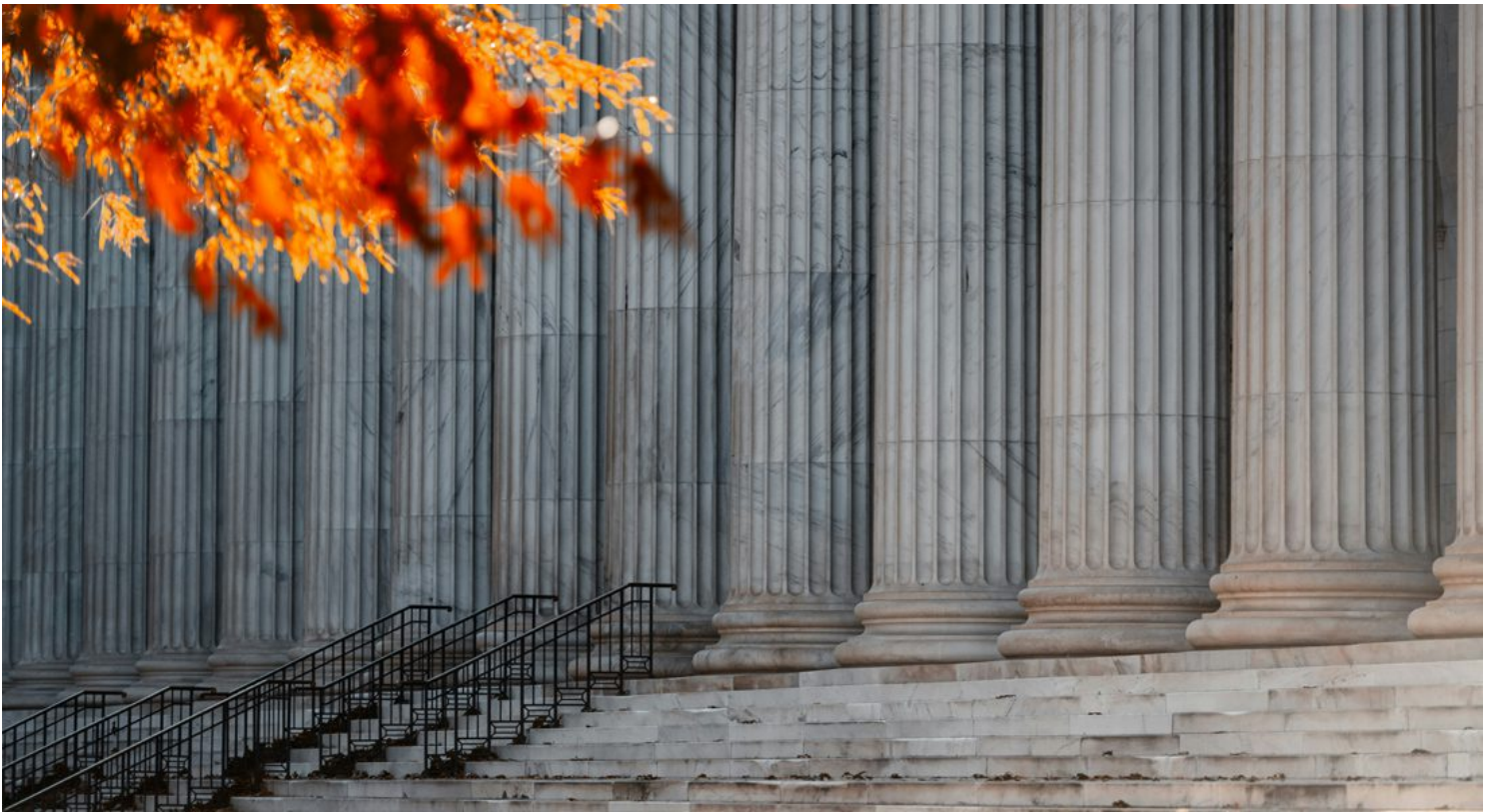


NEWS & INSIGHTS

Take More Cases to Trial: Data Reveals Missed Opportunities

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Why it matters

Trucking companies are overpaying by settling cases that could be won at trial, creating a cycle of inflated claims and emboldening plaintiff attorneys.

By the numbers

Settlement vs. trial outcomes tell a stark story:

- **50.3%** of settled cases exceeded \$500,000, compared to only **31.5%** of cases that went to verdict (American Transportation Research Institute study)
- Only **1.8%** of cases went to trial over the past decade, while **98.2%** were settled (Sedgwick report)

When cases did go to trial:

- Defendants won **75.4%** of the time
- Plaintiffs prevailed in **21.7%** of cases
- **2.9%** went to appeal

The problem

Overpayment: Companies are leaving money on the table by settling winnable cases.

Market distortion: Settlement amounts are based on what other cases settle for – not what juries actually award. This creates artificial inflation in claim values.

Emboldening plaintiffs: Aggressive attorneys see every claim as profitable, regardless of merit, knowing companies will likely settle.

What's driving excessive settlements?

- **Nuclear verdicts:** The existential threat of massive judgments makes companies risk-averse
- **Attorney inexperience:** Few defense lawyers actively try cases anymore, breeding insecurity that leads to settlement
- **Business calculations:** It's often cheaper to pay than fight, but this feeds the cycle

The solution

Be strategic: Nuclear verdict cases are usually identifiable – avoid those risks. But cases with good facts, limited damages, and favorable venues are trial-worthy.

Take calculated risks: Force plaintiffs to prove their cases before juries. Low-risk cases should go to trial more often.

Choose the right lawyers: Hire attorneys with actual trial experience who are willing to take cases to verdict.

The bottom line

Current settlement practices are driving spiraling costs. Strategic use of trials could significantly reduce payouts and discourage frivolous claims.

If you have questions about whether your case should go to trial or settle, please [contact me](#) at any time.

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