

# SUPREME COURT

## Enabling Laws

Act 232 of 2016

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.

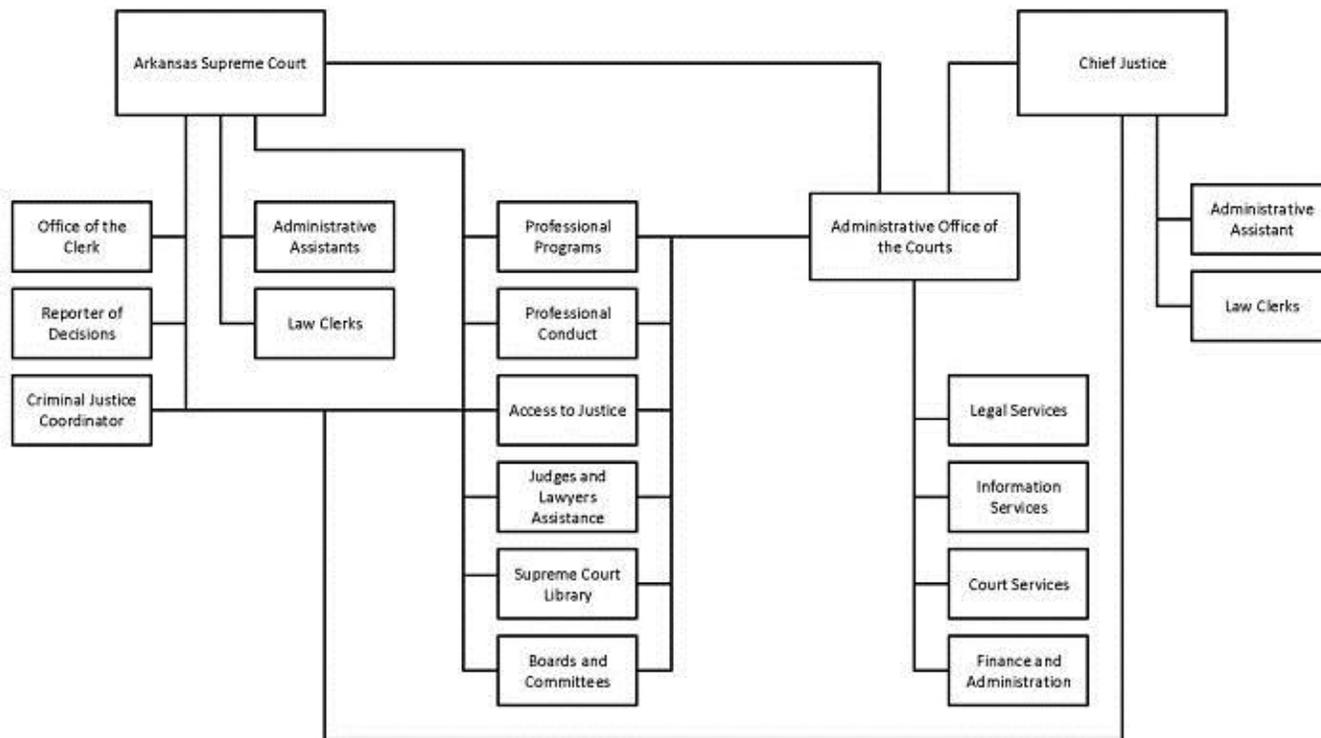
Amendment 80, Section 5, gives to the Supreme Court the power to determine the appellate jurisdiction of the Court of Appeals. The Supreme Court has, by Rule 1-2 of the Rules of the Supreme Court and Court of Appeals, provided that the Court of Appeals will have appellate jurisdiction over all cases 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): The Court requests no additional positions or any changes in grade or title. The Court requests that four positions be transferred from its appropriation to that of the Administrative Office of the Courts. These employees provide technology support and currently work with and are supervised by managers within the AOC.

These positions will be eliminated for the Supreme Court budget cutting salaries by \$194,450 and increasing the Administrative Office of the Court budget by \$194,450. The positions requested to be transferred are:

- |                                |      |       |
|--------------------------------|------|-------|
| 1. Network Administrator       | C124 | Q051C |
| 2. Technical On-Line Publisher | C122 | Q141C |
| 3. Data Policy Manager         | C118 | Q106C |
| 4. Data Research Analyst       | C115 | Q122C |

Extra Help (Commitment Item 5010001): The Court is asking for no increase in the current authorized appropriation of \$30,000 for 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 FY17 authorized appropriation level of \$323,089 be restored each year of the biennium plus an additional \$9,693 to accommodate software/license increases totaling \$332,782 for FY19.

Conference and Travel Expenses (Commitment Item 5050009): The Court is asking for no increase in the current authorized appropriation of \$30,000 for each year of the biennium.

Professional Fees (Commitment Item 5060010): The Court is asking for no increase in the current authorized appropriation of \$25,000 for each year of the biennium.

Capital Outlay (Commitment Item 5120011): The Court is asking for no increase in the current authorized appropriation of \$112,000 for each year of the biennium.

Arkansas Reports (Commitment Item 5900034): The Court is asking for no increase in the current authorized appropriation of \$229,477 for each year of the biennium.

Court Appointed Attorneys (Commitment Item 5900040): The Court is asking for no increase in the current authorized appropriation of \$195,000 for each year of the biennium.

Commissions and Committee (Commitment Item 5900041): The Court is asking for no increase in the current authorized appropriation of \$20,000 for each year of the biennium.

Special Justices (Commitment Item 5900046): The Court is asking for no increase in the current authorized appropriation of \$5,500 for each year of the biennium.

Judicial Education (Commitment Item 5900048): The Court is asking for no increase in the current authorized appropriation of \$100,000 for each year of the biennium.

Case Document Scanning - Special Project (Commitment Item 5060010): The Court is requesting a new appropriation of \$300,000 each year of the biennium. This special project is designed to achieve what will be in the long run a more cost-effective means of permanently storing the records of the Arkansas Supreme Court and Court of Appeals. Administrative Order Number 7 of the Arkansas Supreme Court governs the records retention of the appellate courts and mandates permanent storage of all appellate court docket books as well as all records in criminal cases where the sentence imposed is death, life without parole, or life. This special project will provide permanent storage in a digital format that is easily used by the courts and the public. Once complete, this project will eliminate the storage services and rental fees saving approximately \$50,000 annually.

### **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.

### **SC BAR OF ARKANSAS - CASH**

Regular Salaries (Commitment Item 5010000): The Bar of Arkansas is requesting that its FY17 authorized appropriation of \$1,500,000 be

restored each year of the biennium. Salary requests for the Bar of Arkansas also reflect two new positions:

1. Supreme Court Staff Attorney OPC      Grade C126   Q202C    \$50,029

The Supreme Court Staff Attorney position will be utilized by the Office of Professional Conduct. This position is needed to address the backlog of older cases and attain a currency with new filings. The additional position will shorten the length of time to conclude discipline and disbarment cases, and allow review and update the Unauthorized Practice of Law Committee (UPL), the Client Security Fund Committee (CSF), and the Committee on Professional Conduct (CPC) rules.

2. Supreme Court Admin. Assistant JLAP    Grade C115   Q230C    \$29,251

The Supreme Court Admin. Assistant position will be utilized by the Judges and Lawyers Assistance Program. The JLAP, is a statewide program that assists members of the legal profession in this State suffering from the effects of alcohol, drug abuse, mental health, physical disabilities or aging concerns which may impair their ability to practice law. The program is currently operating without any administrative support. Since the program was established, it has grown substantially, adding clients every year. This administrative support position will allow the Director and Assistant Director the ability to focus more on therapy and outreach for its clients.

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

Personal Services Matching (Commitment Item 5010003): The Bar of Arkansas is asking for no increase in the current authorized appropriation of \$500,000 for each year of the biennium. This amount includes the monthly contribution for state employee's health insurance and retirement contributions.

Operating Expenses (Commitment Item 5020002): The Bar of Arkansas is asking for no increase in the current authorized appropriation of \$1,000,000 for each year of the biennium.

Conference and Travel Expenses (Commitment Item 5050009): The Bar of Arkansas is asking for no increase in the current authorized appropriation of \$100,000 for each year of the biennium.

Professional Fees (Commitment Item 5060010): The Bar of Arkansas is asking for no increase in the current authorized appropriation of \$500,000 for each year of the biennium.

Capital Outlay (Commitment Item 5120011): The Bar of Arkansas is asking for no increase in the current authorized appropriation of \$100,000 for each year of the biennium.

Construction (Commitment Item 5090005): The Bar of Arkansas is asking for no increase in the current authorized appropriation of \$100,000 for each year of the biennium.

Refunds/Investments/Transfers (Commitment Item 5110020): The Bar of Arkansas is asking for no increase in the current authorized appropriation of \$2,250,000 for each year of the biennium.

## **Audit Findings**

DIVISION OF LEGISLATIVE AUDIT  
AUDIT OF :  
ARKANSAS SUPREME COURT  
FOR THE YEAR ENDED JUNE 30, 2015

Findings

Recommendations

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None

None

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

None

## Employment Summary

	Male	Female	Total	%
White Employees	10	34	44	94 %
Black Employees	0	1	1	2 %
Other Racial Minorities	1	1	2	4 %
Total Minorities			3	6 %
Total Employees			47	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	2015-2016		2016-2017		2016-2017		2017-2018						2018-2019					
	Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos
008 Supreme Court - Operations	4,299,477	47	4,613,627	48	4,613,627	48	4,485,353	48	4,638,588	44	0	0	4,487,929	48	4,650,119	44	0	0
56S Appellate Mediation - Cash	0	0	9,914	0	9,914	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	20	0	0	6,075,000	22	0	0	0	0	6,075,000	22	0	0
<b>Total</b>	<b>4,299,477</b>	<b>47</b>	<b>4,623,541</b>	<b>48</b>	<b>10,698,541</b>	<b>68</b>	<b>4,495,267</b>	<b>48</b>	<b>10,723,502</b>	<b>66</b>	<b>0</b>	<b>0</b>	<b>4,497,843</b>	<b>48</b>	<b>10,735,033</b>	<b>66</b>	<b>0</b>	<b>0</b>

Funding Sources		%		%		%		%		%		%		%		%		%
Fund Balance 4000005	11,631	0.3	11,818	0.3			1,904	0.0	1,904	0.0	0	0.0	0	0.0	0	0.0	0	0.0
State Central Services 4000035	4,299,477	99.7	4,613,627	99.7			4,485,353	100.0	4,638,588	43.3	0	0.0	4,487,929	100.0	4,650,119	43.4	0	0.0
Cash Fund 4000045	187	0.0	0	0.0			0	0.0	6,075,000	56.7	0	0.0	0	0.0	6,075,000	56.6	0	0.0
<b>Total Funds</b>	<b>4,311,295</b>	<b>100.0</b>	<b>4,625,445</b>	<b>100.0</b>			<b>4,487,257</b>	<b>100.0</b>	<b>10,715,492</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>4,487,929</b>	<b>100.0</b>	<b>10,725,119</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
Excess Appropriation/(Funding)	(11,818)		(1,904)				8,010		8,010		0		9,914		9,914		0	
<b>Grand Total</b>	<b>4,299,477</b>		<b>4,623,541</b>				<b>4,495,267</b>		<b>10,723,502</b>		<b>0</b>		<b>4,497,843</b>		<b>10,735,033</b>		<b>0</b>	

## Agency Position Usage Report

FY2014 - 2015						FY2015 - 2016						FY2016 - 2017					
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			Total	Total	Filled	Unfilled			Total	Total	Filled	Unfilled	
67	45	1	46	21	32.84 %	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		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	2,685,075	2,697,896	2,697,896	2,675,457	2,481,010	0	2,677,557	2,482,510	0
<b>#Positions</b>		<b>47</b>	<b>48</b>	<b>48</b>	<b>48</b>	<b>44</b>	<b>0</b>	<b>48</b>	<b>44</b>	<b>0</b>
Extra Help	5010001	14,582	30,000	30,000	30,000	30,000	0	30,000	30,000	0
<b>#Extra Help</b>		<b>4</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	834,901	845,665	845,665	851,830	787,512	0	852,306	787,850	0
Operating Expenses	5020002	306,468	323,089	323,089	323,089	323,089	0	323,089	332,782	0
Conference & Travel Expenses	5050009	29,972	30,000	30,000	30,000	30,000	0	30,000	30,000	0
Professional Fees	5060010	5,312	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	79,462	112,000	112,000	0	112,000	0	0	112,000	0
Arkansas Reports	5900034	208,616	229,477	229,477	229,477	229,477	0	229,477	229,477	0
Court Appointed Attorneys	5900040	58,912	195,000	195,000	195,000	195,000	0	195,000	195,000	0
Commissions and Committees	5900041	11,096	20,000	20,000	20,000	20,000	0	20,000	20,000	0
Special Justices	5900046	2,200	5,500	5,500	5,500	5,500	0	5,500	5,500	0
Judicial Education	5900048	62,881	100,000	100,000	100,000	100,000	0	100,000	100,000	0
Case Document Scanning	5900049	0	0	0	0	300,000	0	0	300,000	0
<b>Total</b>		<b>4,299,477</b>	<b>4,613,627</b>	<b>4,613,627</b>	<b>4,485,353</b>	<b>4,638,588</b>	<b>0</b>	<b>4,487,929</b>	<b>4,650,119</b>	<b>0</b>
<b>Funding Sources</b>										
State Central Services	4000035	4,299,477	4,613,627		4,485,353	4,638,588	0	4,487,929	4,650,119	0
Total Funding		4,299,477	4,613,627		4,485,353	4,638,588	0	4,487,929	4,650,119	0
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		4,299,477	4,613,627		4,485,353	4,638,588	0	4,487,929	4,650,119	0

## Change Level by Appropriation

**Appropriation:** 008 - Supreme Court - Operations  
**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>4,485,353</b>	<b>48</b>	<b>4,485,353</b>	<b>100.0</b>	<b>4,487,929</b>	<b>48</b>	<b>4,487,929</b>	<b>100.0</b>
C01	Existing Program	112,000	0	4,597,353	102.5	112,000	0	4,599,929	102.5
C07	Agency Transfer	(258,765)	(4)	4,338,588	96.7	(259,503)	(4)	4,340,426	96.7
C08	Technology	300,000	0	4,638,588	103.4	309,693	0	4,650,119	103.6

## Appropriation Summary

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

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

### 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
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	0	9,914	9,914	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
<b>Total</b>		<b>0</b>	<b>9,914</b>	<b>9,914</b>	<b>9,914</b>	<b>9,914</b>	<b>0</b>	<b>9,914</b>	<b>9,914</b>	<b>0</b>
<b>Funding Sources</b>										
Fund Balance	4000005	11,631	11,818		1,904	1,904	0	0	0	0
Cash Fund	4000045	187	0		0	0	0	0	0	0
<b>Total Funding</b>		<b>11,818</b>	<b>11,818</b>		<b>1,904</b>	<b>1,904</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Excess Appropriation/(Funding)		(11,818)	(1,904)		8,010	8,010	0	9,914	9,914	0
<b>Grand Total</b>		<b>0</b>	<b>9,914</b>		<b>9,914</b>	<b>9,914</b>	<b>0</b>	<b>9,914</b>	<b>9,914</b>	<b>0</b>

# Appropriation Summary

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

**Funding Sources:** 195 - Cash in Bank

## Historical Data

## Agency Request and Executive Recommendation

Commitment Item	Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
	2015-2016 Actual	2016-2017 Budget	2016-2017 Authorized	2017-2018			2018-2019		
				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>20</b>	<b>0</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>22</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>5</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
Construction 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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>6,075,000</b>	<b>0</b>	<b>6,075,000</b>	<b>0</b>	<b>0</b>	<b>6,075,000</b>	<b>0</b>
<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

## Change Level by Appropriation

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

### Agency Request

Change Level		2017-2018	Pos	Cumulative	% of BL	2018-2019	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
C01	Existing Program	4,688,127	2	4,688,127	100.0	4,688,127	2	4,688,127	100.0
C06	Restore Position/Approp	1,386,873	20	6,075,000	129.6	1,386,873	20	6,075,000	129.6