

# ARKANSAS COURT OF APPEALS

## Enabling Laws

Act 99 of 2005

A.C.A. §16-21-101 et seq.

Constitution of Arkansas, Amendment 58

## History and Organization

The Arkansas Court of Appeals is a court of appellate jurisdiction that was established pursuant to the provisions of Amendment 58 to the Arkansas Constitution to help alleviate the tremendous caseload of the Arkansas Supreme Court.

Act 208 of 1979 (A.C.A. §16-12-101 et seq.) created the Court of Appeals pursuant to the provisions of Amendment 58 of the Arkansas Constitution. Act 1085 of 1993 provided for the increase of the number of sitting judges on the Court of Appeals from six to twelve; Act 11 of the First Extraordinary Session of 1995 repealed certain sections of Act 1085 and allowed for the appointment of the six additional judges. Act 889 of 1999 provided for the election of an additional judge from each of the existing Court of Appeal districts to replace the six judges appointed pursuant to Act 1085. Act 1812 of 2003 reapportioned the Court of Appeals into seven new electoral districts in recognition of population shifts that had occurred since 1979. Act 99 of 2005 established the Court of Appeals appropriation for the biennial years of 2006 and 2007.

With certain exceptions, all cases previously appealable to the Supreme Court are now appealed to the Court of Appeals. Jurisdiction of the Court of Appeals is established by the Supreme Court pursuant to its rule-making authority and is embodied in its per curiam In re Supreme Court Rule 1-2, 329 AR Appx. 657 (June 30, 1997), which requires that appeals be filed in the Court of Appeals except for specific exceptions. Such exceptions include, but are not necessarily limited to, cases involving interpretation or construction of the Constitution of the State of Arkansas; criminal cases where the death penalty or life imprisonment has been imposed; petitions for quo warranto, prohibition, injunction, or mandamus; election cases; cases involving discipline of attorneys; appeals involving the discipline and disability of judges; and subsequent appeals of a case that was decided by the Supreme Court. All other cases are appealed to the Court of Appeals for resolution; however, any case is subject to reassignment to the Supreme Court. No appeal as a right lies from the Court of Appeals to the Supreme Court, although the Supreme Court may exercise its discretion to review an appeal decided by the Court of Appeals in limited situations.

At its inception the Court of Appeals was made up of six sitting judges but through the above-referenced legislation the size of the court was increased to twelve sitting judges elected to eight year terms from seven districts. The Chief Justice of the Arkansas Supreme Court designated one of the twelve judges to serve as Chief Judge of the Court of Appeals. The Court of Appeals FY05-07 biennial appropriation authorized 49 regular employees. The court employs one chief deputy, two assistant record supervisors, one administrative assistant, and three deputy clerks to assist the Supreme Court Clerk in managing court records and AASIS data entry. In addition, the



## **Agency Commentary**

Regular Salaries (Commitment Item 5010000): The salary requests for FY08 and FY09 reflect an upgrade from grade 21 to grade 24 for all law clerk positions, with an FY08 salary increase of 6% percent and a COLA increase of 5% for FY09; an upgrade request for the three staff attorney positions from grade 24 to grade 26, with an FY08 salary increase of 6% and a 5% COLA increase for FY09; an upgrade of the 13 secretary positions from grade 15 to grade 16, with a salary increase of 6% for FY08 and a 5% COLA increase for FY09. For the remaining Court employees, the salary requests for FY08 and FY09 reflect base level requests with a COLA increase of 5% for each year of the biennium.

Extra Help (Commitment Item 5010001): The court is asking that its 2007 authorized appropriation of \$25,000 be restored. These funds are necessary to allow the court to hire temporary personnel in the event of the absence of an employee because of illness or injury.

Personal Services Matching (Commitment Item 5010003): The court is requesting this amount in proportion to the additional salary requests for FY08 and FY09.

Operating Expenses (Commitment Item 5020002): This request has not increased from the FY 05-07 authorized levels.

Conference and Travel Fees (Commitment Item 5050009): This request has not increased from the FY05-07 authorized levels.

Capital Outlay (Commitment Item 5120011): The court is requesting that its 2007 authorized appropriation of \$10,500 be restored to allow the court to replace if necessary high-valued equipment such as photocopiers or furniture.

Legal Counsel (Commitment Item 5900040): The court is requesting a \$20,000 increase above its FY07 authorized level to include the payment of legal fees for attorneys who are appointed to represent indigent appellants in criminal appeals and indigent appellants in dependency/neglect appeals as required by A.C.A. §9-27-316(h)(Supp. 2005).

Special Judges (Commitment Item 5900046): The court is requesting that its 2007 authorized appropriation of \$17,044 be restored as these funds are necessary to pay special judges who fill in for the court's sitting judges who are absent temporarily because of illness or accident.

## **Audit Findings**

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

| <u>Findings</u> | <u>Recommendations</u> |
|-----------------|------------------------|
| None            | None                   |

## Employment Summary

|                         | Male | Female | Total            | %        |
|-------------------------|------|--------|------------------|----------|
| White Employees         | 8    | 36     | 44               | 90 %     |
| Black Employees         | 1    | 4      | 5                | 10 %     |
| Other Racial Minorities | 0    | 0      | 0                | 0 %      |
|                         |      |        | Total Minorities | 5 10%    |
|                         |      |        | Total Employees  | 49 100 % |

## 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 | 16-12-108(b)<br>(Repl.1999)<br>16-11-201/09<br>(Repl.1999) | N            | N                | 600         | All published opinions of the Court of Appeals are reported by the Reporter of the Supreme Court. See A.C.A. §16-11-201. |

**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   |                        |
| 49                | 49       | 0        | 49    | 0          | 0.00%                  | 49                | 49       | 0     | 49     | 0          | 0.00%                  | 49                | 49       | 0     | 49     | 0          | 0.00%                  |

## Appropriation Summary

**Appropriation:** 111 Court of Appeals  
**Funding Sources:** HSC - State Central Services

| Commitment Item                      | Historical Data     |                     |                         | Agency Request and Executive Recommendation |                  |          | 2008-2009        |                  |           |
|--------------------------------------|---------------------|---------------------|-------------------------|---|------------------|----------|------------------|------------------|-----------|
|                                      | 2005-2006<br>Actual | 2006-2007<br>Budget | 2006-2007<br>Authorized | 2007-2008                                   |                  |          | Base Level       | Agency           | Executive |
| Regular Salaries 5010000             | 2,155,957           | 2,185,491           | 2,216,372               | 2,294,742                                   | 2,432,334        | 0        | 2,409,457        | 2,589,201        | 0         |
| <b>#Positions</b>                    | <b>49</b>           | <b>49</b>           | <b>49</b>               | <b>49</b>                                   | <b>49</b>        | <b>0</b> | <b>49</b>        | <b>49</b>        | <b>0</b>  |
| Extra Help 5010001                   | 13,089              | 25,000              | 25,000                  | 25,000                                      | 25,000           | 0        | 25,000           | 25,000           | 0         |
| <b>#Extra Help</b>                   | <b>1</b>            | <b>2</b>            | <b>2</b>                | <b>2</b>                                    | <b>2</b>         | <b>0</b> | <b>2</b>         | <b>2</b>         | <b>0</b>  |
| Personal Services Matching 5010003   | 622,334             | 632,127             | 607,667                 | 672,413                                     | 700,274          | 0        | 695,642          | 732,041          | 0         |
| Operating Expenses 5020002           | 157,309             | 187,185             | 187,185                 | 187,185                                     | 187,185          | 0        | 187,185          | 187,185          | 0         |
| Conference & Travel Expenses 5050009 | 34,531              | 68,900              | 68,900                  | 68,900                                      | 68,900           | 0        | 68,900           | 68,900           | 0         |
| Professional Fees 5060010            | 0                   | 0                   | 0                       | 0   | 0                | 0        | 0                | 0                | 0         |
| Data Processing 5090012              | 0                   | 0                   | 0                       | 0   | 0                | 0        | 0                | 0                | 0         |
| Capital Outlay 5120011               | 0                   | 10,500              | 10,500                  | 0   | 10,500           | 0        | 0                | 10,500           | 0         |
| Legal Counsel 5900040                | 147,051             | 220,000             | 220,000                 | 220,000                                     | 240,000          | 0        | 220,000          | 240,000          | 0         |
| Special Judges 5900046               | 0                   | 17,044              | 17,044                  | 17,044                                      | 17,044           | 0        | 17,044           | 17,044           | 0         |
| <b>Total</b>                         | <b>3,130,271</b>    | <b>3,346,247</b>    | <b>3,352,668</b>        | <b>3,485,284</b>                            | <b>3,681,237</b> | <b>0</b> | <b>3,623,228</b> | <b>3,869,871</b> | <b>0</b>  |
| <b>Funding Sources</b>               |                     |                     |                         |   |                  |          |                  |                  |           |
| State Central Services 4000035       | 3,130,271           | 3,346,247           |                         | 3,485,284                                   | 3,681,237        | 0        | 3,623,228        | 3,869,871        | 0         |
| Total Funding                        | 3,130,271           | 3,346,247           |                         | 3,485,284                                   | 3,681,237        | 0        | 3,623,228        | 3,869,871        | 0         |
| Excess Appropriation/(Funding)       | 0                   | 0                   |                         | 0   | 0                | 0        | 0                | 0                | 0         |
| <b>Grand Total</b>                   | <b>3,130,271</b>    | <b>3,346,247</b>    |                         | <b>3,485,284</b>                            | <b>3,681,237</b> | <b>0</b> | <b>3,623,228</b> | <b>3,869,871</b> | <b>0</b>  |

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:** 111-Court of Appeals  
**Funding Sources:** HSC - State Central Services

### Agency Request

| Change Level |                   | 2007-2008 | Pos | Cumulative | % of BL | 2008-2009 | Pos | Cumulative | % of BL |
|--------------|-------------------|-----------|-----|------------|---------|-----------|-----|------------|---------|
| <b>BL</b>    | <b>Base Level</b> | 3,485,284 | 49  | 3,485,284  | 100.0   | 3,623,228 | 49  | 3,623,228  | 100.0   |
| C01          | Existing Program  | 62,604    | 0   | 3,547,888  | 101.8   | 108,759   | 0   | 3,731,987  | 103.0   |
| C11          | Upgrade/Downgrade | 133,349   | 0   | 3,681,237  | 105.6   | 137,884   | 0   | 3,869,871  | 106.8   |