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Series: Kavanaugh, Brett – Subject Files

Folder Title: [Federal Courts to Exclude
Punitive Damages]

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| DOCUMENT NO. | FORM | SUBJECT/TITLE | PAGES | DATE | RESTRICTION(S) |
|--------------|----------|---|-------|------------|----------------|
| 001 | Letter | Letter - To: Alberto Gonzales - From: Marshall Mays | 1 | 02/15/2003 | P6/b6; |
| 002 | Envelope | [Envelope] - To: Alberto Gonzales - From: Marshall Mays | 1 | 02/18/2003 | P6/b6; |

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Federal Courts to Exclude Punitive Damages]

FRC ID:

9795

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

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**THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

DATE RECEIVED: 5/16/2003

NAME OF CORRESPONDENT: Marshall Mays

SUBJECT: Would like federal courts to exclude pun. Damages

| ROUTE TO: OFFICE/AGENCY | (STAFF NAME) | ACTION | | DISPOSITION | | |
|----------------------------|--------------|----------------|----------------|--------------|--------|---------------------|
| | | ACTION CODE | DATE M/D/YR | TYPE RESP | C D | COMPLETED M/D/YR |

| | | | | | |
|---------------|----------|------------------|----------|--|--|
| <u>CUGONZ</u> | <u>A</u> | <u>2/15/2003</u> | <u>C</u> | | |
|---------------|----------|------------------|----------|--|--|

ACTION COMMENTS: _____

Jen Brett _____ / /

ACTION COMMENTS: _____

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ACTION COMMENTS: _____

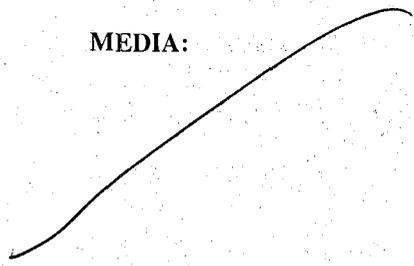
_____ / / _____ / /

ACTION COMMENTS: _____

COMMENTS: _____

ADDITIONAL CORRESPONDENTS:

MEDIA:



MARSHALL T. MAYS

(b)(6)

(803) 790-7477

February 15, 2003

Alberto Gonzales, Esquire
The White House
Washington, D.C.

Dear Mr. Gonzales:

I was pleased to read about you in the Harvard Law Bulletin, and I congratulate you on the President's speech on medical malpractice litigation. At an appropriate time I hope that he will address the broader subject of tort reform, specifically "Punitive Damages".

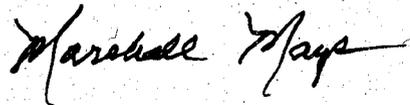
When I was studying torts in 1947 at the University of South Carolina I thought that the Punitive Damages made perfect sense as a substitute for criminal prosecution. After 17 years of general civil practice in South Carolina, I concluded that the threat of punitive damages so distorted settlement negotiations that financial injustice was inevitable. The injustice falls on certain classes of insured persons who must pay higher insurance premiums. The plaintiffs in personal injury litigation also suffer because of exorbitant legal fees charged by both plaintiffs and defendants attorneys.

I would like to see the federal courts exclude punitive damages where ever possible and empower a judge and/or jury to recommend that gross negligence cases be referred to a criminal grand jury. In the absense of criminal prosecution the punitive damages should be payable to the government not to plaintiff or the plaintiff's attorney.

I recognize that the primary responsibility to correct this abuse lies with the states, but uniformity would be desirable.

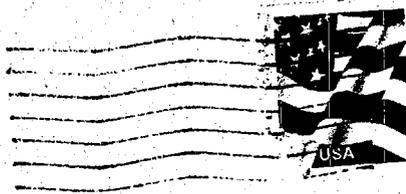
I had a trip through the Copper Canyon on the American Orient Express in January and my appreciation of the country increased. I am a strong supporter of NAFTA.

Sincerely yours,



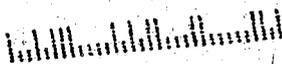
*Copies to
Sen. Graham
Rep. Wilson
USC of C*

Mr. Marshall Mays
(b)(6)



QC #015

Alberto Gonzales, Esq.
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1600 Pennsylvania Ave
Washington, D.C. 20500



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