



TO: INTERESTED PARTIES

FROM: BILL MCINTURFF AND LORI WEIGEL

RE: 2010 VOTERS' VIEWS ON LAWSUITS

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Public Opinion Strategies conducted a survey of 1,000 actual voters who voted in the 2010 mid-term election nationally on Election Night (November 2, 2010) to examine voters' perceptions of lawsuits and their desire for the next Congress to reform the lawsuit system.<sup>1</sup> **The results of the survey show that a majority of voters believe the current civil lawsuit system is not working well; overwhelmingly say that the next Congress should reform the lawsuit system; and indicate that they would have a more favorable impression of the new GOP majority and be more likely to vote for their own Member of Congress if reforms to end lawsuit abuse are implemented.** In addition, voters tell us they believe that small business owners ought to have their ideas and viewpoints taken into account in Washington to a far greater degree than those of trial lawyers.

The specific key findings from the survey include...

- **American voters who participated in the mid-term elections say the civil lawsuit system is not working well.** Over half (54%) say that “our current lawsuit system” does not work well, while 38% believe it does. Voters in every age group, income range, ethnic background, gender, and education level are more likely to say the system does not work well.
- **There is continued strong agreement that the number of lawsuits is a problem.** In focus groups we have conducted on this topic, voters consistently point to what they call “frivolous lawsuits” as the chief problem with the current system. 2010 voters apparently agree. Fully 88% say “the number of frivolous lawsuits, that is lawsuits which are cases with little merit filed by lawyers mostly out to make money” is a serious problem, with a majority (53%) viewing it as a “very serious problem.” Over 80% in every single region of the country characterize frivolous lawsuits as a serious problem. Concern extends across party lines. Fully 95% of GOP voters, 94% of Independents, 94% of Tea Party supporters, and 79% of Democrats say this is a serious problem.

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<sup>1</sup> **Methodology:** On November 2, 2010, Public Opinion Strategies completed 1,000 telephone interviews with actual voters throughout the nation. The margin of sampling error is  $\pm$  3.10%.

- **With this level of concern, it is not surprising that 2010 voters express a desire for the next Congress to reform the lawsuit system.** Respondents were told about past Congressional reforms: “As you may know, five years ago, Congress passed legislation to reform the class action lawsuit system, including determining where lawsuits could be filed and reducing attorney’s fees when class members got paid coupons.” A resounding 81% say the “next Congress should continue to reform the lawsuit system,” with more than three-in-five (62%) strongly supporting further action. A mere 12% think the next Congress should not pass further reforms. It is worth noting that the intensity of support is within margin of error of post-election polling conducted four years ago in the 2006 mid-term election, when 64% said they strongly support continued reforms (86% support overall).

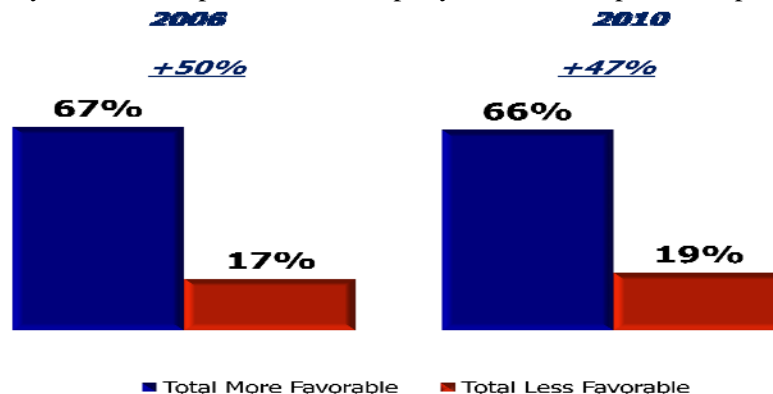
This is one issue upon which voters across the political spectrum appear to agree. Support for reforms to the lawsuit system is strong among those who voted for a Republican for Congress (86% say Congress should reform the lawsuit system) and among those who voted for a Democrat for Congress (76%). Tea Party supporters also express strong support for continued reforms (84% say Congress should reform the lawsuit system).

- **Looking ahead to 2012, the electorate tells us they would be favorably impressed if their Member of Congress or those wielding power in Congress place lawsuit reform in its agenda.** Voters say they are more likely to support their Member of Congress if he or she backs reforms to “end lawsuit abuse,” as 50% are more likely to vote for their Member having heard this. A tiny 7% would be less likely, while another 42% say the Members’ position would make no difference on their vote decision in 2012.

Likewise, two-thirds of 2010 voters say that “if Republicans win the majority of seats in Congress and their agenda for next year included reforms to end lawsuit abuse by trial lawyers would you have a ...

67% More favorable impression of the Republicans in Congress  
 17% Less favorable impression of the Republicans in Congress  
 12% No strong feelings

Notably, we asked this same question in 2006 when Democrats took over control of Congress, and as the following graph indicates, received very similar results as voters clearly would be impressed if either party takes on this persistent problem.



- **Critically important swing voter sub-groups say they would be impressed if the GOP includes lawsuit reform in its agenda.** By a nearly five-to-one margin, Independent voters say they would have a more favorable impression of the Republicans for helping end lawsuit abuse (67% more favorable, 14% less favorable). Voters in important swing districts, including 53% of voters in House seats that were deemed “in play” by the *Cook Political Report* say they would have a more favorable impression if the GOP includes this issue as part of their agenda.
- **Tea Party supporters are some of the most enthusiastic backers of lawsuit reform and most concerned about lawsuit abuse today.** Across multiple questions in the survey, the 27% of 2010 voters who identify themselves as a supporter of the Tea Party express stronger than average concern and desire for lawsuit reform:
  - 62% say the lawsuit system does not work well today and a mere 32% think it does work well;
  - 70% say that the number of frivolous lawsuits are a very serious problem (94% say it is at least somewhat of a problem);
  - 84% want Congress to continue to reform the lawsuit system;
  - 85% would have a more favorable impression of the Republican majority if they include reforms to end lawsuit abuse in their agenda; and,
  - 62% would be more likely to vote for their Member of Congress if he/she voted in favor of legislation to end lawsuit abuse.
- **Finally, voters say the ideas and viewpoints of small business ought to be taken into account in Washington to a far greater degree than the viewpoints of trial lawyers.** Even before the issue of lawsuits was introduced, we asked 2010 voters how much the ideas and viewpoints of trial lawyers and small businesses ought to be taken into account in Washington. A mere 6% believe that trial lawyers should have their ideas taken into account “a lot,” compared to 71% who say that the ideas of small business ought to be taken into account “a lot.” That dramatic discrepancy holds true for every single sub-group of voters.

In summary, 2010 voters – like those in previous elections – indicate significant concern over problems with the lawsuit system, as three-in-five say the system is generally not working well and 88% believe frivolous lawsuits are a problem in our current system. They express strong support for Congress taking on reforms of the system which is consistent with their support in the last mid-term election. In addition, they would be favorably impressed and more likely to support their Member of Congress if he or she tackles ending lawsuit abuse as part of their legislative agenda. They also say they ideas of small businesses ought to be taken into account in Washington to a far greater degree than those of trial lawyers.