

AR COURT OF APPEAL

Enabling Laws

Act 937 of 2003
Constitution of Arkansas, Amendment 58
AR Code, §16-21-101-114 et seq.

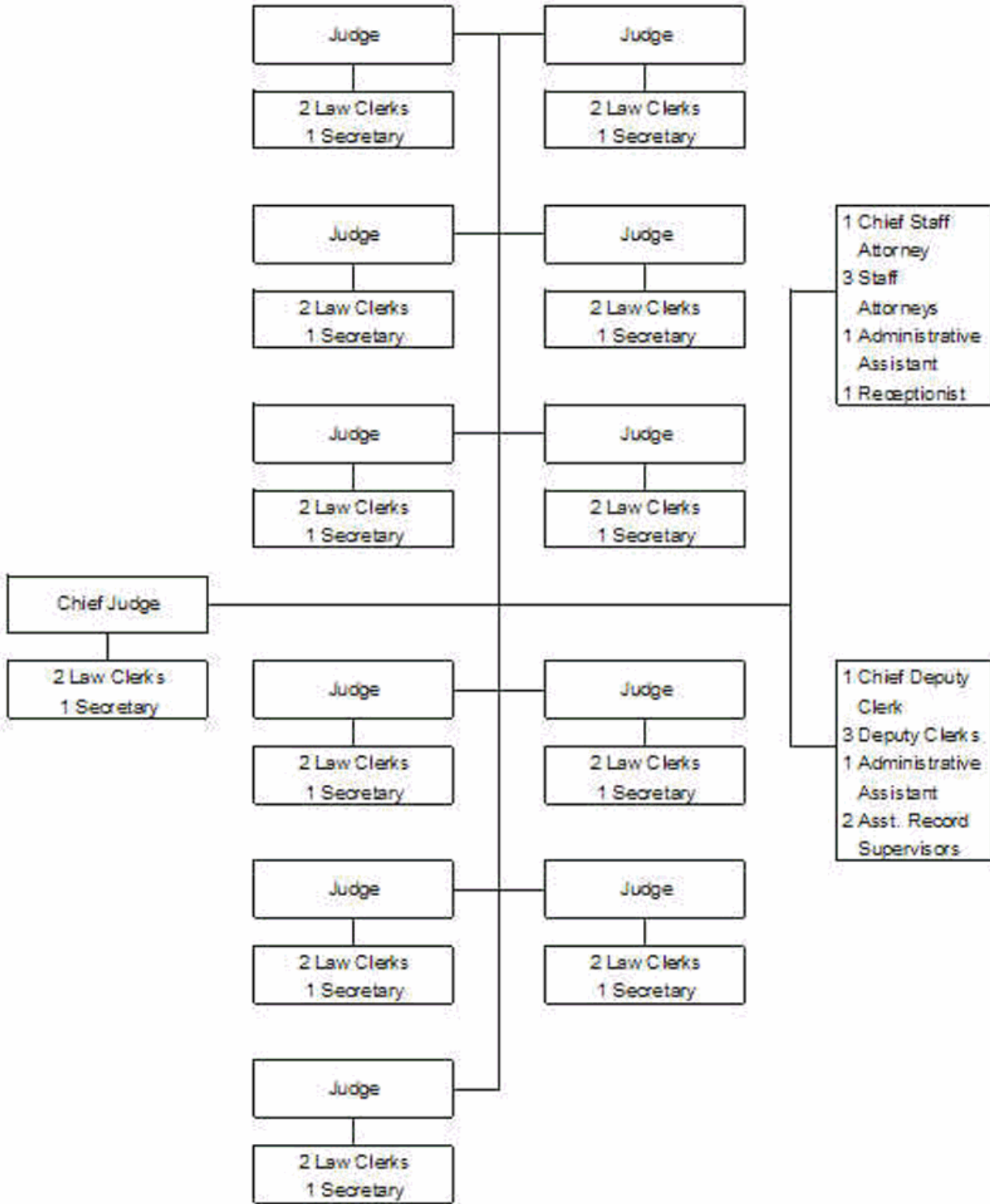
History and Organization

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 (AR Code, §16-12-101-114 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number of sitting judges on the Court of Appeals from six to twelve; Act 11 of the First Extraordinary Session of 1995 repealed certain sections of Act 1085 and allowed for the appointment of the six additional judges.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 1335 of 2003 established the Court of Appeals appropriation for the biennial years of 2004 and 2005.

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 Ark. 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 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 FY03-05 biennial appropriation authorized 49 regular employees. The court employs one chief deputy, two assistant record supervisors, one administrative assistant, and three deputy clerks to assist the Supreme Court Clerk in managing court records. In addition, the Court employs a chief staff attorney and three staff attorneys, all experienced lawyers, an administrative assistant, and a secretary/receptionist to assist the court in administration, research projects, and docket management. Each judge employs two law clerks and a secretary.



Agency Commentary

Regular Salaries (Commitment Item 5010000): The salary requests for FY 06 and FY 07 reflect base level requests with a graduated COLA increase of 3% to 1.5% for each year of the biennium. The

court is not seeking any additional positions or upgrades during the next biennium.

Extra Help (Commitment Item 5010001): The court is asking that its 2005 authorized appropriation of \$25,000 be restored. These funds are necessary to allow the court to hire temporary personnel in the event of the absence of an employee because of illness or injury.

Personal Services Matching (Commitment Item 5010003): The court is requesting this amount in proportion to the additional salary requests for FY06 and FY07.

Operating Expenses (Commitment Item 5020002): This request has not increased from the FY04-05 authorized levels.

Travel-Conference Fees (Commitment Item 5050009): This request has not increased from the FY04-05 authorized levels.

Capital Outlay (Commitment Item 5120011): The court is requesting its 2005 authorized appropriation of \$10,500 be restored to allow the court to replace if necessary high-value equipment (such as photocopiers) or furniture.

Legal Counsel (Commitment Item 5900040): The court is requesting a \$90,000 increase above its FY05 authorized level to include the payment of legal fees for attorneys who are appointed as required by A.C.A. §9-27-316(h)(1)(Supp.2003) to represent a parent or guardian in the appeal of a proceeding to remove custody from a parent or guardian or to terminate parental rights of a juvenile. The court's existing appropriation was authorized for the payment of attorneys' fees in criminal appeals.

Special Judges (Commitment Item 5900046): The court is requesting that its 2005 authorized appropriation of \$17,044 be restored as these funds are necessary to pay special judges who fill in for the court's sitting judges who are absent temporarily because of illness or accident.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS COURT OF APPEALS
FOR THE YEAR ENDED JUNE 30, 2002

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	8	36	44	90 %
Black Employees	1	4	5	10 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			5	10%
Total Employees			49	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	16-12-108(b) (Repl.1999) 16-11-201-09 (Repl.1999)	N	N	0	All published opinions of the Court of Appeals are reported by the Reporter of the Supreme Court. See 16-11-201.

Appropriation / Program Summary

Appropriation / Program: 111 Crt of Appeals
Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2003-2004	2004-2005	2004-2005	2005-2006			2006-2007		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	2,056,181	2,091,692	2,216,049	2,153,215	2,153,215	0	2,216,372	2,216,372	0
#Positions	49	49	49	49	49	0	49	49	0
Extra Help 5010001	0	5,000	25,000	5,000	25,000	0	5,000	25,000	0
#Extra Help	0	2	2	2	2	0	2	2	0
Personal Services Matching 5010003	524,564	559,934	636,006	595,725	595,725	0	607,667	607,667	0
Operating Expenses 5020002	173,274	187,185	187,185	187,185	187,185	0	187,185	187,185	0
Travel-Conference Fees 5050009	39,062	68,900	68,900	68,900	68,900	0	68,900	68,900	0
Professional Fees and Services 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	9,765	10,500	10,500	0	10,500	0	0	10,500	0
Legal Counsel 5900040	111,800	130,000	130,000	130,000	220,000	0	130,000	220,000	0
Special Judges 5900046	1,600	9,137	17,044	9,137	17,044	0	9,137	17,044	0
Total	2,916,246	3,062,348	3,290,684	3,149,162	3,277,569	0	3,224,261	3,352,668	0
Funding Sources									
State Central Services 4000035	2,916,246	3,062,348		3,149,162	3,277,569	0	3,224,261	3,352,668	0
Total Funding	2,916,246	3,062,348		3,149,162	3,277,569	0	3,224,261	3,352,668	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	2,916,246	3,062,348		3,149,162	3,277,569	0	3,224,261	3,352,668	0

No Executive Recommendation made on this appropriation.

Change Level by Appropriation

Appropriation / Program: 111-Crt of Appeals

Funding Sources: HSC - State Central Services

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	3,149,162	49	3,149,162	100.0	3,224,261	49	3,224,261	100.0
C01	Existing Program	128,407	0	3,277,569	104.0	128,407	0	3,352,668	103.9