WHEREAS, multiple punitive damages claims are a major obstacle to comprehensive settlement negotiations in repetitive litigation between plaintiffs and defendants; and

WHEREAS, limiting multiple punitive damages awards would open the way for the prompt resolution of claims involving many injured plaintiffs; and

WHEREAS, state and lower federal courts can provide only incomplete solutions to the problems caused by multiple punitive damages awards because they lack the power or the authority to prohibit subsequent awards in other courts; and

WHEREAS, tort law should also permit subsequent claimants to overcome this limit and pursue additional punitive damages by showing new and substantial evidence of previously wrongful behavior on the part of the defendant; and

WHEREAS, such principles will guard defendants against repetitive punishment and, at the same time, preserve a way to augment punishment if the original punishment was based on inadequate information;

NOW THEREFORE BE IT RESOLVED, that the American Legislative Exchange Council supports the principle of limiting the multiple imposition of punitive damages for harms arising out of a single act or course of conduct.

Adopted by the Civil Justice Task Force and approved by the ALEC Board of Directors between 1998 and 1999.