

VENUE IN ARKANSAS

Venue is changing in Arkansas. Read the Arkansas supplement, pages 7-18. Read pages 369-378.

- A]
- 1) The governing default rule for Arkansas venue, since 1838, has been simple. See ACA § 16-60-116.
 - 2) Now briefly turn to the exceptions, starting with personal injury lawsuits. What are the three sections of ACA § 16-60-112?
 - 3) Suppose the defendant is an Arkansas corporation.
 - 4) Suppose the defendant is a Michigan corporation, registered and doing business in Arkansas.
 - 5) Suppose there are multiple plaintiffs or multiple defendants?
 - 6) Suppose the plaintiffs sue in Washington County. The defendant and all the other witnesses are from Miller County and the accident was in Miller County. Can the court transfer to a more convenient county? See ACA § 16-60-201.
 - 7) Sometimes venue depends on the underlying cause of action.
 - A) Damage to personal property? Conversion? Breach of warranty?
 - B) Fraud?
 - 8) Sometimes venue depends on the defendant.
 - A) Washington County. See ACA § 16-60-102.

- B) The Governor. See ACA § 16-60-103.
 - C) Prisoners.
 - D) Stage coach company.
- 9) Sometimes venue depends on the subject of the action. See ACA § 16-60-101.
- 10) Sometimes venue depends on the residence status of the defendant.
- 11) The plaintiff is injured in Maine in a car accident. All the relevant witnesses are in Maine. The plaintiff sues in Arkansas and serves the defendant when she comes to Arkansas for a football game. What options does the Arkansas court have?
- 12) Defendant damages land owned by the plaintiff in the State of Missouri. See Reasor-Hill, page 369.
- B] 13) Would you prefer any of the following as a statutory scheme for venue?
- (a) The plaintiff may sue in any county.
 - (b) The plaintiff may sue in the county of his residence.
 - (c) The plaintiff sues where the cause of action arose.
 - (d) All actions must be brought in the county where the defendant resides when the action is commenced.
 - (e) The trial judge has discretion to transfer to another county for the convenience of witnesses and the parties, and in the interest of justice.

Compare ACA § 16-60-201.

See John J. Watkins, A Guide to Arkansas Venue, 1995 Ark. L. Notes 83.

- C] 14) In 2003 Arkansas enacted the Civil Justice Reform Act. The comprehensive venue provision is found on page 7 of the Arkansas Supplement. If this statute is upheld in the courts, what changes will occur in venue in Arkansas?
- (a) Why was the statute probably enacted?
 - (b) What are the three primary options?
 - (c) Which old statutes remain valid?
 - (d) But note § 16-60-112.

See Lauren Baber, Case Note, An Uncomplicated Process: The Oversight of Arkansas Venue. 63 ARK. L. REV. 883 (2010).

- 15) What are the key points to remember about venue (in relationship to subject matter jurisdiction and personal jurisdiction)?
- A)
 - B)
 - C)