**The Good Judge-ment Podcast**

**“Nuclear” Verdicts- Plaintiff**

**Lloyd Bell**

**Hello folks and welcome to another episode of The Good Judge-ment Podcast. As always, I’m your Host, Wade Padgett.**

***And, equally as always, I’m your other host, Tain Kell. Wade, we really have another amazing episode for the audience today, don’t we?***

***That’s right, today we continue in our series of interviews on topical subjects- things in the news- with a special guest in the studio to talk about our topic, “Nuclear” Verdicts from the plaintiff’s perspective.***

**Today we have Lloyd Bell of the Bell Law Firm. Lloyd is a plaintiff’s attorney, having done a great deal of personal injury and medical malpractice work in his quarter-century long career. He has also served as a former president of the Georgia Trial Lawyers Association, and has taught at the GTLA trial academy.**

***So welcome to the Good Judge-ment podcast, Lloyd!***

**[APPLAUSE SOUNDER]**

**Lloyd, please tell our audience a little more about yourself and your career.**

**There is a phrase that has gotten a good deal of press in recent months and even in the last couple of years, the phrase “nuclear verdicts” used to describe large, “extraordinary” verdicts. I’ve mentioned Jim Butler’s verdict against Ford Motor Company from last year of $1.7 billion that comes first to mind, but there have also been some others.**

**One of the real difficulties for us is defining a “nuclear verdict.” You cannot merely suggest it would be an “extraordinary verdict” because that is a very vague phrase. Likewise, defining a “nuclear verdict” as one that exceeds $X is also misleading because you have no frame of reference as to any special damages that might be involved in the case.**

**Lloyd, when you and plaintiffs attorneys hear the phrase “nuclear verdict”, what does that mean to you?**

**Is this really a phenomenon, or is it just a perception? A Baader-Meinhof phenomenon of sorts?**

The Baader-Meinhof phenomenon, also called the frequency illusion, is a cognitive bias that affects how we think and process information. It's a phenomenon where something you recently learned seems to appear everywhere, making it feel like it's more common than it actually is.

**What, if anything, do you think is causing these verdicts?**

**Is there a “recipe” that allows you to consider whether the case is a potential “nuclear verdict” type of case?**

**Does the change in jury composition have anything to do with it?**

“Potential jurors may be drawn from lists provided by the Department of Driver Services, and from voter lists provided by the Secretary of State.”

O.C.G.A. §15-12-40.1

**How do you, as a practitioner, open juries to this idea of the large, appropriate verdict?**

**Do you deal with it, for example, in *voir dire*? How? How do judges generally react?**

**What information, if any, have you seen to say if this is a national trend, an overall increase in larger verdicts?**

**Has the use of the so-called “Reptile Theory” over recent years contributed to this? What is “reptile theory”? How is it used?**

**Are there motions out there to eliminate the use of “reptile theory”?**

**Successful?**

**Are these recent “nuclear verdicts” aberrations or is there a trend toward larger verdicts in general in tort litigation especially?**

**Is this part of a natural “swing of the pendulum” in litigation or is it here to stay?**

**If you can say, how are insurers responding?**

**What have you seen in practice as the effect of this phenomenon on settlements?**

**Does the potential for a “nuclear verdict” impact your approach to mediation?**

**Will this cause more or fewer trials in the future (i.e., harder to settle cases, more trials?)**

**How do judges fit into all this? Anything judges need to be attuned to?**

**Any final thoughts?**

**Folks, we’d like to thank our guest, Attorney Lloyd Bell of the Bell Law Firm for this great discussion of “nuclear verdicts”.**

**TAIN: Thanks, Lloyd. Wade, are those Good Judge-ment Podcast cozies for our guests on back order? Get promotions on the phone…**

**WADE: We do need a good parting gift or something…**

**TAIN: Right. Folks, as always, reach out to us at** [**goodjudgepod@gmail.com**](mailto:goodjudgepod@gmail.com) **with ideas, comments or your favorite recipe for football chicken chimichangas.**

**WADE: And like us and follow us on your favorite podcast platform.**

**TRIVIA:**

**Recently, the music world lost another one of our icons. The leader of the Parrotheads, the Mayor of Margaritaville and the son of a sailor, Jimmy Buffett, passed away on September 1, 2023 at age 76. Mr. Buffett described his style of music in the 1970’s as “Drunken Caribbean Rock n’ Roll” but later in life he described his genre as “Gulf and Western.” So, for some Buffett trivia. Do you know the name of his backing band? Give up? The Coral Reefer Band. See what they did there? Little play on words…. Buffett’s music had a great deal of appeal on the country charts as well as the pop charts. That may be because of his upbringing. So, your question(s) – Where was Buffett born and where was he raised? Hint - It was NOT in the Caribbean islands and it was NOT in the Florida Keys. Give up? He was born in Pascagoula, Mississippi and was raised in Mobile, Alabama. Ok, one last question that is sure to plant an ear worm for the rest of your day. In the song *Margaritaville*, what did he sing about getting a tattoo of? Sing it in your head before you give up… A Mexican Cutie.**

**NUCLEAR VERDICTS ARTICLES:**

1. **https://www.uslaw.org/wp-content/uploads/2022/03/Litigation-Insights\_What-Causes-Nuclear-Verdicts\_LR.pdf**
2. **https://www.judicialhellholes.org/hellhole/2020-2021/georgia/**
3. **https://content.naic.org/sites/default/files/cipr-jir-2023-3.pdf**
4. **https://www.travelers.com/business-insurance/large/casualty/whats-driving-huge-jury-awards**
5. **https://instituteforlegalreform.com/wp-content/uploads/2022/09/NuclearVerdicts\_RGB\_FINAL.pdf**
6. **https://centerjd.org/system/files/NuclearFizzleReportFC7.pdf**