

“A Proposal for Further Common Law Development of the Use of Punitive Damages in Modern Product Liability Litigation,” 40 Ala. L. Rev. 919, (1989).

Articles

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This article examines the relationship between the increase in frequency and size of punitive damages awards in product liability litigation and the simultaneous emergence of product-line litigation.

The punitive damages system is a creature of the common law. Courts created it, courts developed it, and courts apply it. Courts can further refine it without necessarily relying on constitutional doctrines. This article suggests that refinement is needed, and that the necessary common law tools are readily available to make punitive damages more fairly and efficiently serve their legitimate purposes.

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