

## [Georgia Punitive Damages: What Are They?](#)

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Those who have been injured as a result of the actions of others may seek compensation through a civil action against the responsible party. While many victims hear about “punitive damages,” they often wonder whether this type of damage is available in their case. It is important to note that punishments are not intended to indemnify the convicted but rather to punish the perpetrators. Although judges are usually hesitant to award this type of damage, it may be available in cases where there is serious irresponsibility or wrongdoing.



### **How to Differentiate Punitive And Compensatory Damages?**

Punitive damages are intended to punish, deter, or penalize defendants. They are also known as "exemplary damage" or "vindictive damage". Georgia courts are also authorized to award additional damages - without labeling them "punitive" - in cases involving aggravating circumstances to deter the defendant or "as compensation for the plaintiff's hurt feelings".

While compensatory damages are typically the most common type of damages awarded in civil cases, in the event that you suffer loss or injury as a result of another person's wrongful actions, you may be able to bring a civil action against that person.

The court may order the defendant to pay "damages", these are meant to reimburse you for loss and injury in economic and non-economic ways. This could include paying medical bills, lost wages, property, pain suffered, and other hardships arising from the incident. In situations with a minor impact on your life, nominal damages may be awarded as a symbolic acknowledgment of what happened.

### **What Is The Reason for Courts' Reluctance to Award Punitive Damages?**

Courts are typically reluctant to award punitive damages. Indeed, as a Justice of the Supreme Court of Georgia once stated, “We should exercise restraint when it comes to applying punitive damages where other methods are available to punish wrongdoers.” Of course, criminal law is for punishing offenders for offenses against

society, whilst civil judgments are for resolving conflicts between private individuals. To uphold this distinction, courts only grant punitive damages in cases of serious misconduct.

### **What is The Best Evidence to Secure Punitive Damages?**

Punitive damages have a standard of proof somewhere between two extremes, as they are awarded in civil cases but are treated like criminal punishments, generally, a plaintiff is required to prove his claim by a preponderance of evidence, which is that the defendant must be guilty to win the case. In contrast, prosecutors must prove their case against criminal defendants "beyond a reasonable doubt". This higher standard of proof prevents defendants from being wrongfully convicted.

### **In what types of cases could punitive damages be awarded?**

To illustrate, consider the following examples of irresponsible or reprehensible behavior that may lead to punitive damages being awarded:

#### **Car accidents**

Typical car accident cases involve hit-and-run accidents, texting and driving, drivers who attempt to run other motorists off the road, and drivers who operate their vehicles for a long distance despite obvious mechanical problems.

#### **Intentional acts of violence**

Assault and battery cases involve intentional acts of violence.

#### **Dog attack**

Attacks on dogs are caused by owners who purposefully provoke them.

#### **Unsafe products**

Manufacturers and distributors who know their products are unsafe are involved in product liability cases.

#### **Medical malpractice**

Cases of medical malpractice involving gross negligence or intentional harm.

### **Do Georgia's punitive damages have a cap?**

To prevent juries from awarding excessive punitive damages, the statutory cap is set at \$250,000. However, there are some notable exceptions to this general rule. They are as follows:

- Products Liability;
- Intentional Harm;
- Intoxication

These rules state that the threshold does not apply in cases involving product liability. However, if punitive damages are awarded, plaintiffs only receive 25% of the total amount and the rest goes to the state treasury. It also does not apply in cases where the defendant acted “with the specific intent to cause harm” And finally in cases where the defendant acted under the influence of an intoxicating substance.

### **Punitive damages differ from restitution in what ways?**

If you think of punitive damages as the inverse of restitution, you can better understand their difference. As a result, punitive damages are awarded to defendants in civil cases, while restitution is awarded to victims in criminal cases as compensation. The court can, for example, order a criminal defendant to pay restitution to the crime victims if they make money or gain valuable assets through their crime.

### **Talk to an ATLINJ Georgia Lawyer**

Punitive damages can significantly increase the amount of your personal injury claim. Although this form of damages is rarely awarded, it may be available in cases involving egregious misconduct by the defendant. ATLINJ Georgia's legal team is ready to thoroughly investigate your case and aggressively seek the full and fair compensation you deserve, as well as punitive damages whenever possible. Contact us today for a free, no-obligation consultation with an experienced Georgia personal injury attorney.

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