



# Determining Damages: The Psychology of Jury Awards (Law and Public Policy)

*Edie Greene, Brian Bornstein*

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Determining Damages examines whether jurors are able to assess damages in a fair and predictable manner. Jury decisions about damages have been deemed biased, capricious, unreliable, hostile to corporate defendants, excessively generous, and out of control. In this book, the authors provide an empirical analysis of the ways that jurors and juries determine damage awards. A theme that pervades the book is that in many respects, jurors charged with the complex task of compensating the injured and punishing the wrongdoers do a commendable job of it. When jury decisions diverge from what we expect, the difficulty of the decision-making context may be at least as much to blame as any moral or intellectual failings on the individual jurors. The authors discuss the factors that influence damage assessment, such as the identity of the plaintiff, defendant and jurors themselves; the severity and nature of the injury; and the conduct of the litigants. They also examine the different reasoning processes that jurors use to determine what they believe are just awards. The book culminates with a discussion that considers whether or not the American jury system should be reformed.

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