

## **TORT REFORM ISSUES**

See generally pages 594-606

- A. Limits on compensatory damages
  - 1. Art. 5, Section 32 of the Arkansas Constitution
  - 2. Pain and suffering
  - 3. Non-economic losses
  - 4. Judd, page 595
- B. Limits on attorney fees - Amendment 28
- C. Sanctions against frivolous lawsuits - ARCP 11
- D. Changes in joint and several liability - §§ 7-1, 7-2, 7-6
- E. Modification of the collateral source rule - § 6-4
- F. Mandatory alternative dispute resolution
- G. Punitive damages
  - 1. A cap on awards
  - 2. A relationship to compensatory damages
  - 3. A portion to the state
  - 4. A ban on punitive damages
  - 5. Procedural changes
    - a. Bifurcation; APCP 42
    - b. Standard of proof
    - c. Jury instructions
    - d. Extraterritorial conduct
    - e. Multiple awards
- H. The Civil Justice Reform Act of 2003; Ark. Code Ann. § 16-55-201 ff.