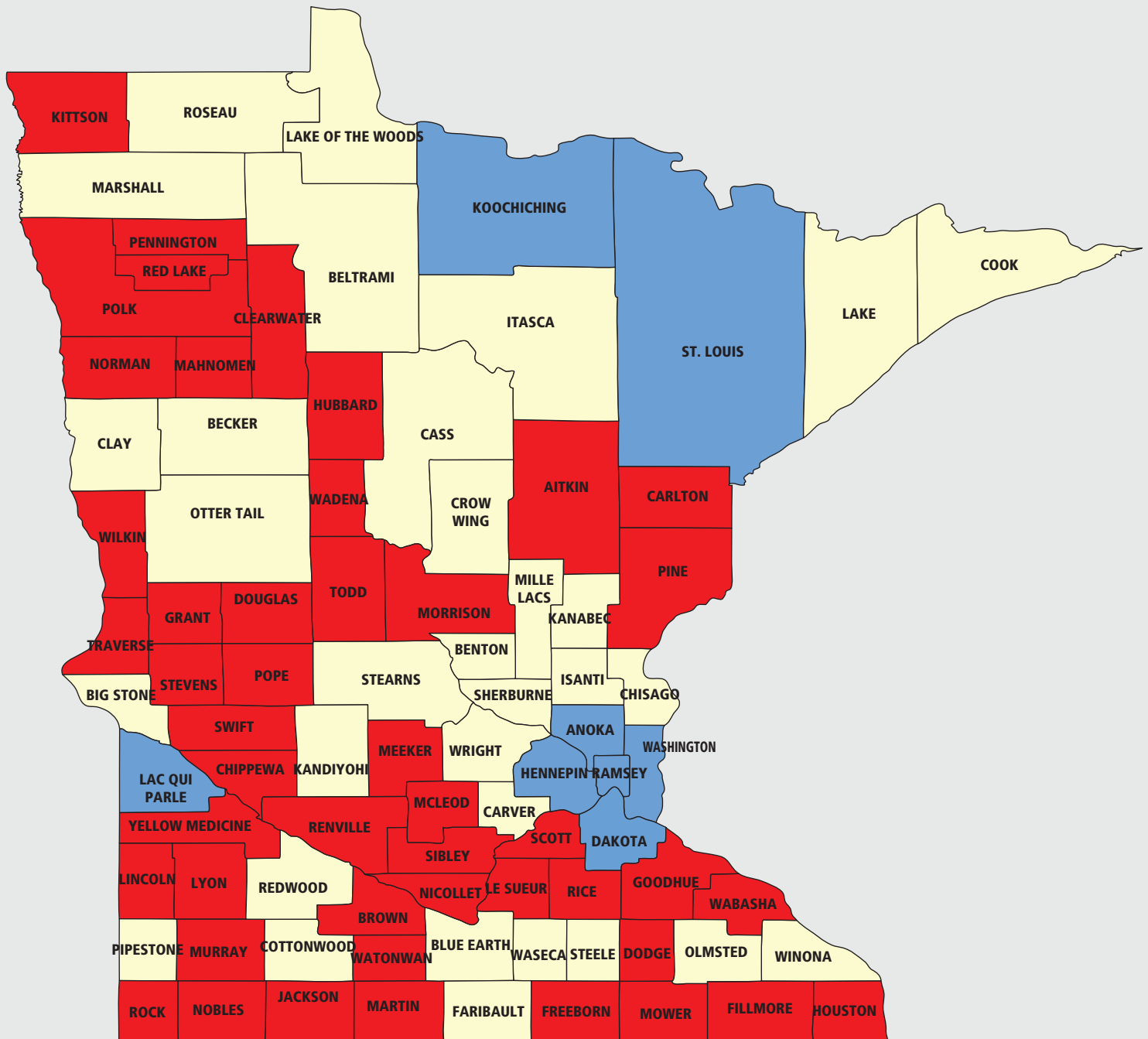
MASSACHUSETTS



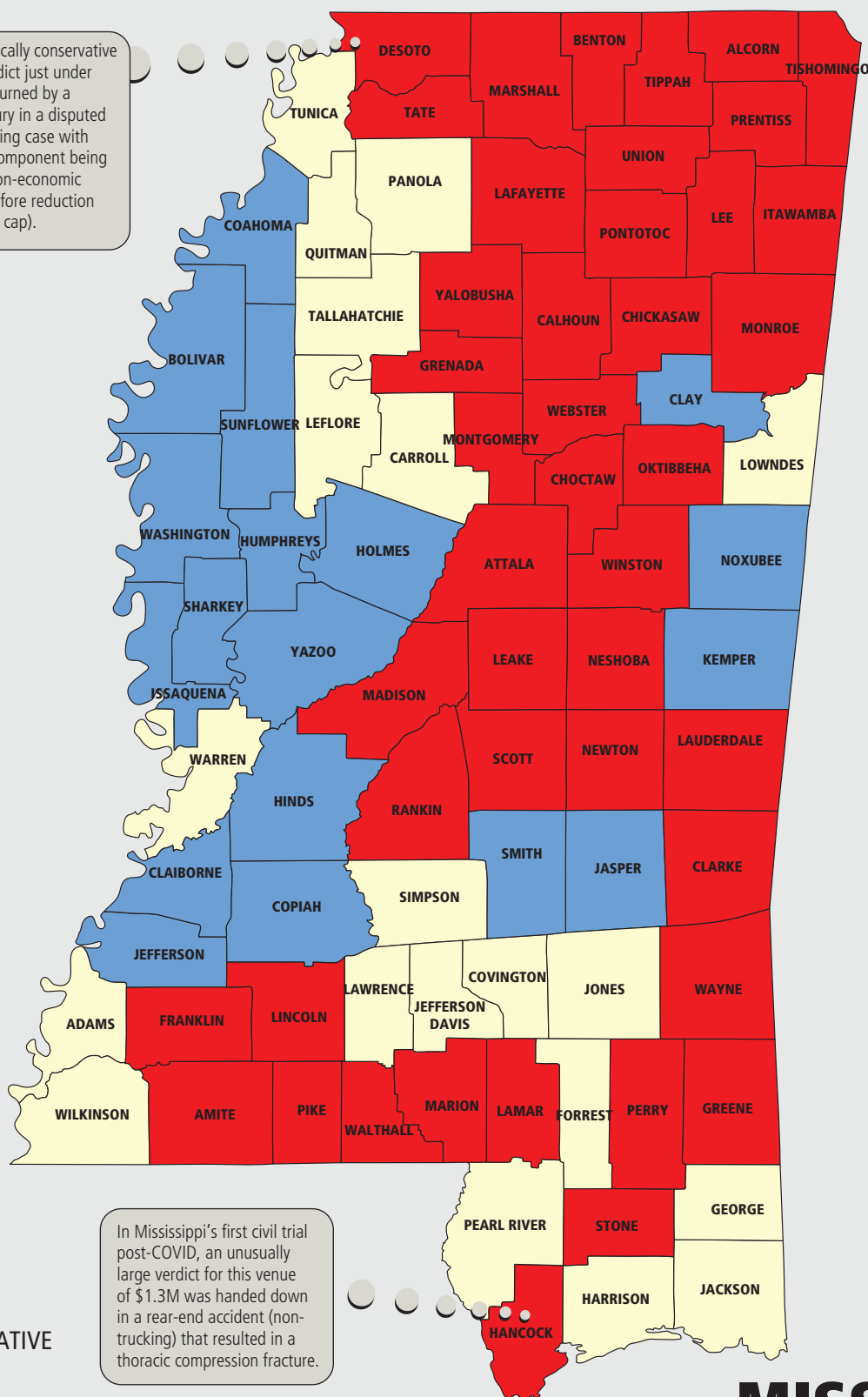
In November 2019, an Ingham County jury awarded \$17 million in a medical malpractice case involving a 73-year-old plaintiff who was paralyzed from the waist down after what was supposed to be a routine procedure to improve blood flow. This was the largest verdict in 2019.

- CONSERVATIVE
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- MODERATE

MICHIGAN



MINNESOTA

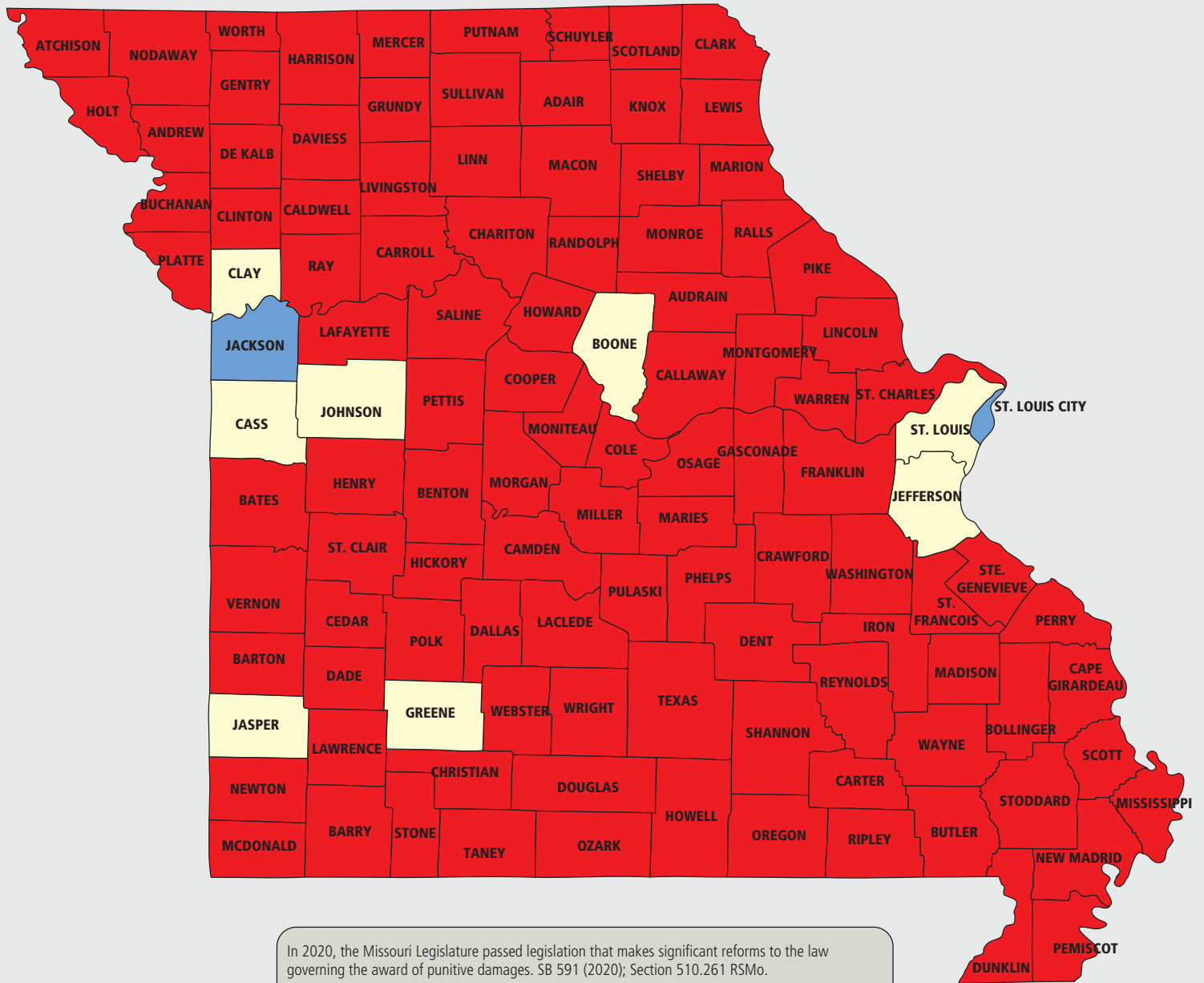


In this historically conservative venue, a verdict just under \$5M was returned by a state court jury in a disputed liability trucking case with the largest component being \$2.5M for non-economic damages (before reduction per statutory cap).

In Mississippi's first civil trial post-COVID, an unusually large verdict for this venue of \$1.3M was handed down in a rear-end accident (non-trucking) that resulted in a thoracic compression fracture.

- CONSERVATIVE
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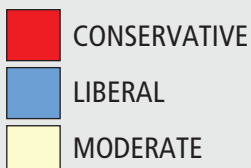
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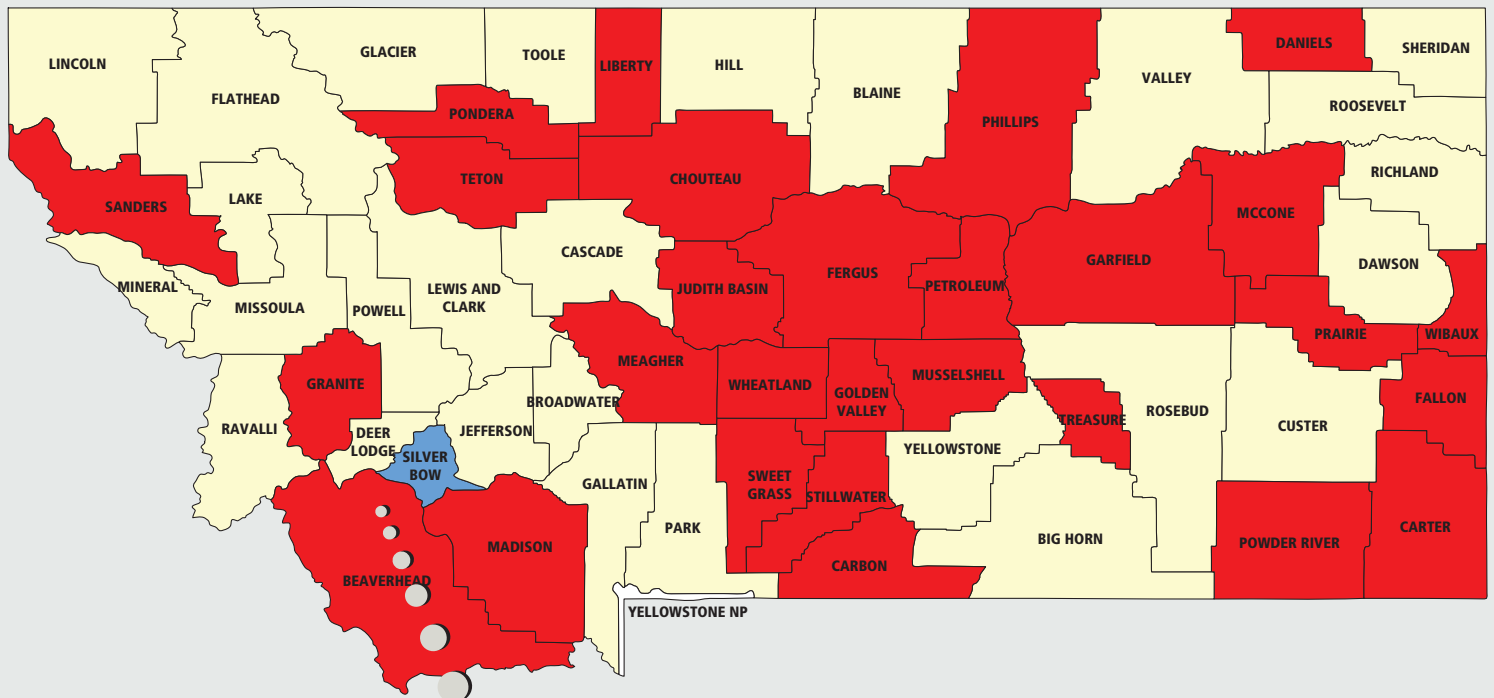
In 2020, the Missouri Legislature passed legislation that makes significant reforms to the law governing the award of punitive damages. SB 591 (2020); Section 510.261 RSMo.

(Originated in Scott County) - On March 2, 2021, the Missouri Supreme Court affirmed an \$870,000 verdict, including \$300,000 in punitive damages against a medical center in a suit accusing health care providers of causing a patient's death. The Court held that although the conduct was not "a complete indifference to or in conscious disregard for the rights or safety of others," punitive damages were allowed because there was sufficient evidence that the health care providers exhibited a reckless indifference or conscious disregard of the patient's well-being.

Also on March 2, 2021, the Missouri Supreme Court adopted the Missouri Legislature's changes to Rules 56.01, 57.01, 57.03, 57.04, 58.01, 59.01 and 61.01. SB 224 (2019). These changes, which are effective September 2, 2021, amend Missouri's discovery rules to more closely resemble the Federal Rules of Civil Procedure.



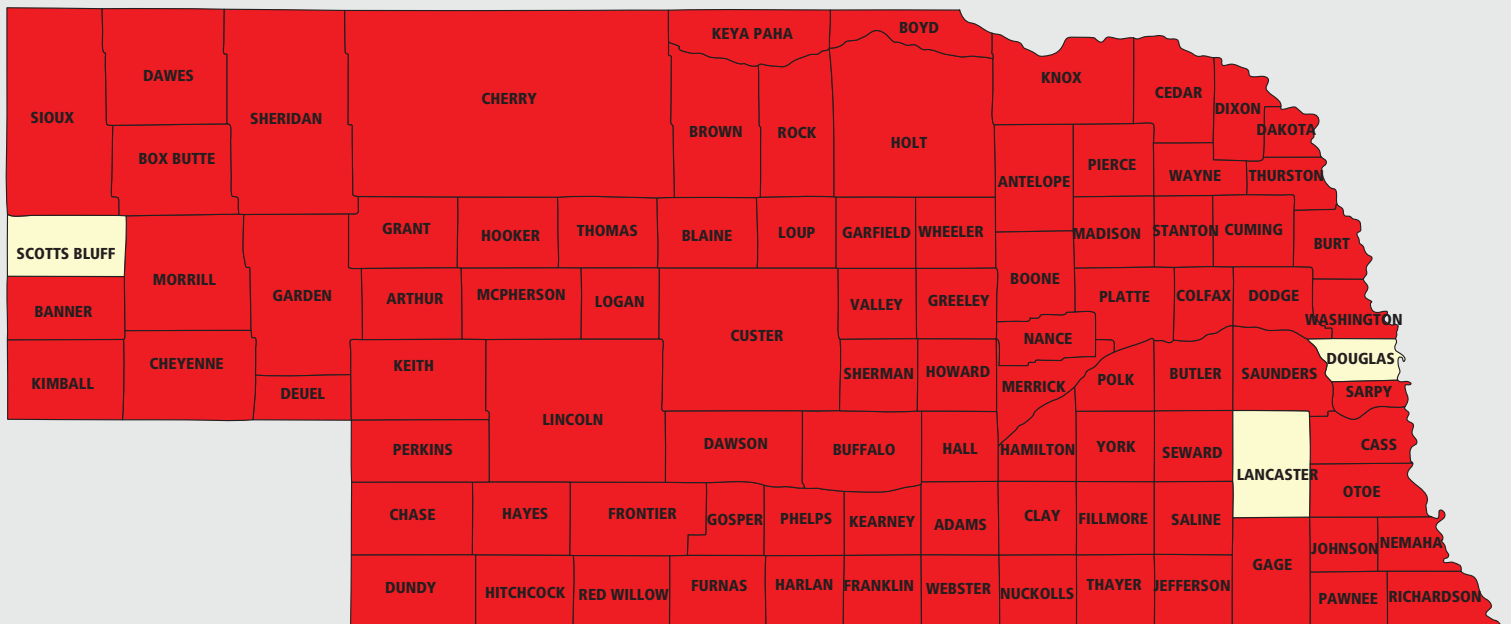
MISSOURI



\$52 million jury verdict (including \$10 million punitive) in suit against out-of-state bank for alleged breach of commercial loan agreement in Silver Bow County. New trial ordered on appeal based on trial court wrongfully applying MT law contrary to choice-of-law provision in contract.

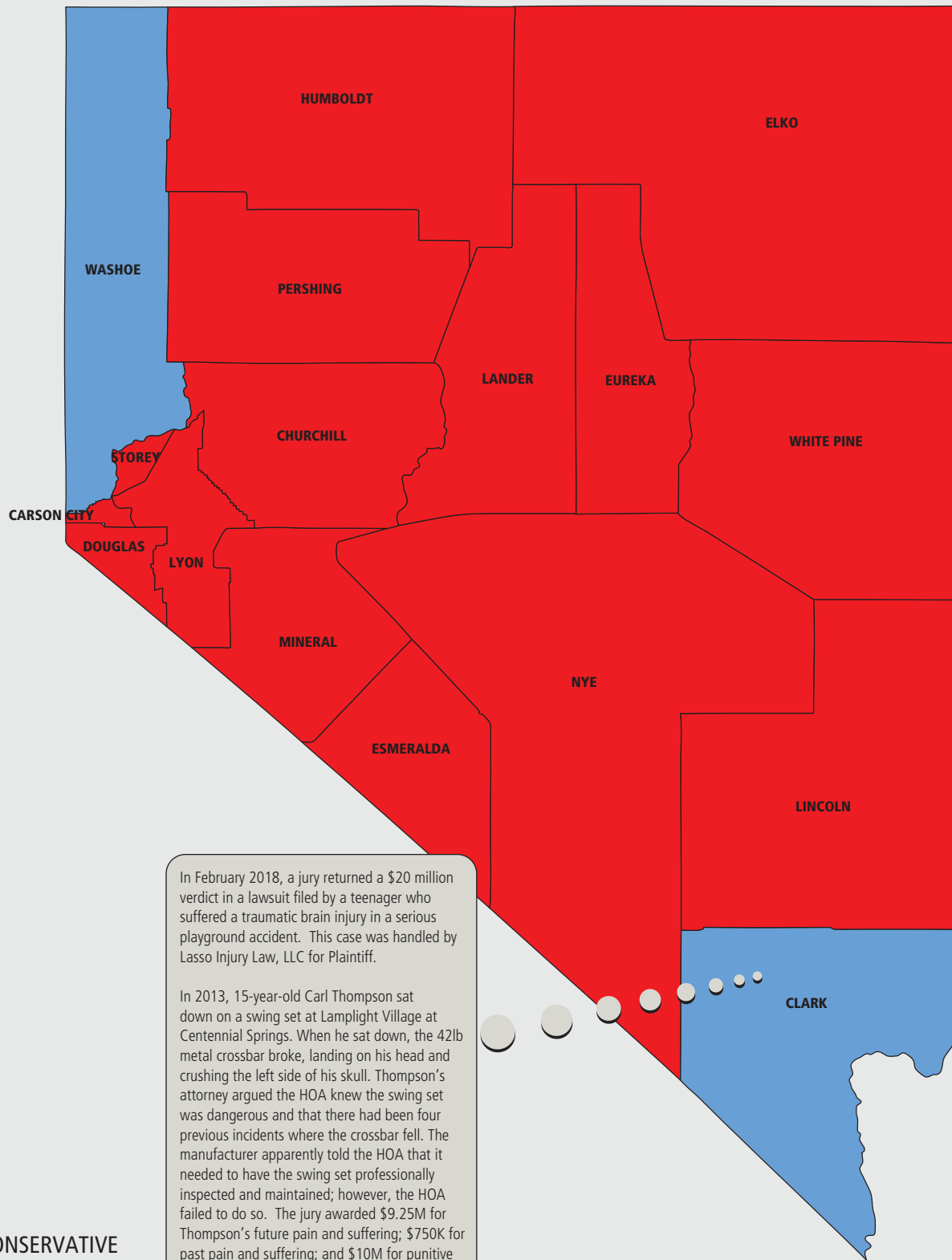
- CONSERVATIVE
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MONTANA



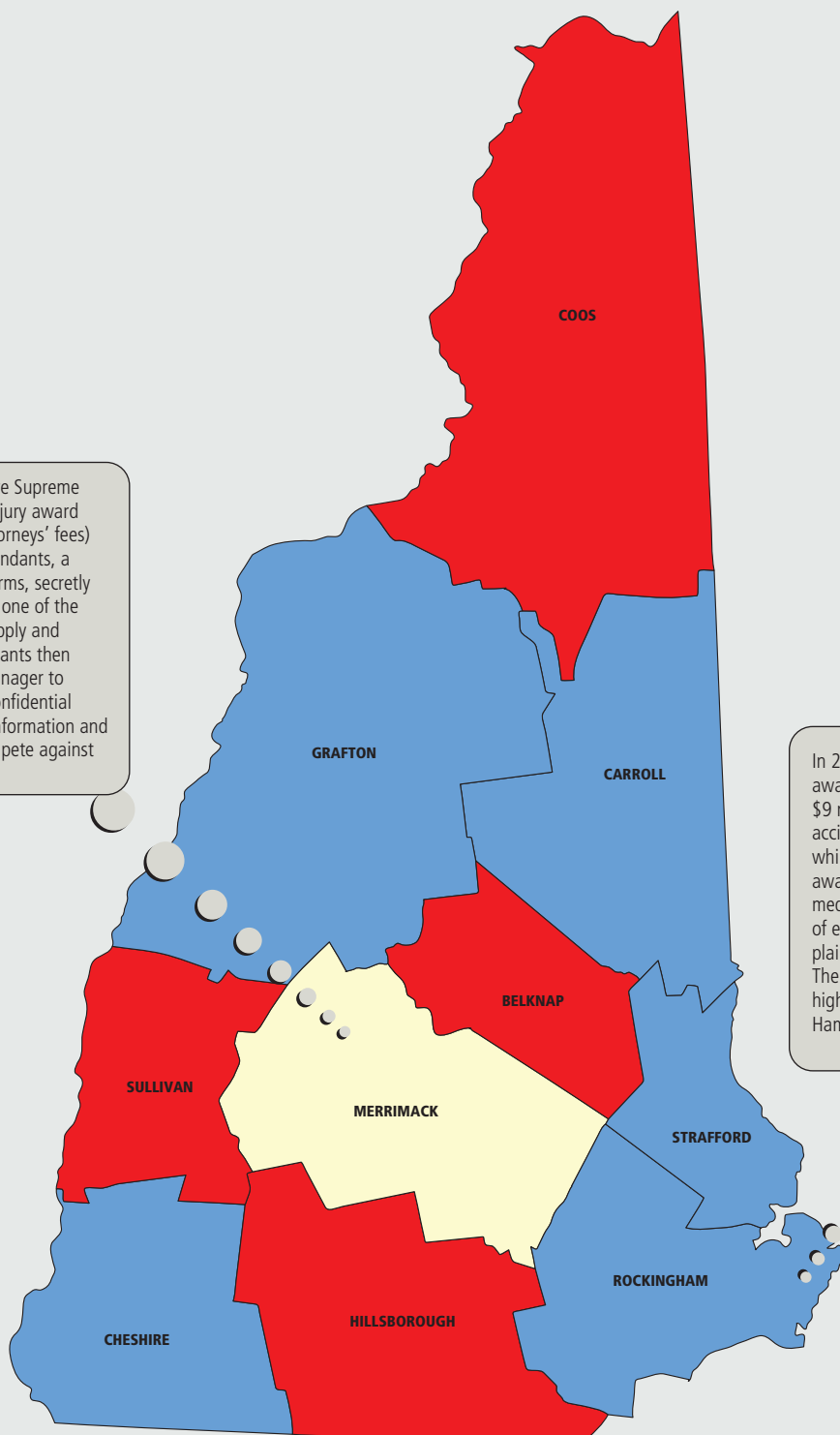
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NEBRASKA



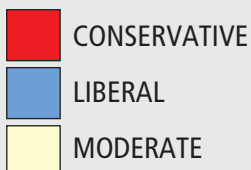
In February 2018, a jury returned a \$20 million verdict in a lawsuit filed by a teenager who suffered a traumatic brain injury in a serious playground accident. This case was handled by Lasso Injury Law, LLC for Plaintiff.

In 2013, 15-year-old Carl Thompson sat down on a swing set at Lamplight Village at Centennial Springs. When he sat down, the 42lb metal crossbar broke, landing on his head and crushing the left side of his skull. Thompson's attorney argued the HOA knew the swing set was dangerous and that there had been four previous incidents where the crossbar fell. The manufacturer apparently told the HOA that it needed to have the swing set professionally inspected and maintained; however, the HOA failed to do so. The jury awarded \$9.25M for Thompson's future pain and suffering; \$750K for past pain and suffering; and \$10M for punitive exemplary damages

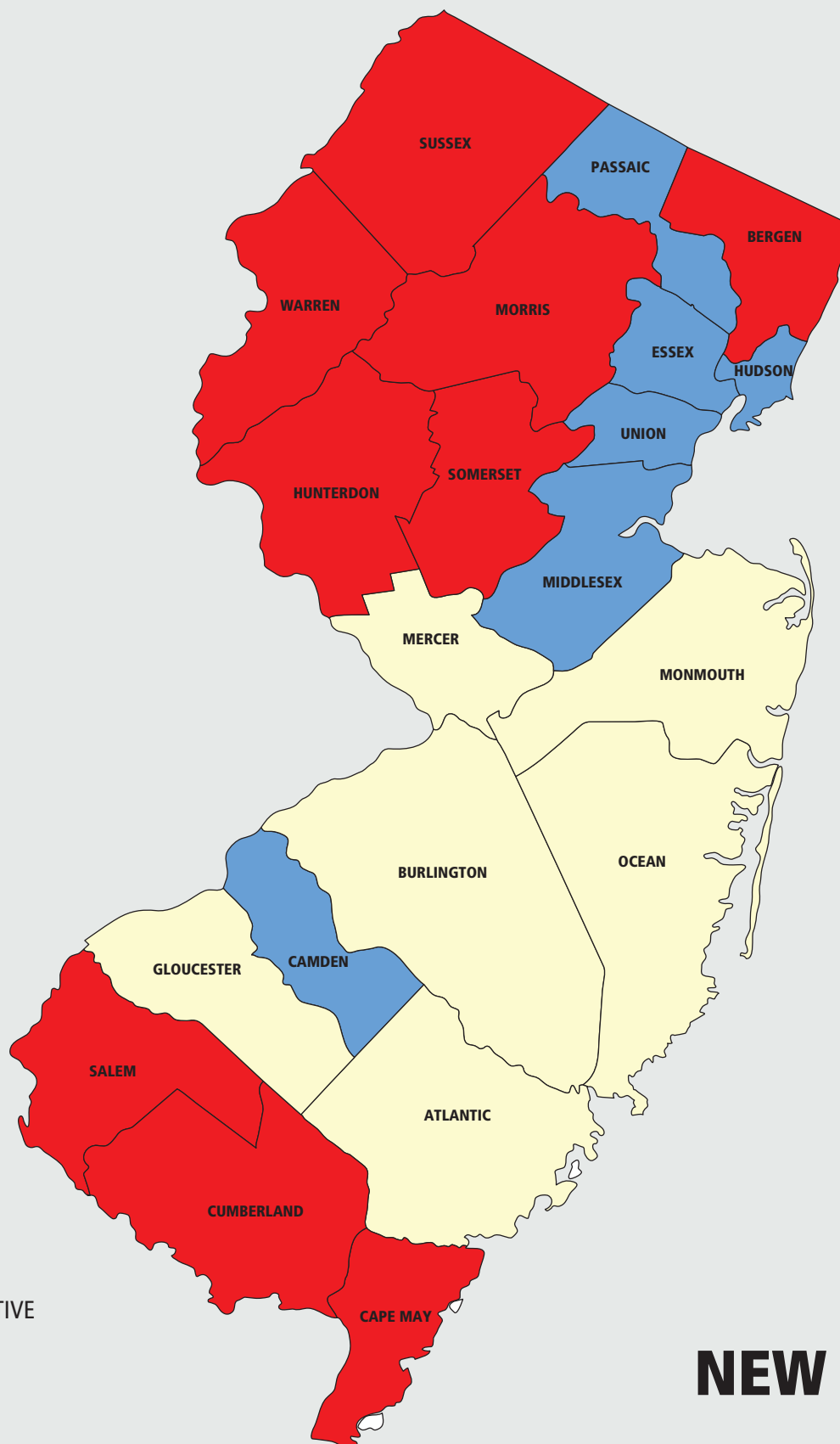


In 2018, the New Hampshire Supreme Court affirmed a \$900,000 jury award (including \$400,000 for attorneys' fees) in a trade secret case. Defendants, a group of utility brokerage firms, secretly hired a sales manager from one of the plaintiffs, several energy supply and consulting services. Defendants then conspired with the sales manager to misappropriate Plaintiffs' confidential customer lists and pricing information and use that information to compete against the Plaintiffs.

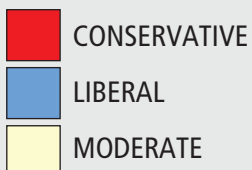
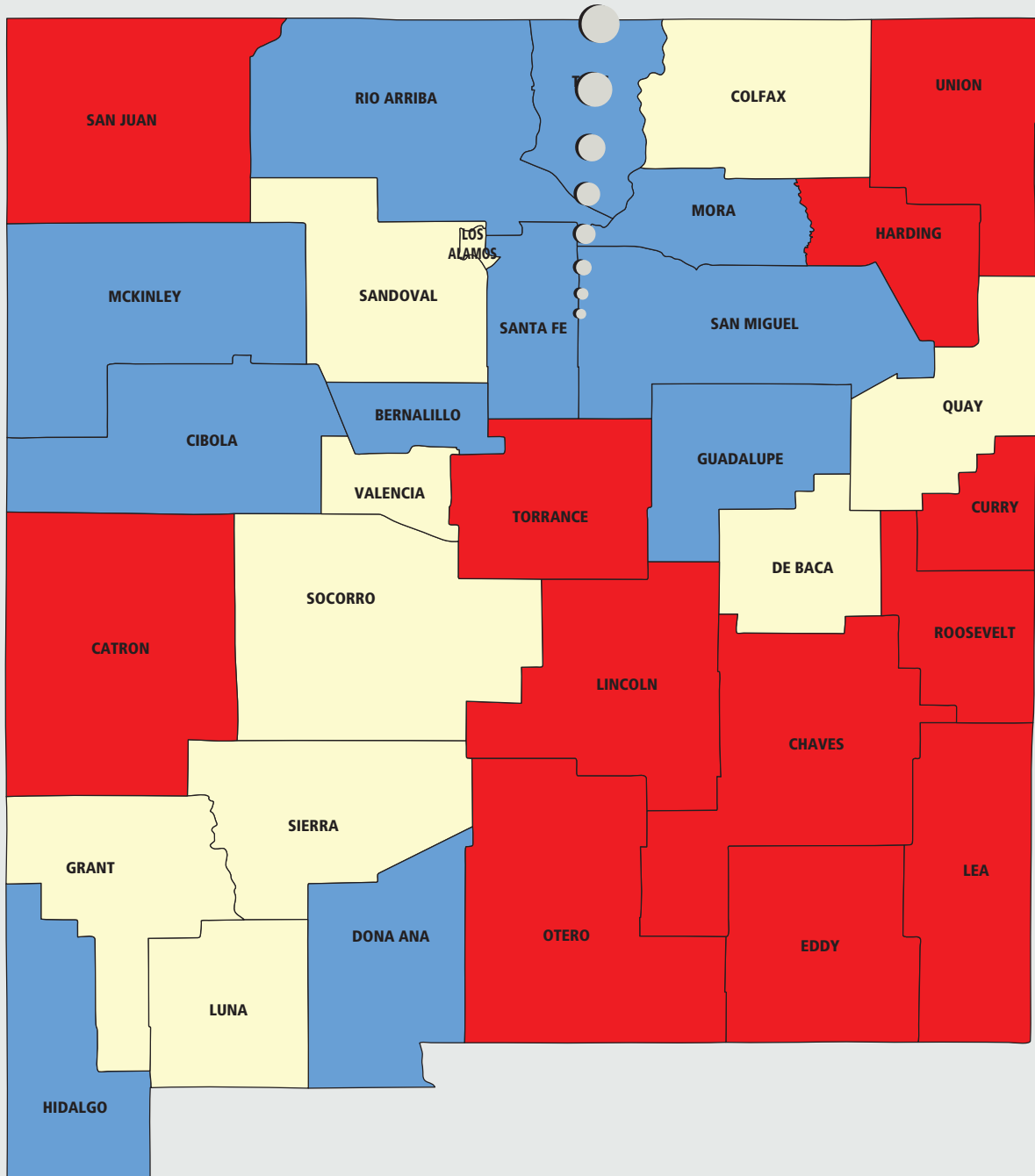
In 2018, a Rockingham County jury awarded plaintiff and her husband \$9 million in damages following an accident where she was struck by a car while walking down the street. The jury awarded \$8.5 million to the plaintiff for medical bills, pain and suffering, and loss of enjoyment of life, and \$500,000 to plaintiff's husband for loss of consortium. The verdict is notable, as it is one of the highest jury awards rendered in New Hampshire in recent years.



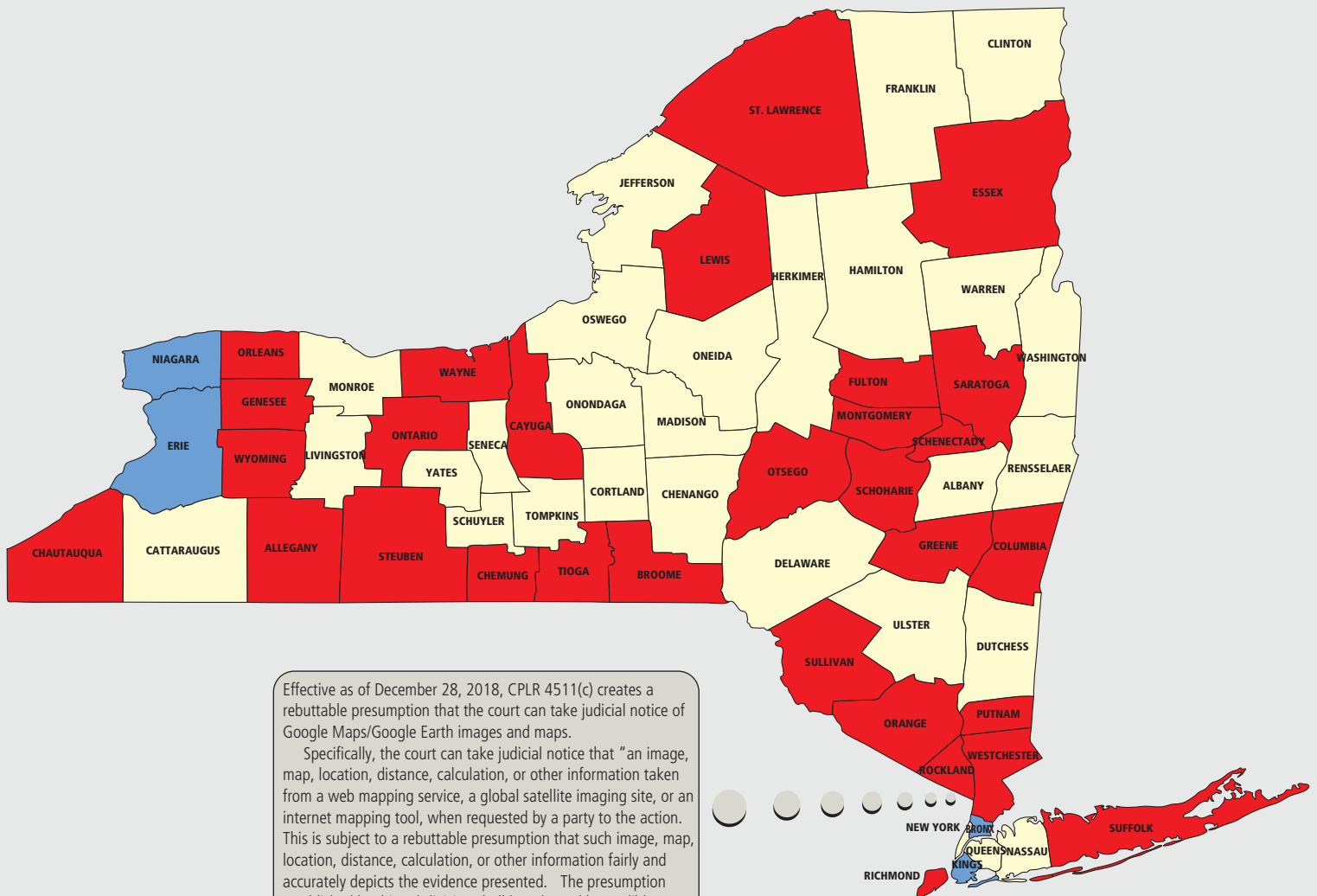
NEW HAMPSHIRE

**NEW JERSEY**

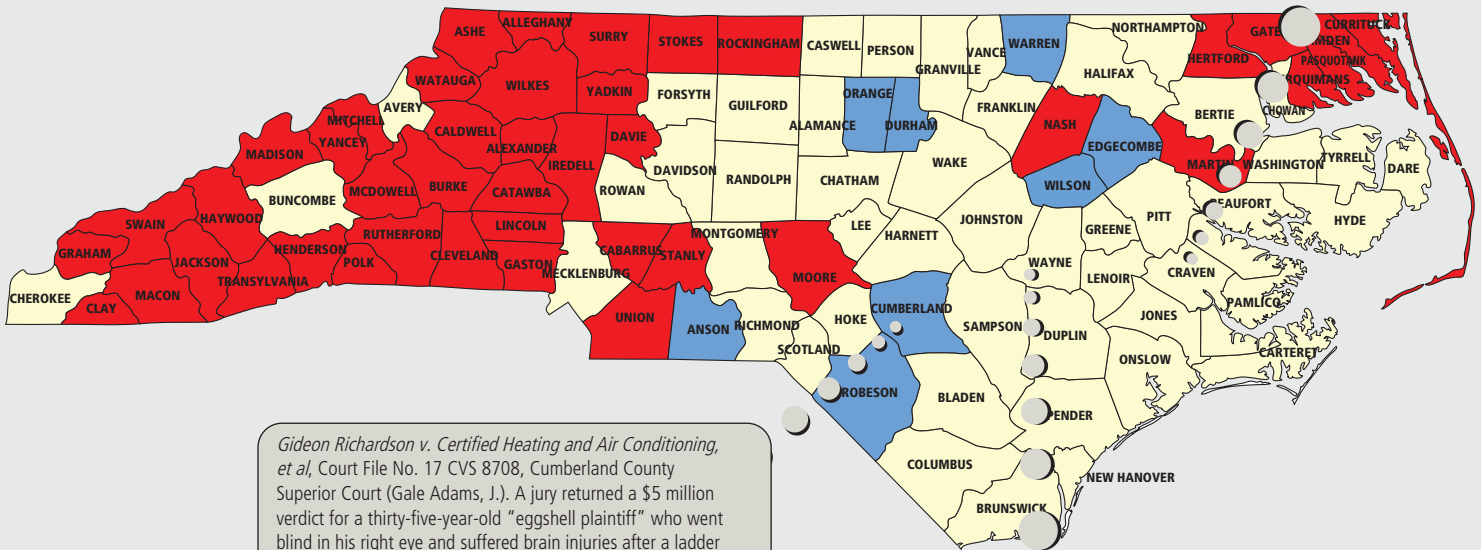
In Santa Fe County, a jury awarded \$165.5 million in a trucking matter involving the death of a mother and daughter. The jury verdict did not include any punitive damages. Santa Fe is long considered to be a very liberal venue. The notable aspect of this case was that the theme presented by Plaintiffs' lawyers was largely the negligence of the Defendant. However, the jury did not award punitive damages, which is to be expected with a verdict this large, and with the Plaintiff's attorneys pushing for justice. Rather, it appears the verdict was intended to reflect the overall tragedy of the case.



NEW MEXICO



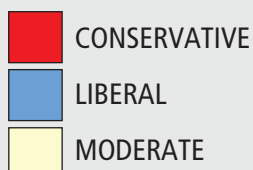
NEW YORK



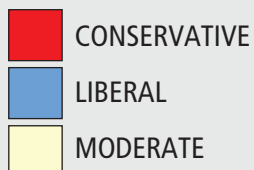
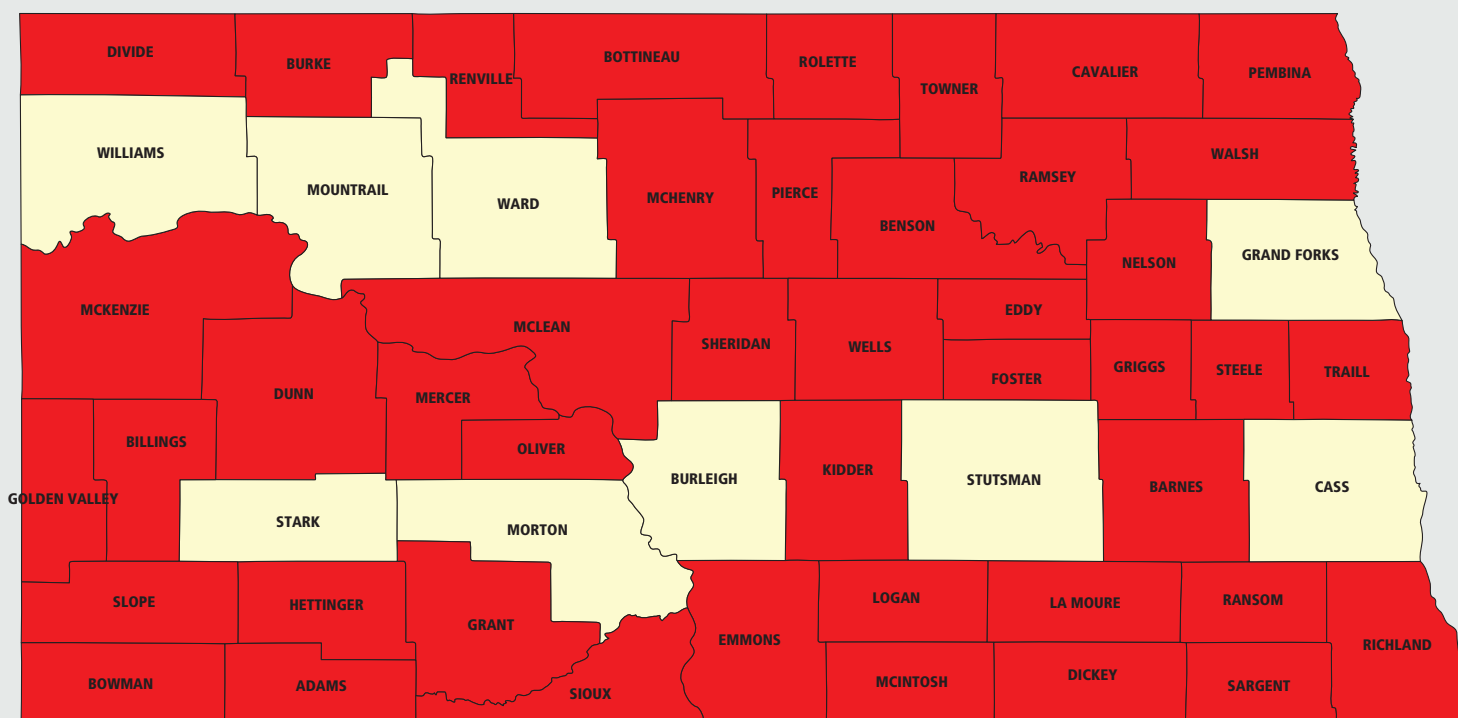
Chris Justice and Lisa Justice v. Greyhound Bus Lines Inc. & J.L. Robinson, Court File No. 5:16-CV-132, U.S. District Court for the Eastern District of North Carolina (New Bern, Craven County) (Louise Flanagan, J.). A jury in federal court awarded a former N.C. Highway patrolman \$6 million after a Greyhound bus crashed into the patrolman's car while he was investigating an accident on Christmas Eve. The patrolman's wife was also awarded \$1 million for loss of consortium.

Gideon Richardson v. Certified Heating and Air Conditioning, et al, Court File No. 17 CVS 8708, Cumberland County Superior Court (Gale Adams, J.). A jury returned a \$5 million verdict for a thirty-five-year-old "eggshell plaintiff" who went blind in his right eye and suffered brain injuries after a ladder fell off a work van on Interstate 40. The plaintiff did not ask for medical damages or economic damages; he sought non-economic damages based on his life expectancy of 79, and his counsel relied heavily on the "Reptile Theory."

Wendy G. Carroll, Administrator of the Estate of Thomas Anthony Carroll, deceased, v. Oakley Trucking, Inc., Case No. 5:17-CV-00357-BR, U.S. District Court for the Eastern District of North Carolina (Wayne County) (W. Earl Britt, J.). The family of a man who was hit and killed by a tractor-trailer as he tried to pass the truck on his motorcycle was awarded \$1.55 million against the truck driver after a bench trial in federal court. The judgment included an award of \$300,000 for each of the decedent's four children.



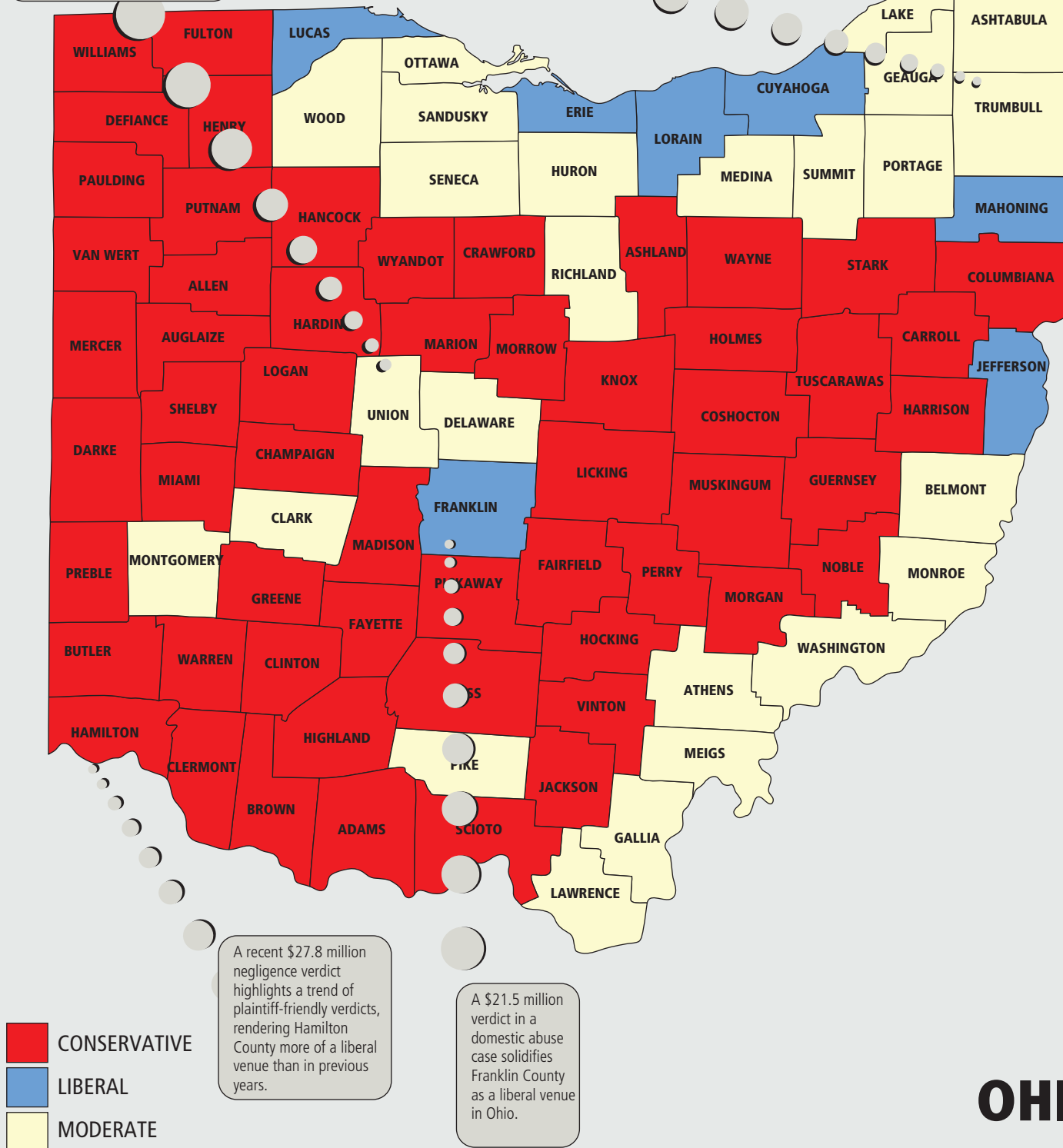
NORTH CAROLINA



NORTH DAKOTA

A recent verdict of \$34 million in a personal injury case was surprising for a venue that has been considered to be conservative.

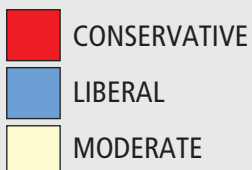
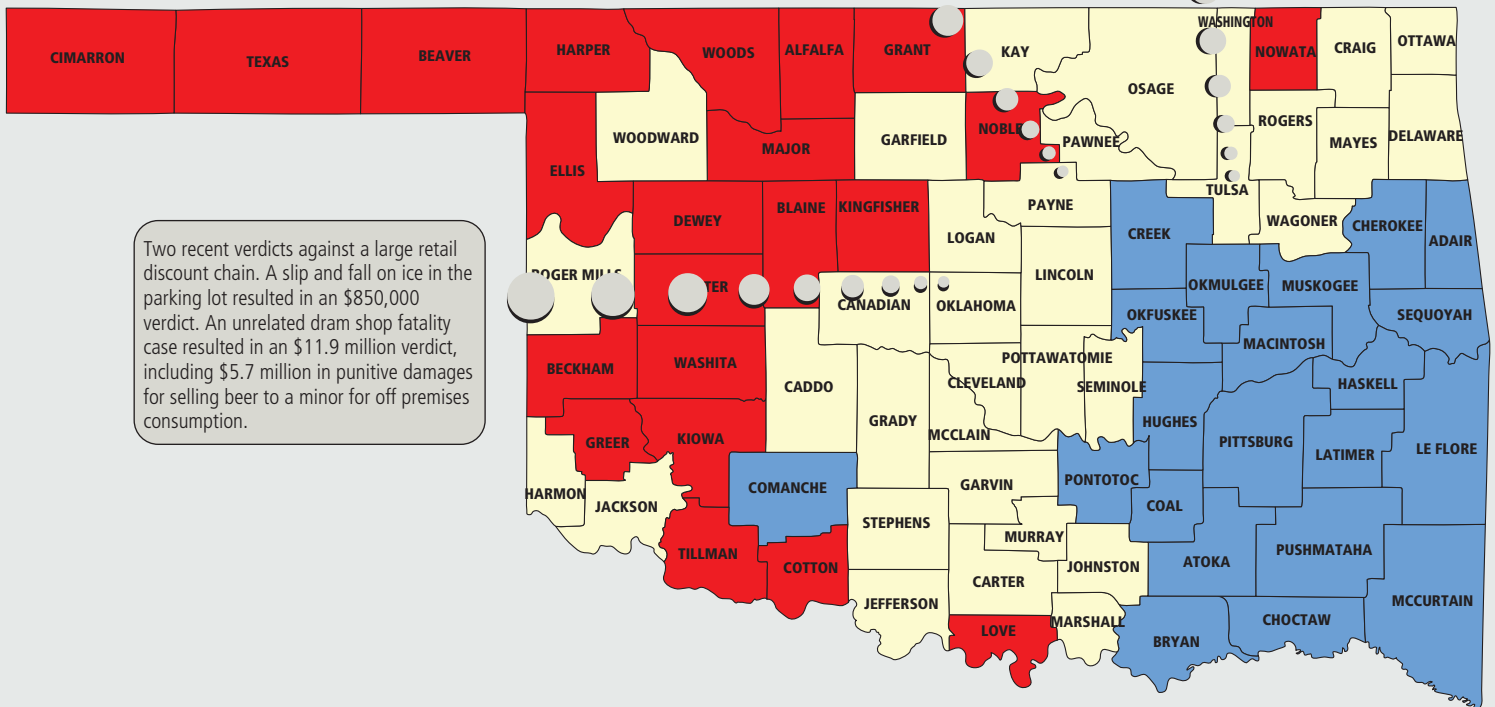
While Trumbull County is typically more moderate-to-conservative, a recent \$28.7 million verdict for parents of a newborn who was diagnosed with cerebral palsy due to the negligence of a hospital demonstrates that sensitive issues can command high verdicts in any kind of jurisdiction.



Recent \$5 million verdict against a tractor manufacturer in which the operator was killed when the tractor tipped and rolled over. The Jury awarded \$3 million in actual damages and \$2 million in punitive damages.

Recent \$5 million verdict in a medical negligence action alleging damage to tissue during a surgery and a failed attempt to repair without informed consent ultimately resulting in an above the knee amputation. The Jury awarded \$3 million in actual damages and \$2 million in punitive damages

Two recent verdicts against a large retail discount chain. A slip and fall on ice in the parking lot resulted in an \$850,000 verdict. An unrelated dram shop fatality case resulted in an \$11.9 million verdict, including \$5.7 million in punitive damages for selling beer to a minor for off premises consumption.

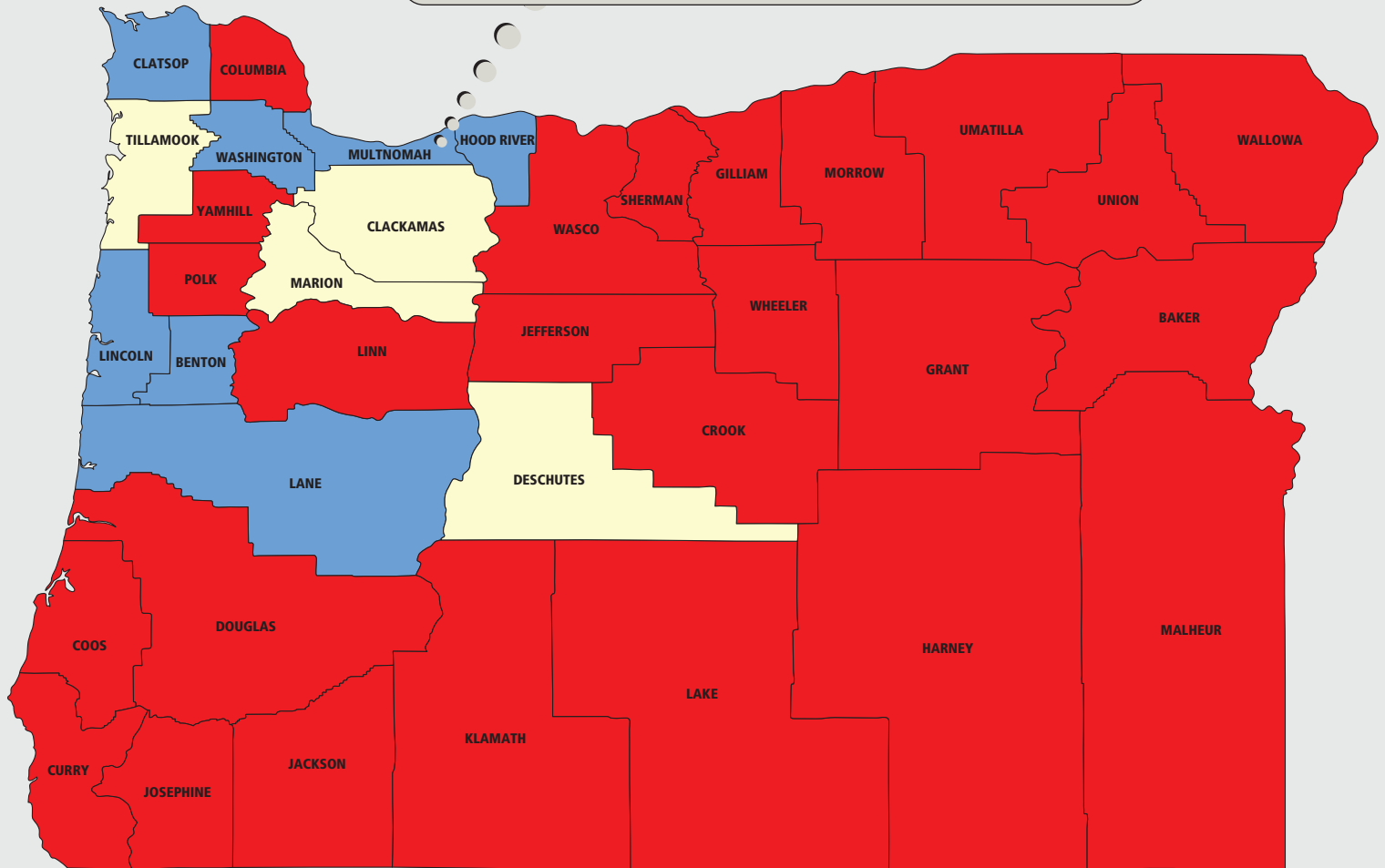


OKLAHOMA

In Multnomah County, on January 27, 2017, a \$10.5 Million jury award for pain and suffering to a man whose leg was severed by a garbage truck was reduced to \$500,000 under a 2016 Oregon Supreme Court decision which allowed the existing statutory cap on non-economic damages to be constitutionally applied to all cases.

In two Multnomah County verdicts jurors rejected claims of alternate responsibility. On May 11, 2017, after an eight-day trial, jurors awarded a woman's estate zero dollars in a wrongful death lawsuit against a psychiatrist blamed for not warning others about potential suicide. On Feb. 27, 2017, after a five-day trial, jurors determined that a social host was not liable when a drunk guest shot another guest at a party.

In December 2016 the Oregon Supreme Court rejected the “impact rule” which had required actual physical impact before witness to an injury to another could recover in tort recovery. The Court substituted a rule allowing bystander recovery if there was (1) a sudden serious physical injury to a close family member, (2) contemporaneously observed, which (3) caused the bystander “serious” emotional distress.



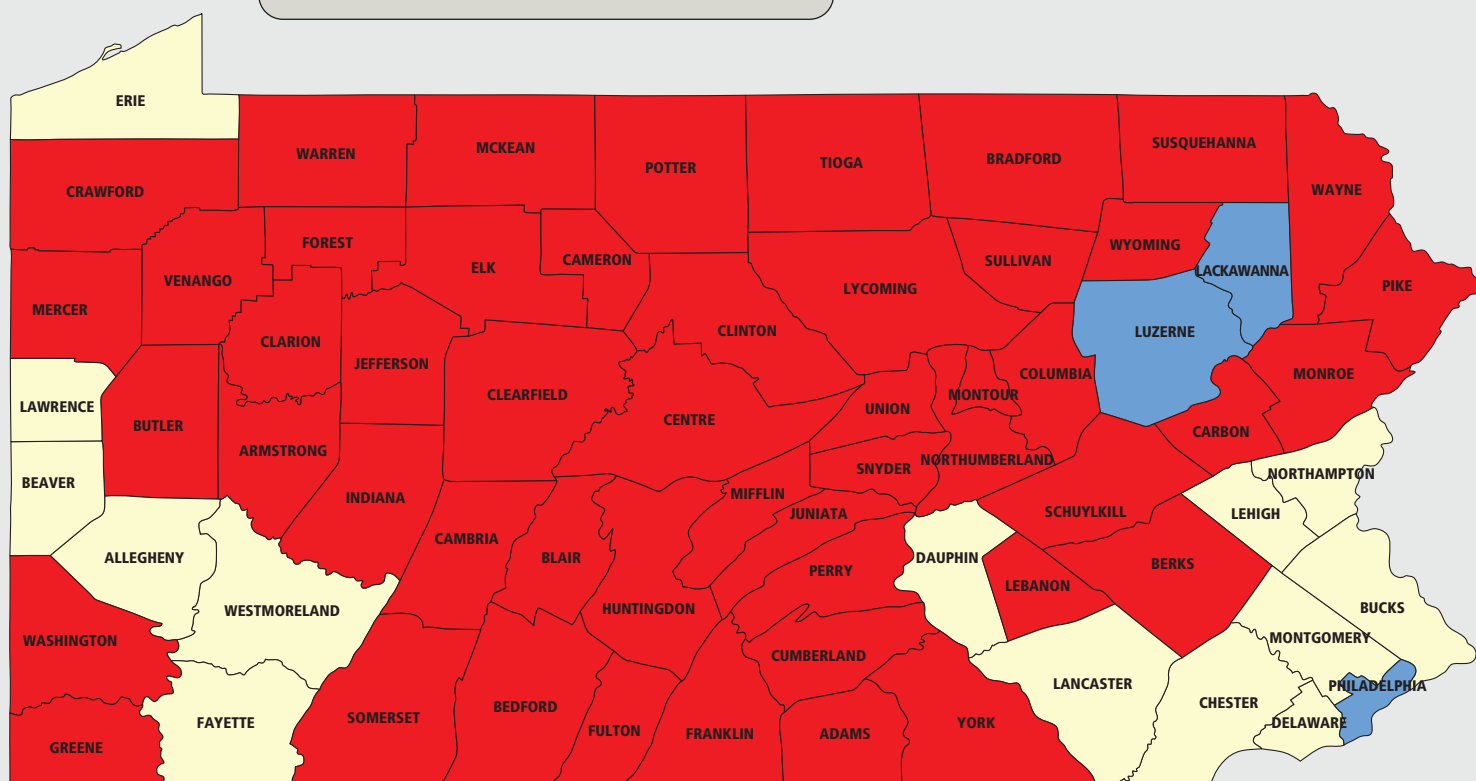
- CONSERVATIVE
- LIBERAL
- MODERATE

OREGON

Effective April 1, 2019, the Pennsylvania Rules of Civil Procedure permit Unknown Defendant/John Doe pleading. The pleading requirements are set forth in Rule 2005, and the actual name of the party must be substituted within 20 days of identification. Due diligence in identifying the actual name is required.

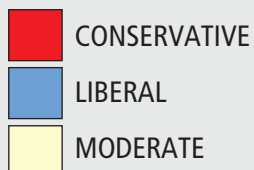
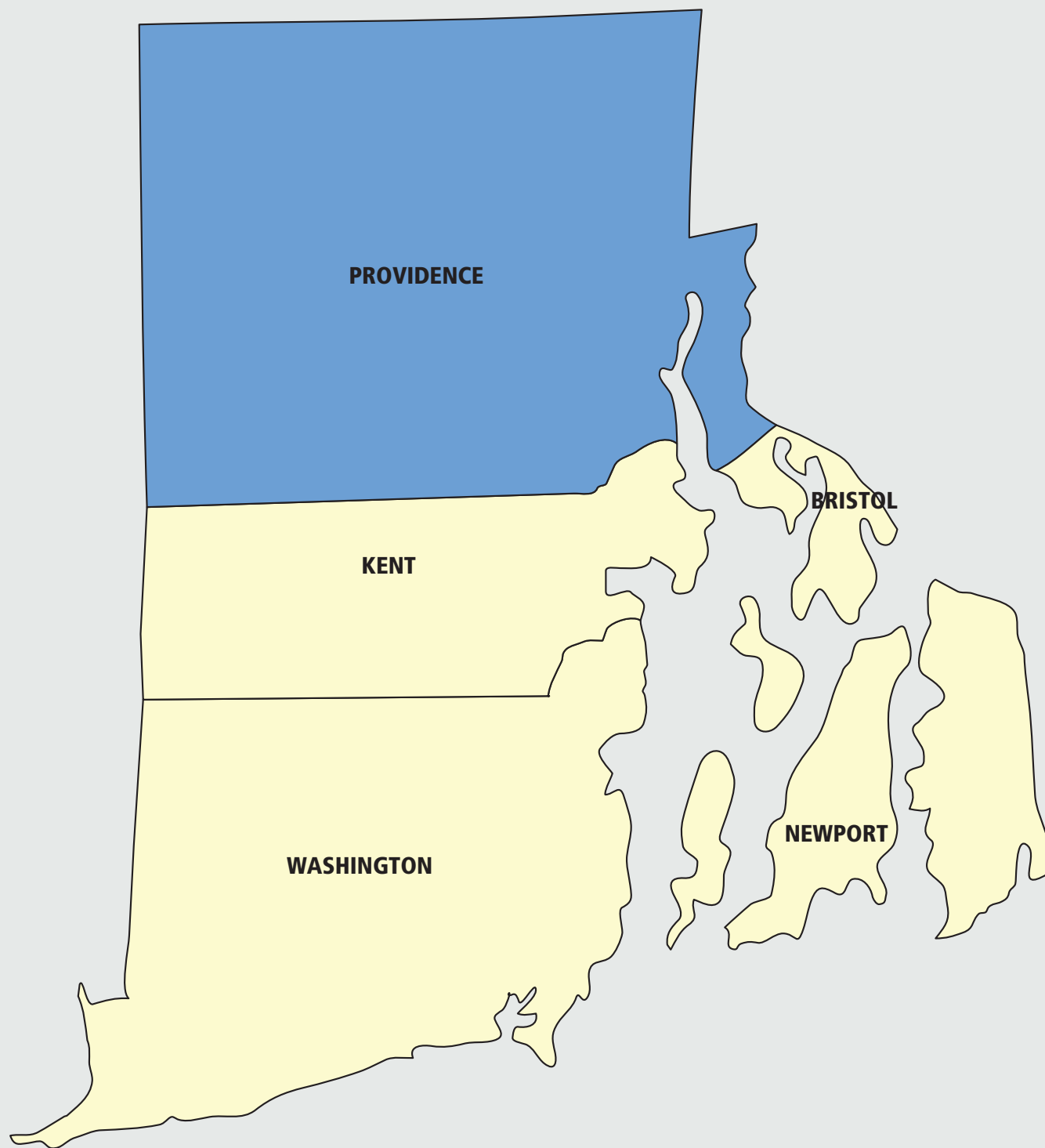
In *Gregg v. Ameriprise Financial, Inc.*, 245 A.3d 637 (Pa. 2021), the Pennsylvania Supreme Court held that a strict liability standard will be applied to claims asserted pursuant to the “catch-all” provision of the Unfair Trade Practices Consumer Protection Law. Accordingly, a Plaintiff is no longer required to show intent to deceive. The focus is on words and actions that have a tendency or capacity to deceive. The decision in *Gregg* will likely impact insurers, insurance brokers, financial advisors, and real estate brokers.

In *Spencer v. Johnson*, 2021 WL 1035175 (Pa. Super. 2021), the Pennsylvania Superior Court limited the Fair Share Act (42 Pa.C.S. §7102) to lawsuits where the plaintiff's negligence is at issue. The Fair Share Act was enacted to change joint and several liability so a defendant is only responsible to pay the part of a judgment equal to the percentage of liability assigned by the jury. If it stands (it is expected that the decision will be appealed to the Pennsylvania Supreme Court), *Spencer* will materially change the trial strategy pursued in personal injury litigation involving multiple parties.

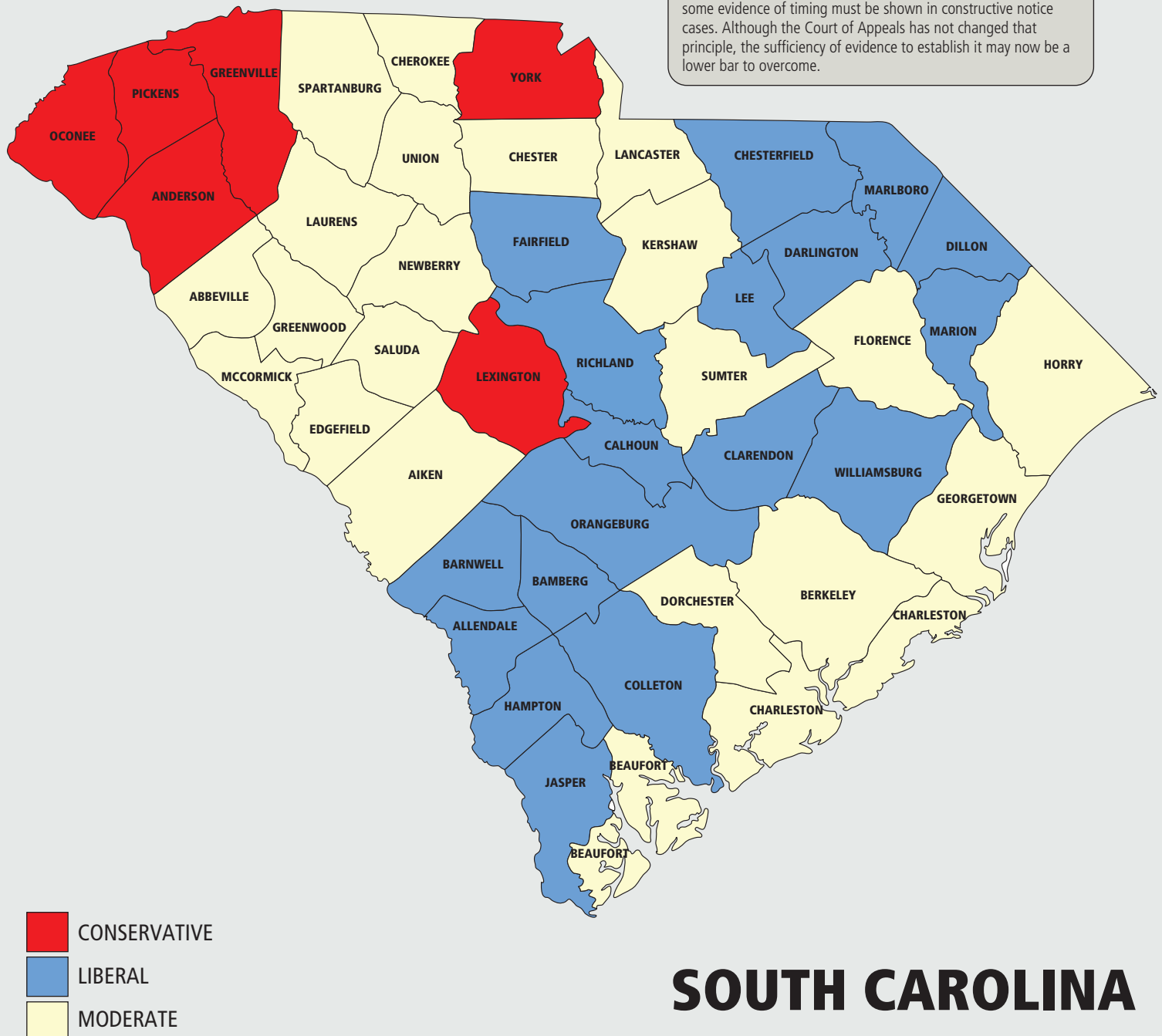


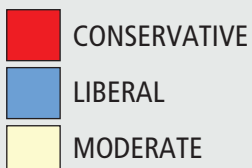
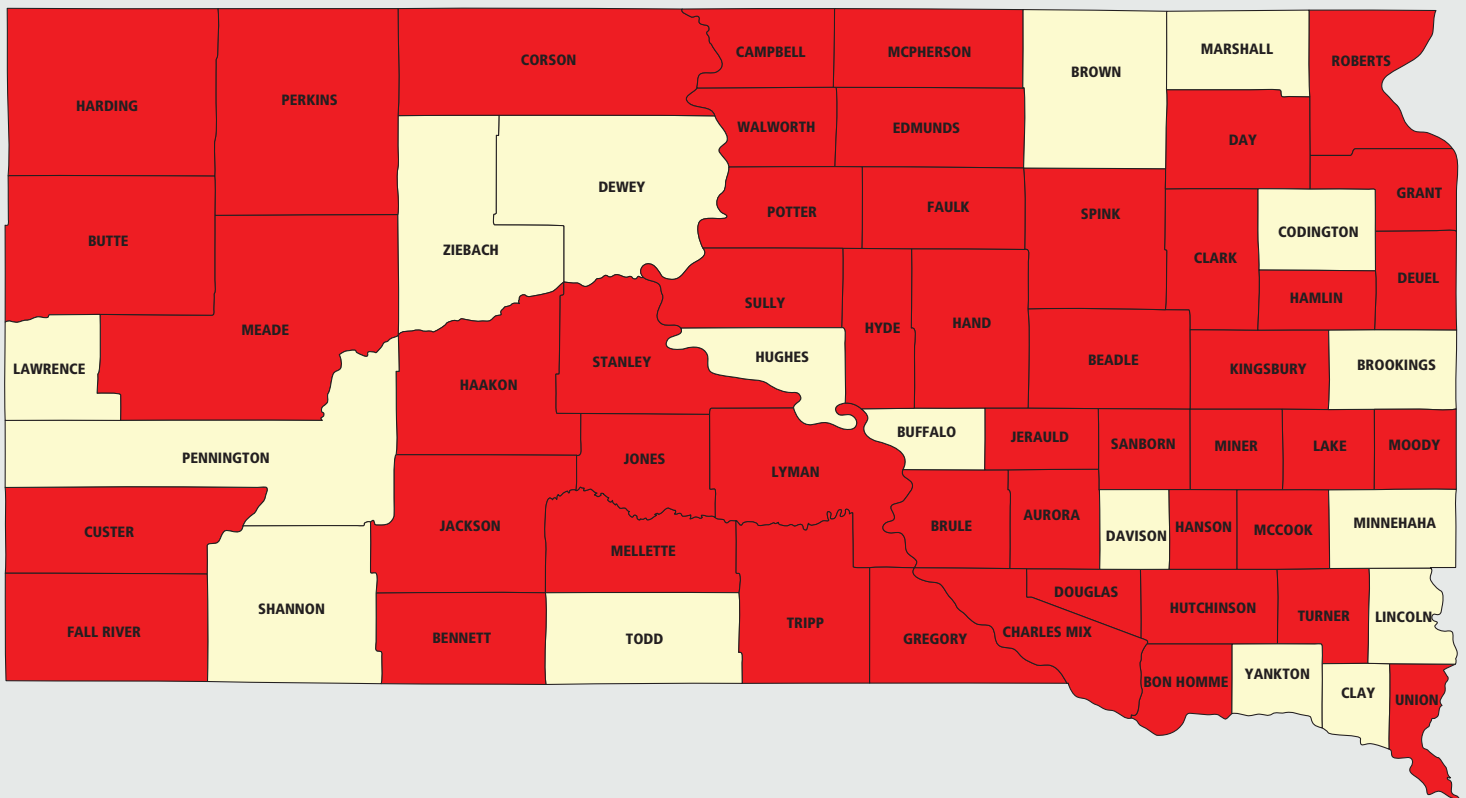
- CONSERVATIVE
- LIBERAL
- MODERATE

PENNSYLVANIA

**RHODE ISLAND**

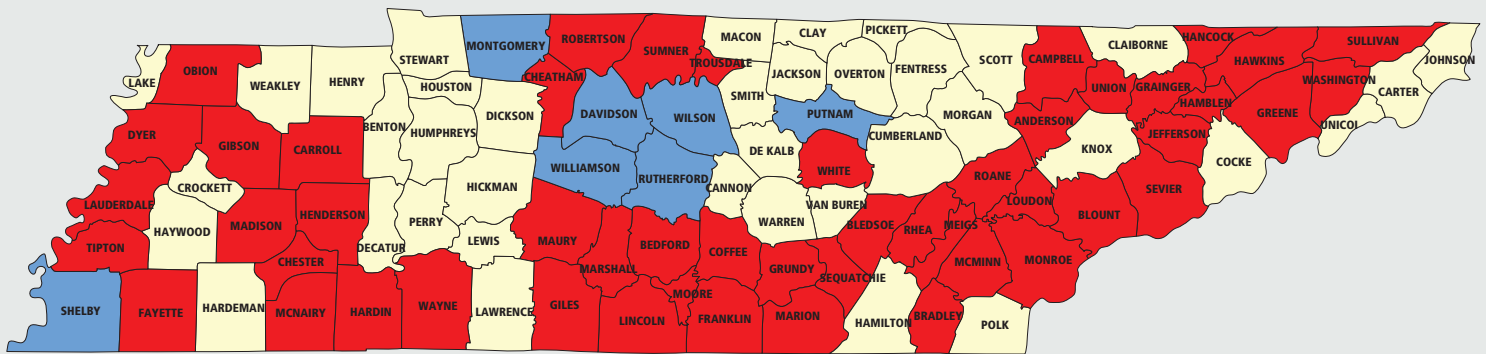
The South Carolina Court of Appeals addressed the sufficiency of evidence in constructive notice cases. Specifically, the Court held that a premises owner had constructive notice of a syringe in the parking lot even though there was no direct evidence of the exact length of time. Additionally, the opinion provides that testimony of how long the syringe had been in the parking lot because of its "weathered" appearance was not speculative, but instead was a reasonable inference. Overall, the case provides that a defendant will have constructive notice of a dangerous or defective condition whenever it appears that the condition has existed for such a length of time before the injury, based on reasonable inferences drawn from the evidence. To this point, the law has been that some evidence of timing must be shown in constructive notice cases. Although the Court of Appeals has not changed that principle, the sufficiency of evidence to establish it may now be a lower bar to overcome.





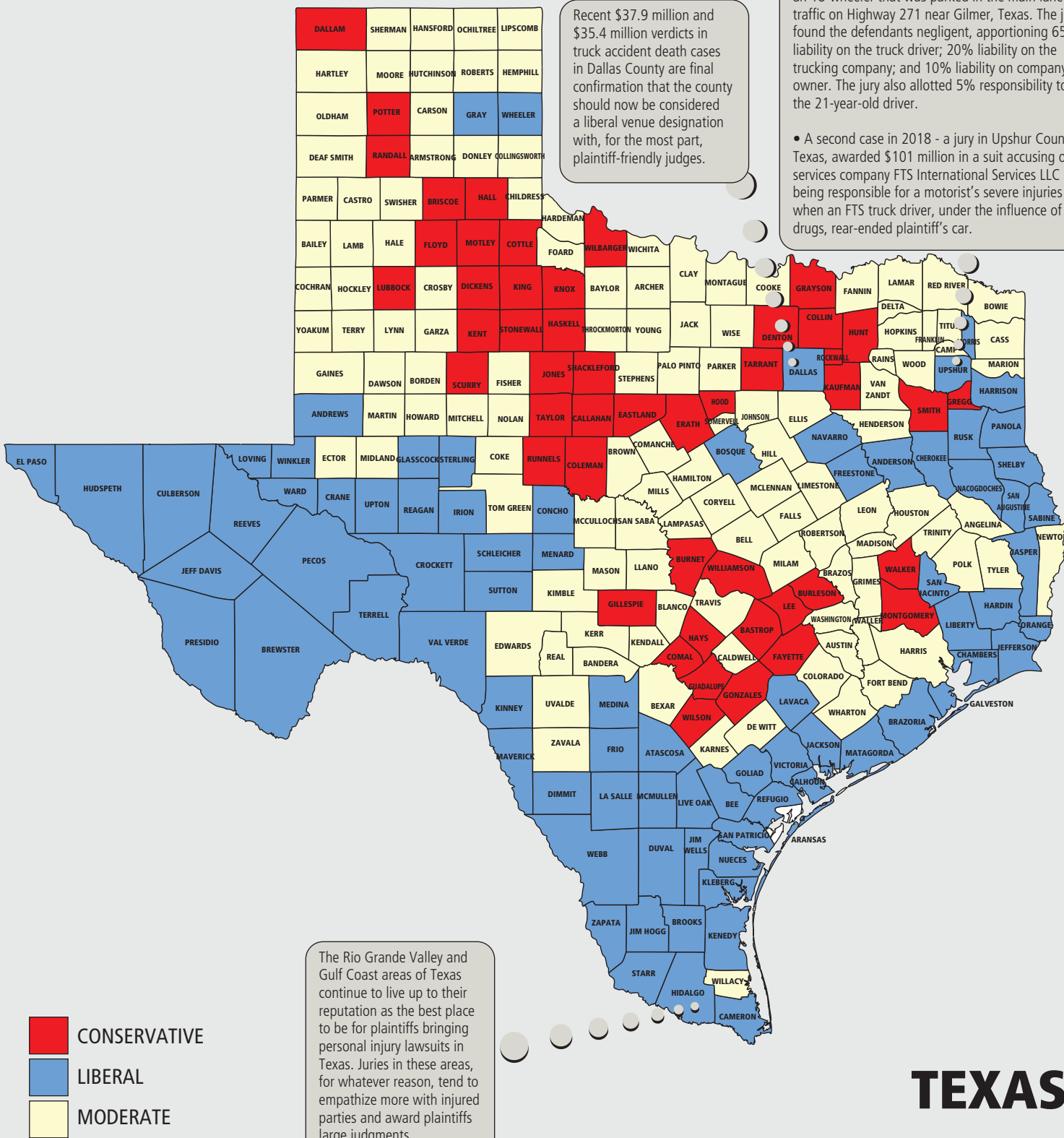
SOUTH DAKOTA

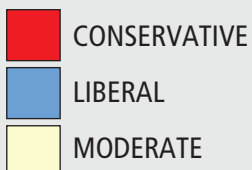
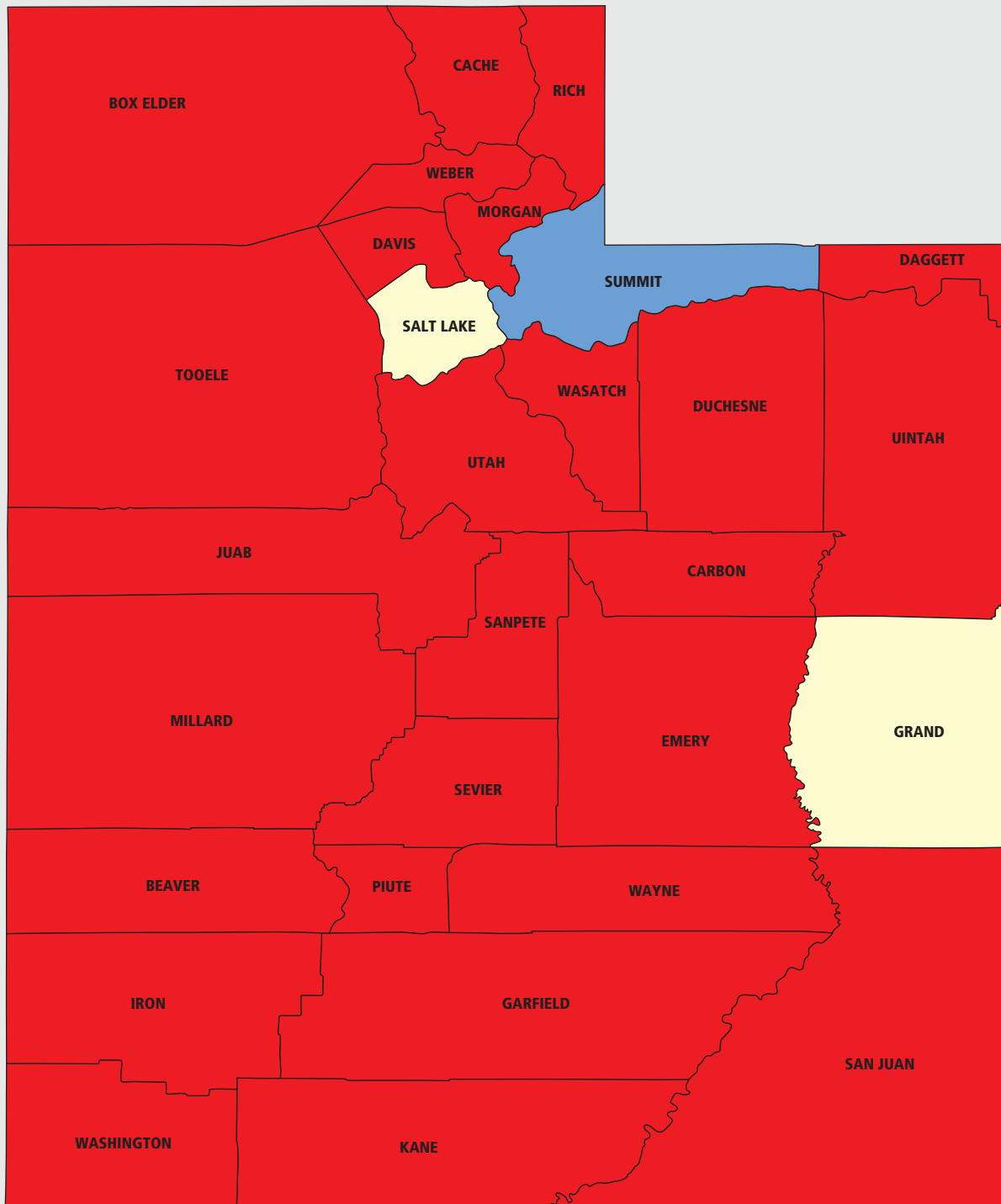
The Supreme Court of Tennessee upheld the statutory cap on non-economic damages, holding that the cap did not violate the Tennessee Constitution on several grounds. The Supreme Court of Tennessee also clarified the applicability of two statutory laws as issues of first impression. First, the Court held that the statutory rebuttable presumption of acceptance of coverage by payment of premium in an insurance contract applies to actions against insurance agents for claims of negligent failure to procure a policy. Second, the Court held that a health care provider is subject to the Tennessee Consumer Protection Act when it acts in its business capacity rather than its professional capacity.



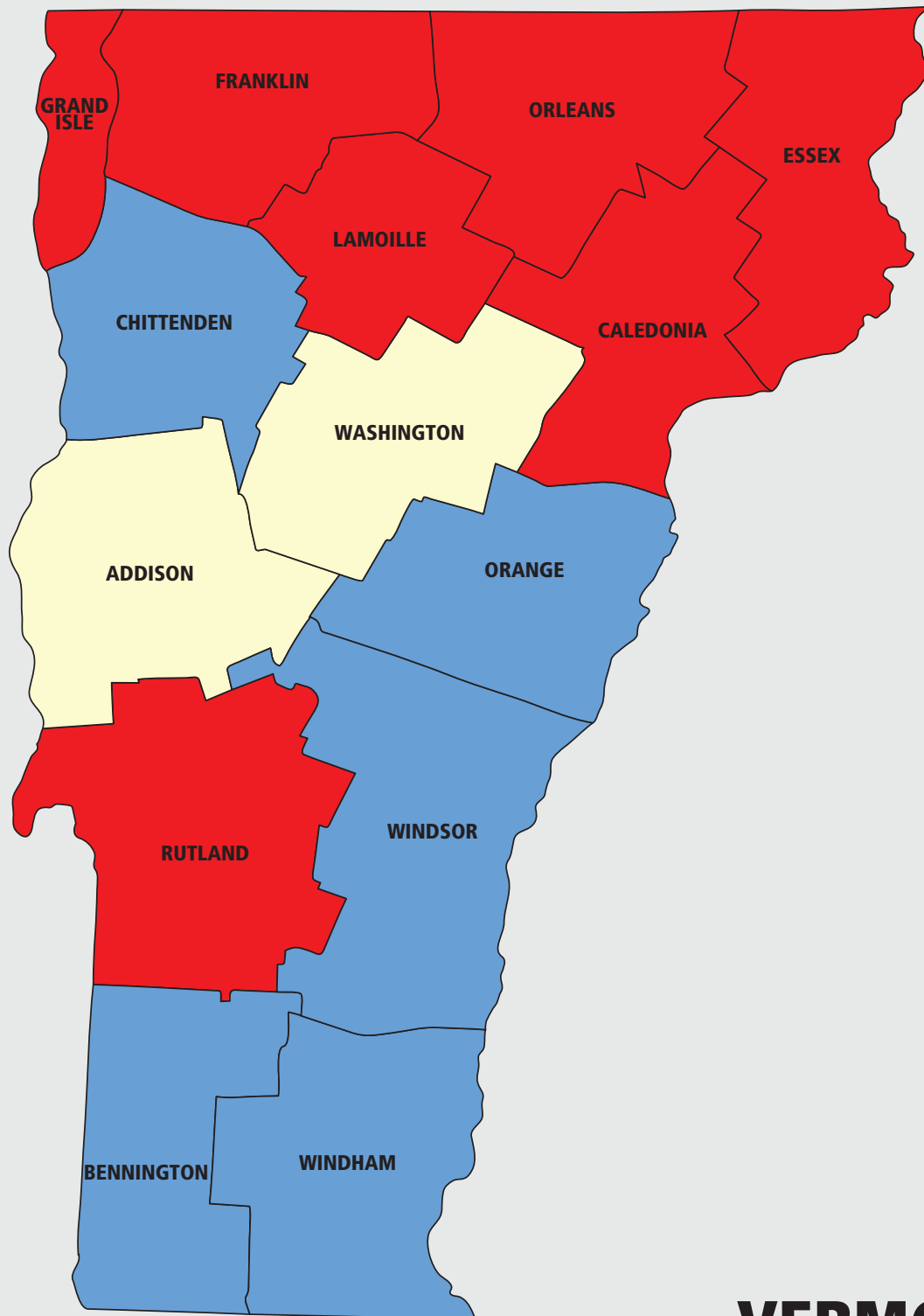
- CONSERVATIVE
- LIBERAL
- MODERATE

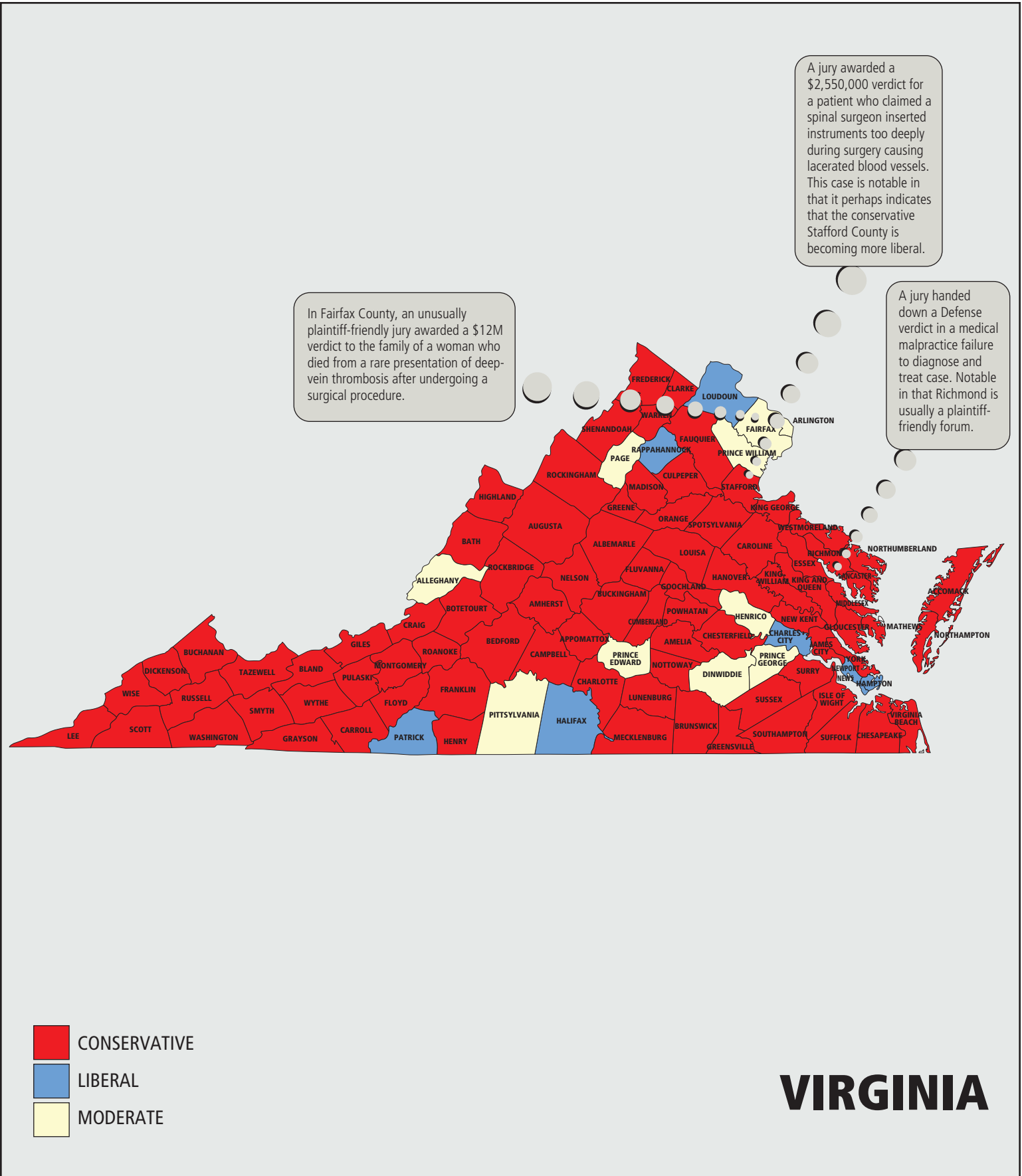
TENNESSEE



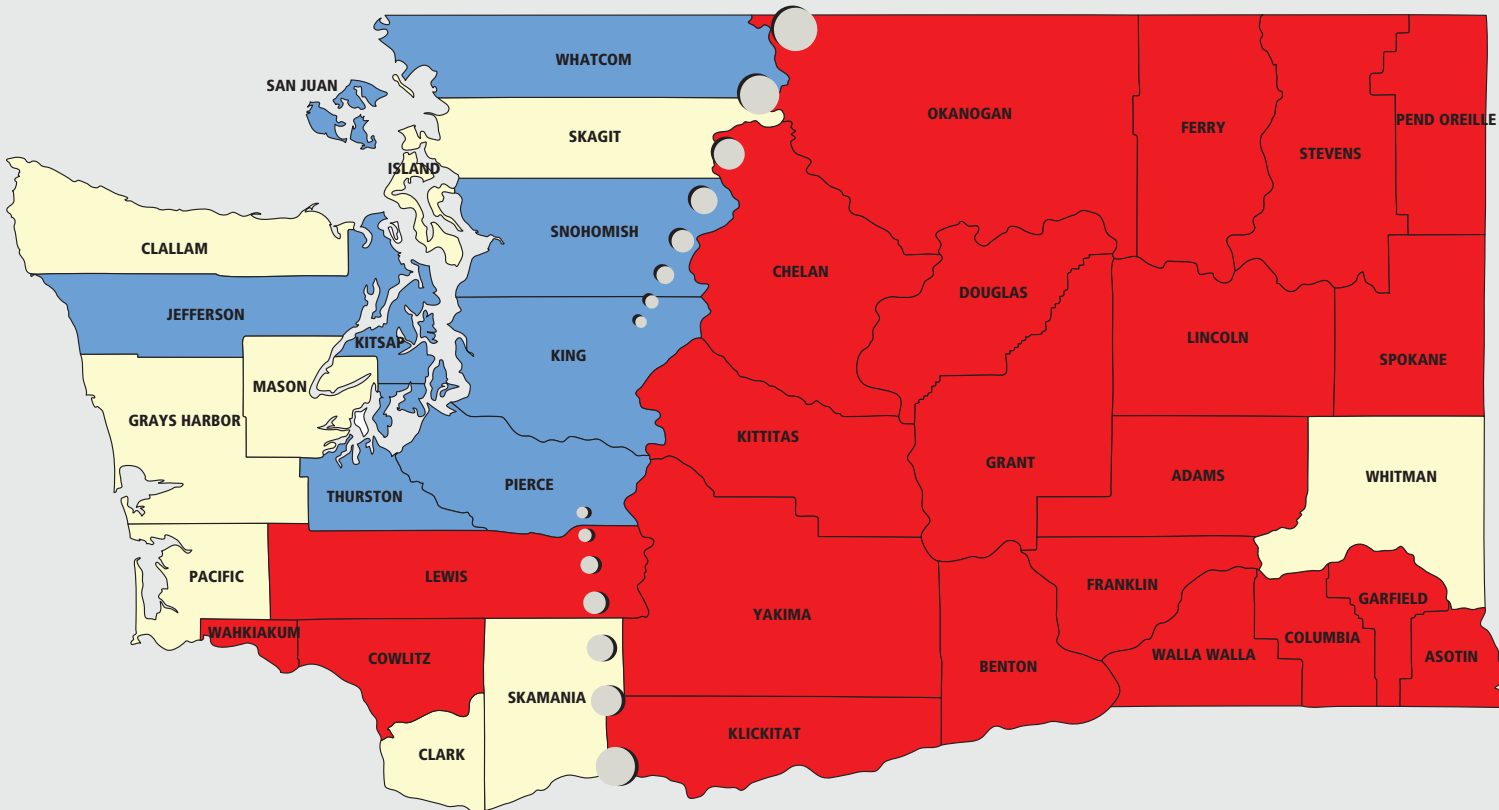


UTAH

**VERMONT**



In a case filed in King County, the Supreme Court of Washington held for the first time that punitive damages are available for general maritime unseaworthiness claims. This case is a landmark victory for fishermen, fish processors, deckhands, and seaman.



In April 2017, a Washington jury awarded \$81.5 million in a wrongful death mesothelioma case. Trial was held in Pierce County and included allegations of exposure to friction products and asbestos cement pipe. The \$81.5 million verdict is among the largest verdicts ever awarded in Washington and highlights the power of sensitive emotional facts in Pierce County.

- CONSERVATIVE
- LIBERAL
- MODERATE

WASHINGTON

State of West Virginia ex rel. v. The Honorable Thomas A Bedell No. 19-1006

A class action certification may now only be certified by a circuit court, if through thorough analysis, the predominance and superiority prerequisites of Rule 23(b)(3) are satisfied. This includes a thorough analysis of 1) identifying the parties' claims and defenses and their respective elements; 2) determining whether the issues are common questions of individual questions by analyzing how each party will prove them at trial; and, 3) determining whether the common questions predominate. The circuit court needs to review "predominance" with the overarching purpose of efficiency in time, expense, and effort in addition to promoting uniformity of decisions to similarly situated individuals.

Cory Ryan Fields v. Ross H. Mellinger, No. 20-0183

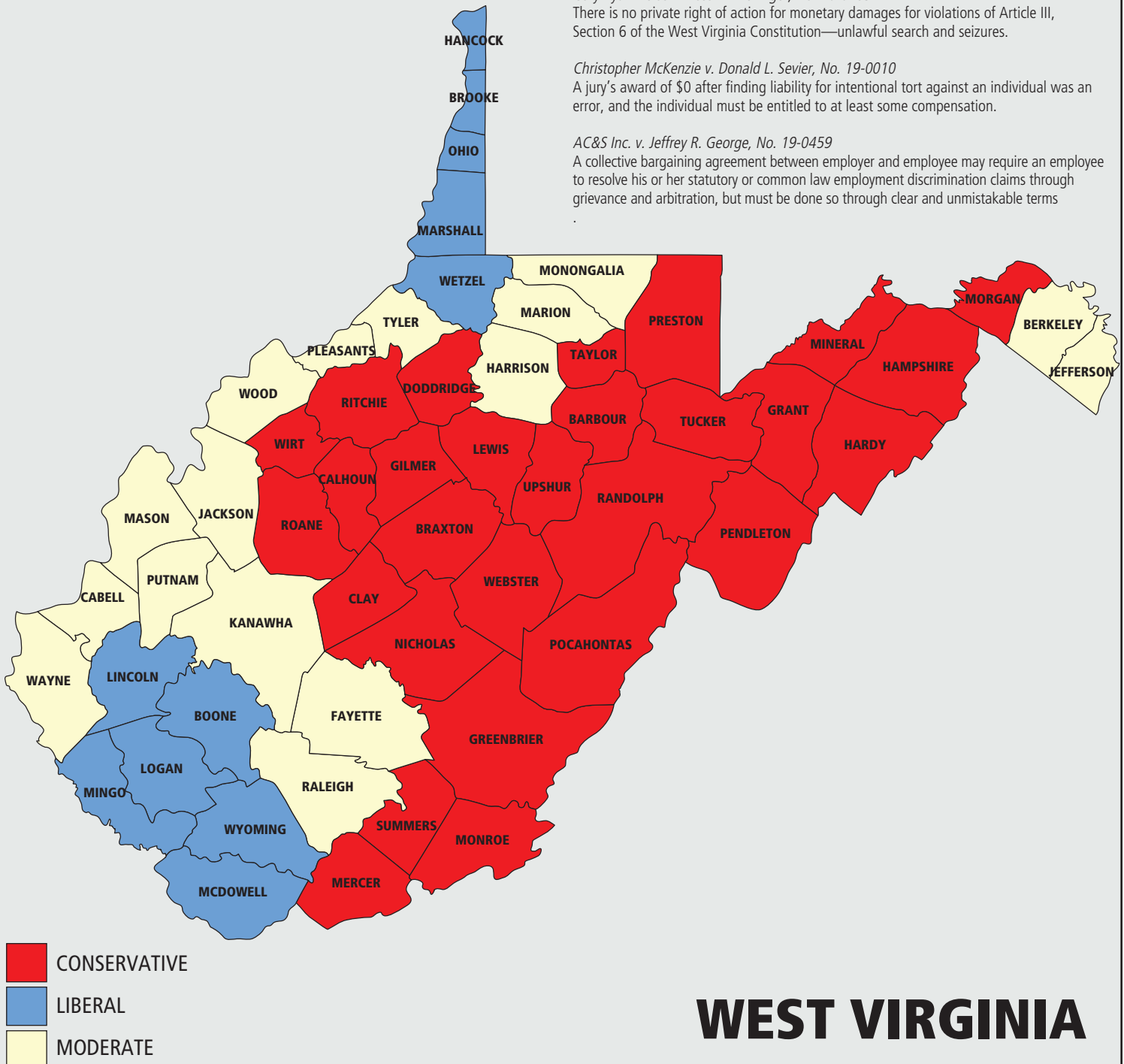
There is no private right of action for monetary damages for violations of Article III, Section 6 of the West Virginia Constitution—unlawful search and seizures.

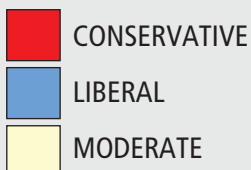
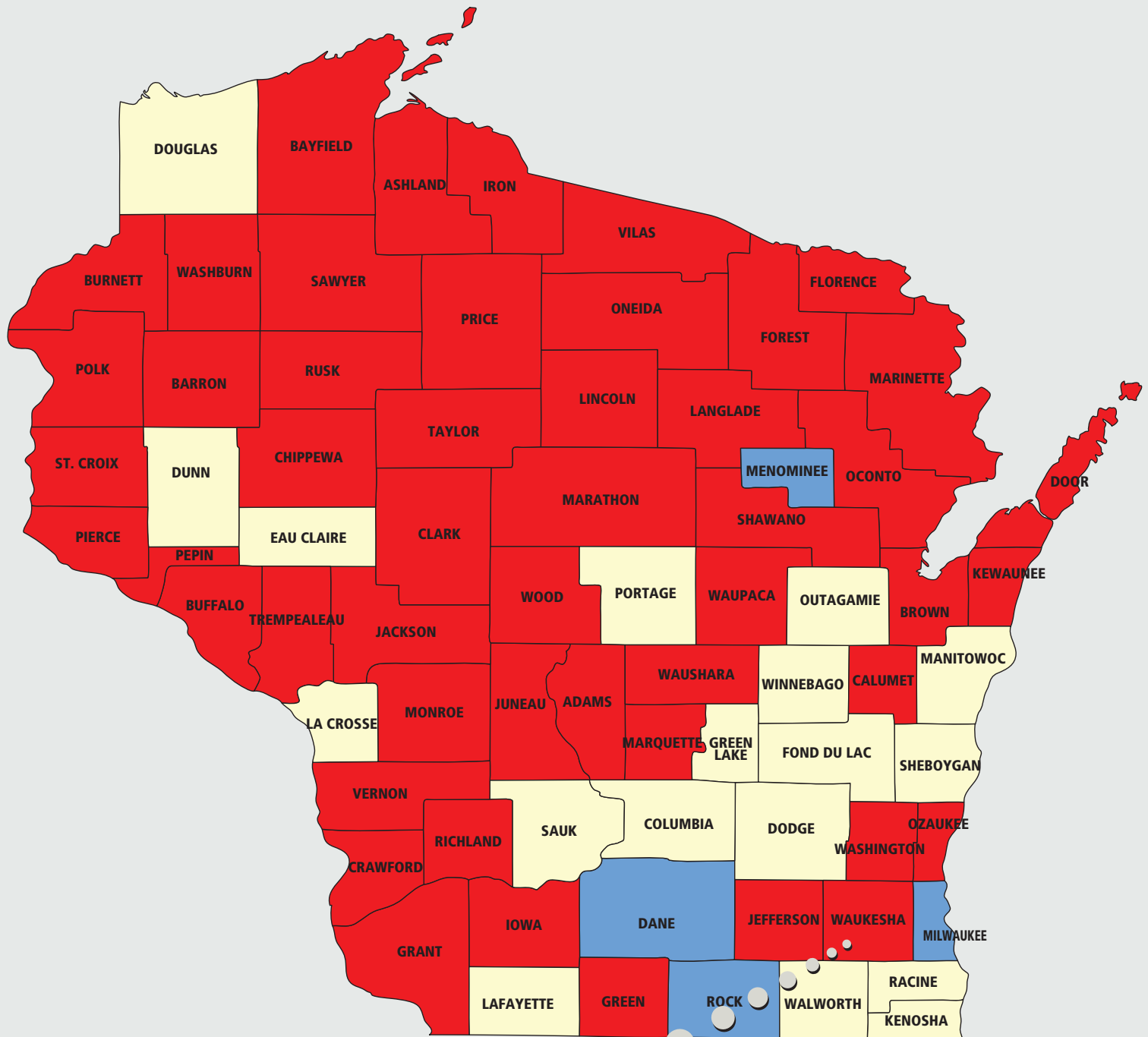
Christopher McKenzie v. Donald L. Sevier, No. 19-0010

A jury's award of \$0 after finding liability for intentional tort against an individual was an error, and the individual must be entitled to at least some compensation.

AC&S Inc. v. Jeffrey R. George, No. 19-0459

A collective bargaining agreement between employer and employee may require an employee to resolve his or her statutory or common law employment discrimination claims through grievance and arbitration, but must be done so through clear and unmistakable terms

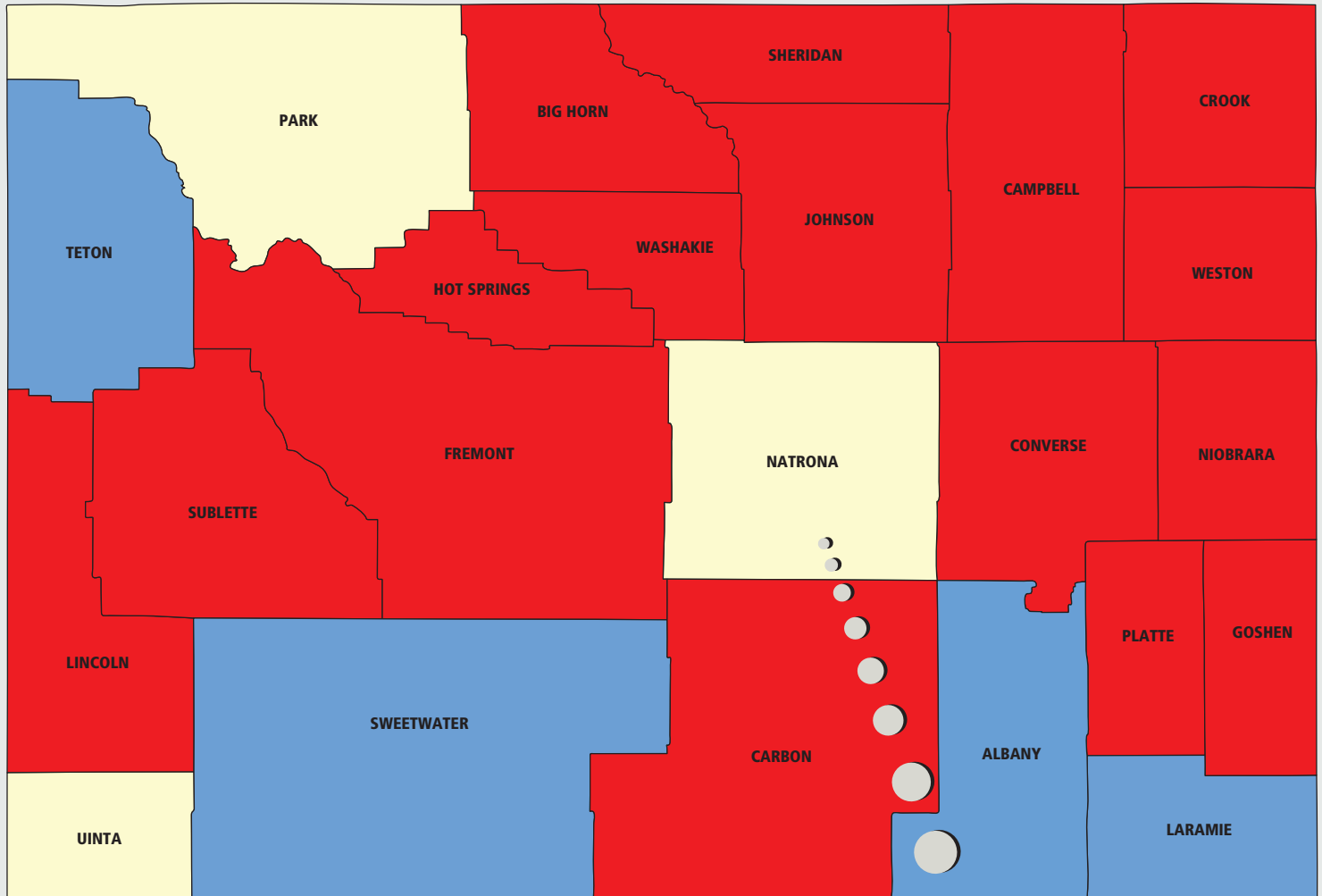




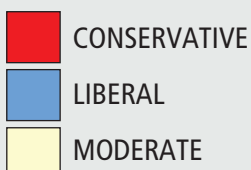
Typically a conservative venue; however, in January 2008 a jury returned a \$35,314,585 verdict against Waukesha Memorial Hospital in a medical malpractice action involving allegations that a nurse at Waukesha Memorial introduced air into an IV line during a blood transfusion to a 2-week old, premature infant and that the air then travelled to the infant's brain causing permanent brain damage. This verdict is particularly notable because although Waukesha County is typically conservative, this is the largest medical malpractice verdict obtained in the state of Wisconsin to date. The parties ultimately settled after trial but Waukesha Memorial was still on the hook for \$27 million.

WISCONSIN

In March 2019, the Wyoming Legislature created a Chancery Court in Wyoming. *See* Wyo. Stat. § 5-13-101 *et seq.* Its purpose is to provide a forum for streamlined resolution of commercial, business, trust and similar issues. Its jurisdiction will be over actions seeking declaratory or injunctive relief and actions seeking money recovery over \$50,000.00 that arise from claims including breach of contract, breach of fiduciary duty, fraud, derivative actions, the Uniform Commercial Code, and the Uniform Trust Code. While the Chancery Court is still in the process of being established, it will significantly change Wyoming's legal landscape going forward.



A Wyoming district court case resulted in a verdict for \$2.2 million in a wrongful death case. The case involved traffic control put in place through a construction zone. The decedent was riding a motorcycle when he was struck by another vehicle. It was alleged that the other driver was confused by the traffic control and turned in front of the decedent. The jury apportioned fault between the construction company, traffic control company, and the encroaching driver with the majority of fault being apportioned to the construction company and traffic control company. The verdict amount was more than the amount plaintiffs' counsel asked for in his closing, and it seems to represent an emerging trend in Wyoming for larger jury verdicts in traditionally moderate and conservative counties.



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about USLAW NETWORK

2001. The Start of Something Better.

Mega-firms...big, impersonal bastions of legal tradition, encumbered by bureaucracy and often slow to react. The need for an alternative was obvious. A vision of a network of smaller, regionally based, independent firms with the capability to respond quickly, efficiently and economically to client needs from Atlantic City to Pacific Grove was born. In its infancy, it was little more than a possibility, discussed around a small table and dreamed about by a handful of visionaries. But the idea proved too good to leave on the drawing board. Instead, with the support of some of the country's brightest legal minds, USLAW NETWORK became a reality.

Fast forward to today.

The commitment remains the same as originally envisioned. To provide the highest quality legal representation and seamless cross-jurisdictional service to major corporations, insurance carriers, and to both large and small businesses alike, through a network of professional, innovative law firms dedicated to their client's legal success. Now as a diverse network with more than 6,000 attorneys from nearly 100 independent, full practice firms across the U.S., Canada, Latin America and Asia, and with affiliations with TELFA in Europe, USLAW NETWORK remains a responsive, agile legal alternative to the mega-firms.

Home Field Advantage.

USLAW NETWORK offers what it calls The Home Field Advantage which comes from knowing and understanding the venue in a way that allows a competitive advantage – a truism in both sports and business. Jurisdictional awareness is a key ingredient to successfully operating throughout the United States and abroad. Knowing the local rules, the judge, and the local business and legal environment provides our firms' clients this advantage. The strength and power of an international presence combined with the understanding of a respected local firm makes for a winning line-up.

A Legal Network for Purchasers of Legal Services.

USLAW NETWORK firms go way beyond providing quality legal services to their clients. Unlike other legal networks, USLAW is organized around client expectations, not around the member law firms. Clients receive ongoing educational opportunities, online resources, including webinars, jurisdictional updates, and resource libraries. We also pro-

vide *USLAW Magazine*, compendia of law, as well as an annual membership directory. To ensure our goals are the same as the clients our member firms serve, our Client Leadership Council and Practice Group Client Advisors are directly involved in the development of our programs and services. This communication pipeline is vital to our success and allows us to better monitor and meet client needs and expectations.

USLAW IN EUROPE.

Just as legal issues seldom follow state borders, they often extend beyond U.S. boundaries as well. In 2007, USLAW established a relationship with the Trans-European Law Firms Alliance (TELFA), a network of more than 20 independent law firms representing more than 1,000 lawyers through Europe to further our service and reach.

How USLAW NETWORK Membership is Determined.

Firms are admitted to the NETWORK by invitation only and only after they are fully vetted through a rigorous review process. Many firms have been reviewed over the years, but only a small percentage were eventually invited to join. The search for quality member firms is a continuous and ongoing effort. Firms admitted must possess broad commercial legal capabilities and have substantial litigation and trial experience. In addition, USLAW NETWORK members must subscribe to a high level of service standards and are continuously evaluated to ensure these standards of quality and expertise are met.

USLAW in Review.

- All vetted firms with demonstrated, robust practices and specialties
- Organized around client expectations
- Efficient use of legal budgets, providing maximum return on legal services investments
- Seamless, cross-jurisdictional service
- Responsive and flexible
- Multitude of educational opportunities and online resources
- Team approach to legal services

The USLAW Success Story.

The reality of our success is simple: we succeed because our member firms' clients succeed. Our member firms provide high-quality legal results through the efficient use of legal budgets. We provide cross-jurisdictional services eliminating the time and expense of securing adequate representation in different regions. We provide trusted and experienced specialists quickly.

When a difficult legal matter emerges – whether it's in a single jurisdiction, nationwide or internationally – USLAW is there.

For more information, please contact Roger M. Yaffe, USLAW CEO, at (800) 231-9110 or roger@uslaw.org



