

SUMMARY OF MAJOR PROVISIONS OF MISSISSIPPI HOUSE BILL 13 – CIVIL JUSTICE REFORM

Venue and Joinder Reform: Plaintiffs often seek to file lawsuits in places some plaintiffs' lawyers call "magic jurisdictions" – the same places that the American Tort Reform Association has called "judicial hellholes." In Mississippi, parties have been joined in lawsuits purely for the purpose of getting jurisdiction in state court and venue in certain counties. Mississippi's joinder and venue rules have allowed mass torts to be filed by thousands of non-Mississippi plaintiffs. Local residents have been forced to spend time in jury service deciding controversies that should have been resolved elsewhere. Local litigants have been forced to wait in line while the claims of earlier-filing plaintiffs from outside the state were decided.

Mississippi House Bill 13 ("HB 13"), adopted passed by the legislature on June 3, 2004, amends Mississippi law to bring it more into line with the rules in other states. Under HB 13, a civil suit may be filed in the county where the defendant resides (in the case of a corporation, the county of its principal place of business) or in the county where a "substantial alleged act or omission occurred or where a substantial event that caused the injury occurred." If venue cannot be asserted against a nonresident defendant under the above criteria, the plaintiff may file in the county where he or she lives. Venue must be proper for each plaintiff.

If a claim would be more properly decided in another state, the trial court shall dismiss the claim or action. If the claim would be more properly decided in another county within Mississippi, the case shall be transferred to the appropriate county. A case may not be dismissed until all defendants agree to waive the right to raise a statute of limitations defense in all other states in which the claim would not have been time-barred at the time the claim was filed in Mississippi. This will allow plaintiffs a fair opportunity to refile their cases in other states without fear that the statutes of limitations may expire on their claims while they are pending in Mississippi.

\$1 Million Cap on Noneconomic Damages: Noneconomic damages cover nonmonetary losses, such as pain and suffering, inconvenience, physical impairment, disfigurement, mental anguish, loss of society and companionship, loss of consortium, injury to reputation, humiliation or embarrassment. In a lengthy special session in 2002, the legislature enacted changes to Mississippi's medical malpractice laws, including the establishment of a \$500,000 cap on noneconomic damages.

HB 13 maintains the current medical malpractice cap at \$500,000, and extends a cap on noneconomic damages to other civil defendants. Under HB 13, noneconomic damages are capped at \$1 million for any civil defendant (other than a health care liability defendant). The cap applies to any civil claim filed on or after September 1, 2004.

Innocent Product Seller Liability Reform: Mississippi law currently allows plaintiffs to join local product sellers (e.g., wholesalers, distributors, and retailers) in tort actions for the purpose of trying to defeat federal diversity-of-citizenship jurisdiction over claims that should be heard in federal court. Mississippi has permitted innocent sellers to be indemnified by product manufacturers that are determined to be at fault. But, that approach created removal obstacles for primary target defendants seeking to have their cases heard in federal courts. Plaintiff

Civil Juries And The Politics Of Reform American Bar Foundation S

Karin Nielsen-Saines



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Crossing Boundaries Austin Sarat,1998-09-02 Perhaps no idea is more emblematic of the field of law and society than crossing boundaries From the founding of the Law and Society Association in the early 1960s participating scholars aspired to create a field that crossed boundaries in at least two senses by undertaking research that questioned and often bridged traditional methodological and disciplinary divisions and by using nontraditional approaches to explore the interconnections between law and its social context These essays reflect both aspirations *The U.S. Justice System* Steven Harmon Wilson,2011-12-06 A comprehensive three volume set that provides detailed background essays short topical entries and primary document excerpts to explain the organization history and functioning of the U S justice system The U S Justice System An Encyclopedia is a one stop resource uniquely structured to include both introductory information as well as more in depth and detailed resources It explains not only how the American civil and criminal justice system affects the parties to a particular case or other legal action but also how the rights benefits and legal protections of our country impact virtually all people in America The set comprises three volumes The first volume provides chapter length essays explaining the organization and functioning of federal state and local government as well as the working of federal and state judiciaries regulatory bodies and penal systems The second volume contains shorter alphabetically arranged entries on hundreds of law related topics including case descriptions and biographies of major figures federal and state court organizational charts legal statistics and other background information The third volume contains original documents statutes and texts of important cases relevant to the functioning of the American justice system Readers will understand the structures concepts and vocabulary of American law and legal institutions and grasp how the U S legal system has evolved to meet the complex changing needs of the nation **S. 565, the Product Liability Fairness Act of 1995** United States. Congress. Senate. Committee on Commerce, Science, and Transportation. Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism,1996 **Hearings, Reports and Prints of the Senate Committee on the Judiciary** United States. Congress. Senate. Committee on the Judiciary,1967 **Trial Consulting** Amy J. Posey, Lawrence S. Wrightsman,2005-07-07 In its roughly 25 years of existence the trial consulting profession has grown dramatically in membership recognition and breadth of practice What began as a small activist group of social scientists volunteering their expertise to assist in the defense of Vietnam War protestors has evolved into a diverse set of professionals from a range of educational and professional backgrounds In spite of such enormous growth the work of trial consultants has gone largely unexamined Trial Consulting takes an in depth look at the primary activities of trial consultants including witness preparation focus groups and mock trials jury selection change of venue surveys and attorney presentation style It also examines the profession s struggle to define itself resisting certification and licensure requirements and settling instead for a set of practice standards The authors draw upon empirical and other scholarly work in the social sciences recommended best practices from trial lawyers and the

written and spoken recommendations and reflections of the trial consultants themselves Addressing a broad spectrum of topics ranging from handwriting analysis to medical malpractice cases they also suggest reforms for improving the profession and the efficacy of the trial consultant in the courtroom The result is a critical analysis of what trial consulting truly adds to and detracts from the administration of justice This book is an indispensable guide for practicing and aspiring trial consultants as well as the judges attorneys and psychologists who work with them Trial Consulting provides a thought provoking statement on the state of the profession and students and professionals alike will benefit from the challenges it offers

Lawyers, Lawsuits, and Legal Rights Thomas F. Burke, 2002-10-29 Lawsuits over coffee burns playground injuries even bad teaching litigation horror stories create the impression that Americans are greedy quarrelsome and sue happy The truth as this book makes clear is quite different What Thomas Burke describes in *Lawyers Lawsuits and Legal Rights* is a nation not of litigious citizens but of litigious policies laws that promote the use of litigation in resolving disputes and implementing public policies This book is a cogent account of how such policies have come to shape public life and everyday practices in the United States As litigious policies have proliferated so have struggles to limit litigation and these struggles offer insight into the nation's court centered public policy style Burke focuses on three cases the effort to block the Americans with Disabilities Act an attempt to reduce accident litigation by creating a no fault auto insurance system in California and the enactment of the Vaccine Injury Compensation Act These cases suggest that litigious policies are deeply rooted in the American constitutional tradition Burke shows how the diffuse divided structure of American government together with the anti statist ethos of American political culture creates incentives for political actors to use the courts to address their concerns The first clear and comprehensive account of the national politics of litigation his work provides a new way to understand and address the litigiousness of American society

Verdict Robert E. Litan, 2011-09-01 The right to a jury trial is a fundamental feature of the American justice system In recent years however aspects of the civil jury system have increasingly come under attack Many question the ability of lay jurors to decide complex scientific and technical questions that often arise in civil suits Others debate the high and rising costs of litigation the staggering delay in resolving disputes and the quality of justice Federal and state courts crowded with growing numbers of criminal cases complain about handling difficult civil matters As a result the jury trial is effectively being challenged as a means for resolving disputes in America Juries have been reduced in size their selection procedures altered and the unanimity requirement suspended For many this development is viewed as necessary For others it arouses deep concern In this book a distinguished group of scholars attorneys and judges examine the civil jury system and discuss whether certain features should be modified or reformed The book features papers presented at a conference cosponsored by the Brookings Institution and the Litigation Section of the American Bar Association together with an introductory chapter by Robert E Litan While the authors present competing views of the objectives of the civil jury system all agree that the jury still has and will continue to have an

important role in the American system of civil justice The book begins with a brief history of the jury system and explains how juries have become increasingly responsible for decisions of great difficulty Contributors then provide an overview of the system s objectives and discuss whether and to what extent actual practice meets those objectives They summarize how juries function and what attitudes lawyers judges litigants former jurors and the public at large hold about the current system The second half of the book is devoted to a wide range of recommendations that w

Report of the ... Annual Meeting of the American Bar Association American Bar Association,1905 Judicial Process and Judicial Policymaking G. Alan Tarr,2024-01-22 An excellent introduction to judicial politics as a method of analysis the eighth edition of Judicial Process and Judicial Policymaking focuses on policy in the judicial process Rather than limiting the text to coverage of the U S Supreme Court G Alan Tarr examines the judiciary as the third branch of government and weaves four major premises throughout the text 1 Courts in the United States have always played an important role in governing and their role has increased in recent decades 2 Judicial policymaking is a distinctive activity 3 Courts make policy in a variety of ways and 4 Courts may be the objects of public policy as well as creators New to the Eighth Edition Discusses appointments by Presidents Donald Trump and Joseph Biden to the federal courts including the confirmations of Gorsuch Kavanaugh Coney Barrett and Jackson to the Supreme Court Introduces the controversy of the Supreme Court s shadow docket Analyzes the legal and political aftermath of the Dobbs v Jackson Women s Health Organization overruling Roe v Wade Examines other key state and federal rulings on non unanimous verdicts in criminal cases gerrymandering climate change and separation between church and state *The American Political Science Review* Westel Woodbury Willoughby,John Archibald Fairlie,Frederic Austin Ogg,1928 American Political Science Review APSR is the longest running publication of the American Political Science Association APSA It features research from all fields of political science and contains an extensive book review section of the discipline **Specializing the Courts** Lawrence Baum,2011-01-15 Most Americans think that judges should be and are generalists who decide a wide array of cases Nonetheless we now have specialized courts in many key policy areas Specializing the Courts provides the first comprehensive analysis of this growing trend toward specialization in the federal and state court systems Lawrence Baum incisively explores the scope causes and consequences of judicial specialization in four areas that include most specialized courts foreign policy and national security criminal law economic issues involving the government and economic issues in the private sector Baum examines the process by which court systems in the United States have become increasingly specialized and the motives that have led to the growth of specialization He also considers the effects of judicial specialization on the work of the courts by demonstrating that under certain conditions specialization can and does have fundamental effects on the policies that courts make For this reason the movement toward greater specialization constitutes a major change in the judiciary Tools to Aid Environmental Decision Making Virginia H. Dale,Mary R. English,2012-11-26 Environmental decision making is like politics mostly local In fact

making decisions about the environment at the subnational level in state regional and local jurisdictions is a lot like politics. For resolving environmental issues demands but often resists a balance between deeply held feelings and stark confrontations among opposing views. This volume describes tools that should make the decision maker's lot a bit more tolerable. The authors would be the last to suggest that these decision aiding tools will somehow bring a benign order to issues that reach to people's fundamental values. What they can help do is to keep the debate focused on the important issues to serve up useful options and to narrow the range of disagreement. Even this is a challenging assignment. Still why bother? The chief reason is that the locus of environmental decision making has in the past decade or so shifted from the national to the subnational level a convenient if colorless term to denote the hurly burly of environmental controversy outside the Washington Beltway. For example New England has taken a regional stand on tropospheric ozone control and California requires automotive pollution controls that some other jurisdictions have partially adopted. This shift is a profound but not unexpected result of the way environmental policy has evolved since the modern environmental movement began around the late 1960s. Back then the pendulum was swinging the other way. *Annual Report of the American Bar Association* American Bar Association, 1891

Juries, Lay Judges, and Mixed Courts Sanja Kutnjak Ivković, Shari Seidman Diamond, Valerie P. Hans, Nancy S. Marder, 2021-07-29. Although most countries around the world use professional judges they also rely on lay citizens untrained in the law to decide criminal cases. The participation of lay citizens helps to incorporate community perspectives into legal outcomes and to provide greater legitimacy for the legal system and its verdicts. This book offers a comprehensive and comparative picture of how nations use lay people in legal decision making. It provides a much needed in depth analysis of the different approaches to citizen participation and considers why some countries use of lay participation is long standing whereas other countries alter or abandon their efforts. This book examines the many ways in which countries around the world embrace reject or reform the way in which they use ordinary citizens in legal decision making.

Safeguarding Americans from a Legal Culture of Fear United States. Congress. House. Committee on the Judiciary, 2004. *ABA Journal*, 1967-02. The ABA Journal serves the legal profession. Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association. *Proceedings of the Illinois State Bar Association* Illinois State Bar Association, 1914. *Annual Report of the Illinois State Bar Association* Illinois State Bar Association, 1914.

The Grand jury reform act of 1978 United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Administrative Practice and Procedure, 1979. *Jury Psychology: Social Aspects of Trial Processes* Daniel A. Krauss, 2016-05-06. The first of a two volume set on the Psychology of the Courtroom. *Jury Psychology Social Aspects of Trial Processes* offers a definitive account of the influence of trial procedures on juror decision making. A wide range of topics are covered including pre trial publicity and inadmissible evidence jury selection jury instruction and death penalty cases as well as decision making in civil trials. In addition a number of global issues are discussed including procedural justice issues.

and theoretical models of juror decision making Throughout the volume the authors make recommendations for improving trial procedures where jurors are involved and they discuss how the problems and potential solutions are relevant to courts around the world

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