



Associated Industries of Florida
Service Corporation

**Florida Statewide
Tort Reform Study**
By
McLaughlin & Associates

January 2005



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January 20, 2005

Florida Statewide Tort Reform Study

Enclosed is a copy of the *Florida Statewide Tort Reform Study* conducted by Jim McLaughlin of **McLaughlin & Associates** for the benefit of *Associated Industries of Florida Service Corporation* and the *Florida Coalition for Legal Reform*. Jim has been AIF's pollster since the summer of 2003 and is one of the premier Republican pollsters in the country. He and his firm have extensive polling and campaign experience in Florida and other states, specifically on the tort reform issue.

The poll was conducted on **January 18th and 19th** among 500 likely general election voters and has an accuracy of $\pm 4.4\%$ at a 95% confidence interval.

The poll questions were developed carefully to insure that there would be no "push" questions or even inferences that might taint the final results. Our desire, therefore, was to have polling numbers that can withstand any scrutiny. As a consequence, the numbers clearly show that Floridians favor "legal and tort reform," that they feel there are too many lawsuits being filed, and most significantly that they feel that the number of lawsuits being filed are indeed hurtful to Florida's economy.

At our press conference today, Jim will further expound on the poll and provide insightful analysis of what the numbers mean.

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Methodology:

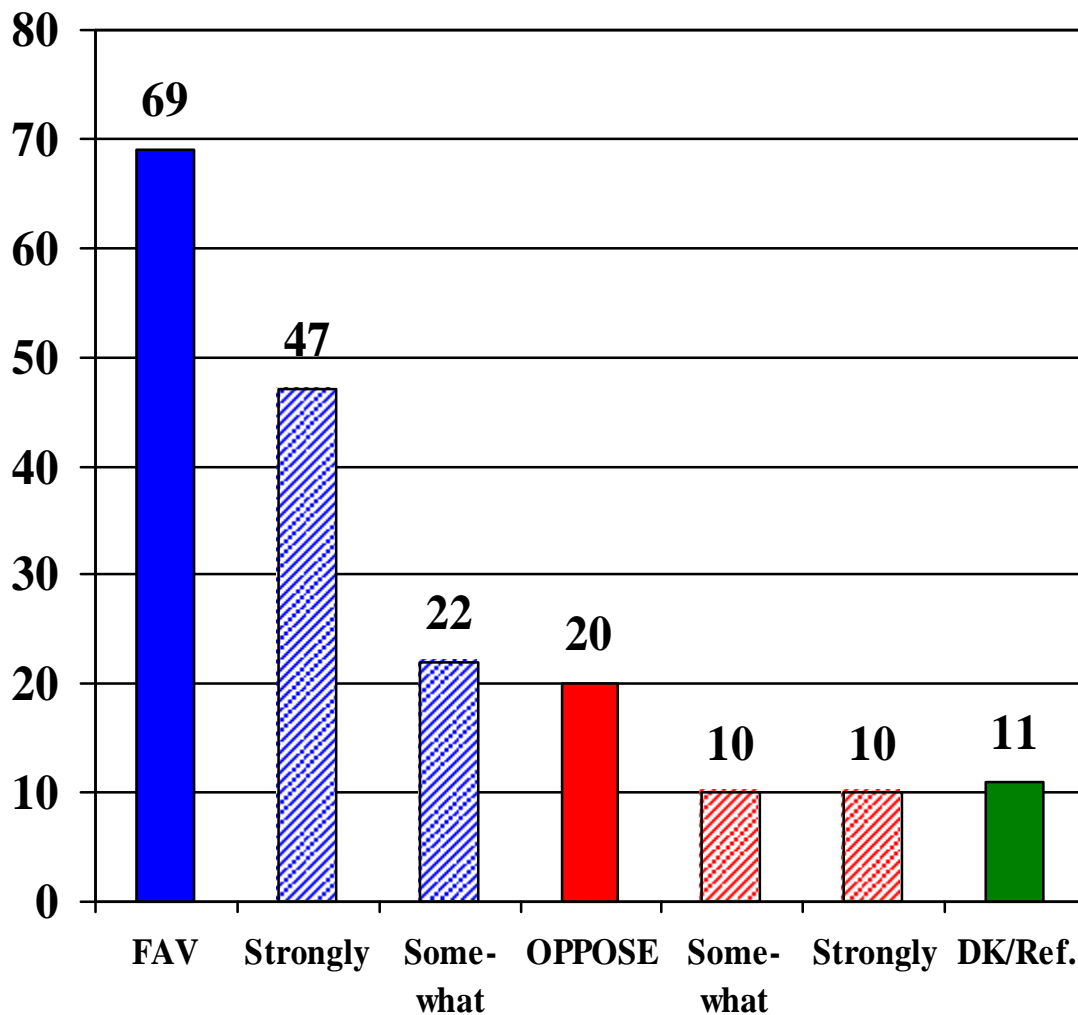
This poll of 500 likely general election voters in Florida was conducted between January 18 & 19, 2005.

All interviews were conducted via telephone by professional interviewers. Interview selection was random within predetermined election units. These units were structured to correlate with actual voter turnout in a statewide general election.

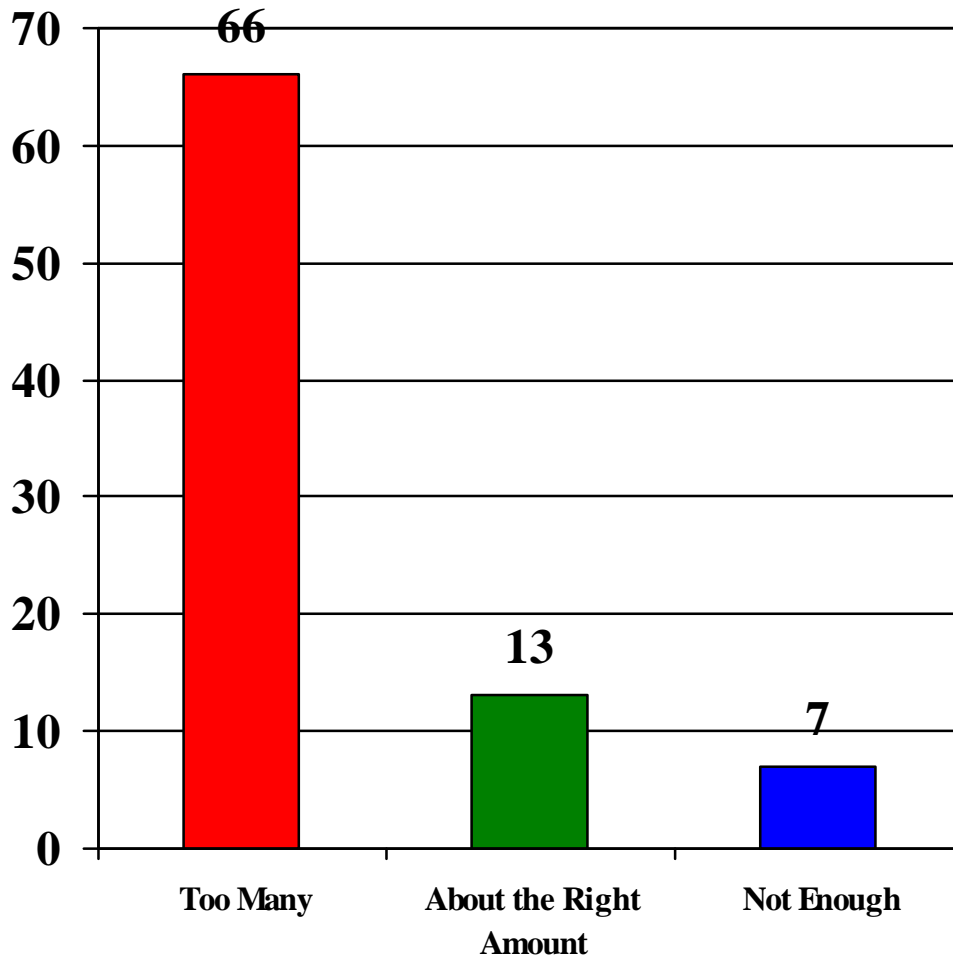
This poll of 500 general election voters has an accuracy of +/- 4.4% at a 95% confidence interval.



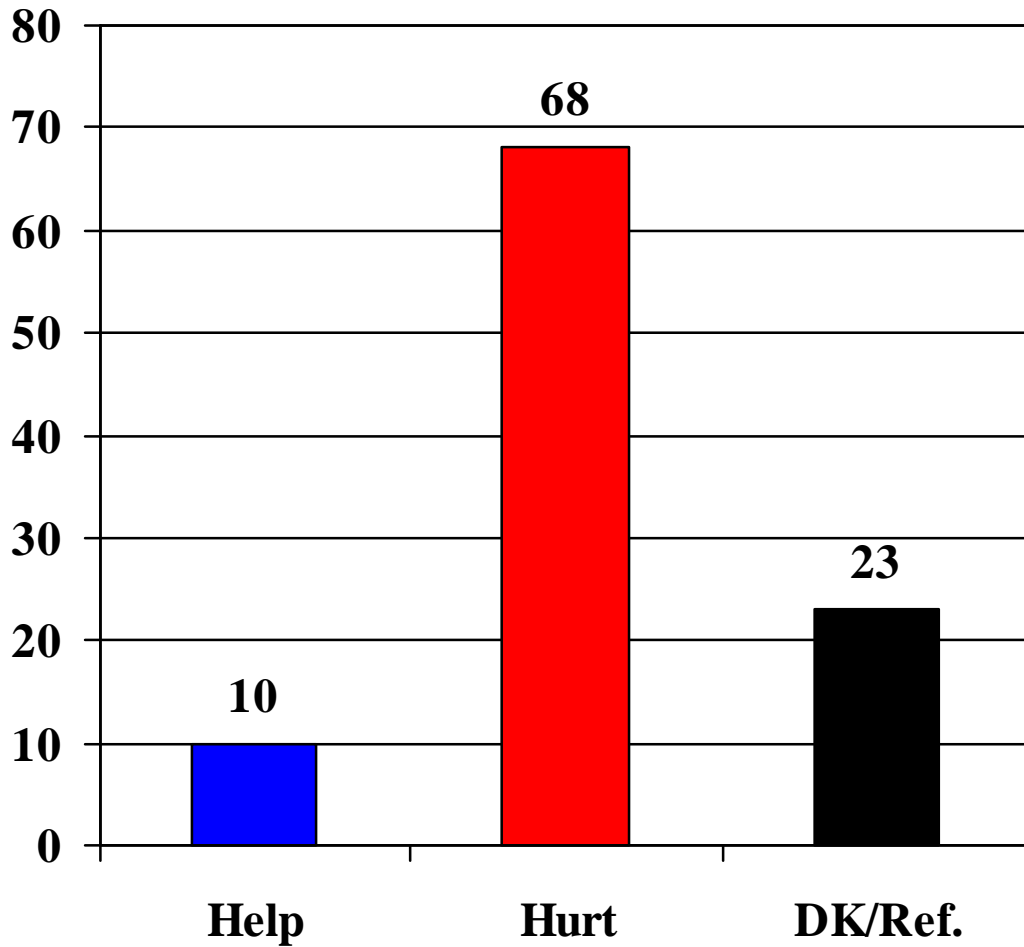
Do you favor or oppose the Florida State Legislature passing significant legal and tort reform, which includes lowering lawyers' fees and decreasing the number of lawsuits filed in Florida?



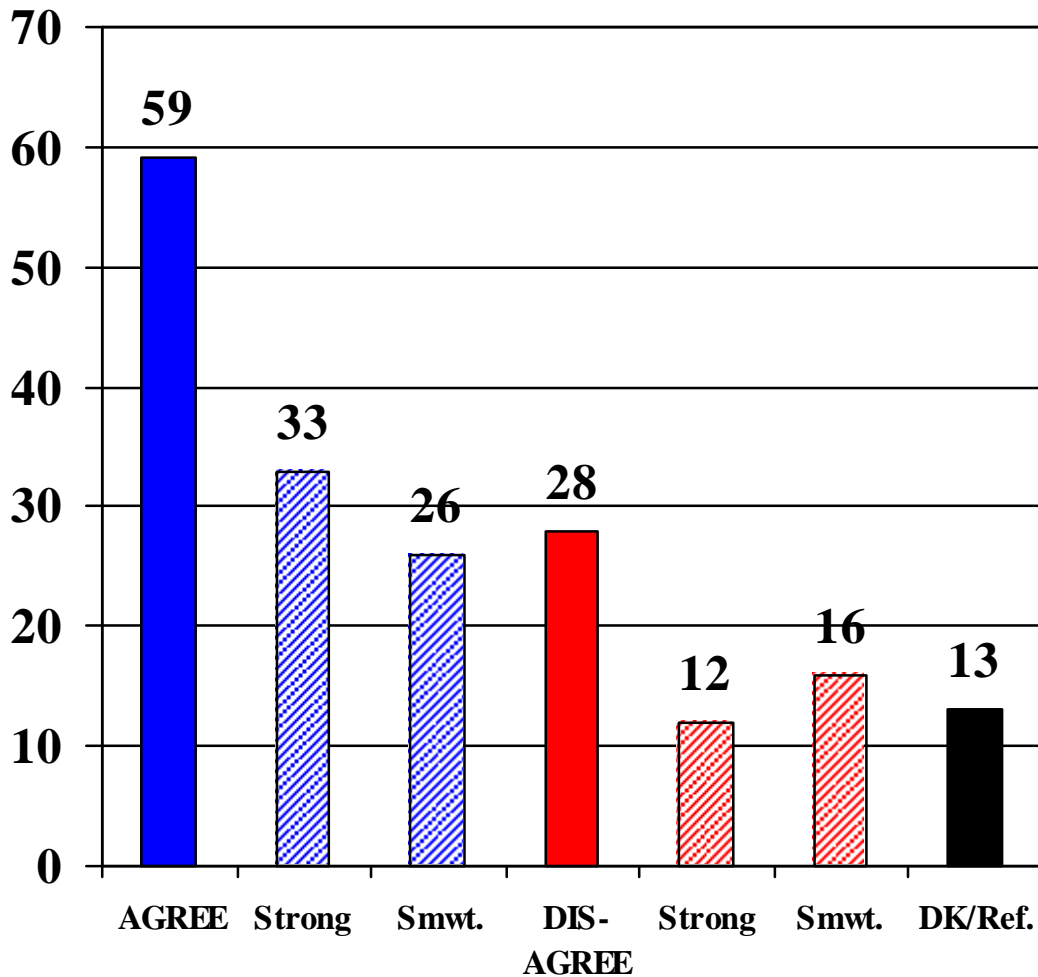
In general, do you feel that personal injury trial lawyers and other individuals are filing too many, about the right amount or not enough of lawsuits against businesses in Florida?



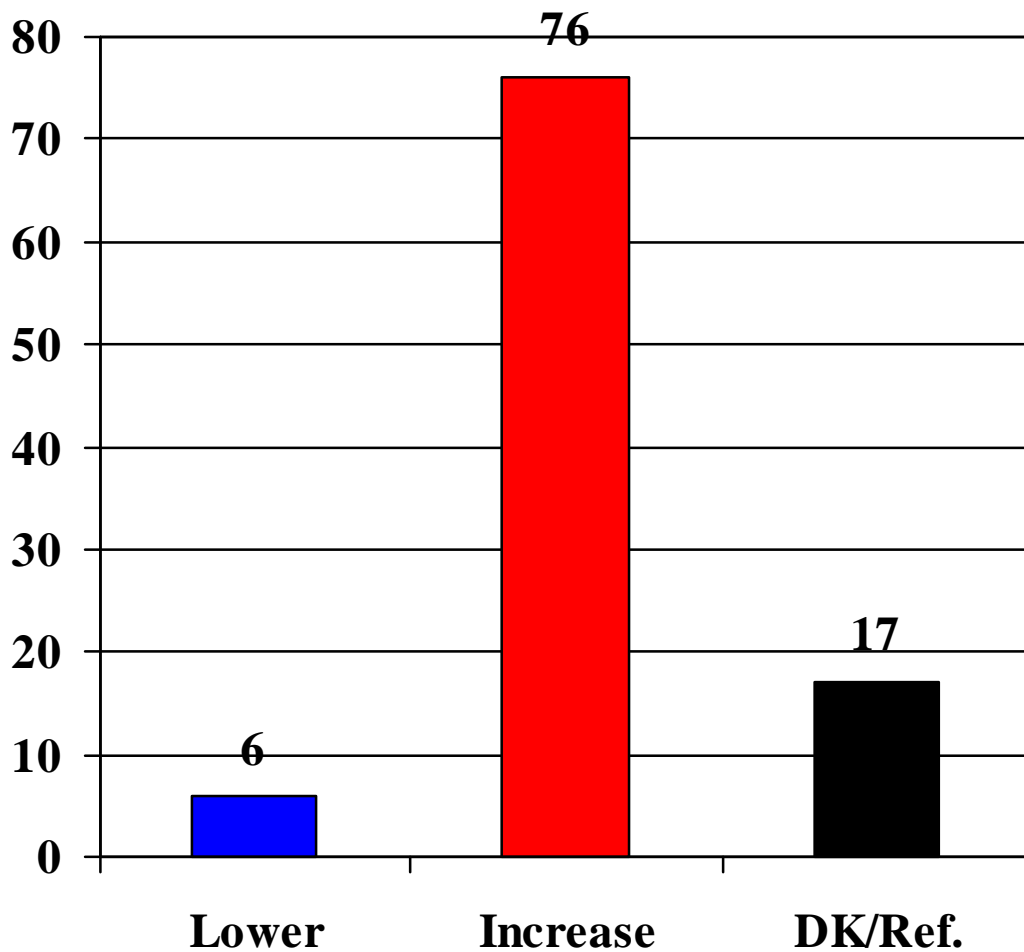
Overall, do you believe the number of lawsuits filed against businesses in Florida help or hurt Florida's economy?



Do you agree or disagree with the following statement?
“Without legal and tort reforms, Florida will have a harder time keeping businesses from leaving the state and attracting new businesses to Florida.”



Overall, do you believe the number of lawsuits filed against businesses in Florida lower or increase the prices Florida's middle class families have to pay for products and services?



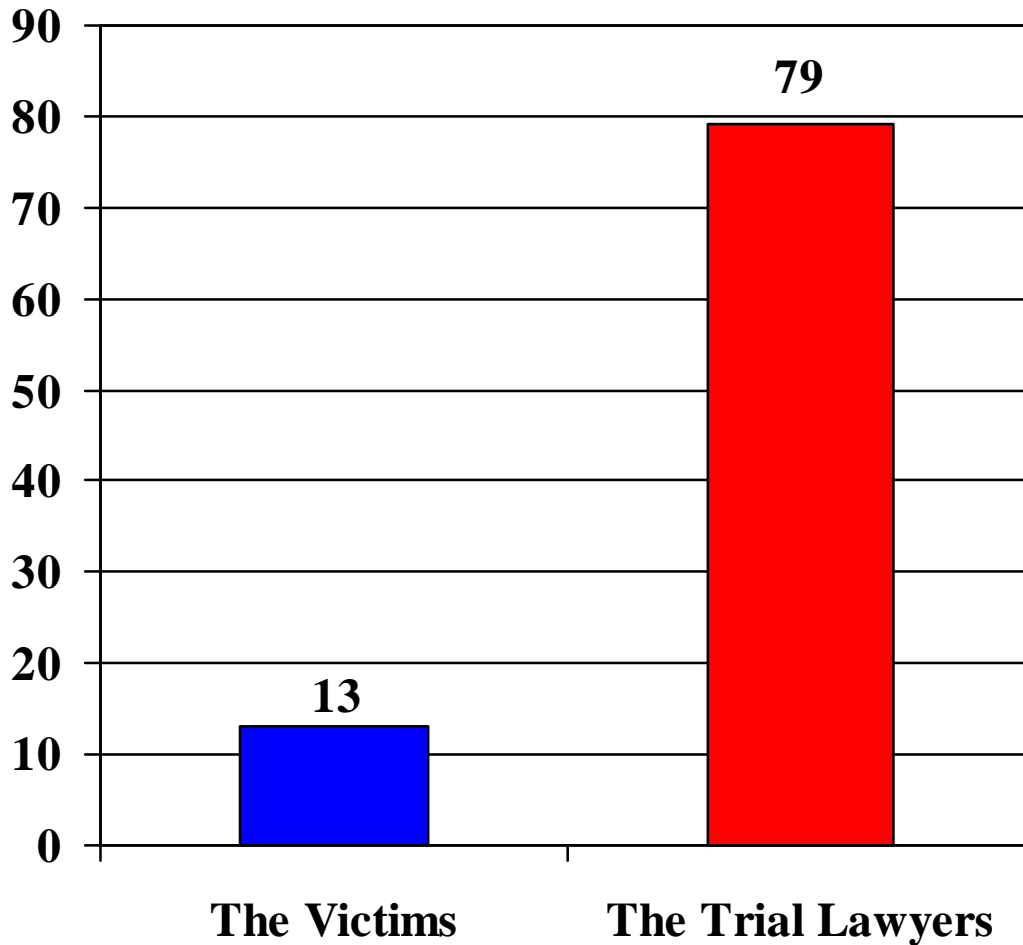
Now, I am going to read you a list of names. Will you please tell me if you have a favorable or unfavorable opinion of each person or organization? If you have no opinion or have never heard of the person or organization, just say so.

“Personal Injury Trial Lawyers”

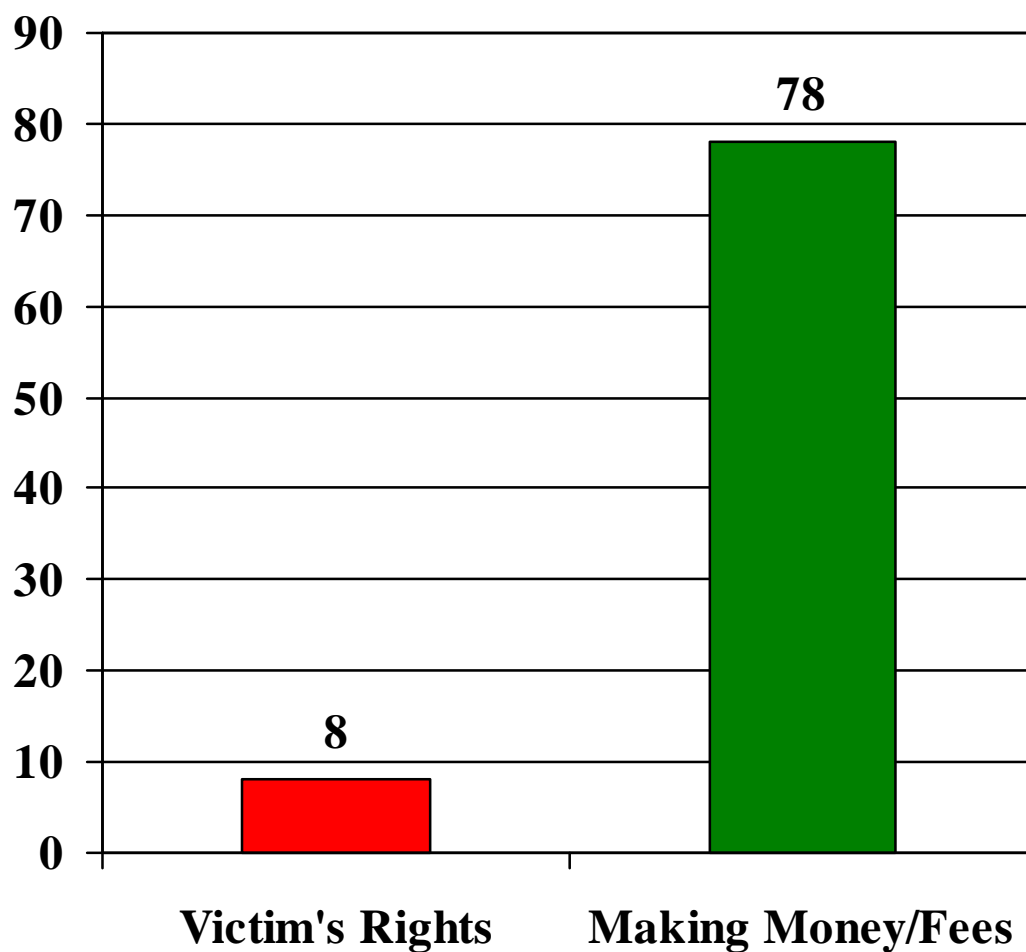
	<u>FAV</u>	<u>Very Fav.</u>	<u>Smwt. Fav.</u>	<u>UNFAV</u>	<u>Smwt. Unfav.</u>	<u>Very Unfav.</u>	<u>No Opin.</u>	<u>Never Heard Of</u>
TOTAL	24	6	18	48	17	30	26	3
Republican	12	3	9	60	18	42	26	3
Democrat	37	9	28	34	14	20	27	3
Independent	13	6	7	63	28	35	19	6
Ideology – Liberal	27	5	22	27	12	16	39	6
Ideology – Moderate	32	8	24	45	24	22	22	1
Ideology – Conservative	17	5	12	62	16	45	20	2



In your opinion, who benefits more from the lawsuits filed against businesses in Florida, the victims or the trial lawyers?



In your opinion, do you believe the trial lawyers are more concerned with the victim's rights or making money from their lawyer fees?



Now, I'd like to read you some proposals for legal and tort reforms. For each one, please tell me whether you favor or oppose that particular proposal.

Ranked by Favor	<u>All Voters</u>		<u>Republican</u>		<u>Democrat</u>		<u>Independent</u>	
	Favor	Oppose	Favor	Oppose	Favor	Oppose	Favor	Oppose
Requiring people, who want to sue, to file their lawsuit in the state and county where the injury occurred or where they live.	80	11	83	6	78	15	78	9
Limiting the portion of an award that trial lawyers take in fees, when they win a suit for their clients.	80	12	85	7	76	17	82	11
Giving businesses the opportunity to correct the alleged harm or defect so the plaintiffs and businesses can avoid going to trial.	80	12	88	8	76	14	72	17



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Ranked by Favor	<u>All Voters</u>		<u>Republican</u>		<u>Democrat</u>		<u>Independent</u>	
	Favor	Oppose	Favor	Oppose	Favor	Oppose	Favor	Oppose
Changing the liability laws so that a business is only responsible for the portion of damages that their actions caused.	80	14	84	10	77	17	78	15
Allowing the plaintiffs and defendants to settle their case outside the courtroom and without their lawyers at any time before or during their legal proceedings.	76	18	87	7	67	28	72	17
Protecting Florida retailers and small businesses from being sued and held liable for the defective products from manufacturers, which the retailers and small businesses had no knowledge of.	73	21	77	15	68	26	78	17



Now, I'd like to read you some proposals for legal and tort reforms. For each one, please tell me whether you favor or oppose that particular proposal.

Ranked by Favor	<u>All Voters</u>		<u>Republican</u>		<u>Democrat</u>		<u>Independent</u>	
	Favor	Oppose	Favor	Oppose	Favor	Oppose	Favor	Oppose
Changing the liability laws so that businesses are not held responsible for criminal acts committed by other people on their property.	69	22	76	16	64	27	65	24
Limiting recoveries in lawsuits to those items based on real monetary loss and medical expenses that an individual incurs.	66	25	76	15	56	35	70	20

