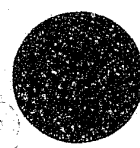


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# We the People

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National Institute of Justice**

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**Arkansas Judiciary**

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**ARKANSAS JUDICIARY  
ANNUAL REPORT  
1992-1993**



*The Office of Chief Justice  
Supreme Court of Arkansas  
Justice Building  
Little Rock, Arkansas 72201*



*Chief Justice Jack Holt, Jr.*

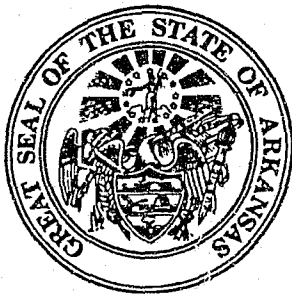
The Honorable Jim Guy Tucker, Governor,  
Members of the Arkansas General Assembly,  
Members of the Judiciary, and Fellow Arkansans

I am pleased to present to you this report of the work of the Arkansas judiciary during 1992-93. As this report will demonstrate, our state's trial and appellate courts continue to consider record numbers of cases, yet do so with efficiency and relative dispatch.

The 1993 session of the Arkansas General Assembly brought major changes to our state judicial system. The reform of our criminal justice system proposed by Governor Tucker will require our judges, prosecutors, and defense attorneys to quickly adapt to new court and sentencing procedures. The Governor and members of the House and Senate were extremely helpful in consulting with the judiciary before effectuating these changes. While the changes have created a great deal of uncertainty, our trial judges and other court officials have done an admirable job of taking the necessary steps to prepare for their implementation.

The legislature's approval of the expansion of the Court of Appeals will bring desperately needed relief to that court's heavy docket and allow our citizens to pursue appeals in a more timely manner.

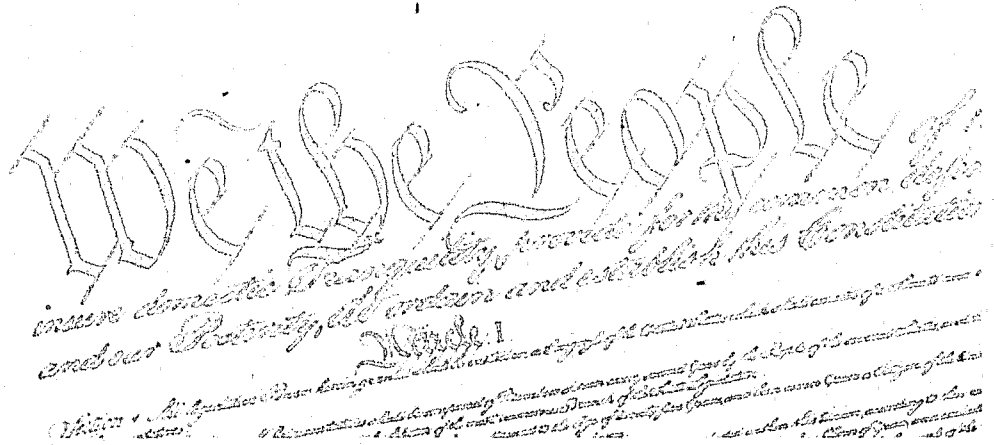
I extend thanks and appreciation to judges and clerks across the state and to the staff of the Administrative Office of the Courts for their work in compiling the data for this report. It is my hope that it will serve as an aid in our continued attempts to provide a judicial system which is both fair and efficient for all Arkansans.



A handwritten signature of Jack Holt, Jr. in dark ink, appearing to read "Jack Holt, Jr." with a stylized flourish at the end.

Jack Holt, Jr.  
Chief Justice

# The Arkansas Court System



The "third branch" of our state government is a non-unified court system, the result of the Arkansas Constitution of 1874. This system consists of three tiers, each of which is separate and distinct in its jurisdiction, processes, and funding.

The top tier is made up of the Supreme Court and the Court of Appeals. The Court of Appeals, created in 1978, was established in order to relieve the state's very heavy appellate caseload. Therefore, parties in Arkansas are entitled to only one appeal which is taken either to the Supreme Court or Court of Appeals. The distribution of the cases between the two courts is established by Supreme Court Rule. Judges on both courts are elected in partisan elections for eight year terms.

The second tier consists of circuit, chancery and probate courts. Arkansas remains one of three states in the Union which maintains separate courts of law and equity. Judges of courts of law are called circuit judges and those of courts of equity are called chancellors. In some areas of the state, circuit/chancery judgeships have been established to serve both courts. Circuit courts have jurisdiction over criminal and civil matters and appeals from limited jurisdiction courts. The right to trial by jury exists in circuit court but not in chancery court. Chancery court jurisdiction includes divorce, child custody, injunctions, and land disputes. The juvenile division of chancery court, staffed by circuit/chancery or chancery judges, has jurisdiction over delinquency, abuse and neglect, and families in need of services cases. Chancellors, sitting as judges of the probate court, hear cases involving guardianships, civil commitments, adoptions, and estates. All general jurisdiction judges run in partisan elections; circuit judges for four year terms and chancery judges for six year terms.

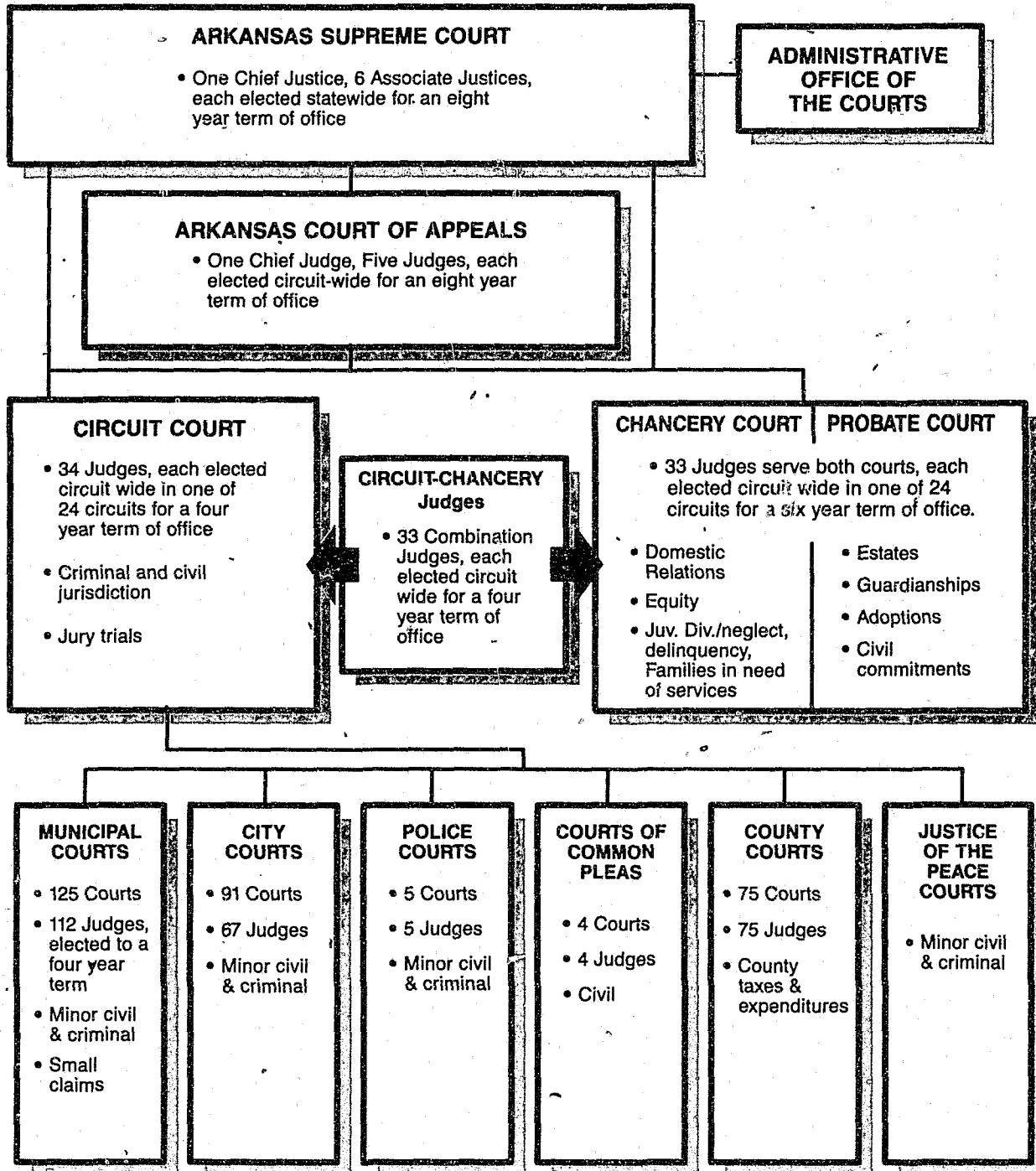
Limited jurisdiction courts in Arkansas are of six types, each possessing somewhat overlapping jurisdiction. The courts of common pleas and justice of the peace courts are mainly historical in nature, with very few cases being reported. Likewise, the county courts maintain jurisdiction over only a few minor matters involving county taxes and county roads. The municipal courts are the main courts of limited jurisdiction. These courts exercise county-wide jurisdiction over misdemeanor cases, preliminary felony cases, and civil cases in matters of less than \$3,000. A small claims division of municipal court provides a forum in which citizens represent themselves to resolve minor civil matters. The city courts and police courts operate in smaller communities where municipal courts do not exist and exercise somewhat more limited jurisdiction.

*"The administration of justice is the  
firmest pillar of government."*

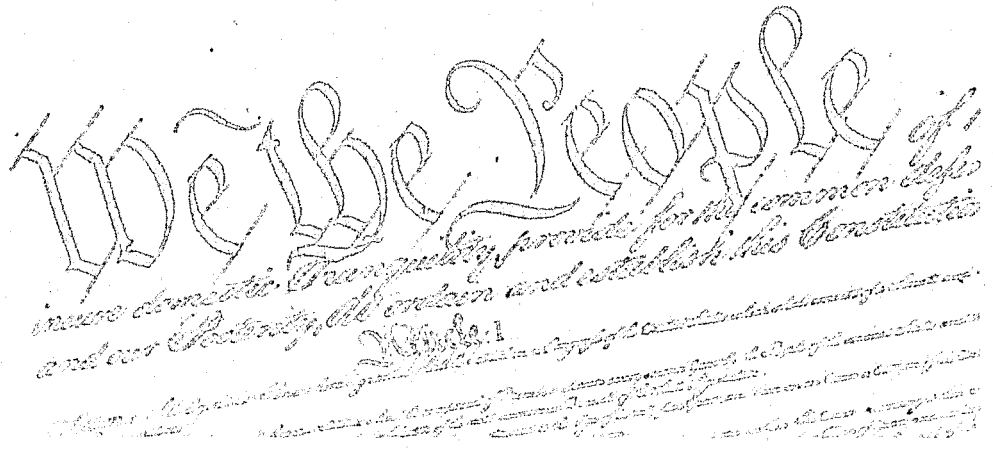
George Washington



# Arkansas Court Structure



# The Arkansas Supreme Court



The workload of appellate courts is generally measured by the number of cases filed (including appeals, petitions, and motions) and disposed of during the year and by counting the number of full opinions which were written by each justice. Appeals filed in the Supreme Court totaled 514 in 1992-93, a small increase from the previous year but an increase of 6.6% over the last four years. The total number of appeals, petitions, and motions filed was 787. The number of terminations during the year totaled 777. The Supreme Court has a superior record for maintaining the currency of its cases. There were 235 appeals pending at the end of the fiscal year, a slight increase from the previous year. Justices also averaged 52 majority cases written during the year.

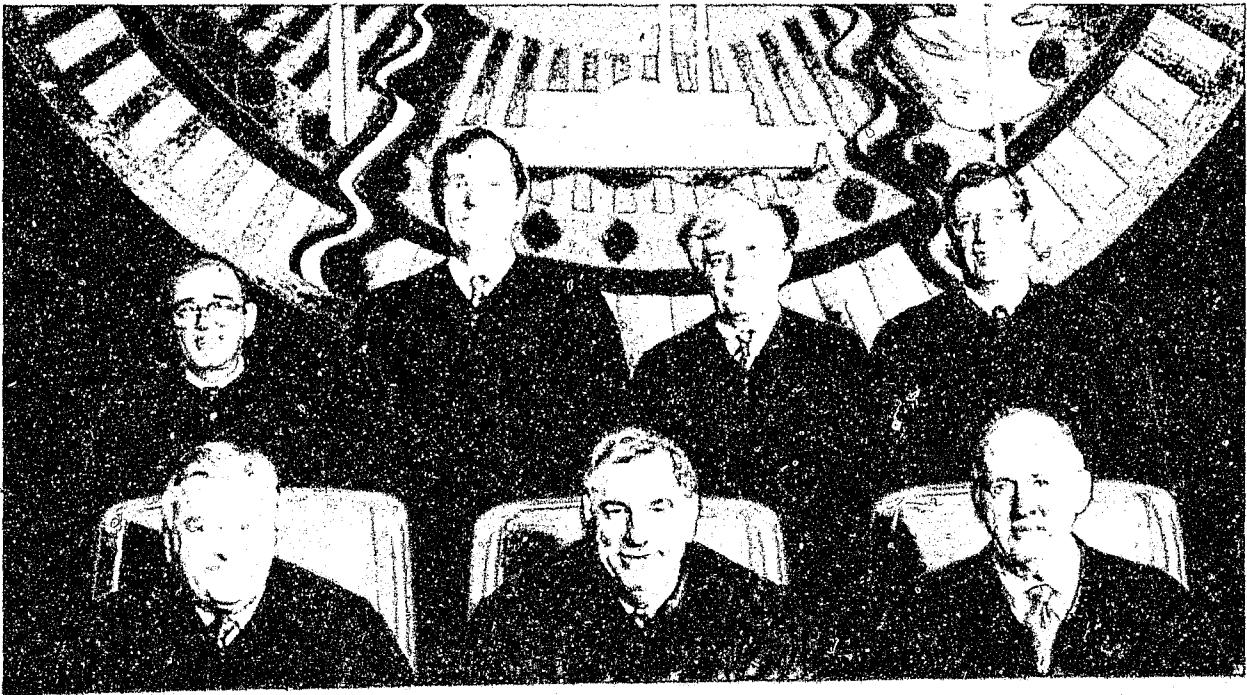
It required an average of 598 days in criminal cases and 785 days in civil cases for an action to be filed in the trial court and a final decision to be reached in the Supreme Court. Only a very small percentage of this time, however, is spent at the appellate level. From the time a case is submitted to the Supreme Court, a decision is handed down, on average, in 11 days for criminal cases and 17 days for civil cases.

The Court was also very active in dealing with a myriad of administrative issues throughout the court system. A major restructuring of the Court's committees and general administration was accomplished with a consolidation of all activities under the Director of the Administrative Office of the Courts. Special evaluations were made through federal grant projects of the Court's automation system, its records management system, and the possible use of standard forms in all proceedings throughout the court system.

*"Justice is justly represented blind,  
because she sees no difference in the  
parties concerned. She has but one scale  
and weight, for rich and poor, great and  
small. Her sentence is not guided by the  
person, but the cause..."*

William Penn



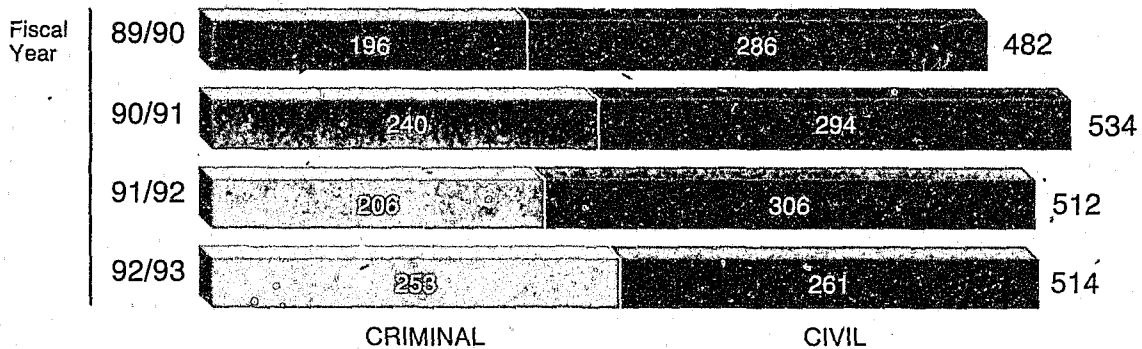


## *The Arkansas Supreme Court*

*Seated: (left to right) Justice Robert Dudley, Chief Justice Jack Holt, Jr., Justice Steele Hays*

*Standing: (left to right) Justice Don Corbin, Justice David Newbern, Justice Tom Glaze, Justice Robert Brown*

## *Supreme Court Cases*



Appeals filed in the Supreme Court totaled 514 in 1992-93, an increase of .4% from the previous year, and a 6.6% increase over the last four years.

# The Arkansas Court of Appeals

*We the People of,  
insure domestic Tranquility, provide for the common defence  
and our Posterity, do ordain and establish this Constitution*  
Article I  
All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.  
Section 1. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.  
Section 2. The House of Representatives shall be the sole Power of Impeachment.

Since its creation in 1978, the Arkansas Court of Appeals has worked with the Supreme Court to provide major relief for the tremendous increase in appeals which challenged the Arkansas appellate court system during the 1970's. The number of appeals has grown at such a tremendous rate, however, that the Court of Appeals is no longer able to accommodate further increase. Legislation was adopted during the 1993 legislative session to increase the Court of Appeals to twelve members from its current six members. The new judges will take office in 1996.

The workload in the Court of Appeals is measured by the number of appeals, petitions, and motions considered by the Court during the fiscal year. Appeals filed during 1992-93 totaled 1,129 cases. Appeal terminations for the year totaled 1,139 cases. Both the filings and terminations increased from the 1991-92 level.

Workload is also measured by the number of major opinions written by each judge. In 1992-93, each member of the Court of Appeals averaged 108 majority opinions, 1 concurring opinion, and 4.3 dissenting opinions.

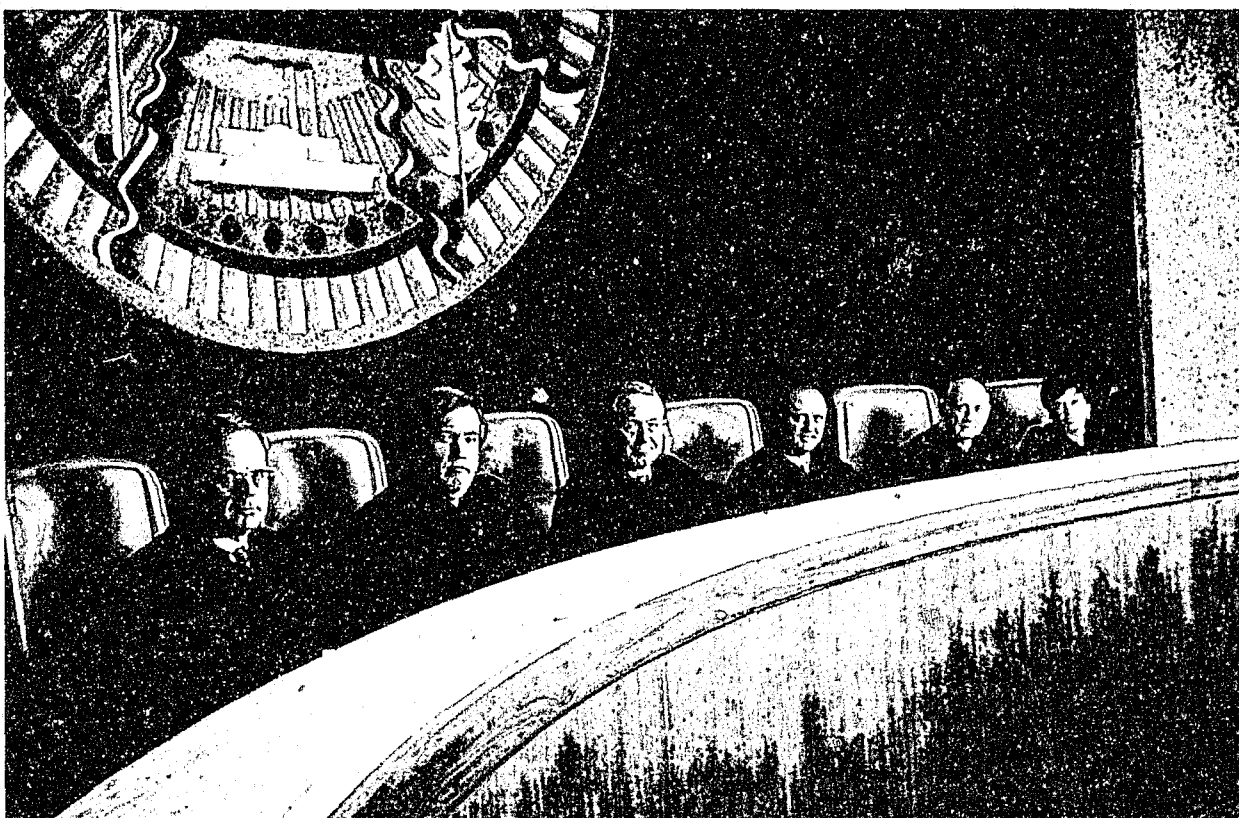
The backlog of cases has begun to have a negative effect on the amount of time required to process a case through the Court of Appeals. The effect is greater in civil cases since criminal cases, by statute, are given priority. During 1992-93, it required an average of 703 days to process a criminal case from its filing in the lower court through the decision on appeal, an increase of 1% over 1991-92. The time to process a civil case fell from 722 days in 1991-92 to 682 days in 1992-93, a decrease of 5.5%. A very small percentage of this time, however, is spent at the Court of Appeals level. Much of it is spent at the pre-trial level and in the preparation of the trial court record. From the time a case is submitted to the Court of Appeals, a decision is handed down, on average, in 22 days for criminal cases and 27 days for civil cases.

The Court also welcomed two new judges during the term, with the election of former chancellors John Robbins of Hot Springs and John Pittman of Helena. Former Chief Judge George Cracraft retired from the Court and the appointed term of Judge Elizabeth Danielson expired.

*"Justice is the earnest and constant will  
to render to every man his due.  
The precepts of the law are these:  
to live honorably, to injure no other man,  
to render to every man his due."*

Justinian I

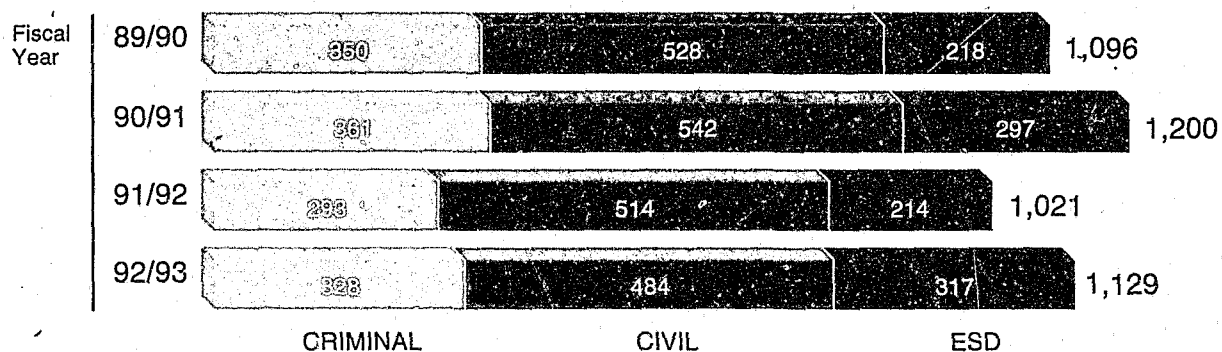




## *The Arkansas Court of Appeals*

*Left to Right: Judge John Pittman, Judge Jim Cooper, Chief Judge John Jennings, Judge John Robbins, Judge Melvin Mayfield, Judge Judith Rogers*

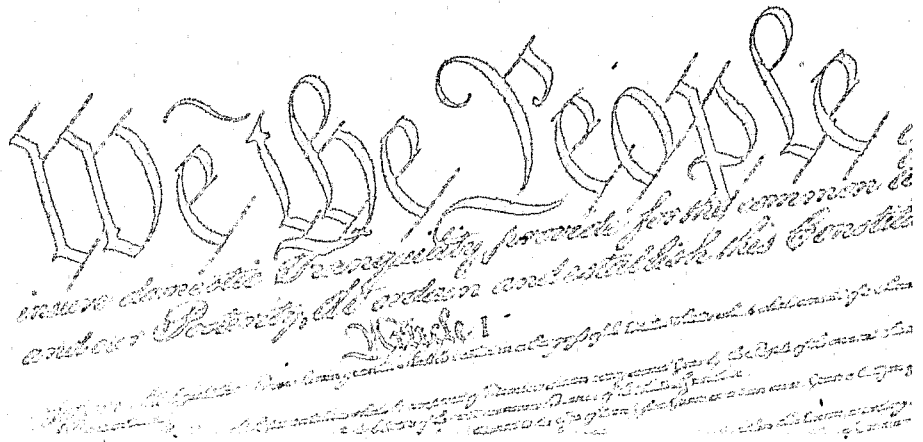
## *Court of Appeals Cases*



Appeals filed in the Court of Appeals totaled 1,129 in 1992-93, an increase of 10.6% from the previous year, and a 3% increase over the last four years.



# Courts of General Jurisdiction

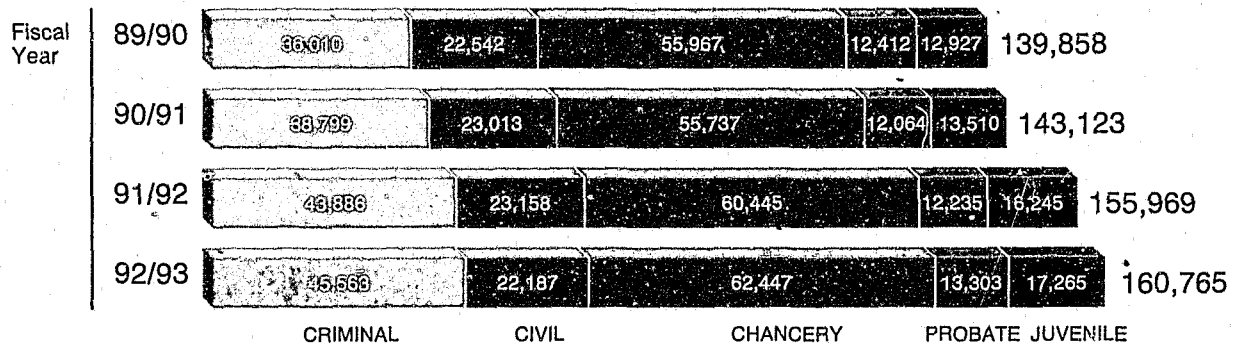


During 1992-93, the total caseload in the trial courts continued a trend of many years of steady increase. The combined filings of criminal, civil, chancery, juvenile and probate cases rose to an all-time high of 160,765 - an increase of 3.1% over 1991-92 and over 15% in the last four years. The increases occurred in all categories of cases, except for civil, with the largest increase represented by criminal cases.

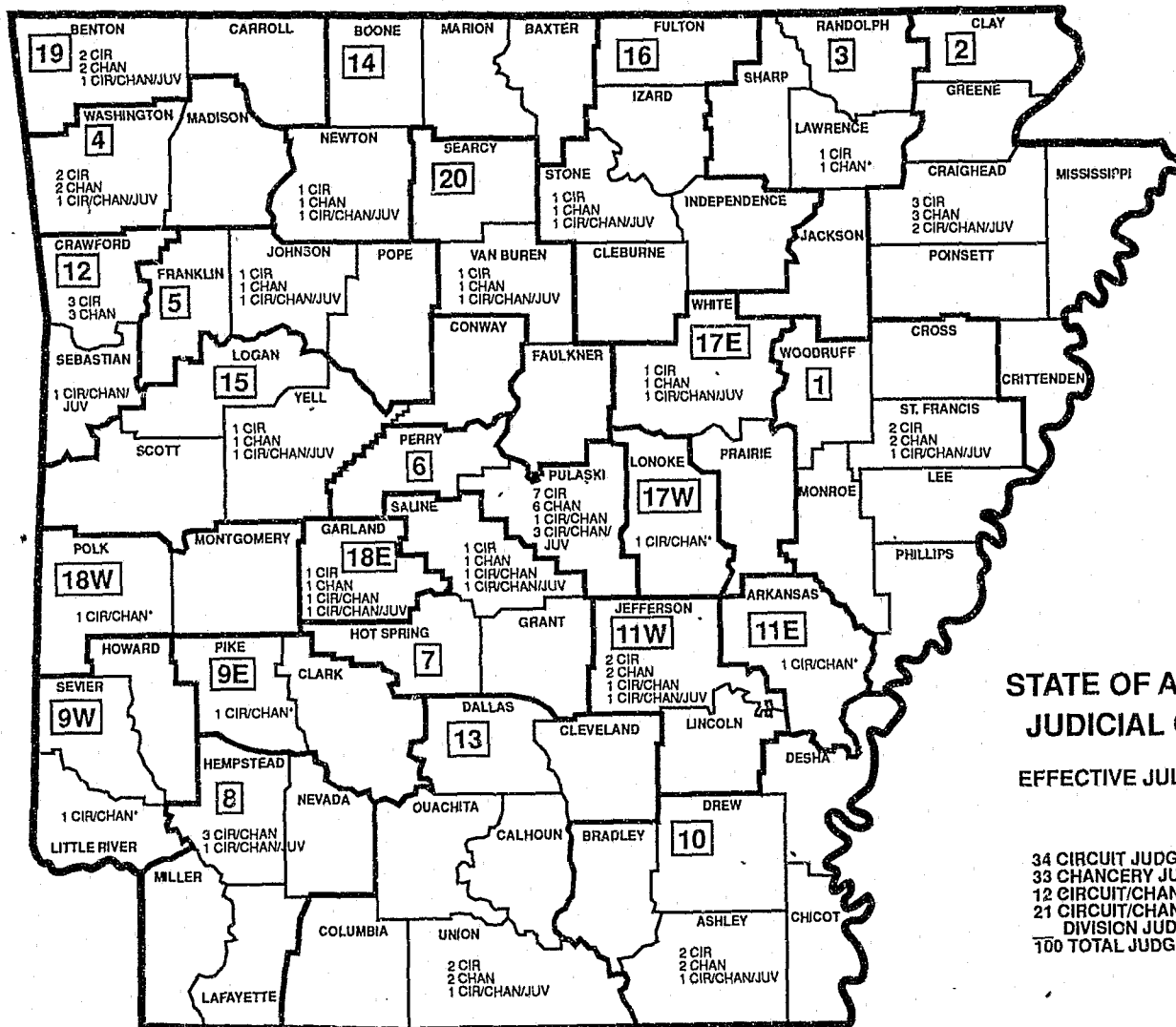
Arkansas trial courts also terminated a record 164,533 cases in 1992-93. With the increase in terminations, the number of cases pending was 101,516, a decrease of almost 20%.

This steady growth in caseload increase over the past several years has produced some delay problems around the state. To deal with the problem, the Judicial Council recommended and the General Assembly approved the addition of one trial judgeship in 1993. The Council also requested 17 new trial court administrative assistants, but only three positions were approved.

## Trial Courts Cases



Cases filed in the state's trial courts totaled an all-time high at 160,765 in 1992-93, an increase of 3.1% from the previous year, and a 15% increase over the last four years.



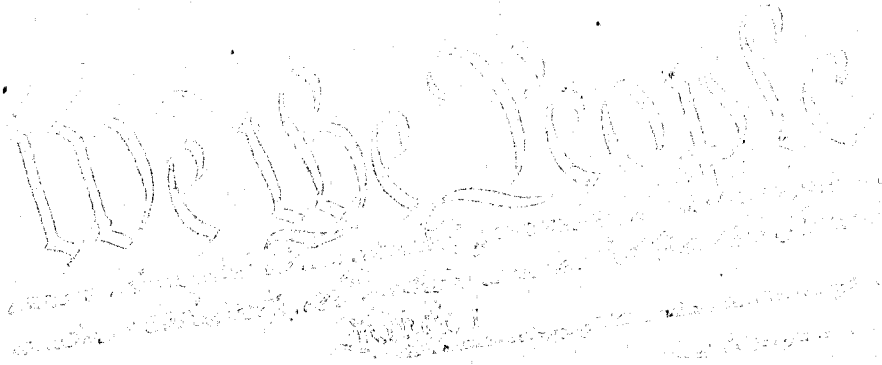
\* JUDGE ALSO SERVES AS JUVENILE DIVISION JUDGE

*"No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it."*

Theodore Roosevelt



# Limited Jurisdiction Courts



Few Arkansans will ever enter the doors of a circuit or chancery court and fewer still will find themselves in the Supreme Court or Court of Appeals. It is fairly likely, however, that most Arkansans will, at some point, come into contact with a limited jurisdiction court. For this reason, these courts may be the most important part of our judicial system. Unfortunately, they are totally funded by local and county governments and the amount of support given to any particular court varies tremendously from one area of the state to the next.

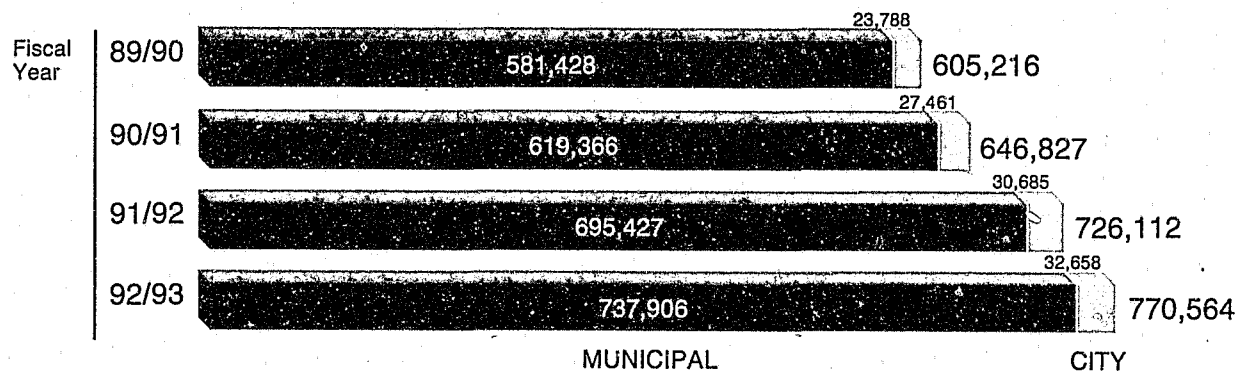
While the Arkansas constitution and statutes provide for six different types of courts of limited jurisdiction, the most important are the municipal court and city court. Municipal courts are served in most cases by part-time judges who are required to be attorneys and exercise county-wide jurisdiction. In 1992-93, there were 125 municipal courts served by 112 judges and 125 clerks. There are currently 91 city courts served by 67 judges which serve communities which do not have a municipal court. These courts exercise city-wide jurisdiction.

The caseload of municipal and city courts has grown tremendously in the last several years, particularly since the civil jurisdiction of municipal courts was raised from \$300 to \$3,000 in 1987. In 1992-93, municipal court filings rose over 6% to 737,906 cases. 32,658 cases were filed in city courts, an increase of 6% over the previous year. These courts also generate a tremendous amount of revenue for local and county government and for several special state programs. In 1992-93, some \$32,994,588 was reported as collected by these courts in fees, costs, and fines.

Substantial reform of the court cost system was considered by the 1993 General Assembly, but was not approved. The Court Cost-Study Commission was created to research the issue and make recommendations to the 1995 General Assembly.

The Arkansas Municipal Judges Council is made up of all municipal court judges in the state. The Council acts as the general body representing the state's limited jurisdiction courts. Formal business by the Council is conducted in the spring and fall meetings each year. The Arkansas Municipal and City Court Clerks Association also works to represent the interest of limited jurisdiction court clerks. The body is also responsible for the certification of these clerks.

## Limited Jurisdiction Cases



Municipal Court filings totaled 737,906 in 1992-93, a 6% increase from the previous year.  
City Court filings totaled 32,658 in 1992-93, a 6% increase from the previous year.

# *Court Administration*

The administration of the Arkansas court system is accomplished by a combination of state, county and local officials, lay and professional committees, and judicial and court employee associations. A partial unification of the administration of the court system occurred in 1965 when the General Assembly adopted legislation providing that "The Arkansas Supreme Court shall have general superintending control over the administration of justice in all courts in the State of Arkansas. The Chief Justice shall be directly responsible for the efficient operation of the judicial branch and of its constituent courts and for the expeditious dispatch of litigation therein and the proper conduct of the business of the courts. In aid of this responsibility, the Chief Justice may appoint a Director of the Administrative Office of the Courts, such appointment to be approved by the Arkansas Judicial Council and the remaining members of the Supreme Court."

## *Arkansas Judicial Council, Inc.*

The Arkansas Judicial Council consists of all judges of the circuit and chancery courts, Court of Appeals, Justices of the Supreme Court, and retired justices and judges. The Council acts as the general body representing the state's judiciary. It was organized "to foster and preserve the integrity, dignity, and independence of the judiciary; to promote uniformity and dispatch in judicial administration; to develop, implement and maintain a program of judicial education preassisting members newly elected or appointed to the bench; to provide continuing judicial education for members accommodating the diverse needs of chancellors, circuit judges and appellate justices; and to select members to the Judicial Retirement Board." The Council has the specific statutory responsibility of making recommendations to the General Assembly on judicial redistricting and the addition of new judgeships in the state. Formal business of the Council is conducted in spring and fall meetings each year.

## *Administrative Office of the Courts*

The Administrative Office of the Courts is the administrative office for the non-judicial business of the state courts. The office is separated into three major divisions - Education, Research and Special Projects, and Systems.

The Education division provides educational opportunities for trial and appellate court judges, municipal judges, court clerks, court reporters, case coordinators, and law clerks. Orientation programs for new judges is also a part of the ongoing education program and the division oversees the budget for all out-of-state educational programs. The division includes a public education component to help educate students and private citizens about the court system. The director of publications also works within the division. The office routinely publishes educational pamphlets, statistical reports, special research reports, and a quarterly newsletter. The division includes the state's court interpreter/translator who is responsible for deaf and foreign language interpretation for all courts in the state.

The Research and Special Projects Division is composed of attorneys who provide ongoing assistance to all judges and local officials. Specific research requests are accepted as well as major policy proposals and research on behalf of the Judicial Council, the Supreme Court, the Governor's Office, and the General Assembly.

The Systems Division is responsible for the collection and dissemination of court data from all courts in the state. Data auditors regularly travel to all courthouses in the state in order to collect and confirm the reliability of data. The division is also responsible for the implementation of all court automation projects within the state.

# Funding of the Judiciary

*We the People*  
*in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby constitute and establish this Constitution.*

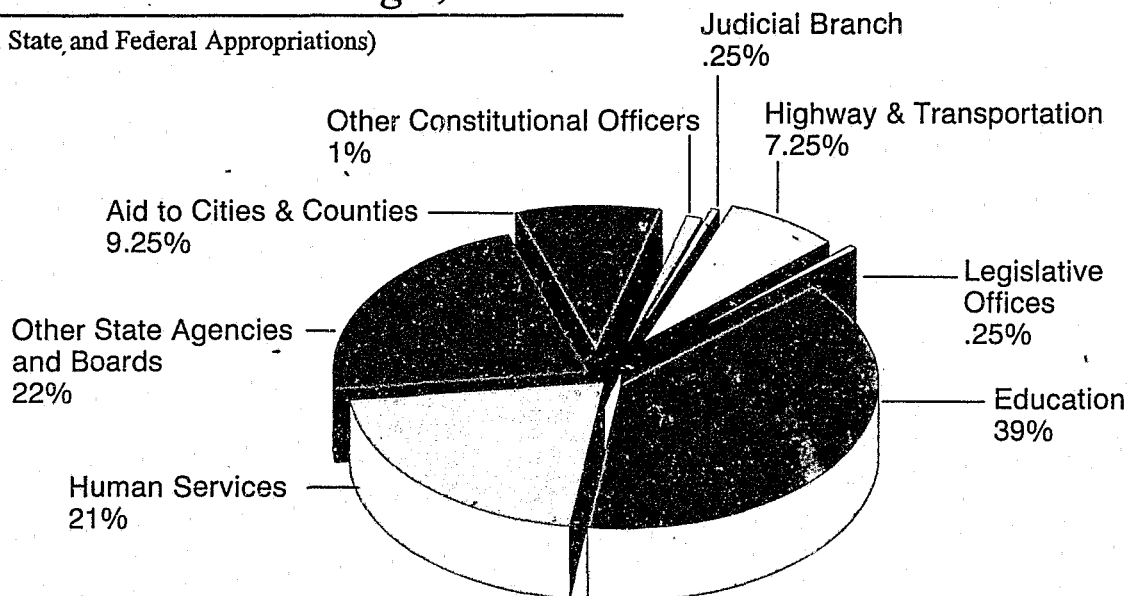
Arkansas courts are financed through state, county and city appropriations. The degree of funding from each source depends upon the level of jurisdiction of the court being funded. State government is the sole funding source for the Supreme Court, Court of Appeals, appellate court support staff, and the Administrative Office of the Courts. In addition, the state funds the salaries and costs of travel and educational assistance for circuit and chancery judges, and the salaries for court reporters. The state also pays for one-half of the salaries of juvenile intake and probation officers who serve the judges of the juvenile division of chancery court. State government has budgeted \$19,713,879 for these costs for fiscal year 1992-93. The operating funds apportioned to the courts at this level represent only .25% of the total state government operating appropriation which totaled over \$7.7 billion in 1992-93. This amount includes all state and federal funds appropriated by the state. A survey by the U.S. Department of Justice places Arkansas 48th of the 50 states and the District of Columbia in the percentage of total state and local expenditures dedicated to justice and court activities.

County government is the funding source for the salaries of all circuit, chancery and probate court support and clerical staff and for all supplies, equipment, utilities and facilities within each judicial circuit. Each county within the circuit provides funding according to its pro rata share of the districtwide court expenses and is solely responsible for the costs of facilities and utilities within the county. County government pays all expenses of the county court, court of common pleas, and justice of the peace courts. The county government also shares with city government the cost of the municipal court. The county share is usually 50%, but there are numerous exceptions to this pattern in a variety of locally negotiated arrangements.

City government is responsible for the remainder of municipal court expenses not provided by county government and provides the sole support for city and police courts.

## Arkansas Biennial Budget, 1992-93

(Total State and Federal Appropriations)





### *The Arkansas Judicial Council Board of Directors and Officers*

*Seated: (Left to Right) Judge Howard Templeton, Judge H.A. Taylor, Judge Joyce Williams Warren*

*Standing: (Left to Right) Judge Rice Van Ausdall, Judge Harry Barnes, J.D. Gingerich, Judge Graham Partlow*

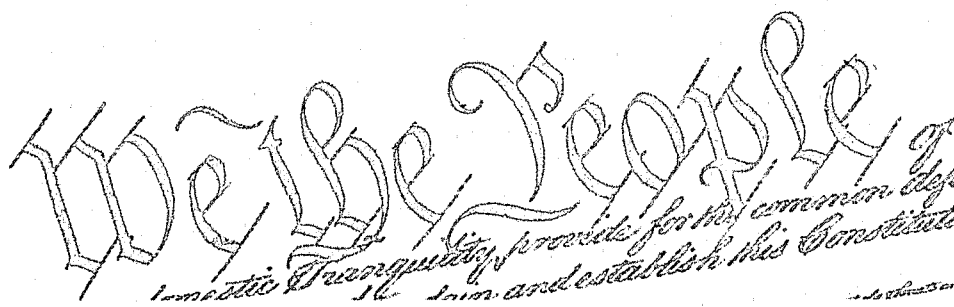
*Not Shown: Judge Carl McSpadden, Judge John Cole, Justice Steele Hays*

*"Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement."*

Hugo L. Black



# 1992-93 In Review



1992-93 was an eventful year for the "third branch."  
Following is a list of brief highlights for the year.

## *Sentencing and Corrections Reform*

As a result of recommendations from the Corrections Resources Commission, major reform measures were passed by the General Assembly affecting criminal courts. With the public policy goals of "truth in sentencing", the availability of more appropriate and less costly sanctions, and the stabilization of corrections costs, the legislature established a Sentencing Commission and sentencing guidelines. All felony trials were bifurcated, and the types of evidence to be introduced at the sentencing phase were greatly expanded. A new Department of Community Punishment was created to develop and provide alternative sanctions for courts and to expand probation services.

## *Indigent Defense*

In response to an Arkansas Supreme Court opinion striking down the state's method of appointing and compensating counsel, the General Assembly created a Public Defender Commission and a central staff to handle appeals, capital and conflicts cases and to assist local public defenders and private counsel. The Commission is also to develop standards for the appointment and operation of local public defender programs.

## *Development of Drug Diversion Court*

Major steps were taken during the year towards the development of a drug diversion court in the 6th Judicial District for non-violent felony offenders. The comprehensive project calls for the joint efforts of the courts, treatment providers, and public health agencies at the local, state and federal level. The central assessment unit, being developed for the court, will serve as a model for the U.S. Department of Health and Human Services and will provide addiction, mental health, and public health assessments for all defendants.

## *Code of Judicial Conduct*

After receiving recommendations from a joint bench and bar committee, the Supreme Court adopted a revised Code of Judicial Conduct, based on the 1990 Model Code of Judicial Conduct developed and adopted by the American Bar Association.

## *Restructuring of Supreme Court Administration*

After a thorough review, all of the Supreme Court's administrative and budget functions were placed under the leadership of the Director of the Administrative Office of the Courts. These functions had been spread amongst several court offices and committees. All Supreme Court committees, the Office of Professional Programs, the Office of Professional Conduct and the Supreme Court Library were included in the restructuring.

## *Appellate Court Records*

The Arkansas Supreme Court has retained all of its records and files since 1836. Those of the Court of Appeals have been retained since its creation in 1979. No formal record retention plan has ever been developed. The National Center for State Courts provided a consultant to study the issue and make a recommendation to the Court. Following the report, the Court appointed an ad hoc committee to develop a record retention plan for all appellate court records and files.

## *Trial Court Forms*

In an effort to standardize the information gathered from trial courts in the state and as a first step in the efforts of the Supreme Court Automation Committee to implement a long-term plan for the automation of all courts, the Supreme Court appointed a special Forms Committee to study the issue and make a recommendation to the Court.

## *Trial Judges Section*

In order to coordinate and respond to the special interests and needs of trial court judges, the Arkansas Judicial Council created a Trial Judges Section. The first chairman of the section was Chancellor Kayo Harris of Pine Bluff. Officers of the executive committee of the section are elected by all trial judges in the state.

*"Justice in the life and conduct of the  
State is possible only as first it resides  
in the hearts and souls of citizens."*

Unknown





# We the People of the

more domestic tranquility, provide for the common defense,  
and our Posterity, do ordain and establish this Constitution for

## Article I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the age of twenty five Years, and seven Years a Citizen of the United States, and when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and including those not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in which Enumeration they shall be taken direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative; and until such Enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, Pennsylvania eight, Delaware one, Maryland one, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writ of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and as Senators shall have one Vote.

Immediately after they shall be assembled in consequence of the first Election, they shall be divided as equally as may be into three Classes. If of the Election of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Course of the legislative Term of any Senator, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the age of thirty Years, and been seven Years a Citizen of the United States, and who, when elected, be an Inhabitant of that State, for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless he regularly elected.

The Senate shall choose their other Officers; and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Powers of the President.

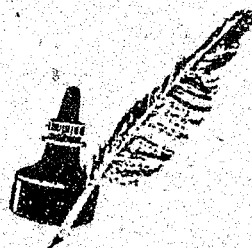
The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or affirmation. When the President is tried, the Chief Justice shall preside. And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit, which shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment.

...shall be prescribed in each State by the Legislature.

"We may be tossed upon an ocean where we can see no land - nor, perhaps, the sun or stars. But there is a chart and a compass for us to study, to consult, and to obey. That chart is the Constitution."

Daniel Webster



*The soul of a state is its constitution,  
which has the same power as the mind  
over the body: for it is that and nothing  
else which deliberates on everything,  
which tries to preserve what is good and  
to avoid disasters."*

---

Isocrates



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(501)376-6655

For the complete 1992-93 Statistical Report of the Judiciary of Arkansas or other information on the Arkansas court system,  
contact the Administrative Office of the Courts.



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