



## The Arkansas Courts and Community Initiative

Can you name the three branches of government? Only one in five people in a national survey could name the Executive, Legislative and Judicial Branches. A more common response was Democrat, Republican and Independent.

If you have heard Chief Justice Jim Hannah speak in the last few years, you probably already know this and other alarming statistics. Improving basic understanding of civics in Arkansas is at the top of his list of priorities.



**Sam Kauffman, ACCI Program Director, speaks at the Pulaski Bar Association's monthly luncheon in September.**

“My recent interactions...around our state,” Hannah said in June, “lead me to believe that the levels of knowledge and beliefs of Arkansans are similar to those expressed in the national survey... there is a lack of understanding of such basic concepts as separation of powers, federalism, the supremacy clause, judicial review or the binding nature of precedent... this lack of knowledge produces real consequences. It can lead to bad public policy, but, just as importantly, it can produce a decline in the public’s trust and confidence in the judicial system.”

He was speaking at the Arkansas Bar Association’s Annual Meeting in front of judges, lawyers and

legislators from around the state. At the time, the state was not far removed from what Hannah described as “a long and somewhat contentious session of the General Assembly.”

The Arkansas Courts and Community Initiative (ACCI) is how Hannah believes the Judicial Branch can “engage in an intensive and comprehensive public outreach campaign to inform and engage our communities in a conversation about the foundations of our democracy.”

The idea of separation of powers is implicit in the Constitution. The framers created a system “to ensure that no one branch would accumulate too much power and that issues of public policy and welfare would be given comprehensive consideration before any action was taken.” (The American Heritage® New Dictionary of Cultural Literacy, Third Edition, 2005).

At a kickoff meeting for the ACCI in September, Mary McQueen, president of the National Center for State Courts, talked about the concept of separation of powers and checks and balances. She said that the Judiciary embraces the idea of checks and balances, and that there have been attempts around the country to erode the courts’ responsibilities, and therefore their independence.

*In 2012, the Arizona Senate tried to reduce the Court of Appeals from 22 judges to six, after the state's supreme court ruled against an effort by the governor and Senate to remove the head of the state's independent redistricting commission. A senator, during committee hearings on the bill, made clear this was an effort at holding the branch "accountable," despite the fact that no court other than the Arizona Supreme Court had anything to do with the case.*

*Since 2007, there have been efforts in nine states to add or remove the number of seats on state supreme courts to get particular decisional outcomes-- a form of modern day court packing. Sponsors and supporters of a plan to reduce the Montana Supreme Court from seven to five was justified by claiming the legislature had to "hold the court accountable" and "rein them in." But an objective evaluation of this proposal revealed that it was in fact retaliation for the court's 2001 rejection of the state's redistricting plan.*

The Judiciary's checks and balances:

- *Open courts (access to records)*
- *Juries (public fact finders)*
- *Transparent proceedings (transcripts and open court proceedings)*
- *Automatic review (appeals process)*
- *Reasons for decisions (public pronouncements and written opinions)*
- *Judicial Conduct Commissions (citizen participation and enforcement of Judicial Codes of Conduct)*
- *Impartial forum (adversary process and appointment of counsel)*
- *Constitutional amendment (public endorsement)*



Arkansas has remained relatively unscathed by outside money and attempts to restrict the courts' ability to be fair and impartial; however, that will likely change. By highlighting the checks and balances within the court system, and between the branches of government, ACCI aims to raise civics awareness and an appreciation for the crucial role of Arkansas courts in upholding our national and state constitutions.

ACCI is developing programs and materials to be used in every county during the next year. Two programs include a Speakers Bureau and A View from the Bench.

For the Speakers Bureau, judges and attorneys will make presentations in their counties on the need for fair and impartial courts to administer the rule of law. ACCI provides presentation materials to the speakers, distributes resources to attendees, and coordinates events with local partners. By giving the presentation in civic clubs, chambers of commerce, veterans' organizations, and minority and women's associations, ACCI hopes to reach a wide variety of Arkansans.

In a View from the Bench, legislators will be paired with a lo-

cal judge to get a first-hand view of the day-to-day functions of a court. This program will help give time-crunched senators and representatives a chance to experience just how busy - and efficient - our courts are. By emphasizing the essential role courts play in providing justice and access to legal remedies, ACCI hopes to show legislators why their constituents need robust, fair, and impartial courts.

Samuel Kauffman, program director, admits that help will be needed for the program to give Arkansans a better understanding of our courts.

"To be a success," Kauffman said, "the Initiative must be a collaborative effort among the courts, legislators, attorneys, court staff, and civic and business leaders from every county of the state. We are just getting started, but every conversation you have with a neighbor, friend, or family member about your experience and knowledge of the courts will help build better understanding for our fair and impartial courts."

For more information or suggestions for ACCI, please contact Samuel Kauffman at 501-682-6803 or [samuel.kauffman@arkansas.gov](mailto:samuel.kauffman@arkansas.gov).

Does your courthouse have a less than savory past? Do the people in your building tell stories of unexplainable things happening? Ever hear strange noises? Is there talk of ghosts that roam the halls? Then we want to hear from you!

We want your strange and interesting stories, experiences, and photos for the October issue. Please send your submissions to [meghan.sever@arkansas.gov](mailto:meghan.sever@arkansas.gov).

## Meet Patricia Toland



Court reporter Pat Toland tries the local transportation during a trip to Egypt.

Patricia “Pat” Toland, court reporter for Judge Herb Wright in the 6th Judicial Circuit, was born in California and raised in Arkansas. She attended the University of Arkansas where she received her undergraduate degree in business and political science.

She has worked in the legal field for more than 30 years. After working for a law firm, Pat became Circuit Judge John Langston’s court reporter until his retirement. She stayed on with Judge Wright after his election to the bench.

An avid reader and world traveler, Pat has a son and two grandchildren.

**What would you be doing if you weren’t a court reporter?**

I’d go back to college and get a master’s degree in either ancient history because of my love of travel or accounting. I think you keep learning all your life.

**What’s the most significant change you’ve seen in the Judicial Branch during your service?**

Of course, e-Filing, for one thing. I think also changing the punishment levels and making the trials bifurcated (Criminal trials have guilt and sentencing phases. Civil trials have liability and damages phases).

**When you’re not at work, what do you like to do?**

I watch TV, go out with friends, and I read anything I can get my hands on. I like biographies, historical novels, pretty much anything. I read a lot of nonfiction but I read a lot of fiction too. Right now I’m reading *The Man Who Killed Kennedy: The Case Against LBJ*. I travel a lot as well.

**Where have you traveled?**

I travel with a friend who is an attorney. We’ve been to Croatia, Vietnam, Thailand, Tunisia, Egypt, Israel, Malta, Montenegro, all of Eastern Europe, Germany, Austria, Switzerland, Spain, Portugal, Hong Kong, all over the United States, Canada – you know, just here and there.

**What’s your favorite place to which you’ve traveled?**

Egypt, because of the history; there’s just so much to see. We got to the pyramids and our group was getting ready to go inside the big one and I was standing there looking up at it and I couldn’t talk for 10 minutes. I was just so blown away. Here’s this little hick from Arkansas standing in front of one of the wonders of the world. You feel like an ant. In the scheme of things, you’re nothing; you’re like a wisp of air. It was wonderful.

**Where are you planning to go next?**

We were planning to go to Morocco but I don’t know about that yet. I would love to go on safari; I would really love to do that. I’d like to go Italy, to the Amalfi Coast. I’d like to go to Herculaneum and Pompeii. I’d like to go to Manchu Picchu in the Andes. I’d love to go to Petra, in Jordan. Put me on a plane and I’m happy.

**What is it about traveling that you love so much?**

I think it’s the freedom and the learning -- seeing things you’ve never seen before, meeting people, trying new food, and shopping. Everything comes together to make you what you are. Traveling rounds you out. Every country is special. There’s just so much to see.

## Going Digital

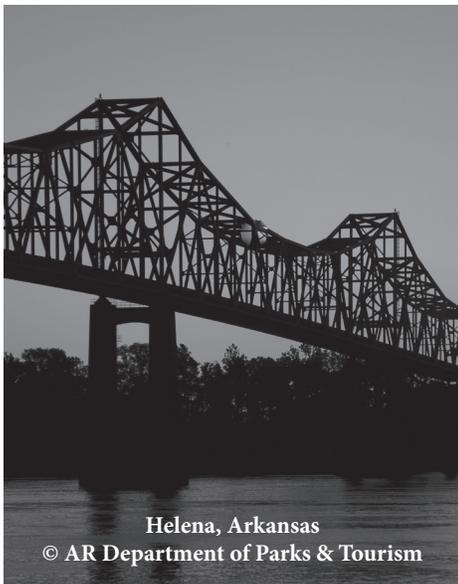
The Administrative Office of the Courts will eliminate the paper version of *Friends of the Court* and go to an online only format this summer. This will allow room for regular content, more diverse court-related news, and more features on *you*, the people who do the work of the Judicial Branch.

Starting with this issue, an electronic version of the newsletter will be published on the Judiciary website:

[www.courts.arkansas.gov/forms-and-publications/newsletters/friends-court](http://www.courts.arkansas.gov/forms-and-publications/newsletters/friends-court)

The AOC has created a survey to measure the attitudes of our readers regarding the change to a digital format. If you haven't taken the survey, we strongly encourage you to do so. It can be found at:

[www.surveymonkey.com/s/FriendsoftheCourt](http://www.surveymonkey.com/s/FriendsoftheCourt)



Helena, Arkansas

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## CALENDAR OF EVENTS

### February

Access and Visitation Program Orientation (Little Rock) 5

Court Interpreter Candidate Assessment Exam (Springdale) 8

Marshallese Introduction to Court Interpreting Luncheon (Springdale) 8

District Court Clerk Certification (2nd & 4th Districts) (Texarkana) 14

District Court Officers (Hot Springs) 27-28

### March

Trial Court Assistants Conference (Eureka Springs) 6-7

ADR Conference (Little Rock) 14

Court Interpreter Candidate Assessment Exam (Little Rock) 15

### April

Annual State Drug Court Conference (Springdale) 9-10

Court Interpreter Candidate Assessment Exam (Springdale) 12

Southwest Regional CME Program (Arkadelphia) 17

ADR Commission Meeting (Little Rock) 24

District Judges Spring College District Court Clerk Annual Meeting (Rogers) 24-25



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