

# ARKANSAS COURT OF APPEALS

## Enabling Laws

Act 77 of 2010  
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number of sitting judges on the Court of Appeals from six to twelve; Act 11 of the First Extraordinary Session of 1995 repealed certain sections of Act 1085 and allowed for the appointment of the six additional judges.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 77 of 2010 established the Court of Appeals appropriation for the biennial year of 2011.

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 FY11 appropriation authorized 49



## **Agency Commentary**

Regular Salaries (Commitment Item 5010000): Salary requests for the Court's 49 positions for FY12 and FY 13 reflect the same base levels as FY11 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 2011 authorized appropriation of \$25,000 for FY12 and FY13. 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 FY12 and FY13 an amount in proportion to its salary requests, increase insurance contributions, and increased retirement contributions.

Operating Expenses (Commitment Item 50200002): The Court is requesting its 2011 authorized appropriation of \$192,729 for FY12 and FY13. This continued amount is necessary to offset increased costs for library materials, postage, internet usage, maintenance fees, supplies, and computer replacement.

Conference and Travel Fees (Commitment Item 50500009): This request of \$68,900 for FY12 and FY13 has not increased from FY11 authorized levels.

Capital Outlay (Commitment Item 51200011): The Court is requesting that its FY 11 appropriation of \$10,500 be restored for FY12 and FY13 to allow the Court to replace high-valued equipment as necessary.

Legal Counsel (Commitment Item 5900040): The Court is requesting its FY11 authorized appropriation of \$260,000. This appropriation is used to the pay fees of attorneys appointed to represent indigent appellants in criminal appeals. In FY2010, the Court paid 177 fee awards.

Special Judges (Commitment Item 5900046): The Court is requesting that its FY11 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 FY11 appropriation of \$60,000 for FY12 and FY13. This allowance is used to reimburse its judges, whose official residence is outside of Pulaski County, for their travel expense.

## Audit Findings

DIVISION OF LEGISLATIVE AUDIT  
AUDIT OF :  
ARKANSAS COURT OF APPEALS  
FOR THE YEAR ENDED JUNE 30, 2009

Findings	Recommendations
None	None

## Employment Summary

	Male	Female	Total	%
White Employees	10	32	42	91 %
Black Employees	1	3	4	9 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			4	9 %
Total Employees			46	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

FY2008 - 2009						FY2009 - 2010						FY2010 - 2011					
Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused
	Filled	Unfilled	Total				Filled	Unfilled	Total				Filled	Unfilled	Total		
49	49	0	49	0	0.00 %	49	46	3	49	0	6.12 %	49	46	3	49	0	6.12 %

# Appropriation Summary

**Appropriation:** 111 - Court of Appeals

**Funding Sources:** HSC - State Central Services

## Historical Data

## Agency Request and Executive Recommendation

Commitment Item	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	2,579,361	2,620,639	2,776,967	2,599,539	2,599,539	0	2,599,539	2,599,539	0
<b>#Positions</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>0</b>	<b>49</b>	<b>49</b>	<b>0</b>
Extra Help 5010001	0	25,000	25,000	25,000	25,000	0	25,000	25,000	0
<b>#Extra Help</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>
Personal Services Matching 5010003	706,086	766,702	771,676	769,222	769,222	0	769,222	769,222	0
Operating Expenses 5020002	154,809	192,729	192,729	192,729	192,729	0	192,729	192,729	0
Conference & Travel Expenses 5050009	30,245	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	9,253	10,500	10,500	0	10,500	0	0	10,500	0
Legal Counsel 5900040	255,505	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	44,648	60,000	60,000	60,000	60,000	0	60,000	60,000	0
<b>Total</b>	<b>3,779,907</b>	<b>4,021,514</b>	<b>4,182,816</b>	<b>3,992,434</b>	<b>4,002,934</b>	<b>0</b>	<b>3,992,434</b>	<b>4,002,934</b>	<b>0</b>
<b>Funding Sources</b>									
State Central Services 4000035	3,779,907	4,021,514		3,992,434	4,002,934	0	3,992,434	4,002,934	0
Total Funding	3,779,907	4,021,514		3,992,434	4,002,934	0	3,992,434	4,002,934	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	3,779,907	4,021,514		3,992,434	4,002,934	0	3,992,434	4,002,934	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		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>3,992,434</b>	<b>49</b>	<b>3,992,434</b>	<b>100.0</b>	<b>3,992,434</b>	<b>49</b>	<b>3,992,434</b>	<b>100.0</b>
C01	Existing Program	10,500	0	4,002,934	100.3	10,500	0	4,002,934	100.3
C04	Reallocation	0	0	4,002,934	100.3	0	0	4,002,934	100.3