



FRIENDS OF THE COURT

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Education in the Courts

Education Committees for the Municipal/City Clerks Association, the Municipal Judges Association, the Judicial Council, Case Coordinators and Municipal Court Officers have begun focusing their education sessions on a specific adult learning theory and model entitled Kolb's Experiential Learning Cycle. Adult learning specialist, David Kolb, describes this learning process as a four-phase cycle in which the learner: (1) does something concrete or has a specific experience which provides a basis for (2) the learner's observation and reflection on the experience and their own response to it. These observations are then (3) assimilated into a conceptual framework or related to other concepts in the learner's past experience and knowledge from which implications for action can be derived; and (4) tested and applied in different situations.

Much of our traditional learning experience has led us to believe that we learn best by listening to experts. It has been found, however, that learning that results in increased self-awareness, changed behavior, and the acquisition of new skills must actively

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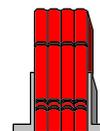
The adult learner assimilates useful information into their personal "experience bank" against which future learning events will be compared and to which new concepts will be related. Unless what is learned can be applied to actual work or life situations the learning will not be effective or long lasting.

Education Committee members for Clerks, Judges, Case Coordinators and Municipal Court Officers in Arkansas are keeping these phases in mind as they develop ways for their members to understand and be able to use the new knowledge and/or skill. Kay Palmer, Judicial

Education Coordinator for the Administrative Office of the Courts indicated that these committees have found the theory to produce viable and applicable learning situations for court personnel.

With education in mind, a team from Arkansas will be attending a symposium on the future of judicial education in October in St. Louis. The Arkansas team will consist of Chief Justice W.H. "Dub" Arnold, Circuit Judge John Plegge, Municipal Judge Bob Gladwin, AOC Director, J.D. Gingerich, Case Coordinator, Ouida Puryear, City Court Clerk, Sandy Easley, and Municipal Court Probation Officer, Eddie Davis.

The symposium will be an interactive gathering that draws on the wisdom and experience of judicial personnel. It is anticipated that the symposium will allow participants to share their perspectives, programs and plans for the future as well as a springboard for putting educational plans into action.



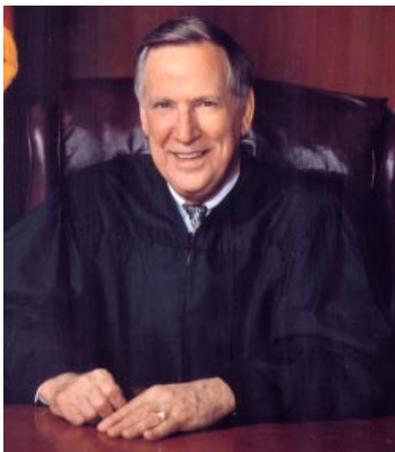
Recognition, Awards and Honors

AOC Employee Receives Special Recognition



Joyce French, Administrative Assistant for the AOC recently received special recognition from the Arkansas Municipal and City Court Clerks Association. The inscription on the lucite replica of the State of Arkansas stated: "In recognition of Joyce French for your many years of invaluable support to the Arkansas Municipal and City Court Clerks Association - September 17, 1999." French has been an employee of the AOC for 17 years and has worked closely with the Clerks' Association for the past 10 years.

Chief Justice Arnold Honored



Chief Justice W.H. "Dub" Arnold has recently received the Henderson State University Distinguished Alumni Award. This is the highest honor a student from Henderson can receive and recognizes outstanding achievements in career, community, education, politics, social service and humanities.

CASA Awards

The Arkansas Court Appointed Special Advocates Association (CASA) announced several awards during its second annual state conference recently held in Hot Springs. The honors included Judge of the Year, Attorney Ad Litem of the Year, CASA Advocate of the Year, and CASA Program of the Year.

The Honorable Stephen Choate of the 16th Judicial District was awarded Judge of the Year. Judge Choate is a Circuit/Chancery Judge who handles juvenile cases in Cleburn, Independence, Fulton, Izard, and Stone Counties.



District CASA program was recognized as the Arkansas CASA Program of the Year. The 2nd Judicial District CASA program, with offices in Jonesboro, Paragould, and Osceola, serves Craighead, Poinsett, Greene, Crittenden, Clay, and Mississippi Counties.

CASA is a program where trained volunteers are appointed by a judge to represent the best interest of a child who is abused or neglected and for whom a placement is being

determined by the juvenile court. A CASA volunteer acts as a fact finder of the child's best interest, providing a judge with valuable information on the child to help the court make a sound decision about the child's

future.

Arkansas CASA currently has eight programs in nine judicial districts serving twenty-three counties in Arkansas.

Anyone needing more information about CASA or how to become a CASA volunteer can contact Will Johnson at (501) 682-2658, or Will.Johnson@mail.state.ar.us or by visiting the Arkansas CASA website at <http://www.ar.ncasaa.org>.

The Arkansas CASA Association recognized Ms. April Rye, a Fayetteville attorney, as Attorney Ad Litem of the Year. Ms. Rye represents abused and neglected children in Washington County.

Ms. Lynne Sparks, a CASA volunteer from Miller County (Texarkana), was honored as the Arkansas CASA Advocate of the Year. Ms. Sparks has been an advocate for thirteen children, has volunteered over 300 hours, and traveled in excess of 2,000 miles during her two and a half years as a CASA volunteer.

Finally, the 2nd Judicial

Attorney General Declares Judge Legislation Constitutionally Suspect

Judges Lead Boy Scouts

Three Arkansas judges recently led Scouts from the Eastern Arkansas Area Council of the Boy Scouts of America to Philmont Scout Ranch, the BSA's 150,000 acre high adventure reservation in Cimarron, New Mexico. The Scouts enjoyed ten days of backpacking in the rugged wilderness of the Sangre de Cristo Range of the Rocky Mountains of northern New Mexico. Municipal Judge Andy Fulkerson of Paragould was the advisor for the group; Municipal Judge Steve Routon of Forrest City and Circuit Judge David Burnett of Osceola were associate advisors.

The three judges are long-time Scout volunteers. Judge Fulkerson and Judge Burnett are both Vice-Presidents of the Eastern Arkansas Area Council of the BSA. Judge Fulkerson is also Advisor for Venturing Crew 101 sponsored by the Greene County Bar Association. Judge Routon is Scoutmaster of Troop 202 of Forrest City.

While on the trail the Scouts had program opportunities which included shooting sports, western lore, challenge events, horseback riding and other activities. They carried all of their gear and food and moved to a new campsite each day. The trek covered over 64 miles of rocky, mountainous terrain. The altitudes on the trek ranged from 6,500 at base camp to 11,711 at the summit of Mount Phillips, the second highest peak on Philmont. Wildlife spotted by the Scouts and Venturers included black bear and an abundance of deer.

Attorney General Mark Pryor issued an opinion on September 23, 1999, which raises questions about the constitutionality of two acts of the 1999 General Assembly creating new circuit/chancery judgeships. Act 1355 of 1999 creates a new position in the Third Judicial District (Randolph, Sharp, Lawrence and Jackson Counties) and Act 1522 creates a new position in the First Judicial District (Cross, Woodruff, St. Francis, Lee, Monroe and Phillips Counties). Each of the acts create the judgeships effective January 1, 2001, but stipulate that the legislation will only be effective when and if approved by the Judicial Resources Assessment Committee and the Arkansas Judicial Council.

Under legislation which was adopted in 1991, the Arkansas Judicial Council has the authority and responsibility to study, analyze and make recommendations to the General Assembly on the need for new judgeships or judicial redistricting. The members of the committee are all trial court judges, two selected from each of the state's six Court of Appeals Districts. Prior to the 1999 legislative session, the Judicial Council received requests for the creation of a number of judgeships and provided recommendations to the Governor and General Assembly. No requests for review were received, however, from the First or Third Judicial Districts. The 1991 legislation limits the ability of the General Assembly to consider requests for new judgeships when no recommendation has been received from the Judicial Council. In an attempt to cure this defect, Acts 1355 and 1522 included the requirement of post session review by the Judicial Council. In his opinion, General Pryor stated:

It is my opinion that the relevant language of both Acts 1355 and 1522 is constitutionally suspect as an unlawful delegation of legislative power...

Under the classic division of powers, the legislature makes

the laws and appropriates state revenues, the executive administers the law and expends the appropriations, and the judiciary interprets the law..

Clearly the legislature cannot delegate its power to make laws...

The opinion reviews Arkansas cases on separation of powers and unlawful delegation of powers, as well as cases from other jurisdictions in which the legislature delegated certain responsibilities to the judiciary. He then concluded:

I must opine, similarly, that the relevant language in Acts 1355 and 1522 represents an unlawful delegation of legislative power to the judiciary. The Arkansas Judicial Council and the Judicial Resources Assessment Committee being a "collection of person" of the judicial branch (see Arkansas Constitution, art. 4, Sect. 2), may not constitutionally exercise this legislative power...

It is unclear what effect the Attorney General's position will have on the future of the legislation. At a meeting of the Judicial Council in April, 1999, the membership voted to ask its Judicial Resources Assessment Committee to review the need for the new judgeships and make a recommendation to the full membership in October, 1999. The Committee met on September 24 and received testimony from judges, attorneys, legislators and other public officials from the First and Third Districts on their need for the new judgeships. It is expected that the Committee will make its recommendation to the full Judicial Council in October. Arkansas currently has a total of 110 judges in 28 judicial circuits, consisting of 27 circuit judges, 29 chancery judges, and 54 circuit/chancery judges.



New Faces in the Judiciary

Case Coordinators

6th (Rita Gruber) - **Jareta Barton** replaces Rachel Spaulding.

6th (Vann Smith) - **Paula Long** replaces Schelle Fike.

23rd (Hanshaw) **Melissa Thompson** replaces Jeannie Pack.

13th (Singleton) **Linda Wolfe** replaces Laura Thompson.

City Judges

Wabaseka - (new court) **Robert Tolson** is the judge.

Friendship (new court) - **Bob Frazier** is the judge.

Stephens - **V. Benton Rollins** replaces Phil Foster.

AOC

CASA - **Jewell "Cricket" Harper** is the new Attorney Coordinator.

County Judges

Lonoke - **Carol Bevis** replaces Don Bevis.

Municipal Judges

Camden - **Phil Foster** replaces Tim Womack.

Municipal Clerks

Union County - **Patricia Johnson** replaces Shelley Birtcher.

Gould - **Tabitha Brown** replaces Rita Jones.

Van Buren - **Carol Ray** replaces Donna Parrish.

Ward - **Tammy Gerring** replaces Barbara Claxton.

City Clerks

Damascus - **Robin Diemer** replaces Tracey Hoover.

Wabaseka - **Debbie Lewis** is the clerk.

Bauxite - **Robin Lobbs** replaces Kelly Wear.

Foreman - **Barbara Anderson** replaces Nancy Tong.

Friendship (new court) - **Kim Burnett** is the clerk.

Gravette - **Missy Hall** is the new clerk.

Madison - **Earnestine Broadway** is the new clerk.

Rockport - **Vickie McNees** replaces Lorie Reynolds.

Wabaseka (new court) - **Veatrice McHenry** is the clerk.

CALENDAR

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' 19
Certification Program
(Hot Springs)

FEBRUARY

Municipal Court Officers 24-25
(Lake Hamilton Resort
Hot Springs)

MARCH

Case Coordinators' Annual 2-3
Conference (Lake Hamilton Resort-
Hot Springs)

Municipal and City Court 17
Clerks' Certification Program
(Riverfront Hilton, North Little Rock)



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Correction
Requested