

SUPREME COURT OF ARKANSAS

Ark. Cmty. Corr. v. Barnes

542 S.W.3d 841 (Ark. 2018) · Decided April 12, 2018

SUMMARY

The Arkansas Supreme Court held that Arkansas Community Correction was entitled to judgment on the pleadings because sovereign immunity barred a claim under the Arkansas Whistle-Blower Act. The court concluded that the General Assembly could not constitutionally waive the State's sovereign immunity under article 5, section 20 of the Arkansas Constitution, reversed the circuit court, and dismissed the case.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Womack, Associate Justice; Wynne, Justice; Baker, Justice; Hart, Justice
JURISDICTION	Arkansas
DECIDED	April 12, 2018
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal under Arkansas Rule of Appellate Procedure-Civil 2(a)(10) from an order denying Arkansas Community Correction's motion for judgment on the pleadings based on sovereign immunity.
STANDARD OF REVIEW	Whether a party is immune from suit is a question of law reviewed de novo.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; binding precedent in Arkansas.
PARTIES	Arkansas Community Correction v. Annette Barnes

TOPICS

- sovereign immunity
- motion for judgment on the pleadings
- interlocutory appeal
- appellate procedure
- constitutional law

PRACTICE AREAS

civil procedure

appellate procedure

constitutional law

sovereign immunity

employment law

whistleblower law

QUESTIONS PRESENTED

1. Whether the Arkansas Community Correction was entitled to judgment on the pleadings because sovereign immunity barred Barnes's Arkansas Whistle-Blower Act claim.
2. Whether the General Assembly could constitutionally waive the State's sovereign immunity through the Arkansas Whistle-Blower Act.

HOLDINGS

1. Article 5, section 20 of the Arkansas Constitution prohibits the General Assembly from waiving the State's sovereign immunity; therefore, the Arkansas Whistle-Blower Act's attempt to subject the State to liability is unconstitutional to that extent.
2. Arkansas Community Correction was entitled to judgment as a matter of law on the sovereign-immunity defense, and the circuit court erred by denying its motion for judgment on the pleadings.

KEY QUOTATIONS

“the General Assembly cannot waive the State's immunity” (842)

“To the extent that other cases conflict with this holding, we overrule those opinions.” (842)

“We hold that it is. We therefore reverse and dismiss the case” (843)

FACTUAL BACKGROUND

Annette Barnes alleged that Arkansas Community Correction terminated her employment after she protested discriminatory actions and participated in an investigation into further discrimination. She brought a claim under the Arkansas Whistle-Blower Act and sought damages, reinstatement, attorney fees, costs, and other statutory relief. Arkansas Community Correction asserted that sovereign immunity barred the action.

PROCEDURAL HISTORY

Barnes sued Arkansas Community Correction under the Arkansas Whistle-Blower Act, alleging that she was terminated for protesting discriminatory conduct and participating in a related investigation. Arkansas Community Correction answered and asserted sovereign immunity, then moved for judgment on the pleadings under Arkansas Rule of Civil Procedure 12(c). The Pulaski County Circuit Court denied the motion, and the Supreme Court of Arkansas reversed and dismissed the case.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

None. The court reversed and dismissed the case rather than remanding it.

CASES CITED

- Bd. of Trs. v. Andrews, 2018 Ark. 12, 535 S.W.3d 616
- Smith v. Daniel, 2014 Ark. 519, 452 S.W.3d 575

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