

THE PUBLIC ORDERING OF PRIVATE RELATIONS

PART TWO: WINNING CIVIL COURT CASES*

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INTRODUCTION AND METHODOLOGY

This paper analyzes who wins and loses in the civil trial courts in Baltimore, Cleveland and Milwaukee. Research was conducted during 1971 and 1972 when a total of 7,800 civil court cases were examined and summarized from the case folders and dockets of courts of first instance with general jurisdiction in Baltimore, Cleveland and Milwaukee. Cases were selected randomly, sampling without replacement, from the 1965 and 1970 records of cases filed from those court records which were open to public inspection (records of paternity suits and adoptions, for instance, were not available). Cases were coded by: (1) the type of legal action initiated; (2) the outcome; (3) the names and addresses of all litigants; (4) the names of law firms and attorneys; (5) the date of filing; (6) the date of last recorded docket entry; (7) the number of court proceedings docketed; (8) the amount of money in dispute; (9) the amount of money awarded as damages; and (10) the census tract of each litigant.

The first part of this article demonstrated that, far from being exposed to all the kinds of conflict which occur in their society, these courts resolve a relatively narrow range of disputes. Of the vast number of legal actions and remedies available, only thirty-one were found in this large sample from three cities. Of these, only ten types of action were litigated frequently.¹ Of the

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1. The ten types include: (1) summary petitions to collect delinquent debts, such as cognovit notes, consent judgments, *scire facias*, replevin, garnishment and *fi-fa* (aids to execution); (2) money damage contracts, all suits to collect money damages for breach of an agreement; (3) liens, hospital, tax and mechanic's liens; (4) divorce-related actions, such as annulments, divorce *a mensa et thoro*, divorce *a vinculo*, alimony, visitation privileges, custody, *capias* to compel support, reciprocal support proceedings, and petitions for permission to remarry; (5) personal injury and property damage torts; (6) foreclosures, all tax, mortgage, land contract and chattels foreclosures; (7) Evictions, including ejectments, and actions for unlawful detainer and for tenant holding over; (8) administrative agency appeals, all appeals from local workmen's compensation

ten, suits to secure the collection of delinquent debts (rather than personal injury torts) were the type of case most often initiated.

Only some kinds of litigants, it was found, frequently initiated lawsuits.² National and local organizations (mostly business) initiated about 50 percent of all the cases in this sample. Of the twenty-five types of organizational plaintiffs catalogued, ten failed to file as many as 38 of the 7,800 cases studied in this sample. All groups which might be described as "public regarding" were among these ten. Banks, credit lenders, hospitals and home construction/maintenance businesses, on the other hand, were the most frequent organizational plaintiffs and together accounted for 50 percent of all organizational litigation. These groups, and organizations in general, were preoccupied with suits to collect delinquent debts. Individuals initiated litigation less frequently than organizations, initiated a far wider range of lawsuits than organizations and did not concentrate in collection of debts.

Finally, the burden of defense was shown to fall unevenly on litigants. Most defendants were individuals, not organizations or government. When organizations did appear as defendants, they were often nominal defendants; that is, they were parties of record suffering no jeopardy, as did individual defendants.

For this paper, winning and losing of court cases are defined in terms of the success of the plaintiff, the party bringing a claim to court. The data were searched for types of case outcomes. Twenty-seven types of outcomes were located and their frequency for each type of case noted. Table One shows the frequency distribution of the twenty-seven types of outcomes found.

commissions, from zoning boards, from condemnation boards, from tax court and from liquor license boards; (9) habeas corpus petitions, for bail, post-conviction review and for sanity hearings and child custody; (10) injunctions, all injunctions and mandamus.

2. The litigants were categorized as individual men, individual women, married couples, unrelated individuals, local organizations, national organizations and government. When several individuals appeared who didn't share a surname, each was coded as an unrelated individual. Organizations include businesses, voluntary associations, and appearances of individuals in their occupational roles. National organizations are organizations for which branches outside of the three cities could be located. Twenty-four organizations were uncovered in this sample. they are: (1) Banks and other commercial lenders; (2) hospitals; (3) home construction and maintenance companies; (4) service industry; (5) department stores; (6) insurance; (7) realtors; (8) furniture stores; (9) manufacturers; (10) attorneys; (11) MD's, DDS's, RN's; (12) clothiers; (13) auto sales; (14) food stores; (15) entertainment; (16) appartments; (17) utilities; (18) gasoline stations; (19) private schools; (20) mass transit; (21) religious groups; (22) mass media; (23) civil improvement groups; and (24) charities. Service industry includes businesses such as television repair shops, small appliance dealers and watch repair shops.

TABLE 1
Case Outcomes for the Ten Most Frequent Types of Cases

Type	Frequency	Percentage of the total
1. Plaintiff wins judgment or verdict	2205	30.4
2. Case is not resolved beyond the filing of the complaint or the call for depositions	1973	27.2
3. Case is formally settled	1193	16.5
4. Plaintiff's petition is quashed	550	7.6
5. Plaintiff's satisfaction is docketed	439	6.1
6. Case is dismissed for <i>nolle prosequi</i>	239	3.3
7. Case is dismissed because the defendant is <i>non est</i>	174	2.4
8. Defendant wins judgment or verdict	114	1.6
9. Residual outcomes	(361)	5.0
a. appeal	2	
b. default <i>pro</i> plaintiff	28	
c. judgment is certified	19	
d. dismissal for lack of jurisdiction or demurrer by plaintiff	13	
e. <i>ne re</i>	1	
f. <i>ne re</i> overruled	3	
g. vacated judgment or order to strike a previous order	17	
h. <i>nulla bona</i> or failure of a <i>fi-fa</i>	105	
i. transfer to another court	44	
j. remand of a case to a government agency	4	
k. <i>fi-fa</i>	5	
l. <i>capias</i> for contempt	8	
m. ratification of sale of property	3	
n. restitution of premises	1	
o. money report of a property guardian	1	
p. amendment of a nar	14	
q. new trial ordered	4	
r. a litigant dies	6	
s. unencodeable outcomes	83	
n	7248	100.0

The decision was made to analyze the sample in terms of major types of outcomes and to ignore the residual outcomes. To distinguish primary from residual outcomes a twofold test was devised. If an outcome appeared in one percent or more of the sample of cases and if that outcome appeared at least one time in five of the ten most frequent types of cases, then that outcome was designated a major outcome. All other types of outcomes were classified as residual outcomes.

Applying this test, eight of the twenty-seven types of outcomes in the data were classified as major outcomes. These eight

types of outcomes were sorted into five sets according to the level of success of the plaintiff. The five sets were then combined to form a five point ordinal scale which measured the degree of plaintiff's success. The scale was ordered from least to most success; the points on the scale were coded from one to five.

(1) The first point on the scale represents the least desirable outcome for a plaintiff. This point includes judgments or verdicts in favor of the defendant or the quashing of a plaintiff's petition. When one of these three outcomes occurs, the plaintiff receives neither legal ratification of his claim nor any money award even though he has expended resources to initiate a legal proceeding.

(2) Somewhat less undesirable for a plaintiff is the outcome coded as the second point on the scale. This includes cases dismissed because the defendant cannot be found (*non est*). In these cases, the plaintiff's claim is not denied even though he receives no judgment or verdict or money award, and plaintiff is likely to have spent little on such cases. Some of these outcomes are only preliminary and not the final resolutions of the disputes at hand. In all three of these jurisdictions, there is a "two *non est*" rule for certain types of cases. According to this rule, if a plaintiff's petition is twice dismissed because the defendant cannot be found, the court summarily awards a judgment in favor of the plaintiff. The fact that these judgments are not among the judgments most likely to be collected is another reason for coding *non est* cases low on the scale.

(3) We considered that a greater degree of success is present when (a) a case is dismissed for lack of prosecution by the plaintiff (*nolle prosequi*) or (b) a case is not resolved beyond the filing of a complaint or beyond the call for depositions and interrogatories. In these cases, a plaintiff has willingly abandoned his claim even though it has received no overt, positive sanction from the court, and the defendant has not conceded a formal settlement. Plaintiff's claims are not contradicted despite the fact that they are not established as legal fact. We know from interviews that credit reporting companies and commercial lenders generally perceive this type of case as a legitimate claim against the defendant.³ The possibility also exists in these cases that the plaintiff has unofficially received some inducement to settle or withdraw his claim. Perhaps the defendant has capitulated

3. The source for this assertion comes from an interview with Ralph Buehler, general manager of First Finance Company, in Baltimore on August 1, 1971.

merely because of the notification that he is being sued. On the average, plaintiffs in these cases reported gaining 13.9 percent of the amount originally claimed as money damages. Hence, these are more successful case outcomes for plaintiffs than those represented in the first or second points of the scale.

(4) A still greater degree of success is represented by notation of settlement in the court record, which forms the fourth point in the scale. In these cases, the plaintiff, on the one hand, has accepted some inducement to withdraw his claim and has obtained some official recognition as a rightful claimant. The defendant, on the other hand, has acquiesced in being officially labeled as in some degree "at fault," and has agreed to a binding promise to compensate the plaintiff. On the average, plaintiffs in these cases report gaining 50% of the money damages they claim are owed to them. This point of the scale signifies a greater degree of success for plaintiffs than any of the first three points.

(5) Finally, the fifth degree of success is comprised of cases in which the plaintiff wins a judgment or verdict or records his "full satisfaction" of his claim on the court record. These are the most successful plaintiffs. Their claims have been fully ratified by the courts.

Table 2 shows the frequency distribution of the five points in this scale.

TABLE 2
The Most Frequent Case Outcomes Arranged into a Five Point Scale of Plaintiff's Success in Litigation Ranked from Least to Most Successful

Rank	Frequency	Percentage of the total
First Rank (defendant wins judgment or verdict; plaintiff's petition is quashed)	664	9.64
Second Rank (dismissal of case because the defendant is <i>non est</i>)	174	2.53
Third Rank (case is not resolved beyond the filing of the complaint or beyond the call for depositions minus uncontested liens; dismissal for <i>nolle prosequi</i>)	1372	19.82
Fourth Rank (formal settlement)	1193	17.42
Fifth Rank (plaintiff wins judgment or verdict; plaintiff's satisfaction is docketed)	3484	50.58
n	6887*	99.99

* six cases were excluded as unencodeable, n=6893 (6893+361=7254).

Table 2 reveals that success and failure in litigation are distributed unequally among litigants in such a way that the court gen-

erally ratifies the demands made by plaintiffs. In 50 percent of the cases plaintiffs score the fifth point on the success scale; that is, they win judgments or verdicts or record their "full satisfaction." In only 9.6 percent of the cases do plaintiffs suffer outright and complete defeat (*i.e.*, the first point on the success scale).

When each of the ten most frequent types of cases is distributed on the five point scale, the pattern of plaintiff victory and defendant defeat can be examined in more detail. Table 3 shows the frequency distribution on the five point scale for each of the ten most frequent types of court cases.

TABLE 3
**A Frequency Distribution of Success for each of the
Ten Most Frequent Types of Cases**

Category of case	first rank	second rank	third rank	fourth rank	fifth rank	total
	n %	n %	n %	n %	n %	n %
Summary Debt Actions	43 2.32	60 3.23	582 31.34	328 17.65	844 45.45	1857 100.
Money Damage Contracts	107 7.38	75 5.17	345 23.79	241 16.62	682 47.03	1450 100.
Liens	2 .17	0 0.0	2 .17	336 28.33	846 71.33	1186 100.
Divorce Related Actions	143 18.62	11 1.43	139 18.11	18 2.34	457 59.51	768 100.
Personal Injury and Property Damage Torts	114 16.12	19 2.69	171 24.19	208 29.42	195 27.58	707 100.
Foreclosures	29 9.48	3 .98	35 11.44	17 5.56	222 72.55	306 100.
Evictions	15 7.21	4 1.92	39 18.75	7 3.37	143 68.75	208 100.
Administrative Agency appeals	84 49.12	1 .58	31 18.13	32 18.71	23 13.45	171 100.
Habeas Corpus Petitions	74 56.92	1 .77	5 3.85	1 .77	49 37.69	130 100.
Injunctions	53 48.18	0 0.0	25 22.73	7 6.36	25 22.73	110 100.
n	664	174	1374	1195	3486	6893

In six of the ten categories a clearcut victory by the plaintiff (fifth point on the scale) is the most frequent outcome for that type of case. Outright success of defendants (first point on the scale) is the most frequent outcome in only three types of cases, and these cases are the least frequent types of the ten in the sample, and types in which the defendant is almost always an organization, usually the government.

Formal settlement (fourth rank) is far less prominent than one would expect. If the civil trial process is as pervaded by

compromise as some suggest (*e.g.*, Jacob 1973: 121), one would expect little outright success (fifth point) and much formal settlement (fourth point); the court process would not generally lead to ratification of the full demands of plaintiffs. The data here refute this. Outright plaintiff victory is modal not only in relatively simple cases for collection of delinquent debts but in cases which involve more complex issues in which compromise and negotiation are expected to be the norm. For example, only 16.6 percent of the money damage contract disputes are formally settled. More than three times as many of these contracts are resolved by outright success for the plaintiff (fifth point). Formal settlement is no more prominent as an outcome in money damage contract suits than in summary petitions to collect delinquent debts (16.6 percent versus 17.7 percent).

Despite the prevalence of settlement in resolving personal injury/property damage claims (Ross, 1969), in this sample of cases only 29.4 percent of these torts are formally settled. Almost as many (27.6 percent) of these torts are resolved by a clear-cut victory for the plaintiff. Defendants prevail in only three types of cases (administrative agency appeals, injunctions and habeas corpus petitions). Even here plaintiff's outright victory is the second most frequent outcome in two of these three types.

The three cities in this sample were examined to see if success is evenly distributed among litigants in these cities. Table 4 shows that there is a small but significant difference in the

TABLE 4
Variation in Success of Plaintiffs in Each of the
Three Cities Studied

	mean	standard deviation	N	variation
Success	3.967	1.293	6893	1.672
Baltimore	3.954	1.371	2203	1.879
Cleveland	3.847	1.235	2491	1.525
Milwaukee	4.115	1.262	2199	1.592

ANALYSIS OF VARIANCE

	mean square	degrees of freedom	F-test	significance	Eta.
among groups	42.097	2	25.355	under .001	.007
within groups	1.660	6890			

T-TESTS WITH PROBABILITIES CORRECTED FOR
DEGREES OF FREEDOM

	difference	std. error	degrees of freedom	t-test
Baltimore vs Cleveland	0.107	.038	4692	2.806*
Baltimore vs Milwaukee	-.161	.040	4400	-4.051**
Cleveland vs Milwaukee	-.268	.037	4688	-7.331**

* significance is .016

** significance is under .001

way success is distributed among these three cities.⁴ Plaintiffs in Milwaukee are very slightly more successful than plaintiffs in Baltimore, and plaintiffs in Baltimore are very slightly more successful than litigants in Cleveland. The low value of Eta, however, indicates that a very small percent of the variation in success is caused by difference among Baltimore, Cleveland and Milwaukee.

The most striking finding is that organizations are uniformly more successful than individual litigants. Table 5 compares the success of individuals and organizations. When a mean success

TABLE 5
Variation in Success of Individual, Business and Governmental Plaintiffs

	mean	standard deviation	N	variance
Success	3.967	1.293	6887	1.672
Individuals	3.599	1.451	2805	2.106
Business	4.174	1.126	3440	1.267
Government	4.461	.940	642	.884

ANALYSIS OF VARIANCE

	mean square	degrees of freedom	F-test	significance	Eta,
among groups	341.989	2	217.324	under .001	.059
within groups	1.574	6884			

T-TESTS WITH PROBABILITIES CORRECTED FOR DEGREES OF FREEDOM

	difference	std. error	degrees of freedom	t-test
Individuals vs Business	-0.575	.033	6243	-17.630*
Individuals vs Government	-0.862	.060	3445	-14.368*
Business vs Government	-9.287	.047	4080	- 6.068*

* significance under .001

score is computed for each type of litigant, scores for business and government are considerably higher than the mean score for individuals. The analysis of variance shows a significant difference in the mean success of individuals and organizations. The t-tests show that businesses and government plaintiffs are significantly more successful than individual plaintiffs. Among organizations, government plaintiffs are significantly more successful than businesses.

An analysis of variance was calculated to determine whether or not significant differences existed in the distribution of suc-

4. Strictly speaking, these t-tests are interdependent, but because of the large n in the sample, the significance levels are compatible with Scheffe corrections.

cess for individuals and organizations among the three cities in this sample. Table 6 shows the results of this analysis.

TABLE 6

Variation in Success of Individual and Organizational Plaintiffs in Each of the Three Cities*

INDIVIDUALS

	mean	standard deviation	N	standard error
Baltimore	3.5616	1.552	949	.050
Cleveland	3.5065	1.418	926	.047
Milwaukee	3.7301	1.369	930	.045
	t-value	degrees of freedom	two-tail probability	
Baltimore vs Cleveland	0.80	1873	0.422	
Baltimore vs Milwaukee	-2.49	1877	0.013	
Cleveland vs Milwaukee	-3.46	1854	0.001	

BUSINESSES

	mean	standard deviation	N	standard error
Baltimore	4.2711	1.108	1206	.032
Cleveland	3.9711	1.095	1279	.031
Milwaukee	4.3246	1.150	955	.037
	t-value	degrees of freedom	two-tail probability	
Baltimore vs Cleveland	6.79	2483	under .001	
Baltimore vs Milwaukee	-1.10	2159	0.274	
Cleveland vs Milwaukee	-7.39	2232	under .001	

GOVERNMENT

	mean	standard deviation	N	standard error
Baltimore	3.75	1.557	44	.235
Cleveland	4.6186	0.878	312	.050
Milwaukee	4.3986	0.822	286	.049
	t-value	degrees of freedom	two-tail probability	
Baltimore vs Cleveland	-4.21	328	under .001	
Baltimore vs Milwaukee	-5.47	354	under .001	
Cleveland vs Milwaukee	-3.16	596	0.002	

* pooled variance estimates

About one third of the t-tests calculated resulted in statistically insignificant scores. Among the t-values which were significant, none was large. The greatest variation was recorded for governmental plaintiffs. This spread may reflect differences in the organization of the city law office. In the Baltimore city solicitor's office which recorded the lowest mean score of success (3.75), there is less professional mobility; lawyers stay for many years. No one could remember a lawyer who had used his appointment to the city solicitor's office as a springboard for an elective career in politics. Practice is highly routinized: the

chief solicitor meets his staff each morning to examine current cases. The law library contains a set of model briefs which solicitors are expected to follow when they prepare a case. In Cleveland (which registered the highest mean score), on the other hand, the city law office has a different history. Tenure is considerably shorter than in Baltimore, many Cleveland politicians have been solicitors, and administrative control by the chief solicitor is weaker.

Both individual and organizational plaintiffs are more successful when they oppose individual defendants than when they oppose organizational defendants. Table 7 displays the distribution of success for plaintiffs when both individuals and organizations are defendants. The analyses of variance show that the

TABLE 7
Variation in Success by Type of Defendant for Individual and Organizational Plaintiffs

PLAINTIFF IS AN INDIVIDUAL

	mean	standard deviation	N	variance		
individual defendant	3.846	1.376	1831	1.894		
organizational defendant	3.092	1.473	935	2.169		
	difference	std. error	degrees of freedom	t-test	Eta	
individuals vs organizations	.754	.057	2764	13.302*	.06	

* significance under .001

PLAINTIFF IS AN ORGANIZATION

	mean	standard deviation	N	variance		
individual defendant	4.370	1.008	2768	1.016		
organizational defendant	3.903	1.229	1287	1.509		
	difference	std. error	degrees of freedom	t-test	Eta	
individuals vs. organizations	.467	.037	4053	12.771*	.039	

*significance under .001

differences between individual and organizational defendants are significant and large.

Organizations spend less time in court than individuals. The average number of months a court case takes from filing to the last recorded docket entry was calculated for this sample. Table 8 shows the distribution of mean number of months for court cases initiated by individual and organizational plaintiffs. The data indicate that cases begun by organizations are resolved, on the average, more rapidly than cases begun by individuals. The analyses of variance in Table 8 show these differences in speed are significant.

TABLE 8
Variation in the Average Lifespan in Months of Cases
by Types of Plaintiffs

	mean	standard deviation	N	variance
Lifespan	5.622	12.522	6874*	156.797
Individuals	8.421	14.572	2797	212.347
Business	3.672	10.330	3435	106.711
Government	3.855	11.188	642	125.171

ANALYSIS OF VARIANCE

	mean square	degrees of freedom	F-test	significance	Eta
among groups	18488.42	2	122.048	under .001	.034
within groups	151.48	6871			

T-TESTS WITH PROBABILITIES CORRECTED FOR DEGREES OF FREEDOM

	difference	std. error	degrees of freedom	t-test
Individuals vs Business	4.749	.316	6230	15.017**
Individuals vs Government	4.566	.613	3437	7.449**
Business vs Government	-0.183	.450	4075	-0.406***

* nineteen cases were unencodeable (19+6874=6893)

** significant under .001

*** not significant at the .05 level

Since organizations have to spend less time pursuing their interests, court cases are less disruptive for daily routines of organizations than for individuals. Coupled with our findings that organizations are more successful than individuals, and most successful when opposing individuals, this advantage in speed for processing of court cases makes organizations exceptionally successful litigants and formidable opponents in court.

Why are organizations more successful than individual litigants? Several explanations come to mind. First, judicial bias might explain the differential in success and speed between organizations and individuals. But, there is no reason to believe that judges consciously dislike individuals and prefer organizations. Perhaps, though, there are subtle ideological biases which incline them to be more favorable to the claims of organizations than to those of individuals. If so, we might expect some of these differences to be connected with differences in (a) political affiliations of judges; (b) their background characteristics (e.g., types of law practiced prior to elevation to the bench); (c) their opinions about issues of legal policy; or (d) their images of the proper role of trial court judges (Nagel, 1961; Ulmer, 1969).

To test these hypotheses, it would be desirable to sort the judges on these lines for each case and break down the case outcomes to see if there are any such differences. Unfortunately,

the data do not facilitate such a comparison. In the three jurisdictions covered by this sample of cases, there is no all parts-purpose calendaring of cases; no one judge presides over a case from start to finish. Some judges hear motions, other preside over pre-trial discovery and so on. Although it is not impossible for judges to act out their biases in these cases, the format of decision-making (*e.g.*, the absence of all parts-purpose calendars) for judges makes testing cumbersome and conclusions speculative.

Alternatively, organizations may present stronger claims than individuals. Perhaps organizations, both businesses and government, are better prepared to litigate because they can invest more resources in "preventive law" and in the preparation of each court case that goes to court.⁵ A variant of this hypothesis is that organizations concentrate on "easier" types of cases than do individual plaintiffs. By easy cases we mean those like summary debt actions and liens in which the issues are typically simple, the evidence typically consists of written records rather than the testimony of witnesses and there is often little contest offered by the defendant. Table 9⁶ indicates that both individuals and organization plaintiffs do better at such easy cases than they do with cases like personal injury claims, administrative agency appeals and injunction proceedings in which there are likely to be complex issues, disputed evidence and genuine contest. But although the cases litigated by organizations are overwhelmingly concentrated among the easier types, Table 9 also indicates that organizations do better than individuals in some harder types of cases as well as in easier ones. (The only reversal of the pattern is in administrative agency appeals, in which individuals are significantly more successful.)⁷ The

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5. Preventive use of the law, *i.e.*, counselling designed to prevent potential disputes from ripening into litigation (and to be better prepared in the event that they do), is to be contrasted with restitutive use.
 6. Habeas corpus petitions and divorce-related cases were not included in Table 9 because no organizational plaintiff appeared in the former and only six in the latter.
 7. Several reasons can be suggested for the greater success of individuals than of organizations in the administrative agency appeals. This type of case is rarely begun by businesses. Given that businesses are more likely to rely on preventive than restitutive legal counseling, we expect businesses generally not to fall victim to unfavorable administrative agency decisions or to at least minimize the impact of these decisions. The businesses most likely to be censured by these agencies are marginal enterprises, those most likely to be engaged in questionable practices, least able to plan, and least able to absorb the penalty of an unfavorable decision. Finally, it should be noted, neither individuals nor organizations are successful at appeal of administrative agency decisions; a score of 2.58 or 1.88 on a scale of 5 is a very poor mark. Although the scores are significantly different in terms of statistical decision-making criteria, the real world impact of both outcomes is devastating.

TABLE 9
Variation in Success of Plaintiffs in Types of Cases
Litigated by Both Individuals and Organizations

Case type plaintiff	mean score of success	std. dev.	n	t-value	significance
SUMMARY DEBT ACTIONS					
individuals	3.81	1.01	369	-3.85	.001
organizations	4.05	1.05	1486		
MONEY DAMAGE CONTRACTS					
individuals	3.67	1.21	610	-6.21	.001
organizations	4.08	1.25	840		
LIENS					
individuals	4.51	0.74	39	-2.56	.011
organizations	4.71	0.46	1147		
PERSONAL INJURY/PROPERTY DAMAGE TORTS					
individuals	3.43	1.35	542	-2.16	.032
organizations	3.69	1.30	164		
FORECLOSURES					
individuals	4.26	1.20	38	-0.21	n.s.
organizations	4.31	1.29	267		
EVICCTIONS					
individuals	4.21	1.23	115	-0.35	n.s.
organizations	4.28	1.24	93		
ADMINISTRATIVE AGENCY APPEALS					
individuals	2.58	1.51	132	+1.79	n.s.
organizations	2.07	1.60	39		
INJUNCTIONS					
individuals	2.40	1.57	69	-1.19	n.s.
organizations	2.80	1.74	40		

n.s.=not significant at the .05 level

greater success of organizations as plaintiffs appears to reflect in some measure the make-up of their caseload, but it would not seem to be reducible entirely to this factor. Although a rigorous testing awaits further analysis of the data, it appears that organizational success has additional determinants as well.

CONCLUSION

In this article, we have demonstrated that (1) success and failure at litigation are unequally distributed among the litigants

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8. Surprisingly, neither individuals nor organizations are successful in their attempts to obtain injunctions. According to conventional wisdom, organizations should file most injunctions and easily obtain these orders. In our sample, however, we find the reverse. Individuals file more injunctions, and neither category of litigant prevails. These low scores dovetail with our categorization of hard and easy cases. Injunctions are defined as hard cases; their successful initiation is relatively difficult. In this sample, injunction suits are the type in which individuals are least successful; for organizations, injunctions are the second most unsuccessful type of suit.

in such a way that the trial process generally ratifies the demands made by plaintiffs, (2) organizations are more successful than individual litigants, (3) among organizational plaintiffs, government has more success at litigation than business, (4) individual defendants are the least successful defendants, and (5) organizational plaintiffs resolve their cases more rapidly than individuals. This implies that the trial process in these cities is an extractive process in which plaintiffs, and plaintiff organizations in particular, usually win and individuals generally lose. On the whole, courts are vehicles by which organizational plaintiffs gain goods and opportunities at the expense of individual defendants.

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