

Adjustments to Compensatory Damages

Tabb and Shoben, Chapter 12

- 1) Reduction to present value (and inflation)
 - a) What is the purpose? See Budge, page 608; AMI 2220.
 - b) How do the mathematics work? Examples.
 - c) What is the impact of inflation?
 - d) What are the alternative approaches to the relationship? See Pfeifer, page 611; and notes following:
 - 1)
 - 2)
 - 3)
 - 4)
 - e) Project
- 2) What is the impact of income taxes?
#6, page 617
- 3) Structured settlements
#10, page 618; #2, page 551
- 4) Interest
 - a) Post Judgment interest; see ACA 16-65-114.
 - b) Pre-judgment interest:
What is the rationale? See pages 631-633.
What is the traditional test?
What is the rate? How is it calculated? See pages 632, 638.
When does it begin?
 - c) What are reasons to deny prejudgment interest?
See pages 638-641, 644-646.
 - d) Complete worksheet #25
- 5) Court costs; see ARCP 54(d).
 - a) When are costs awarded?
 - b) What costs are included? Filing fees, service fees, depositions costs, exhibits, experts?
- 6) Attorney fees - tomorrow's class