

INTERIM STUDY PROPOSAL 2017-110

REQUESTING THAT THE LEGISLATIVE COUNCIL REFER TO THE HOUSE COMMITTEE ON JUDICIARY A STUDY OF THE POSSIBILITY OF AN EXPANDED ROLE FOR RETIRED CIRCUIT COURT JUDGES TO BE APPOINTED SPECIAL CIRCUIT COURT JUDGES BY THE SUPREME COURT IN CERTAIN JUDICIAL CIRCUITS.

WHEREAS, there are a number of current circuit court judges around the state who are approaching retirement age, and upon their retirement, the state will unfortunately lose years of institutional knowledge and those judges' profound understanding of circuit court operations; and

WHEREAS, the assignment of special and retired judges is governed by rule of the Supreme Court as set out under Arkansas Constitution, Amendment 80, § 13; and

WHEREAS, the state should provide a mechanism by which these circuit court judges who are retired or nearing retirement may continue to serve the public, if they so choose; and

WHEREAS, the state could create such a mechanism by studying the ways circuit court judges who are retired or nearing retirement could be appointed by the Supreme Court to serve in expanded roles; and

WHEREAS, the benefit of their service to the state would be a greater number of circuit court judges serving certain judicial circuits to relieve case backlogs or provide seasoned expertise in complex cases, thereby easing the burden currently on the circuit court; and

WHEREAS, research should be conducted on the last time the judicial districts that create the various circuit courts of the state were rebalanced and what branch or branches of the government have the power to rebalance the judicial districts of the state; and

1           WHEREAS, the Chief Justice of the Supreme Court, the justices of the  
2 Supreme Court, a representative of the Administrative Office of the Courts, a  
3 representative of the Arkansas Bar Association, and interested members of the  
4 Bar of Arkansas should be invited to participate in the study,  
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6 NOW THEREFORE,

7 BE IT PROPOSED BY THE LEGISLATIVE COUNCIL OF THE NINETY-FIRST GENERAL  
8 ASSEMBLY:

9           THAT the House Committee on Judiciary study the possibility of an  
10 expanded role for retired circuit court judges to be appointed special  
11 circuit court judges by the Supreme Court in judicial circuits with a backlog  
12 of cases or with a number of complex cases where a retired circuit court  
13 judge could help ease the burden on the circuit court.  
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15 Respectfully submitted,  
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19 Representative Johnny Rye  
20 District 54  
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22 Prepared by: BPG/BPG  
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