

SUPREME COURT

Enabling Laws

Act 145 of 2005

Constitution of Arkansas, Article 7

Constitution of Arkansas, Amendments 9 and 28

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 and 28. Pursuant to the authority of Amendment 9, the Supreme Court is now composed of one Chief Justice and six Associate Justices. Section Four of Article Seven of the 1874 Constitution provides that the Supreme Court shall have appellate jurisdiction, coextensive with the state, and that it shall have general superintending control over all inferior courts of law and equity, and in aid of its appellate and supervisory jurisdiction, it shall have power to issue Writs of Error and Supersedeas, Certiorari, Habeas Corpus, Prohibition, Mandamus and Quo Warranto, and other remedial writs, and to hear and determine the same. Section Five of Article Seven provides that "in the exercise of original jurisdiction, the Supreme Court shall have power to issue writs of Quo Warranto to the Circuit Judges and Chancellors when created and to officers of political corporations when the question involved is the legal existence of such corporations." Amendment 28 grants unto the Supreme Court the authority to regulate the practice of law and the professional conduct of attorneys.

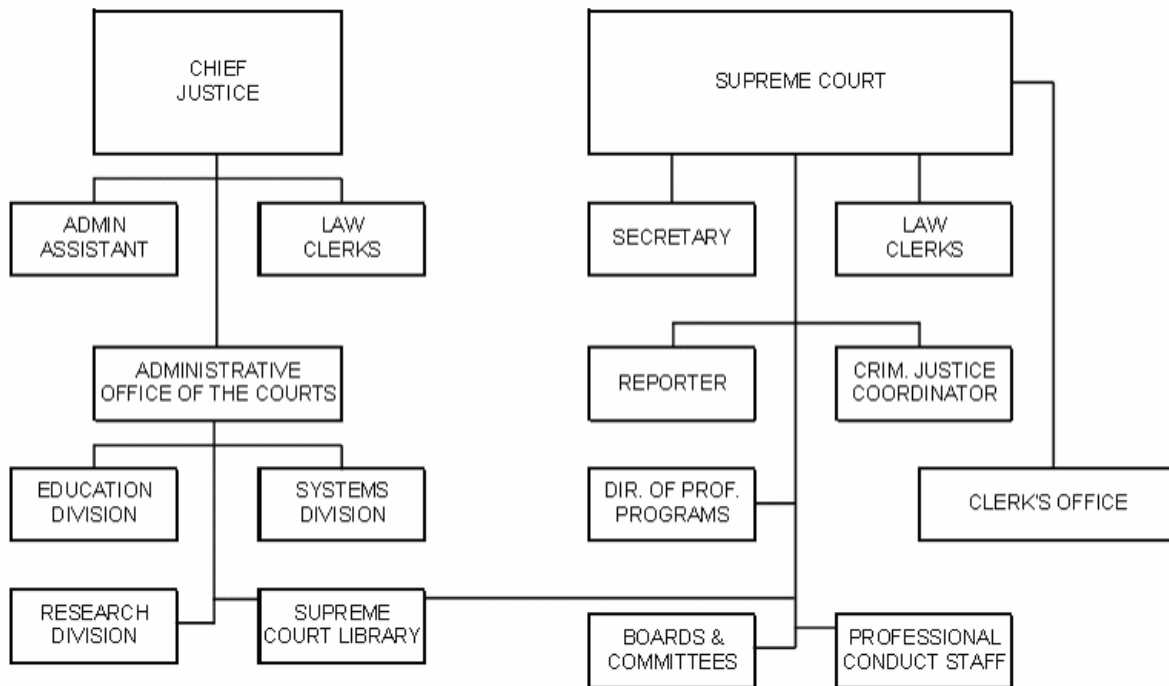
Amendment 58 to the Arkansas Constitution of 1874, which created the Arkansas Court of Appeals, gives to the Supreme Court the power to determine the appellate jurisdiction of the Court of Appeals. The Supreme Court has, by Rule 1-2 of the Rules of the Supreme Court and Court of Appeals, provided that the Court of Appeals will have appellate jurisdiction over all cases appealed from the Circuit, Chancery and Probate Courts, with the exception of the following types of cases, which are appealed to the Supreme Court:

- (1) All cases involving the interpretation or construction of the Constitution of Arkansas;
- (2) Criminal appeals in which the death penalty or life imprisonment has been imposed;
- (3) Petitions for quo warranto, prohibition, injunction, or mandamus directed to the state, county, or municipal officials or to circuit, chancery, or probate courts;
- (4) Appeals pertaining to elections and election procedures;
- (5) Appeals involving the discipline of attorneys-at-law and or arising under the power of the Supreme Court to regulate the practice of law;
- (6) Appeals involving the discipline and disability of judges;

- (7) Second or subsequent appeals following an appeal which has been decided in the Supreme Court; and
- (8) 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:

- (1) Issues of first impression;
- (2) Issues upon which there is a perceived inconsistency in the decisions of the Court of Appeals or Supreme Court;
- (3) Issues involving federal constitutional interpretation;
- (4) Issues of substantial public interest;
- (5) Significant issues needing clarification or development of the law, or overruling of precedent; and
- (6) 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

Regular Salaries (Commitment Item 5010000): The salary requests for FY08 and FY09 are 5% for COLA increases each year of the biennium for the office except for the following requests. The Clerk of the Supreme Court salary request is 8.25% for FY08 and 5% COLA increase for FY09. The court is requesting the six associate justice’s secretary positions be upgraded from grade 15 to grade 16 with a 6% increase FY08 and 5% COLA increase FY09. This would be equal to the grade 16 positions of the Trial Court Administrative Assistants of circuit court. The court requests that the fourteen law clerk positions be upgraded from a grade 21 to a grade 24 with an increase in the entry level from \$38,500 to \$45,000 for FY08 with an equivalent increase in salary for clerks earning more

than the entry level and a 5% COLA increase for FY09. This is the first increase in the entry-level salary in five years and would allow the court to compete in hiring in both the private and governmental sectors. The Court requests the upgrade of the deputy clerk position from a grade 14 to a grade 18. This position is equivalent in job responsibilities to a grade 18 deputy clerk position in the Court of Appeals which would allow parity. The court is requesting a grade 23 position with a salary of \$51,018, entitled Supreme Court Automation Manager. This position would be responsible for implementing the new court automation system for the appellate courts.

Personal Services Matching (Commitment Item 5010003): The court is requesting an amount in proportion to the increase in salaries for FY08 and FY09.

Operating Expenses (Commitment Item 5020002): The court is requesting an increase totaling approximately 10% for FY08 and FY09. The office has had an increase in freight charges, postage, mileage, software maintenance, natural gas, warehouse rental, and other expenses. The court is in need of additional shelving for the library, and expense of the imaging project.

Printing and Binding (Commitment Item 5900034): The court's publication of its opinions and free distribution of the bound volumes to state and local officials is required by statute. The increase in the cost of publication and the decrease in its number of paid subscribers makes this an ever-more costly operation. The court has requested input from the bench and bar about the possibility of changing the manner of publication. This would require change in substantive law. This budget request is the amount necessary to continue publication based upon current law. An increase to \$540,000 for both years of the biennium.

Capital Outlay (Commitment Item 5120011): The court requests that its authorized amount of \$112,000 (FY07 level) be restored for FY08 and FY09.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS SUPREME COURT
FOR THE YEAR ENDED JUNE 30, 2004

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	10	33	43	98 %
Black Employees	0	1	1	2 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			1	2 %
Total Employees			44	100 %

Publications

A.C.A 25-1-204

Name	Statutory Authorization	Required for		# Of Copies	Reason (s) for Continued Publication and Distribution
		Governor	General Assembly		
Arkansas Reports/ AR Appellate Reports	A.C.A. §25-18-210 et seq. (Repl. 2002)	N	N	575	A.C.A. §16-11-201 official historical record of opinions of the Arkansas Supreme Court and Arkansas Court of Appeals

Agency Position Usage Report

FY2004-2005						FY2005-2006						FY2006-2007					
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	
44	44	0	44	0	0.00%	44	43	1	44	0	2.27%	44	44	0	44	0	0.00%

Appropriation Summary

Appropriation: 008 Supreme Court - Operations
Funding Sources: HSC - State Central Services

Commitment Item	Historical Data			Agency Request and Executive Recommendation					
	2005-2006	2006-2007	2006-2007	2007-2008			2008-2009		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	1,872,355	1,903,957	1,968,902	1,999,132	2,112,190	0	2,099,070	2,225,498	0
#Positions	44	44	44	44	45	0	44	45	0
Extra Help 5010001	28,433	30,000	30,000	30,000	30,000	0	30,000	30,000	0
#Extra Help	4	5	5	5	5	0	5	5	0
Personal Services Matching 5010003	533,787	544,869	541,427	591,938	619,035	0	612,175	641,978	0
Operating Expenses 5020002	294,233	313,679	313,679	313,679	344,679	0	313,679	344,679	0
Conference & Travel Expenses 5050009	29,905	30,000	30,000	30,000	30,000	0	30,000	30,000	0
Professional Fees 5060010	24,239	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	111,843	112,000	112,000	0	112,000	0	0	112,000	0
Printing and Binding 5900034	220,876	275,000	275,000	275,000	540,000	0	275,000	540,000	0
Court Appointed Attorneys 5900040	188,891	210,000	210,000	210,000	210,000	0	210,000	210,000	0
Commissions and Committees 5900041	12,300	20,000	20,000	20,000	20,000	0	20,000	20,000	0
Special Justices 5900046	4,911	5,500	5,500	5,500	5,500	0	5,500	5,500	0
Judicial Education 5900048	44,750	100,000	100,000	100,000	100,000	0	100,000	100,000	0
Total	3,366,523	3,570,005	3,631,508	3,600,249	4,148,404	0	3,720,424	4,284,655	0
Funding Sources									
State Central Services 4000035	3,366,523	3,570,005		3,600,249	4,148,404	0	3,720,424	4,284,655	0
Total Funding	3,366,523	3,570,005		3,600,249	4,148,404	0	3,720,424	4,284,655	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	3,366,523	3,570,005		3,600,249	4,148,404	0	3,720,424	4,284,655	0

No Executive Recommendation made on this appropriation. The FY07 Budgeted amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2005-2007 biennium.

Change Level by Appropriation

Appropriation: 008-Supreme Court - Operations

Funding Sources: HSC - State Central Services

Agency Request

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
BL	Base Level	3,600,249	44	3,600,249	100.0	3,720,424	44	3,720,424	100.0
C01	Existing Program	482,587	1	4,082,836	113.4	495,682	1	4,216,106	113.3
C11	Upgrade/Downgrade	62,136	0	4,144,972	115.1	64,945	0	4,281,051	115.0
C15	Ex Salary Increase	3,432	0	4,148,404	115.2	3,604	0	4,284,655	115.1