

US Chamber of Commerce releases questionable survey results

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In an article from a forthcoming issue of the *Journal of Empirical Legal Studies* the results of the U.S. Chamber of Commerce Liability Survey for recent years are analyzed. The annual Chamber of Commerce surveys (dating back to 2002 and still in progress) are used to rank state judiciaries and are utilized in tort reform policy debates.

Author Theodore Eisenberg questions the legitimacy of the survey results, "The survey is not only inaccurate, unfair, and bad for business but the people interviewed knew very little about the states they were evaluating." For example, Eisenberg asserts that for years the Chamber's surveys claimed that New Jersey did not allow punitive damages when the state in fact has allowed them. In the Chamber surveys, a state that does not allow punitive damages can be outranked by states that do. Furthermore, the Chamber's ranking of state judiciaries may bear little or no relation to actual legal developments in the states evaluated. New Jersey has plummeted in recent years in the Chamber's ranking but Eisenberg's detailed analysis of New Jersey cases suggests that the decline is not based on actual legal developments within the state.

Eisenberg suggests that the survey is simply an advocacy piece for tort reform and that instead of providing reliable information about the legal system, the Chamber has used the surveys as a lobbying tool to try to influence important policy issues. Eisenberg asserts that a further debate is needed as well as a more in-depth evaluation of the performance of state judiciaries.

More information: To view the abstract for this article, please visit [www3.interscience.wiley.com/jo ... 1/122614089/abstract](http://www3.interscience.wiley.com/jo...1/122614089/abstract) .

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