

District of Columbia Court of Appeals Issues Decision On Punitive Damages Standards Under D.C. Law

On November 14, the District of Columbia Court of Appeals issued a decision bearing on the standards governing an award of punitive damages under D.C. law. The case was District of Columbia v. Jackson. The plaintiffs had filed suit against the District of Columbia arising from the shooting death by police officers of an individual who had been holding his mother hostage at knifepoint. At trial, plaintiffs had obtained a jury verdict and an award of over \$2 million in compensatory damages and nearly \$4 million in punitive damages. The jury determined that the officers had used excessive force in the incident. After trial, the Superior Court trial judge had remitted the compensatory damages award to \$180,000 and left the punitive damages award intact.

On appeal, the D.C. Court of Appeals affirmed the remittitur but reversed the award of punitive damages. On the punitive damages issue, Judge Michael W. Farrell, writing for the Court of Appeals, reiterated the standards in the District for recovery of punitive damages. Citing prior case law, Judge Farrell outlined that any award of punitive damages is only permitted if the plaintiff has shown by clear and convincing evidence two things: (1) that the defendant acted with evil motive, actual malice, deliberate violence or oppression, or with intent to injure, or in willful disregard for the rights of the plaintiff; and (2) that the defendant's conduct itself was outrageous, grossly fraudulent, or reckless toward the safety of the plaintiff.

Applied to the situation before the Court of Appeals, the punitive damages award had been based on a shooting in a situation that unfolded in a mere 8 seconds. The police officers involved had no prior contact with or knowledge of the man that they shot. The Court of Appeals found that such a situation, as a matter of law, did not permit a finding of the first element by clear and convincing evidence.

In a decision that will be cited by many other defendants, the Court of Appeals essentially found that the defendants did not have enough time to form the required level of intent. This appears to be the first time that the District's highest court has made a determination in the context of a civil claim for punitive damages that actual malice or similar state of mind could not have been formed due to the short time period at issue. Of course, the time period here was a mere 8 seconds – and future cases will no doubt test the upper limit of time required to form the requisite intent.

The Court of Appeals' holding was that, as a matter of law, the plaintiffs were not entitled to pursue a claim for punitive damages. This means that the issue never should have been presented to the jury, in the first instance. Consistent with prior decisions, however, the Court of Appeals did not note any impropriety (such as influence, one way or another, upon the jury) by virtue of the fact that the punitive damages issue was the subject of a claim at trial and was improperly submitted to the jury. Plaintiffs ended up with a recovery of \$180,000 compensatory damages.