

Punitive Damages

When a person files a civil lawsuit against someone who wronged them (whether by injuring them, damaging their property, stealing from them, or breaching a contract), the primary goal is always to compel the defendant to pay the plaintiff a sum of money and/or stop engaging in continuous conduct causing the injury.

The purpose of this is to compensate the plaintiff for whatever harm they've suffered, and to prevent the defendant from causing that harm to them again. Punishment is not much of a concern, since that's considered the realm of the criminal justice system.

However, in some civil cases, the alleged conduct can be so egregious, outrageous, or evil that the civil justice system takes it upon itself to punish the defendant, to deter future wrongdoing. Of course, a civil court can't put anyone in jail, but they can order the defendant to pay [punitive damages](#).

When Are Punitive Damages Awarded?

Punitive damages are not awarded in every civil case in which the plaintiff wins. However, before punitive damages are awarded, it is a prerequisite that the plaintiff win their case.

Punitive damages are only awarded when the defendant acted in a particularly bad manner, which calls for deterrence of future wrongdoing, in addition to compensation for the victim. Punitive damages are almost always available when the plaintiff shows that the defendant has committed an intentional tort. [Intentional torts](#) include [assault](#), [battery](#), [false imprisonment](#), and intentional infliction of [emotional distress](#), among others.

Obviously, if you intentionally harm somebody, and then do harm them, it's hard to imagine a way you could be more culpable for the resulting harm. In such a case, it's obvious that, in addition to being forced to compensate the victim, some deterrence and punishment is in order.

Most lawsuits (at least those involving personal injury) stem from the defendant's careless conduct, and there is rarely an allegation that they acted with intent to cause harm. In cases like this, the plaintiff's injuries are clearly the fault of the defendant, but, generally, we don't get as angry as a person who causes an injury accidentally (even if they were careless), than someone who causes the same injury intentionally. For that reason, in most negligence cases, punitive damages are not available.

However, in some cases that don't involve intentional actions on the part of the defendant, punitive damages are available. Punitive damages can be awarded in cases where the defendant did not intend to cause injuries, but his conduct was so reckless and careless (far beyond the minimum level of carelessness required for a finding of ordinary negligence) that they reasonably should have known that injury was likely to result from their conduct, they can be hit with punitive damages.

What are the Limits on Punitive Damages?

There are limits on how high punitive damage awards can go.

While an initial reading of the Document doesn't make it obvious, these limits are actually imposed by the U.S. Constitution.

Furthermore, the laws and constitution of your state might place strict "caps" on punitive damages (usually these laws are passed after intense lobbying by the insurance industry) for certain types of cases.

The constitutional limits on punitive damages stem from the Due Process clauses of the 5th and 14th Amendments (so they apply to both the state and federal governments). Basically, private entities (individuals, corporations, partnerships, etc.) cannot be deprived of property without "due process of law." A punitive damage award that is so high as to be completely disproportionate to the harm suffered by the defendant has been held by the U.S. Supreme Court to be a violation of due process.

While there is no hard and fast rule, the Supreme Court seems to have settled on the general idea that punitive damages should not exceed 10 times the amount awarded in actual damages. Once again, this is not a bright-line rule, and courts will occasionally approve larger punitive damage awards, but it's far more often for them to find that an amount far *less* than that "maximum" is appropriate.

When determining how much to award in punitive damages, courts consider a number of factors. These factors include the exact level of reprehensibility of the defendant's conduct (probably the most important factor), the ratio of punitive damages to compensatory damages, and the penalties that would be imposed in a criminal case involving similar conduct.

The last one is interesting, because it's not uncommon for punitive damage awards to far exceed the criminal fines that would be imposed for the same conduct. For example, suppose a state law has a criminal statute prohibiting simple battery. To keep it simple, let's say that it provides a punishment of up to 2 years in prison, and a fine of up to \$50,000.

Now, suppose that a person commits a simple battery, and is unable to be charged criminally, for whatever reason. The victim then files a civil suit. The plaintiff wins the suit, and a jury awards compensatory damage for medical expenses, and punitive damages of \$10 million.

An appeals court would probably find this award to be grossly excessive, and reduce it, because it exceeds the maximum criminal fines for the same conduct by a huge margin. However, if it orders a reduction in damages, it's very possible that they'll still be significantly higher than the criminal fines, though not by such a huge margin.

Do I Need A Lawyer?

If you have been the victim of wrongdoing, and believe you have a legal remedy, you should [contact a lawyer](#) immediately. Your attorney will be able to advise you on whether or not you are entitled to punitive damages, which can be the most important factor in determining whether it's worth the cost (in time and money) to pursue a lawsuit.