

Damages for Pain and Suffering

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Summary

- Economic Analysis
 1. Pecuniary Harm and Pain and Suffering: Why They Differ From One Another
 2. Compensation for Pain and Suffering and Optimal Insurance
 3. The Discrepancy Between the Amount That the Tortfeasor Should Pay and How Much the Victim Should Receive
- The Reasons Behind the Decisions of the Spanish Supreme Court
 1. *Las penas con pan...*
 2. Sex and Pain and Suffering
 3. Damages for Pain and Suffering and Sanctions
 4. The Confusion Between Pecuniary and Pain and Suffering Damages
- Table of Spanish Supreme Court Decisions

- ***Economic Analysis***

1. Pecuniary Harm and Pain and Suffering: Why They Differ From One Another

In economic terms, to harm someone is to diminish the utility level of the harmed individual. In the Law, pecuniary harms and pain and suffering are considered separately and this basic duality has important legal consequences. Economic analysis of Law integrates both the economic and the legal perspective elaborating a productive and elegant theory of damages for pain and suffering.

In light of the economic theory of accidents, pecuniary damages differ from damages for pain and suffering in their very distinct abilities to restore lost utility with money:

- a) Pecuniary harm leads to a decrease in utility that can be compensated with money or with goods that can be exchanged for money.
- b) In contrast, nonpecuniary harms or pain and suffering result in a reduction of the utility level that neither money nor goods that can be exchanged for money can compensate: All the gold in the world cannot make up for the suffering experienced by a biker who is tetraplegic as a consequence of an accident.

This difference can be shown more intuitively with the help of the utility of wealth function represented by the simple graphs that follow.

The consequences of a pecuniary harm are represented in Figure 1, which shows a movement to the left along the curve: A harmed individual suffers pecuniary harm of value **D**. An amount of money equal to **D** can restore the lost utility and move her back from **B** to **A**.

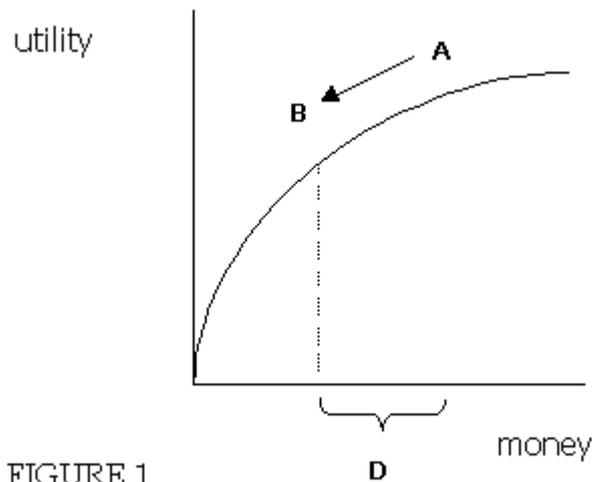


FIGURE 1

The effects of pain and suffering are represented in Figure 2, which shows a jump from one curve to a different one below it. Observe that this displacement does not alter the amount of money available to the harmed individual. However, the same amount of money brings less utility because it is valued less: Our previous example can also illustrate the concept of pain and suffering damages, namely that the physically disabled biker cannot derive the same amount of utility from the same amount of money.

Figure 1 shows the difference between the utility in **A** and **B** as one of money. In contrast, the difference between **A** and **B** in Figure 2 is purely related to utility.

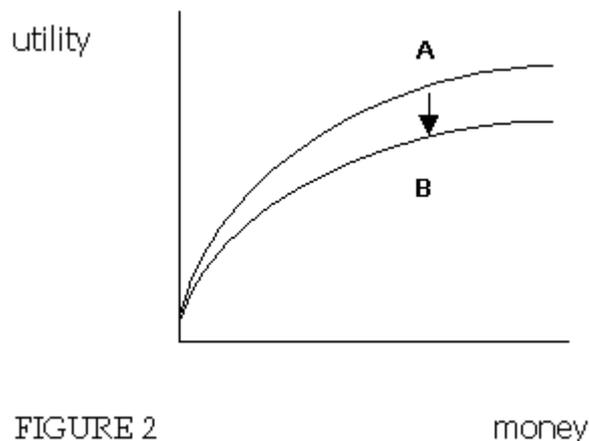


FIGURE 2

It is often the case that both types of harm occur as a consequence of the same event, so that the victim's utility function moves simultaneously down and to the left.

Returning to our previous example, we are certain that the biker's serious injuries also generate pecuniary harms- medical bills, drugs, rehabilitation, lost income, prosthesis, constant medical attention and medical equipment, domestic help, apartment renovations to meet new needs, etc.

Nevertheless, from the victim's point of view, things will never return to how they were before the accident: Although all costs and pecuniary negative effects may be compensated with money, the victim cannot return to his/her situation prior to the terrible accident. Along these lines, nobody would claim that it is indifferent for him/her to have an accident and to be compensated for it, or not being involved in the accident in the first place. Compensation for the pecuniary harm is not enough to restore the victim to his/her previous level of utility.

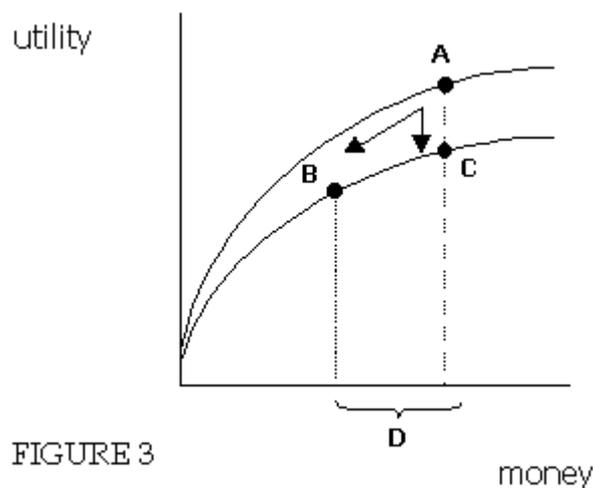


FIGURE 3

The preceding statement is represented in Figure 3. A monetary compensation of **D** leaves the victim with exactly the same amount of money as before the accident. However, the same amount of money does not maintain the same level of utility. The utility curve has shifted and remains below the original one: The victim is left with a lower total utility from his/her money compared to the utility level he/she enjoyed before the accident.

Therefore, the core question in the Law of Torts on the subject of pain and suffering, is whether the damage award should try to compensate the loss of utility suffered by a victim of such a harm.

2. Compensation for Pain and Suffering and Optimal Insurance

The economic analysis of Law offers clear answers to the previous question from a double perspective. It takes into account both the potential tortfeasor's incentive to

avoid or reduce the likelihood of his/her harmful conduct (deterrence), and insurance coverage against risk for those with risk-aversion.

Economic theory generally assumes that individuals, in principle, show an aversion to risk. Therefore, their utility of wealth curve is concave, as represented in Figures 1, 2 and 3.

The socially optimal content of the legal rule on compensation for pain and suffering according to the theory is surprising, at least to lawyers used to the actual rules of most legal systems.

Deterrence would require the tortfeasor to provide compensation for both pecuniary and pain and suffering each time an accident results in harm, that is, that a decrease of an individual's utility is caused, and thus, a net loss in social welfare. The damage award should equal expected social loss so that the message –the signals- that the legal system sends to potential tortfeasors, gives everyone of them the incentive to adopt the efficient level of precautions. In conclusion, the tortfeasor should pay for the pain and suffering caused.

Nevertheless, optimal insurance requires zero compensation for pain and suffering, albeit complete and full compensation against pecuniary harms. Why? The reason lies in the fact that compensation for pain and suffering amounts to insurance against that type of harm, a kind of insurance the price of which a potential victim, acting rationally, would prefer not to pay. Before the accident, a potential victim would not insure against pain and suffering, given that insurance in this case would imply transferring money from a state of the world - the pre-accident state- in which money is valued more, to another state of the world –the post-accident state- in which each unit of money produces less utility to the individual. This decrease in the marginal utility of money is either the result of the negative impact of the accident itself on the utility function, or simply of the concavity of this function (given that compensation for pecuniary harms has already restored the victim to her preaccident endowment of wealth).

One could find natural or even desirable that a gap exists within the legal system between contract and private insurance rules on one side, and liability rules on the other. Nevertheless, from a social welfare perspective, the difference between both sets of rules, when considered as mechanisms for risk allocation, is instrumental and not conceptual: Both sets of rules lead to insurance coverage for victims of harm. Consequently, the legal system should not provide coverage that a rational potential victim would rather not receive.¹

This theory helps explain why people do not buy insurance to face the pain caused by the death of their children or grandparents. In a somewhat perverse way, it also helps to explain why young men and women do not save enough in preparation for old age, a period of one's life that tends to be less pleasant than youth or middle age. Although this behavior could be just one more manifestation of the fact that two selves with opposing preferences coexist within us over time (or may even be simultaneously): Richard POSNER, "Are We One Self or Multiple Selves? Implications for Law and Public Policy", 3 *Legal Theory* 23.

¹ The interested reader will find a more complete justification of the previous propositions in the reference work on the economic theory of accidents: Steven SHAVELL, *Economic Analysis of Accident Law* (1987), pg.245-252.

After a harmful event, the marginal utility of money either increases, stays the same, or decreases. This raises an empirical question that does not have a general or uniform answer. Nevertheless, it is sensible to assume that the accidents most likely to cause pain and suffering –those that result in severe and irreversible corporal injuries, or affect the life or physical condition of loved ones, etc-, either do not alter the marginal utility of income (such as the death of a relative), or else the marginal utility is reduced (as with serious corporal injuries). In the latter, there is frequently a drastic reduction in the activities available to the injured person, and so a consequent reduction in the utility of additional units of income. The scarce empirical evidence available reflects this negative relationship between an accident and the marginal utility of money: W. Kip VISCUSI, William EVANS, “Utility Functions That Depend on Health Status: Estimates and Economic Implications”, 80 Am. Ec. Rev. 353.

Some economic analysts of Law dispute the best use of an *ex ante* insurance as a governing criterion of what the victim of nonpecuniary damages should receive. This would, they argue, illegitimately impose the preferences of the healthy self on the possibly very different interests of the seriously injured self after an accident: Richard POSNER, cit. 31-32; Steven CROLEY, Jon HANSON, “The Nonpecuniary Costs of Accidents: Pain and suffering Damages in Tort Law”, 108 Harv. L. Rev. 1822-1826.

3. *The Discrepancy Between the Amount That the Tortfeasor Should Pay and How Much the Victim Should Receive*

In the previous section, I wrote that the potential tortfeasor should pay for *all* harm caused, both pecuniary *and* pain and suffering, but that the victim should only be awarded pecuniary damages. Deterrence requires the tortfeasor to pay for all harm. Optimal insurance gives the victim only part of that amount. Some theoretical economists offer an alternative solution for compensating pain and suffering damages, which tries to cover the gap between optimal deterrence and optimal insurance. However, it is as simple in theory as it is difficult in practice:

- a) The alternative solution for compensating accidents involving pecuniary harm and pain and suffering is to divide the amount that the defendant (tortfeasor) should pay. The amount corresponding to the pecuniary harm would be given to the victim as compensation. The remaining amount, which corresponds to pain and suffering, would be paid to the State as a fine. The funds accumulated from the fines for pain and suffering could serve to reduce taxes, increase social expenditures, or do both at the same time, depending on the collective preferences at any given moment. This solution would hypothetically increase the general well-being to a greater extent than solely focusing on the compensation of victims.
- b) Nevertheless, this proposed solution could be criticized: To assume that the fine would increase the general well-being more than compensation to victims may be a Nirvana-type (DEMSETZ) fallacy. In other words, it assumes that the money generated by the fines would be better spent by governmental agencies than by the victims and their families. This raises an empirical issue, and perhaps an ideological prejudice, of the superiority of a legal and centralized solution compared with one equally legal but decentralized.

As an alternative to the previous solution of a fine payable to the State, Bob COOTER proposes the admission of a market of eventual or potential damage claims for pain and suffering –in other words, those claims that have not matured because the accident has not yet happened-. In this market, the potential victims could sell their potential claims to a third party. They would receive a compensation *ex ante* –before the possible accident- and at a time when they can gain more utility from each monetary unit received. This solves the problem of excessive insurance because the victims *ex post* would not receive anything based on pain and suffering. The third party (buyer of the unmatured claim) could in turn obtain pain and suffering damages from the tortfeasor, which preserves the system’s deterrent effect: Robert COOTER, “Toward a Market in Unmatured Tort Claims”, 75 Va. L. Rev. 383.

As a variation of this proposal, potential victims could transfer their future claims for pain and suffering damages to their first-party insurers in exchange for a reduced premium.

- ***The Reasons Behind the Decisions of the Spanish Supreme Court***

- 1. ***Las penas con pan...***

The different Chambers of the Spanish Supreme Court approach the problem of compensating pain and suffering apparently without any theoretical criterion. They resolve the cases involving this type of harm inspired by the following maxim: “*Las penas con pan son menos*”. Along these lines, compensation for pain and suffering would aim to alleviate the hardships in the victim’s personal life (physical pain and psychological suffering), and of his/her capacity to effectively relate and communicate (personally, emotionally, etc) to others. The Court thus focuses on the loss or deterioration of goods that affect the victim’s utility function, but do not negatively affect his/her income-generating activities.

Damages for pain and suffering awarded by the Spanish Supreme Court try to compensate different types of injured goods or interests such as:

- Health:
 - SC, 1st, 29.12.1998 [a young girl suffered grave burns when balloons caught on fire at a school party];
 - SC, 3rd, 20.10.1998 [victim was injured on a sidewalk by municipal employees working on a street in Eljas (Cáceres)] ;
 - SC, 1st, 11.12.1997 [welder fell while working because a support rafter was loose, resulted in injuries that left the victim in a state of total and permanent incapacitation];
 - SC, 3rd, 20.1.1998 [loss of an eye caused by the impact of a rubber ball shot by police during an unauthorized demonstration];
 - SC, 3rd, 21.4.1998 [farmer suffered a serious injury after falling through a glass door at the *Jefatura Provincial de Tráfico de Madrid* (traffic headquarters)].

- The life of a son who does not financially contribute to the upkeep of the family because he is:
 - a) A minor:
 - SC, 1st, 5.10.1995;
 - SC, 1st, 14.12.1996.
 - b) A draft soldier:
 - SC, 3rd, 20.5.1996;
 - SC, 3rd, 19.9.1996;
 - SC, 3rd, 16.4.1997;
 - SC, 3rd, 17.4.1998.
 - c) An intern in a penitentiary establishment:
 - SC, 3rd, 27.11.1993;
 - SC, 3rd, 19.11.1994;
 - SC, 2nd, 19.3.1997;
 - SC, 3rd, 26.4.1997.
 - d) A transvestite, completely distant from his parents:
 - SC, 2nd, 23.11.1996.
- Liberty:
 - SC, 3rd, 10.6.1997 [military officer arrested on insufficient grounds by his superiors];
 - SC, 3rd, 13.3.1999 [naval officer arrested and transferred by his superiors on false grounds];
 - SC, 3rd, 29.3.1999 [banker incarcerated during 15 years for fraudulent bankruptcy; later acquitted];
 - SC, 3rd, 3.5.1999 [British citizen, resident of Benidorm, imprisoned during 11 months for narcotics traffic and never even accused by the Attorney's Office].
- Peace of mind –psychological equilibrium-:
 - SC, 1st, 10.4.1999 [An airline employee became depressed after suffering sexual discrimination – she was paid 10.000 pesetas (in 1989) less per month than a male employee with the same duties].
- Sexual reputation:
 - SC, 1st, 9.2.1998 [description of a woman as easy and looking for men].
- Sentimental attachment to private property:
 - SC, 1st, 31.5.1983;

- SC, 1st, 25.6.1984;
- SC, 1st, 16.12.1986;
- SC, 1st, 19.10.1996.

The Supreme Court does not lack reasons for its decisions: Compensation for pain and suffering can help to alleviate physical and psychological suffering, and to cope with a devastated personal and social life. The money awarded can pay for psychological treatment and the most effective drugs that restore the well-being -or at least alleviate the discomfort- of a very depressed person. However, these cases compensate pecuniary rather than pain and suffering damages –psychological and medical treatment require money-.

Therefore, the problems associated with including pain and suffering within pecuniary damages remain. And not only because of the limited effectiveness of many psychological and chemical treatments for depression: Even if the therapy was able to completely restore the victim's psychological well-being to his/her state prior to the accident, it is clear that the victim would not be indifferent towards suffering harm and later receiving therapy, versus not suffering any harm in the first place. The very notion of pain and suffering refers to precisely this difference between an individual's utility before and after an accident.

Both the Supreme Court and society as a whole agree that the victim's level of utility increases with the payment of compensation. This assertion is obvious: If the victim's state of well-being did not improve after receiving the compensation *ex post*, then he/she simply would not have asked for or accepted it (which assumes that the utility function of his/her income diminishes or remains the same after the accident).

But this fact does not imply that potential victims of pain and suffering damages would prefer to insure themselves *ex ante* against the possibility of a harmful event. The compensation *ex post* increases the victim's utility, but also requires extra insurance that a rational person would not have contracted before suffering the accident.

2. Sex and Pain and Suffering

When faced with cases dealing with sexual harassment -affecting one's reputation, self-esteem, or sexual liberty- the Spanish Supreme Court is very likely to award damages. They systematically concede compensations without requiring any proof of the reality or extent of damages in question: They indemnify the offense for its enormity, but do not empirically consider the magnitude of the harm.

The SC, 2nd, 16.5.1998, in a case involving the rape of a young girl, said, "*the pain and suffering damage award ... can only be established by means of a universal judgment, based on society's desire to repair the harm suffered by the victim. It should take into account the circumstances and gravity of the event, without requiring that the pain and suffering, which are a direct consequence of the criminal act, be shown by certain pathological or psychological alterations*"

Other decisions along the same line include:

- SC, 2nd, 31.1.1997 [teacher defiled and violated minors between the ages of 4 and 9];
- SC, 2nd, 24.3.1997 [sexual abuse of an 8-year-old minor];
- SC, 2nd, 7.4.1997 [wife coerced to prostitute herself];
- SC, 2nd, 16.2.1998 [use of minors in prostitution and pornographic material];
- SC, 1st, 9.2.1998 [publication of statements that the SC found to be "a sexual exacerbation of the defendant"];
- SC, 1st, 31.12.1996 [comments concerning the victim's sex life and physical traits].

Several possible reasons exist for why compensations tend to be granted for pain and suffering in these cases without requiring an accreditation of psychological impact. But among them there is not any piece of evidence concerning the fact that pain and suffering damages may be statistically more likely under these circumstances as compared with others (serious physical injuries, psychological suffering caused by the death of a relative, etc.).

In some cases it could be interpreted, according to BECKER and POSNER, that the alleged pain and suffering conceal other damages (of a quasi-pecuniary nature): The worsening of the victim's situation in an implicit market, such as marriage.

The case that most clearly fits this interpretation is the SC, 2nd, 24.9.1979, which required compensation of damages for "seduction". The victim claimed that her shyness and sense of decency was violated by an "inappropriate sexual contact" that caused the loss of her "sign of virginity" – "the material sign of her feminine honor".

This hypothesis seems equally relevant in those cases involving harm to the victim's "sexual reputation". These cases include, for example, publication of the details of someone's sex life or implying an involvement in prostitution. The solidity of the hypothesis is strengthened by the fact that the amounts conceded are higher in these cases than in those involving more serious harm to sexual self-determination.

Despite the fact that one has been frequently accused of being beckerian or posnerian, I think a better explanation exists for the current jurisprudence on sex and pain and suffering: One that awards a compensation for pain and suffering as a sanction in cases with a relatively low level of pecuniary harm.

The gravity of the event and society's repulsion towards it (SC, 2nd, 24.3.1997) appear as the predominant factors in setting compensation for pain and suffering. The negative psychological effects on the victim are not excluded as a supplemental criterion for calculating compensation [for example, the SC, 2nd, 24.3.1997 conceded 350.000 pesetas; in a case with substantially similar facts, and evidence of severe psychological and scholarly effect, the SC, 2nd, 22.4.1998 elevated the compensation to two million pesetas].

On the other hand, in sexual aggression cases, it is not difficult to imagine that the victim's marginal utility of income may increase *ex post*, or after the aggression. For example, a substitution effect may take place from activities without economic costs besides opportunity costs (the company of a person of the opposite sex), to others with monetary cost (a trip that requires spending money).

3. Damages for Pain and Suffering and Sanctions

Nevertheless, sexual assault or harassment cases are not the only ones for which pain and suffering damages are used as punishment.

In some cases, there appears to be a poorly disguised repulsion towards requiring a compensation that is limited to a nominal amount close to zero. The nominal compensation is a consequence of the lack of pecuniary harm or precise negative repercussions (psychological or affected) that can be proven in court:

a) In cases concerning the victim's death, whether the deceased had not recently lived with his/her relatives, or even if all contact had effectively been broken between them:

- SC, 3rd, 26.4.1997;
- SC, 2nd, 23.11.1996.

Both cases awarded compensation amounting to 10 million pesetas.

b) In cases of alleged defamation, even though it did not greatly affect the capacity of the victim to obtain future income –for ex., the victim was a government employee- compensation goes up as a consequence of what the court deems the victim deserves:

- SC, 1st, 12.6.1998 [employee of *Gestión de Hacienda* (Treasury) said to have gotten her job through the help of a powerful politician, Mr. Alfonso Guerra González, the vice president of the Spanish government at that time: 6 million pesetas as compensation];
- SC, 1st, 22.10.1997 [police officers accused of charging a "tax" to protect bar and restaurant owners: 1/2 million pesetas as compensation];
- SC, 1st, 6.2.1996 [*Director General de Programación e Inversiones del Ministerio de Educación y Cultura* (Financial Director in the Ministry of Education and Culture) charged with requiring payments to intervene in a public auction: 1 million pesetas as compensation].

The use of pain and suffering damages as a sanctioning device does not adapt well to the desired level of deterrence, which makes a tortfeasor's expected damage payment equal to the sum of pecuniary and nonpecuniary harm, no more no less. The efficiency of Tort Law regarding deterrence does not try to add a sanction to the amount paid by the defendant for pecuniary damages. Instead, it attempts to make the compensation awaited by a potential tortfeasor coincide with the social harm (pecuniary and pain and suffering) caused by his/her actions. Curiously enough, many foes of the deterrence function of Tort Law do not oppose its use as a quasi-sanctioning field of law in such cases.

Our study of the Supreme Court process of justifying and calculating compensation in the previous categories of cases, leads us to infer that the presiding judges did not try to discover the amount of pain and suffering, in other words, the decrease of utility suffered by the victim that cannot be replaced with money. Such an approach would be arduous and its results would necessarily be imperfect. But some real-life data

could provide, although in a vague way, an approximate valuation of pain and suffering effectively suffered by the victim. For example, the accredited psychological impact, or how close the relationship that the victim maintained with the defendants prior to his/her death was, are indicative factors that should be considered despite an allegation that respect for all victims' equal dignity postulates one or the other amount of compensation.

If the Supreme Court does not rely on the true magnitude of damages, infraprevention as over-prevention could equally be expected **and would perhaps, if we were lucky, even compensate each other**. However, since the cases in which the Supreme Court tends to impose these damage-form sanctions are typically of willfully caused harm, the excess of deterrence is not as worrisome as its absence. Therefore, it is not strange that these actions are also punished with the help of criminal sanctions.

4. The Confusion Between Pecuniary and Pain and Suffering Damages

On numerous occasions, the Spanish Supreme Court has granted compensations under the heading of pain and suffering, for damages that do not fit this qualification. In fact, the damages in question are clearly pecuniary, but are hard to quantify for various reasons. The label of "pain and suffering damages," on the other hand, makes it easier to justify any level of damage award: The specification of criteria used for an economic valuation of damages is avoided, because according to the Supreme Court, such criteria do not exist for nonpecuniary damages, for pain and suffering:

- SC, 2nd, 8.5.1996;
- SC, 3rd, 20.7.1996;
- SC, 3rd, 17.4.1997;
- SC, 3rd, 20.1.1998;
- SC, 3rd, 21.4.1998;
- SC, 3rd, 13.10.1998;
- SC, 3rd, 20.10.1998.

This presentation of pecuniary damages under the guise of damages for pain and suffering is especially common in cases that involve claims for lost profits: Gains that with some degree of probability, the victim could no longer obtain as a consequence of the injury suffered. It is certainly hard to quantify lost profits but it is also undeniable that they are replaceable by money.

Accordingly, it is nonsense to describe someone who is erroneously dismissed for health reasons to the selection process of the *Cuerpo Jurídico Militar* (military attorney's corp) as a victim of pain and suffering. The case of the SC, 3rd, 20.3.1996, could involve a certain component of harm that cannot be repaired with money because the young man's vocation was disturbed. However, the fact that they compensated a pecuniary loss as if it was pain and suffering is shown by the fact that only the income lost during the preparation period for the exam trial was compensated as pecuniary damages. Another example, is the compensation of damages granted to a firm being forced to breach its contracts with suppliers and clients, in addition to losing buyers, because the City Council wrongfully ordered the firm to freeze its production: SC, 3rd, 4.10.1997.

Naturally, not everything involved in the topic at hand results in an error: The damages that resulted from the refusal to open a pharmacy were correctly not identified as pain and suffering: SC, 3rd, 5.2.1996.

Along these lines, a good rule of thumb in the area of pain and suffering damages is that *firms, that is, for-profit organizations, cannot undergo pain and suffering damages*. In fact, the rule also applies to those who lack profit motivation, but this justification is beyond the scope of our paper. Firms do not have utility functions, only profit functions, and anything non-replaceable by money is excluded from these functions.

There are other cases of this transfer of pecuniary damages to the area of pain and suffering damages. For example, when annoyances derived from a harmful act are found to be nonpecuniary, such as those that result from the:

- Destruction of a house, SC 1st, 31.5.1983, 1st, 25.6.1984, 1st, 16.12.1986;
- Forced transfer of a naval officer due to a disciplinary sanction: SC, 3rd, 13.3.1999;
- Arrest in a military prison. SC, 3rd, 10.6.1997.

In these and other similar cases, there may be some elements of pain and suffering, but with all certainty, they are not the annoyances caused by the previously mentioned actions.

In this paper we have heavily criticized the tendency of all Chambers of the Spanish Supreme Court to pass what are actually pecuniary damages as pain and suffering. The criticism does not respond to a simple whim of schooling: The masking of pecuniary damages as pain and suffering blocks all external control of the legal and economic criteria for quantifying damages. This makes the adjustment of the compensation to the actual social loss caused by the tortfeasor impossible to measure, resulting in a net loss of efficiency in the functioning of the legal system. Any judgment on the efficiency of the Tort system in terms of deterrence and insurance becomes totally chimerical.

• *Table of Spanish Supreme Court Decisions*

Chamber and Date	Ar.	Judge ponente	Parties
1st, 31.5.1983	2956	Serena Velloso	María de la Concepción P. M. and others v. Francisco P. E., José Antonio F. C., José A. F. R. and José Luis M. G.
1st, 25.6.1984	1145	Santos Briz	Representation of "Valerio and Mendizábal, S.L.," Jose Luis L. L., María Mercedes L. L. and others v. "Edificio Jado, S.A.," Juan María M. G., "AGROMAN, S.A." and Eugenio U. L.
1st, 16.12.1986	7447	Santos Briz	Representation of Segismundo G. T. and María Teresa C. P. v. Mercedes F. F.
1st, 5.10.1995	7020	Fernández-Cid de Temes	Parents and older siblings of Ignacio R. R. v. <i>Diputación Foral</i> (provincial council) of Guipúzcoa.
1st, 6.2.1996	1342	Ortega Torres	Francisco A. S. v. Adolfo G. G. and reporters, directors and editors of numerous media sources.
1st, 19.10.1996	7508	Fernández-Cid de Temes	Francisco and Alberto R. C. v. Isidro R. A. and Sérvulo O. L.

1st, 14.12.1996	8970	Fernández-Cid de Temes	José H. E. and Elena G. G. v. Juan A. S. and <i>Diputación Foral</i> of Guipúzcoa.
1st, 31.12.1996	9477	Gullón Ballesteros	Marta Ch. F. v. Jesús Manuel P. M., Jaime C. and D. de R., “ <i>Difusora de Información Periódica, S.A.</i> ” (news distributor) and María Luisa A. A.
1st, 22.10.1997	7179	Albácar López	Alfonso Carlos L. D. v. José D. H., Rafael C. E., Miguel Ángel L. and “ <i>Información y Revistas, S.A.</i> ”
1st, 11.12.1997	8972	Villagómez Rodil	Francisco de Asís v. CEPSA and TICSA.
1st, 9.2.1998	607	Morales Morales	María Luisa M. P. v. Jesús M., “ <i>Difusora de Información Periódica, S.A.</i> ”, Jaime C. and the <i>Ministerio Fiscal</i> .
1st, 12.6.1998	4684	Albácar López	Ana María L. L. v. Julián L. S. J., “ <i>Tribuna de Ediciones de Medios Informativos, S.A.</i> ” and the <i>Ministerio Fiscal</i> .
1st, 29.12.1998	9980	O’Callaghan Muñoz	Parents of Laura T. G. v. Ángel V. C., Socorro Z. V., “ <i>Religiosas Misioneras del Santísimo Sacramento y María Inmaculada,</i> ” Association of Parents and “ <i>Le Mans Seguros.</i> ”
1st, 10.4.1999	1877	Villagómez Rodil	María Marta R. C. v. “ <i>Swissair, S.A.</i> ”
2nd, 24.9.1979	3129	Vivas Marzal	<i>Ministerio Fiscal</i> v. C. R. S.
2nd, 8.5.1996	3802	Conde-Pumpido Tourón	Antonia H. S. v. Antonio E. B.
2nd, 23.11.1996	8683	Montero Fernández-Cid	Leopoldo R. B. and Dolores Z. O. v. David P. V., Pere A. Ll., Héctor L. F., Isaac L. F., Andrés P. P. and Óliver S. R.
2nd, 31.1.1997	396	Delgado García.	<i>Ministerio Fiscal</i> v. José Ramón G. G.
2nd, 19.3.1997	2332	Román Puerta.	<i>Ministerio Fiscal</i> v. Julio R. A., Juan Antonio H. H., Antonio L. L. and Nicolás S. A.
2nd, 24.3.1997	1950	Román Puerta	Carlos C. C. and Violeta P R. v. Juan G. S.
2nd, 7.4.1997	2703	Granados Pérez	Fatna H. v. Enrique S. B.
2nd, 16.2.1998	1051	Martín Canivell	Elena M. G., Francisco F. R. and Begoña L. C. v. José C. S., Vicente Rafael R. V., Martín Rafael Ch. A. and Juan D. M.
2nd, 22.4.1998	4710	Moner Muñoz	Rosa M. M., Manuel C. J. and Sandra C. M. v. Mimou R.
2nd, 16.5.1998	4878	De Vega Ruiz	<i>Ministerio Fiscal</i> v. José David D. F.
3rd, 27.11.1993	8945	Peces Morate	Lázaro M. M., María Rosario Ll. C. and Bebel F. P. v. City Council of Aranda de Duero.
3rd, 19.11.1994	1046 9	Peces Morate	Rafael M. C. v. <i>Departamento de Justicia de la Generalidad de Cataluña</i> (Catalonian Justice Department).
3rd, 5.2.1996	987	Sieira Miguez	María Concepción O. L. v. <i>Consejo General de Colegios Oficiales de Farmacéuticos</i> (pharmaceutical board).
3rd, 20.3.1996	2781	Trillo Torres	Fernando José M. G. v. <i>Ministerio de Defensa</i> (defense ministry).
3rd, 20.5.1996	4407	Xiol Ríos	Esteban O. S. And María P. R. v. <i>Ministerio de Defensa</i> .
3rd, 20.7.1996	5717	Peces Morate	Ángel F. T. And Petra A. G. v. Junta de Andalucía.
3rd, 19.9.1996	6449	Sieira Miguez	Representative of Carlos M. D. v. <i>Administración del Estado</i> .
3rd, 16.4.1997	2689	Hernando Santiago	Sebastián C. M. v. <i>Ministerio de Defensa</i> .
3rd, 17.5.1997	2691	Xiol Ríos	Padre de Juan A. G. v. <i>Ministerio de Defensa</i> .
3rd, 26.4.1997	4307	Peces Morate	Adoración P. A. v. <i>Generalidad de Cataluña</i> .
3rd, 10.6.1997	4638	Mateos García	Emilio O. P. v. <i>Ministerio de Defensa</i> .
3rd, 4.10.1997	7641	Peces Morate	Manuel T. F. and Constantino V. S. v. City Council of Lugo
3rd, 20.1.1998	350	Xiol Ríos	Rafael Z. P. v. <i>Administración del Estado</i> .
3rd, 17.4.1998	3832	Sieira Miguez	Representatives of Francisco del A. F., and Ramona G. S. v. <i>Ministerio de Defensa</i> .

3rd, 21.4.1998	4045	Xiol Ríos	Francisco Ch. S. v. <i>Administración del Estado</i> .
3rd, 13.10.1998	7820	Xiol Ríos	José María S. G. V. <i>Servicio Andaluz de Salud</i> (Andalucian health service).
3rd, 20.10.1998	8844	Xiol Ríos	Julia G. R. v. City Council of Eljas
3rd, 13.3.1999	3038	Peces Morate	Pedro M. B. v. <i>Ministerio de Defensa</i> .
3rd, 29.3.1999	3783	Peces Morate	Widow of Carlos H. de M. and children v. <i>Ministerio de Justicia</i> .