

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

SR 30

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

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SENATE RESOLUTION

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

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Subtitle

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

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

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



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

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

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

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

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

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

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29 NOW THEREFORE,

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

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33 THAT the Senate encourages the Supreme Court to adopt policies and
34 procedures to implement the tort reforms contained in Senate Joint Resolution
35 2 of the 2013 Regular Session of the Eighty-Ninth General Assembly in order
36 to strike a fair and equitable balance between the rights of plaintiffs and

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

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

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