

Compensatory Damages

Why should our legal system make tortfeasors pay compensatory damages?

Clip from Fight Club

Damages

The consequences of liability.

Compensatory Damages

The Objective:

To restore the plaintiff to the state they were in before the harm caused by the defendant.

Single judgment rule

Seffert v. Los Angeles Transit Lines

1. Procedural posture
2. Legal question(s)
3. Relevant facts
4. Holding
5. Reasoning(s) behind the holding

Majority Reasoning

Majority Reasoning

1. Explicit argument: Deference

Majority Reasoning

1. Explicit argument: Deference
2. Implicit argument: Fact section

Dissent Reasoning

Dissent Reasoning

1. Problem: Pain and suffering awards are arbitrary

Dissent Reasoning

1. Problem: Pain and suffering awards are arbitrary
2. Solution: Compare with similar cases

Jury Exercise

You are a member of a jury, determining damages in the case of the falling donut sign.

Go to in-class scratchpad on course website.