



Johnson v. Rockwell Automation, 308 S.W.3d 135 (Ark. 2009)

Topics Covered: Tort Reform

Issue

The issue in this case was whether two provisions of the Arkansas Civil Justice Reform Act were valid under the Arkansas Constitution.

AMA Interest

Medical liability reform is the AMA's highest legislative priority.

Case Summary

Darrell Johnson became injured while trying to repair machinery during the course of his employment. He felt that the machinery had been designed improperly, and he brought suit in the United States District Court for the Eastern District of Arkansas against the companies that had manufactured the machinery. The federal judge certified two questions for decision by the Arkansas Supreme Court: (1) Is a provision of the Arkansas Civil Justice Reform Act that modifies "joint and several liability" by reducing the liability of defendants on account of the fault of potentially liable persons not before the court valid under the Arkansas Constitution? (2) Is a provision of the Arkansas Civil Justice Reform Act that limits evidence of damages for the cost of medical care to "in network" expenditures valid under the Arkansas Constitution?

The Arkansas Supreme Court agreed to decide these questions, and it held that both of these laws violated the constitutional Separation of Powers requirement.

AMA Involvement

The AMA, the Arkansas Medical Society, and several business groups filed an *amicus curiae* brief to argue that these provisions of the Arkansas Civil Justice Reform Act should be constitutional.

Arkansas Supreme Court brief