

Commentary **Judges**

ATRA's 'Judicial Hellhole' Report Lacks Integrity, Should Not be Treated as News

This report should not be treated as legitimate news and instead it should be recognized for what it truly is: a sophisticated public relations campaign designed to manipulate public opinion and undermine confidence in our justice system.

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Eric H. Weitz of The Weitz Firm. Courtesy photo

Law.com's continued coverage of the American Tort Reform Association's (ATRA) annual "Judicial Hellhole" report is in direct contrast to your well-deserved reputation as reliable and objective. ATRA's report should not be treated as legitimate news and instead it should be recognized for what it truly is: a sophisticated public relations campaign designed to manipulate public opinion and undermine confidence in our justice system.

The Report Lacks Any Valid Scientific Methodology

The fundamental problem with the Judicial Hellhole report is its absence of reliable methodology, which has been highlighted for decades. As documented by the [West Virginia Association for](#)

[Justice](#), when challenged about the report's empirical basis, "ATRA admitted that 'we have never claimed to be an empirical study.'" This admission, [reported by](#) The New York Times in 2007, reveals the report's true nature.

Professor Elizabeth G. Thornburg of SMU Dedman School of Law conducted a comprehensive academic analysis of ATRA's methodology concluding that the report "has no apparent methodology" and "falls short" of making arguments that "make sense, are supported by evidence and are applied evenhandedly." Her research, published in the [West Virginia Law Review](#), systematically dismantled the report's claims using actual court data. No report that claims to identify the "worst" courts in America and does not include any standardized criteria, statistical analysis, or peer review should be treated as news. The report relies on cherry-picked anecdotes, many sourced from entities with direct financial interests in the outcomes. As noted in [ATRA's own description](#), "Because sources for Judicial Hellholes information may fear lawsuits or other retaliation in these jurisdictions, they sometimes prefer to have their names and cases kept out of the program's reporting," effectively admitting they rely on anonymous, unverifiable sources. This report is propaganda on behalf of corporations masquerading as research.

ATRA's Inherent Conflicts of Interest and Corporate Agenda

ATRA's membership reveals its true agenda. According to multiple sources, including [SourceWatch](#) and the [Center for Justice & Democracy](#), ATRA's membership consists primarily of Fortune 500 companies with direct financial stakes in limiting litigation. Based on the information available, ATRA's members include tobacco giants like Philip Morris, chemical companies like Dow Chemical, pharmaceutical manufacturers and major insurance companies. One thing these companies have in common is that consumers often must bring lawsuits against them since they will not be held accountable for the harms they cause without a judgment. This has been going on for decades—the tobacco industry alone contributed over \$21 million to ATRA's tort reform efforts in 1995, according to internal Philip Morris documents documented by [SourceWatch](#). ATRA has also received substantial funding from corporations including Exxon, General Electric, and major insurance companies, each contributing \$50,000-\$75,000 according to Legal Times reporting cited by the [Center for Justice & Democracy](#). This funding structure creates an obvious conflict. ATRA is essentially a collection of frequent litigation defendants funding a campaign to discredit the courts where they face accountability. When Law.com publishes ATRA's "rankings" without disclosing these conflicts, it inadvertently amplifies corporate propaganda while presenting it as objective analysis.

The Report's Goal Is Political Manipulation, Not Justice

ATRA has been remarkably candid about the report's true purpose. Thornburg wrote in her report: "The explicit goal of the Hellhole report is to appeal to the public as voters, to scare state politicians into making pro-defendant changes in the law in order to make the label go away, and to get rid of judges whose rulings made ATRA members unhappy." This is not an attempt to improve justice. It is an attempt to intimidate judges and lawmakers into ruling favorably for corporate defendants regardless of legal merit. When courts hold corporations accountable for genuine harm, ATRA labels them "hellholes." When they rule for corporate interests, ATRA either ignores them or praises their "reforms."

The [American Association for Justice found](#) that over two dozen of ATRA sources for the report were newswires owned by the Chamber of Commerce, the nation's largest corporate lobbying group. This circular sourcing creates an echo chamber where corporate talking points are amplified and presented as independent analysis.

The Real-World Harm of ATRA's Report

This report causes harm to the justice system and public discourse:

- **Undermining Judicial Independence:** When judges and court systems fear being labeled a "hellhole," they may modify their rulings to avoid negative publicity rather than follow the law and evidence. This corporate intimidation campaign threatens the independence essential to fair adjudication.
- **Misinforming the Public:** Readers who see these rankings reported as news may develop skewed perceptions of courts and the justice system, not understanding they are consuming corporate propaganda designed to serve that specific goal.
- **Legitimizing Biased Analysis:** By treating ATRA's report as newsworthy without critical analysis, news publications inadvertently legitimize methodologically flawed research and give corporate interests unearned credibility.
- **Distorting Policy Debates:** These rankings influence legislative discussions about tort reform, giving corporate lobbyists powerful talking points backed by the apparent authority of media coverage.

ATRA's Judicial Hellhole report fails every test of legitimate research. It lacks methodology, is funded by interested parties, admits it is not empirical, and exists primarily to influence political outcomes rather than assess justice. Academic experts have thoroughly debunked its approaches, and its own creators acknowledge its limitations.

The integrity of legal journalism and the public's understanding of our justice system depends on maintaining clear distinctions between legitimate research and sophisticated public relations campaigns. I urge you to join publications that have recognized the report's fundamental flaws and refuse to amplify its misleading message.

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