

# SUPREME COURT

## Enabling Laws

Act 1214 of 2007

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.

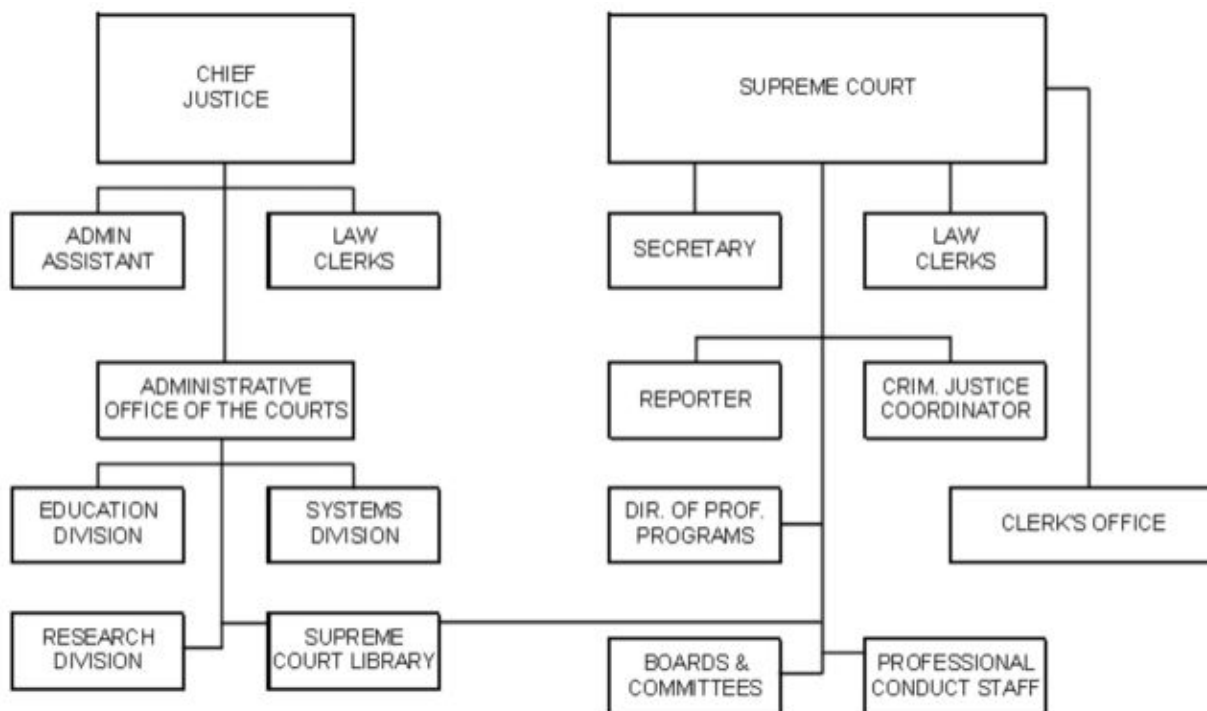
The most recent authority for the organization, powers and purposes of the Supreme Court is the Constitution of 1874 and its amendments, and, specifically, Sections One, Four, Five, Six, Seven, Eight, Nine and Ten of Article Seven and Amendments 9 and 28. Pursuant to the authority of Amendment 9, the 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:

- 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, chancery, or probate 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**

Regular Salaries (Commitment Item 5010000): Salary requests for the Court reflect a reclassification of current grades to the comparable grades described in the Office of Personnel Management's Classification Study and FY10 and FY11 pay plan recommendations. Base level salaries for the classified positions include a merit increase adjustment for FY09 and adhere to the guidelines of the Pay Plan Study. A 2.3% cost of living allowance is reflected in the second year of the biennium. The base level request for regular salaries may include career service payments for eligible employees. Additionally, the Court is requesting one (1) new position, contingent upon the approval by the General Assembly of legislature eliminating the requirement that the Supreme Court publish its opinions in printed, bound volumes. If

approved, the Court will begin to publish its official opinions electronically. No additional funding for the position will be required; rather, the necessary appropriation may be transferred from the Court's appropriation for printing. The Court will utilize this position to publish the online electronic version of the Arkansas Reports and the Arkansas Appellate Reports.

Extra Help (Commitment Item 5010001): The Court is asking that its 2009 authorized appropriation of \$30,000 be restored. 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 increase in salaries for FY10 and FY11. This amount includes a \$75 increase in the monthly contribution for state employee's health insurance for a total State match per budgeted position of \$425.

Operating Expenses (Commitment Item 5020002): The Court requests that its 2009 authorized appropriation be increased by 3% each year of the biennium to help offset increased operating costs due to inflation.

Capital Outlay (Commitment Item 5120011): The Court is requesting to restore its FY09 authorized level of \$112,000 each year of the biennium, as well as an additional \$150,000 in FY10 to purchase a new shelving system for case storage and upgrading outdated computer wiring throughout the building.

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 in the amount of \$20,000. The NSC0000 cash holding account appropriation should continue both years of the biennium and will be utilized for mediation purposes. Expense of appropriation is contingent upon available funding.

Fixed Housing and Travel Allowance (Commitment Item 5900049): The Court requests \$60,000 additional appropriation each year of the biennium to fund the special language provision for Justice reimbursements for housing and travel expenses.

No increases over existing line item amounts are being requested by the Court for the following items: Conference and Travel Expenses (Commitment Item 5050009); Professional Fees (Commitment Item 5060010); Printing and Binding (Commitment Item 5900034); Court Appointed Attorneys (Commitment Item 5900040); Commissions and Committees (Commitment Item 5900041); Special Justices (Commitment Item 5900046); and Judicial Education (Commitment Item 5900048).

## **Audit Findings**

DIVISION OF LEGISLATIVE AUDIT

AUDIT OF :

ARKANSAS SUPREME COURT

FOR THE YEAR ENDED JUNE 30, 2007

Findings	Recommendations
None	None

## Employment Summary

	Male	Female	Total	%	
White Employees	9	29	38	97 %	
Black Employees	0	1	1	3 %	
Other Racial Minorities	0	0	0	0 %	
			Total Minorities	1	3 %
			Total Employees	39	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

## Department Appropriation Summary

### Historical Data

### Agency Request and Executive Recommendation

Appropriation	2007-2008		2008-2009		2008-2009		2009-2010						2010-2011					
	Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos
008 Supreme Court - Operations	3,577,562	44	3,769,643	44	3,860,529	44	3,883,485	44	4,268,859	45	0	0	3,945,276	44	4,183,659	45	0	0
56S Appellate Mediation - Cash	0	0	0	0	0	0	0	0	20,000	0	0	0	0	0	20,000	0	0	0
<b>Total</b>	<b>3,577,562</b>	<b>44</b>	<b>3,769,643</b>	<b>44</b>	<b>3,860,529</b>	<b>44</b>	<b>3,883,485</b>	<b>44</b>	<b>4,288,859</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>3,945,276</b>	<b>44</b>	<b>4,203,659</b>	<b>45</b>	<b>0</b>	<b>0</b>

Funding Sources		%		%		%		%		%		%		%		%		%
State Central Services 4000035	3,577,562	100.0	3,769,643	100.0			3,883,485	100.0	4,268,859	99.5	0	0.0	3,945,276	100.0	4,183,659	99.5	0	0.0
Cash Fund 4000045	0	0.0	0	0.0			0	0.0	20,000	0.5	0	0.0	0	0.0	20,000	0.5	0	0.0
<b>Total Funds</b>	<b>3,577,562</b>	<b>100.0</b>	<b>3,769,643</b>	<b>100.0</b>			<b>3,883,485</b>	<b>100.0</b>	<b>4,288,859</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>3,945,276</b>	<b>100.0</b>	<b>4,203,659</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
Excess Appropriation/(Funding)	0		0				0		0		0		0		0		0	
<b>Grand Total</b>	<b>3,577,562</b>		<b>3,769,643</b>				<b>3,883,485</b>		<b>4,288,859</b>		<b>0</b>		<b>3,945,276</b>		<b>4,203,659</b>		<b>0</b>	

No Executive Recommendation made on these appropriations.

## Agency Position Usage Report

FY2006 - 2007						FY2007 - 2008						FY2008 - 2009					
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			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total	
44	43	1	44	0	2.27 %	44	44	0	44	0	0.00 %	44	39	5	44	0	11.36 %

## Appropriation Summary

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

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

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item		Historical Data			2009-2010			2010-2011		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	2,020,237	2,103,586	2,118,731	2,242,750	2,283,909	0	2,294,799	2,338,492	0
<b>#Positions</b>		<b>44</b>	<b>44</b>	<b>44</b>	<b>44</b>	<b>45</b>	<b>0</b>	<b>44</b>	<b>45</b>	<b>0</b>
Extra Help	5010001	20,422	30,000	30,000	30,000	30,000	0	30,000	30,000	0
<b>#Extra Help</b>		<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>0</b>
Personal Services Matching	5010003	573,125	559,878	635,619	646,556	659,361	0	656,298	669,578	0
Operating Expenses	5020002	297,285	313,679	313,679	313,679	323,089	0	313,679	323,089	0
Conference & Travel Expenses	5050009	22,065	30,000	30,000	30,000	30,000	0	30,000	30,000	0
Professional Fees	5060010	23,291	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	92,988	112,000	112,000	0	262,000	0	0	112,000	0
Printing and Binding	5900034	228,091	275,000	275,000	275,000	275,000	0	275,000	275,000	0
Court Appointed Attorneys	5900040	182,637	195,000	195,000	195,000	195,000	0	195,000	195,000	0
Commissions and Committees	5900041	17,021	20,000	20,000	20,000	20,000	0	20,000	20,000	0
Special Justices	5900046	400	5,500	5,500	5,500	5,500	0	5,500	5,500	0
Judicial Education	5900048	100,000	100,000	100,000	100,000	100,000	0	100,000	100,000	0
Fixed Housing and Travel	5900049	0	0	0	0	60,000	0	0	60,000	0
<b>Total</b>		<b>3,577,562</b>	<b>3,769,643</b>	<b>3,860,529</b>	<b>3,883,485</b>	<b>4,268,859</b>	<b>0</b>	<b>3,945,276</b>	<b>4,183,659</b>	<b>0</b>
<b>Funding Sources</b>										
State Central Services	4000035	3,577,562	3,769,643		3,883,485	4,268,859	0	3,945,276	4,183,659	0
Total Funding		3,577,562	3,769,643		3,883,485	4,268,859	0	3,945,276	4,183,659	0
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		3,577,562	3,769,643		3,883,485	4,268,859	0	3,945,276	4,183,659	0

No Executive Recommendation on this appropriation.

## Change Level by Appropriation

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

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

### Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>3,883,485</b>	<b>44</b>	<b>3,883,485</b>	<b>100.0</b>	<b>3,945,276</b>	<b>44</b>	<b>3,945,276</b>	<b>100.0</b>
C01	Existing Program	385,374	1	4,268,859	109.9	238,383	1	4,183,659	106.0



**Appropriation Summary**

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

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

**Historical Data**

**Agency Request and Executive Recommendation**

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 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	0	0	0	20,000	0	0	20,000	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>0</b>	<b>0</b>	<b>0</b>	<b>20,000</b>	<b>0</b>	<b>0</b>	<b>20,000</b>	<b>0</b>
<b>Funding Sources</b>									
Cash Fund 4000045	0	0		0	20,000	0	0	20,000	0
<b>Total Funding</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>20,000</b>	<b>0</b>	<b>0</b>	<b>20,000</b>	<b>0</b>
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
<b>Grand Total</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>20,000</b>	<b>0</b>	<b>0</b>	<b>20,000</b>	<b>0</b>

No Executive Recommendation on this appropriation.

This appropriation was created during FY09 as a result of a transfer from the Cash Fund Holding Account.

## Change Level by Appropriation

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

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

### Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
C01	Existing Program	20,000	0	20,000	100.0	20,000	0	20,000	100.0