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**February 16, 2008**

## I was in second grade during the Exxon Valdez oil spill

Almost two-thirds of my life has passed since the event in question, but one case involving the spill is just now coming up to the Supreme Court. [Exxon v. Baker](#) looks like a narrow maritime law and Clean Water Act case, but it lends itself to a larger holding regarding punitive damages generally, should certain members of the court so choose. Barring that kind of judicial entrepreneurialism, the biggest impact could be clearing up whether punitives are available under the CWA. I'd imagine any situation when punitives are a possibility, the CWA violator probably committed some torts as well. Here, Exxon has already spent piles and piles of money on mitigation and settlements.

If you zoned out on the second half of that last paragraph, you've just discovered *de novo* review of issues of law. Translated, it means that no matter how hot the subject matter is, the case always comes down to some mind-numbingly boring issue.

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Posted by [rj3](#) at February 16, 2008 11:55 AM

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Posted by: [vfmaqs\\_gxniebq](#) at February 25, 2008 2:47 PM

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