VENUE IN ARKANSAS

Where does venue lie? Which statute or statutes are applicable? Are additional facts needed? Read the Arkansas supplement, pages 7-18. Assume the plaintiff is from Washington County and all the other parties are from Arkansas (unless otherwise indicated). Read pages 369-378.

1) The plaintiff suffers personal injuries in Chicot County during an automobile accident.

2) The defendant and all the other witnesses are from Miller County. Can the court transfer to a more convenient county?

3) Suppose there were two plaintiffs, one from Washington County and the other from Benton County?

4) Suppose there were two defendants, one from Chicot County and the other from Montgomery County?

5) Suppose the defendant was a New York corporation that had retail stores in 5 Arkansas counties?

6) Suppose the defendant was an Arkansas corporation?

7) Suppose the defendant was a New York corporation that was registered with the Secretary of State, but had no stores in Arkansas.

8) Suppose the defendant was a Michigan corporation that was unregistered in Arkansas.

9) The plaintiff is injured in Missouri in a car accident. All the relevant witnesses are in Missouri. 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?

10) The plaintiff sues for malicious prosecution.

11) The plaintiff's automobile is parked on the street and is damaged by a careless driver.

12) The plaintiff is alleging a breach of warranty claim, and seeking consequential damages and lost profits.

13) The plaintiff sues for fraud.

14) The plaintiff sues because the Arkansas individual defendant breached a contract for the manufacture and sale of widgets.

15) Same as (14), but the defendant is an Arkansas corporation.

16) Same as (14), but the defendant is an Illinois corporation.

17) The defendant slanders the plaintiff in Sebastian County.

18) Same as (17), but the defendant is a California publisher that sent libelous magazines into the state. The publisher has no property, office or registered agent in Arkansas.

19) The plaintiff sues the Governor for his failure to issue an appointment to a state board.

20) The plaintiff sues the county clerk for improperly issuing marriage licenses.

21) Defendant damages land that the plaintiff owns in Newton County.

22) Defendant damages land owned by the plaintiff in the State of Missouri.

23) A Sebastian County architect designs a large cucumber vat,, which is built in Pope County, but unfortunately leaks. The Pope County owner sues for malpractice.

24) In 2003 Arkansas enacted the Civil Justice Reform Act. The comprehensive venue provisions are found on page __7__ of the Arkansas Supplement. If this statute is upheld in the courts, what changes will occur in venue in Arkansas?

25) 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.

26) What are the key points to remember about venue (in relationship to subject matter jurisdiction and personal jurisdiction)?

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