

# SUPREME COURT

## **Enabling Laws**

Act 56 of 2014

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.

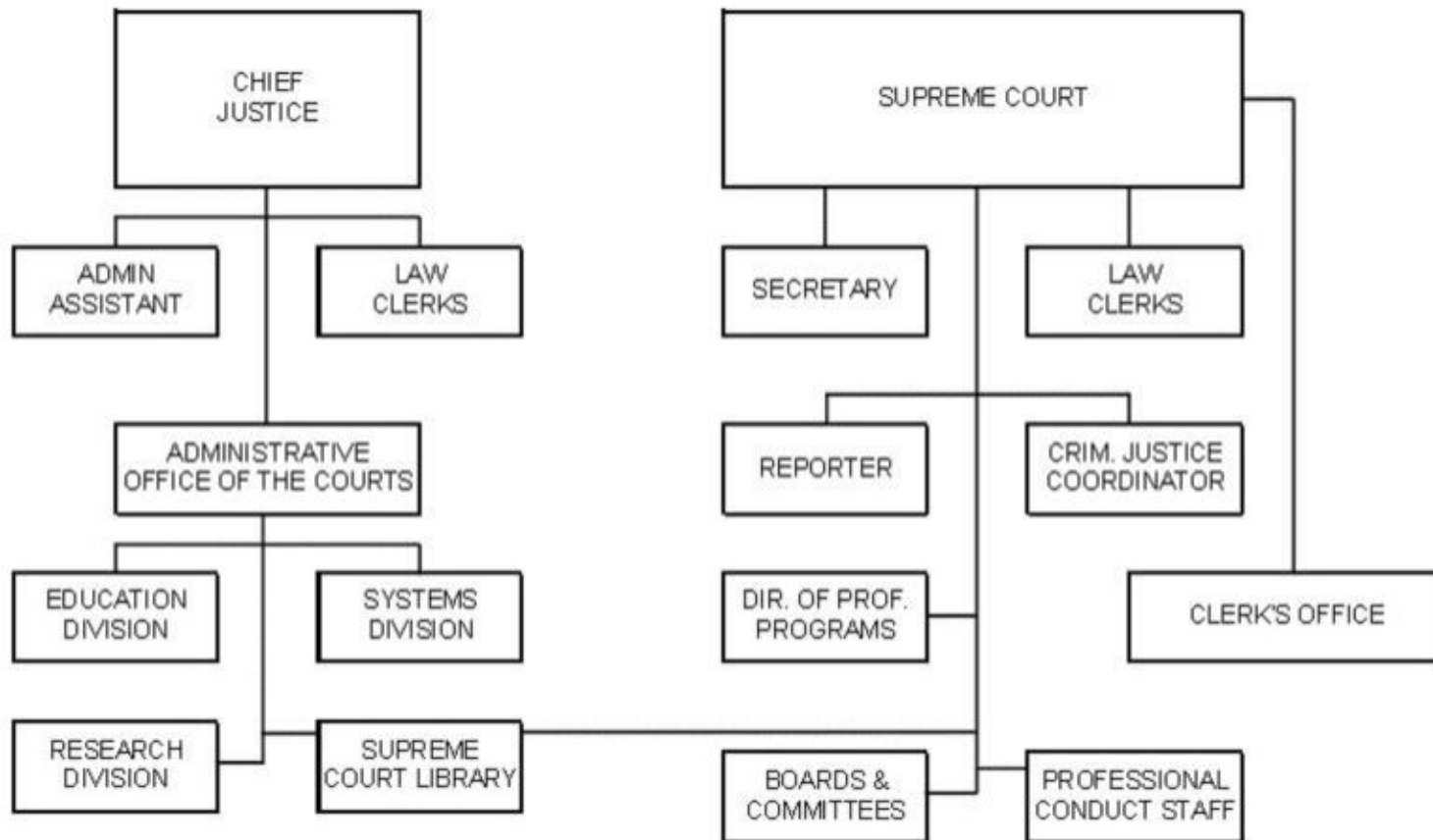
Amendment 80, Section 5, gives to the Supreme Court the power to determine the appellate jurisdiction of the Court of Appeals. The Supreme Court has, by Rule 1-2 of the Rules of the Supreme Court and Court of Appeals, provided that the Court of Appeals will have appellate jurisdiction over all cases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

### **OPERATIONS**

Regular Salaries (Commitment Item 5010000): Salary requests for the Court reflect two (2) job title changes. The Court is requesting to change job titles on two (2) of its FY15 approved positions. These new titles of Data Policy Manager and Data Research Analyst more accurately reflect the job duties for these positions.

Extra Help (Commitment Item 5010001): The Court is asking that its FY15 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 FY15 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 FY15 authorized appropriation level of \$30,000 be restored each year of the biennium.

Professional Fees (Commitment Item 5060010): The Court requests that its FY15 authorized appropriation level of \$25,000 be restored each year of the biennium.

Capital Outlay (Commitment Item 5120011): The Court requests that its FY15 authorized appropriation level of \$112,000 be restored each year of the biennium.

Arkansas Reports (Commitment Item 5900034): The Court requests that its FY15 authorized appropriation level of \$229,477 be restored each year of the biennium.

Court Appointed Attorneys (Commitment Item 5900040): The Court requests that its FY15 authorized appropriation level of \$195,000 be restored each year of the biennium.

Commissions and Committee (Commitment Item 5900041): The Court requests that its FY15 authorized appropriation level of \$20,000 be restored each year of the biennium.

Special Justices (Commitment Item 5900046): The Court requests that its FY15 authorized appropriation level of \$5,000 be restored each year of the biennium.

Judicial Education (Commitment Item 5900048): The Court requests that its FY15 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 \$9,914 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, 2013	
Findings	Recommendations
None	None

**State Contracts Over \$50,000 Awarded To Minority Owned Businesses Fiscal Year 2014**

None

**Employment Summary**

	Male	Female	Total	%
White Employees	10	33	43	96 %
Black Employees	0	2	2	4 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			2	4 %
Total Employees			45	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/ 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)	0	0.00

Department Appropriation Summary

Historical Data								Agency Request and Executive Recommendation											
Appropriation		2013-2014		2014-2015		2014-2015		2015-2016					2016-2017						
		Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos
008	Supreme Court - Operations	4,346,074	47	4,613,627	48	4,613,627	48	4,501,627	48	4,613,627	48	0	0	4,501,627	48	4,613,627	48	0	0
56S	Appellate Mediation - Cash	1,631	0	9,914	0	13,120	0	9,914	0	9,914	0	0	0	9,914	0	9,914	0	0	0
C66	SC Bar of Arkansas-Cash	0	0	0	0	6,075,000	19	0	0	6,075,000	19	0	0	0	0	6,075,000	19	0	0
Total		4,347,705	47	4,623,541	48	10,701,747	67	4,511,541	48	10,698,541	67	0	0	4,511,541	48	10,698,541	67	0	0

Funding Sources			%		%			%		%		%		%		%		%
Fund Balance	4000005	13,018	0.3	11,521	0.2		1,607	0.0	1,607	0.0	0	0.0	0	0.0	0	0.0	0	0.0
State Central Services	4000035	4,346,074	99.7	4,613,627	99.8		4,501,627	100.0	4,613,627	43.2	0	0.0	4,501,627	100.0	4,613,627	43.2	0	0.0
Cash Fund	4000045	134	0.0	0	0.0		0	0.0	6,075,000	56.8	0	0.0	0	0.0	6,075,000	56.8	0	0.0
Total Funds		4,359,226	100.0	4,625,148	100.0		4,503,234	100.0	10,690,234	100.0	0	0.0	4,501,627	100.0	10,688,627	100.0	0	0.0
Excess Appropriation/(Funding)		(11,521)		(1,607)			8,307		8,307		0		9,914		9,914		0	
Grand Total		4,347,705		4,623,541			4,511,541		10,698,541		0		4,511,541		10,698,541		0	

No Executive Recommendations on these appropriations.

## Agency Position Usage Report

FY2012 - 2013						FY2013 - 2014						FY2014 - 2015					
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		
46	44	2	46	0	4.35 %	67	47	1	48	19	29.85 %	67	47	1	48	19	29.85 %



## Appropriation Summary

**Appropriation:** 008 - Supreme Court - Operations

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

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item		2013-2014	2014-2015	2014-2015	2015-2016			2016-2017		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	2,597,146	2,697,896	2,697,896	2,697,896	2,697,896	0	2,697,896	2,697,896	0
<b>#Positions</b>		<b>47</b>	<b>48</b>	<b>48</b>	<b>48</b>	<b>48</b>	<b>0</b>	<b>48</b>	<b>48</b>	<b>0</b>
Extra Help	5010001	28,306	30,000	30,000	30,000	30,000	0	30,000	30,000	0
<b>#Extra Help</b>		<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>0</b>
Personal Services Matching	5010003	836,796	845,665	845,665	845,665	845,665	0	845,665	845,665	0
Operating Expenses	5020002	318,604	323,089	323,089	323,089	323,089	0	323,089	323,089	0
Conference & Travel Expenses	5050009	26,820	30,000	30,000	30,000	30,000	0	30,000	30,000	0
Professional Fees	5060010	17,503	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	74,553	112,000	112,000	0	112,000	0	0	112,000	0
Arkansas Reports	5900034	228,439	229,477	229,477	229,477	229,477	0	229,477	229,477	0
Court Appointed Attorneys	5900040	101,807	195,000	195,000	195,000	195,000	0	195,000	195,000	0
Commissions and Committees	5900041	16,100	20,000	20,000	20,000	20,000	0	20,000	20,000	0
Special Justices	5900046	2,400	5,500	5,500	5,500	5,500	0	5,500	5,500	0
Judicial Education	5900048	97,600	100,000	100,000	100,000	100,000	0	100,000	100,000	0
<b>Total</b>		<b>4,346,074</b>	<b>4,613,627</b>	<b>4,613,627</b>	<b>4,501,627</b>	<b>4,613,627</b>	<b>0</b>	<b>4,501,627</b>	<b>4,613,627</b>	<b>0</b>
<b>Funding Sources</b>										
State Central Services	4000035	4,346,074	4,613,627		4,501,627	4,613,627	0	4,501,627	4,613,627	0
Total Funding		4,346,074	4,613,627		4,501,627	4,613,627	0	4,501,627	4,613,627	0
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
<b>Grand Total</b>		<b>4,346,074</b>	<b>4,613,627</b>		<b>4,501,627</b>	<b>4,613,627</b>	<b>0</b>	<b>4,501,627</b>	<b>4,613,627</b>	<b>0</b>

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		2015-2016	Pos	Cumulative	% of BL	2016-2017	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>4,501,627</b>	<b>48</b>	<b>4,501,627</b>	<b>100.0</b>	<b>4,501,627</b>	<b>48</b>	<b>4,501,627</b>	<b>100.0</b>
C01	Existing Program	112,000	0	4,613,627	102.5	112,000	0	4,613,627	102.5
C14	Title Change	0	0	4,613,627	102.5	0	0	4,613,627	102.5

## Appropriation Summary

**Appropriation:** 56S - Appellate Mediation - Cash

**Funding Sources:** NCS - Cash in Treasury

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item		2013-2014	2014-2015	2014-2015	2015-2016			2016-2017		
		Actual	Budget	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	1,631	9,914	13,120	9,914	9,914	0	9,914	9,914	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		1,631	9,914	13,120	9,914	9,914	0	9,914	9,914	0
<b>Funding Sources</b>										
Fund Balance	4000005	13,018	11,521		1,607	1,607	0	0	0	0
Cash Fund	4000045	134	0		0	0	0	0	0	0
Total Funding		13,152	11,521		1,607	1,607	0	0	0	0
Excess Appropriation/(Funding)		(11,521)	(1,607)		8,307	8,307	0	9,914	9,914	0
Grand Total		1,631	9,914		9,914	9,914	0	9,914	9,914	0

No Executive Recommendation made on this appropriation.

## Appropriation Summary

**Appropriation:** C66 - SC Bar of Arkansas-Cash

**Funding Sources:** 195 - ASC Cash

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item		2013-2014	2014-2015	2014-2015	2015-2016			2016-2017		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	0	0	1,500,000	0	1,500,000	0	0	1,500,000	0
<b>#Positions</b>		<b>0</b>	<b>0</b>	<b>19</b>	<b>0</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>19</b>	<b>0</b>
Extra Help	5010001	0	0	25,000	0	25,000	0	0	25,000	0
<b>#Extra Help</b>		<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>
Personal Services Matching	5010003	0	0	500,000	0	500,000	0	0	500,000	0
Operating Expenses	5020002	0	0	1,000,000	0	1,000,000	0	0	1,000,000	0
Conference & Travel Expenses	5050009	0	0	100,000	0	100,000	0	0	100,000	0
Professional Fees	5060010	0	0	500,000	0	500,000	0	0	500,000	0
Postage	5090005	0	0	100,000	0	100,000	0	0	100,000	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Refunds/Investments/Transfers	5110020	0	0	2,250,000	0	2,250,000	0	0	2,250,000	0
Capital Outlay	5120011	0	0	100,000	0	100,000	0	0	100,000	0
Total		0	0	6,075,000	0	6,075,000	0	0	6,075,000	0
<b>Funding Sources</b>										
Cash Fund	4000045	0	0		0	6,075,000	0	0	6,075,000	0
Total Funding		0	0		0	6,075,000	0	0	6,075,000	0
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		0	0		0	6,075,000	0	0	6,075,000	0

No Executive Recommendation made on this appropriation.

## Change Level by Appropriation

**Appropriation:** C66 - SC Bar of Arkansas-Cash  
**Funding Sources:** 195 - ASC Cash

### Agency Request

Change Level		2015-2016	Pos	Cumulative	% of BL	2016-2017	Pos	Cumulative	% of BL
BL	Base Level	0	0	0	0.0	0	0	0	0.0
C01	Existing Program	4,837,055	0	4,837,055	100.0	4,836,992	0	4,836,992	100.0
C06	Restore Position/Approp	1,237,945	19	6,075,000	125.6	1,238,008	19	6,075,000	125.6