

Georgia Punitive Damages Cap Upheld

This week, the Georgia Supreme Court [upheld](#) Georgia's [statutory cap on punitive damages](#), which generally limits such damages to \$250,000.

This case arose following the sexual assault of a minor at a behavioral health treatment facility by an employee of the facility. The trial court found both the facility and employee at fault. The jury initially returned a verdict of \$10 million in compensatory damages and \$50 million in punitive damages against the facility; however, the trial court ultimately reduced the punitive damages to \$250,000 to be consistent with the cap in O.C.G.A. § 51-12-5.1 (g). The plaintiff appealed this reduction in damages and claimed the cap violates the Georgia Constitution's right to a trial by jury, separation of powers, and equal protection clause.

Before addressing each of the plaintiff's constitutional challenges to the punitive damages cap, the Court noted that a party challenging the constitutionality of a statute has the burden of showing that it "manifestly infringes upon a constitutional provision or violates the rights of the people."

The Court found that the plaintiff's constitutional challenges did **not** meet this burden because:

- **The Cap Did Not Violate the Plaintiff's Right to a Trial by Jury –**
The Court found that the statutory cap did not violate the plaintiff's right to a trial by jury because the plaintiff did not show that a Georgia jury in 1798 was authorized to award punitive damages for the kind of claim she brought in this case ("an entire want of care"). The 1798 date is significant because existing Georgia precedent indicates that for a right to jury trial claim to survive, it must be one that could have been brought at the time of adoption of the Georgia Constitution in 1798.¹

¹ In its opinion, the Court notes that it unclear why these cases pointed to the Georgia Constitution of 1798 as the touchstone of our Constitution's jury-trial right, rather than looking to Georgia's earlier Constitutions from 1777 or 1789, which contained similar provisions protecting the right to a jury trial.

- **The Cap Did Not Violate Georgia's Separation of Powers** – The Court found that the statutory cap did not constitute an impermissible legislative remittitur (or reduction of excessive damages) that unconstitutionally seized power from the judicial branch because a statutory cap applies to all damage awards that fall under the statute's scope and does not require a judge to weigh the evidence or other circumstances of the case.
- **The Cap Did Not Violate the Equal Protection Clause in Georgia's Constitution** – The Court concluded that a rational basis existed for the statutory cap on punitive damages because the General Assembly could have believed that the flat-sum cap was an appropriate way to punish and deter while limiting economic uncertainty. Additionally, the plaintiff did not show why the \$250,000 cap treats similarly situated plaintiffs differently, which was necessary to establish an equal protection argument.