

PRESS RELEASE

Wiley Rein Supreme Court Brief, Filed on Behalf of U.S. Chamber, Challenges the Right of State and Local Governments to Impose Excessive Fines

September 11, 2018

Press Contact

Patricia O'Connell

T: 202.719.4532

poconnell@wiley.law

Washington, DC—Wiley Rein LLP today 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. The case will have nationwide implications as the Court considers whether the U.S. Constitution prohibits state and local governments from imposing excessive fines, fees, and forfeitures, as it similarly does for the federal government.

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 Chamber's *amicus* brief noted that "the disproportionate and punitive forfeiture" in this 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.

Related Professionals

Bert W. Rein

Founder

202.719.7080

brein@wiley.law

Andrew G. Woodson

Partner

202.719.4638

awoodson@wiley.law

Practice Areas

Issues and Appeals

"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."

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.

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