



For Immediate Release

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Monograph Provides Extensive Guidance on Battling Punitive Damages

In a Monograph Washington Legal Foundation (WLF) released today, a California-based appellate law expert offers a comprehensive tour through the U.S. Supreme Court's most recent punitive damages decisions and explains how they can be utilized both in and outside of the courtroom. The Monograph will be highly instructive to defendants who today are forced to deal with the specter of exemplary damages at every stage of litigation.

A Punitive Damages Primer: Post-State Farm Strategies was authored *pro bono* for WLF by Christina J. Imre, a partner with the San Francisco law firm *Sedgwick, Detert, Morin & Arnold LLP*. Ms. Imre has over twenty-four years of experience directing civil appeals, writs, and post-trial motions in business torts and institutional matters of concern to major corporate defendants and insurers. The publication features a foreword by Senior Counsel and Assistant Vice President of Republic Indemnity Company, Laurel Thurston.

The Monograph is broken down into three major sections, and features a comprehensive table listing trial and appellate court decisions which reference or apply the Supreme Court's most recent punitive damages case, *State Farm v. Campbell*.

The first section focuses on the past three major Supreme Court decisions in the field: *BMW v. Gore*, *Cooper Industries v. Leatherman Tool*, and *State Farm*. A brief discussion of how *BMW* and *Cooper Industries* laid the groundwork for the Court's most recent examination of punitive damages will help readers better understand the impact and significance of *State Farm*. In her analysis of *State Farm*, Ms. Imre draws significant attention to what role the wealth of the company and/or its executives plays in jurors' decisions to impose extreme damages.

The second section of the Monograph gives a brief overview of how appellate courts have applied the *State Farm* ruling over the past year. This section, which utilizes a case study approach focusing on rulings from the author's home state, offers an analytical complement to the Monograph's concluding table of court decisions.

The third and final section of the Monograph offers insights on how the guideposts and subtle teachings of *State Farm* and other High Court cases can be put to practical use in opposing plaintiffs' requests for excessive punitive awards. How and when to raise constitutional objections, whether to request for a bifurcation of the trial, and *State Farm's* impact on discovery are among the issues covered. Ms. Imre also focuses

attention on a largely overlooked facet of the award of punitive damages – jury instructions – and how in California, *State Farm* should compel changes that would further protect the rights of defendants.

Washington Legal Foundation is a national, non-profit public interest law and policy center. By utilizing a unique approach to forwarding its mission – publishing timely legal studies, engaging in innovative litigation, and communicating directly to the public – WLF has become the nation's most effective advocate of freedom and free enterprise. This Monograph is one of seven free-standing formats in which WLF's Legal Studies Division produces legal policy papers and promotes free enterprise legal thought.

Copies of this educational WLF Monograph are available for \$10 per copy and can be obtained by forwarding a check to: Publications Department, Washington Legal Foundation, 2009 Massachusetts Avenue, NW, Washington, D.C. 20036, or calling (202) 588-0302.