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## **STUDY: CRITIQUES OF “NUCLEAR” JURY VERDICTS WHITEWASH CORPORATE MISCONDUCT AND DEHUMANIZE VICTIMS**

NEW YORK — The Center for Justice & Democracy at New York Law School (CJ&D) released today *Nuclear Fizzle: How Jury Grievance Reports Whitewash Corporate Misconduct and Dehumanize Victims*. It is a meticulously researched response to recent reports from corporate groups that attack juries when corporate defendants lose cases and are hit with large verdicts (that are almost never paid).

*Nuclear Fizzle* methodically examines the evidence behind 45 large (so-called “nuclear”) jury verdicts recently critiqued in reports (“jury grievance reports”) from two corporate lobby groups, the U.S. Chamber of Commerce and the American Tort Reform Association. *Nuclear Fizzle* finds that such jury grievance reports dehumanize the experiences of those who have been hurt and mock jurors who carefully make their decisions based on evidence presented by both sides of a case. It notes that “when juries award large damages, it is because they hear evidence of atrocious corporate misconduct and human wreckage, weigh the evidence and arguments and then do the right thing.”

Among the study’s findings:

- **Erasing Evidence Heard by Juries.** Of the 45 cases described in these reports, in no situation did jury grievance reports provide an accurate description of the evidence relied upon by the jury. That evidence would involve often egregious corporate misconduct and devastating human casualties. Sometimes the groups portrayed misconduct as a minor incident when it was actually catastrophic. Other times, plaintiffs/victims are described in terms meant to belittle them or their experience.
- **Relitigating Cases They Lost.** To the extent jury grievance reports provide any actual case descriptions, they include evidence that was disproven in court, an entire defense that the jury did not believe or extraneous issues that have nothing to do with evidence presented (but line up with other political goals). When a verdict is upheld on appeal, the views of a lone dissenter may be highlighted while the majority opinion is ignored.
- **Inconsistencies Reveal a Transparent Political Agenda.** Cases may be cited more than once in the same report to represent opposite contentions. While this may seem nonsensical, it actually illustrates the transparent political nature of jury grievance reports. For example, sometimes verdicts involving the same corporate misconduct and

harm are criticized because they were allowed to stand while others are criticized because they were overturned. An original verdict size may be cited to point out its too-high “nuclear” nature, with no mention of the verdict’s reduction since that better fits with their contention that a law must be changed. Yet in another paragraph, the fact that the verdict was reduced is the entire point of the example, and evidence that we must change an entirely *different* law. As the saying goes, you can’t win for losing.

A copy of the study can be found here: <https://centerjd.org/content/nuclear-fizzle-how-jury-grievance-reports-whitewash-corporate-misconduct-and-dehumanize-vict>

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