

# PUNITIVE DAMAGES ARE FEW AND FAR BETWEEN

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Many of you have commented about my previous editorial titled "Reality Check with Proposed Law Suit Reform." Some have questioned the exorbitant awards rendered in personal injury and product liability cases.

This prompted the House of Representatives and Senate to propose and subsequently approve bills that would dramatically alter the punitive damage structure. However, these two bills are expected to be debated in conference committee sometime in 1996.

Let's take a look at a 1992 study conducted by the Justice Department Bureau of Justice Statistics. They concluded that:

☛ Only two percent of the 762,000 cases disposed of - whether by settlement, trial or other means - were decided by juries, and plaintiffs won in 52 percent of those cases.

☛ Plaintiffs were awarded punitive damages in only six percent of the cases they won, and received more than \$50,000 in only half of those cases.

☛ Punitive awards in products liability and medical malpractice cases are rare. Plaintiffs won only 41 percent of products liability lawsuits decided by juries and received punitive damages in only two percent of those cases. In medical malpractice cases, plaintiffs won 30 percent of lawsuits decided by juries and received punitive damages in three percent of those cases.

As one can see, punitive damages are extremely rare in U.S. Court systems. My previous writing suggests that in the few cases where punitive cases are indeed awarded, the jury determined that the defendants actions were so egregious to warrant it. And the jury is comprised of citizens such as yourself.