

# FRIENDS OF THE COURT

Published by the Arkansas Administrative Office of the Courts

Volume 6, No. 6/ May, 1999

## JUDICIAL COUNCIL AT A GLANCE



(L. to R.) - Judge Jim Hannah, Judge John Lineberger and Chief Justice W.H. "Dub" Arnold get ready for a morning education session.



Judge Berlin Jones and Judge Kathleen Bell enjoy visiting during a break.

The Arkansas Judicial College and Judicial Council Meeting was held in Little Rock April 21st-23rd. President of the Council, Judge Robert McCorkindale, presided over the event. Approximately 120 trial and appellate judges attended the three day affair. Educational topics included *Legislative Update*, *Judicial Ethics and the Internet*, *The Impact of Bankruptcy on State Courts*, *Computers 101*, *Building a Web Page*, *Voice Recognition Computers*, *Word Perfect Tips*, and *Legal Research on the Net*.



Hot Springs contingency takes a coffee break: Judge Vicki Cook, Judge John Homer Wright, Arkansas Court of Appeals Chief Judge John Robbins, and Judge David Switzer.



Judge Rita Gruber and Judge Ellen Brantley get a chance to visit.

---

## HOW THE PUBLIC VIEWS STATE COURTS

The Conference of Chief Justices, Conference of State Court Administrators, American Bar Association and League of Women Voters in cooperation with the National Center for State Courts, sponsored a Conference on Public Trust and Confidence in the Justice System in Washington, D.C. on May 14th-15th.

Early in 1999, 1,826 Americans were asked to express their opinions regarding "the courts in their community" through a national survey. The results of the survey on public attitudes about the state courts, designed by the National Center for State Courts and funded by The Hearst Corporation were released at the Conference. Some of the survey results indicate:

☞ The American public gives an average grade to the performance of the courts in their communities.

☞ Approximately 53% of respondents indicated some personal involvement in the courts, with almost one-half of personal experience taking the form of jury service.

☞ The proportion of Americans who have served on a jury has grown over the last 16 years, rising from 16% to 24%.

☞ Respondents who reported a higher knowledge about the courts expressed lower confidence in courts in their community.

☞ Almost two-thirds of respondents felt they knew "Some" or "A Lot" about the courts.

☞ Respondents indicated reliance on electronic sources (59%) and print sources (50%) for information about the courts.

☞ The American public is close to evenly split between those who believe the media's portrayal of the courts is accurate and those who disagree.

☞ Sixty-eight percent of respondents disagreed with the statement "It is affordable to bring a case to court," with 38% strongly disagreeing.

☞ Eight-seven percent of Americans strongly believe that having a lawyer contributes "A Lot" to the cost of going to court.

☞ Likewise, 42 to 57% of respondents said court fees, the slow pace of justice, the complexity of the law and the expenditure of personal time (e.g., missing work) contributes "A lot" to the

cost of going to court.

☞ Almost 70% of African-American respondents think that African-Americans, as a group, get "Somewhat Worse" or "Far Worse" treatment from the courts, whereas over 40% of White/Non-Hispanic respondents have that opinion.

☞ Forty-four percent of respondents agree that "Courts are out-of-touch with what's going on in their community" and, as compared to White/Non-Hispanics, all other groups were more likely to agree.

☞ The vast majority of respondents agree that politics influences court decisions. This pattern holds across racial and ethnic groups.

☞ Seventy-eight percent of respondents agree that "Elected judges are influenced by having to raise campaign funds", and as compared to White/Non-Hispanics, other groups were more likely to agree.

Further information about the survey and the findings have been posted on the websites of The Hearst Corporation (<http://www.hearstcorp.com>) and the National Center for State Courts (<http://www.ncsc.dni.us/ptc/results.htm>).

---

Percent of American teen-agers who can name the

the Three Stooges: **59**

the three branches of

government: **41**

Percentage of American teen-agers who know that

Leonardo diCaprio was the male star of the movie "Titanic": **90**

Al Gore is vice president: **74**  
there are 100 members in the

U.S. Seante: **21**

there are three Hanson

Brothers: **81**

-(National Constitution Center, East Phil.)-



**Rep. Percy Malone of Arkadelphia and Mike Coward, Business Manager from DDS show off the newly acquired equipment as J.D. Gingerich, Director of the Administrative Office of the Courts, looks on.**

The Administrative Office of the Courts and the Arkansas Supreme Court have recently donated CPU's, monitors, and keyboards to the Division of Developmental Disabilities Services of the Arkansas Department of Human Services. Rather than moving the equipment to M & R (Marketing and Redistribution) as is the normal procedure for government equipment no longer in use by an agency, this particular set of computers was transferred to DDS.

Both Margo Green, Superintendent of the Arkadelphia Human Development Center, and Richard Robinson, Management Project Analyst I, indicated in letters to the AOC that staff at the Center were very excited about the recent acquisition and anxious to put them to use.

---

The 82<sup>nd</sup> Session of the Arkansas General Assembly adjourned on April 30, 1999, after completing 89 days in session. A total of 2,258 bills were filed and a record number of 1,598 became law. Following is a brief explanation of some of those laws which have an impact upon the state court system. Those acts which are followed with an “(E)” indicate that the act had an emergency clause and went into effect at the time that it was signed. Otherwise, the effective date for legislation is July 30, 1999.

I. General Issues

A. Judgeships and Judicial Districts

Act 5 - Converts one circuit judge position in the 13<sup>th</sup> Judicial District to a circuit/chancery position. (E)

Act 7 - Changes the name of the 7<sup>th</sup> Judicial District North to the 22<sup>nd</sup> Judicial District. (E)

Act 456 - Changes the name of the 17<sup>th</sup> Judicial District East to the 17<sup>th</sup> Judicial District and makes the 17<sup>th</sup> Judicial District West the 23<sup>rd</sup> Judicial District. (E)

Act 889 - Provides for the election of six appointed judges to the Court of Appeals at the 2000 General Election, one from each of the existing districts; current judges who were appointed may seek election from the districts in which they reside.

Act 1151 - Creates a new circuit/chancery judgeship in the 5<sup>th</sup> Judicial District to be elected in the 2000 General Election.

Act 1355 - Creates a new circuit/chancery judgeship in the 3<sup>rd</sup> Judicial District subject to the approval of JRAC effective January 1, 2001.

Act 1522 - Creates a new circuit/chancery judgeship in the 1<sup>st</sup> Judicial District to be appointed by the Governor subject to the approval of the Arkansas Judicial Council.

B. Juries

Act 629 - Increases the compensation for jurors who report but are excused from \$5.00 to a minimum of \$15.00 and for jurors who serve from a maximum of \$20.00 to a minimum of \$35.00.



---

C. Constitutional Amendments

SJR 9 - Proposes an amendment to the Arkansas Constitution replacing the Judicial Article to be referred to the voters in November, 2000 and become effective on July 1, 2001.

D. Appropriations and Salaries

Act 59 - Increases judicial salaries by 2.8% per year and provides additional funds for the payment of service by retired judges. (E)

Act 206 - Appropriates funds to the AOC for the continuing education program for municipal court judges and clerks. (E)

Act 209 - Appropriates funds to the Court of Appeals for its employees and operations. (E)

Act 276 - Appropriates funds to the Supreme Court for its employees and operations. (E)

Act 390 - Authorizes per diem compensation to retired judges who were appointed for temporary service under Amendment 77.

Act 422 - Appropriates funds to the Auditor of State for the continuing education program of circuit and county clerks. (E)

Act 460 - Appropriates funds to the Auditor of State for the salaries of juvenile probation and intake officers and shifts the responsibility for reimbursement to the counties from the AOC to the Auditor of State. (E)

Act 529 - Appropriates funds to the Auditor of State for the salaries and expenses of trial court administrative assistants and adds \$125,000 per year for the payment of substitute case coordinators. (E)

Act 904 - Appropriates funds for the employees and operation of the AOC, including new funding to provide grants to local CASA programs. (E)

Act 1016 - Appropriates funds to the Auditor of State for the salaries and expenses of official court reporters. (E)

Act 1019 - Establishes a salary increase for all state employees of 2.8% per year and allows the chief fiscal officer to declare an additional 2% salary increase for employees each year of the biennium. (E)



---

Act 1044 - Makes the state responsible for the salaries of deputy prosecuting attorneys effective January 1, 2000 and creates 188 new state positions.

Act 1438 - Appropriates funds to the AOC to provide grants and reimbursements to local judicial districts to provide ad litem services in juvenile and chancery courts. (E)

Act 1470 - Revises the salaries for all municipal court judges and clerks. (E)

E. Judicial Retirement

Act 388 - Changes the method of computing the cost of living adjustment for the Judicial Retirement System from the Consumer Price Index to 3% per year. (E)

Act 399 - Establishes the tier two judicial service benefit plan for state judicial retirement and repeals the judicial DROP plan.

Act 1067 - Establishes a minimum disability benefit of 24% and a minimum survivor's benefit 12% under the tier two judicial retirement plan.

Act 1329 - Provides retirement benefits for incapacitated municipal court judges at one-half pay and increases the benefits to a municipal judge's surviving spouse.

F. Clerks and Records

Act 232 - Allows the combining of multiple municipal court convictions for related purposes on appeal as one case.

Act 463 - Reenacts the provisions on the suspension of sentences authorizing the imposition of a "civil penalty" but requires the assessment of the uniform court cost.

Act 945 - Requires the entry of adoption decrees in the probate court order book rather than the juvenile court order book.

Act 1081 - Makes several minor amendments to the Uniform Court Cost Law.

Act 1336 - Allows cities and towns to levy an additional \$5.00 on all fines with proceeds dedicated to the incarceration of city prisoners.

G. Alternative Dispute

Act 602 - Authorizes the ADR educational programs and the



Resolution

Commission to collect fees to be used for maintenance of a third neutral roster.

---

Act 628 - Creates the Arkansas Youth Mediation Program at the UAF and UALR Law Schools.

Act 704 - Requires divorcing parents of minor children if the court orders to complete at least two hours of classes on parenting or to submit to mediation.

H. State Agencies and Employees

Act 104 - Authorizes full retirement from the Public Employment Retirement System after 28 years of credited service.

Act 393 - Provides for the employment and payment of temporary substitute case coordinators if the employment is “necessary and essential to prevent a disruption of the business of the court” up to a maximum of 80 days.

Act 848 - Creates a Coordinating Council for an Integrated Justice Information System.

Act 1127 - Provides financial incentives to state employees in return for decreasing their use of sick leave. (E)

II Criminal Law and Procedure

A. Criminal Offenses

Act 326 - Makes possession of drug paraphernalia a Class E felony only if the paraphernalia is possessed in connection with a felony drug offense.

Act 382 - Prohibits the sale of hand-held laser pointers to persons under 18 years of age. (E)

Act 394 - Creates the offense of physician assisted suicide.

Act 516 - Creates the offense of the introduction of a controlled substance into the body of another to perpetrate a sexual offense.

Act 757 - Creates the crime of video voyeurism.

Act 1149 - Makes parents or guardians responsible for minors possessing firearms on school property.

Act 1268 - Makes unlawful the use or possession of drug paraphernalia to manufacture methamphetamine.



---

Act 1271 - Makes it unlawful for a person to knowingly project a laser light on a law enforcement officer.

Act 1273 - Expands “person” in homicide statutes to include an unborn child.

Act 1408 - Prohibits the possession by minors of hand-held laser pointers without supervision of a parent guardian or teacher.

Act 1449 - Establishes the crime of criminal possession of body armor.

Act 1578 - Creates the crime of financial identity fraud.

B. DWI Laws

Act 462- Increases from two hours to four hours the time after an alleged DWI offense occurred in which a blood alcohol test may be taken.

Act 1077 - Changes the penalties for alcohol related driving offenses, such as allowing community service in lieu of jail time for subsequent DWI offenses.

Act 1468 - Modifies the penalties for multiple DWI offenders including the use of an ignition interlock restricted license.

C. Indigent Defense

Act 1564 - Requires the court to assess a fee of \$10 to \$100 at the time of an appointment of a public defender and requires the court to reassess the imposition of an attorney’s fee paid by a defendant who receives SIS or probation. (E)

D. Sentencing

Act 463 - Reenacts the provisions on the suspension of sentences allowing the imposition of a civil penalty.

Act 578 - Shortens the time period for judges to reduce sentences from 120 to 90 days after the sentence is imposed and from 100 days to 60 days after an appeal is dismissed.

Act 1407 - Prohibits the sexual offenses where the

expunging of criminal records for certain victim was under the age of 18.

Act 1569 - Allows courts to hearing for revocation of

increase conditions of probation following a probation. (E)



---

---

E. Criminal Procedure

Act 1445 - Prohibits apprehension of a defendant on bail by other than a licensed bail bondsmen.

Act 1120 - Revises the present law on criminal forfeitures of property requiring an accounting of all such property and limiting its use and disposition; repeals a prosecutor's right to seek an uncontested forfeiture, requiring a court order in all cases.

III Civil Law and Procedure

Act 718 - Provides for the use of electronic signatures in business and government transactions.

Act 850 - Creates the Unclaimed Property Act.

Act 1423 - Establishes the Uniform Statutory Forum Power of Attorney Act.

Act 1448 - Creates the durable power of attorney for health care.

Act 1474 - Allows current or former business employers to disclose certain information to a perspective employer about a current or former employee in certain circumstances.

Act 1482 - Provides government employees and entities immunity from actions arising from the Y2K problem.

Act 1518 - Enacts the 1996 Uniform Partnership Act.

Act 1596 - Allows a civil jury to determine if an alcoholic beverage retailer who knowingly sold to a minor or a clearly intoxicated person is liable for any injury to the minor or to a third person.

IV Chancery, Juvenile and Probate Law

A. Divorce/Child Custody

Act 97 - Removes the exemption from the 30 day period before a decree of divorce may be granted.

Act 539 - Clarifies the process for the transfer of divorce/paternity cases to other judicial districts when one or more of the parties has changed residence.

Act 704 - Requires divorcing parenting classes or submit to

parents of minor children to complete mediation.



---

B. Adoption/Guardianship

Act 517 - Amends the guardianship law to provide for “standby guardians” for minor children of a parent who is chronically ill or near death.

C. Probate

Act 647 - Creates the Uniform Principal and Income Act.

Act 992- Lowers from 6 to 3 months the period during which persons can make claims against an estate.

Act 1245 - Authorizes the 6<sup>th</sup> Judicial District Probate Judge at the State Hospital to enter treatment orders in involuntary commitment hearings for cases sent from other districts. (E)

D. Custody/Paternity

Act 668 - Enacts the Uniform Child Custody Jurisdiction and Enforcement Act.

E. Juvenile Delinquency

Act 1192 - Adopts the Extended Juvenile Jurisdiction Act making substantial changes concerning the charging and trial of children suspected of committing serious offenses.

Act 1353 - Requires certain juveniles adjudicated for sexually violent offenses to register.

Act 1456 - Excludes juvenile probation officers from those who are authorized to carry firearms or serve arrest warrants.

F. Dependency/Neglect

Act 401 - Amends the juvenile code to comply with the Federal Adoption and Safe Families Act.

Act 1306 - Allows a parent to withdraw consent to termination of his parental rights within 10 calendars after it was signed.

Act 1331 - Makes it unlawful  
cigarettes or other tobacco

for persons under 18 to possess or use  
products.



---

G. Juvenile Programs

Act 1575 - Authorizes the State Police to contract with or provide grants to children's advocacy centers.

Act 1580 - Creates the Juvenile Ombudsmen Division within the Public Defender Commission to provide oversight of children placed in DHS facilities.

V. Other Courts

A. Limited Jurisdiction Courts

Act 642 - Adds the position of city attorney to the list of municipal officers subject to residency requirements.

Act 1066 - Revises the municipal judge and municipal court clerk retirement law with a vesting requirement of 10 years and an option to join the Arkansas Public Employee Retirement System.

Act 1118 - Requires the countywide election of a municipal court judge in a county with only one municipal court.

Act 1354 - Allows two or more cities that are electing a municipal judge together to decide if the judge be elected countywide or judicial district wide.

Act 1574 - Requires the countywide election of municipal judges exempting those counties with a population of more than 100,000.

B. Appellate Courts

Act 924 - Authorizes the Court of Appeals to use a Third Division in the case of a tie vote.

Act 960 - Revises the current law in the operation of the Supreme Court Library.

Act 1093 - Exempts from the Freedom of Information Act the working papers and correspondence of Court of Appeals judges.



The Municipal & City Court Clerks Association and the Municipal Judges Council met in West Memphis, May 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>. Sandy Easley/ Pea Ridge, was chosen as the Clerk of the Year by her peers. Ruth Calloway was re-elected as President of the Clerk's Association. Other officers include Pat Harris/Fordyce, 1<sup>st</sup> Vice-Pres., Kathy Hogan/Gosnell, 2<sup>nd</sup> Vice-Pres., Cheri Mitch/Greenwood, Secretary, Geneva Vance/Forrest City, Treasurer, Dena Titsworth/Mena, Historian, and Diane Pittman/Bryant, Parliamentarian. Denise Henley/Stuttgart, Ruby Baker/Beebe, Cindy Walker/Fort Smith, Rhonda Ashcraft/Star City, Linda McVittie/Gravette, and Ginnaya Harris/Lowell have been elected as District Representatives.

New officers were elected for the Municipal Judges Council as well. Judge Bob Gladwin/Prairie Grove is the incoming President. He succeeds Ronnie Winningham/Newport as head of the Council. Other current officers include Robert Abney/Des Arc, 1<sup>st</sup> Vice-Pres., Dennis James/Wrightsville, 2<sup>nd</sup> Vice-Pres., and Stephen Routon/Forrest City, Secretary-Treas. Serving as District Representatives are "Rusty" Porter/West Helena, Larry Vaught/Pulaski County, Rodney Owens/Benton County, and Kirk Johnson/Texarkana.



Thirteenth Judicial District Judge David Guthrie of El Dorado was named Outstanding Trial Judge of the Year at the Arkansas Trial Lawyers Association Convention.

**Internet sites you may find useful:**

**Finding books:**

U of A Online Library Catalog  
<http://library.uark.edu/>

UALR Law School Library Catalog  
<http://themis.law.ualr.edu/>

**Finding court cases:**

Arkansas Judiciary Home Page  
<http://courts.state.ar.us>

WashLaw Web-Select the jurisdiction  
<http://www.washlaw.edu/>

U.S. Supreme Court ('90-present ) from Legal Information Institute  
<http://supct.law.cornell.edu/supct/>

U.S. Supreme Court ('37-'75) from Fedworld  
<http://www.fedworld.gov/supcourt/index.htm>



**HUMOR IN THE COURT**

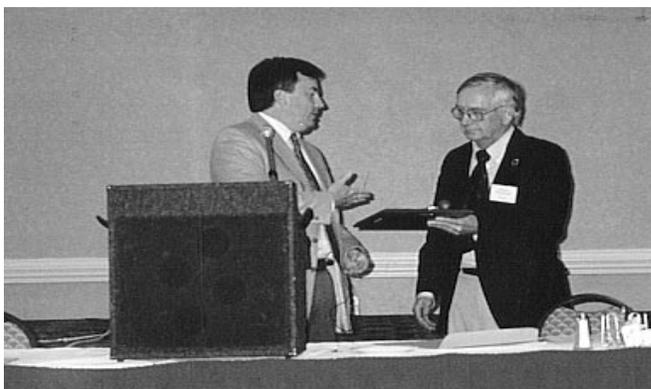
Laura Thompson, outgoing Case Coordinator for Judge Singleton in the 13th Judicial Circuit, sent the following for *Humor in the Court*.

"Over the years, I have seen the number of Qualified Domestic Relations Orders required by companies in divorce cases skyrocket, and the aggravation by attorneys that accompanies their preparation is evident. The following letter submitted with a QDRO made me smile.

'Please find enclosed a proposed QDRO relative to the above captioned matter. If same meets with your approval, please sign and return to me in the envelope provided. After the (company) rejects it and sends it back with additional information they want in it, I will send you another....'"



Ruth Calloway presents "Clerk of the Year" award to Sandy Easley.



Presentation of plaque to Ronald Winningham, outgoing President, by Robert Gladwin, newly elected President.

## *New Faces in the Judiciary*

## CALENDAR

### Case Coordinators

1st (Story) - **Yvonne Amos** replaces Cathy LaCross.

### City Judges

Allport (reinstated as a city court) - **Howard Martin** is the judge.

Dyer - **Steven Peer** replaces Charles Baker.

Glenwood - **Jim Bob Steel** replaces Danny Graves.

### City Clerks

Elm Springs - **Linda McVittie** replaces Barbara Dillard.

Allport - **Pauline Allen** is the clerk.

Cotton Plant - **Tammy Greenwood** replaces Renee Ellis.

Dyer - **Jackie Morse** replaces Wanda Brewer.

Pottsville - **Jeff Fryer** replaces Sheri Chenowith.

### Municipal Judges

Van Buren - **Steven Peer** replaces Charles Baker.

Camden - **Tim Womack** replaces Ralph Goza.

### Municipal Clerks

Elkins - **Crystal Waggoner** replaces Lisa Taylor.

Helena - **Doris Greer** replaces Louise Galloway.

West Helena - **Renee Chanay** replaces Rose Kettler.

### Court Reporters

8th South (Griffin) **Jewell Benson** replaces Debra Westmoreland.

### SEPTEMBER

**Municipal Judges' Fall College** 9-11  
(Hot Springs)

**Municipal & City Court Clerks' Certification Program** 17  
(North Little Rock)

### OCTOBER

**Fall Judicial College** 27-30  
Joint program with Mississippi Judges.

(Olive Branch, Mississippi)

**Court Reporters Association** 29-30  
(Fort Smith)

### NOVEMBER

**Municipal and City Court Clerks' Certification Program** 19

---

"Freedom of the press means  
no-iron clothes"

---

### Friends of the Court

Administrative Office of the Courts  
Justice Building/625 Marshall  
Little Rock, AR 72201



**Friends of the Court** is a bi-monthly publication by the Arkansas Administrative Office of the Courts. Contributions, comments, and inquiries are welcome. Please submit to **Friends of the Court**, A.O.C., Justice Building, 625 Marshall, Little Rock, AR 72201. Tel. (501) 682-9400. Karolyn Bond, Editor.

---

Address  
Correction  
Requested