

Excessive Punitive Damages? Seventeen Organizations File *Amicus Curiae* Briefs in U.S. Supreme Court Case

News

Aug 19, 2002

Brief of *Amicus Curiae*, The Business Roundtable, *State Farm Mut. Auto Ins. Co. v. Campbell* (No. 01-1289)

In its 2002-2003 session, the U.S. Supreme Court will hear State Farm Insurance Company's appeal of a Utah Supreme Court decision requiring payment of \$145 million in punitive damages and \$1 million in compensatory damages - a 145-to-1 ratio. The historic proportion of punitive-to-compensatory damages is 3-to-1.

Not surprisingly, State Farm claims that these punitive damages are unwarranted and excessive. According to The Bureau of National Affairs publication *Product Safety & Liability* (Sept. 16, 2002), the Court is "receiving an unusually high number of *amicus curiae* briefs from the business community in a case . . . which some legal experts say could determine the future of punitive damages awards in the United States." Seventeen briefs have been filed.

Among them is one submitted by The Business Roundtable - an association of the chief executives of major U.S. corporations. The association retained Malcolm E. Wheeler, a recognized national expert in the theory and practice of

punitive damages, to prepare its brief. Wheeler is a director at WTO.