

2009 Jury Verdicts in Virginia

How does a struggling economy and skyrocketing unemployment affect jury verdicts in the Commonwealth of Virginia? Although there is no official data correlating these factors, jury verdicts in 2009 appear to be on the rise. Virginia Lawyer's Weekly tracks verdicts each year and has reported that in 2006, there were twenty-nine jury verdicts of \$1 million or more. In 2007, the number decreased to twenty verdicts of \$1 million or more. The number fell again in 2008 to fifteen verdicts of \$1 million or more. However, in 2009, the number of million dollar ver-

dicts jumped back up to twenty-one.

Of the twenty-one verdicts in 2009, seven were personal injury cases, including two premises liability cases and one products liability case. Another seven of the high verdicts were medical malpractice cases. Jurors in Fairfax, the City of Richmond and the City of Newport News seem to be the most liberal in awarding damages in that ten of the twenty-one verdicts came from those three jurisdictions. While the verdicts from Richmond and Newport News are not surprising based on their historical tendencies, Fair-

fax County has always been considered one of the more conservative venues in the state, if not the country. That being said, Fairfax County is by far the largest county in Virginia, and therefore, it hears the most cases. With this in mind, it is not clear yet if the conservative nature of Fairfax is shifting, or if it is simply a matter of the statistics taking hold since more trials mean more of an opportunity for large verdicts. Regardless, it is clear that regardless of venue, significant injuries will result in significant awards.

A breakdown of the verdicts follows:

<u>Verdict Amount</u>	<u>Case Type</u>	<u>Jurisdiction</u>
\$13.5 million	False advertising	U.S.D.C. Richmond
\$9 million	Environmental damage	Campbell County
\$8 million	Pedestrian struck by automobile	City of Richmond
\$7.4 million	Medical malpractice	Spotsylvania
\$7 million	Medical malpractice	Alexandria
\$5.265 million	Wrongful death against trucking company	Albemarle
\$5 million	Fall resulting in herniated disks	Portsmouth
\$4.3 million	Eminent Domain	Fairfax
\$4 million	Medical malpractice	Newport News
\$3.8 million	Death from asbestos exposure	Newport News
\$3.7 million	Medical malpractice	Prince Edward
\$3.2 million	Premises liability	Fairfax
\$2.25 million	Medical malpractice	Fairfax
\$2 million	Defamation	Williamsburg
\$1.75 million	Medical malpractice	Norfolk
\$1.27 million	Eminent Domain	Fairfax
\$1.25 million	MVA with traumatic brain injury	Stafford
\$1.2 million	Assault	Fairfax
\$1.2 million	Premises liability	Williamsburg
\$1.07 million	Medical malpractice	Richmond
\$1.01 million	Eminent Domain	Prince William



KPM Monitoring UIM Proposal in Legislature

KPM is monitoring a bill that is currently working its way through the Virginia legislature. House Bill 93 was introduced on behalf of the Virginia Trial Lawyers' Association. Under the bill, if the defendant's liability insurer offers its policy limits in writing and the offer is irrevocable, the primary insurer will still have the responsibility to defend the case. However, the underinsured motorist carrier will be forced to pay the defense costs if it chooses to continue to litigate

the case. The plaintiff's bar argues in support of the bill that settlement of cases is delayed needlessly because Virginia's current laws put no obligation on the UIM carrier to take any action until judgment. Indeed, because of this, the UIM carrier has little incentive to settle the case promptly. In opposition to the bill, lobbyists for eight insurance companies argued that this situation occurs infrequently and has the effect of unfairly shifting the cost of insurance from the few who buy minimum limits policies to the vast majority of drivers that buy more than the minimum. The bill has been approved by the House of Delegates and is now before the Senate. KPM

will continue to monitor the progression of the case through the legislative process and will report its outcome in a future newsletter.



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