

# Damages Recap

# In-Class Exercise

Oral argument: *Appealing a Punitive Damages Award*

I  
R  
A  
C

Issue

Rule

# Argument

Conclusion (optional)

**I** - Does the punitive damages award violate the 14th Amendment by depriving the defendant of its property without due process of law ?

**R** - *BMW v. Gore* guideposts

**A** - Argument

**C** - Conclusion

**I** - Does the punitive damages award violate the 14th Amendment by depriving the defendant of its property without due process of law ?

**R** - *BMW v. Gore* guideposts

**A** - Argument

-- IRAC - Reprehensability

-- IRAC - Ratio

-- IRAC - Civil and criminal penalties

**C** - Conclusion

# Legal Authority

## Two Legal Tests

### *State Farm*

Anything outside of single digit ratio of punitive to compensatory damages is presumed unconstitutional.

### *BMW v. Gore*

1 - Reprehensibility

2 - Disparity between compensatory damages and harm inflicted on plaintiff

3 - Comparison with civil or criminal penalties

## One Persuasive Case

*Mathias v. Accor Economy Lodging, Inc.*

# Outlining

# Goals for reading cases

1. Grasp the internal logic and mechanics of the case.
2. Synthesize within a broader context.

# Goals for outlining

Creating and studying an outline should help you to:

1. Spot issues on the exam
2. Resolve issues methodically and comprehensively

# Outline for damages