

Holiday Schedule	1
New Resources	1
Bureau of National Affairs (BNA)	1
Wilson Index to Legal Periodicals	1
“New Library Resources”	2
Horizon Information Portal Tips	2
Religious Expression in the Workplace	2
Reviews	3
“Pleasures in Practice”	3
“Tort Trials and Verdicts”	4
Bibliography	5
Contributors	5

Holiday Schedule

For the upcoming holidays, the Library will be closed on the following days:

Friday, December 24, 2004
Friday, December 31, 2004
Monday, January 17, 2005
Monday, February 21, 2005



New Resources

Bureau of National Affairs (BNA)

The Library has acquired three new BNA databases: *Class Action Litigation Report*, *Employment Discrimination Report*, and *Health Law Reporter*.

BNA's *Class Action Litigation Report* covers developments in class action and other multiparty litigation: recent court cases, legislation, court rules, pre-trial developments, bench rulings, unreported decisions, settlements, attorney fee petitions, pleadings, editorial analysis and practice tips. *Class Action Litigation Report* is

published twice monthly, and covers the period April 28, 2000 to date.

Employment Discrimination Report covers judicial, legislative, and regulatory issues in equal employment opportunity policy and practice. Key cases from all U.S. courts are reported, as well as summaries of EEOC briefs and important jury verdicts, monetary settlements, and consent decrees. Articles on new developments and emerging trends are also featured. *Employment Discrimination Report* is published weekly, with coverage extending back to 1996.

Health Law Reporter focuses on legal issues in the health care industry, including new court cases, federal and state legislation, federal regulations, enforcement trends, and health care news. Published weekly, coverage is February 1996 to date.

These new databases go along with our previously available BNA titles: *ABA/BNA Lawyer's Manual on Professional Conduct*, *Criminal Law Reporter*, *Electronic Commerce & Law Report*, *Family Law Reporter* and *U.S. Law Week*.

Due to licensing restrictions, BNA databases are available within the Library and from Court and Maricopa County internal networks only.

Wilson Index to Legal Periodicals

Index to Legal Periodicals (ILP) includes two complementary databases. *ILP Full Text* indexes over 1,000 law journals and other publications from the United States, Canada, Great Britain, and other countries. *ILP* also has full text of articles from over 200 periodicals from 1994 to date, and also provides links to the full text of articles

available in *Hein Online*. Coverage is 1981 to date, and new records are added monthly.

Wilson's Index to Legal Periodicals Retrospective is the companion database to *ILP Full Text*. Covering the period 1918-1981, *ILP Retrospective* indexes over 750 legal periodicals with a similar geographic coverage. *ILP Retrospective* is not a full-text database, but does provide links from citations to the full text of articles available in *Hein Online*.

Both databases, including full text from Wilson and *Hein Online*, are available from the Library's Web site, with a Library card.

"New Library Resources"

New Library Resources is our monthly e-mail listing of books and online resources, including *Hein Online* journal titles, recently added to the Library collection. Click on a title to go to its catalog entry in Horizon Information Portal, where you can place a request, search for related materials, or select the New Books tab to see the complete list, updated daily. In the Library, the books are located on the New Books shelf next to the 2nd Floor elevator, where they are shelved for a month after being added to the collection. *New Library Resources* will be e-mailed on the first of the month to staff, attorneys, and others by request. To receive the monthly list, call the Library information desk at 602-506-3461, or send an e-mail to webservices@scll.maricopa.gov.

Horizon Information Portal Tips

Horizon Information Portal (HIP) is our Web-accessible catalog. Use the features of the Advanced Search tab to expand your search range.



The combined searching feature allows you to search databases, university libraries, and the State Library in a single search. Choose

between seeing a single list of search results or separate lists by library by checking the box labeled "Remove duplicate hits?"

HIP's My List feature helps keep you keep track of search results and useful items. Build your list by clicking on titles from the summary information page or the full description page. Log in with your Law Library card, and from the My List page you can e-mail citations and request that items be held. After logging in, you may save up to ten book lists, manage, rename, and delete lists, and move items from one list to another.

On January 20, we will begin the process of upgrading our software to offer a new interface to Horizon Information Portal. You will be able to configure like you would My Yahoo!, for example: set up your personal library access, select your own username and password, determine what your entry page will look like and include, save searches, and set up e-mail notifications. Over time, more features will be added to the package to give you better access to legal information and resources.

Religious Expression in the Workplace

As the holiday season arrives, novel issues come to the forefront. One of those issues is religious faith and expression in the workplace. Perhaps you have seen various signs or symbols, or alternatively, felt compelled to discuss your faith with fellow co-workers. As a government entity, the Superior Court may be distinguished from the private sector in that it must abide by both the First Amendment and other employment laws. The Court and its employees must deal with religious expression in a sensitive and precise manner in order to abide by the law.

The First Amendment of the United States Constitution allows for the free exercise of religion but prohibits any government employer from establishing, as favorite, any one particular religion. The practical implications of these rules is that an employee may have whatever faith they

desire and express these views accordingly, but the Superior Court as an employer may not endorse religion in and of itself.

Alongside the First Amendment, Title VII of the Civil Rights Act demands of a government employer that employees not be treated less favorably due to their beliefs, nor can they be compelled to participate or not participate in religious activities. Employees are permitted to express themselves and have any reasonable accommodation for their beliefs implemented if not an undue hardship on the employer. At the same time, any form of harassment or retaliation in light of these rules is strictly forbidden.

The tension between expressing oneself and not appearing to promote a religion is a delicate issue. As a Court employee, you must not express your opinions to the public at large, for to do so would give the impression that the government endorses a particular religious belief. In relation to co-workers, self expression is permissible but one must be conscious of views not shared by all, and avoid harassing others and creating a hostile work environment.

Reviews

“Pleasures in Practice”

Pleasures in Practice: Lawyers Speak On Job Satisfaction and Their Financial Future
<http://www.myazbar.org/Content/Members/041015EconReportSupplement.pdf>.

During the summer of 2004, a survey was conducted by The Applied Statistics Laboratory on behalf of the State Bar of Arizona. Over 1000 Arizona attorneys responded to the survey which measured job satisfaction and financial expectations. Results were organized by demographic groups, years in practice, practice categories and income levels.

The survey showed that the “typical” Arizona attorney is 46 years old and has been practicing law for 17 years. The average male attorney is 47 and has been

in practice for 19 years while the average female attorney who has been practicing for 12 years, is 42 years old. Additionally, 33% of the respondents were women and 66% of those responding are in private practice.

According to the percentages, the most satisfied attorney would be a female, who worked for the government, practiced Indian Law and had practiced law for over 25 years. However, she would also belong to the practice category that had the least optimism about its financial future – government attorneys.

In addition, the survey found that part-time attorneys are less satisfied than full-time attorneys, especially women; that dissatisfaction and satisfaction are rather uniformly found in all practice categories (see the chart below); and that attorneys are more optimistic in 2004 about their future economic circumstances than they were in 2003.

2004 Degree of Satisfaction by Practice Category

		Practice Category						Total
		Solos	Firms	Judiciary	Gov't	House Counsel	Others	
A great deal	Count	47	81	2	62	7	11	210
		15.2%	16.5%	13.3%	22.4%	11.5%	18.6%	17.3%
Quite a bit	Count	104	171	6	95	26	19	421
		33.7%	34.8%	40.0%	34.3%	42.6%	32.2%	34.7%
Enough	Count	88	153	6	66	23	18	354
		28.5%	31.1%	40.1%	23.8%	37.7%	30.5%	29.2%
Too little	Count	66	84	6	51	5	8	215
		21.4%	17.1%	6.7%	18.4%	8.2%	13.6%	17.7%
None	Count	4	3	--	3	--	3	13
		1.3%	0.6%	--	1.1%	--	5.1%	1.1%
Total	Count	309	492	15	277	61	59	1,213
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The survey is a special supplement to *Economics of Law Practice in Arizona, 2004* which can be found in the Law Library's Arizona Collection at KFA2477 .A75 S7 2004.



“Tort Trials and Verdicts”

Tort Trials and Verdicts in Large Counties, 2001. Bureau of Justice Statistics (November 2004).

This report presents the findings of the U.S. Bureau of Justice Statistics' *Civil Justice Survey of State Courts, 2001*, for tort trials in state general jurisdiction courts in the nation's 75 largest counties. Both jury and bench trials are included (90% of all tort trials were decided by a jury; less than 10% were decided by judges).

Automobile accident cases were the largest percentage (about 53%) of tort trials. Premises liability and medical malpractice were the next largest categories at about 15% each. The remainder included product liability cases (asbestos, toxic substances, breast implants, tobacco, etc.), professional liability, slander or libel, intentional torts, and animal attacks.

The report found that a total of 7,218 tort jury trials were conducted, a 23% decline from 9,431 in the same counties in 1992.

Median damage awards also declined by 56%, from \$64,000 in 1992 to \$28,000 in 2001. Table 1 provides a comparison for Maricopa County between 1996 and 2001.

Maricopa County	Tort Trials	Plaintiff Winners	Total of all Awards	Median Award
1996	282	150	\$61,298,953	\$22,784
2001	230	124	\$25,322,000	\$14,000

Table 1. Final total amount awarded to plaintiff winners.

In 2001, about 5% of winning plaintiffs were awarded punitive damages, with a median punitive damage award of \$25,000. Table 2 gives the comparisons for Maricopa County.

Maricopa County	Plaintiff Winners	Total of all Awards	Median Award
1996	4	\$1,331,200	\$450,000
2001	4	\$175,000	\$10,000

Table 2. Total punitive damages awarded to plaintiff winners.

Plaintiffs won in 52% of the total trials in the 75 counties, according to the report a rate that has remained essentially unchanged since 1992. Table 3 shows results for selected counties.

The report also describes trends in types of tort cases, types of litigants, types of trial, case processing times, post-verdict proceedings and appeals.

Tort Trials and Verdicts in Large Counties is available in Adobe Acrobat and ASCII formats, along with data spreadsheets in zipped format, at:
<http://www.ojp.usdoj.gov/bjs/abstract/ttvlc01.htm>.

Previous editions in the series, and related B.J.S. surveys, include:

Tort Trials and Verdicts in Large Counties, 1996 (August 2000)
<http://www.ojp.usdoj.gov/bjs/abstract/ttvlc96.htm>

Tort Cases in Large Counties: Civil Justice Survey of State Courts, 1992
<http://www.ojp.usdoj.gov/bjs/abstract/tclic.htm>

Civil Trial Cases and Verdicts in Large Counties, 2001
<http://www.ojp.usdoj.gov/bjs/abstract/ctcvlc01.htm>

Civil Trial Cases and Verdicts in Large Counties, 1996
<http://www.ojp.usdoj.gov/bjs/abstract/ctcvlc96.htm>

Civil Jury Cases and Verdicts in Large Counties: Civil Justice Survey of State Courts, 1992
<http://www.ojp.usdoj.gov/bjs/abstract/cjcavilc.htm>

Medical Malpractice Trials and Verdicts in Large Counties, 2001
<http://www.ojp.usdoj.gov/bjs/abstract/mmtvlc01.htm>

Federal Tort Trials and Verdicts, 1996-97 (February 1999)
<http://www.ojp.usdoj.gov/bjs/abstract/fttv97.htm>

Federal Tort Trials and Verdicts, 1994-95 (December 1997)
<http://www.ojp.usdoj.gov/bjs/abstract/fttv95.htm>

County	Trials	% Plaintiff
Milwaukee, WI	97	69.1
Palm Beach, FL	132	65.2
Pima, AZ	74	64.9

King, WA	117	64.1
Dade, FL	270	58.5
Cuyahoga, OH	178	58.4
Philadelphia, PA	500	56.6
Fairfax, VA	151	55.0
Cook, IL	339	54.9
Dallas, TX	175	54.9
Hennepin, MN	123	54.5
Maricopa, AZ	230	54.3
Fresno, CA	26	50.0
Orange, CA	171	47.4
Jefferson, KY	107	45.8
New York, NY	255	44.3
Los Angeles, CA	129	43.4
Harris, TX	340	41.8
Allegheny, PA	192	41.7
Bergen, NJ	145	37.9
Essex, NJ	124	37.1
Wayne, MI	144	35.4
Middlesex, NJ	253	34.8
Worcester, MA	28	17.9

Table 3. Plaintiff tort trial winners in State courts by selected counties (100 or more trials, plus Maricopa County, Pima County, highest plaintiff winning percentage, lowest winning percentage and 50% plaintiff winning percentage).

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