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Twombly and Iqbal at the State Level

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## **Abstract**

This paper contributes to the empirical literature on pleading standards by studying the effect of Twombly and Iqbal at the state level. States account for the majority of civil litigation, yet they are understudied doctrinally and empirically. When we consider pleading at the state level, we can leverage differences across space and time in a way that is impossible with studies of federal courts. Using an array of principled empirical approaches on the best-available data, we find no evidence that raising pleading standards affected plaintiff behavior. We observe no decrease in filings and no significant change in complaint length, number of claims, or number of amended complaints. For defense strategy and judicial responses, we find no increase in motions to dismiss and no increase in the grant rate on motions to dismiss, though these findings are more tentative, given data limitations. We conduct our analysis by comparing Nebraska, a state that raised its pleading standards, with as many as twelve comparison states, none of which raised their pleading standards over the years 2006-2013.

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