



# *Friends* OF THE COURT

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## Drop In Court Cost And Filing Fee Revenue Impacts Court Employees

A dramatic decline in the revenue from court costs and filing fees collected in city, district and circuit courts is impacting the funding of several court and court-related programs, including the funding for salaries of employees of circuit court judges.

In 1995 the Arkansas General Assembly approved legislation sponsored by the Arkansas Bar Association to eliminate almost fifty separate court costs and filings fees which were then being assessed in courts across the state. Under the previous law, litigants would be charged different amounts to file the same case depending upon the city or county in which they filed. The complexity of the system was also impossible to correctly administer by local court clerks. The 1995 legislation created uniform fees to be assessed in all courts and also created a funding structure which was intended to allow the state, over time, to shift the cost of funding the court system from local governments to the state. The state fund which was created to administer the program is called the Administration of Justice Fund (AOJF).

Since 1995 the state has utilized the AOJF and other state funding

to support several state programs which had been receiving court cost revenue prior to 1995 and also to incrementally shift many of the court-related costs previously borne by cities and counties to the state. These costs include the salaries of trial court assistants, court reporters, public defenders, deputy prosecuting attorneys, juvenile ad litem attorneys, juvenile intake and probation officers, attorneys for indigent parents in juvenile court, and state district judges. The AOJF has also been used to provide security grants for cities and counties and to repay counties for a part of their costs for jurors.

Throughout its history the AOJF has seen a modest annual increase in revenue and has maintained a substantial operating surplus. Over the last seven years the fund balance has exceeded \$10 million. In the last twelve months, however, the revenues remitted to the AOJF have experienced a continuing decline and since July, 2011, the decline has been dramatic. While the payments which are required to be made from the AOJF have remained stable, the decline in monthly revenue has caused a shortfall of over \$1 million per month. For the last

several months the existence of the operating surplus has allowed the continuation of funding to programs; that balance, however, will have been completely depleted in November. As a result, the Department of Finance and Administration notified all agencies receiving AOJF funding that the monthly disbursements would begin to be reduced by the percentage of shortfall in the fund.

Most of the funding from the AOJF provides operating expenses for programs which have other sources of revenue besides the AOJF. The lone exception is the funding for the salaries of the 122 trial court assistants who work for the state's circuit courts. One hundred percent of the salaries for these employees is provided by the AOJF; therefore, a reduction in AOJF funding produces an inability to fully fund their monthly payroll.

The Arkansas, Judicial Council, the organization of all trial and appellate judges, met in an emergency session to address the problem and has developed a plan to both seek to determine the cause for the decline in funding and to

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remedy the problem on both a short and long-term basis. Part of their plan included a request to the Governor to provide emergency funding for any shortfall in the revenue necessary for employee payroll until the General Assembly convenes in February, 2012.

Chief Justice Hannah has appointed a special committee of circuit judges, district judges and legislators to develop specific recommendations. The committee met on November 18th and adopted an initial action plan which included proposed changes to court rules and proposed legislation for the upcoming fiscal session of the General Assembly. The committee also agreed to request assistance from the Division of Legislative Audit to conduct special audits of a selected number of cities and counties to assist in determining the causes for the decline in revenue.

In recent correspondence from Chief Justice Hannah and Judicial Council President Ralph Wilson to all trial court assistants, they stated "We know this has been a stressful time. The Judicial Council has made this issue its top priority and has publicly expressed its support for and dependence upon trial court assistants as a crucial component in the administration of justice. We are committed to finding a resolution, short-term and long-term, which does not negatively impact the trial court assistants' employment."

## Judicial Council Gathers For Fall Conference



**Pictured are the 2010-2011 Officers and Board. Seated: (l-r) Judge John Scott, Judge Ralph Wilson, Judge Joyce Warren, and Judge Hamilton Singleton. Standing: (l-r) J.D. Gingerich, Judge Mark Hewett, Judge Berlin Jones, Judge Mary Spencer McGowan, Judge David Guthrie, Judge Larry Vaught, and Judge Charles Yeagan. (Not pictured: Judge Phillip Whiteaker.) Judge Ralph Wilson/2nd Circuit became the 2011 - 2012 President at the meeting; replacing outgoing 2010 - 2011 President, Judge Joyce Williams. Judge Vann Smith/6th Circuit was chosen as President-Elect.**

The Arkansas Judicial Council held its fall meeting in October. The "First Branch Award," established in 1992 to recognize outstanding service on behalf of and for the improvement of the state judicial system by a member of the Arkansas Legislature, was awarded this year to Representatives Darrin Williams (Little Rock), Tiffany Rogers (Stuttgart) and John Vines (Hot Springs). Additionally, Chief Justice Jim Hannah presented an appreciation plaque and expressed best wishes for a quick recovery to Vickie Jones, Trial Court Assistant to Circuit Judge Gary Cottrell/12th Cir., who sustained injuries in the Crawford County Courthouse shooting in September.

## District Judges Meet



**The Arkansas District Court Judges Council convened in September for their fall conference. Pictured are the Officers and Board for the 2011-2012 term. Seated (l-r): Judge Reid Harrod, Judge Wayne Gruber/Council President, and Judge Alice Lightle. Standing (l-r): Judge Van Gearhart, Judge Dan Stidham and Judge Mark Pate. (Not pictured: Judge Steven Peer and Judge Butch Hale.)**



## Interactive Jury Service Website Goes “Live”

The Faulkner County Circuit Court, in conjunction with a website the Administrative Office of the Courts has developed, has become the first court in the state to use an interactive jury service website. The goal of the website is to give complete, accurate, and timely information to each person summoned for jury duty.

The new site will allow persons who are summoned to view and complete an electronic version of their summons/questionnaire using the Internet. An individual can “qualify” for service on-line. They may also use the website to check their status and sign up for email and text notifications.

While creating the website, the AOC’s website design committee took into account the fact that many citizens believe Arkansas’s trial court system is not mindful and respectful of potential jurors’ time. With the website now on-line, Faulkner County citizens will have the convenience of being able to see if they are excused, know the date and time they are due in court, find contact information and browse through other related information. The site also contains

the Arkansas Jury Manual and a Jury Orientation Video.

In accordance with Arkansas law, the website will not allow for a potential juror to automatically be disqualified or excused. It does, however, instruct the person on how to ask to be excused.

The Faulkner County Circuit Court sent out 1000 summons on Nov. 21st. It is expected that over one fourth of Faulkner County’s potential jurors will access the new juror website online.

Website design committee members who contributed to the design and worked on functionality of the website during development were: Judge Robert Wyatt, Jr., Judge David Reynolds, Judge Herbert Wright, Lori Kumpuris and Bob McMahan/Prosecutor Coordinator’s Office, Tonya Winton/Jury Administrator-Garland County, Mayme Brown/Hot Spring County Circuit Clerk, Rhonda Wharton/Faulkner County Circuit Clerk, Lanna Clark/Trial Court Assistant-9th East Cir., Eunie Dunkin/Trial Court Assistant-14th Cir., Kristie Womble/Deputy

(See Jury on page 4)

## Arkansas One of Four States to Receive Department of Justice Grant

The U.S. Dept. Of Justice has recently announced that Arkansas is one of four states that will receive a two-year grant to fund and evaluate Hope Courts, which will be based on Hawaii’s Opportunity Probation with Enforcement program. The other three states are Oregon, Massachusetts and Texas. The program identifies probationers with a high risk for re-offending. It focuses on reducing drug use, new crimes, and incarceration by frequent and random drug tests and swift and certain jail stays, along with treatment, if needed.

The AOC worked with the Dept. of Community Corrections to identify Saline County as a jurisdiction with enough cases to be able to conduct an appropriate statistical analysis and with immediate and adequate jail space. Saline County’s probation staff will be working with Judge Gary Arnold and the person hired to administer the program.

The DOJ release and more information on HOPE Courts can located at:

[http://www.ojp.usdoj.gov/newsroom/pressreleases/2011/OJP\\_PR-101811.pdf](http://www.ojp.usdoj.gov/newsroom/pressreleases/2011/OJP_PR-101811.pdf)



**Pictured: (left to right) Standing — Faulkner County Circuit Clerk, Rhonda Wharton; Judges David Clark, Charles Clawson, Jr.; Rhonda Wood. Seated — Judge David Reynolds. (Not pictured — Judge Mike Maggio.)**

### *In Memory*

### JUDGE ROBERT VITTITOW

Retired Judge Robert Vittitow (10th Judicial Circuit) passed away in October. Judge Vittitow began serving as a circuit judge in 1989 and continued doing so until his retirement in 2008. Sincere condolences are extended to his family.



# *New faces* in the Judiciary

## Circuit Court Judges

13th Circuit — **Searcy Harrell**  
replaces Susan Hickey.

## Trial Court Assistants

13th Circuit (Harrell) — **Becky Gilbert** replaces Sara Weeks.

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## **Jury** (continued from page 3)

Clerk-Garland County, Debra Craig/Deputy Clerk-Yell County, and Nancy Eastham/Deputy Clerk-Faulkner County.

For a Circuit Court to use the “MyJuryInfo” interactive website, the court must have high speed Internet, use the AOC approved summons form, and keep their juror records in ACS Juror, a software program offered by the AOC to each circuit court at no cost.

16th Circuit (Harrod) — **Tonya Benton** replaces Carol King.

11th W. Circuit (Jones) — **Jerrie Dean** replaces LaTosha Dunlap.

11th W. Circuit (Dennis) — **Kim Taylor** replaces Janet Reap.

## District Court Clerks

Monroe Cty. District Court/  
Clarendon Dept. — **Amanda Standridge** replaces Ladon Edens.

## City Court Clerks

Guy — **Steven L. Priddy** replaces D. Gines.

Green Forest — **Jennifer Jacobs** replaces Jeannie Beckwith.

## CALENDAR

### February

**Disrict & City Courts Clerks Certificaton (2nd & 4th Districts) (Little Rock)** 17

### March

**Trial Court Assistants Conference (Hot Springs)** 1-2

### April

**District Judges Spring College/Clerks Annual Meeting (Little Rock)** 19-20



### Friends of the Court

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