

**State of the Judiciary**  
**Chief Justice John Dan Kemp**  
**June 14, 2019**

President Clark, President-Elect Rosenthal, Fellow Justices and Judges,  
Honorable Members of the Bar, and Guests:

*I. Introduction*

It's always a pleasure to have this opportunity to address this joint meeting of the Arkansas Bar Association and the Arkansas Judicial Council. I would like to share with you the progress that is being made within the judicial branch of our government. This is yet another opportunity for me to provide transparency and accountability to the public. I appreciate Arkansas Bar Association President Suzanne Clark inviting me today, and I commend her on an excellent year of service to the Bar Association.

The state of the Arkansas Judiciary is very good thanks to the good work of its circuit, district judges, its appellate judges, justice, the members of their staff, and Administrative Office of the Courts.

*II. Strategic Plan*

Last year, I emphasized that Arkansas was one of twelve states that had not published a long-term strategic plan for the judiciary. That is no longer the case. My colleagues on the Arkansas Supreme Court and I understand that strategic planning is critical for the judiciary.

Thanks to the hard work of the strategic planning committee, which was composed of judges, court personnel, and Bar representatives from every area of the state, the supreme court approved, adopted, and published its strategic plan, “Delivering Justice, Vision for 2025,” last fall. This plan outlines six core goals: fostering judicial independence, improving access to justice, communicating effectively with the public, improving educational opportunities for the judiciary, embracing technology, and enhancing security.

Over the past year, we have stressed the importance of judicial independence, and I believe our efforts have not gone unnoticed. We were successful in stopping those who wanted to take the rule-making authority from the court and place it in the hands of the legislature. We were also able to thwart an effort to establish term limits on all elected judges in Arkansas. The people of Arkansas have made it clear that the cornerstone of democracy is an independent judiciary. This independent judiciary is guaranteed by our federal and state constitutions. As long as I am Chief Justice, I will defend our independence when it comes under attack, and I urge you to do the same.

### III. *Public Access to Courts*

The Arkansas Judiciary is committed to improving public access to the courts and is working to expand public access to court information and services. This

summer, we will launch a new Arkansas Judiciary website that will make information easier to locate and will be mobile-device friendly.

The supreme court is exploring the possibility of acknowledging pro bono work by granting CLE credit to attorneys who provide legal services to Arkansans in need. We have also provided more administrative staff to the Access to Justice Commission so its existing staff can focus on expanding its services.

Additionally, during this past legislative session, the General Assembly appropriated an additional \$40,000 to the Administrative Office of the Courts for court interpreter services. This money will help ensure that persons with limited English proficiency can participate in all court proceedings.

The Arkansas Judiciary is committed to communicating with the public and educating the public about our court system. As Chief Justice, I have held meet-and-greets in twenty-five of the twenty-eight judicial circuits, and I plan to visit the remaining three judicial circuits before the end of this year. Raising awareness about the judiciary is something I believe strongly in, and I am grateful to Sarah Logan, who has led our Arkansas Courts and Community Initiative. Since I announced the reboot of this program, Arkansas judges and members of the Bar have conducted eighty-four ACCI presentations across sixty-five counties. These presentations, at high schools, as well as meetings of Kiwanis Clubs, Rotary Clubs, Lions Clubs, Chambers of Commerce, VFWs, and leadership groups, have given the public an

opportunity to hear about the importance of separation of powers and the need for fair and impartial courts. If you would like to learn more about the Arkansas Courts and Community Initiative, please check out our website.

#### IV. *Appeals on Wheels*

Appeals on Wheels is a supreme court outreach program designed to allow Arkansas students to observe our court at work. Twice each year, the court holds oral argument outside its courtroom in Little Rock, typically at a high school or college. Local students, as well as civic groups, local officials, and community leadership classes, are invited to attend. Students receive a study guide in advance that covers what happens during an oral argument and the details of the case to be argued. After the oral argument, each justice meets with a small group of students for a question-and-answer session about the judiciary. The Appeals on Wheels program began in 2002, shortly after Amendment 80 to the Arkansas Constitution allowed the court to conduct its formal duties outside Little Rock. Since then, the Arkansas Supreme Court has held oral arguments in twenty-eight locations in every region of Arkansas. In some cities, the Appeals on Wheels events have drawn audiences of more than a thousand students and local officials.

In January 2019, the Arkansas Supreme Court joined the Texas Supreme Court in the twin cities of Texarkana, Arkansas, and Texarkana, Texas, for a two-day event. The Arkansas Supreme Court heard oral argument at Arkansas High School and the

Texas Supreme Court heard oral argument at Texas High School. Each supreme court attended the other's oral argument and jointly participated in a question-and-answer session with students. According to the National Center for State Courts, it is the first time that two state supreme courts have held proceedings in adjoining cities on consecutive days. I am very proud of this event and invite you to future events. We will hold our next Appeals on Wheels event on October 24 at Henderson State University in Arkadelphia.

#### *V. Technology, Court Equipment, and Security*

The Arkansas courts continue to improve technology and its accessibility, efficiency, and productivity in the judicial system. Over the past year, we completed eFiling projects in the circuit courts of Howard, Little River, Pike, and Sevier Counties, and in the Polk County District Court. By the end of the year, eFiling will be available in Jefferson and Lincoln Counties. In the next year, an additional seven courts are scheduled to begin eFiling projects.

All circuit courts in the state are now using Contexte, the state's on-line case-management system. Twelve additional district courts started using Contexte last year. Progress was made on the modernization of CourtConnect, and plans are underway to make CourtConnect more user friendly.

We also are committed to court security. Act 576 of 2007 appropriates \$250,000 per year to the Administrative Office of the Courts to distribute funds for

court security. Since the program’s inception, counties across Arkansas have requested over \$5.4 million for court-security improvements such as closed-circuit television monitors, metal detectors, and panic alarms. The Court Security Grant program has awarded counties over \$3.2 million from 2008 through 2019, which leaves over \$2.2 million in unmet requests.

Governor Hutchinson released \$300,000 of “rainy day” funds to address this critical need. Thanks to his support, the Arkansas Supreme Court Committee on Security and Emergency Preparedness approved grant applications totaling \$800,000 over the past two years. This is a perfect example of how the branches of government can work together to address a serious public-safety concern. I will continue to seek funds for our county court security committees to provide safer courts.

#### VI. *Lawyer Well-Being*

I would like to call your attention to two additional projects that we have been working on. Far too little has been done to address lawyer well-being. In 2016, the American Bar Association Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation published their study of nearly 13,000 practicing attorneys. It found that between twenty-one and thirty-six percent qualify as problem drinkers, and that approximately twenty-eight percent, nineteen percent, and twenty-three percent are struggling with some level of depression, anxiety, and stress, respectively.

The results of the ABA study reflect an elevated risk in the legal community for mental health and substance abuse disorders, as well as alcohol abuse. Given this data, lawyer well-being issues can no longer be ignored. Following the national report, the Arkansas Supreme Court authorized me to form the Task Force on Lawyer Well-Being to make recommendations specific to attorneys in Arkansas. The task force is composed of lawyers, judges, state representatives, and medical professionals with expertise in substance abuse. We then divided the Arkansas task force into stakeholder groups mirroring those identified in the national report: judges, legal regulators, legal employers, law schools, bar associations, and JLAP. Each subcommittee defined specific goals and objectives to improve lawyer well-being. The task force will soon release a report with its recommendations. The Arkansas report is an important first step to address lawyer well-being in our state in a comprehensive and holistic way. We owe a special thank you to our task force members!

## VII. *Specialty Courts*

As a former drug court judge, and as the chair of the Specialty Court Program Advisory Committee, I want to give an update on the work of specialty courts, such as drug courts that order treatment to offenders based on rehabilitation instead of prison.

Twenty-five years ago, Arkansas's first specialty court, then known as S.T.E.P. (Supervised Treatment and Education Program), was piloted in Pulaski County. Through the willingness of judges to take on additional responsibilities to carry out this noble endeavor, today there are eighty specialty courts established statewide.

Act 895 of 2015 established the Specialty Court Program Advisory Committee, which consists of the Chief Justice of the Supreme Court, Director of the Administrative Office of the Courts, four circuit court judges, three district court judges, attorneys, and other stakeholders. This committee promotes collaboration, evaluations, and recommendations on issues involving specialty courts. The committee meets quarterly to discuss matters that directly affect the state specialty-court programs.

At the request of the committee, the National Center for State Courts conducted a comprehensive impact evaluation of specialty courts in Arkansas, which included forty-two adult drug courts, twelve juvenile drug courts, and eleven DWI courts. The NCSC report is expected to be released by the committee in August 2019.

As with any worthwhile endeavor, there is always room for improvement. Arkansas specialty courts must evolve and adapt as new research and information become available. As other states have learned, uniformity among specialty-courts



operations and procedures is critical to success. Arkansas specialty courts will benefit from moving toward standardization and the implementation of routine evaluations.

Undeniably, none of this would be possible without the leadership of the judges and attorneys who serve in these courts across the state. Their efforts cannot be understated and should not be undervalued. Arkansas citizens and the judicial system are better because of these specialty courts, and I am eager to see what can be accomplished in the coming years.

### IX. *Efiling*

On June 6, the court issued a per curiam containing four announcements on electronic filing and briefing in the appellate courts. First, the court authorized, effective immediately, the electronic filing of case-initiating documents, including appellate records. Second, the court published for comment proposed rules that eliminate the abstract and addendum and that replace those sections with a revamped jurisdictional statement and an enlarged statement of the case. Third, the court authorized a pilot project whereby parties may electronically file the record and the briefs under the proposed rules. Fourth, the court announced that it is exploring the feasibility of transferring the responsibility of filing appellate records from attorneys to the circuit clerks.

While the abstract has served the court well for over 134 years, technology may have solved the problem that necessitated it. The abstract and addendum system

was designed to address problems that arose when there were seven justices who needed one paper appellate record. The ability to digitize appellate records now allows each appellate judge to access appellate records remotely. Thus, the court believes that requiring parties to prepare an abstract and addendum summarizing the record may no longer be necessary. Therefore, we started a pilot project that allows appellants to electronically file the appellate record and to file briefs that do not contain abstracts or addenda. Instead, those sections are replaced by a jurisdictional statement and statement of the case. The appellate court should only need these facts to confirm its jurisdiction and to understand and decide the issues on appeal.

Most significantly, the success of the pilot project will depend on counsels' ability to file appellate records that are easy to navigate and briefs that effectively direct the court to the relevant portions of appellate records. The proposed rule changes are drafted with those goals in mind. Therefore, I encourage you to carefully review the June 6 per curiam and the proposed rule changes. The proposed rules are a work in progress, and I strongly urge attorneys to provide comments to the clerk of the courts by February 28, 2020, so that we may fine-tune the process before adopting a final version of the proposed amendments.

#### *X. Conclusion*

Lastly, I thank you for the opportunity to serve as the Chief Justice of the Supreme Court of Arkansas. Each day, I appreciate your placing trust in me. With

your help, we will continue to have a strong and independent judiciary, grounded in precepts of the past, and looking toward a bright future. I thank you for your attention and for your commitment to ensuring a fair and impartial justice system for all Arkansans.