

By: Senators J. Hutchinson, Burnett, R. Thompson, Maloch, D. Johnson, S. Flowers
By: Representatives Ballinger, Williams, Nickels, Kizzia, House, Broadway, J. Edwards, Julian, Steel,
Vines, W. Wagner, Walker, D. Whitaker, Wright

SENATE RESOLUTION

TO ENCOURAGE THE SUPREME COURT TO ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE TORT REFORMS CONTAINED IN SENATE JOINT RESOLUTION 2 OF THE 2013 REGULAR SESSION OF THE EIGHTY-NINTH GENERAL ASSEMBLY IN ORDER TO STRIKE A FAIR AND EQUITABLE BALANCE BETWEEN THE RIGHTS OF PLAINTIFFS AND DEFENDANTS IN CIVIL ACTIONS; AND TO PROTECT THE STATE'S CITIZENS AND ECONOMIC INTERESTS FROM INEQUITABLE LITIGATION CLAIMS AND DAMAGE AWARDS.

Subtitle

ENCOURAGING THE SUPREME COURT TO ADOPT TORT REFORMS TO BALANCE THE RIGHTS OF PLAINTIFFS AND DEFENDANTS IN CIVIL ACTIONS AND PROTECT THE STATE'S CITIZENS AND ECONOMIC INTERESTS FROM INEQUITABLE LITIGATION CLAIMS AND DAMAGE AWARDS.

WHEREAS, a fair and efficient legal system free of frivolous and abusive litigation is necessary for a vibrant economy and access to affordable health care; and

WHEREAS, exorbitant punitive damage awards in civil cases present unjustified windfalls to certain litigants and unnecessarily increase liability insurance premiums to numerous Arkansas citizens and businesses;



and

WHEREAS, frivolous medical liability lawsuits lead to hospitals closing their doors, health care providers refusing to see new patients or patients with complicated conditions, and health care providers being forced to move to other states; and

WHEREAS, reasonable caps on punitive damages benefit the public in general and also protect medical patients in particular from the rising costs of and diminishing access to health care resulting from medical liability lawsuit abuse; and

WHEREAS, lawsuits filed and concluded in a timely fashion promote fairness for all parties; and

WHEREAS, the proper apportionment of liability among culpable defendants is important to ensure that culpable parties are held responsible for causing damages and are deterred from undesirable conduct; and

WHEREAS, medical tort reforms enacting caps on damages, allowing for the inclusion of collateral source payments in jury considerations, and imposing time limits on filing lawsuits will enhance access to health care; and

WHEREAS, the reforms contained in Senate Joint Resolution 2 address each of the needed reforms described above and would enhance the administration of justice in this state,

NOW THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

THAT the Senate encourages the Supreme Court to adopt policies and procedures to implement the tort reforms contained in Senate Joint Resolution 2 of the 2013 Regular Session of the Eighty-Ninth General Assembly in order to strike a fair and equitable balance between the rights of plaintiffs and

defendants in civil actions and to protect the state's citizens and economic interests from inequitable litigation claims and damage awards.

BE IT FURTHER RESOLVED that upon its adoption a copy of this resolution be delivered by the Secretary of the Senate to the Chief Justice of the Supreme Court.