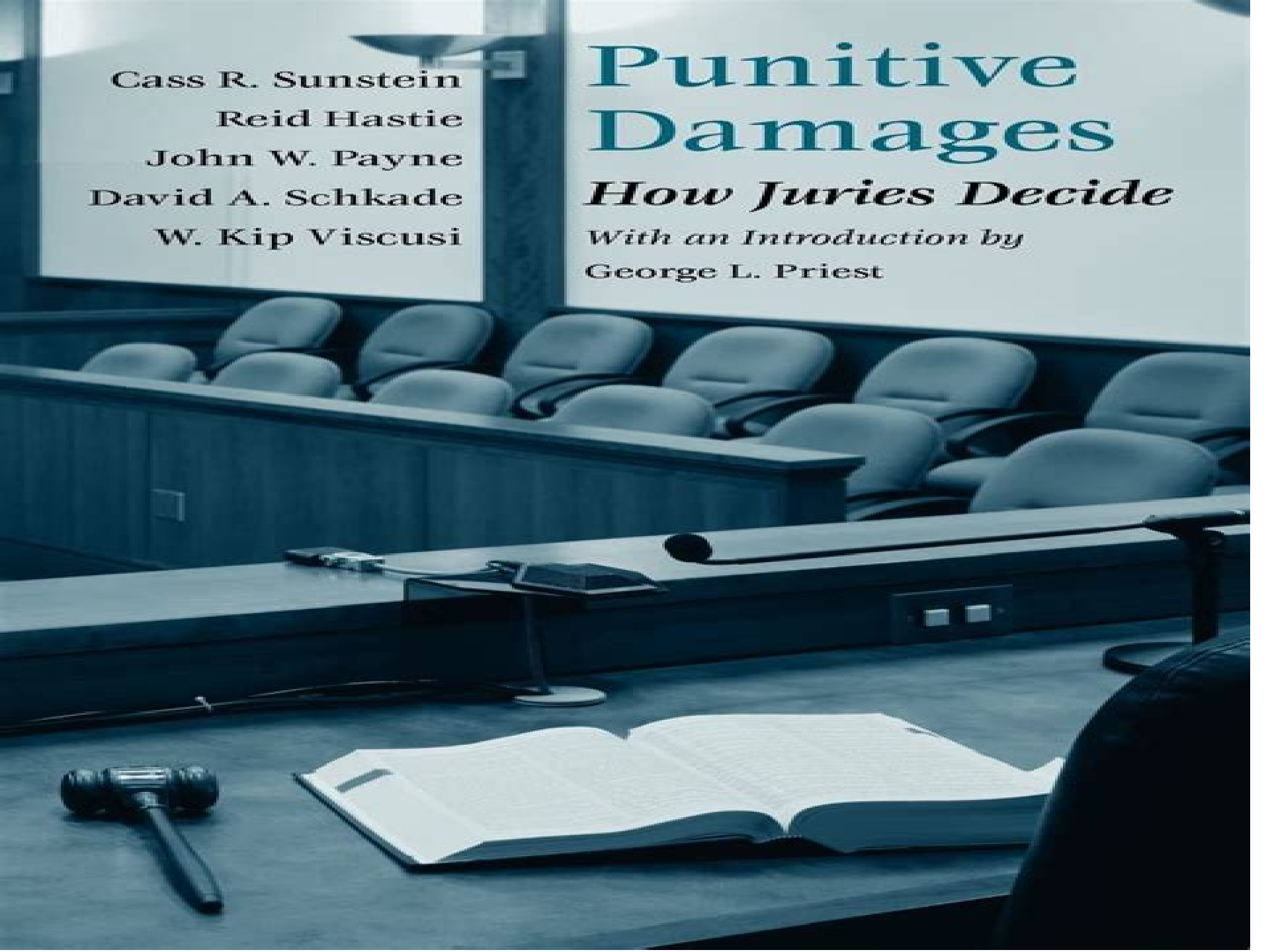




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Punitive Damages

How Juries Decide

*With an Introduction by
George L. Priest*

Punitive Damages How Juries Decide

Neil Vidmar, Valerie P. Hans



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Punitive Damages Cass R. Sunstein, 2002-04-15 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 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 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 be 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 **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 **The Right to a Fair Trial** Thom Brooks, 2017-07-05 The right to a fair trial is often held as a central constitutional protection It nevertheless remains unclear what precisely should count as a fair trial and who should decide verdicts This already difficult issue has become even more important given a number of proposed reforms of the trial especially for defendants charged with terrorism offences This collection The Right to a Fair Trial is the first to publish in one place the most influential work in the field on the following topics including the right to jury trial lay participation in trials jury nullification trial reform the civil

jury trial and the more recent issue of terrorism trials The collection should help inform both scholars and students of both the importance and complexity of the right to a fair trial as well as shed light on how the trial might be further improved

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

Litigation Services Handbook Roman L. Weil, Daniel G. Lentz, David P. Hoffman, 2012-07-10 Here s all the information you need to provide your clients with superior litigation support services Get up to speed quickly with the aid of top experts on trial preparation and testimony presentation deposition direct examination and cross examination Authoritative and highly practical this is THE essential guide for any financial expert wanting to prosper in this lucrative new area the lawyers who hire them and litigants who benefit from their efforts This work of amazing breadth and depth covers the central issues that arise in financial expert testimony It is an essential reference for counsel and practitioners in the field Joseph A Grundfest The William A Franke Professor of Law and Business Stanford Law School former commissioner United States Securities and Exchange Commission

Jury Psychology: Social Aspects of Trial Processes Daniel A. Krauss, 2016-05-06 The first of a two volume set on the Psychology of the Courtroom Jury Psychology Social Aspects of Trial Processes offers a definitive account of the influence of trial procedures on juror decision making A wide range of topics are covered including pre trial publicity and inadmissible evidence jury selection jury instruction and death penalty cases as well as decision making in civil trials In addition a number of global issues are discussed including procedural justice issues and theoretical models of juror decision making Throughout the volume the authors make recommendations for improving trial procedures where jurors are involved and they discuss how the problems and potential solutions are relevant to courts around the world

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