

SUPREME COURT

Enabling Laws

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 supervising 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.

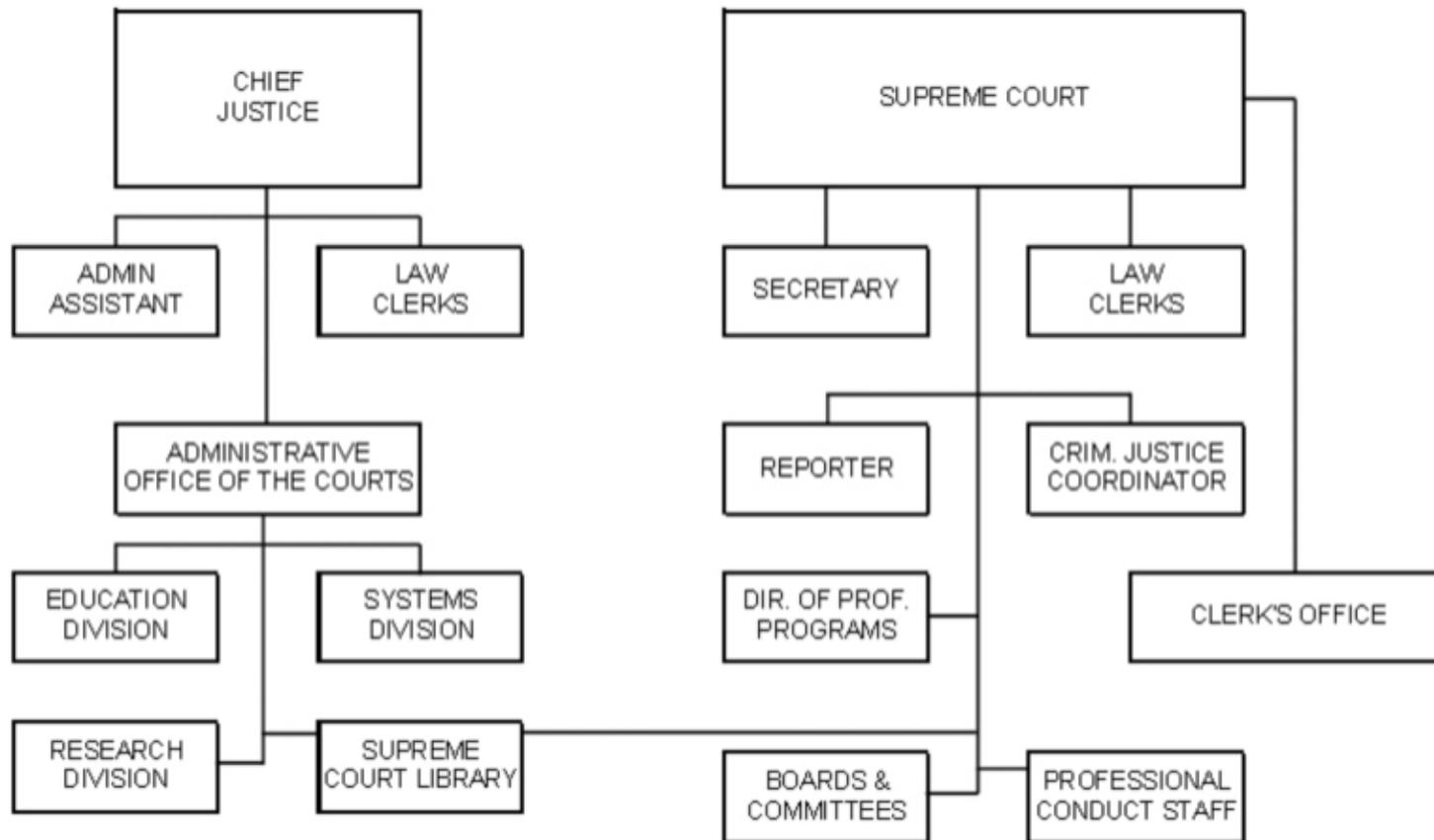
Amendment 80, Section 5, gives to the Supreme Court the power to determine the appellate jurisdiction of the Court of Appeals. The Supreme Court has, by Rule 1-2 of the Rules of the Supreme Court and Court of Appeals, provided that the Court of Appeals will have appellate jurisdiction over all cases 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

Regular Salaries (Commitment Item 5010000): Salary requests for the Court reflect one (1) new position and one (1) position upgrade. The Court is requesting a grade C118 position with an annual salary of \$33,861 entitled Public Service Librarian. This position would be responsible for handling acquisition of new materials in all formats (print and electronic), cataloging, binding, physical arrangement of library material. The position upgrade request to C129 and title change to Communications Counsel will allow the Court the ability to correctly title and grade this position for parity with other positions with equivalent job responsibilities within the Agency.

Extra Help (Commitment Item 5010001): The Court is asking that its 2009 authorized appropriation of \$30,000 be restored. 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 FY11 authorized appropriation of \$323,089 be restored each year of the biennium.

Conference and Travel Expenses (Commitment Item 5050009): The Court requests that its FY11 authorized appropriation level of \$30,000 be restored each year of the biennium.

Professional Fees (Commitment Item 5060010): The Court requests that its FY11 authorized appropriation level of \$25,000 be restored each year of the biennium.

Capital Outlay (Commitment Item 5120011): The Court requests that its FY11 authorized appropriation level of \$112,000 be restored each year of the biennium.

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 \$18,200 should continue both years of the biennium and will be utilized for mediation purposes. Expense of appropriation is contingent upon available funding.

Arkansas Reports* (Commitment Item 5900034): The Court requests that its FY11 authorized appropriation level be reduced to \$229,477 each year of the biennium to offset the salary and matching for the new position request. *Also, the Court requests a change in this Commitment Item title from Printing and Binding to Arkansas Reports to reflect the change to electronic production, storage and access to appellate records, opinions and proceedings.

Court Appointed Attorneys (Commitment Item 5900040): The Court requests that its FY11 authorized appropriation level of \$195,000 be restored each year of the biennium.

Commissions and Committees (Commitment Item 5900041): The Court requests that its FY11 authorized appropriation level of \$20,000 be restored each year of the biennium.

Special Justices (Commitment Item 5900046): The Court requests that its FY11 authorized appropriation level of \$5,500 be restored each year of the biennium.

Judicial Education (Commitment Item 5900048): The Court requests that its FY11 authorized appropriation level of \$100,000 be restored each year of the biennium.

Audit Findings

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

| Findings | Recommendations |
|----------|-----------------|
| None | None |

Employment Summary

| | Male | Female | Total | % |
|-------------------------|------|--------|-------|-------|
| White Employees | 10 | 30 | 40 | 89 % |
| Black Employees | 1 | 3 | 4 | 9 % |
| Other Racial Minorities | 1 | 0 | 1 | 2 % |
| Total Minorities | | | 5 | 11 % |
| 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 | 2009-2010 | | 2010-2011 | | 2010-2011 | | 2011-2012 | | | | | 2012-2013 | | | | | | |
|--------------------------------|------------------|-----------|------------------|-----------|------------------|-----------|------------------|-----------|------------------|-----------|-----------|-----------|------------------|-----------|------------------|-----------|-----------|----------|
| | Actual | Pos | Budget | Pos | Authorized | Pos | Base Level | Pos | Agency | Pos | Executive | Pos | Base Level | Pos | Agency | Pos | Executive | Pos |
| 008 Supreme Court - Operations | 3,699,136 | 45 | 4,123,659 | 45 | 4,123,659 | 45 | 4,060,867 | 45 | 4,172,867 | 46 | 0 | 0 | 4,060,867 | 45 | 4,172,867 | 46 | 0 | 0 |
| 56S Appellate Mediation - Cash | 1,800 | 0 | 18,200 | 0 | 20,000 | 0 | 18,200 | 0 | 18,200 | 0 | 0 | 0 | 18,200 | 0 | 18,200 | 0 | 0 | 0 |
| Total | 3,700,936 | 45 | 4,141,859 | 45 | 4,143,659 | 45 | 4,079,067 | 45 | 4,191,067 | 46 | 0 | 0 | 4,079,067 | 45 | 4,191,067 | 46 | 0 | 0 |

| Funding Sources | | % | | % | | % | | % | | % | | % | | % | | % | | % |
|--------------------------------|------------------|--------------|------------------|--------------|--|---|------------------|--------------|------------------|--------------|----------|------------|------------------|--------------|------------------|--------------|----------|------------|
| Fund Balance 4000005 | 20,474 | 0.6 | 19,030 | 0.5 | | | 19,030 | 0.5 | 19,030 | 0.5 | 0 | 0.0 | 19,030 | 0.5 | 19,030 | 0.5 | 0 | 0.0 |
| State Central Services 4000035 | 3,699,136 | 99.4 | 4,123,659 | 99.1 | | | 4,060,867 | 99.1 | 4,172,867 | 99.1 | 0 | 0.0 | 4,060,867 | 99.1 | 4,172,867 | 99.1 | 0 | 0.0 |
| Cash Fund 4000045 | 0 | 0.0 | 18,200 | 0.4 | | | 18,200 | 0.4 | 18,200 | 0.4 | 0 | 0.0 | 18,200 | 0.4 | 18,200 | 0.4 | 0 | 0.0 |
| Interest 4000300 | 356 | 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 | 3,719,966 | 100.0 | 4,160,889 | 100.0 | | | 4,098,097 | 100.0 | 4,210,097 | 100.0 | 0 | 0.0 | 4,098,097 | 100.0 | 4,210,097 | 100.0 | 0 | 0.0 |
| Excess Appropriation/(Funding) | (19,030) | | (19,030) | | | | (19,030) | | (19,030) | | 0 | | (19,030) | | (19,030) | | 0 | |
| Grand Total | 3,700,936 | | 4,141,859 | | | | 4,079,067 | | 4,191,067 | | 0 | | 4,079,067 | | 4,191,067 | | 0 | |

No Executive Recommendation made on these appropriations.

Agency Position Usage Report

| FY2008 - 2009 | | | | | | FY2009 - 2010 | | | | | | FY2010 - 2011 | | | | | |
|-------------------|----------|----------|-------|------------|------------------------|-------------------|----------|----------|-------|------------|------------------------|-------------------|----------|----------|-------|------------|------------------------|
| 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 | |
| 44 | 44 | 0 | 44 | 0 | 0.00 % | 45 | 45 | 0 | 45 | 0 | 0.00 % | 45 | 45 | 0 | 45 | 0 | 0.00 % |

Appropriation Summary

Appropriation: 008 - Supreme Court - Operations

Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

| Commitment Item | | Historical Data | | | Agency Request and Executive Recommendation | | | Agency Request and Executive Recommendation | | |
|--------------------------------|---------|---------------------|---------------------|-------------------------|---|------------------|-----------|---|------------------|-----------|
| | | 2009-2010 Actual | 2010-2011 Budget | 2010-2011 Authorized | 2011-2012 | | | 2012-2013 | | |
| | | | | | Base Level | Agency | Executive | Base Level | Agency | Executive |
| Regular Salaries | 5010000 | 2,178,843 | 2,338,492 | 2,338,492 | 2,353,448 | 2,387,309 | 0 | 2,353,448 | 2,387,309 | 0 |
| #Positions | | 45 | 45 | 45 | 45 | 46 | 0 | 45 | 46 | 0 |
| Extra Help | 5010001 | 13,444 | 30,000 | 30,000 | 30,000 | 30,000 | 0 | 30,000 | 30,000 | 0 |
| #Extra Help | | 5 | 5 | 5 | 5 | 5 | 0 | 5 | 5 | 0 |
| Personal Services Matching | 5010003 | 593,828 | 669,578 | 669,578 | 703,830 | 715,492 | 0 | 703,830 | 715,492 | 0 |
| Operating Expenses | 5020002 | 316,130 | 323,089 | 323,089 | 323,089 | 323,089 | 0 | 323,089 | 323,089 | 0 |
| Conference & Travel Expenses | 5050009 | 27,156 | 30,000 | 30,000 | 30,000 | 30,000 | 0 | 30,000 | 30,000 | 0 |
| Professional Fees | 5060010 | 23,325 | 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 | 111,716 | 112,000 | 112,000 | 0 | 112,000 | 0 | 0 | 112,000 | 0 |
| Arkansas Reports* | 5900034 | 247,261 | 275,000 | 275,000 | 275,000 | 229,477 | 0 | 275,000 | 229,477 | 0 |
| Court Appointed Attorneys | 5900040 | 98,199 | 195,000 | 195,000 | 195,000 | 195,000 | 0 | 195,000 | 195,000 | 0 |
| Commissions and Committees | 5900041 | 12,885 | 20,000 | 20,000 | 20,000 | 20,000 | 0 | 20,000 | 20,000 | 0 |
| Special Justices | 5900046 | 1,933 | 5,500 | 5,500 | 5,500 | 5,500 | 0 | 5,500 | 5,500 | 0 |
| Judicial Education | 5900048 | 74,416 | 100,000 | 100,000 | 100,000 | 100,000 | 0 | 100,000 | 100,000 | 0 |
| Total | | 3,699,136 | 4,123,659 | 4,123,659 | 4,060,867 | 4,172,867 | 0 | 4,060,867 | 4,172,867 | 0 |
| Funding Sources | | | | | | | | | | |
| State Central Services | 4000035 | 3,699,136 | 4,123,659 | | 4,060,867 | 4,172,867 | 0 | 4,060,867 | 4,172,867 | 0 |
| Total Funding | | 3,699,136 | 4,123,659 | | 4,060,867 | 4,172,867 | 0 | 4,060,867 | 4,172,867 | 0 |
| Excess Appropriation/(Funding) | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 |
| Grand Total | | 3,699,136 | 4,123,659 | | 4,060,867 | 4,172,867 | 0 | 4,060,867 | 4,172,867 | 0 |

*The Court Request provides for a commitment item title change from "Printing and Binding" to "Arkansas Reports".

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 | | 2011-2012 | Pos | Cumulative | % of BL | 2012-2013 | Pos | Cumulative | % of BL |
|--------------|---------------------|------------------|-----------|------------------|--------------|------------------|-----------|------------------|--------------|
| BL | Base Level | 4,060,867 | 45 | 4,060,867 | 100.0 | 4,060,867 | 45 | 4,060,867 | 100.0 |
| C01 | Existing Program | 171,523 | 1 | 4,232,390 | 104.2 | 171,523 | 1 | 4,232,390 | 104.2 |
| C03 | Discontinue Program | (59,523) | 0 | 4,172,867 | 102.8 | (59,523) | 0 | 4,172,867 | 102.8 |
| C10 | Reclass | 0 | 0 | 4,172,867 | 102.8 | 0 | 0 | 4,172,867 | 102.8 |

Appropriation Summary

Appropriation: 56S - Appellate Mediation - Cash

Funding Sources: NCS - Cash in Treasury

Historical Data

Agency Request and Executive Recommendation

| Commitment Item | | Historical Data | | | Agency Request and Executive Recommendation | | | Agency Request and Executive Recommendation | | |
|--------------------------------|---------|---------------------|---------------------|-------------------------|---|---------------|-----------|---|---------------|-----------|
| | | 2009-2010 Actual | 2010-2011 Budget | 2010-2011 Authorized | 2011-2012 | | | 2012-2013 | | |
| | | | | | 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 | 1,800 | 18,200 | 20,000 | 18,200 | 18,200 | 0 | 18,200 | 18,200 | 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 | | 1,800 | 18,200 | 20,000 | 18,200 | 18,200 | 0 | 18,200 | 18,200 | 0 |
| Funding Sources | | | | | | | | | | |
| Fund Balance | 4000005 | 20,474 | 19,030 | | 19,030 | 19,030 | 0 | 19,030 | 19,030 | 0 |
| Cash Fund | 4000045 | 0 | 18,200 | | 18,200 | 18,200 | 0 | 18,200 | 18,200 | 0 |
| Interest | 4000300 | 356 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Funding | | 20,830 | 37,230 | | 37,230 | 37,230 | 0 | 37,230 | 37,230 | 0 |
| Excess Appropriation/(Funding) | | (19,030) | (19,030) | | (19,030) | (19,030) | 0 | (19,030) | (19,030) | 0 |
| Grand Total | | 1,800 | 18,200 | | 18,200 | 18,200 | 0 | 18,200 | 18,200 | 0 |