

Punitive Damages How Juries Decide

United States. Congress. House. Committee on the Judiciary

Punitive Damages How Juries Decide:

Punitive Damages Cass R. Sunstein, Reid Hastie, John W. Payne, David A. Schkade, W. Kip Viscusi, 2008-12-19 Over the past two decades the United States has seen a dramatic increase in the number and magnitude of punitive damages verdicts rendered by juries in civil trials Probably the most extraordinary example is the July 2000 award of 144 8 billion in the Florida class action lawsuit brought against cigarette manufacturers Or consider two recent verdicts against the auto manufacturer BMW in Alabama In identical cases argued in the same court before the same judge one jury awarded 4 million in punitive damages while the other awarded no punitive damages at all In cases involving accidents civil rights and the environment multimillion dollar punitive awards have been a subject of intense controversy But how do juries actually make decisions about punitive damages To find out the authors experts in psychology economics and the law present the results of controlled experiments with more than 600 mock juries involving the responses of more than 8 000 jury eligible citizens Although juries tended to agree in their moral judgments about the defendant's conduct they rendered erratic and unpredictable dollar awards The experiments also showed that instead of moderating juror verdicts the process of jury deliberation produced a striking severity shift toward ever higher awards Jurors also tended to ignore instructions from the judges were influenced by whatever amount the plaintiff happened to request showed hindsight bias believing that what happened should have been foreseen and penalized corporations that had based their decisions on careful cost benefit analyses While judges made many of the same errors they performed better in some areas suggesting that judges or other specialists may be better equipped than juries to decide punitive damages Using a wealth of new experimental data and offering a host of provocative findings this book documents a wide range of systematic biases in jury behavior It will be indispensable for anyone interested not only in punitive damages but also jury behavior psychology and how people think about punishment Research Handbook on the Economics of Torts Jennifer Arlen, 2013-11-29 Focusing on issues of vital importance to those seeking to understand and reform the tort system this volume takes a multi disciplinary approach including theoretical economic analysis empirical analysis socio economic analysis and behavioral anal Civil Juries and Civil Justice Brian H. Bornstein, Richard L. Wiener, Robert Schopp, Steven L. Willborn, 2007-12-03 At last here is an empirical volume that addresses head on the thorny issue of tort reform in the US Ongoing policy debates regarding tort reform have led both legal analysts and empirical researchers to reevaluate the civil jury s role in meting out civil justice Some reform advocates have called for removing certain types of more complex cases from the jury s purview yet much of the policy debate has proceeded in the absence of data on what the effects of such reforms would be In addressing these issues this crucial work takes an empirical approach relying on archival and experimental data It stands at the vanguard of the debate and provides information relevant to both state and national civil justice systems The Litigation Manual Priscilla Anne Schwab, 2007 Innovation is increasingly recognized as a vitally important social and economic phenomenon worthy of serious

research study Firms are concerned about their innovation ability particularly relative to their competitors Politicians care about innovation too because of its presumed social and economic impact However to recognize that innovation is desirable is not sufficient What is required is systematic and reliable knowledge about how best to influence innovation and to exploit its effects to the full Gaining such knowledge is the aim of the field of innovation studies which is now at least half a century old Hence it is an opportune time to ask what has been achieved and what we still need to know more about This is what this book sets out to explore Written by a number of central contributors to the field it critically examines the current state of the art and identifies issues that merit greater attention The focus is mainly on how society can derive the greatest benefit from innovation and what needs to done to achieve this However to learn more about how society can benefit more from innovation one also needs to understand innovation processes in firms and how these interact with broader social institutional and political factors Such issues are therefore also central to the discussion here **Social Psychology of Punishment of Crime** Margit E. Oswald, Steffen Bieneck, Jorg Hupfeld-Heinemann, 2015-06-15 In recent years research interest has increased both in the needs of punishment by the public and in the psychological processes underlying decisions on sentencing This comprehensive look at the social psychology of punishment focuses on recent advances and presents new findings based on the authors own empirical research Chapters explore the application of social psychology and social cognitive theories to decision making in the context of punishments by judges and the punitiveness of laymen The book also highlights the different legal systems in the UK US and Europe discussing how attitudes to punishment can change in the context of cultural and social development American Juries Neil Vidmar, Valerie P. Hans, 2009-09-25 This monumental and comprehensive volume reviews more than 50 years of empirical research on civil and criminal juries and returns a verdict that strongly supports the jury system Legal Origins and the Efficiency Dilemma Nuno Garoupa, Carlos Gómez Ligüerre, Lela Mélon, 2016-12-08 Economists advise that the law should seek efficiency More recently it has been suggested that common law systems are more conducive of economic growth than code based civil law systems. This book argues that there is no theory to support such statements and provides evidence that rejects a one size fits all approach Both common law and civil law systems are reviewed to debunk the relationship between the efficiency of the common law hypothesis and the alleged inferiority of codified law systems Legal Origins and the Efficiency Dilemma has six aims explaining the efficiency hypothesis of the common law since Posner's 1973 book summarizing the legal origins theory in the context of economic growth debunking their relationship discussing the meaning of common law and the problems with the efficiency hypothesis by comparing laws across English speaking jurisdictions illustrating the shortcomings of the legal origins theory with a comparative law and economics analysis and concluding there is no theory and evidence to support the economic superiority of common law systems Based on previous pieces by the authors this book expands their work by including new areas of analysis such as trusts detailing previous analysis such as French law versus common law in the areas of contract property

and torts and updating for recent developments in the academic discourse This volume is of interest to academics and students who study microeconomics comparative law and foundations of law as well as legal policy analysts Think Seriously about the Planet Roger Scruton, 2014-10 Roger Scruton here makes a plea to rescue environmental politics from the activist movements and to return them to the people The book defends the legacy of home building and practical reasoning with which ordinary human beings solve their environmental problems and attacks the alarmism and hysteria that are being used to uproot these resources while putting nothing coherent in their place Lettow Lerner, 2023 Almost every society has professional judges but from ancient Athens to modern Asia cultures have wanted ordinary people involved in criminal judgment the jury The use of juries comes with challenges societies must determine how to select jurors what cases jurors should decide and by what rules and how to inform jurors about the law and evidence This Very Short Introduction shows how and why societies around the world have used juries charting the spread of the twelve person jury from England to the British colonies in America Canada India Australia New Zealand and the Caribbean In criminal cases use of lay jurors stretched to nations in Europe Latin America and Asia as they aspired to democracy greater popular participation in government and legitimacy of the justice system But in English speaking countries jury trials are declining Civil juries have been virtually abolished everywhere except the United States and even there they are rare Among other painful alternatives chosen by the accused plea bargaining is now taking the place of criminal jury trials In this book Ren e Lettow Lerner describes the benefits and challenges of using juries including jury nullification and considers how innovations from non English speaking countries may hold the key to jurors survival

Encyclopedia of the United States Constitution David Andrew Schultz,2010-05-18 Covers the people court cases historical events and terms relating to one of the most studied political documents in schools across the country the United States Constitution Blocking the Courthouse Door Stephanie Mencimer,2006-12-05 Thanks to constant political oratory against frivolous lawsuits and jackpot justice it is widely known that there s a legal crisis in this country President Bush never misses an opportunity to call for laws that would bring more common sense to a legal system that he claims is out of control wrecking the economy driving doctors out of their practices bankrupting small businesses and costing American jobs Journalists repeat the charges without examining them As a result the lawsuit issue has moved to the political front burner and in the past three years state after state has responded by limiting citizens rights to sue Just this year alone the Republicanted Congress has passed restrictions on class action lawsuits and is steps away from enacting limits on medical malpractice lawsuits But is there really a crisis National data show that the number of civil suits is falling not rising and that the average damage award is also going down Despite intense media hype to the contrary the number of personal injury lawsuits filed every year has been tumbling for the past decade Upon closer examination the stories of ridiculous lawsuits usually turn out to be false or badly misleading The crisis in short appears to be a phantom So how do we explain the scary

headlines Who s behind the tort reform movement and what are the real goals Blocking the Courthouse Door will show that the movement against so called greedy trial lawyers and irresponsible plaintiffs is the result of a concerted and successful campaign by large corporations to get this issue on the table and thus limit their own vulnerability in the civil justice system They have spent decades and many millions of dollars on focus groups and Madison Avenue public relations research They have funded institutes sponsored academic research bankrolled politicians set up phony astroturf grassroots organizations with chamber of commerce return addresses and fed copy to all too gullible journalists For corporations the self interest involved is fairly plain Tobacco companies no longer able to dodge the bullet of liability for knowingly selling poisons are making an end run around the civil justice system If they can t win a class action suit they ll make suing itself illegal Insurance companies drowning in red ink from mismanagement and bad investments in the bond market hike insurance rates by huge sums and blame malpractice suits The doctors in turn blame greedy lawyers and their own injured patients And for Republicans the campaign provides an extra bonus defunding the Democratic Party Limits on lawsuits cut into the income of some of the Democratic Party's most generous donors the trial lawyers who are often the only source of campaign cash for Democrats in many states By exposing some of the dubious characters corporate chicanery skewed research fudged numbers and bogus journalism that have buttressed the calls for lawsuit reform Stephanie Mencimer shows who s behind the movement to close the courthouse doors and how they ve successfully persuaded millions of Americans to give up their critical legal rights without fully understanding what they re losing often until it s too late **Safeguarding Americans** from a Legal Culture of Fear United States. Congress. House. Committee on the Judiciary, 2004 **How Change Happens** Cass R. Sunstein, 2020-04-14 An illuminating study that reveals the different ways social change occurs for readers of Freakonomics and Thinking Fast and Slow The New York Times How does social change happen When do social movements take off Sexual harassment was once something that women had to endure now a movement has risen up against it White nationalist sentiments on the other hand were largely kept out of mainstream discourse now there is no shortage of media outlets for them In this book with the help of behavioral economics psychology and other fields Cass Sunstein casts a bright new light on how change happens Sunstein focuses on the crucial role of social norms and on their frequent collapse When norms lead people to silence themselves even an unpopular status quo can persist Then one day someone challenges the norm a child who exclaims that the emperor has no clothes a woman who says me too Sometimes suppressed outrage is unleashed and long standing practices fall Sometimes change is more gradual as nudges help produce new and different decisions apps that count calories texted reminders of deadlines automatic enrollment in green energy or pension plans Sunstein explores what kinds of nudges are effective and shows why nudges sometimes give way to bans and mandates Finally he considers social divisions social cascades and partyism when identification with a political party creates a strong bias against all members of an opposing party which can both fuel and block social change **Philosophical Foundations**

of the Law of Torts John Oberdiek, 2014-03-20 Contemporary philosophy and tort law have long enjoyed a happy union Tort theory today is an exceptionally active and wide ranging field within legal philosophy. This volume brings together established and emerging scholars from around the world and from varying disciplines that bring their distinct perspective to the philosophical problems of tort law These ground breaking essays advance longstanding debates and open up new avenues of enguiry thus deepening and broadening the field Contributions cover the major problematic areas of tort law such as the relations between responsibility fault and strict liability the morality of harm compensation and repair and the relationship of tort with criminal and property law among many others California. Supreme Court. Records and Briefs California (State)., Court of Appeal Case s G005528 The Jury Under Fire Brian H. Bornstein, Edie Greene, 2017 The Jury Under Fire reviews a number of controversial beliefs about juries that have persisted in recent years as well as the implications of these views for jury reform efforts Each chapter focuses on a mistaken assumption or myth about jurors or juries critiques the myth and then Emotion and the Law Brian H. Bornstein, Richard uses social science research findings to suggest appropriate reforms L. Wiener, 2009-10-20 From questions surrounding motives to the concept of crimes of passion the intersection of emotional states and legal practice has long interested professionals as well as the public recent cases involving extensive pretrial publicity highly charged evidence and instances of jury nullification continue to make the subject particularly timely With these trends in mind Emotion and the Law brings a rich tradition in social psychology into sharp forensic focus in a unique interdisciplinary volume Emotion mood and affective states plus patterns of conduct that tend to arise from them in legal contexts are analyzed in theoretical and practical terms using real life examples from criminal and civil cases From these complex situations contributors provide answers to bedrock questions what roles affect plays in legal decision making when these roles are appropriate and what can be done so that emotion is not misused or exploited in legal procedures and offer complementary legal and social cognitive perspectives on these and other salient issues Positive versus negative affect in legal decision making emotion eyewitness memory and false memory the influence of emotions on juror decisions and legal approaches to its control a terror management theory approach to the understanding of hate crimes policy recommendations for managing affect in legal proceedings additional legal areas that can benefit from the study of emotion Emotion and the Law clarifies theoretical grey areas revisits current practice and suggests possibilities for both new scholarship and procedural guidelines making it a valuable reference for psycho legal researchers forensic psychologists and policymakers

Rational Choice in an Uncertain World Reid Hastie, Robyn M. Dawes, 2001-04-13 First Edition Winner of the prestigious William James Award from the American Psychological Association An understanding of the principles of rational decision making can help students improve the quality of their lives Intended as an introductory textbook the material in Rational Choice in an Uncertain World is not only of scholarly interest but practical as well Created specifically for courses on judgement and decision making this book makes research readily accessible to both undergraduate and graduate students

This Second Edition of the award winning book Rational Choice in an Uncertain World 1988 by Robyn M Dawes is sure to interest and enlighten students at all levels This new edition features New student friendly chapter introductions as well as conclusions and cross references between chapters Award winning authors are respected professors with over 30 years of experience in the field Practical everyday examples from such areas as finance medicine law and engineering Comprehensive and up to date information keep this edition abreast of the changing ideas within the discipline Additional discussion of the descriptive psychological models of decision making to expand upon the original emphasis on normative rational Expected Utility Theory models Equipped with this knowledge and an understanding of the principles of rational decision making both undergraduate and graduate students can help improve the quality of their choices and thus their life

Cases and Materials on the Law of Torts George C. Christie, 2004 Covers the evolution of the basic building blocks of modern tort law Includes revised chapters on product liability insurance and non tort alternatives Minimally edited cases make this edition a good vehicle for teaching first year students the essential techniques of case analysis and legal method Includes chapters on negligence causation and plaintiff's conduct as a contributing cause nuisance misrepresentation and tortious interference with contract and prospective contract false imprisonment and misuse of legal process constitutional torts and immunities

The Tobacco Challenge Geraint Howells,2016-02-17 Addressing three central questions of legal policy this is an interesting and comprehensive analysis of the need to control and regulate tobacco consumption. The core issues of the book are litigation vs regulation with a comparative analysis of the US and European approaches the challenge to regulate tobacco as a lawful product within constitutional limits to promote the reduction of risks to health and the extent to which consumers should be entrusted with information to make their own informed choices Suggesting dialogue and transparency in policy development this book covers advertising psychology ethics economics and health in addition to the central debate about the litigation and regulation of tobacco and the role of consumer protection law and private law

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