

MINUTES**HOUSE & SENATE COMMITTEES ON JUDICIARY
MEETING JOINTLY****Monday, March 9, 2020****1:30 p.m.****Justice Building
Little Rock, AR**

Committee Members Present: Senators Alan Clark, Chair; Stephanie Flowers, Vice Chair; John Cooper, and Terry Rice; Representatives Carol Dalby, Chair; Rebecca Petty, Vice Chair; Nicole Clowney, Cindy Crawford, Marsh Davis, Denise Ennett, Charlene Fite, Jimmy Gazaway, Don Glover, Steve Hollowell, John Maddox, Laurie Rushing, Jamie Scott, Brandt Smith, and Dwight Tosh

Other Members Present: Senator Trent Garner

Representative Dalby called the meeting to order.

Consideration to Adopt Minutes. [Exhibits C-1, C-2, C-3]

Representative Tosh made a motion to approve the November 16, 2018, July 9, 2019, and August 28, 2019, meeting minutes. The motion was seconded by Senator Rice. Without objection, the motion carried.

Welcome and Overview of the Arkansas Supreme Court

Honorable John Dan Kemp, Chief Justice, Arkansas Supreme Court, explained that Arkansas has the eleventh largest caseload in the United States. Cases that the Arkansas Supreme Court are required to hear (Under Arkansas Supreme Court Rule 1-2(a)) are as follows:

- all appeals involving interpretation or construction of the Arkansas Constitution
- criminal appeals on which the death penalty or life sentence has been imposed
- petitions for quo warranto, prohibition, injunction, or mandamus directed to the state, county, or municipal officials or to circuit courts
- appeals pertaining to elections and election procedures
- appeals involving the discipline of attorneys at law or arising under the power of the Arkansas 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 Arkansas Supreme Court
- other appeals required by law to be heard by the Arkansas Supreme Court

The Arkansas Supreme Court is a court of review for cases occurring in trial courts, generally in the circuit court. Submission of cases is every two weeks and they usually receive seven cases. Oral arguments are heard on Thursday mornings and the estimate of cases heard is twenty (20) to twenty-five (25) cases per year. A justice is assigned to each of the seven cases. Of the seven justices, four votes decide whether or not to hear a case. If four justices are in agreement with the main justice assigned to the case, then the main justice has the majority of opinion in the case. The opinion of the case is then made known to the public. Petitions for review are submitted once a month and there can be up to ten (10), fifteen (15), or twenty (20) cases for review each month.

The Arkansas Supreme Court has superintending control over all of the courts in Arkansas. Under that control, the Arkansas Supreme Court has an established procedure that requires the administrative plans of the circuit courts and district courts to be submitted. The purpose is to establish the type of cases that each circuit court and district court will be deciding. For example, criminal cases, civil cases, probate cases, domestic relations, and juvenile cases are basic subject matters of cases in the circuit court. The multi-judge districts are required to have administrative plans to be set up as to which each district will hear which type of cases and the estimate of the number of cases they will hear. Recusal provisions are established in the administrative plan in case a judge has to recuse in a particular district. If the court has a specialty court or specialty docket, the resources involved in the specialty court program are required to be identified, per the administrative plan, such as the use of prosecutors, public defenders, and probation officers. The funding source, legal authority, and the statutory authority for the specialty court program are also required to be identified. The Specialty Court Advisory committee established the standards for specialty courts in Arkansas. The strategic plan for the Arkansas Supreme Court through the year 2025 will focus on enhanced technology, improved access to justice such as access to facilities and court information, effective communication, and enhanced security, such as the requirement of each of the courts to have a continuity of operations plan.

Overview of the Supreme Court Clerk's Office

Stacy Pectol, Clerk of the Courts, Arkansas Supreme Court, presented information regarding the clerk's office of the Arkansas Supreme Court and Court of Appeals. Ms. Pectol stated that the main roles of the clerk's office are to maintain the official roster of licensed attorneys and court reporters, as well as administer all human resources and financial operations of the Arkansas Supreme Court and the Court of Appeals. She described the official court record of each case and said that lawyers condense the record into a brief for the Supreme Court judges to review.

Overview of the Administrative Office of the Courts

Marty Sullivan, Director, Administrative Office of the Courts (AOC), explained that there are four divisions within the AOC. Mr. Sullivan handles the overall budget operations and human resources operations for the courts. Tim Holthoff, Director, Court Information Services Division, gave a report on the technology initiatives of the Arkansas Supreme Court. The initiatives are largely managed by a committee created by the Supreme Court which is made up of a group of judges, lawyers, and members of the community. The goal of the committee and the Supreme Court is to envision a uniform system around the state that all of the courts can utilize. Mr. Holthoff said that their division is responsible for providing technological support to all of the courts, court automation programs, and the Arkansas Judiciary website. He presented a strategic plan related to the overall goals of the Arkansas Supreme Court, which are to improve the court automation programs, have e-filing systems to courts across Arkansas by the year 2025, improve the computer infrastructure and technology education, and improve communication with peers and with other jurisdictions. He described the case management system currently used at circuit courts in Arkansas and said they are currently working on that system for the district courts in Arkansas. Mr. Holthoff explained that data sharing is a key component of what the AOC does for the Arkansas Supreme Court and key efforts that division is currently working on include an oracle cloud migration and building a roadmap to modernization. Jennifer Craun, Juvenile Services Director and staff attorney for circuit judges who handle juvenile cases, stated that their division administers programs for the juvenile courts. There are twenty-three (23) programs serving all of the seventy-five (75) counties in Arkansas. Larry Brady, Court Services Director, Legal Division, said their division trains, certifies, and assigns interpreters within Arkansas. The division also administers judicial education across the State.

With no further business, the meeting adjourned at 3:00 p.m.