

ARKANSAS COURT OF APPEALS

Enabling Laws

Act 781 of 2007
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number of sitting judges on the Court of Appeals from six to twelve; Act 11 of the First Extraordinary Session of 1995 repealed certain sections of Act 1085 and allowed for the appointment of the six additional judges.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 781 of 2007 established the Court of Appeals appropriation for the biennial years of 2008 and 2009.

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 FY05-07 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 and AASIS data entry. 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): Salary requests for the Court's 49 positions reflect a reclassification of the current grades to the comparable grades described in the Office of Personnel Management's Classification Study and FY10 and FY11 Pay Plan Recommendations. Additionally, one upgrade is being requested from a Staff Attorney Position, presently grade 24, to that of Deputy Chief Staff Attorney at Grade C129. Base level salary for this upgraded classified position includes a merit increase adjustment for FY09 and a 6% upgrade increase. Base level salaries for the classified positions include a merit increase adjustment for FY09 and adhere to the guidelines of the Pay Plan Study. The unclassified position has been converted to the Pay Plan Study and also reflects an adjustment in line item salary. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base level request for Regular Salaries may include Career Service payments for eligible employees.

Extra Help (Commitment Item 5010001): The Court is asking that its 2009 authorized appropriation of \$25,000 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 this amount in proportion to the additional salary requests for FY10 and FY11. This amount includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

Operating Expenses (Commitment Item 5020002): The Court is requesting that its 2009 authorized appropriation be increased by 3% to offset increased costs for library materials, postage, internet usage, maintenance fees, and supplies. The Court's last increase for this commitment item was 2004.

Conference and Travel Fees (Commitment Item 5050009): This request has not increased from FY07-09.

Capital Outlay (Commitment Item 5120011): The Court is requesting that its FY07-09 appropriation of \$10,500 be restored to allow the Court to replace high-valued equipment if necessary.

Legal Counsel (Commitment Item 5900040): The Court is requesting an \$115,000 increase in FY10 and a \$140,000 increase in FY11 above its FY09 authorized level for payment of attorneys who are appointed to represent indigent appellants in criminal and dependency/neglect appeals.

Special Judges (Commitment Item 5900046): The Court is requesting that its 2009 authorized appropriation of \$17,044 be restored as these funds are necessary to pay special judges that fill in for the Court's sitting judges who are temporarily absent because of illness or accident.

Fixed Housing and Travel Allowance (Commitment Item 5900047): The Court is requesting a \$120,000 housing and travel allowance for both years of the biennium to reimburse its judges whose official residence is outside of Pulaski County for their housing and travel expenses expenses, as described in the special language.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS COURT OF APPEALS

FOR THE YEAR ENDED JUNE 30, 2007

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	8	36	44	94 %
Black Employees	1	2	3	6 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			3	6 %
Total Employees			47	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	600	All published opinions of the Court of Appeals are reported by the Reporter of the Supreme Court. See A.C.A. §16-11-201.

Agency Position Usage Report

FY2006 - 2007						FY2007 - 2008						FY2008 - 2009					
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	
49	49	0	49	0	0.00 %	49	48	1	49	0	2.04 %	49	47	2	49	0	4.08 %

Appropriation Summary

Appropriation: 111 - Court of Appeals
Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	2,431,651	2,497,234	2,506,131	2,713,159	2,713,159	0	2,776,967	2,776,967	0
#Positions	49	49	49	49	49	0	49	49	0
Extra Help 5010001	0	25,000	25,000	25,000	25,000	0	25,000	25,000	0
#Extra Help	0	2	2	2	2	0	2	2	0
Personal Services Matching 5010003	700,101	673,696	751,839	759,730	759,730	0	771,676	771,676	0
Operating Expenses 5020002	176,318	187,185	187,185	187,185	192,729	0	187,185	192,729	0
Conference & Travel Expenses 5050009	40,409	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	2,528	10,500	10,500	0	10,500	0	0	10,500	0
Miscellaneous CI 40 5900040	159,954	160,000	160,000	160,000	275,000	0	160,000	300,000	0
Miscellaneous CI 46 5900046	0	17,044	17,044	17,044	17,044	0	17,044	17,044	0
Miscellaneous CI 47 5900047	0	0	0	0	120,000	0	0	120,000	0
Total	3,510,961	3,639,559	3,726,599	3,931,018	4,182,062	0	4,006,772	4,282,816	0
Funding Sources									
State Central Services 4000035	3,510,961	3,639,559		3,931,018	4,182,062	0	4,006,772	4,282,816	0
Total Funding	3,510,961	3,639,559		3,931,018	4,182,062	0	4,006,772	4,282,816	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	3,510,961	3,639,559		3,931,018	4,182,062	0	4,006,772	4,282,816	0

No Executive Recommendation on this appropriation.

Change Level by Appropriation

Appropriation: 111 - Court of Appeals
Funding Sources: HSC - State Central Services

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	3,931,018	49	3,931,018	100.0	4,006,772	49	4,006,772	100.0
C01	Existing Program	160,044	0	4,091,062	104.1	185,044	0	4,191,816	104.6
C02	New Program	120,000	0	4,211,062	107.1	120,000	0	4,311,816	107.6
C03	Discontinue Program	(29,000)	0	4,182,062	106.4	(29,000)	0	4,282,816	106.9