

## IOWA

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**1. In your state, what are the categories of damages that are available in tort?**

Both compensatory and punitive damages are available in tort. Compensatory damages are available and are limited to the actual loss suffered by the plaintiff. Recovery for compensatory damages is limited to things such as medical expenses, lost income, loss of consortium, and pain and suffering. Punitive damages are available only upon a showing that “by a preponderance of clear, convincing, and satisfactory evidence”, Defendant's conduct constituted "willful and wanton disregard" for the rights and safety of the plaintiff. Iowa Code § 668A.1(1).

**2. Are there any limitations or caps on recovery in tort actions?**

No. Iowa does not cap either economic or non-economic damages.

**3. Are attorneys’ fees available in tort actions? If so, under what circumstances?**

In short, Iowa follows the American rule, where the losing party does not pay the other party’s attorney’s fees. Attorney fees are typically available only by statute or contract. *Thornton v. Am. Interstate Ins. Co.*, 897 N.W.2d 445,474 (Iowa 2017). One rare exception to the American rule is when a defendant acts “in bad faith, vexatiously, wantonly, or for oppressive reasons.” *Miller v. Rohling*, 720 N.W. 562, 573 (Iowa 2006).

**4. Are there any instances in tort actions when pre-judgment interest is available for recovery?**

Under Iowa Code Ann. § 668.13 (West 1987), a successful claimant may recover pre-judgment interest from the date the action was filed. *Hook v. Trevino*, 839 N.W.2d 434, 450 (Iowa 2013). However, interest in relation to future damages does not start to accrue until judgment is entered. *Id.*

**5. In your state what proof is necessary to establish a right of recovery for economic damages, i.e. lost wages, medical expenses, etc.?**

Economic damages are those awarded with actual, established monetary expenses resulting from an injury. Typically, the award is based on the actual expenses incurred by the plaintiff. Common expenses needed to establish economic damages include medical bills, medications, lost wages, and property damage.

In short, to determine what damages occurred, you generally must establish the situation before the injuring event. For example, with lost wages (Gross pay), you should determine the individual's economic situation prior to the injury. You then determine where that individual would be financially had the injury not taken place. Your end point should look to show the difference in amount that the person would have earned to the amount they will now earn due to the injury.

Experts may be utilized to help produce economic damage calculations in complex matters.

**6. Is there any distinction in your state relative to recovery for economic versus non-economic damages?**

Yes. Economic damages are generally viewed as the amount of money spent as a result of the incident, such as medical expenses. Non-economic damages are awarded for things like pain and suffering, which typically do not have an exact dollar amount for damages.