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

Compensatory and punitive damages are available. Special Damages (wage loss, future earnings, past medical expenses, future medical expenses, property damage, etc.); general damages for pain, suffering inconvenience, physical impairments, disfigurement, loss of enjoyment of life, loss of consortium and other non-pecuniary damages. AS 09.17.010(a)

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

Non-economic damages are limited to the greater of $400,000 or $8,000 multiplied by the plaintiff’s life expectancy. In cases of severe disfigurement or permanent physical impairment, the non-economic damage limit is $1,000,000 or $25,000 multiplied by the plaintiff’s life expectancy. Alaska Statutes (“AS”) 09.17.010.

Non-economic damages in medical malpractice actions may not exceed $250,000. AS 09.55.549.

Punitive damages are capped at the greater of three times the amount of compensatory damages or $500,000. AS 09.17.020(f).

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

Yes. Partial reimbursement of attorneys’ may be awarded to the prevailing party. See AS 09.60.010; Alaska R. Civ. P. 82; See Cooper v. Carlson, 511 P.2d 1305, 1308 (Alaska 1973).
Alaska R. Civ. P. 82 sets a reimbursement schedule for the prevailing party in cases where money is recovered.

<table>
<thead>
<tr>
<th></th>
<th>Judgement &amp; if Awarded Prejudgment Interest</th>
<th>Contested w/Trial</th>
<th>Contested w/out Trial</th>
<th>Non-Contested</th>
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<td>20%</td>
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<tr>
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<td>10%</td>
<td>2%</td>
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In cases in which the prevailing party does not recover a money judgment, the presumption is that the prevailing party is entitled to 30% of the prevailing party’s attorney fees if a case goes to trial, and 20% of attorney fees in other cases. Alaska R. Civ. P. 82(b)(2).

An offer of judgment may trigger an enhanced attorney fee award of 30% to 75% of the prevailing party’s actual attorney fees. Alaska R. Civ. P. 68.

In wrongful death cases, the personal representative is a nominal party only, and not liable for fees. Beneficiaries are not parties to the litigation and may not be liable. Zaverl v. Hanley, 64 P.3d 809 (Alaska 2003); In re Soldotna Aircrash Litigation, 835 P.2d 1215 (Alaska 1992).

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

Yes. The rate of prejudgment interest is “three percentage points above the Twelfth Federal Reserve District discount rate in effect on January 2 of the year in which the judgment or decree is entered.” AS 09.30.070.


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

Past and future economic and non-economic losses must be itemized. AS 09.17.040(a).

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

There is no recovery for emotional distress in negligence or negligent infliction of emotional distress without physical injury. Hancock v. Northcutt, 808 P.2d 251 (Alaska 2002).