

Wiley Rein Files Amicus Brief for U.S. Chamber, Urging Supreme Court to Apply Excessive Fines Clause to States

September 2018

Wiley Rein LLP submitted an *amicus* brief to the Supreme Court of the United States on behalf of the U.S. Chamber of Commerce, urging the Justices to apply the Eighth Amendment's Excessive Fines Clause to States. In a 2001 decision, the Supreme Court had affirmatively stated that the Excessive Fines Clause applies to the States, although a more recent Supreme Court decision has called into question this earlier ruling.

The brief was filed in support of the petitioner in *Timbs v. Indiana*. Wiley Rein partners Bert W. Rein, Carol A. Laham, and Andrew G. Woodson co-authored the brief with Daryl Joseffer and Michael B. Schon of the U.S. Chamber Litigation Center.

The case stems from the state of Indiana's 2013 seizure of a \$40,000 vehicle after its owner, Tyson Timbs, pleaded guilty to a drug charge. Mr. Timbs had purchased the vehicle with life insurance funds prior to his arrest. In suing the state, he argued that the \$40,000 property forfeiture violated the Eighth Amendment's ban on excessive fines, because the maximum state fine was \$10,000 for Mr. Timbs' underlying offense. A state appeals court ruled in Mr. Timbs' favor, but the Indiana Supreme Court reversed that decision.

The Chamber's *amicus* brief noted that "the disproportionate and punitive forfeiture" in Mr. Timbs' case "is hardly unique." States and localities across the country are increasingly levying excessive fines on businesses as well as individuals, according to the brief. In particular, the brief provides a number of examples illustrating how state governments are increasingly turning to higher fines and

Authors

Carol A. Laham
Partner
202.719.7301
claham@wiley.law
Andrew G. Woodson
Partner
202.719.4638
awoodson@wiley.law

Practice Areas

Election Law & Government Ethics

forfeitures from businesses over minor violations to help fund their budgets.

“Today the imperative for incorporating the Excessive Fines Clause against the States could scarcely be clearer,” the brief’s authors said. “With excessive fines on the rise, and the burdens on business and individuals growing, this case presents the Court with an opportunity to conclusively resolve the incorporation question and protect all Americans’ fundamental right to liberty.”

To read the *amicus* brief filed by Wiley Rein on behalf of the U.S. Chamber, [click here](#).