



emanuel

Law in a Flash

Constitutional Law PART II

(Individual Rights)

Revised by Professor Leslie C. Griffin
University of Houston Law Center

IRT/PDP 19 CONSTITUTIONAL LAW

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Dr. Fanci Carr buys a shiny new sportscar from BMW and loves driving it until he discovers from a mechanic that his shiny new car was repainted before he bought it. Dr. Carr sues BMW for fraud in failing to disclose the paint job. A jury awards him \$4,000 in compensatory damages and \$2 million in punitive damages. Was due process violated?

Yes. In *BMW of North America v. Gore*, 517 U.S. 559 (1996), the Court ruled that excessive punitive damages can violate due process. In determining whether due process was violated, the Court focuses on the ratio of actual to punitive damages. In this case, with a 500-1 ratio, the damages are clearly excessive. The Court has suggested that the ratio should not exceed a single digit.

NOTE: The Court has also allowed the reprehensibility of the defendant's conduct to factor into the punitive damages analysis. E Ch.9-V(J)(3)(b).

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