

SUPREME COURT

Enabling Laws

Act 256 of 2012

Arkansas Code Annotated 16-10-101 et seq.; 16-11-101 et seq.

Constitution of Arkansas, Article 7

Constitution of Arkansas, Amendments 9, 28, 58, 66, 77 and 80

History and Organization

The first Supreme Court of the State of Arkansas was organized in November, 1836, pursuant to the Arkansas Constitution of 1836. The Constitution of 1836 granted unto the Supreme Court appellate jurisdiction over the other courts of the state and the power to issue Writs of Error and Supersedeas, Certiorari, Habeas Corpus, Mandamus, Quo Warranto, and other remedial writs. The same or similar powers were also granted to the Supreme Court by the Arkansas Constitutions of 1864 and 1868.

The most recent authority for the organization, powers and purposes of the Supreme Court is the Constitution of 1874 and its amendments, and, specifically, Sections One, Four, Five, Six, Seven, Eight, Nine and Ten of Article Seven and Amendments 9, 28, 58, 66, 77 and 80. Pursuant to the authority of Amendment 80, the Supreme Court is composed of one Chief Justice and six Associate Justices and shall have statewide appellate jurisdiction, shall have general superintending control over all courts, the power to provide rules for all courts, authority to determine the suffering of state instructive and referendum petitions and proposed constitutional amendments, the power to answer questions certified by federal courts, and the power to issue writs in aid of its jurisdiction. Amendment 28 grants unto the Supreme Court the authority to regulate the practice of law and the professional conduct of attorneys. Amendment 66 provides the authority to appoint and receive recommendations from the Judicial Discipline and Disability Commission.

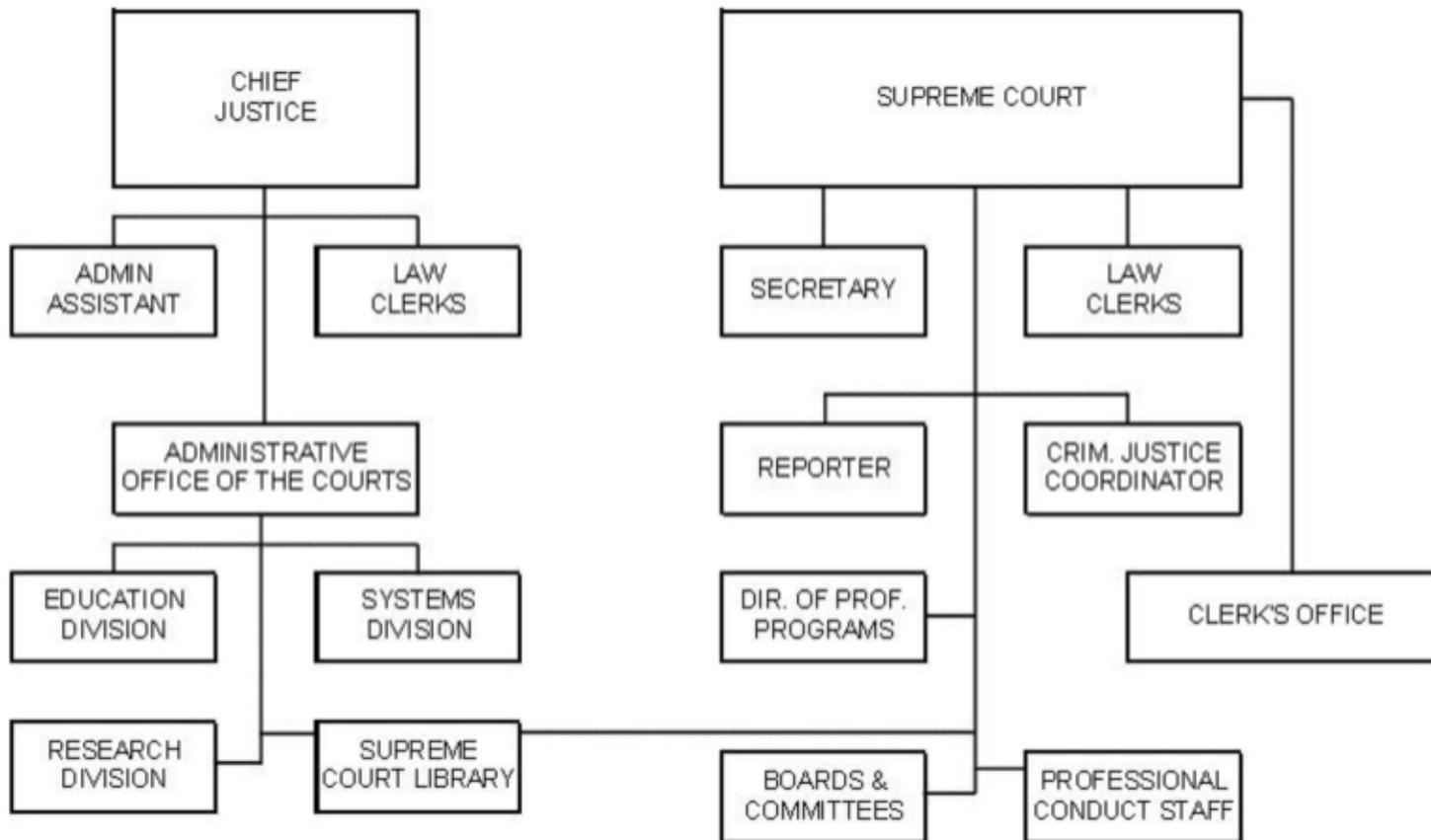
Amendment 80, Section 5, gives to the Supreme Court the power to determine the appellate jurisdiction of the Court of Appeals. The Supreme Court has, by Rule 1-2 of the Rules of the Supreme Court and Court of Appeals, provided that the Court of Appeals will have appellate jurisdiction over all cases appealed from the Circuit Courts, with the exception of the following types of cases, which are appealed to the Supreme Court:

- All cases involving the interpretation or construction of the Constitution of Arkansas;
- Criminal appeals in which the death penalty or life imprisonment has been imposed;
- Petitions for quo warranto, prohibition, injunction, or mandamus directed to the state, county, or municipal officials or to circuit courts;

- Appeals pertaining to elections and election procedures;
- Appeals involving the discipline of attorneys-at-law and or arising under the power of the Supreme Court to regulate the practice of law;
- Appeals involving the discipline and disability of judges;
- Second or subsequent appeals following an appeal which has been decided in the Supreme Court; and
- Appeals required by law to be heard by the Supreme Court.

Reassignment of cases. Any case is subject to reassignment by the Supreme Court, and in doing so; the Supreme Court will consider but not be limited to the following:

- Issues of first impression;
- Issues upon which there is a perceived inconsistency in the decisions of the Court of Appeals or Supreme Court;
- Issues involving federal constitutional interpretation;
- Issues of substantial public interest;
- Significant issues needing clarification or development of the law, or overruling of precedent; and
- Appeals involving substantial questions of law concerning the validity, construction, or interpretation of an act of the General Assembly, ordinance of a municipality or county, or a rule or regulation of any court, administrative agency, or regulatory body.



Agency Commentary

SUPREME COURT - OPERATIONS

Regular Salaries (Commitment Item 5010000): Salary requests for the Court reflect two (2) new positions. The Court is requesting a grade C128 position with an annual salary of \$55,156 entitled Appellate Review Attorney and a grade C126 position with an annual salary of \$50,029 entitled Deputy Criminal Coordinator.

A change in distribution of cases between the Supreme Court and the Court of Appeals has required additional review of cases by the clerk

upon filing. The Appellate Review Attorney position is needed to screen appellate briefs for jurisdictional significance, prepare memoranda on petitions for review, research and write memoranda on certifications from the Court of Appeals and review briefs for deficiencies prior to submission to the Supreme Court. There has also been an increase in the number of cases decided by the Court of Appeals accepted for review by the Supreme Court and the number of questions submitted to the Supreme Court by federal courts.

The Deputy Criminal Coordinator position is needed to handle pro se motions for incarcerated persons and the processing of pro se briefs. There are at least 15,000 incarcerated persons in Arkansas, each of whom has at least one criminal case and many of these file multiple pleadings. This office has seen an increase in the number of pleadings and appeals filed by incarcerated individuals and this position would keep the Court adequately staffed in this area.

Extra Help (Commitment Item 5010001): The Court is asking that its FY13 authorized appropriation of \$30,000 be restored each year of the biennium. These funds are necessary to allow the Court to hire temporary personnel if necessary because of employee illness or injury.

Personal Services Matching (Commitment Item 5010003): The Court is requesting an amount in proportion to the salary appropriation request. This amount includes the monthly contribution for state employee's health insurance and retirement contributions.

Operating Expenses (Commitment Item 5020002): The Court requests that its FY13 authorized appropriation level of \$323,089 be restored each year of the biennium.

Conference and Travel Expenses (Commitment Item 5050009): The Court requests that its FY13 authorized appropriation level of \$30,000 be restored each year of the biennium.

Professional Fees (Commitment Item 5060010): The Court requests that its FY13 authorized appropriation level of \$25,000 be restored each year of the biennium.

Capital Outlay (Commitment Item 5120011): The Court requests that its FY13 authorized appropriation level of \$112,000 be restored each year of the biennium.

Arkansas Reports (Commitment Item 5900034): The Court requests that its FY13 authorized appropriation level of \$229,477 be restored each year of the biennium.

Court Appointed Attorneys (Commitment Item 5900040): The Court requests that its FY13 authorized appropriation level of \$195,000 be restored each year of the biennium.

Commissions and Committees (Commitment Item 5900041): The Court requests that its FY13 authorized appropriation level of \$20,000 be restored each year of the biennium.

Special Justices (Commitment Item 5900046): The Court requests that its FY13 authorized appropriation level of \$5,500 be restored each year of the biennium.

Judicial Education (Commitment Item 5900048): The Court requests that its FY13 authorized appropriation level of \$100,000 be restored each year of the biennium.

APPELLATE MEDIATION - CASH

Cash Holding Account (Commitment Item 5060010): The Supreme Court Clerk's Office received a grant from the Arkansas Alternative Dispute Resolution Commission for an Appellate Mediation Pilot Program. The NSC0000 cash appropriation balance of \$13,120 should continue both years of the biennium and will be utilized for mediation purposes. Expense of appropriation is contingent upon available funding.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS SUPREME COURT
FOR THE YEAR ENDED JUNE 30, 2011

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	33	42	93 %
Black Employees	0	3	3	7 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			3	7 %
Total Employees			45	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/ AR Appellate Reports	ACA 16-11-201; AR Supreme Court Rule 5-2	N	N	0	Publication of the Supreme Court 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)

Department Appropriation Summary

Historical Data

Agency Request and Executive Recommendation

Appropriation	2011-2012		2012-2013		2012-2013		2013-2014						2014-2015					
	Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos
008 Supreme Court - Operations	4,156,681	46	4,405,324	46	4,360,143	46	4,305,137	46	4,555,829	48	0	0	4,305,137	46	4,555,829	48	0	0
56S Appellate Mediation - Cash	1,481	0	13,120	0	18,200	0	13,120	0	13,120	0	0	0	13,120	0	13,120	0	0	0
Total	4,158,162	46	4,418,444	46	4,378,343	46	4,318,257	46	4,568,949	48	0	0	4,318,257	46	4,568,949	48	0	0

Funding Sources		%		%		%		%		%		%		%		%		%
Fund Balance 4000005	15,715	0.4	14,445	0.3			14,445	0.3	14,445	0.3	0	0.0	14,445	0.3	14,445	0.3	0	0.0
State Central Services 4000035	4,156,681	99.6	4,405,324	99.4			4,305,137	99.4	4,555,829	99.4	0	0.0	4,305,137	99.4	4,555,829	99.4	0	0.0
Cash Fund 4000045	0	0.0	13,120	0.3			13,120	0.3	13,120	0.3	0	0.0	13,120	0.3	13,120	0.3	0	0.0
Interest 4000300	211	0.0	0	0.0			0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total Funds	4,172,607	100.0	4,432,889	100.0			4,332,702	100.0	4,583,394	100.0	0	0.0	4,332,702	100.0	4,583,394	100.0	0	0.0
Excess Appropriation/(Funding)	(14,445)		(14,445)				(14,445)		(14,445)		0		(14,445)		(14,445)		0	
Grand Total	4,158,162		4,418,444				4,318,257		4,568,949		0		4,318,257		4,568,949		0	

No Executive Recommendation made on these appropriations.

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	
45	45	0	45	0	0.00 %	46	45	1	46	0	2.17 %	46	44	2	46	0	4.35 %

Appropriation Summary

Appropriation: 008 - Supreme Court - Operations

Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2013-2014			2014-2015		
	2011-2012 Actual	2012-2013 Budget	2012-2013 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	2,520,170	2,545,529	2,545,529	2,545,529	2,650,714	0	2,545,529	2,650,714	0
#Positions	46	46	46	46	48	0	46	48	0
Extra Help 5010001	26,801	30,000	30,000	30,000	30,000	0	30,000	30,000	0
#Extra Help	3	1	5	5	5	0	5	5	0
Personal Services Matching 5010003	754,607	789,729	744,548	801,542	835,049	0	801,542	835,049	0
Operating Expenses 5020002	323,080	323,089	323,089	323,089	323,089	0	323,089	323,089	0
Conference & Travel Expenses 5050009	27,471	30,000	30,000	30,000	30,000	0	30,000	30,000	0
Professional Fees 5060010	0	25,000	25,000	25,000	25,000	0	25,000	25,000	0
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	108,318	112,000	112,000	0	112,000	0	0	112,000	0
Arkansas Reports* 5900034	228,213	229,477	229,477	229,477	229,477	0	229,477	229,477	0
Court Appointed Attorneys 5900040	75,343	195,000	195,000	195,000	195,000	0	195,000	195,000	0
Commissions and Committees 5900041	13,764	20,000	20,000	20,000	20,000	0	20,000	20,000	0
Special Justices 5900046	600	5,500	5,500	5,500	5,500	0	5,500	5,500	0
Judicial Education 5900048	78,314	100,000	100,000	100,000	100,000	0	100,000	100,000	0
Total	4,156,681	4,405,324	4,360,143	4,305,137	4,555,829	0	4,305,137	4,555,829	0
Funding Sources									
State Central Services 4000035	4,156,681	4,405,324		4,305,137	4,555,829	0	4,305,137	4,555,829	0
Total Funding	4,156,681	4,405,324		4,305,137	4,555,829	0	4,305,137	4,555,829	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	4,156,681	4,405,324		4,305,137	4,555,829	0	4,305,137	4,555,829	0

No Executive Recommendation made on this appropriation.

Change Level by Appropriation

Appropriation: 008 - Supreme Court - Operations
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	4,305,137	46	4,305,137	100.0	4,305,137	46	4,305,137	100.0
C01	Existing Program	267,692	2	4,572,829	106.2	267,692	2	4,572,829	106.2
C03	Discontinue Program	(17,000)	0	4,555,829	105.8	(17,000)	0	4,555,829	105.8

Appropriation Summary

Appropriation: 56S - Appellate Mediation - Cash

Funding Sources: NCS - Cash in Treasury

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			2013-2014			2014-2015		
		2011-2012 Actual	2012-2013 Budget	2012-2013 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	0	0	0	0	0	0	0	0	0
Conference & Travel Expenses	5050009	0	0	0	0	0	0	0	0	0
Professional Fees	5060010	1,481	13,120	18,200	13,120	13,120	0	13,120	13,120	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		1,481	13,120	18,200	13,120	13,120	0	13,120	13,120	0
Funding Sources										
Fund Balance	4000005	15,715	14,445		14,445	14,445	0	14,445	14,445	0
Cash Fund	4000045	0	13,120		13,120	13,120	0	13,120	13,120	0
Interest	4000300	211	0		0	0	0	0	0	0
Total Funding		15,926	27,565		27,565	27,565	0	27,565	27,565	0
Excess Appropriation/(Funding)		(14,445)	(14,445)		(14,445)	(14,445)	0	(14,445)	(14,445)	0
Grand Total		1,481	13,120		13,120	13,120	0	13,120	13,120	0

No Executive Recommendation made on this appropriation.