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Law in a Flash

Constitutional Law PART II

(Individual Rights)

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

58

IRT/PDP 19 CONSTITUTIONAL LAW

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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Table of Contents Mbe Flash Cards Law In A Flash

1. Understanding the eBook Mbe Flash Cards Law In A Flash
 - The Rise of Digital Reading Mbe Flash Cards Law In A Flash
 - Advantages of eBooks Over Traditional Books
2. Identifying Mbe Flash Cards Law In A Flash
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Mbe Flash Cards Law In A Flash
 - User-Friendly Interface
4. Exploring eBook Recommendations from Mbe Flash Cards Law In A Flash
 - Personalized Recommendations
 - Mbe Flash Cards Law In A Flash User Reviews and Ratings
 - Mbe Flash Cards Law In A Flash and Bestseller Lists
5. Accessing Mbe Flash Cards Law In A Flash Free and Paid eBooks
 - Mbe Flash Cards Law In A Flash Public Domain eBooks
 - Mbe Flash Cards Law In A Flash eBook Subscription Services
 - Mbe Flash Cards Law In A Flash Budget-Friendly Options

6. Navigating Mbe Flash Cards Law In A Flash eBook Formats
 - ePub, PDF, MOBI, and More
 - Mbe Flash Cards Law In A Flash Compatibility with Devices
 - Mbe Flash Cards Law In A Flash Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Mbe Flash Cards Law In A Flash
 - Highlighting and Note-Taking Mbe Flash Cards Law In A Flash
 - Interactive Elements Mbe Flash Cards Law In A Flash
8. Staying Engaged with Mbe Flash Cards Law In A Flash
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Mbe Flash Cards Law In A Flash
9. Balancing eBooks and Physical Books Mbe Flash Cards Law In A Flash
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Mbe Flash Cards Law In A Flash
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Mbe Flash Cards Law In A Flash
 - Setting Reading Goals Mbe Flash Cards Law In A Flash
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Mbe Flash Cards Law In A Flash
 - Fact-Checking eBook Content of Mbe Flash Cards Law In A Flash
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

-
- Interactive and Gamified eBooks

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