



The Changing Jury Pool in Medical Malpractice Litigation

September 18, 2026

Andrea Darling Kissner, MBA
Claims Manager



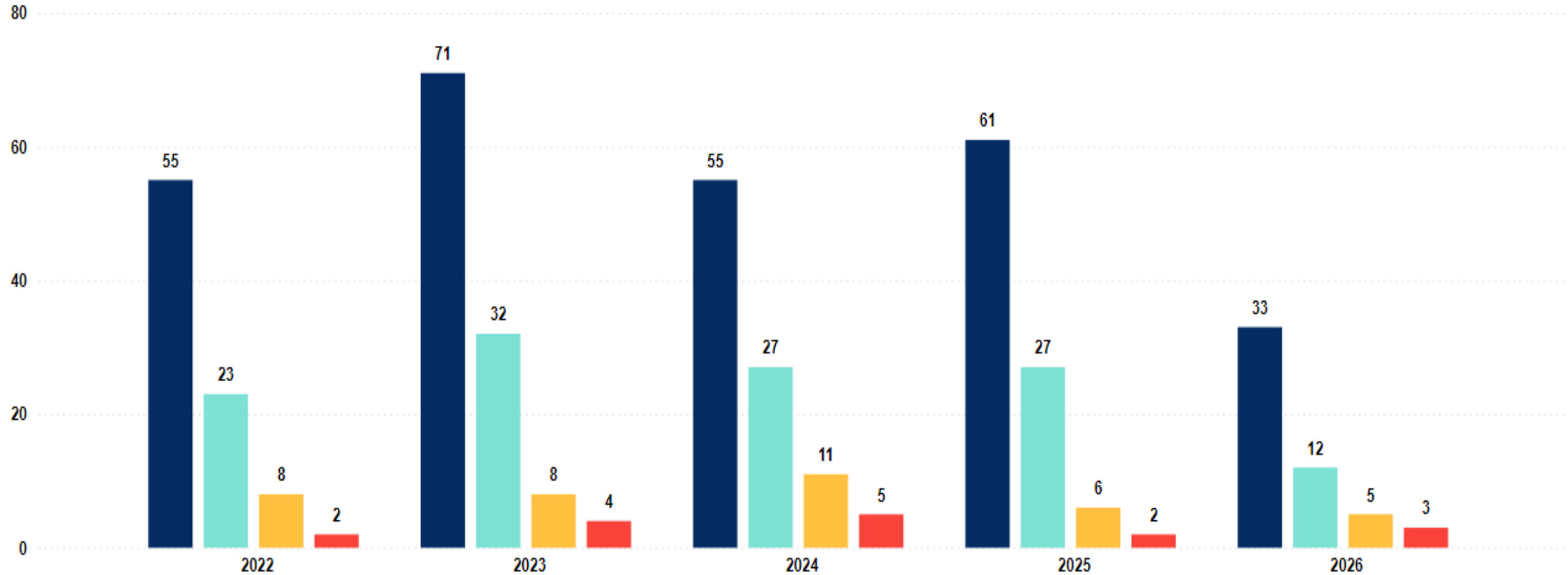
Understanding Verdict Trends, Juror Attitudes and Copic's Defense Strategy

- Rising Verdict Values
- Shifting Juror Attitudes
- What does this mean for our insured providers?
- How Copic supports our insured providers

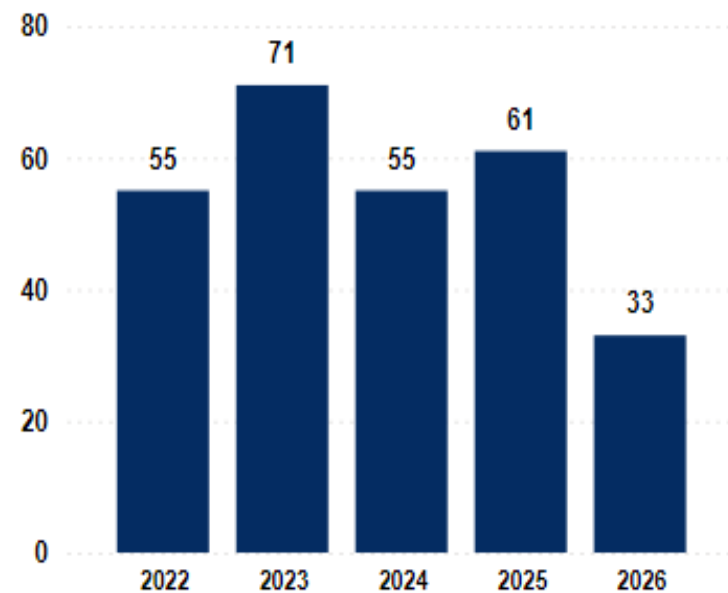
The Verdict Environment Is Changing

- Nuclear verdicts are increasing
- Top verdict averages continue to rise
- Venue assumptions are less predictable

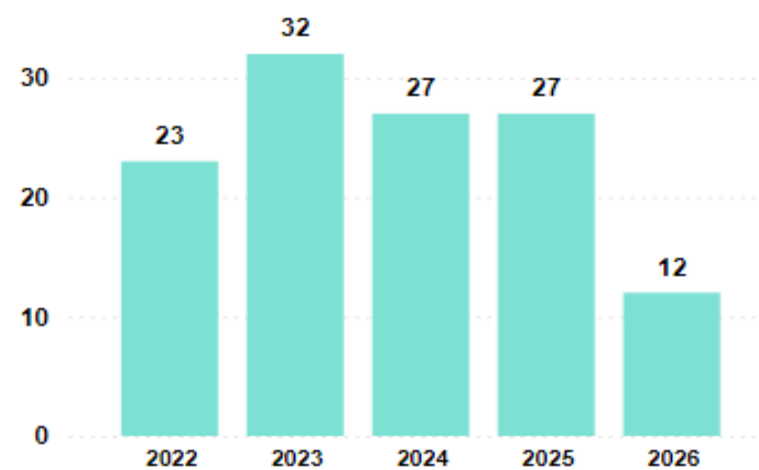
Nuclear Verdicts By Year



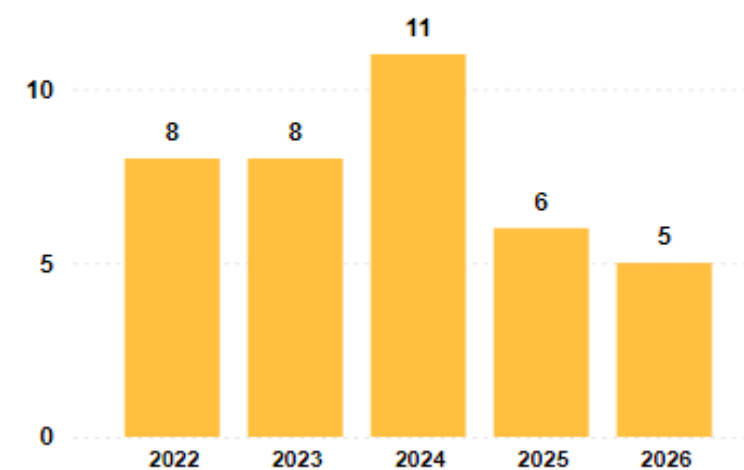
Verdicts: \$10M+



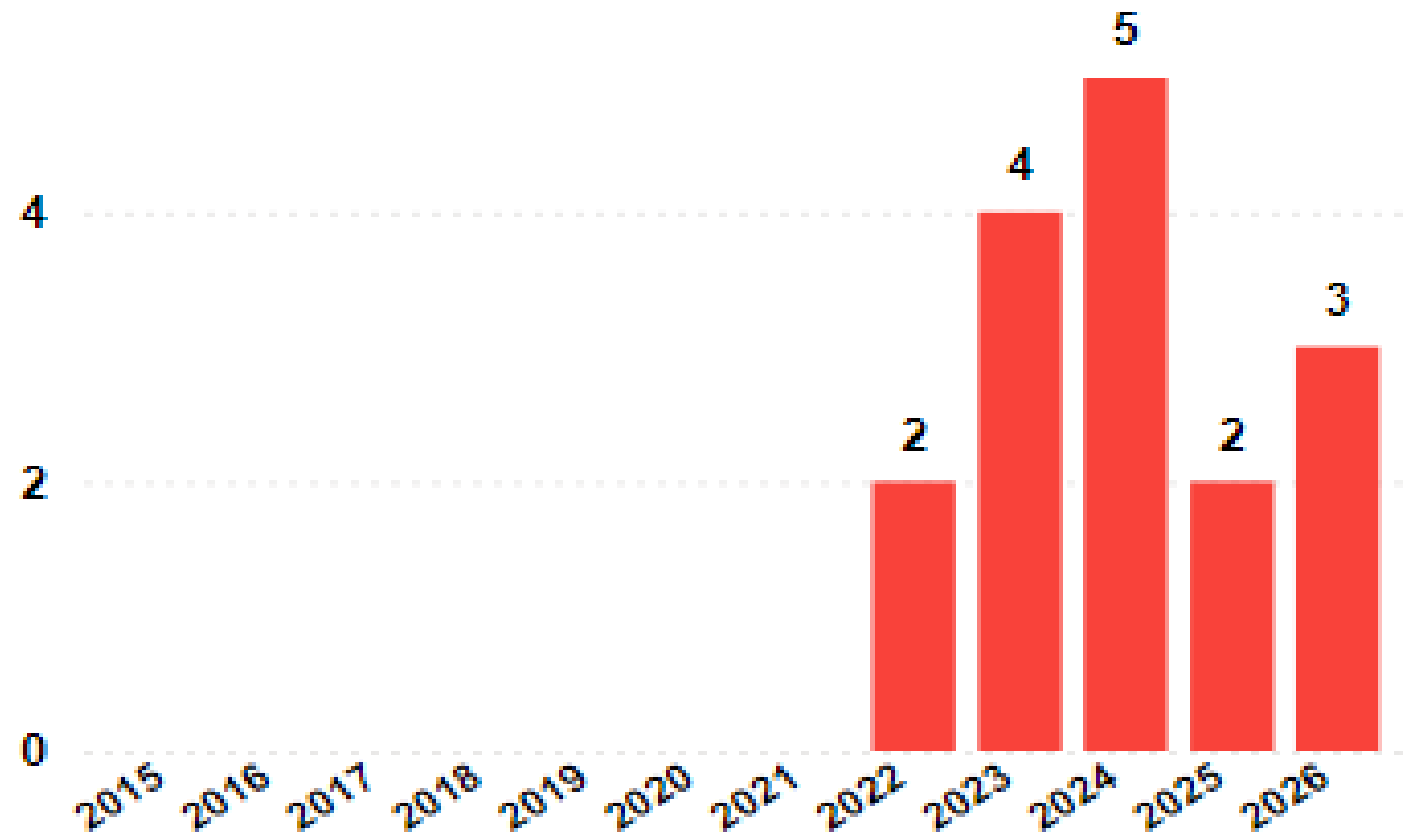
Verdicts: \$25M+



Verdicts: \$50M+

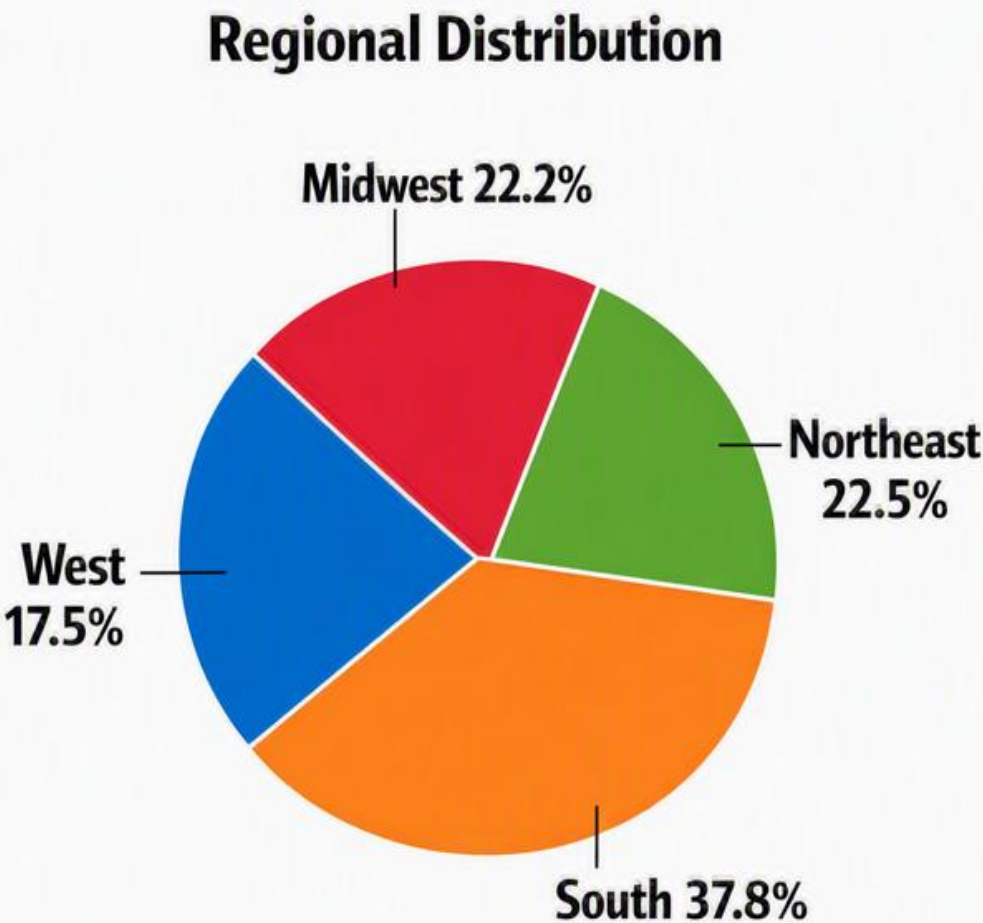


Verdicts: \$100M+



Geographical Breakdown

Region	Count	Average Verdict (\$Ms)	Median Verdict (\$Ms)
West	48	63.7	24.8
Midwest	61	42.9	25.0
South	104	35.2	19.6
Northeast	62	28.4	20.0
Total	275	40.4	21.1



Claim Type	Count	Average Verdict (\$Ms)	Median Verdict (\$Ms)
Diagnostic	60	30.9	22.6
Surgical	59	30.6	17.5
Obstetric and Childbirth	55	51.6	25.4
Treatment	42	41.9	27.8
Nursing	25	23.2	14.0
Medication	12	33.5	36.0
SML	7	202.3	35.0
Anesthesia	6	41.6	28.3
Bad Faith	4	28.7	25.2
Unknown	2	12.8	12.8
	1	23.0	23.0
Infection Control Failures	1	20.6	20.6
Neglect	1	17.7	17.7
Total	275	40.4	21.1



Why Verdicts Are Growing

- Polarization and institutional distrust
- Generational shifts
- Online information and pre-existing beliefs
- Social inflation and system-level blame

The Modern Juror Mindset

- Skeptical of institutions
- Influenced by outcome
- Shaped by online beliefs
- Receptive to system-level blame



Start with the Standard of Care

- Start with standard of care, not outcome
- Defend care that meets the standard
- Support fair compensation when care falls below the standard and injury results



You Won't Do This Alone

- Copic Claims Consultant
- Experienced Defense Counsel
- Early Assessment
- Expert Review and Strategic Guidance



Provider Partnership Matters



Report

Report early



Share

Share clinical context



Stay

Stay engaged with the defense team



Protect

Protect privileged communications



Testimony Is a Skill

- Use plain language
- Stay calm and accurate
- Practice for pressure
- Prepare for difficult questions

Responding to Big Numbers

- High demands set expectations
- Damages require discipline
- Narrow the issues
- Test the story when needed

Protect Credibility

1

Use privileged channels

2

Do not alter records

3

Avoid online comments

4

Raise documentation concerns with counsel

Support Is Part of the Strategy

Claims are stressful

Peer support is available

Therapy-session reimbursement may help

PR and reputation support may be needed

Prepare. Focus. Defend.



Jury pools are
changing



Early strategy matters



Credibility matters



Copic provides
coordinated support



Questions?

Thank you!

Andrea Darling Kissner, adarling@copic.com