

53721

ARKANSAS JUDICIARY
ANNUAL REPORT
1993-1994

COURTS IN THE COMMUNITY

153721

**U.S. Department of Justice
National Institute of Justice**

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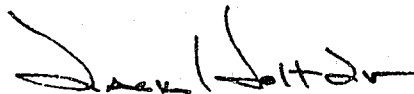
*THE HONORABLE JIM GUY TUCKER, GOVERNOR, AND
MEMBERS OF THE ARKANSAS GENERAL ASSEMBLY:*

I am pleased to present this overview and report of the state of the Arkansas court system and its work during the 1993-94 fiscal year. With the leadership provided by our Governor and the assistance afforded by members of our General Assembly, it has been a productive year for our state's judiciary. I am proud of the quality of the work which has been accomplished by all judges and court employees in spite of the problems which large caseloads, minimal staff support in some areas, and funding shortages have continued to present.

Our citizens continue to bring their disputes to our state courts for resolution in record numbers. During the year, more than one million cases were filed in our local, trial, and appellate courts. In response to the growing caseloads, we have enacted changes in court procedures, reordered our administrative structure, and worked to integrate new technologies into our system. With your continued help and assistance, our citizens can expect their disputes to be handled in a fair and expeditious manner.

Despite the progress and innovation which is taking place within our system, public opinion polls report a decline in the level of trust and respect which citizens have in our system of justice. While one might argue that this decline is merely an indirect result of the public's displeasure with other institutions of government, it is very important that the judicial system, and specifically the members of the bench and bar, take note of the public's feelings and respond appropriately. One small way that members of the Arkansas judiciary have responded is by becoming involved, where appropriate, in assisting our state and local communities outside of our official roles in the courtroom. This annual report is dedicated to the theme of recognizing judges for this "unofficial" service to their communities.

While the problems of our state and nation grow evermore challenging, we must recognize and celebrate the soundness of our system and its basic institutions. We in the judiciary pledge ourselves to work together with both the executive and legislative branches of our government to provide our citizens with the finest judicial system possible.



Jack Holt, Jr.
Chief Justice



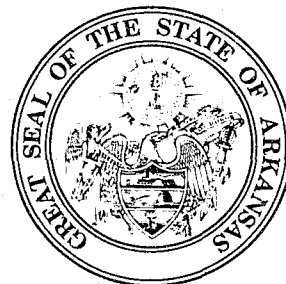
Chief Justice JACK HOLT, JR.

*THE OFFICE OF CHIEF JUSTICE
SUPREME COURT OF ARKANSAS
JUSTICE BUILDING
LITTLE ROCK, ARKANSAS 72201*

NCJRS

MAR 31 1995

ACQUISITIONS





Justice **ROBERT BROWN**
ARKANSAS SUPREME COURT

Justice Brown has been involved with Big Brothers - Big Sisters since 1990. By volunteering in this program, he hopes to shore up for his Little Brother, James, the sense of someone caring and guiding. Justice Brown believes that one of the answers to current social problems is for volunteers to come together and get involved in all aspects of the community.

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 (see diagram, page 24), 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.

ARKANSAS COURTS IN THE COMMUNITY

Arkansas judges at all levels throughout the state are volunteering their time off the bench for worthwhile causes in their communities. This year's annual report is dedicated to all of those judges who give of their time in a volunteer capacity. The nine who are featured in this report are representatives of all of the commendable caring exhibited by our judges throughout the state.



ARIZONA SUPREME COURT

*(LEFT TO RIGHT) Justice Don Corbin, Justice Robert Dudley, Justice David Newbern,
Chief Justice Jack Holt, Jr., Justice Tom Glaze, Justice Steele Hays, Justice Robert Brown*



ARIZONA COURT OF APPEALS

*(FRONT ROW: LEFT TO RIGHT) Judge Judith Rogers, Judge Melvin Mayfield, Judge John Robbins
(BACK ROW: LEFT TO RIGHT) Judge John Pittman, Chief Judge John Jennings, Judge Jim Cooper*

THE ARKANSAS SUPREME COURT

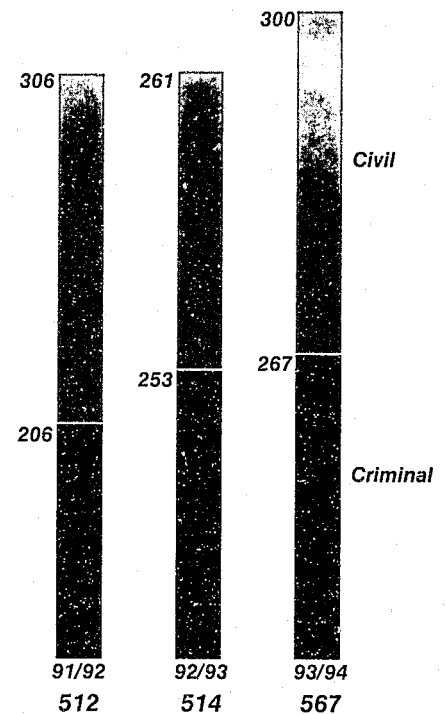
The Arkansas Supreme Court has for many years exercised one of the nation's heaviest appellate court workloads. The creation of the Court of Appeals in 1978 greatly eased the burden, but the number of cases has grown since that time. The Court's historical dedication to its "fast track" system, where citizens are assured a written opinion, on average, within two weeks of the time of submission, has been put in jeopardy by the caseload and the Court's currency ration (the number of cases disposed of as compared to the number of cases filed) has decreased.

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 567 in 1993-94, an increase of over 10% from the previous year. The total number of appeals, petitions, and motions filed was 867, an increase of 10.1% and the number of terminations increased by almost 9% to 843. The Supreme Court has a superior record for maintaining the currency of its cases. There were 251 appeals pending at the end of the fiscal year, a slight increase from the previous year. Justices also averaged 56 majority cases written during the year, an increase of four opinions per judge.

It required an average of 683 days in criminal cases and 777 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 13 days for criminal cases and 20 days for civil cases. These time periods, while small, have been gradually increasing over the past five years.

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. The Chief Justice also received a major donation on behalf of all courts in the state of CD ROM-based legal research technology from Law Office Information Systems, Inc. which will greatly improve the efficiency of all state courts.

SUPREME COURT CASES



Appeals filed in the Supreme Court totaled 567 in 1993-94, an increase of 10.3% from the previous year, and a 10.7% increase over the last three years.

of Pulaski County



JUDGE D. W. ROGERS
ARCHAEOLOGICAL SOCIETY

Judge Rogers serves as a board member for United Way. She chooses to perform volunteer work in order to keep from getting isolated from the problems and concerns of the community. Having at one time been a juvenile judge, she recognizes the importance of volunteering in various organizations that assist families and children in the community.

THE ARKANSAS COURT OF APPEALS

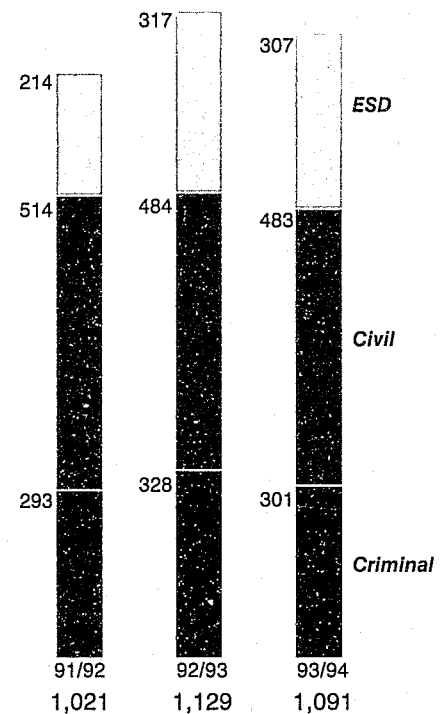
Since its creation in 1978, the Arkansas Court of Appeals has worked with the Supreme Court to provide major relief for the tremendous increase in appeals which challenged the Arkansas appellate court system during the 1970's. The number of appeals has grown at such a tremendous rate, however, that the 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 1993-94 totaled 1,091 cases. Appeal terminations for the year totaled 997 cases. Both the filings and terminations decreased slightly from the 1992-93 levels.

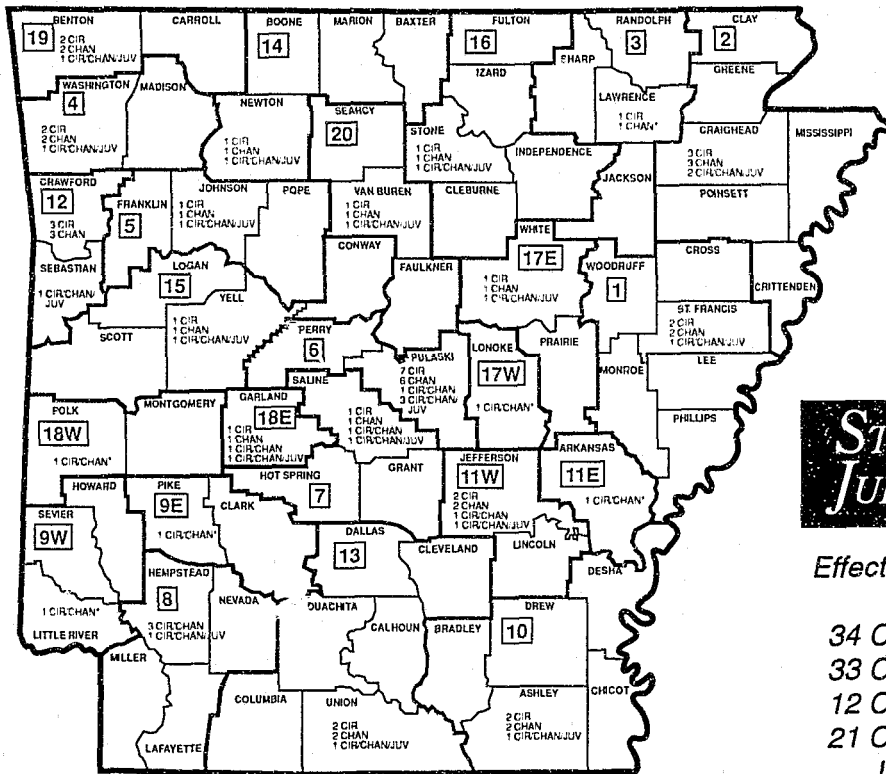
Workload is also measured by the number of major opinions written by each judge. In 1993-94, each member of the Court of Appeals averaged 94 majority opinions, 3 concurring opinions, and 6 dissenting opinions.

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 1993-94, it required an average of 758 days to process a criminal case from its filing in the lower court through the decision on appeal, an increase of 8% over 1992-93. The time to process a civil case rose from 682 days in 1992-93 to 722 days in 1993-94. 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 28 days for criminal cases and 33 days for civil cases, up from 22 and 27 days, respectively.

COURT OF APPEALS CASES



Appeals filed in the Court of Appeals totaled 1,091 in 1993-94, a decrease of 3.4% from the previous year, and a 6.9% increase over the last three years.



STATE OF ARKANSAS JUDICIAL CIRCUITS

Effective July 1, 1993

34 Circuit Judges
33 Chancery Judges
12 Circuit/Chancery Judges
21 Circuit/Chancery/Juvenile Division
Judges

100 Total Judges

* JUDGE ALSO SERVES AS JUVENILE DIVISION JUDGE



THE ARKANSAS JUDICIAL COUNCIL BOARD OF DIRECTORS AND OFFICERS

(SEATED: LEFT TO RIGHT) Judge Jerry Mazzanti, Judge Graham Partlow, Judge Howard Templeton,
Judge Gayle Ford, Judge Tom Smitherman
(STANDING: LEFT TO RIGHT) Judge Joyce Williams Warren, Judge Rice Van Ausdall, Judge H.A. Taylor,
Judge John Robbins, J.D. Gingerich

COURTS OF GENERAL JURISDICTION

During 1993-94, 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 170,128 - an increase of 5.8% over 1992-93. The increases occurred in all categories of cases, except for civil, with the largest increase represented by criminal cases.

Arkansas trial courts also terminated 157,261 cases in 1993-94, a slight decrease from the record of 164,533 in 1992-93. With the decrease in terminations, the number of cases pending rose to 141,685, an increase of some 39%.

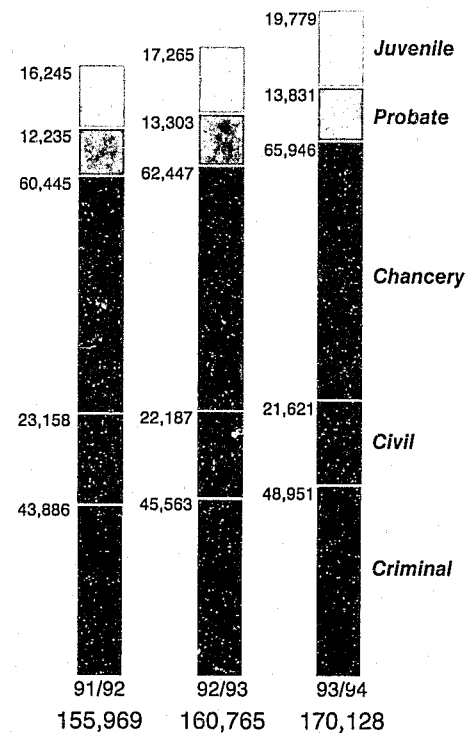
This steady growth in caseload increase over the past several years has produced some delay problems around the state. To deal with the problem, the Judicial Council is recommending the addition of three trial judgeships in 1995. The Council is also requesting the continuation of the three new trial court administrative assistants which were approved in 1993.

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 1993-94, there were 126 municipal courts served by 112 judges and 126 clerks. There are currently 100 city courts served by 73 judges which serve communities which do not have a municipal court. These courts exercise city-wide jurisdiction.

TRIAL COURT CASES



Cases filed in the state's trial courts totaled an all-time high at 170,128 in 1993-94, an increase of 5.8% from the previous year, and a 9.1% increase over the last three years.



*Judge RALPH WILSON
CIRCUIT/CHANCERY JUDGE - SECOND
JUDICIAL CIRCUIT*

Prior to taking the bench, Judge Wilson was quite active in high school Key Club activities through his membership in Kiwanis Clubs. Although the time he can devote to such activities is now limited due to his judicial responsibilities, he is still involved with the Key Club in Dell, Arkansas. Key Clubs around the country and internationally are designed to promote leadership and service in the community. Judge Wilson also serves on an international Kiwanis Committee that supports and directs Key Club activities around the world.

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. 1993-94 marks the first decline in municipal court filings since 1987, decreasing by less than 1% to 731,429 cases. City court filings, however, rose by 47.5% to 48,182 cases. These courts also generate a tremendous amount of revenue for local and county government and for several special state programs. In 1993-94, some \$34,505,644 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.

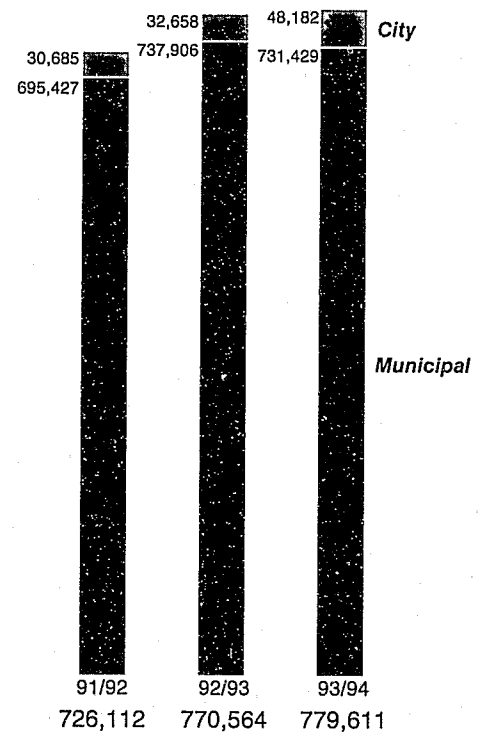
COURT ADMINISTRATION

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 Su-

LIMITED JURISDICTION COURTS



Municipal court filings totaled 731,429 in 1993-94, a .9% decrease from the previous year. City Court filings totaled 48,182 in 1993-94, a 47.5% increase from the previous year.



Judge DON GLOVER
CIRCUIT JUDGE - TENTH JUDICIAL CIRCUIT

Judge Glover serves on the board of the Morris Booker Day Care Center. The Board meets monthly to oversee the activities of the Center which provides daily care to an average of 100 youngsters in the community. Judge Glover's volunteer efforts cover both ends of the spectrum with regards to age, for he also serves as a board member for the Dermott City Nursing Home.

preme 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

*T*he 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.

*T*he 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 bi-monthly newsletter. The division includes the state's court interpreter/translator who is responsible for foreign language interpretation and services to the hearing and sight impaired for all courts in the state.

*T*he 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.

*T*he 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.



*Judge CAROL CRAFTON ANTHONY
CIRCUIT/CHANCERY JUDGE - THIRTEENTH
JUDICIAL CIRCUIT*

Judge Anthony devotes a great deal of her off-the-bench time to the Salvation Army. Not only does she serve on the Board, but also volunteers at the soup kitchen from time to time where six days a week approximately 200 people are fed a noon meal. Each year the holiday season is particularly busy for Judge Anthony when she personally cooks turkeys and delivers them to the Salvation Army kitchen. In addition, the Judge volunteers her time on an assembly line to put together food packages for less privileged families in the area.

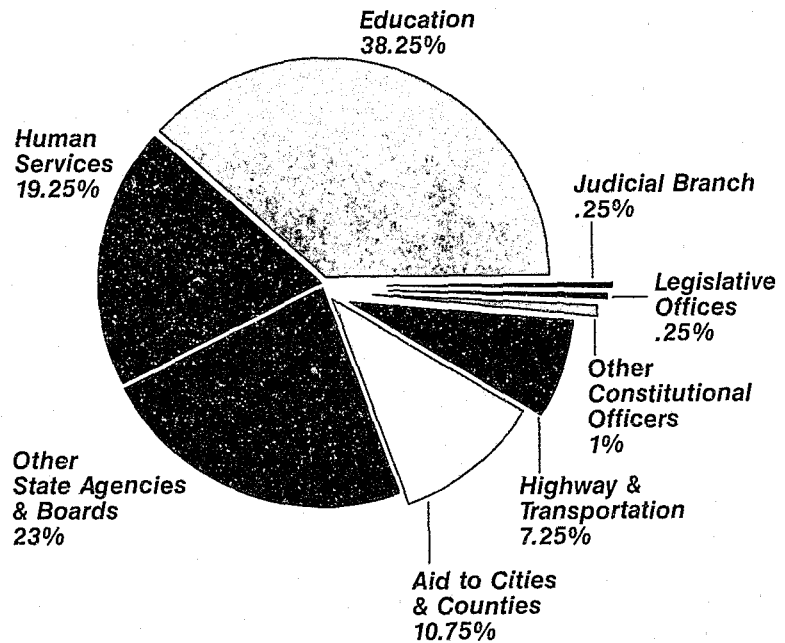
FUNDING OF THE JUDICIARY

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 \$18,648,888 for these costs for fiscal year 1993-94. The operating funds apportioned to the courts at this level represent only .25% of the total state government operating appropriation which totaled over \$9 billion in 1993-94. 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 1993-94
(Total State Appropriations)





*Judge ALAN EPLEY
EUREKA SPRINGS MUNICIPAL JUDGE*

Judge Epley has been a volunteer fireman for Eureka Springs for the past 17 years. Being a small locale, Eureka Springs has only six professional firemen. Thirty volunteer firemen fill the gap for fire protection services in the community. In addition to being on call twenty-four hours a day, Judge Epley attends training sessions two times a month in order to be fully and properly prepared when there is a need for fire alarm personnel.

1993-94 IN REVIEW

IMPLEMENTATION OF S.T.E.P. COURT

After two years of planning, the opening of the S.T.E.P. Court (Supervised Treatment and Education Program) took place under the direction of Circuit Judge Jack Lessenberry. The Court is a comprehensive inter-agency project involving the courts, treatment providers, and public health agencies at the local, state and federal level. The Court accepts diversions of non-violent defendants charged with felonies in the earliest stages of the court process. Charges are put "on hold" while the defendant participates in a individually designed treatment program lasting a minimum of one year. The Court is connected to a central assessment unit which was designed as a model program by the U.S. Department of Health and Human Services and which provides addiction, mental health, and public health assessments for all program participants.

COURT AUTOMATION

On behalf of all judges in the state, Chief Justice Jack Holt, Jr. accepted a major gift from Law Office Information System, Inc. to provide CD ROM-based legal research materials for every trial and appellate judge in the state. As a part of the arrangement, the on-line access for updating of the software is also free of charge to all judges. Several other automation projects took place at both the limited jurisdiction, trial and appellate court levels as a part of the on-going effort to build a statewide court automation system. As a part of that effort, the Supreme Court continued the work of the Supreme Court Forms Committee to standardize the information gathered from all courts in the state.

COURT FUNDING LITIGATION

In *Villines, et al vs. Tucker*, several Arkansas counties sued the state and requested the Court to require the state to assume the cost of funding of the trial court system. The lawsuit reflects the continuing frustration at all levels of government with the current non-unified scheme of the state's funding of general and limited jurisdiction courts.

PUBLICATIONS AND RESEARCH MATERIALS

In a continuation of the efforts to improve and update the research materials available to the courts, the Administrative Of-



Judge VANN SMITH
CHANCERY JUDGE - SIXTH JUDICIAL CIRCUIT

Judge Smith has served as a Co-Den Leader for the Cub Scouts for several years. His duties include planning meetings and activities for the weekly sessions held by the group of new scouts. Judge Smith's energies are directed toward this organization of young boys in an effort to introduce them to the enjoyable and worthwhile world of scouting. With the number of juvenile crime and family problems growing as they are, Judge Smith believes it is vitally important for citizens to be positive role models and to give of their time outside of their profession.

Office of the Courts published and distributed the *Arkansas Circuit Judges Benchbook*. In addition, several research reports were published, including a frequently requested monograph on court funding. The AOC's newsletter, *Friends of the Court*, also moved to a substantially new format and is published on a bi-monthly rather than quarterly basis.

FEDERAL COURT APPOINTMENTS

Several changes occurred in personnel across the system but noteworthy was the appointment by President Clinton of former Circuit Judge Harry Barnes of Camden to the U.S. District Court. Former Juvenile Division Judge Bobby Shepherd was also selected as a federal magistrate in the Western Division of the U.S. District Court.

JURY SERVICE EXEMPTIONS

In response to a federal court lawsuit, the Arkansas General Assembly, in special legislative session, revised the state's jury service exemptions which formerly excluded those with sight and hearing impairments from serving on a jury. The Administrative Office of the Courts was given the responsibility to provide services to local courts which are necessary to enable such citizens to serve.

PRIVATE AND FEDERAL FUNDING

The Administrative Office of the Courts continued its efforts to secure private and federal funding for special projects to aid the state court system. Projects funded during the year included several grants for the study and implementation of the S.T.E.P. Court, a new judge orientation video from municipal court judges, the circuit judges benchbook, several automation consultant projects, and the development of a public education video and accompanying materials on the Arkansas juvenile court system.



Judge **ROBERT McCORKINDALE**
CIRCUIT JUDGE - FOURTEENTH JUDICIAL CIRCUIT

Judge McCorkindale was a founding member in 1980 of Sanctuary, a shelter for battered women in Harrison. Another shelter, Harmony House in Jasper, has been established as well. Judge McCorkindale became involved with these shelters because he recognized the need to help end the cycle of violence that causes domestic abuse. In his work with the shelters, Judge McCorkindale hopes to educate women about the options available to them when abuse occurs. The Judge will be volunteering in the future to help establish transitional housing for women staying in the shelters.

1995 LEGISLATIVE INITIATIVES

EXPANSION OF COURT OF APPEALS

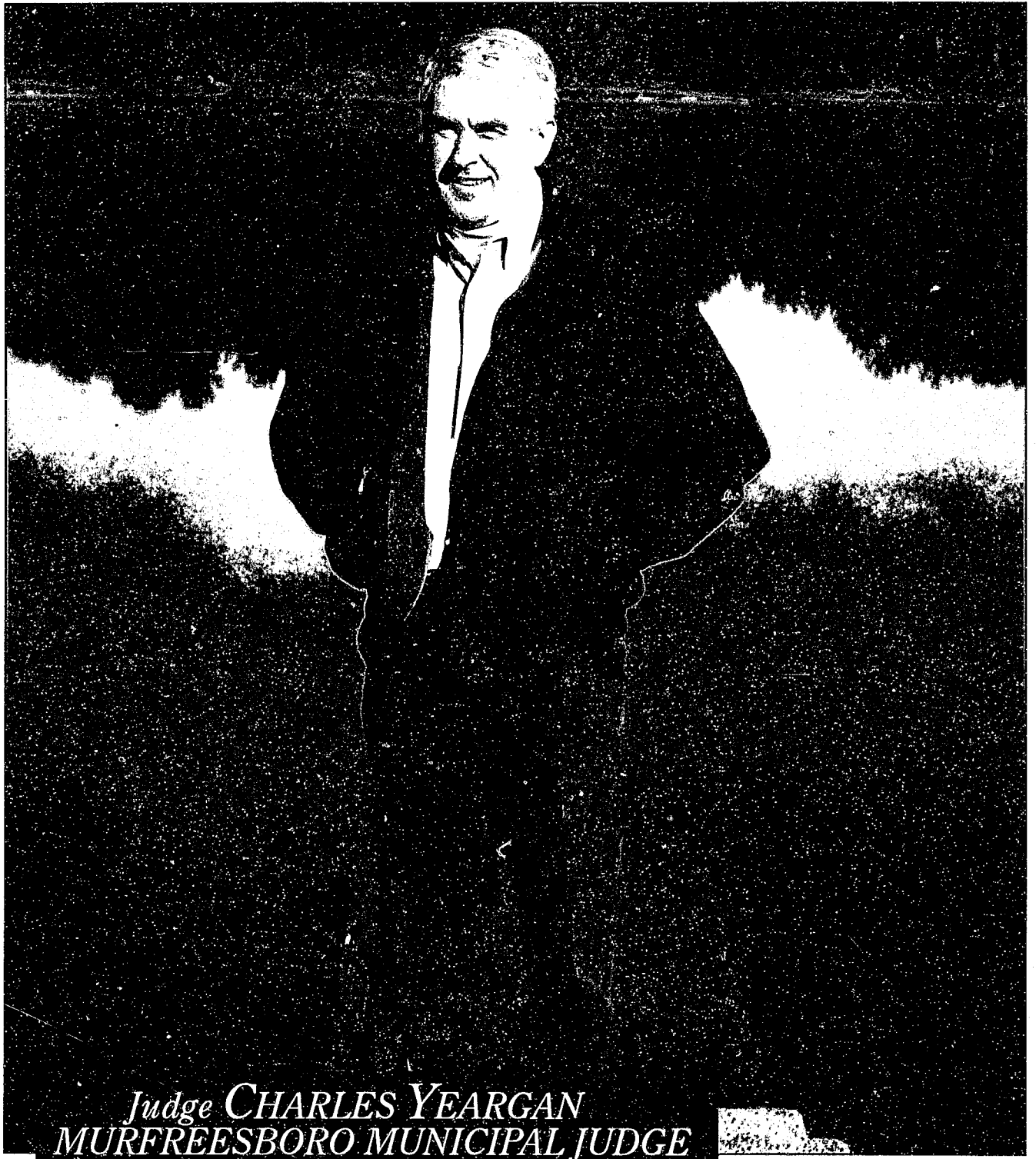
In 1979, when the Arkansas Court of Appeals first came into existence, the total number of cases filed in Arkansas trial courts was 98,213. By 1993-94, that number increased to 170,128. This enormous growth occurred in all categories of cases. In 1979, there were 65 circuit and chancery judges in the state. By 1993-94 that number had risen to 107. All of these increases at the trial court level translated into a dramatic increase in appeals to the Supreme Court and Court of Appeals. At present, the workload of these courts has become unmanageable and is resulting in delays in decision making. The 1993 General Assembly created six new judges for the Court of Appeals, effective July 1, 1995. The 1995 General Assembly must determine new electoral districts for the Court of Appeals and consider requests for the staffing of the new Court of Appeals judges. The Court is requesting that new Court of Appeals judges receive the same staff as the current judges.

ADDITIONAL TRIAL COURT JUDGESHIPS

The Judicial Resources Assessment Committee of the Arkansas Judicial Council considered twelve requests for new judgeships and redistricting from the state's 24 judicial circuits. After full consideration of the requests and the review of case data from each court in the state, the Judicial Council recommends to the General Assembly the creation of three new trial court judgeships in the Nine-West, Thirteenth, and Twentieth Judicial Circuits. The Council also recommends that Pike County be transferred from the Nine-East judicial Circuit to the Nine-West Judicial Circuit.

JUDICIAL RETIREMENT SYSTEM PROPOSALS

The judiciary is requesting four changes in the Judicial Retirement System, only one of which involves funded benefits. First, the Council seeks to change the membership requirements for the Board of Trustees of the Judicial Council system to remove current restrictions on who is allowed to serve on the Board. Second, the judiciary is seeking legislation which will give the Judicial Council an opportunity to review and respond to any proposals to change the Judicial Retirement System before they are enacted by the General Assembly. Third, the judges are seeking legislation which will allow the individual contributions toward retirement to be sheltered from federal income tax. Finally, judges are seeking legislation which would provide a cost of living increase in retirement benefits for



Judge **CHARLES YEARGAN**
MURFREESBORO MUNICIPAL JUDGE

Judge Yeargan is actively involved in the development of a campground for underprivileged children in Pike County. He serves on a small committee whose goal is to have a picturesque area on Lake DeGray with cabins, electricity, bathrooms, a swimming area, and a worship center available for groups of children to enjoy. Judge Yeargan is enthusiastic about his work on the committee for he foresees the numerous opportunities the camp can provide to those less fortunate.

those judges who took the bench after July 1, 1983. The same provision is currently available to all other Arkansas retirement system participants other than judges.

ALTERNATE DISPUTE RESOLUTION COMMISSION

*T*he Judicial Council is seeking the creation of an Alternative Dispute Resolution Commission to promote and encourage the implementation of the use of ADR, both inside and outside of the court system, and to act as the certification agency for ADR practitioners.

RESTRICTIONS ON TRAVEL EXPENSE REIMBURSEMENTS

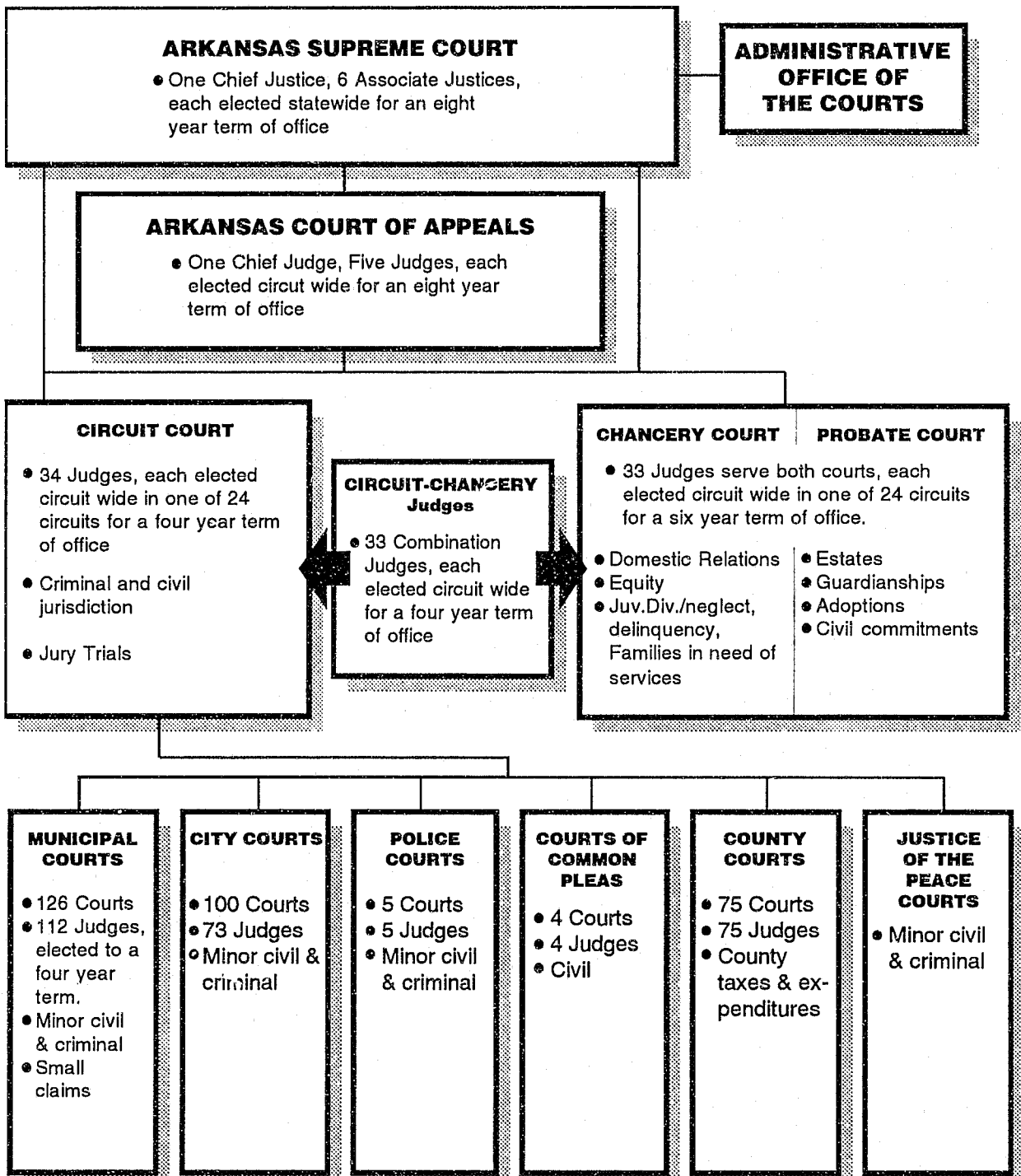
*C*urrently, trial judges are eligible to receive reimbursement for expenses while traveling "from courthouse to courthouse." The Judicial Council has proposed legislation which would eliminate the "courthouse to courthouse" reference, allowing reimbursement whenever the judge is engaged in the performance of official duties. No additional appropriation or funding would be necessary.

JUVENILE COURT PROPOSALS

*T*he juvenile division judges of the Judicial Council have requested legislation which would provide that if a juvenile is taken into custody a detention hearing will be held within 72 hours excluding Saturdays, Sundays and holidays. There is currently some ambiguity and conflict in the law. Also, they are requesting that authority be given to the court to direct the probation officer, the sheriff, or the clerk of the juvenile division to collect juvenile probation fees.

ARKANSAS BAR ASSOCIATION PROPOSALS

*W*hile not officially a part of the judiciary's legislative package, the Arkansas Bar Association has proposed initiatives for consideration by the 1995 General Assembly which have a particular impact on the judicial branch. One proposal calls for the state funding of the Arkansas Court System and a second provides for the non-partisan election of all judicial officers. While not having endorsed any specific proposal, the Judicial Council has, in principle, supported both concepts.



ARKANSAS COURT STRUCTURE