



## Supreme Court of Appeals State of West Virginia

# News

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### Chief Justice Davis' article on punitive damages posted on Supreme Court Web site

For immediate release Thursday, March 4, 2010

**CHARLESTON, W.Va. – The Supreme Court of Appeals of West Virginia today posted on its Web site a research article on punitive damages written by Chief Justice Robin Jean Davis and her Senior Law Clerk, Louis Palmer.**

**“The intent of this paper is twofold. First, the paper outlines punitive damages law in West Virginia. Second, this paper examines punitive damages principles of law established by the United States Supreme Court and discusses the impact of those principles in West Virginia,” according to the introduction.**

**“Permitting an award of punitive damages in civil litigation has a long history in West Virginia. In spite of the long history of punitive damages in the state, it was not until the 1991 decision in *Garnes v. Fleming Landfill, Inc.*, that constitutional due process principles were expressly applied to such damages,” the article begins.**

**Chief Justice Davis, along with Nineteenth Judicial Circuit Judge Alan D. Moats and First Judicial Circuit Judge James P. Mazzone, presented the paper at the fall conference of the West Virginia Judicial Association in October 2009 at Glade Springs Resort.**

**The seventy-five page paper can be found at the following link on Chief Justice Davis' page on the Court Web site:**

**<http://www.state.wv.us/wvsca/PunitiveDamages2010.pdf>**

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