

ARKANSAS COURT OF APPEALS

Enabling Laws

Act 55 of 2012
A.C.A. §16-21-101 et seq.
Constitution of Arkansas, Amendment 58

History and Organization

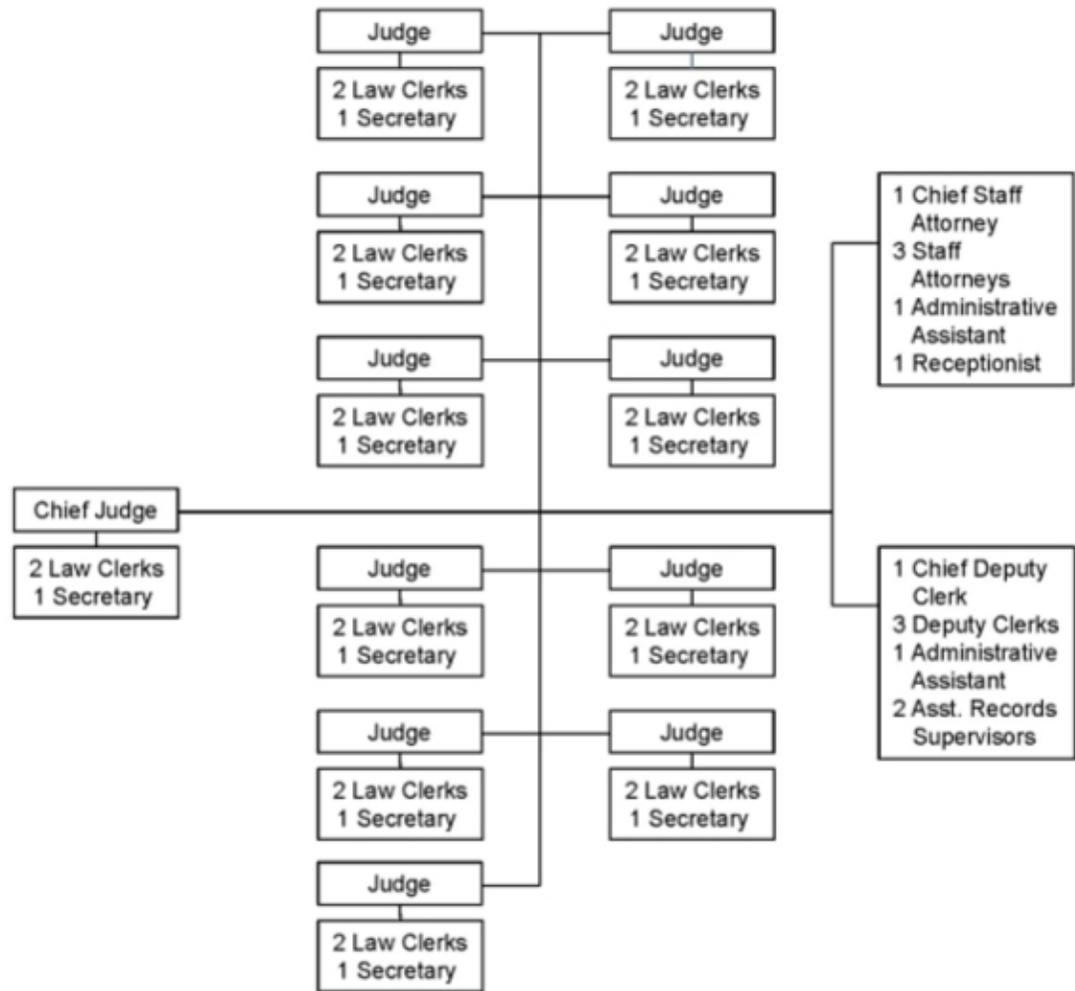
The Arkansas Court of Appeals is a court of appellate jurisdiction that was established pursuant to the provisions of Amendment 58 to the Arkansas Constitution to help alleviate the tremendous caseload of the Arkansas Supreme Court.

Act 208 of 1979 (A.C.A. §16-12-101 et seq.) created the Court of Appeals pursuant to the provisions of Amendment 58 of the Arkansas Constitution. Act 1085 of 1993 provided for the increase of the number of sitting judges on the Court of Appeals from six to twelve; Act 11 of the First Extraordinary Session of 1995 repealed certain sections of Act 1085 and allowed for the appointment of the six additional judges. Act 889 of 1999 provided for the election of an additional judge from each of the existing Court of Appeal districts to replace the six judges appointed pursuant to Act 1085. Act 1812 of 2003 reapportioned the Court of Appeals into seven new electoral districts in recognition of population shifts that had occurred since 1979. Act 55 of 2012 established the Court of Appeals appropriation for the biennial year of 2013.

With certain exceptions, all cases previously appealable to the Supreme Court are now appealed to the Court of Appeals. Jurisdiction of the Court of Appeals is established by the Supreme Court pursuant to its rule-making authority and is embodied in its per curiam In re Supreme Court Rule 1-2, 329 AR Appx. 657 (June 30, 1997), which requires that appeals be filed in the Court of Appeals except for specific exceptions. Such exceptions include, but are not necessarily limited to, cases involving interpretation or construction of the Constitution of the State of Arkansas; criminal cases where the death penalty or life imprisonment has been imposed; petitions for quo warranto, prohibition, injunction, or mandamus; election cases; cases involving discipline of attorneys; appeals involving the discipline and disability of judges; and subsequent appeals of a case that was decided by the Supreme Court. All other cases are appealed to the Court of Appeals for resolution; however, any case is subject to reassignment to the Supreme Court. No appeal as a right lies from the Court of Appeals to the Supreme Court, although the Supreme Court may exercise its discretion to review an appeal decided by the Court of Appeals in limited situations.

At its inception the Court of Appeals was made up of six sitting judges but through the above-referenced legislation the size of the court was increased to twelve sitting judges elected to eight year terms from seven districts. The Chief Justice of the Arkansas Supreme Court designated one of the twelve judges to serve as Chief Judge of the Court of Appeals. The Court of Appeals FY13 appropriation authorized 49

regular employees. The court employs one chief deputy clerk, one assistant chief a records' manager, a finance officer, and three deputy clerks to assist the Supreme Court Clerk in managing court records and AASIS data entry. In addition, the Court employs a chief staff attorney, a deputy chief staff attorney and two staff attorneys, all experienced lawyers, an executive assistant, and a receptionist-administrative assistant to assist the court in administration, research projects, and docket management. Each judge employs two law clerks and a judicial administrative assistant.



Agency Commentary

Regular Salaries (Commitment Item 5010000): Salary requests for the Court's 49 positions for FY14 reflect the same base level as FY13 and a \$2000 increase in FY15 as established by the Office of Personnel Management's Pay Plan Classification Study. The Court of Appeals requests that if a COLA increase is awarded during the next biennium, the Court of Appeals personnel receive the same increase as other state employees.

Extra Help (Commitment Item 50100001): The Court is asking for its FY13 authorized appropriation of \$25,000 for FY14 and FY15. These funds allow the Court to hire temporary personnel when necessary because of employee illness or injury.

Personal Services Matching (Commitment Item 50100003): The Court is requesting for FY14 and FY15 an amount in proportion to its salary requests, increase insurance contributions, and increased retirement contributions.

Operating Expenses (Commitment Item 50200002): The Court is requesting an increase of \$38,400 over its FY13 authorized appropriation of \$192,729 for a total of \$231,129 for FY14, and an increase of \$28,400 over its FY13 appropriation for a total of \$221,129 in FY15. These increases are to accommodate the Court's conversion to the E-filing system. \$28,400 of the amount will be used annually to replace the Court's oldest computers, and the additional \$10,000 increase in FY14 will be used to purchase additional monitors, which are necessary for reading the briefs that will be filed electronically.

Conference and Travel Fees (Commitment Item 50500009): This request of \$68,900 for FY14 and FY15 has not increased from FY13 authorized levels.

Capital Outlay (Commitment Item 51200011): The Court is requesting that its FY 13 appropriation of \$10,500 be restored and increased to \$15,000 for FY14 and FY15 to allow the Court to replace high-valued equipment as necessary.

Legal Counsel (Commitment Item 5900040): The Court is requesting its FY13 authorized appropriation of \$260,000. This appropriation is used to the pay fees of attorneys appointed to represent indigent appellants in criminal appeals.

Special Judges (Commitment Item 5900046): The Court is requesting its FY13 authorized appropriation of \$17,044. The Court's judges sit in four three-judge panels. In the event a judge is absent from the court because of illness, accident, or other emergency, these funds are used to pay a special judge to fill in for the absent judge so that panel can continue to operate.

Mileage Reimbursement (Commitment Item 5900047): The Court is requesting its FY13 appropriation of \$60,000 for FY14 and FY15. This allowance is used to reimburse its judges, whose official residence is outside of Pulaski County, for their travel expense from their official residence to the Justice Building.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS COURT OF APPEALS
FOR THE YEAR ENDED JUNE 30, 2010

Findings

Recommendations

None

None

State Contracts Over \$25,000 Awarded To Minority Owned Businesses Fiscal Year 2012

None

Employment Summary

	Male	Female	Total	%
White Employees	9	35	44	92 %
Black Employees	0	4	4	8 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			4	8 %
Total Employees			48	100 %

Publications

A.C.A. 25-1-204

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution
		Governor	General Assembly		
Arkansas Reports	ACA 16-11-201; AR Supreme Court Rule 5-2	N	N	0	Publication of the Court of Appeals opinions ceased with volume 375 Ark/104 Ark. App. These opinions are now published online. IN RE: Arkansas Supreme Court and Court of Appeals Rule 5-2 (May 28, 2009)

Agency Position Usage Report

FY2010 - 2011						FY2011 - 2012						FY2012 - 2013					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total	
49	49	0	49	0	0.00 %	49	49	0	49	0	0.00 %	49	48	1	49	0	2.04 %

Appropriation Summary

Appropriation: 111 - Court of Appeals

Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2011-2012	2012-2013	2012-2013	2013-2014			2014-2015		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	2,785,264	2,789,452	2,789,452	2,630,136	2,630,136	0	2,632,136	2,632,136	0
#Positions		49	49	49	49	49	0	49	49	0
Extra Help	5010001	0	25,000	25,000	25,000	25,000	0	25,000	25,000	0
#Extra Help		0	2	2	2	2	0	2	2	0
Personal Services Matching	5010003	811,040	841,844	803,466	820,323	820,323	0	820,761	820,761	0
Operating Expenses	5020002	180,433	192,729	192,729	192,729	231,129	0	192,729	221,129	0
Conference & Travel Expenses	5050009	34,666	68,900	68,900	68,900	68,900	0	68,900	68,900	0
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	10,127	10,500	10,500	0	15,000	0	0	15,000	0
Legal Counsel	5900040	184,200	260,000	260,000	260,000	260,000	0	260,000	260,000	0
Special Judges	5900046	0	17,044	17,044	17,044	17,044	0	17,044	17,044	0
Mileage Reimbursement	5900047	49,002	60,000	60,000	60,000	60,000	0	60,000	60,000	0
Total		4,054,732	4,265,469	4,227,091	4,074,132	4,127,532	0	4,076,570	4,119,970	0
Funding Sources										
State Central Services	4000035	4,054,732	4,265,469		4,074,132	4,127,532	0	4,076,570	4,119,970	0
Total Funding		4,054,732	4,265,469		4,074,132	4,127,532	0	4,076,570	4,119,970	0
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		4,054,732	4,265,469		4,074,132	4,127,532	0	4,076,570	4,119,970	0

No Executive Recommendation made on this appropriation.

Change Level by Appropriation

Appropriation: 111 - Court of Appeals
Funding Sources: HSC - State Central Services

Agency Request

Change Level		2013-2014	Pos	Cumulative	% of BL	2014-2015	Pos	Cumulative	% of BL
BL	Base Level	4,074,132	49	4,074,132	100.0	4,076,570	49	4,076,570	100.0
C01	Existing Program	72,700	0	4,146,832	101.8	62,700	0	4,139,270	101.5
C04	Reallocation	(19,300)	0	4,127,532	101.3	(19,300)	0	4,119,970	101.1