

Opinion of REHNQUIST, C. J.

SUPREME COURT OF THE UNITED STATES

No. 98–208

CAROLE KOLSTAD, PETITIONER *v.* AMERICAN
DENTAL ASSOCIATION

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

[June 22, 1999]

CHIEF JUSTICE REHNQUIST, with whom JUSTICE THOMAS joins, concurring in part and dissenting in part.

For the reasons stated by Judge Randolph in his concurring opinion in the Court of Appeals, I would hold that Congress' two-tiered scheme of Title VII monetary liability implies that there is an egregiousness requirement that reserves punitive damages only for the worst cases of intentional discrimination. See 139 F. 3d 958, 970 (CADC 1998). Since the Court has determined otherwise, however, I join that portion of Part II–B of the Court's opinion holding that principles of agency law place a significant limitation, and in many foreseeable cases a complete bar, on employer liability for punitive damages.