

Media Distorts Perceptions of the Legal System

It's probably fair to say that opinions are affected, to some extent or another, by the things people read. Opinions change based upon what information is available and how it is presented.

In the past, the media has been criticized for distorting the public's perception of the civil justice system by covering only the most sensational, frivolous, odd, and large jury verdicts or settlements; even though such things are well outside what normally happens in the civil justice system. That probably makes sense from the media's perspective because sensational cases lend themselves to attention grabbing headlines and interesting articles. After all, how many people would pick up the newspaper to read about a \$15,000 verdict in a motor vehicle case where both sides agreed that the defendant was at fault but disagreed about what the plaintiff should recover for six months of pain, suffering, and medical treatment? Sounds boring.

Now there's a question of whether online journalism distributed via Facebook, Twitter, and the websites of more traditional news outlets has actually made this problem worse. A report from the Center for Justice & Democracy contends that this is the case based on the habits of consumers of online news. The report notes that readers are increasingly dependent on headlines that appear in short computer links. When readers scan headlines but opt not to click on the links and read the full story, they receive even less context than ever before. Because news outlets are trying to grab readers' attention, the headlines emphasize big verdicts and crazy fact patterns. But, neither the headlines nor the actual stories ever discuss the scores of defense victories, tiny verdicts or big verdicts that were reduced by caps on damages.

The Center researched these facts by tracking Google and twenty-five of the most popular news blogs for an eighty days period. Of the reported plaintiff trial verdicts, the median jury award was \$4.6 million. That is about 192 times higher than the national average of \$24,000 for damage awards to victorious plaintiffs. In addition, the Center's review of the articles found coverage of six plaintiff victories for every one defense victory. Yet, plaintiffs on average win barely 50% of the time in cases that go to trial. And the vast majority of cases never get to that stage — they are dismissed or settled.

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