

# ARKANSAS COURT OF APPEALS

## Enabling Laws

Act 257 of 2016  
A.C.A. §16-21-101 et seq.  
Constitution of Arkansas, Amendment 58 and 80

## History and Organization

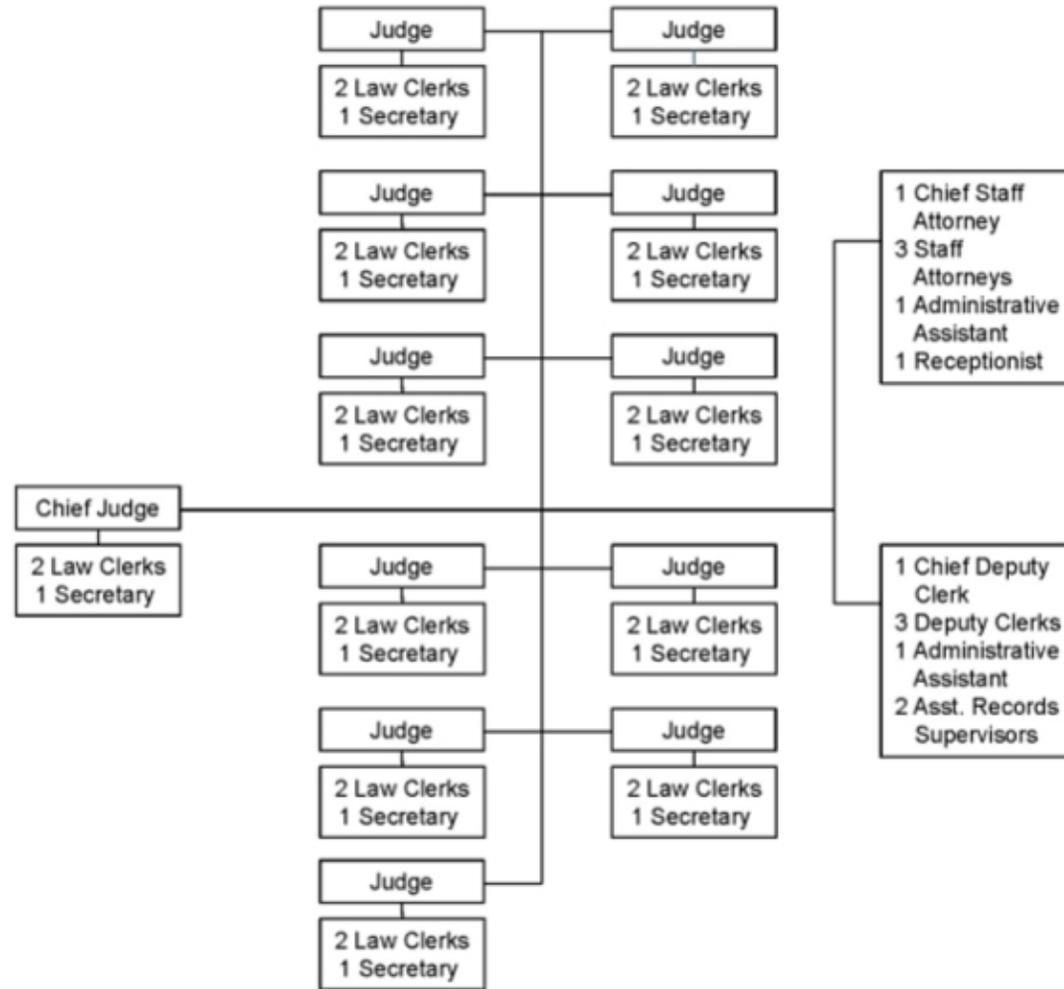
The Arkansas Court of Appeals is a court of appellate jurisdiction that was established pursuant to the provisions of Amendment 58 to the Arkansas Constitution to help alleviate the tremendous caseload of the Arkansas Supreme Court.

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number of sitting judges on the Court of Appeals from six to twelve; Act 11 of the First Extraordinary Session of 1995 repealed certain sections of Act 1085 and allowed for the appointment of the six additional judges.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 257 of 2016 established the Court of Appeals appropriation for the biennial year of 2016-17.

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 designates one of the twelve judges to serve as Chief Judge of the Court of Appeals. The Court of Appeals FY17 appropriation authorized 49

regular employees. The court employs one chief deputy clerk, one assistant chief deputy, 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): The Court requests no additional positions or any changes in grade or title. The Court requests that if a salary increase is awarded to the Arkansas Supreme Court employees during the next biennium, the Court of Appeals employees receive the same increase.

Extra Help (Commitment Item 5010001): The Court is asking for no increase in the current authorized appropriation of \$25,000 for each year of the biennium. These funds are used to allow the Court to hire temporary personnel if necessary because of employee illness or injury.

Personal Services Matching (Commitment Item 5020003): 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 FY17 authorized appropriation level of \$251,129 be restored for each year of the biennium.

Conference and Travel Expenses (Commitment Item 5050009): The Court requests that its FY17 authorized appropriation of \$68,900 be restored for each year of the biennium.

Capital Outlay (Commitment Item 5120011): The Court requests that its FY17 authorized appropriation of \$15,000 be restored for each year of the biennium.

Legal Counsel (Commitment Item 5900040): The Court requests that its FY17 authorized appropriation of \$260,000 be restored for each year of the biennium. This appropriation is used to pay the fees of attorneys appointed to represent indigent appellants in criminal appeals.

Special Judges (Commitment Item 5900046): The Courts requests that its FY17 authorized appropriation of \$17,044 be restored for each year of the biennium. Because the Court sits in four 3-judge panels, these funds are necessary to pay a special judge to fill in for a judge that is absent because of illness, injury, or other emergency.

Mileage Reimbursement (Commitment Item 5900047): The Court requests its FY17 appropriation of \$60,000 be restored for each year of the biennium. This allowance is used to reimburse judges, whose official residences are 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, 2015

Findings

Recommendations

None

None

## State Contracts Over \$50,000 Awarded To Minority Owned Businesses Fiscal Year 2016

None

## Employment Summary

	Male	Female	Total	%
White Employees	5	41	46	94 %
Black Employees	0	3	3	6 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			3	6 %
Total Employees			49	100 %

## Publications

### A.C.A. 25-1-201 et seq.

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution	Unbound Black & White Copies Produced During the Last Two Years	Cost of Unbound Copies Produced During the Last Two Years
		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)	0	0.00

## Agency Position Usage Report

FY2014 - 2015						FY2015 - 2016						FY2016 - 2017					
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	49	0	49	0	0.00 %	49	49	0	49	0	0.00 %

# Appropriation Summary

**Appropriation:** 111 - Court of Appeals

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

## Historical Data

## Agency Request and Executive Recommendation

Commitment Item		Historical Data			2017-2018			2018-2019		
		2015-2016 Actual	2016-2017 Budget	2016-2017 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	2,747,516	2,708,547	2,684,243	2,700,414	2,700,414	0	2,701,914	2,701,914	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	6,284	25,000	25,000	25,000	25,000	0	25,000	25,000	0
<b>#Extra Help</b>		<b>2</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	874,077	852,037	852,037	862,152	862,152	0	862,492	862,492	0
Operating Expenses	5020002	187,302	251,129	251,129	251,129	251,129	0	251,129	251,129	0
Conference & Travel Expenses	5050009	35,061	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	0	15,000	15,000	0	15,000	0	0	15,000	0
Legal Counsel	5900040	232,056	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	50,717	60,000	60,000	60,000	60,000	0	60,000	60,000	0
<b>Total</b>		<b>4,133,013</b>	<b>4,257,657</b>	<b>4,233,353</b>	<b>4,244,639</b>	<b>4,259,639</b>	<b>0</b>	<b>4,246,479</b>	<b>4,261,479</b>	<b>0</b>
<b>Funding Sources</b>										
State Central Services	4000035	4,133,013	4,257,657		4,244,639	4,259,639	0	4,246,479	4,261,479	0
Total Funding		4,133,013	4,257,657		4,244,639	4,259,639	0	4,246,479	4,261,479	0
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
<b>Grand Total</b>		<b>4,133,013</b>	<b>4,257,657</b>		<b>4,244,639</b>	<b>4,259,639</b>	<b>0</b>	<b>4,246,479</b>	<b>4,261,479</b>	<b>0</b>

FY17 Budget amount in Regular Salaries exceeds the authorized amount due to salary adjustments during the 2015-2017 Biennium.

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		2017-2018	Pos	Cumulative	% of BL	2018-2019	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>4,244,639</b>	<b>49</b>	<b>4,244,639</b>	<b>100.0</b>	<b>4,246,479</b>	<b>49</b>	<b>4,246,479</b>	<b>100.0</b>
C01	Existing Program	82,690	0	4,327,329	101.9	82,690	0	4,329,169	101.9
C03	Discontinue Program	(67,690)	0	4,259,639	100.4	(67,690)	0	4,261,479	100.4