



Standing on the Precipice

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ATLA President-Elect & IMPACT Chair

Arkansans stand on the precipice of a decision that will establish whether or not we seek to continue the basic foundations of government as were established by people like Patrick Henry, Thomas Jefferson, and many others in our founding generation. As Jefferson established in our Declaration of Independence, the primary purpose of government is to secure the rights of the people with those rights being claimed as unalienable.

The choice is ours; we can take the wrong road and encroach on the rights that our forefathers fought so hard to establish or we can choose to regress, destroy the rights of many in our state for nothing more pronounced than political expediency.

There are those who have advocated for the latter in an unabashed attempt to protect themselves from accountability for their actions and to add to their corporate bottom lines. Nothing about the proposed amendment to limit awards in civil cases speaks to freedom and Liberty. In fact, they speak loud and clear to just the opposite: pure, unadulterated greed.

The time has come for trial lawyers and the people of Arkansas to stand strong for their rights and especially for the rights of the elderly and the young. If passed, this amendment will effectively eliminate any litigation against an offending party by the elderly and the young.

This proposed amendment is anathema to the very principles of liberty which began with the Magna Carta in 1215 and were included in Declaration of Rights by the state of Virginia (Section 8) which is the first known such declaration of the rights of free individuals, continued in our Declaration of Independence and Bill of Rights and placed before civilized society as a set of rules on which to base a fair and representative government to all.

In the Virginia Declaration of Rights composed primarily by George Mason, in Section One it is stated, "... when all men enter into a state of society, they cannot by any compact, deprive or divest their posterity" of the rights laid out in that proclamation of freedom. This proposed amendment to the Constitution of the state of Arkansas would do just that: it would deprive and divest not only those living in Arkansas today but those who will follow of their unalienable rights to a Trial by a Jury of their peers and just compensation for injuries received at the hands of others.

"IS THE RELINQUISHMENT
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AND THE LIBERTY OF THE
PRESS NECESSARY FOR Y
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LIBERTY?"

— PATRICK HENRY

This proposal by those with a vested monetary interest in depriving the citizens of Arkansas of their basic human and legal rights is a blatant action designed to deprive those who are injured or possibly die as a direct result of negligence or incompetence of just compensation for injuries received. While the proponents of this mendacity openly criticize those in the Bar and their opposition to this amendment, they themselves make use of attorneys to protect their business and legal interests. Why would they seek to deprive others in Arkansas of the same level of legal representation?

Step up and be counted fellow trial lawyers; protect the rights of your fellow citizens and your posterity. Reject this move to limit the rights and protections currently in place which guarantee the rights of all the people of our great state. •

"THE ONLY STABLE STATE
IS THE ONE IN WHICH
ALL MEN ARE EQUAL
BEFORE THE LAW."
— ARISTOTLE