



Learning Topic

Tort Damages

The overarching purpose of tort law is to provide remedies, usually in the form of damages (monetary awards), to persons injured by the civil wrongs of others. Damages awarded for tort violations include compensatory and punitive damages.

The aim of **compensatory damages** is to place the injured party in the same position that party would have been in had the tort never been committed, that is, to make the injured party whole. Compensatory damages are sometimes categorized into two types: special and general compensatory damages. **Special damages** are quantifiable monetary losses incurred by the injured party, such as the cost of replacing or repairing damaged property, medical costs, past lost wages and benefits, future lost wages and benefits, and other quantifiable costs resulting from the tort. **General damages**, on the other hand, are not easily quantifiable and include pain and suffering, loss of consortium, loss of reputation, and loss of mental or physical capacity resulting from a tort.

In some egregious cases, courts also award **punitive damages**. Punitive damages are intended to punish a tortfeasor (person who commits a tort) for engaging in particularly wanton or reckless conduct that reflects a disregard for the interests of others. Punitive damages are often limited by courts to approximately three times the amount of compensatory damages, in order to satisfy the due process requirements of the Constitution (exceeding these approximate amounts may be deemed an unconstitutional deprivation of another person's property). Thus, punitive damages are reserved for the most egregious of tort cases, and appeals often follow when a trial court awards them. They are generally only available for intentional torts, although they are sometimes available for cases of gross negligence.

Resources

- Tort Damages (/content/umuc/tgs/mba/mba630/2212/learning-resourcelist1/tort-damages.html?ou=544792)

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