

Caseload and Warrant Workload Analysis of Courts of Limited Jurisdiction in Arkansas

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Abstract

Arkansas has begun the Twenty-First Century by reforming its judiciary. Among the many reforms in the new judicial article, Amendment 80 to the state's constitution calls for a unified court system with three tiers: an appellate level with a Supreme Court and Court of Appeals, a set of general jurisdiction trial courts, and a set of limited jurisdiction courts. This study has investigated how the limited jurisdiction level of courts should be reorganized.

Following the adoption of Amendment 80, the state's Supreme Court has called for fulltime, state funded courts of limited jurisdiction. Currently, limited jurisdiction courts in Arkansas are funded locally and use part-time judges who also maintain fulltime law practices. This project examines through a literature review the pluses and minuses of part-time and fulltime judges as well as the importance of a unified judiciary with central funding.

This study is not a financial assessment of how to achieve fulltime limited jurisdiction courts, as such a study would entail a vast amount of further economic research. Rather, this study is an analysis of the workload demands placed upon such limited jurisdiction courts. Based upon a Delphi methodology of surveying, this study attempts to project where to place fulltime district courts with regard to such factors as case filings, non-case-related administration time, and warrant requests. Furthermore, the allocation of fulltime courts and their placement are uniquely tied to the principle of access to justice. As such, another important aspect noted in the analysis revolves around travel demands in the rural, rugged state. While travel time for judges is usually the norm for consideration in workload analyses, this project has also surveyed the needs of law enforcement with regard to warrants and the amount of travel time it takes to obtain them.

This study predicts judgeship needs by county. In order to achieve a fulltime tier of limited jurisdiction courts, some county conglomerations may be necessary. Thus, the results of the Delphi and law enforcement surveys will be forwarded to the legislature to aid in the drawing of district lines.

This study has four main conclusions regarding implementation and administration of fulltime district court judgeships. First, fulltime officers of limited jurisdiction courts must have the authority to hear all case types assigned to such courts by law. No “para-judges” such as magistrates, referees, or masters, who could constitute another bifurcation in this court tier, should be necessary in a unified, state funded court system with fulltime judges. Second, the Supreme Court will need to develop an administrative structure for multiple judge and/or county districts. Such an administrative structure within court tiers is necessary in implementing Amendment 80 throughout Arkansas’ judiciary. Courts need to be managerially responsible in the exercise of their duties both within their tiers as well as in coordinating areas of concurrent jurisdiction between limited and general jurisdiction tiers. Third, fulltime limited jurisdiction judgeships should have the most compact districts possible in order to serve the community and its law enforcement agencies best. While county conglomerations will most likely be necessary, travel distances to courthouses should be limited as much as possible. Last, cooperation between branches of government and tiers of the court system is the key to any successful reform implementation. The judiciary will count upon the legislature to enact any laws and budgets that will bring into effect fulltime, state funded district courts. Within the judiciary itself, collegiality will need to be fostered in order to implement meaningful reform.

Introduction

In November 2000, Arkansas voters ratified Amendment 80 (see Appendix A) to the state's constitution. Prior to Amendment 80, the state's courts were operating under a judicial article fashioned under the state's current constitution ratified in 1874. Among the key reform features of the amended judicial article were consolidation of courts of equity and law, non-partisan judicial elections, and reform of the courts of limited jurisdiction. As a package, these reforms were similar to judicial unification and professionalism movements that swept through other states of the nation throughout the later half of the twentieth century (Tobin 1999). Despite Arkansas' late coming of age, several prior attempts at judicial reform had been advocated but failed to pass in the period of time between 1970 and 2000.

Prior to Amendment 80, Arkansas had been one of four states with separate courts of law and equity at the general jurisdiction level (AOC 2002). Of the reforms contained in Amendment 80, the merger of chancery and circuit courts into one circuit court was the most readily accomplished. All trial court judges elected or currently serving as chancellors, circuit judges, or circuit/chancery judges became circuit judges on January 1, 2001. The Supreme Court rapidly handled practical issues related to Amendment 80 such as rule changes that pertained to court procedure. The more challenging aspect of this trial court unification however was (and continues to be) administration of the judicial circuits. After the passage of Amendment 80, the Supreme Court, through Administrative Order 14, required each of the state's twenty-eight circuits to submit an administrative plan detailing case assignment and management practices for the circuit. As of 2003, Administrative Order 14 had been revised to include administrative judges for circuits with two or more judges.

In order to implement the second reform issue, non-partisan judicial elections, the Arkansas General Assembly had to enact new election laws to define the process for judicial elections and runoffs. The key issue in this debate was whether to hold the judicial elections during the spring partisan primaries, in the fall general elections, or on a separate election date. The legislature's end result was to hold judicial elections concurrent with the spring party primaries and to allow for a non-partisan/judicial portion to be printed on each of the party ballots. Furthermore, any runoff races necessitated by pluralities in the spring election were legislated to occur in the fall general election.

The third major reform in Amendment 80 centered on limited jurisdiction courts and has been an amorphous goal to attain by the amendment's target date of January 1, 2005. Prior to Amendment 80, Arkansas had six courts of limited jurisdiction: municipal courts, city courts, police courts, courts of common pleas, county courts, and justice of the peace courts. (See Appendix B for pre- and post-Amendment 80 structural diagrams.) Many of these courts had overlapping jurisdictions, while others were effectively defunct. Amendment 80 allowed for consolidation of these courts into one district court. However, it still provided that "City Courts shall continue in existence after the effective date of this amendment unless such City Court is abolished by the governing body of the city or by appropriate action of the General Assembly. Immediately upon the abolition of such City Court, the jurisdiction of the City Court shall vest in the nearest District Court in the county where the city is located."

In a per curiam opinion regarding the spirit of reform in Amendment 80 (see Appendix C), the Supreme Court stated that it believed that district courts should be fulltime, state funded entities in order to move Arkansas towards a truly professional judiciary (Arkansas Supreme Court 2002). At present, some metropolitan areas and counties have fulltime district courts;

however, the rest of the state relies upon part-time judges who maintain law practices fulltime. Moreover, all district courts and city courts are locally funded at the current time.

During the 2003 General Assembly, pertinent district court legislation merely renamed and clarified venues for old municipal courts. Heated debate tabled any other legislative movement regarding how to proceed with limited jurisdiction court reform before 2005.

Little is known empirically about Arkansas' courts of limited jurisdiction. Currently, the Administrative Office of the Courts (AOC) collects aggregate docket totals from district and city courts. These statistics tell only how many misdemeanors, DWI/DUI, traffic, and civil cases that the courts process in a given month. In preparation for the changes that will take place between now and 2005, this project will investigate caseload and other workload details that city and district courts handle. Moreover, since courts of limited jurisdiction are the last judicial entities in Arkansas to work towards fulltime work status and state funding, it will be necessary to estimate how fulltime courts would perform based upon (1) the amount of time that it takes to process cases from filing to disposition as well as (2) the amount of time that local law enforcement needs from judges to process warrant requests. Several reorganization models will be developed and tested in order to assess the placement of courts. Furthermore, demographic factors such as geography and population will be considered.

Literature Review

In order to provide a well-rounded perspective for analyzing Arkansas' courts of limited jurisdiction, this section will review literature relevant to (1) the national trend towards unification of state courts, (2) other factors that may impact courts in small, rural states, (3) the contemporary role of limited jurisdiction courts, and (4) statistical caseload analyses.

Unification and Consolidation of State Courts.

In 1906, Roscoe Pound delivered his speech, entitled "The Popular Causes of Dissatisfaction with the Administration of Justice," to the American Bar Association. In the speech, Pound addressed many laments pertaining to American courts, many of which are still applicable today across the nation, as well as in Arkansas. Pound stated, "Our system of courts is anarchic in three respects: (1) in its multiplicity of courts, (2) in preserving concurrent jurisdiction, [and] (3) in the waste of judicial power which it involves" (Pound 1906). Pound argued that American courts were modeled after England's courts at a time when English courts were at their worst. He further argued that our courts should reform in a way similar to the 1873 reform of the English judiciary. At the time, his speech was met with skepticism and defense by both the Bar and judges.

Despite resistance in the early part of the 20th century, Pound and others such as New Jersey Supreme Court Chief Justice Arthur Vanderbilt continued the push for reforming state judiciaries down to simple two or three tier hierarchies administratively responsible to the state's chief justice. The system advocated by Pound and others would consist of a state supreme court with appellate power and superintending control of courts below it, a single general jurisdiction trial court (rather than multiple courts that distinguished between law, equity, and probate), and a

court of limited jurisdiction to hear misdemeanors, initial proceedings in felonies, and local matters such as traffic violations and small claims.

In 1940, Pound advocated four “controlling ideas” for modeling judiciaries: unification, flexibility, conservation of judicial power, and responsibility. Pound further lamented that these controlling ideas had not been implemented by the 1940s, instead “when unification is sorely needed, we go on making new courts” rather than unifying and simplifying the current structures (Pound 1940, 278).

It is important to note that Pound was not advocating for the judiciary to become a rigid monolith. He recognized the need for subject matter division and specialization within a unified structure, hence his controlling idea of “flexibility.” In a *Judicature* article, he further argued that unification “would allow judges to become specialists in the disposition of particular classes of litigation without requiring the setting up for them special courts” (Pound 1940, 230-231). Still, he maintained that fluid movement of judges should be allowed between subject matter division and even between levels of general and limited jurisdiction, hence his controlling ideas of conservation of judicial power and responsibility.

By the 1970s, the court unification movement had sprung to life in many states with the American Bar Association now supporting the concept of unified judiciaries in their *Standards for Court Organization* and *Standards for Trial Courts*. Colorado, Hawaii, and Alaska had initiated such reforms in their constitutions during the 1950s-1960s, while Alabama, Idaho, Illinois, Kentucky, Maine, and South Dakota had adopted them in the 1970s (Kleps 1981).

In 1973, R. Stanley Lowe wrote that the court unification movement had departed from Pound’s advice in two ways. First, the trial court level adopted in several states did not distinguish between general and limited jurisdiction, rather it was a single level trial court that

heard all matters typically associated with both courts. Lowe argued that Pound would have approved of such a further consolidation and simplification of structure. However, Lowe maintained that Pound would have not approved of the second departure from his court unification theory: the creation of an intermediate court of appeals. Even though such courts were created to deal with appellate backlog, Lowe maintained that it was creating another level of confusion associated with non-unified courts. Still, to the present day, many states, even those considered highly unified, have such intermediate courts of appeals.

Lowe's 1973 article also pointed out that court unification had occurred in many states, some of which may not have realized that they had "unified" their structure in some way. Lowe argued that court unification could take two forms that were not necessarily mutually exclusive. The first form of court unification was the traditional one, structural unification that needed constitutional reform in a state in order to execute itself. The second form was administrative unification, which was more of a de facto unification of courts. Administrative unification typically occurred in two ways. First, it may have occurred informally when trial judges of a geographic jurisdiction agreed to divide caseloads in more efficient ways that may have included judge specialization, or it could have occurred through constitutional changes that allowed for chief justices to take the administrative responsibility for their states' courts. Lowe emphasized that "to be fully unified, a system should have basic elements of both [structural and administrative unification], but to be functional, administrative unification is the more important of the two" (Lowe 1973, 322).

Presently in Arkansas, the concept of administrative unification causes judges to fret as much, if not more, than when structural unification was ratified in 2000. The state's original judicial article from 1874 granted superintending control of lower courts to the Supreme Court as

led by the Chief Justice. However, there was not necessarily any administrative structure set in place constitutionally, statutorily, or by court rule within general jurisdiction courts of law and equity or within the plethora of limited jurisdiction courts. Only since Amendment 80 has the Supreme Court called for developing such an administrative structure in the general jurisdiction circuits. Recommendations have yet to be made for an administrative structure within limited jurisdiction courts.

In his 2001 assessment of Michigan's trial court consolidation efforts, Carl Barr wrote of the need for administrative unification in these terms, "Consolidating trial courts means defining and expanding a team of judges, and giving more emphasis to their administrative direction by a chief judge—even if that chief judge defines his role as that of a team leader rather than a supervisory role. . . . The problems that often result occur because judicial leaders . . . have not sufficiently considered their roles as leaders within a collegial framework. . . . In a court, as in any collegial organization, it is the colleagues acting collectively who govern the organization" (Barr 2001, 137-138).

The identification of structural and administrative unification has been but one of the developments in the evolution of court unification theory. In their 1978 work, Berkson and Carbon noted that many professionals and academics differ on what is necessary to include in a unified judiciary. They developed a substantial list of elements that had become associated with unified judiciaries since Pound's initial work. (See Exhibit A in the Exhibits section at the back of this report.)

Of the items identified by Berkson and Carbon, two deserve special analysis with regard to this study: the use of para-judges and state financing of courts. Para-judges, quasi-judicial officers, magistrates, masters, or referees are terms typically used to characterize judicial

officials who have limited powers of a judge to help process certain limited caseloads or hearing types. Some states allocate such officials on a temporary, as-needed basis to deal with backlogs, while others employ them as regular employees. When such officials are utilized on a regular, permanent basis, as is done in several states with “unified courts,” a new court sub-culture is created with some of the pomp and power of the judiciary albeit without the title of “judge.”

In the past two publications of the American Bar Association’s *The Improvement of the Administration of Justice*, authors have addressed the new sub-culture of quasi-judicial officials with respect to the court unification movement (Kleps 1981 and McQueen 2002). As a matter of reality, such officials have become a new tier of courts in systems claiming to have a single level trial court as these para-judges may hear initial proceedings in a case and/or hear limited case types all together from beginning to the end of a case.

In Arkansas’ current state of affairs, masters, referees, and magistrates have limited use and availability. At the general jurisdiction level, masters are rarities that are typically appointed to hear a special case that may require expertise that the current bench does not have. Moreover, the state Supreme Court has previously ruled that para-judges could not be used to process the juvenile docket in the former chancery court. At the limited jurisdiction level, such para-judges may still be appointed to hear certain caseloads, as is the case in Hot Springs, Arkansas, where a magistrate processes the small claims docket. The common thread however between general and limited jurisdictions with regard to the quasi-judicial officer issue is that employment of such officials is requested of local governing bodies and not the state. Therefore, no statewide policy has been adopted on the use of para-judges, except the language that allows for them in Amendment 80.

Over the years, state financing has become almost synonymous with the court unification movement. Advocates of state funding of courts base their arguments upon constitutional grounds, stating that the judiciary is a branch of government to be separate from the legislative and executive branches of both state and local governments. Furthermore, in states where counties and/or cities fund the majority of the courts' budgets through their local legislative bodies, inequities in justice may well exist as more affluent jurisdictions may be more likely to have more accommodations and/or services. Also, state funding advocates argue that local funding of courts will make judges overly sensitive to the local politics of budgeting, which in turn could influence the impartiality of the judge in matters such as cost and fee assessment and collection. Another worry of state funding advocates is that the individual jurisdictions of courts throughout a state will be treated as another "county department" answerable to the county administrator, rather than as a separate and equal third branch of government. In order to be truly separate, pro-state funding advocates argue that the judiciary, as the third branch of state government, must have leadership that is able to plan for and manage the whole system of courts. Thus, a unified court system, whether with one or two levels of trial courts, should be answerable to the programmatic and fiscal leadership of the chief justice of the state supreme court.

In his 1975 work, Carl Barr addressed the topic of state funding of the judiciary, examining key constitutional issues such as the role of inherent powers of the judiciary and separation of powers and checks and balances between the three branches of government. His conclusion was summed up succinctly in his book's title, *Separate but Subservient*, as courts are indeed a separate, third branch of government that must subsist on their own in spite of the legislative and executive powers that fund and manage state government as a whole. With regard to the local versus state funding dilemma, Barr offered the following: "Both state

participation and local participation are necessary for court management and planning. The effective state court system will develop planning abilities at both state and local levels, so that the need of the whole system (equitable distribution of resources) and the local courts (coordination of the elements of work flow) can be met. Some degree of centralized authority is necessary, but the division of state and local responsibilities may vary from locality to locality” (Barr 1975, 142). Barr concluded his work by noting the paradox of state funding is that courts may become less subservient to local politics and administration only to find themselves subservient to the court of last resort.

State funding is not a new issue to Arkansas courts. Prior to Amendment 80, general jurisdiction courts had a significant level of state funding for judges’ and key personnel salaries and travel. Counties were (and continue to be) left to provide for general jurisdiction court facilities and supplies. Limited jurisdiction courts, on the other hand, had been fully, locally funded prior to Amendment 80. As stated earlier, the Arkansas Supreme Court issued a per curiam opinion stating the court’s belief that limited jurisdiction courts should be fulltime, state funded entities. If state funding of limited jurisdiction judges’ salaries were indeed established, court unification, both the structural unification brought about by Amendment 80 and the administrative unification that state funding for all courts would bring, would be complete to a level similar to the circuit courts.

Factors That Rural and Small Courts Must Face.

Since court unification and more particularly state funding are theorized to improve judicial independence from falling victim to local politics and resource demands, it is necessary to ask: Why? The answer for rural areas, as Stott, Fetter, and Crites wrote, is that “Rural justice has a practical, not a conceptual, uniqueness—practical because there seem to be special

characteristics of court administration in rural areas that have resulted from sparse populations spread over large areas of land” (Stott, et al 1977, xi). The special characteristics of rural courts, which are the norm rather than the anomaly in Arkansas, appear to be related to human resources and judicial ethics.

States such as Arkansas have made use of part-time judges in the past to handle caseloads in smaller jurisdictions where a fulltime judge may not be warranted. In Arkansas, part-time judges are currently confined to the limited jurisdiction level. In fact, only fourteen of the 112 district court judges in Arkansas claim to be fulltime judges, and most of them are located in what are considered urban areas.

Colloquial knowledge of rural areas suggests that qualified attorneys and other potential judicial support staff may be lacking where there is no bustling job market. With regard to judgeships, such a situation becomes even more pronounced when attorneys would stand to make more money in the private sector of law rather than in judgeships or other public attorney roles (Stott, et al. 1977).

The appeal of the black robe should not be discounted, either, as most attorneys might relish the opportunity to be a judge. For part-time limited jurisdiction courts, this may well be the incentive for an attorney to pursue a judgeship while at the same time maintaining a profitable law practice.

The boundaries of judicial ethics are therefore another concern for part-time and rural area judges. In 1999, the American Judicature Society published curriculum concerning ethics of part-time lawyer judges (Gray and Biro 1999). Their curriculum manual states, “Part-time judges who practice law confront ethical difficulties not faced by fulltime judges, specifically how to keep the two positions completely separate” (Gray and Biro 1999, 1). Gray and Biro

further argue that it is the responsibility of both fulltime and part-time judges to maintain public confidence in the integrity, impartiality, and independence of the bench. This may be difficult for part-time judges who have law practices as previous or current clients may come into their courtroom and as the public may have misconceptions of a judge who is still a practicing lawyer.

Rural area judges, whether fulltime or part-time, also face ethical dilemmas inherent to their locale. In a 1987 report, the National Conference of the Judiciary on Rural Courts listed the following as problems commonly faced by rural judges: (1) professional and social insulation from the public and the bar, (2) the problem of ex parte communication in a small community where it is likely that everyone knows one another, (3) small and inadequately trained staffs, and (4) circuit travel. The report argues that these conditions may often be at odds with the notion of an impartial and independent judiciary. The report ends by advancing an agenda to state fund the judiciary, to use merit selection or non-partisan election of judges, to provide adequate continuing education to judges, support staff, prosecutors, and public defenders as to their roles in an independent and impartial judiciary, and to create policies that clearly state the means for dealing with ex parte communication.

The Contemporary Role of Courts of Limited Jurisdiction.

Courts of limited jurisdiction may exist in both non-unified and unified court systems. In non-unified court systems, limited jurisdiction courts may be plentiful and overlapping, as was the case in pre-Amendment 80 Arkansas. In unified systems with courts of limited jurisdiction, they are usually the lowest level in a three tier hierarchy, hearing “limited” caseloads that usually include misdemeanors, traffic violations, small claims, and perhaps initial arraignments on felonies. In some unified systems, such limited jurisdiction courts may hear probate, domestic abuse, and juvenile cases; however, that is not currently the case in Arkansas. For the purposes

of this study, attention will be paid to the caseloads that Arkansas courts of limited jurisdiction hear: criminal misdemeanors, felony first appearances, traffic violations including DWI, and small claims cases.

Most analyses of criminal court caseloads focus on courts of general jurisdiction, especially in unified systems with a single level trial court. Nevertheless, case standards for processing misdemeanors and pretrial felony hearings should be similar regardless of court type, especially in an effort to guarantee constitutional rights.

Another source of limited jurisdiction caseload is from traffic violations. More often than not, the majority of Americans make their only contact with the court system in traffic courts. Because of this fact, Stephen Goldspiel argues that the ABA's *Standards for Traffic Justice* are imperative for limited jurisdiction courts to follow (Goldspiel 1981). Among the traffic court standards are the following (ABA 1974):

- Prompt trials at the defendant's first and only appearance should occur in minor traffic cases, as multiple appearances waste the court's time and discourage the defendant from exercising his/her right to trial.
- When hearings are held, each traffic case should receive individual attention from the judge.
- Defendants should be allowed to admit guilt as charged to a non-hazardous violation and pay fines through the mail without a mandatory court appearance.
- For motorists with hazardous or repeated traffic violations, court appearances should be mandatory for the defendant to answer the charges in person.
- Uniform traffic tickets and complaints should be issued throughout a state as well as sufficient preliminary court information for defendants who are preparing to come to their court appearance.
- Once a ticket has been issued, discretionary disposition of traffic charges should be accomplished only in a public hearing by the judge.
- Fines and costs should not be imposed for revenue production purposes, rather traffic courts should be funded through appropriations.

Small claims and lesser civil cases round out the case types typically heard in Arkansas' courts of limited jurisdiction. The American Bar Association in its *Standards Relating to Trial*

Courts recommends that a simplistic small claims procedure be devised for “civil cases in which the amount in controversy is so small that the parties ordinarily would not employ counsel” (ABA 1992, 135). In its commentary section, the ABA *Standards* further clarify that “the court and its staff should proceed on the assumption that the parties have limited knowledge of the law, the relevance of evidence, and the applicable rules of procedure, and should undertake a corresponding affirmative role in assuring that justice is done” (ABA 1992, 136). As such, they suggest that small claims courts have simple filing forms that would be understandable to a non-lawyer and staff assistance available for preparation of such documents. Furthermore, the *Standards* argue that small claims cases should be heard before a judge or law trained judicial officer who announces his or her decisions with a brief explanation of how and why the decision was reached.

Other research on small claims courts throughout the United States discusses the procedure as it is currently practiced (Goerdts 1992). Among the procedural issues related to small claims are the role of attorneys in the process and whether or not debt collection agencies should be allowed to file in small claims courts. With regard to attorney representation in small claims courts, some states allow plaintiffs and/or defendants to have attorney representation in the courtroom, while others, like Arkansas, do not. Earlier studies of attorney representation in small claims court have argued that attorneys should be unnecessary to a simplified court proceeding and would unnecessarily complicate and/or bias judgments where one party has representation and the other does not. It is important to note that Arkansas only bars attorneys from appearing in the small claims hearing itself, and not from advising parties who may seek legal advice.

Another procedural aspect of small claims court is the limitations on who may file cases. Many states, like Arkansas, bar businesses whose primary objective is to lend money to be repaid with interest from filing for collection judgments in small claims court. The theory behind such a restriction is that such agencies may abuse a small claims process primarily set up for individuals seeking reparations. Collection agencies, it is also thought, may also overwhelm the docket if allowed to file in small claims court.

A final item to note with regard to courts of limited jurisdiction is the use of non-traditional processes to arrive at case dispositions. Non-traditional processes may include diversionary programs in criminal and traffic courts as well as alternative dispute resolution in small claims courts. The purpose of such programs, in addition to relieving court dockets, is to provide meaningful, non-adversarial resolution that might not occur in the typical courtroom setting. Therefore, the existence of such programs may positively affect the docket of limited jurisdiction courts.

Statistical Caseload Studies.

In order to understand where limited jurisdiction judges need to be geographically placed, a systematic assessment of filings, dispositions, and time spent processing cases and other workload details is necessary. The means of assessment may however vary. This section will describe forms of analysis commonly used in caseload studies.

In *Assessing the Need for Judges and Court Support Staff*, Flango and Ostrom (1996) offer several guidelines for conducting judicial resource analysis. The first guideline urges that any analysis contain (1) measures of the demand for service, (2) state standards of judgeship needs, and (3) assessment of effective use of existing resources. Filings are commonly used as a measure for service demand, as more filings intuitively demand more judicial time. With regard

to standards for judgeship needs, ABA standards and given norms of a state (i.e., case types heard and court procedures) often guide constructs for measuring judicial needs. Lastly, assessment of effective use of existing resources, which may be achieved quantitatively, may nonetheless have political implications if it is found that current resources are abundant and inadequately utilized. Thus, attentive care should be paid to address issues and fears related to the assessment process.

Several different methodologies exist with regard to conducting caseload analyses. Among the common forms of assessment are raw data analysis, regression analysis, Delphi estimates, and time studies. Each type has pros and cons that should be considered with regard to a state's current situation (ICM 2000).

Raw data analysis typically consists of comparing filings and terminations among judicial districts. Often filing and termination statistics in such an analysis may be further divided by the number of judgeships in a district or by the district's population to estimate per judge or per capita figures. Average filing and average termination statistics may also be used in such analysis to see which districts are comparatively "overloaded" beyond the "average district."

As with all types of data analysis, there are benefits and drawbacks to raw data studies. The primary benefit of raw data caseload analysis is that data on judgeships, filings, terminations, and population are readily available for most, if not all, judicial jurisdictions. Furthermore, survey paperwork is usually not necessary for judges or their staffs to complete in order to create estimates from available raw data. There are drawbacks to raw data caseload analysis, however. In raw data analysis, variables such as filings receive equal treatment when they actually may vary by case type. For example, the time needed to process felonies to bind over to the general jurisdiction court may take longer than the time needed to process minor

traffic violations; however, in raw data analysis, one felony case would be essentially equal to one minor traffic case. Another drawback to this type of analysis is that raw data favors larger jurisdictions with higher populations, as they will have more filings than smaller jurisdictions. As such, this estimation may overly inflate the needs of larger jurisdictions.

Regression analysis takes raw data analysis a step further. Regression often utilizes the same raw data variables: filings, terminations, population, and so on. Nevertheless, regression differs from mere raw data analysis in that it uses variables such as population and filings to “predict” the number of judges needed. The prediction method behind regression simply plots the relationship between the current number of judges in a district or other defined geographic area and variables such as filings on a two-axis graph. (See Exhibit B for a hypothetical example.) A straight line is then drawn between the data points that were plotted on the graph (the “estimated line” in Exhibit B). The points on the straight line represent the estimated number of judges needed for a district, whereas the plotted points represent the current reality. Any differences between the straight line and the plotted points indicate the need for additional or possibly fewer judges in a district (Mashburn 2002).

Regression analysis has many of the same pros and cons as raw data analysis since, in fact, it is a technique for finessing raw data into a prediction estimate. It also has many of the problems inherent in statistical modeling: margins of error and multicollinearity. No statistical model or raw data analysis should ever be considered “perfect;” however, statistical methods such as regression can offer estimates of error that occur when unknown variables cannot be controlled. Multicollinearity, or inter-correlation between several variables in a model, can also produce unwanted statistical bias. For example, if population, number of filings, and number of trials are used as variables to predict the number of judges needed, there will be inter-correlation

between these variables since higher populations tend to have higher numbers of filings and trials. In essence, each of those variables is measuring the volume of the same thing and could inflate the end result of the analysis (Flango and Ostrom 1996).

Delphi estimation is another form of caseload analysis utilized throughout the United States. Delphi estimation involves the use of “expert” opinion. In the case of judicial resources assessment, judges are the experts about how much time it takes to process certain case types in their courts. The time estimates are then multiplied by the current number of filings in each case type and divided by the amount of judicial work time available in order to estimate judgeships needed.

Delphi estimation has many conveniences. This form of analysis may be cost-effectively accomplished through simple paper surveys and would not require the researcher to invest inordinate time in site observation. It does however place a burden on the judges who are surveyed for their “expert” opinion, as the researcher will need a decent response rate in order to create case weights. Furthermore, Delphi estimation may be prone to inflation, as judges may think in extremes when they complete the survey instrument. Caseload analyses conducted by the National Center for State Courts in states such as Hawaii have controlled for such inflation by completing a second iteration of the Delphi estimation either through another survey or focus group (Miller, et al. 1999). In such a second Delphi, the first round Delphi weights regarding the necessary time for a case type are posed back to the respondent who then has to decide if that weight makes sense or is too high or low.

Time studies are another form of estimation utilized in caseload analysis. Time studies track actual time spent by the judiciary in processing its caseload and workload activities. Once a time estimate has been averaged from timesheet data, it is multiplied by filings and divided by

the entire amount of judicial time in a similar fashion as the Delphi estimation. Time studies may be completed by samples of judges or by the entire bench; however, an inherent drawback of time studies is that judges, as would any employee, grow weary of tracking exact minutes onto time sheets. Time studies do however provide the benefit of studying actual activities, rather than asking about hypothetical averages as the Delphi process does. Time studies do nevertheless come at a price: Many man-hours may be put into completing time sheets and then entering such data into a computer model for averaging.

This caseload analysis of Arkansas' courts of limited jurisdiction will utilize a Delphi estimation technique in order to conserve research time as well as to boost judicial participation. All limited jurisdiction judges will be asked to participate in initial research proceedings. A further description of this caseload analysis is outlined in the methodology section.

Arkansas circuit courts have experience with both Delphi and time studies. During most of the 1990s, the Judicial Resources Assessment Committee (JRAC) of the Arkansas Judicial Council utilized a Delphi methodology for estimating the number of new general jurisdiction judgeship requests to be submitted to the legislature. By 2001, however, JRAC sought to address concerns that had arisen out of the Delphi studies. Judges felt that tracking and averaging actual time spent in court would give a better time estimate than asking for opinions that tend to overestimate time. Also, judges hearing juvenile subject matter were concerned that review hearings mandated by law were not being fully captured in the analysis that primarily focused on initial filings. Thus, JRAC adopted a time study methodology that was administered in 2002 utilizing a sample of nearly one-third of all of the state's general jurisdiction judges (Mashburn 2002). The participants in the time study were diverse in all demographic, regional, and court subject matter variables so that the study's findings could be extrapolated to the whole state.

Exhibit C presents a comparison of the Delphi and time studies conducted for the general jurisdiction courts in Arkansas (See the Exhibits section at the back of this report). The first column of the table lists the circuit designation, and the following column contains the current number of judges allocated to that circuit. The third column details the number of judgeships that the time study estimated that each circuit needed, and the fourth column's "delta" statistic is the difference between the number of judges estimated by the time study and the current number of judges. The delta statistic in column four shows that there were eleven instances where the time study estimated that less judges were needed than are currently present (in red), while there were three instances where more judgeships were deemed necessary (in blue). The fifth and sixth columns present similar statistics for the Delphi analysis. In the Delphi calculations, five circuits show a need for more judgeships (in blue), while three circuits appear to need fewer judges than are currently present (in red). The final column of Exhibit C displays the numeric difference between the Delphi and time study calculations. Statistics in the final column should be interpreted as such:

- Circuits with calculations of zero were estimated to have the same judgeship need in both the Delphi analysis and the time study.
- Circuits with a positive delta statistic (in blue) demonstrated a need for more judges in the Delphi analysis than in the time study.
- Circuits with a negative delta statistic (in red) demonstrated a need for more judges in the time study than in the Delphi analysis.

The results in Exhibit C show that the circuit court Delphi and time study methodologies arrive at similar predictions in seventeen out of twenty-eight instances or 61% of the time. Out of the eleven instances where Delphi and time study estimates differ, seven Delphi estimates—or 64%—are the same as the status quo.

The circuit court experience with the time study methodology may also impart practical advice to the courts of limited jurisdiction. The time study took an extensive amount of time to

create the methodology, to train participants on time sheet procedures, to complete time sheet instruments, and to compile the results into final form. A subcommittee of JRAC took three months, from August to October 2001, to devise the methodology for the time study. During November and December 2001, volunteers were solicited and trained on the methods of data collection. From January through June 2002, each participant submitted at least two months of data that had to be entered electronically and verified by the Administrative Office of the Courts (AOC) for data integrity and accuracy. The results of the time study then were finalized and distributed by the end of August 2002.

While a shorter time study methodology could be created, it would still take more time for (1) judges to be trained on methods for capturing data, (2) judges to complete daily forms, and (3) AOC employees to aggregate daily time sheets into case weights than it would to utilize a Delphi survey technique. Furthermore, district judges have expressed a strong sentiment against daily time sheets, and only one AOC employee is available to provide support to this project. Due to these constraints and the similarity of estimates between Delphi and time studies, a simpler approach has been devised.

Methodology

This project will utilize a two-prong approach in order to assess how to allocate limited jurisdiction judges. First, the largest portion of research will center upon a Delphi caseload analysis of the current limited jurisdiction caseloads. Second, a survey of local law enforcement will address their needs with regard to area judges. The following sections describe the methodologies for each research item.

Delphi Caseload Analysis

The Delphi methodology for this study is two-fold. All city and district court judges have been asked to participate in a survey for the first-round Delphi estimates. (See Appendix D for listing of city and district courts.) A second-round Delphi session involving a focus group will review the first-round estimates for insufficiencies and inflation.

First Round of Delphi Research: The first round of the Delphi analysis involved sending a paper survey to all district and city court judges. The survey (see Appendix E) addressed the following issues: (1) the amount of time spent as a judge and practicing attorney, (2) the number of court sessions that occur in a given time frame and how long each lasts, (3) the amount of non-case-related administration time spent as a judge, and (4) the average amount of time that various cases and warrant requests take. Each of these questions provided information needed for the Delphi mathematical equation, as time estimates were needed for both the length of a judge work year and the amount of time that average cases take to complete. To reiterate, the standard Delphi equation utilized in most analyses across the United States, as well as this study, is as follows:

case weight *multiplied by* case filings *divided by* available judge year
equals the number of judges needed

Questions regarding case weights were further tailored to assess the difference between contested and uncontested caseloads. Contested cases were defined as those requiring a bench trial, while uncontested cases were defined as cases where a party pleads guilty or no contest, accepts probation or diversionary programs, bond forfeitures, or where default judgments are entered. The analysis of this survey data and the second round focus group data will incorporate an estimation of contested and uncontested caseloads in the prediction of the number of judges needed.

The survey instrument was created based upon input from Judge David Stewart, President of the Arkansas District Judges Council, and Keith Caviness, AOC Staff Attorney responsible for limited jurisdiction court matters. Judge Stewart was asked to review the final draft of the survey to insure its coherence and understandability before it was mailed out to the survey population. Judge Stewart also provided a cover letter for the judge survey to explain to his fellow judges why the research was being done and to implore their participation. (See Appendix E.)

Exhibit D shows that a total of 185 individuals were sent surveys in this round. Appendix E details where district and city courts exist and how judgeships are apportioned among them. It is important to note that several district courts are divided into departments, thereby allowing multiple judges to serve in one court. With regard to city court judges, who are appointed at the discretion of the locale in which they serve, several judges sit in more than one city court. Furthermore, twenty-one district court judges also serve as a city court judge.

Limited jurisdiction judges were given a month to reply via fax or postage paid envelopes to the first round survey. As responses began to arrive at the AOC, surveys were entered into a

database. Beginning two weeks before the survey deadline, follow-up phone calls were made to judges who had yet to respond in order to reiterate the importance of their participation.

Response rates for the first round of the Delphi analysis were high. Overall, 112 individuals responded to the paper survey, for a cumulative response rate of 61%. Of those 112 responses, ninety-one were from district court judges, representing 81% of all district court judges. City court responses were lower, with twenty-one city court judges and twenty judges sitting in both district and city court responding, for a city court response rate of 44%.

Second Round of Delphi Research: A second Delphi session was conducted at the fall 2003 meeting of the District Judges Council. A focus group of sixteen judges from various geographical regions and demographics participated in a focus group that reviewed the first round Delphi case weights. (See Appendix E for a listing of participants and information about the focus group proceedings.)

The focus group session consisted of the following events. As the session began, each participant was given a handout that listed the following: (1) a summary of the participant's first round responses, (2) the survey's mean, median, and modal answers for case weight and warrant request questions, and (3) an estimation of the participant's contested—i.e., bench trial—caseload based upon the *2002 Annual Report of the Arkansas Judiciary* (AOC 2003). (See Appendix E for an example of the handout.) The participants were then asked to consider each case type's time estimate and gauge whether or not the estimate seemed too high, too low, or about right. Exhibit E displays a summary of the focus group's findings with regard to the case weights.

The focus group also considered contested caseload rates. Currently, the AOC tracks only aggregate numbers of filings, terminations, fines, and costs per court, not any individualized

case data that could tell whether a case went to a bench trial or not. Therefore, the focus group was asked to consider whether or not national criminal and civil trial statistics would be reasonable estimates of the number of contested cases in their courts. The National Center for State Courts' Research Division provided national averages that will be published in the forthcoming *Examining the Work of State Courts, 2003*. Nationally, the criminal rate of cases that went to trial was 3%, while the civil rate was 9%. Each focus group participant's handout had an estimate of contested cases for his or her court based upon these national trends. Many of the participants felt that their contested caseload estimates were too low. The group was then asked to provide their own estimate of how many cases based upon last year's filing statistics that they projected were bench trials. Based upon the individual responses from the group (see Appendix E), the following contested rates were generated: a criminal contested rate of 5% and a civil contested rate of 15%. The analysis sections of this project will examine the impact of both the national and Arkansas contested rates on the judgeship estimates created by this Delphi analysis.

Caseload Statistics in Delphi Analysis: Ten years worth of district (formerly municipal) court and city court data has been collected for this study. Included in this data compilation are filings, dismissals, and convictions. Caseload trends will be investigated in the analysis section of this paper to gauge the volume of activity in criminal and civil court divisions.

With regard to the Delphi analysis, filings are a key component of the mathematical equation. Since ten years worth of data are available, the filing component of the Delphi equation may be thoroughly examined to compare any differences in judgeship needs over time. The analysis section of this project will thus compare the following:

- *The end results of the Delphi equation utilizing each year's filing data:* Upward and downward trends in judgeship need for individual geographic areas may then be highlighted. One note of caution however: The estimates for previous years will be influenced by the current norm—the case weight arrived at through the two Delphi rounds. Using the current norm assumes that there was no difference in case processing styles prior to this year's survey and focus group.
- *The end result of the Delphi equation utilizing the average filing statistic from the past ten years:* The use of mean filings will allow for a synthesis of multiple years. Minor upward and downward trends will thus be controlled. The note of caution here is that extreme outliers—i.e., extreme upward and downward fluctuations—may caution unwanted bias in either direction.

Judge Work Year: The last necessary component of the Delphi equation is an estimation of judicial work year. The paper survey asked respondents to specify the amount of time they currently work. However, since a main objective of this analysis is to estimate how and where fulltime judges will perform, a standard estimate will need to be utilized. Therefore, the estimate used by the Judicial Resources Assessment Committee (JRAC) for the state's circuit courts, all of which are fulltime, will be used. The work year calculation is as follows:

40 hour work week *multiplied by* 52 weeks per year *equals* 2,080 work hours per year
minus 280 hours of leave (11 paid holidays, 15 vacation days, 9 sick days)
equals 1,800 work hours per year

Non-case-related administration time will also need to be considered with regard to the work year equation. Since the numerator of the Delphi equation considers only case-related time used for filings, the judge work year will need to be adjusted to remove non-case-related work time. Thus, an estimate of non-case-related work time for a fulltime judge will need to be generated. For the purposes of this analysis, the first round survey results of current fulltime judges will be used. The average amount of non-case-related administration time indicated by fulltime judges is 420 hours per year or roughly eight hours per week. Therefore, the refined judge year estimate will be as follows:

40 hour work week *multiplied by* 52 weeks per year *equals* 2,080 work hours per year
minus 280 hours of leave (11 paid holidays, 15 vacation days, 9 sick days)
minus 420 non-case-related administration hours
equals 1,380 case-related work hours per year.

The analysis section of this paper will highlight differences and commonalities of judicial work time across the state between the current reality and the proposed fulltime status.

Law Enforcement Survey

All known local law enforcement agencies (N=348) were sent a paper survey about the efficiency (or lack thereof) of obtaining warrants from Arkansas courts. (See Appendix F for the law enforcement survey materials.) Since law enforcement may obtain search and arrest warrants from both general and limited jurisdiction judges in their areas, the survey specifically asked for the names of judges and/or courts that the agency utilized for warrant requests. The analysis section of this paper will present a county by county comparison of limited and general jurisdiction courts used for obtaining warrants.

The six question survey instrument was developed in conjunction with the University of Arkansas Criminal Justice Institute (CJI). Researchers and law enforcement educators at CJI, many of whom are retired law enforcement officers, were asked to review the questionnaire as a pretest for understandability. CJI also provided the AOC with a database of all known law enforcement agencies in Arkansas.

Agencies were given a month to respond to the paper survey either via fax or through postage paid envelopes. Upon the survey's deadline, follow-up faxes of the survey were sent to agencies that had not responded. The response rate to the law enforcement survey was high. One-hundred-ninety agencies responded to the survey, for a response rate of 55%. Since the primary research questions of the warrant request survey were 'yes/no' in nature, a 95% confidence interval to determine margin of error for the question responses was estimated.

Based upon the population size and the number of respondents, the margin of error for this survey was $\pm 4.8\%$. In layman's terms, this means that if the survey were conducted one hundred times, then in ninety-five instances the survey would arrive at similar results within $\pm 4.8\%$ margin of error. The analysis section of this project will examine the results of the law enforcement survey to see if judge availability and excessive drive time are issues for local agencies when pursuing warrant requests.

Analysis

The analysis section of this project contains three major sections. The first section investigates raw data trends in limited jurisdiction courts, highlighting filing trends. The second section lays out the Delphi caseload analysis results. The final section evaluates warrant needs of law enforcement, including the judicial accessibility issue.

Caseload Trends in Arkansas' Limited Jurisdiction Courts

The caseload statistics to be used in the Delphi equation deserve preliminary analysis in their own right. This section will discuss such raw data trends in Arkansas' limited jurisdiction courts over the past ten years.

As discussed earlier, Arkansas currently has two forms of limited jurisdiction courts: district courts and city courts. District courts may hear the following subject matter: (1) preliminary hearings in felonies, (2) misdemeanors, (3) local ordinance violations, (4) traffic violations, (5) small claims, and (6) civil cases with claims up to \$5,000. Not all district courts however hear preliminary matters in felony cases, only those that have entered into agreements with local circuit courts do so. City courts do not hear preliminary matters in felonies nor do they hear civil and small claims caseloads; however, they may hear misdemeanors, local ordinance violations, and traffic cases. Over the past ten years, city courts have heard anywhere from 5% of the total limited jurisdiction caseload in 1993 to a high of 8% of the total limited jurisdiction caseload in both 2000 and 2002.

Exhibit F displays filing trends in all Arkansas limited jurisdiction courts. Traffic filings, excluding DWI, make up well over half of all limited jurisdiction caseloads during the past ten years. Criminal cases in this chart include filings for felonies to bind over to circuit court, misdemeanors, and local ordinance violations. As such, criminal filings make up the second

largest grouping of filings in limited jurisdiction courts. While DWI and civil (including small claims) caseloads are smaller groupings within limited jurisdiction caseloads, they are time intensive cases, as the Delphi case weights in the next section show.

Since most limited jurisdiction courts are presently part-time, there is a wide variation in caseloads across the state. Fulltime courts tend to have among the largest dockets in the state. In 2002, Pulaski County District Court, staffed by a fulltime judge, led the state in DWI filings, while Springdale District Court, staffed by a 60% judge, was second in DWI filings. Of courts that bind over felonies to circuit court, Fort Smith District Court, staffed by two fulltime judges, has led the state in such filings in four out of the last five years. Jonesboro District Court, also staffed by a fulltime judge, has led the state in misdemeanor filings for the past three years. Little Rock and North Little Rock, both of which have fulltime judge staffs, have led the state in traffic filings since 1996. With regard to small claims and civil filings, courts that operate with part-time judges have occasionally led the state in such filings. Sherwood District Court (a suburb of Little Rock) is staffed by a 35% judge who utilizes referees to hear small claims and civil caseloads. Sherwood has led the state in either small claims or civil filings in five out of the past ten years. In 2002, the rural district court in Ash Flat, staffed by a 40% judge, led the state in small claims filings.

Disposition statistics for limited jurisdiction courts leave much to be desired. Currently, the AOC only tracks convictions and dismissals in criminal and traffic. Thus, there is no way to determine a true termination count or clearance rate as acquittals and pending cases are not tracked. Proposed court automation projects are planned to have the capability to track individual cases for both limited and general jurisdiction courts, so hopefully such data will be

available for future years. Disposition statistics are however available for small claims and civil caseloads in district court.

An argument may be made that criminal convictions will take the court more time (judge or staff) to monitor for post-disposition enforcement measures. Acquittals and dismissals under this argument would not have such court time. While post-trial case activities have not been queried in this Delphi survey, some time study methodologies incorporate post-trial activities into case weights. Exhibit G displays the raw conviction figures for criminal (misdemeanors and local ordinance violations), DWIs, and traffic, as well as disposition counts for civil (including small claims) caseloads. As would be expected, traffic and criminal cases have higher conviction statistics than the other categories, as traffic and criminal have the most filings in limited jurisdiction courts. A closer analysis of conviction to filing ratio for criminal caseloads and disposition to filing ratio for civil (including small claims) caseloads would indicate whether many cases may have the possibility of post-trial monitoring and enforcement activities. (See Exhibit H in the Exhibits section at the back of this report.) Criminal and traffic conviction rates have maintained levels well over 50% for the past ten years. As such, probation and other forms of court monitoring may be at issue with these cases. DWI cases, which have strict, standard punishments under the law, have had higher conviction rates over the past decade than either criminal or traffic have had. Civil disposition rates during the past ten years have been sporadic, ranging from rates below 50% to backlog clearances of 163%. It is important to note here that Arkansas district courts do not have strong collection rules for civil and small claims. Therefore, strict post-disposition monitoring may not occur in civil cases.

As discussed in the literature review, raw data analysis may shed very little light on judgeship needs in a state, as all case types are treated as equal. The next section of this analysis

will offer ways to differentiate between filing types and to standardize what fulltime judgeships would look like.

Delphi Caseload Analysis

The Delphi analysis used for Arkansas limited jurisdiction courts posed questions related to the current way that district and city courts do business in an effort to estimate how many fulltime courts would be needed statewide. Questions were asked about how much time a respondent spends as a judge versus as an attorney, how often court proceedings take place, how much time is necessary for non-case-related court administration, and how much time different case types and warrant requests take. With the exception of questions regarding warrants (which will be discussed later), this section will analyze the responses to each of the survey questions as well as discuss the Delphi findings.

First round survey participants were asked to specify the percentage of time that they spend as a judge and as an attorney. Exhibit I displays survey percentages of the judge time question across the categories of judges who sit in district court(s) only, who sit in a combination of district court(s) and city court(s), and who sit in city court(s) alone. As city courts hear less than 10% of the state's limited jurisdiction caseloads, it is not surprising that 95% of judges who sit only in city courts spend one-fourth or less of their work time as a judge. Exhibit I also shows that 65% of judges who serve in district or a combination of district and city courts do so for 50% or less of their work time. Furthermore, adding a city court caseload to a district judgeship currently makes very little difference between them and judges who serve only in district courts, as percentages across work time categories are similar. The Delphi results that will be outlined later should provide for an interesting comparison between the present reality and how counties may have to be combined to create fulltime judgeships.

Judges were also asked about special settings outside of normal courtroom hours. Such settings occur infrequently, and thus such a question was devised so that special settings such as arraignments at jail facilities would not be forgotten to be added as court time. Exhibit J displays survey responses of judges who indicated that they have to schedule special settings. Eighty of the 112 survey respondents—71% of all surveyed—indicated some amount of special setting time. Over half of the survey respondents indicated at least fifty hours of special settings per year.

Non-case-related administration time is another component of judicial work time. The first round Delphi survey defined non-case-related administration time as follows: “administration activities such as court personnel matters, general calendar/docketing not linked to a particular case, purchasing and procurement for your court, completing state and local forms required of your court, and similar non-case-linked administration” (Delphi Survey Appendix E). Exhibit K displays survey percentages of non-case-related administration time across court categories. The majority of district and combination court judges had over one-hundred hours of non-case-related administration time per year, while the majority of judges who sit only in city court had less than fifty such hours per year.

For the Delphi analysis, a fulltime workload estimate will be generated for all courts. As discussed in the methodology section, a fulltime limited jurisdiction judge will be considered to have 1,380 case-related work hours in a given year. While these work hours will have the non-case-related administration times subtracted out, it will include any extra time needed for special settings.

The case weight component of the Delphi analysis allows for differentiation between case types. Case weights are also a critical distinction for transforming a raw data analysis to a

Delphi or time study methodology. In this project, judges in both rounds of the Delphi analysis were asked to give estimates for uncontested and contested cases in the following areas: felonies bound over, non-traffic misdemeanors, local ordinance violations, driving while intoxicated (DWI) misdemeanors, non-parking traffic violations, small claims, and other civil cases. (See the Methodology section for a listing of the case weights.)

Pages nine through thirteen of Appendix E contain the results of the Delphi Analysis broken down by county. Three iterations of the Delphi equation have been run for this appendix. The first round iteration has Delphi results utilizing the paper survey case weights and the national averages for bench trials (i.e., the NCSC published contested rates for criminal and civil caseloads). For the first round results, remember that case weights are expected to be highly inflated. The second round iteration has Delphi results utilizing the focus group case weights and the focus group's estimates of contested civil and criminal caseloads. The results from the second round should be scaled down considerably from the first round results. The third iteration of the Delphi equation has been called the control group. The control group iteration utilizes the focus group case weights and the NCSC contested rates. The control group should have the lowest of all Delphi results. The last three columns of the Delphi results' section of Appendix E show judgeship estimates for the three iterations for calendar year 2001, calendar year 2002, and a ten year filing average. The judgeship estimates for 2001 and the ten year filing average have been included for points of comparison for the 2002 results. While this paper will primarily rely on the 2002 projections, the judgeship estimates for 2001 and the ten year filing average will be cited if 2002 appears to be an anomaly.

As hypothesized, the statewide judgeship estimates do vary according to the Delphi iteration. For 2002, the Delphi iteration makes around a ten judgeship difference between

categories, with 73.1 judges in the control iteration, 83.2 judges in the second iteration, and 93.7 judges in the first round iteration. Inflation is a key issue when comparing the first and second round estimates to the control estimate. The first round inflation (discussed in the Methodology section) is to be expected, as other studies conducted by the NCSC have shown. The difference between the second round iteration and the control group iteration is noteworthy. Page eight of Appendix E shows how the contested/bench trial rate was created during the focus group. While efforts were made to make the focus group geographically and demographically diverse, extremes may be at issue. In the civil category (which includes small claims), three courts—Perry County, Lafayette County, and Little River County—have reported bench trial rates significantly higher than the national average of 9% and the other participants' rates. In the criminal category, the courts in Lake Village and Little River County have rates significantly higher than the national average of 3% and the other participants' rates. The inclusion of these outliers in the focus group estimate of contested caseloads cause a variance of 2% in criminal and 6% in civil, thus the difference when comparing the second round iteration to the control, both of which use the focus group case weights. For this study, the 2002 judgeship estimates of the control group (see Exhibit L) will be cited for making districting recommendations, as they contain the most recent data and as inflation is not a key issue.

While this study will not necessarily propose certain districting, it will provide these Delphi estimates and research on law enforcement accessibility for warrant requests in an effort to guide lawmakers in their creation of limited jurisdiction court districts. Certain districting schematics may appear obvious and may be discussed as so, yet it must be recognized that the ultimate decision on districting will be left to the legislature itself.

Exhibit L maps the 2002 control group results. As a quick scan of the map reveals, rounding of decimals will cause statewide estimates to vary. Also, travel time should be budgeted into the rounding schema if there are districts with multiple locations within a county that require only one judge for all courthouses or if there is a need for multi-county districts. At present, very few limited jurisdiction judges have travel time between various courthouses; however, such time has not been queried in the Delphi paper survey, as it is not yet a widespread issue. Exhibit L further shows that thirty of Arkansas' seventy-five counties—or 40% of all counties—need less than half a fulltime judge, bolstering the argument for multi-county districts served by a fulltime judge.

As would be expected, metropolitan and suburban counties in Exhibit L show larger judgeship needs. Pulaski County (containing Little Rock, North Little Rock, and the Air Force Base community of Jacksonville) has the state's highest Delphi result of 11.2 judges. Currently, Pulaski County is served by two part-time city court judges, four part-time district court judges, and six fulltime district court judges. Adoption of the Delphi result, rounded down to eleven, would decrease the number of individuals serving as judges in Pulaski County by one but would increase the potential total judge hours worked in the county. Sebastian County (containing Fort Smith) currently has one part-time city court judge, one part-time district court judge, and two fulltime district court judges. Under the Delphi results (2.8 judges), Sebastian County would lose an individual judgeship but would gain the status of three fulltime judges. Northwest Arkansas has the state's largest growing population with a large Hispanic community. As such, Washington and Benton counties rank second and third respectively in the Delphi results listed in Exhibit L. Nevertheless, both counties would lose individual judgeships in order to create fulltime positions, as each has a plethora of part-time judgeships and no fulltime judgeships. On

the other hand, Craighead County, centered in the Jonesboro metropolitan statistical area, stands to gain up to two judgeships more than its current fulltime judge.

City courts have created many more judgeships than would be needed under the Delphi results. Counties such as Benton, Crittenden, Mississippi, Phillips, and St. Francis could lose at least three or more judges if the Delphi results in Exhibit L were adopted. Such a loss could pose problems for local law enforcement in rural counties such as Phillips and St. Francis when warrants are needed and travel to obtain them would become necessary. However, in Benton, Crittenden, and Mississippi counties, local law enforcement concerns could easily be addressed by the availability of multiple judges strategically placed according to county seat and/or geographic demands. As the literature review argued, continuing with a multiplicity of courts with overlapping jurisdictions is not desirable. Even if the small city court caseloads were dropped from the Delphi analysis, 4.8 less judges than the 73.1 predicted by the control iteration would be needed statewide. Thus, the state could consolidate district and city courts into a single limited jurisdiction tier and cut the number of judgeships statewide by 60% at the same time.

The Delphi results presented in this section have queried the present practices of city and district court judges in Arkansas and have estimated from their current practices how many fulltime judges would be needed to serve the state. Caution should be used if job duties, including increasing case types to be heard, are added or if travel time should become a widespread issue. The next section of this project will present an analysis of judicial accessibility in warrant requests made by local law enforcement, as such officers are key players in the largest case types in a limited jurisdiction docket, criminal and traffic.

Assessment of Warrant Requests

Access to justice is at the top of the *Trial Court Performance Standards* list (Commission on Trial Court Performance Standards 1997). Such access may include “location, physical structure, procedures, and the responsiveness of personnel” (Commission on Trial Court Performance Standards 1997, 29). All aspects of access to justice are equally important in their own way, as the quality (or lack thereof) in location, facilities, procedures, and personnel have distinct impacts on the delivery of justice. The literature review and Delphi analysis presented above have alluded to the importance of a fulltime judiciary in providing adequate resources and man hours in order to deliver timely and impartial justice. The availability of fulltime judges, in addition to removing conflicts of interests raised by part-time status, should also eliminate unneeded duplication and excess of both city and district courts, which are unequal in both their subject matter powers and in their judgeship appointment procedures. (District court judges run for election in non-partisan races, while city court judges are appointed by the localities in which they serve.)

Nevertheless, an underlying fear of some judges and local law enforcement agencies has been that court consolidation could hamper access to the judiciary as fewer judges would have to travel between multiple county courthouses in such a system. In a primarily rural state such as Arkansas, population centers that could provide the financial support, as well as caseload, for a district court judge may be few and far between. City and police courts have in the past filled in the gaps where filings and population would not have necessitated a district court. Despite the fact that city courts cannot hear civil cases or initial hearings in felonies, city court judges may still be utilized for obtaining arrest and search warrants. The loss of a city court therefore may affect a police department with regard to warrant requests. Furthermore, the loss of a district

court in a county that may have been accustomed to the existence of several courts may cause the same dilemma.

While consolidation of limited jurisdiction courts may mean fewer judges available for warrant requests, it could also compound a problem that may already be present, as local law enforcement may currently have trouble locating a judge for warrant requests. The current warrant request practice prevalent in Arkansas involves officer travel and rarely the use of technology such as fax and email. Therefore, the current practice will be examined by this research, while the technology issue will be proposed later as a possible solution to the predicament.

The majority of Arkansas' seventy-five counties have only small towns sparsely placed throughout a county and have police departments with only one or two officers on duty at any given time. If such a small town is not the county seat, it is not likely to have the district court located in its town limits. Unless the town is fortunate to have any judge—district, city, or circuit—living within its limits to make after hours requests, its officers will have to travel to the closest district, city, or circuit courthouse, private residence, or law practice of a judge to make a warrant request. The situation may then be further compounded if the judge is not available either due to court obligations or law practice. The officer may also have to locate another judge for a warrant request if a part-time judge has to recuse himself or herself from a warrant request involving a current or previous client. If a judge is not available or if the judge recuses from the warrant request, an officer may then have to drive to a neighboring county where a circuit judge may be available.

This section will examine the current state of warrant requests throughout Arkansas. As described in the Methodology section, a survey of local law enforcement has been conducted and

questions have been asked regarding the following: (1) the number of warrant requests made weekly, both during the work day and after hours and (2) excessive driving time when seeking a judge for a warrant request, both during the work day and after hours. This survey should help identify where current problems exist and how to situate fulltime courts best in order to deal with warrant needs of local law enforcement.

Appendix F contains materials related to the warrant survey of law enforcement agencies and the responses to the warrant questions asked of limited jurisdiction judges in their Delphi survey. Pages three and four of Appendix F summarize the responses to the surveys by county. The second, third, and fourth columns of the data table show the number and type of judges regularly used for warrant requests. At least one law enforcement agency from seventy of the state's seventy-five counties responded to the survey. Of the counties of those respondents, only 3% did not utilize a district court judge for warrant requests; however, each of the counties in that 3% did indicate using a city court judge for warrant requests. Eighty-three percent of the counties with at least one law enforcement agency responding to the survey indicated that they utilized a circuit court judge to review warrant requests. As the fourth column displays, most agencies within counties have access to larger numbers of circuit court, rather than district court, judges. The first choice of judge to whom an officer would take a warrant request has not however been queried. The flexibility allowed to the Arkansas judiciary—whether general or limited jurisdiction—with regard to warrant requests should be viewed as a practical and job-efficient advantage to the state's law enforcement and citizens.

The volume of warrant requests and length of any excessive driving time for such requests have been surveyed. Columns five through eight of the data table in Appendix F compare the law enforcement estimates of their weekly warrant requests and the limited

jurisdiction judges' estimate of their weekly warrant requests. While it appears that inflation may be an issue between the statewide judge and law enforcement estimates of daytime warrant requests, caution should be used when comparing or critiquing the two estimates, as not all law enforcement agencies or judges have responded to the surveys. Judicial and law enforcement estimates of after hour requests, on the other hand, show very little variance between the law enforcement statewide estimate of 328 warrant requests and the judicial estimate of 353 warrant requests.

The last column of the data table in Appendix F gives the average judge time estimate per county to process a warrant request. County averages range from a low of one minute to an outlier of ninety minutes per warrant request. The average statewide time for a limited jurisdiction judge to process a warrant request is fourteen minutes, while the median time is ten minutes. The most frequent responses regarding judicial warrant processing time are five minutes and ten minutes, with nine respondents each indicating one of the modal answers.

The mean, median and modes of time to process warrant requests are similar to the uncontested Delphi case weights, as they appear to take little judicial time to hear. Pages five and six of Appendix F contain estimates of yearly judge time per county for processing warrant requests. The estimates have been generated in a fashion similar to the top half of the Delphi equation. For columns two through four, the time estimates for processing warrants has been multiplied by the law enforcement estimate of warrant request workload, then multiplied by fifty-two weeks to standardize a year, and lastly divided by sixty minutes to standardize an hour. The law enforcement estimate of warrant requests has been used for this table as inflation appears not to be an issue and as the warrant needs of law enforcement, not the judge, should be the issue to be measured. It should also be noted that the estimates generated in this table are

countywide and not per judge. For example, in column two, the estimate of 1,638 hours for warrant requests in Pulaski County would be a total estimate of time worked on warrant requests by all twelve of the current limited jurisdiction judges in that county. The estimates in column two are the most generous since the higher time estimate of fourteen minutes is used, while the column four estimates are the most conservative at 64% less than the estimates in column two. While urban counties seem to drive up statewide averages, the statewide median provides a true midpoint for warrant request hours per county. According to the median results, the law enforcement in a typical Arkansas county may need between 73.7 hours to 206.3 hours from its judiciary to process warrant requests yearly. This does not however include time that law enforcement may have to spend getting to an available judge for a warrant request.

The law enforcement survey contained questions about excessive drive time for warrant requests both during regular daytime business hours and after regular court business hours. If an agency indicated that excessive drive time is an issue for them, they were asked a follow-up question to estimate how much time a roundtrip to get a warrant would take. Exhibit M maps weekly warrant requests by county and results of the excessive law enforcement drive time questions. Color-coded counties indicate that at least one law enforcement agency in that county stated that excessive drive time was an issue.

Exhibit N aggregates the responses from the excessive drive time questions. Both Exhibits M and N provide a snapshot of how warrant requests occur throughout the state. Almost half of the counties in the state have law enforcement agencies that have excessive drive time, either by day or after hours. Counties that have indicated some amount of drive time difficulty vary in warrant request workloads from a low of three warrant requests per week in Columbia County to a high of 178 in Mississippi County. The geographic reasons that may be

offered for drive time difficulty are three-fold. First, terrain issues vary for the dispersed color-coded counties of Exhibit M but nonetheless may have some impact. Many of the counties near the eastern border of the state are rural, Delta counties known for their poverty and general lack of resources. Counties in northern Arkansas are characterized by mountainous terrain, while some of the counties in southwestern Arkansas are hilly but sparsely populated. Second, many of the counties color-coded in Exhibit M, regardless of terrain, have issues with roads. Major interstates or state highways may be few, if any, in these areas, and county roads may not plot the shortest distance between a town and the location of the judge. Last, the configuration of the general jurisdiction circuits may also make it hard for a law enforcement agency to pursue a warrant request when a county district or city court judge is unavailable or has to recuse. Three major circuits in eastern Arkansas contain five to six counties each, and their judges live in the more densely populated counties. The same is true in southwestern Arkansas where Sevier and Columbia counties are each a part of circuits that have four and six counties respectively. As such, law enforcement agencies may have to travel one to two counties away to obtain a warrant from a circuit judge.

Excessive drive time itself varies by county. The follow-up question that probed for roundtrip time allowed for the agency's discretion in determining what constituted excessive drive time. Moreover, what may seem like a trivial amount of time to an urban county's agency may be critical to a department with only one officer on duty. With that in mind, the daytime roundtrip estimates ranged from a low of twenty-five minutes for a roundtrip in Crawford County to a high of three-hundred minutes in mountainous Cleburne County. On average, the counties that had law enforcement agencies with excessive daytime driving had around seventy-three minutes—or one hour and thirteen minutes—of driving to do to pursue a warrant request.

For counties with excessive driving for after hours warrant requests, the average drive time remained at seventy-three minutes, while Cleburne County still topped the group with a high of three-hundred minutes of drive time.

Another important comparison to make in this section is between the excessive drive time map in Exhibit M and the Delphi results in Exhibit L. Thirty-three (33) counties—44% of the state’s counties—had an agency indicate that excessive drive time was an issue either during the daytime, after hours, or both. Of those counties, 49% had Delphi estimates of half a fulltime judgeship or less, while 15% had Delphi estimates of two or more judgeships. While weekly warrant requests may be small in most counties with drive time dilemmas, a further aggregating of counties to create enough regular caseload for a fulltime judgeship may sharpen the impact on rural law enforcement agencies in the thirty-three counties currently identified as having excessive drive time issues. Furthermore, excessive aggregation of counties to form fulltime judgeship districts may cause new drive time dilemmas for agencies currently with few problems. As such, lawmakers creating such districting should balance the warrant request needs with the Delphi judgeship estimates.

Recommendations and Conclusion

The passage of Amendment 80 to the Arkansas Constitution has laid the ground work for consolidation and modernization of the state’s judiciary, one that had been characterized by a plethora of courts, partisan elections, and part-time judgeships. Since the amendment’s impetus for change, several other interrelated reforms have been proposed and/or implemented to further modernize the state’s judicial system. In addition to the consolidation of law and equity courts at the general jurisdiction level, circuit courts have begun experimenting with leadership by administrative judges, a sure future topic of discussion for the limited jurisdiction courts. Furthermore, in response to Amendment 80, the Supreme Court has issued an opinion that calls for state funding of fulltime, consolidated limited jurisdiction courts.

In response to that Supreme Court opinion, this project has investigated via literature review and statistical analysis how fulltime limited jurisdiction courts should perform if adopted by the legislature. The literature review has assessed national trends towards court unification including the move away from part-time judgeships. From early advocates such as Pound to contemporaries, judges who maintain law practices have been shunned because of ethical questions and physical accessibility issues. Furthermore, even as court unification throughout the states of the nation has taken place, other issues within single, two, and three tier “unified” systems have arisen. The use of para-judges—effectively another level of decision making officers of the court—has aroused the ire of court consolidation advocates. In its construction of a unified system, Arkansas’ judiciary may learn from and implement ways to avoid such detrimental issues. The following paragraphs will offer recommendations based upon both the literature review and statistical analysis for the limited jurisdiction tier of Arkansas’ judicial system.

Fulltime limited jurisdiction judges must hear all case types. The Delphi analysis has created estimates of fulltime judges based upon the assumption that a consolidated district court judge will be utilized to process all criminal and civil case types. This assumption does not preclude subject matter division within multiple judge districts. Specialization in departments of a district court may help to process caseload better, as scheduling and judge expertise may be more efficiently utilized. It does however preclude the use of para-judges such as magistrates who are currently used in some district courts to handle small claims cases. As earlier stated, the use of magistrates creates an unnecessary sub-layer of judges who perform similar duties as district court judges but who are not chosen by the same election standards. Furthermore, in its opinion on limited jurisdiction courts under Amendment 80, the Supreme Court itself stated that statutes pertaining to magistrates should be repealed.

A structure for the administration of the daily routines within districts of limited jurisdiction courts should be set in place. Similar to the groundwork that has been laid at the circuit court level, the Supreme Court should guide limited jurisdiction districts to the same role. In line with national trends, an administrative or presiding judge should be established to lead his or her colleagues in a multiple judgeship district with regard to matters such as caseload division and liaison with other tiers of the court system. Furthermore, the Supreme Court should also consider how circuit and district courts should work between themselves. In many district courts, “gentlemen’s agreements” with circuit courts have been reached as to whether or not a district court will bind over felonies to the general jurisdiction court. In streamlining the system, the Supreme Court may want to define how limited and general jurisdiction courts arrive at such agreements, especially as the caseloads in question may inflate judgeship demands at one court level and not the other. Similarly, the Supreme Court may want to consider giving some

superintending control of limited jurisdiction courts to the circuit courts and their administrative judges.

Fulltime limited jurisdiction judgeships should have the most compact districts possible in order to serve the community and its law enforcement agencies best. In order to achieve fulltime district courts, counties may have to be combined into districts. Prior to Amendment 80, many counties had at least one municipal (now known as district) court, if not more. With few exceptions, most counties were blessed with a multitude of part-time city and municipal court judges. Since part-time judgeships present concerns that hamper a modernized judiciary and since excess should be weeded out in order to achieve state funding, fewer judges will be needed. The Delphi study presented in this analysis generated fulltime judgeship estimates well below the current number of district and city court judgeships. However, in many instances, the study also found that many counties' caseloads did not warrant a full judgeship allocation, thus the need for aggregation of counties to form fulltime districts.

At the same time, the needs of the community and particularly law enforcement should not be forgotten. The warrant request analysis presented rationale as to why travel to current courts may be a problem in a sizable portion of the state. Furthermore, such travel time concerns may not necessarily be limited to law enforcement, as litigants too may have to make such allowances when traveling to a courthouse. Nonetheless, some amount of county conglomerations will be necessary if fulltime status is desired. However, lawmakers should seek to limit the physical size of a district based on drive time demands.

An option for handling this law enforcement stress with regard to warrant requests may lie in simple technology investments. Many court rules throughout the state and nation now allow faxed documents to be considered as originals in the court file, and it seems that warrants

could be as well. Some district courts already allow for faxing of warrant requests. However, caution should be exercised by any court choosing to allow for faxing of warrant requests, as the judge should have the opportunity to question the law enforcement official about the veracity of the situation that has prompted the request.

Cooperation is the most important aspect of any reform. As trite as it may sound, cooperation within the tiers of the judiciary as well as between the judiciary and the legislature, law enforcement, and the general public will be necessary for meaningful reform of limited jurisdiction courts. Between the court system and the legislature, consensus will need to be reached with regard to fulltime judgeships and district lines. Within the court system itself, collegiality will need to be fostered between all three tiers of courts as administrative responsibilities and caseloads are refined. Finally, efforts will need to be made by the judiciary to guarantee access to justice by law enforcement and members of the general public.

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Exhibits

As Referenced in the Text.

Exhibit A: Possible Elements of a Unified Court System*

1. Rule making authority vested in supreme court
2. Assignment power vested in administrative judge
3. Simplified court structure
4. Elimination of justice of the peace courts
5. State financing of courts
6. Greater use of judicial councils
7. Merit system for choosing judges
8. Judicial qualifications commissions
9. Abolition of lay judges
10. Use of para-judges
11. Fulltime judges
12. Mandatory retirement age for judges
13. Judicial compensation commissions
14. Appointment of a professional court administrator
15. Professional administrative staff
16. Unified bar
17. Requirements for statistical records keeping
18. Decriminalization of public drunkenness and minor traffic offenses
19. Operation under modern rules of criminal and civil procedure
20. Transcription of all pretrial court proceedings
21. Uniform appeals procedures
22. Independent personnel plan for non-judicial employees

*Berkson & Carbon, 1978. *Court Unification: History, Politics, & Implementation*.

Exhibit B: Regression Plot

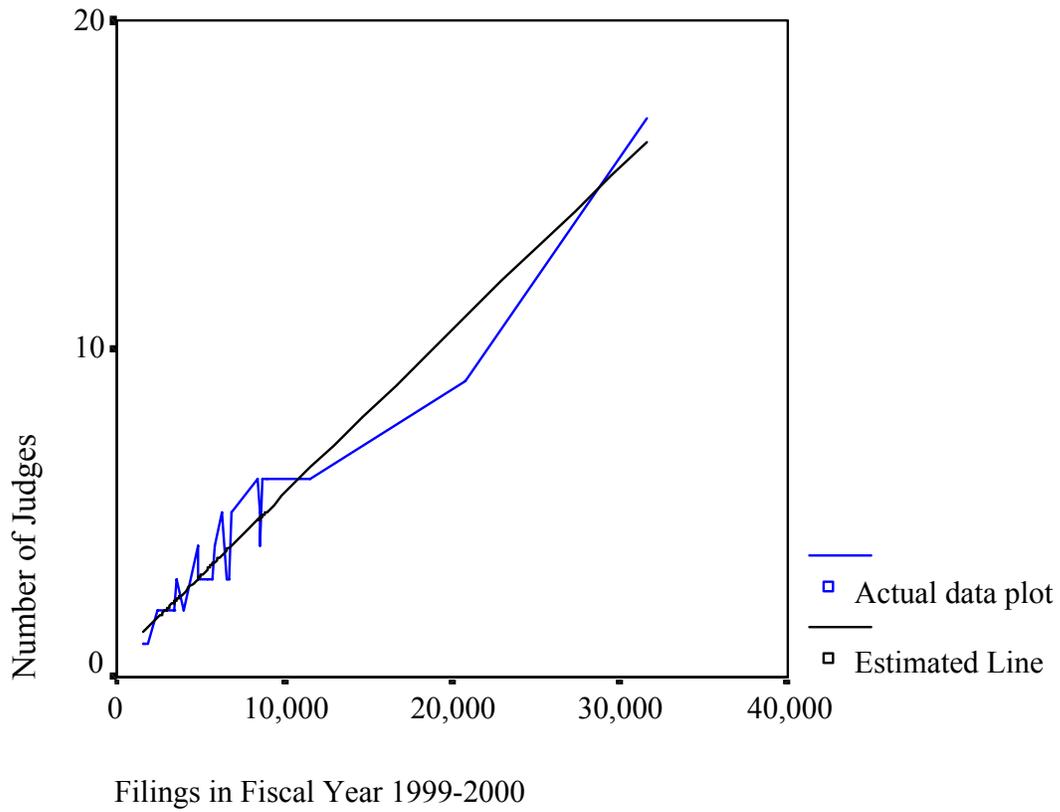


Exhibit C: Comparison of Delphi & Time Studies in Arkansas Courts of General Jurisdiction

Circuit	# of Judges	Delta of Time		Delta of Delphi v.		Delta of Delphi v. Time Study
		Time Study	Study v. Current	Delphi	Current	
1	5	6	1	5	0	-1
2	10	13	3	13	3	0
3	3	3	0	3	0	0
4	6	6	0	8	2	2
5	4	4	0	4	0	0
6	17	15	-2	19	2	4
7	2	2	0	2	0	0
8N	2	1	-1	2	0	1
8S	3	2	-1	2	-1	0
9E	1	1	0	1	0	0
9W	2	2	0	2	0	0
10	5	4	-1	5	0	1
11E	1	1	0	1	0	0
11W	6	5	-1	6	0	1
12	6	4	-2	5	-1	1
13	6	5	-1	5	-1	0
14	4	3	-1	4	0	1
15	3	3	0	3	0	0
16	4	4	0	4	0	0
17	3	2	-1	3	0	1
18E	4	3	-1	4	0	1
18W	1	1	0	1	0	0
19E	1	1	0	1	0	0
19W	5	3	-2	5	0	2
20	4	5	1	5	1	0
21	2	2	0	2	0	0
22	3	3	0	4	1	1
23	2	2	0	2	0	0
STATE	115	106	-9	121	6	15

The time study was completed in 2002 and utilized 2001 caseload data. The Delphi estimates were generated based upon the 2001 caseload data and the 1999 Delphi case weights.

Exhibit D: Number of Courts & Judges

	District	City	Total
# of Courts	98	118	216
# of Judges*	112	94	206
# of Judges Serving in District & City Courts	21		
Adjusted # of Judges**			185

*Four judgeships were subtracted from this number in accordance with Appendix D footnotes.

**The # of judges serving in both court types was subtracted from the judge total.

Exhibit E: Focus Group Results

Focus group summary:					
<ul style="list-style-type: none"> • 2 instances where the group agreed with the time estimate. • 3 instances where the group thought the time estimate should be higher. • 7 instances where the group thought the time estimate should be lower. • The group refined felonies bound over to one overall time estimate that was the same as the contested felonies bound over rate. 					
Time estimates (in minutes) for processing cases	Focus group estimate	Survey average	Survey median	Survey mode	Other states' overall avg.
Felonies bound over					
uncontested		12.4	10	10	n/a
contested	22	22	20	30	
Misdemeanor (non-traffic)					IA=7
uncontested	7	7.6	5	5	NE=14
contested	42	42	30	30	WA=16
Ordinance Violations					WI=16
uncontested	5	7.1	5	5	IN=3
contested	20	31.4	30	30	WA=1
DWI					MN=13
uncontested	15	13.9	10	10	WI=29
contested	60	67.6	60	60	IA=34
Traffic					MN=1.5
uncontested	3	5.5	5	5	NE=1.9
contested	30	27.5	27.5	30	MI=3.9
Small Claims					IN=13
uncontested	5	8.4	5	5	ND=18
contested	45	45.3	40	30	IA=26
Civil					WA=9
uncontested	5	7.9	5	5	NE=12
contested	60	58.4	60	60	NM=16

Exhibit F: Arkansas Limited Jurisdiction Filings

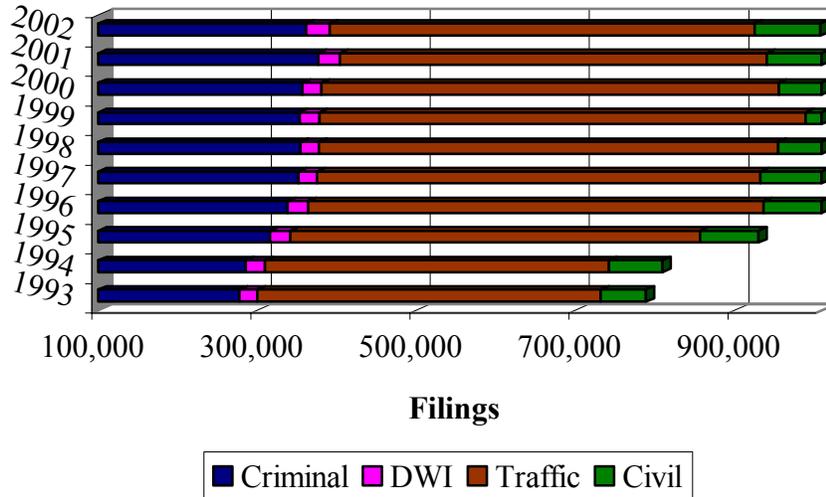


Exhibit G: Arkansas Limited Jurisdiction Criminal Convictions & Civil Dispositions

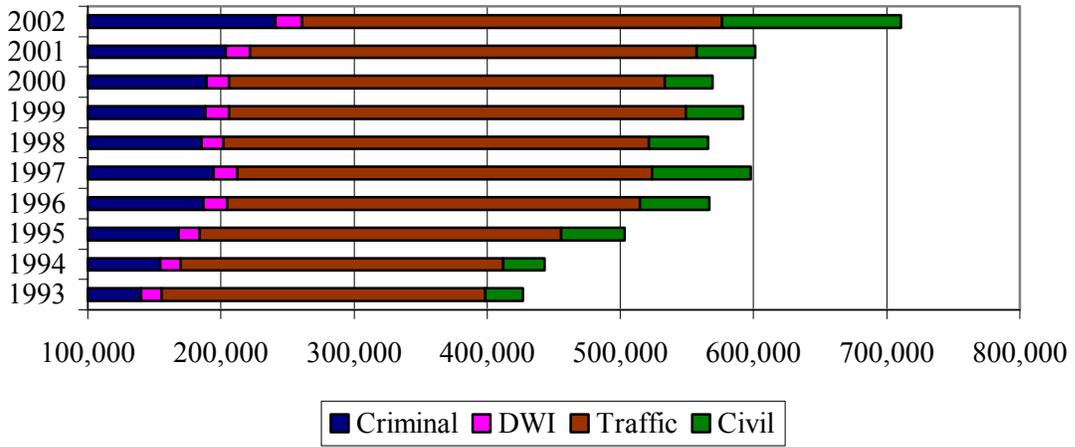


Exhibit H: Criminal Conviction Rates and Civil Disposition Rates

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Criminal*	54%	58%	57%	59%	59%	55%	56%	56%	57%	69%
DWI	67%	64%	62%	69%	74%	71%	69%	71%	67%	68%
Traffic	56%	56%	53%	54%	56%	55%	56%	57%	62%	59%
Civil	50%	46%	64%	60%	63%	49%	52%	46%	40%	163%
Total	56%	56%	55%	57%	58%	55%	56%	56%	58%	71%

*Criminal in this exhibit contains misdemeanors and local ordinance violations, not felonies to bind over.

Exhibit I: Responses to "What Percent of Your Work Time is Spent as a Judge?"

Percentage of Time Spent as a Judge	District Only	District & Combos	Combo Only	City Only
1% to 25%	28%	27%	25%	95%
26% to 50%	39%	38%	35%	5%
51% to 75%	10%	12%	20%	0%
76% to 100%	23%	22%	20%	0%
Total	100%	100%	100%	100%

Exhibit J: Judge Time Spent on Special Settings in a Year*

	District	Combo	City	Total
10 Hours or Less	13	2	10	25
11 to 20 Hours	1	5	2	8
21 to 30 Hours	8	2	0	10
31 to 40 Hours	0	0	0	0
41 to 50 Hours	9	2	0	11
51 to 60 Hours	6	0	0	6
61 to 70 Hours	1	0	0	1
71 to 80 Hours	6	1	0	7
81 to 90 Hours	0	1	0	1
91 to 100 Hours	1	0	0	1
101 & Above	8	2	0	10
Total	53	15	12	80

*Only 80 respondents had complete data.

Exhibit K: Judge Time Spent on Administration in a Year*

Percentage of Time Spent as a Judge	District Only	District & Combos	Combo Only	City Only
25 Hours or Less	3%	5%	10%	39%
26 to 50 Hours	6%	7%	10%	28%
51 to 75 Hours	10%	8%	0%	11%
76 to 100 Hours	9%	9%	10%	11%
101 to 200 Hours	21%	21%	20%	6%
201 to 300 Hours	34%	30%	15%	0%
301 to 400 Hours	6%	9%	20%	0%
401 to 500 Hours	1%	2%	5%	0%
500 & Above	9%	9%	10%	6%
Total	100%	100%	100%	100%

*Only 105 respondents had complete data in this field.

Exhibit L: Delphi Results for Arkansas Limited Jurisdiction Courts
of Judges Needed Listed Below County Name

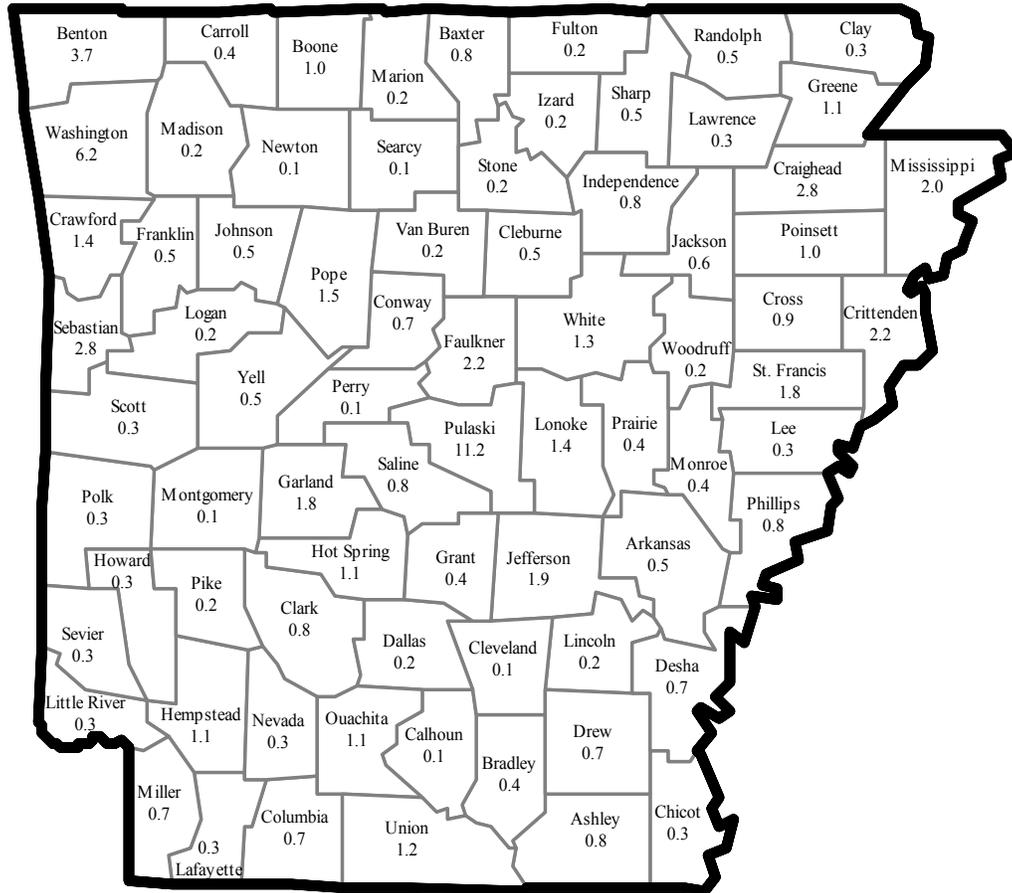
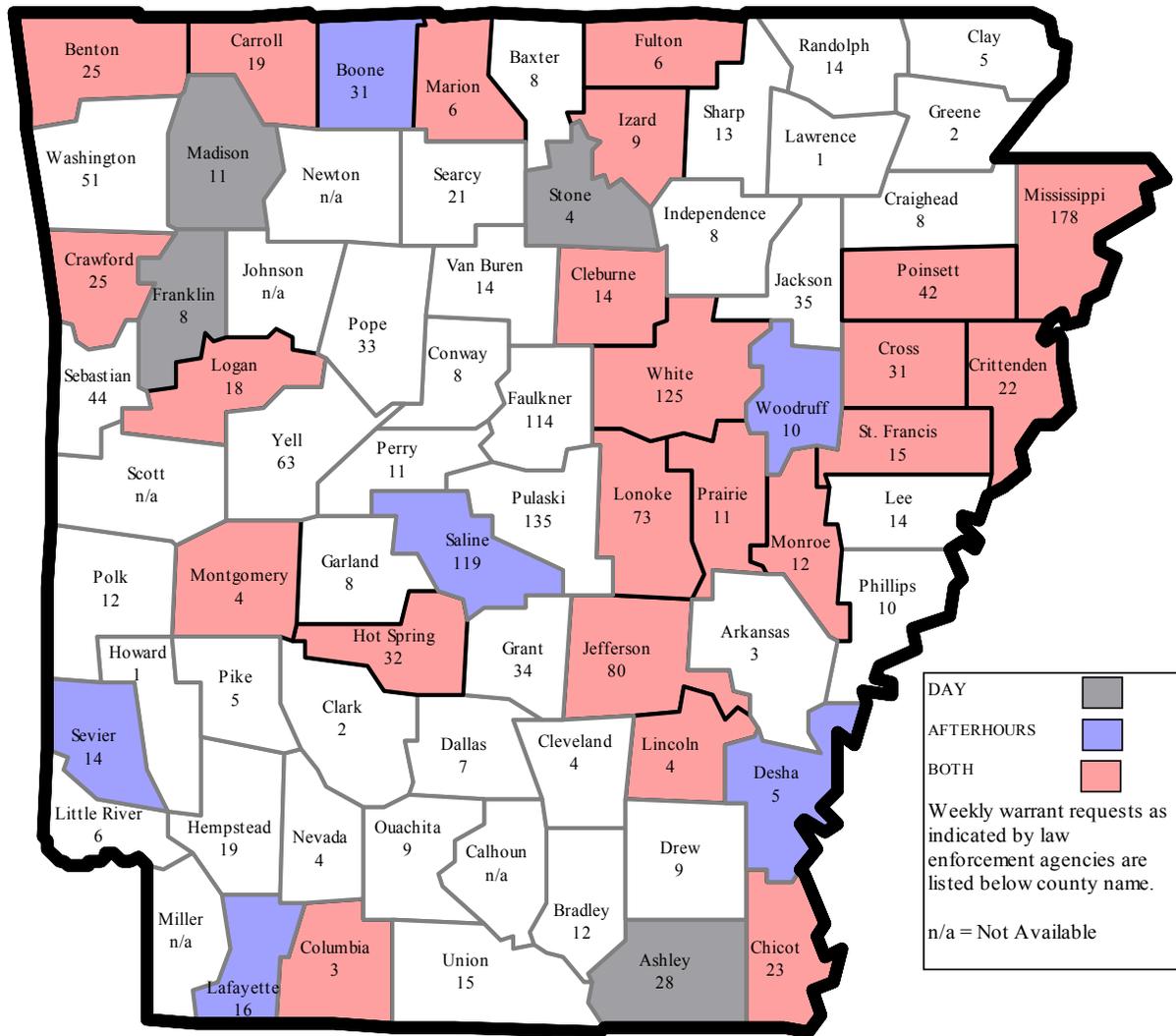


Exhibit M: Counties Where Driving Time Is An Issue to Obtain Warrants



DAY [Grey Box]

AFTERHOURS [Blue Box]

BOTH [Red Box]

Weekly warrant requests as indicated by law enforcement agencies are listed below county name.

n/a = Not Available

Exhibit N: Excessive Drive Time for Warrant Requests			
Excessive Daytime Driving Is An Issue		Excessive After Hours Driving Is An Issue	
	Frequency	Percent	
No	154	81%	No
Yes	35	19%	Yes
Total*	189	100%	Total*
COUNTIES WHERE DAYTIME DRIVING IS AN ISSUE		COUNTIES WHERE AFTERHOURS DRIVING IS AN ISSUE	
	Daytime Round Trip		After Hours Round Trip
	Avg. (mins)		Avg. (mins)
ASHLEY	75	BENTON	50
BENTON	50	BOONE	130
CARROLL	40	CARROLL	43
CHICOT	30	CHICOT	40
CLEBURNE	300	CLEBURNE	300
COLUMBIA	240	COLUMBIA	240
CRAWFORD	25	CRAWFORD	25
CRITTENDEN	35	CRITTENDEN	35
CROSS	125	CROSS	125
FRANKIN	90	DESHA	75
FULTON	45	FULTON	45
HOT SPRING	60	HOT SPRING	60
IZARD	51	IZARD	51
JEFFERSON	60	JEFFERSON	60
LINCOLN	10	LAFAYETTE	70
MADISON	90	LINCOLN	10
MARION	60	LOGAN	20
MISSISSIPPI	62	LONOKE	68
MONROE	120	MARION	60
MONTGOMERY	25	MISSISSIPPI	72
POINSETT	45	MONROE	120
PRAIRIE	45	MONTGOMERY	30
ST. FRANCIS	53	POINSETT	50
STONE	120	PRAIRIE	45
WHITE	60	SALINE	30
AVERAGE	73	SEVIER	150
		ST. FRANCIS	90
		WHITE	60
		WOODRUFF	60
		AVERAGE	73
*Total responses represent valid non-blank, non-zero replies of the 190 survey respondents.			

Appendix A:

Text of Amendment 80 to the Arkansas Constitution

AMENDMENT 80

TO REVISE THE JUDICIAL ARTICLE

SECTION 1. JUDICIAL POWER.

The judicial power is vested in the Judicial Department of state government, consisting of a Supreme Court and other courts established by this Constitution.

SECTION 2. SUPREME COURT.

(A) The Supreme Court shall be composed of seven Justices, one of whom shall serve as Chief Justice. The Justices of the Supreme Court shall be selected from the State at large.

(B) The Chief Justice shall be selected for that position in the same manner as the other Justices are selected. During any temporary period of absence or incapacity of the Chief Justice, an acting Chief Justice shall be selected by the Court from among the remaining justices.

(C) The concurrence of at least four justices shall be required for a decision in all cases.

(D) The Supreme Court shall have:

(1) Statewide appellate jurisdiction;

(2) Original jurisdiction to issue writs of quo warranto to all persons holding judicial office, and to officers of political corporations when the question involved is the legal existence of such corporations;

(3) Original jurisdiction to answer questions of state law certified by a court of the United States, which may be exercised pursuant to Supreme Court rule;

(4) Original jurisdiction to determine sufficiency of state initiative and referendum petitions and proposed constitutional amendments; and (5) Only such other original jurisdiction as provided by this Constitution.

(E) The Supreme Court shall have power to issue and determine any and all writs necessary in aid of its jurisdiction and to delegate to its several justices the power to issue such writs.

(F) The Supreme Court shall appoint its clerk and reporter.

(G) The sessions of the Supreme Court shall be held at such times and places as may be adopted by Supreme Court rule.

SECTION 3. RULES OF PLEADING, PRACTICE AND PROCEDURE. The Supreme Court shall prescribe the rules of pleading, practice and procedure for all courts; provided these rules

shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as declared in this Constitution.

SECTION 4. SUPERINTENDING CONTROL. The Supreme Court shall exercise general superintending control over all courts of the state and may temporarily assign judges, with their consent, to courts or divisions other than that for which they were elected or appointed. These functions shall be administered by the Chief Justice.

SECTION 5. COURT OF APPEALS. There shall be a Court of Appeals which may have divisions thereof as established by Supreme Court rule. The Court of Appeals shall have such appellate jurisdiction as the Supreme Court shall by rule determine and shall be subject to the general superintending control of the Supreme Court. Judges of the Court of Appeals shall have the same qualifications as Justices of the Supreme Court.

SECTION 6. CIRCUIT COURTS.

(A) Circuit Courts are established as the trial courts of original jurisdiction of all justiciable matters not otherwise assigned pursuant to this Constitution.

(B) Subject to the superintending control of the Supreme Court, the Judges of a Circuit Court may divide that Circuit Court into subject matter divisions, and any Circuit Judge within the Circuit may sit in any division.

(C) Circuit Judges may temporarily exchange circuits by joint order. Any Circuit Judge who consents may be assigned to another circuit for temporary service under rules adopted by the Supreme Court.

(D) The Circuit Courts shall hold their sessions in each county at such times and places as are, or may be, prescribed by law.

SECTION 7. DISTRICT COURTS.

(A) District Courts are established as the trial courts of limited jurisdiction as to amount and subject matter, subject to the right of appeal to Circuit Courts for a trial de novo.

(B) The jurisdictional amount and the subject matter of civil cases that may be heard in the District Courts shall be established by Supreme Court rule. District Courts shall have original jurisdiction, concurrent with Circuit Courts, of misdemeanors, and shall also have such other criminal jurisdiction as may be provided pursuant to Section 10 of this Amendment.

(C) There shall be at least one District Court in each county. If there is only one District Court in a county, it shall have county-wide jurisdiction. Fines and penalties received by the district court shall continue to be distributed in the manner provided by current law, unless and until the General Assembly shall establish a new method of distribution.

(D) A District Judge may serve in one or more counties. Subject to the superintending control of the Supreme Court, the Judges of a District Court may divide that District Court into subject matter divisions, and any District Judge within the district may sit in any division.

(E) District Judges may temporarily exchange districts by joint order. Any District Judge who consents may be assigned to another district for temporary service under rules adopted by the Supreme Court.

SECTION 8. REFEREES, MASTERS AND MAGISTRATES.

(A) A Circuit Court Judge may appoint referees or masters, who shall have power to perform such

duties of the Circuit Court as may be prescribed by Supreme Court rule..(B) With the concurrence of a majority of the Circuit Court Judges of the Circuit, a District Court Judge may appoint magistrates, who shall be subject to the superintending control of the District Court and shall have power to perform such duties of the District Court as may be prescribed by Supreme Court rule.

SECTION 9. ANNULMENT OR AMENDMENT OF RULES.

Any rules promulgated by the Supreme Court pursuant to Sections 5, 6(B), 7(B), 7(D), or 8 of this Amendment may be annulled or amended, in whole or in part, by a two-thirds (2/3) vote of the membership of each house of the General Assembly.

SECTION 10. JURISDICTION, VENUE, CIRCUITS, DISTRICTS AND NUMBER OF JUDGES. The General Assembly shall have the power to establish jurisdiction of all courts and venue of all actions therein, unless otherwise provided in this Constitution, and the power to establish judicial circuits and districts and the number of judges for Circuit Courts and District Courts, provided such circuits or districts are comprised of contiguous territories. 35

SECTION 11. RIGHT OF APPEAL. There shall be a right of appeal to an appellate court from the Circuit Courts and other rights of appeal as may be provided by Supreme Court rule or by law.

SECTION 12. TEMPORARY DISQUALIFICATION OF JUSTICES OR JUDGES. No Justice or Judge shall preside or participate in any case in which he or she might be interested in the outcome, in which any party is related to him or her by consanguinity or affinity within such degree as prescribed by law, or in which he or she may have been counsel or have presided in any inferior court.

SECTION 13. ASSIGNMENT OF SPECIAL AND RETIRED JUDGES.

(A) If a Supreme Court Justice is disqualified or temporarily unable to serve, the Chief Justice shall certify the fact to the Governor, who within thirty (30) days thereafter shall commission a Special Justice, unless the time is extended by the Chief Justice upon a showing by the Governor

that, in spite of the exercise of diligence, additional time is needed. If the Governor fails to commission a Special Justice within thirty (30) days, or within any extended period granted by the Chief Justice, the Lieutenant Governor shall commission a Special Justice.

(B) If a Judge of the Court of Appeals is disqualified or temporarily unable to serve, the Chief Justice shall certify the fact to the Chief Justice who shall commission a Special Judge.

(C) If a Circuit or District Judge is disqualified or temporarily unable to serve, or if the Chief Justice shall determine there is other need for a Special Judge to be temporarily appointed, a Special Judge may be assigned by the Chief Justice or elected by the bar of that Court, under rules prescribed by the Supreme Court, to serve during the period of temporary disqualification, absence or need.

(D) In naming Special Justices and Judges, the Governor or the Chief Justice may commission, with their consent, retired Justices or Judges, active Circuit or District Judges, or licensed attorneys.

(E) Special and retired Justices and Judges selected and assigned for temporary judicial service shall meet the qualifications of Justices or Judges of the Court to which selected and assigned.

(F) Special and retired judges shall be compensated as provided by law.

SECTION 14. PROHIBITION OF PRACTICE OF LAW. Justices and Judges, except District Judges, shall not practice law during their respective terms of office. The General Assembly may, by classification, prohibit District Judges from practicing law.

SECTION 15. PROHIBITION OF CANDIDACY FOR NON-JUDICIAL OFFICE. If a Judge or Justice files as a candidate for non-judicial governmental office, that candidate's judicial office shall immediately become vacant.

SECTION 16. QUALIFICATIONS AND TERMS OF JUSTICES AND JUDGES.

(A) Justices of the Supreme Court and Judges of the Court of Appeals shall have been licensed attorneys of this state for at least eight years immediately preceding the date of assuming office. They shall serve eight year terms.

(B) Circuit Judges shall have been licensed attorneys of this state for at least six years immediately preceding the date of assuming office. They shall serve six-year terms.

(C) District Judges shall have been licensed attorneys of this state for at least four years immediately preceding the date of assuming office. They shall serve four-year terms.

(D) All Justices and Judges shall be qualified electors within the geographical area from which they are chosen, and Circuit and District Judges shall reside within that geographical area at the time of election and during their period of service. A geographical area may include any county

contiguous to the county to be served when there are no qualified candidates available in the county to be served.

(E) The General Assembly shall by law determine the amount and method of payment of Justices and Judges. Such salaries and expenses may be increased, but not diminished, during the term for which such Justices or Judges are selected or elected. Salaries of Circuit Judges shall be uniform throughout the state.

(F) Circuit, District, and Appellate Court Judges and Justices shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this state or the United States, except as authorized by law.

SECTION 17. ELECTION OF CIRCUIT AND DISTRICT JUDGES.

(A) Circuit Judges and District Judges shall be elected on a nonpartisan basis by a majority of qualified electors voting for such office within the circuit or district which they serve.

(B) Vacancies in these offices shall be filled as provided by this Constitution.

SECTION 18. ELECTION OF SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES.

(A) Supreme Court Justices and Court of Appeals Judges shall be elected on a nonpartisan basis by a majority of qualified electors voting for such office. Provided, however, the General Assembly may refer the issue of merit selection of members of the Supreme Court and the Court of Appeals to a vote of the people at any general election. If the voters approve a merit selection system, the General Assembly shall enact laws to create a judicial nominating commission for the purpose of nominating candidates for merit selection to the Supreme Court and Court of Appeals.

(B) Vacancies in these offices shall be filled by appointment of the Governor, unless the voters provide otherwise in a system of merit selection.

SECTION 19. TRANSITION PROVISIONS, TENURE OF PRESENT JUSTICES AND JUDGES, AND JURISDICTION OF PRESENT COURTS.

(A) Tenure of Present Justices and Judges.

(1) Justices of the Supreme Court and Judges of the Court of Appeals in office at the time this Amendment takes effect shall continue in office until the end of the terms for which they were elected or appointed.

(2) All Circuit, Chancery, and Circuit-Chancery Judges in office at the time this Amendment takes effect shall continue in office as Circuit Judges until the end of the terms for which they were elected or appointed; provided further, the respective jurisdictional responsibilities for

matters legal, equitable or juvenile in nature as presently exercised by such Judges shall continue until changed pursuant to law.

(3) Municipal Court Judges in office at the time this Amendment takes effect shall continue in office through December 31, 2004; provided, if a vacancy occurs in an office of a Municipal Judge, that vacancy shall be filled for a term which shall end December 31, 2004.

(B) Jurisdiction of Present Courts.

(1) The Jurisdiction conferred on Circuit Courts established by this Amendment includes all matters previously cognizable by Circuit, Chancery, Probate and Juvenile Courts including those matters repealed by Section 22 of this Amendment. The geographic circuits and subject matter divisions of these courts existing at the time this Amendment takes effect shall become circuits and divisions of the Circuit Court as herein established until changed pursuant to this Amendment. Circuit Courts shall assume the jurisdiction of Circuit, Chancery, Probate and Juvenile Courts.

(2) District Courts shall have the jurisdiction vested in Municipal Courts, Corporation Courts, Police Courts, Justice of the Peace Courts, and Courts of Common Pleas at the time this Amendment takes effect. District Courts shall assume the jurisdiction of these courts of limited jurisdiction and other jurisdiction conferred in this Amendment on January 1, 2005. City Courts shall continue in existence after the effective date of this amendment unless such City Court is abolished by the governing body of the city or by appropriate action of the General Assembly. Immediately upon abolition of such City Court, the jurisdiction of the City Court shall vest in the nearest District Court in the county where the city is located.

(C) Continuation of Courts. The Supreme Court provided for in this Amendment shall be a continuation of the Supreme Court now existing. The Court of Appeals shall be regarded as a continuation of the Court of Appeals now existing. All laws and parts of laws relating to the Supreme Court and to the Court of Appeals which are not in conflict or inconsistent with this Amendment shall remain in full force and effect and shall apply to the Supreme Court and Court of Appeals, respectively, established by this Amendment until amended, repealed or superseded by appropriate action of the General Assembly or the Supreme Court pursuant to this Amendment.

The Circuit Courts shall be regarded as a continuation of the Circuit, Chancery, Probate and Juvenile Courts now existing. Effective January 1, 2005, the District Courts shall be regarded as a continuation of the Municipal Courts, Corporation Courts, Police Courts, Justice of the Peace Courts and Courts of Common Pleas now existing. All the papers and records pertaining to these courts shall be transferred accordingly, and no suit or prosecution of any kind or nature shall abate because of any change made by this Amendment. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, decrees, orders, sentences, regulations, causes of action and appeals existing on the effective date of this Amendment shall continue unaffected except as modified in accordance with this Amendment.

SECTION 20. PROSECUTING ATTORNEYS. A Prosecuting Attorney shall be elected by the qualified electors of each judicial circuit. Prosecuting Attorneys shall have been licensed attorneys of this state for at least four years immediately preceding the date of assuming office. They shall be qualified electors within the judicial circuit from which they are elected and shall reside within that geographical area at the time of the election and during their period of service. They shall serve four-year terms.

SECTION 21. EFFECTIVE DATE. This Amendment shall become effective on July, 2001.

SECTION 22. REPEALER.

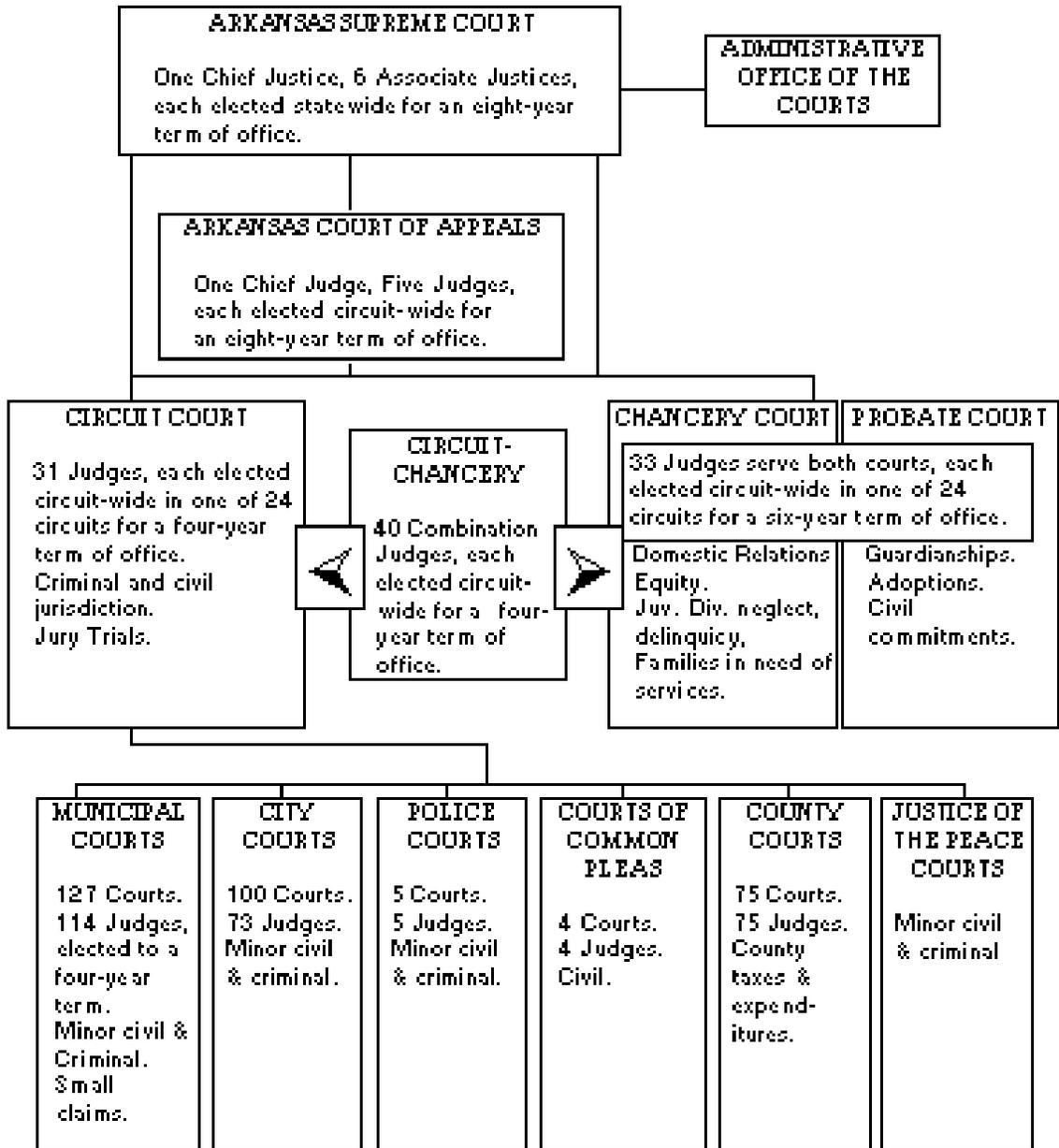
(A) The following sections of Article 7 of the Constitution of the State of Arkansas are hereby repealed effective July 1, 2001; 1 through 18; 20 through 22; 24; 25; 32; 34; 35; 39; 40; 42; 44; 45 and 50.

Appendix B:

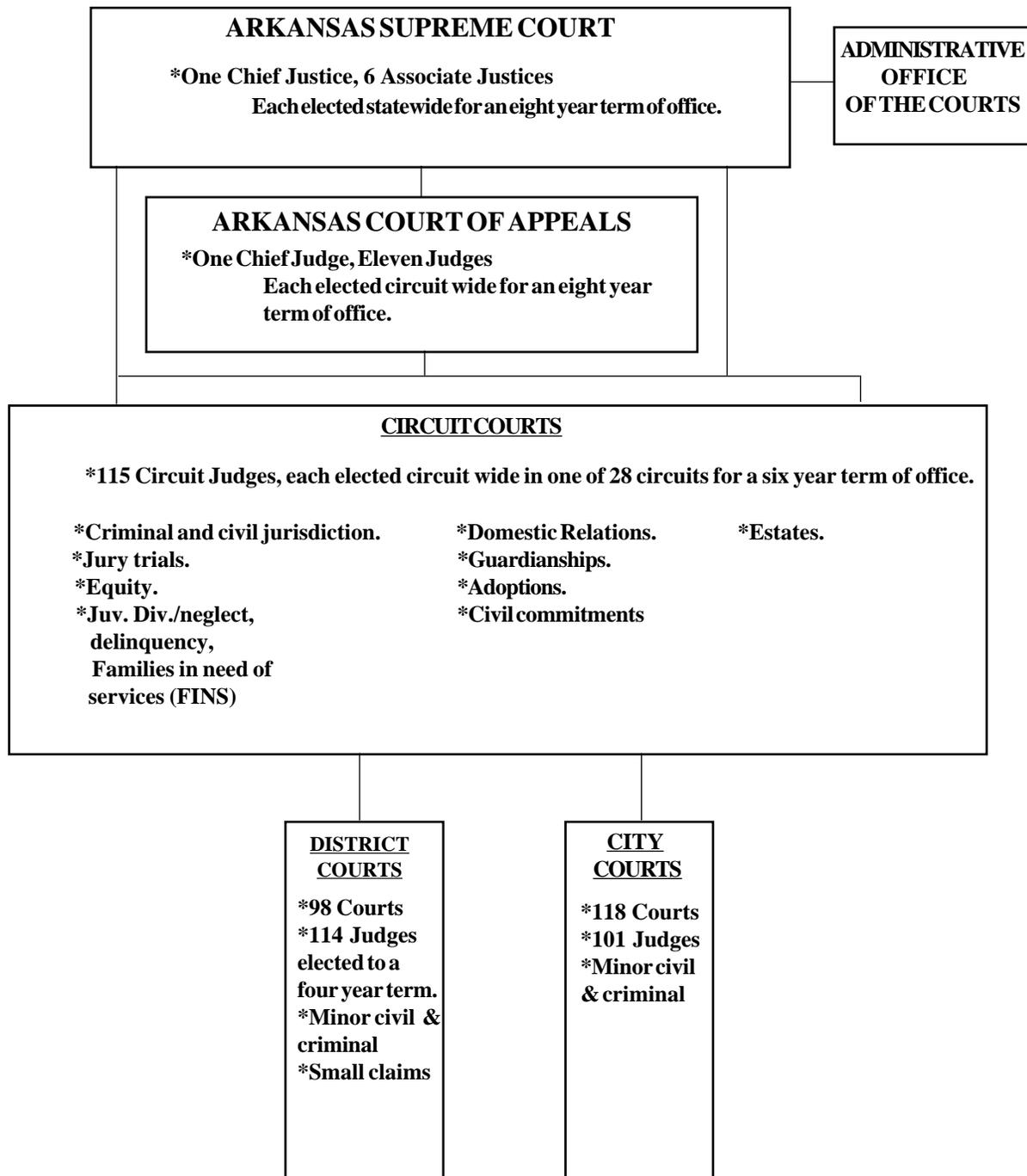
Pre-Amendment 80 and Post-Amendment 80 Judicial Flow Charts

Pre-Amendment 80

ARKANSAS COURT STRUCTURE



ARKANSAS COURT STRUCTURE



Appendix C:

Text of Arkansas Supreme Court Opinion, “In Re: Amended Supreme Court Statement on Limited Jurisdiction Courts Under Amendment 80”

IN RE: AMENDED SUPREME COURT STATEMENT

on LIMITED JURISDICTION COURTS

UNDER AMENDMENT 80

___ S.W.3d ___

Supreme Court of Arkansas

Delivered December 19, 2002

Per Curiam. We amend the *Supreme Court Statement on Limited Jurisdiction Courts under Amendment 80* dated November 25, 2002 to make clear that implementation of the policies will take place in stages and to establish a final deadline for full implementation of January 1, 2009. With this amendment, we republish the *Supreme Court Statement on Limited Jurisdiction Courts under Amendment 80*.

Amendment 80 revised the Judicial Article of the Arkansas Constitution, and it places substantial responsibility for its implementation on the Supreme Court. In furtherance of this responsibility and as the head of the Judicial Department of state government, we publish the following:

Arkansas Supreme Court Statement on Limited Jurisdiction Courts

Under Amendment 80

The adoption of Amendment 80 to the Arkansas Constitution by the citizens of Arkansas has created significant change in the structure and administration of our state court system. In 2001 our probate and chancery courts were eliminated and a unified circuit court of general jurisdiction was created. Five divisions of circuit court were created and a system for the establishment of local case administrative plans was put in place. In 2002 a change in the process for the selection of state court judges was implemented with the move from partisan to non-partisan judicial elections.

Amendment 80 also requires change and improvement of our limited jurisdiction court system. The implementation date for these changes is January 1, 2005. In many respects, the reform of these courts is the most significant area of constitutional change. Arkansas' limited jurisdiction courts have historically operated as "step-children" in our state court system; in fact, in very few respects could they be considered "state" courts. Pre-Amendment 80 constitutional and statutory provisions create five different limited jurisdiction courts, each with conflicting and overlapping jurisdiction. Almost all of these courts operate on a part-time basis and there is little consistency in practice and procedure from jurisdiction to jurisdiction.

In order to consider the possible changes required by Amendment 80, the Supreme Court created the Committee on the Implementation of Amendment 80 to study the issues and make recommendations to the court. After reviewing these recommendations, the court now adopts the

following statement of policy to guide the implementation of this phase of Amendment 80. It should be noted that the responsibility for implementation on these issues is shared between the Supreme Court and the General Assembly. It is also likely that implementation will take place in stages over a number of years. These policy statements, therefore, are offered as a guide to insure consistency in the measures adopted by the judicial and legislative branches and throughout the duration of the process. We believe that the policies set out below shall be fully implemented no later than January 1, 2009.

Geographical Jurisdiction. The current state of the number, location and geographic authority of limited jurisdiction courts presents a quagmire of conflicting and overlapping judicial boundaries. In many cases, the geographical jurisdiction of the judge exceeds the area from which he or she is elected. In some counties this is compounded by the existence of a multitude of district and city courts. For these reasons the following principles should be adopted: * **One district court should be created in each county. In counties which have two county seats and in which the General Assembly has created two judicial districts, one district court should be created in each district.**

*** No district judge should have the authority to act outside of the area from which he or she is elected.**

Full-time Judiciary. With a very few exceptions, current limited jurisdiction court judges are employed on a part-time basis. In some cases, the court is in session for only a few days each month. Most of these judges also maintain an active law practice. Despite the clear provisions of the Code of Judicial Conduct and the diligent attempts by the judges to avoid problems, conflicts of interest occur routinely. A majority of the complaints received by the Judicial Discipline and Disability Commission involve part-time district court judges. While Amendment 80 does not require that district court judges serve in a full-time capacity it certainly contemplates that as the standard. The change from a municipal or city to a "district" court, the creation of one court per county and the specific authorization of judges to serve courts in more than one county all evidence the expectation of a full-time judiciary. Section 14 of the Amendment provides that the General Assembly may prevent district judges from practicing law. If the district court is to become a true third tier of the state court system it must be a full-time court served by full-time judges.

*** To the extent that the number of cases within a county or district is sufficient to support a full caseload, district judges should serve on a full-time basis and should be prohibited from practicing law.**

*** To the extent that there is not a sufficient number of cases within a district or county to support a full caseload, two or more districts and/or counties should be combined for the purposes of creating an electoral district for the election of a full-time judge to serve the courts so designated.**

State Funding. Amendment 80 does not require the state funding of the court system. The stated public policy goal of the General Assembly, however, has been to move from local to state funding of the court system. State funding is essential to provide core judicial services which are both adequate and consistent throughout the state. In order to become a full partner in the state court system, a unified district court should be included within this public policy goal. It is not within the state's interest, however, to assume the responsibility for funding a system which is poorly structured and inefficient. The restructuring of the system and its funding by the state, therefore, go hand-in-hand. For example, it is not sound public policy for the state to enhance the current salary of district court judges without also considering the number of judges serving a county or district and whether they are serving on a full-time basis. Since the goal should be a move to a full-time judiciary, state funding should be utilized to enhance that goal.

*** The state should assume the responsibility for the payment of the salary and retirement of full-time district court judges.**

*** The salary paid to full-time district court judges should be commensurate with their role and status as members of the state judiciary and relative to the state salaries paid to general jurisdiction and appellate court judges.**

*** The source of funding for full-time district court judges should be the same as that for general jurisdiction and appellate court judges.**

*** Local government should continue to fund the salary and retirement of part-time district court judges and the other costs of operating the district court.**

Subject Matter Jurisdiction. The creation of a full-time district court creates the opportunity for the expansion of the authority and role of the district court. The higher costs associated with the creation of additional circuit court judgeships, the lower cost of litigating at the district court level and quicker access to the district court docket are further reasons to enhance the court's jurisdiction. Further study is needed, however, before a recommendation on specific changes in jurisdiction can or should be made. The decision is also drastically affected by the change in the geographical jurisdiction of the court and the move to full-time status. Possible areas of expansion include an increase in the dollar limitation in civil cases, concurrent jurisdiction with circuit courts in domestic abuse cases, and a uniform obligation to consider and issue search and arrest warrants and conduct probable cause hearings and other preliminary felony issues.

*** The Supreme Court Committee on the Implementation of Amendment 80 should study and review the possible enhancement of the subject matter jurisdiction of district courts and make recommendations to the court for action and for further recommendation to the General Assembly.**

Consolidation of Courts. Amendment 80 creates the district court as the unified court of limited jurisdiction. With one exception, the constitutional authority for the continuation of other limited jurisdiction courts is eliminated on January 1, 2005. City courts may continue until eliminated by a city and/or the General Assembly. The rationale for the creation of a unified district court is the same as that which supported a unified circuit court --to streamline and make more efficient the administration of justice. The General Assembly began this process with the repeal of all legislation authorizing Courts of Common Pleas in 2001. The process should continue with the remaining courts.

*** The district court should be established as the unified limited jurisdiction court in Arkansas. Statutory authorization for the continuation of Municipal Courts, City Courts, Police Courts and Justice of the Peace Courts should be repealed, effective January 1, 2005.**

*** The current statutory provisions authorizing magistrates in district courts should be repealed.**

Subject Matter Divisions. Amendment 80 authorizes the Supreme Court to establish subject matter divisions for district courts. The designations should be for the purpose of case administration and management and should be uniform throughout the state.

*** There should be created the following subject matter divisions for district court: criminal, traffic, civil and small claims.**

Appendix D:

Arkansas District and City Court Listings

ARKANSAS DISTRICT COURTS

County	# of District Courts	# of Judicial Depts	Locations	# of Judges
Arkansas	2		De Witt Stuttgart	1 1
Ashley	1	2	Crossett Hamburg	1 1
Baxter	1		Mountain Home	1
Benton	4		Benton County West Bentonville Rogers Siloam Springs	1 1 1 1
Boone	1		Harrison	1
Bradley	1		Warren	1
Calhoun*	1		Hampton	1
Carroll	2		Berryville Eureka Springs	1 1
Chicot	1	3	Dermott Eudora Lake Village	1 1 1
Clark	1		Arkadelphia	1
Clay	1	2	Corning Piggott	1
Cleburne	1		Heber Springs	1
Cleveland*	1		Rison	1
Columbia	1		Magnolia	1
Conway	1		Morrilton	1
Craighead	1		Jonesboro	1
Crawford	1		Van Buren	1
Crittenden	2		Marion West Memphis	1 1
Cross	1		Wynne	1
Dallas	1		Fordyce	1
Desha	1	2	Dumas McGehee	1 1
Drew	1		Monticello	1
Faulkner	1		Conway	1
Franklin	2		Charleston Ozark	1 1
Fulton	1		Salem	1
Garland	1	2	Hot Springs	2
Grant	1		Sheridan	1
Greene	1		Paragould	1
Hempstead	1		Hope	1
Hot Spring	1		Malvern	1
Howard	1		Nashville	1

ARKANSAS DISTRICT COURTS

County	# of District Courts	# of Judicial Depts	Locations	# of Judges
Independence	1		Batesville	1
Izard	1		Melbourne	1
Jackson	1		Newport	1
Jefferson	2		Pine Bluff	2
Johnson	1		Clarksville	1
Lafayette	1		Lewisville	1
Lawrence	1		Walnut Ridge	1
Lee	1		Marianna	1
Lincoln	1		Star City	1
Little River	1		Ashdown	1
Logan	2		Booneville	1
			Paris	1
Lonoke**	2			
	Northern		Cabot	1
	Southern	3	Carlisle	1
			England	1
			Lonoke	1
Madison	1		Huntsville	1
Marion	1		Yellville	1
Miller	1		Texarkana	1
Mississippi	2		Blytheville	1
			Osceola	1
Monroe	1	2	Brinkley	1
			Claredon	1
Montgomery	1		Mount Ida	1
Nevada	1		Prescott	1
Newton	1		Jasper	1
Ouachita	2		Camden	1
			East Camden	1
Perry	1		Perryville	1
Phillips	1	2	Helena	1
			West Helena	1
Pike	1		Murfreesboro	1
Poinsett***	1		Harrisburg	1
			Marked Tree	1
Polk	1		Mena	1
Pope	1		Russellville	1
Prairie	2		DeValls Bluff	1
			Des Arc	1

ARKANSAS DISTRICT COURTS

County	# of District Courts	# of Judicial Depts	Locations	# of Judges
Pulaski	5	3	Jacksonville	1
			Little Rock	3
			Maumelle	1
			North Little Rock	2
			Pulaski Co.	3
			Pulaski County (LR)	1
			Pulaski Co. (Sherwood)	1
			Pulaski Co. (Wrightsville)	1
Randolph	1		Pocahontas	1
Saline	1	2	Benton	1
			Bryant	1
Scott	1		Waldron	1
Searcy	1		Marshall	1
Sebastian	2	2	Fort Smith	2
			Greenwood	1
Sevier	1		De Queen	1
Sharp	1		Ash Flat	1
St. Francis	1		Forrest City	1
Stone	1		Mountain View	1
Union	1		El Dorado	1
Van Buren	1		Clinton	1
Washington	5		Elkins	1
			Fayetteville	1
			Prairie Grove	1
			Springdale	1
			West Fork	1
White	1	2	Beebe	1
			Searcy	1
Woodruff	1		Augusta	1
Yell	2		Danville	1
			Dardanelle	1
Statewide	98			116

*Legislation provides for one judge to be elected in each county. However, one judge is currently appointed to serve both Calhoun and Cleveland counties.

**In Lonoke County, post-Amendment 80 legislation allows for 3 judges in the Southern division. However, 1 judge currently serves both the England and Carlise divisions.

***In Poinsett County, 2 courts existed prior to Amendment 80. When elections occur in 2004, Poinsett will have only one district court.

ARKANSAS CITY COURTS

COUNTY	CITY COURT	SERVES ALSO AS DISTRICT COURT JUDGE IN	SERVES ALSO AS CITY COURT JUDGE OF
Arkansas	Gillett	DeWitt	St. Charles
Baxter	Briarecliff Lakeview Salesville	Baxter County (Mountain Home)	Cotter, Gassville, Norfolk
Benton	Bethel Heights Cave Springs Centerton Lowell Pea Ridge Sulpher Springs		Gravette & Little Flock
Carroll	Green Forest		
Clark	Amity Gurdon	Clark County (Arkadelphia)	
Cleburne	Concord Quitman		Greers Ferry
Columbia	Waldo	Magnolia	
Conway	Menifee Plummerville	Morrilton	
Crawford	Alma Barling Dyer		Mountainburg Mulberry
Crittenden	Earle Police Court Edmondson Gilmore Jennette Jericho Sunset Turrell	Marion (currently a Police Court)*	
Cross	Cherry Valley Parkin	Wynne	Cotton Plant
Dallas	Sparkman		
Faulkner	Greenbrier Mount Vernon	Faulkner County (Conway)	Mayflower, Guy, Vilonia
Franklin	Altus	Ozark	
Fulton	Mammoth Spring		
Garland	Mountain Pine	Hot Springs Division 2	
Greene	Marmaduke		
Hot Spring	Friendship Rockport		Donaldson**

ARKANSAS CITY COURTS

COUNTY	CITY COURT	SERVES ALSO AS DISTRICT COURT JUDGE IN	SERVES ALSO AS CITY COURT JUDGE OF
Izard	Calico Rock Horseshoe Bend		
Jackson	Diaz Swifton		Tuckerman
Jefferson	Altheimer Humphrey White Hall	Pine Bluff Division 1	Wabbaseka Redfield
Johnson	Coal Hill	Johnson County (Clarksville)	
Lafayette	Bradley	Lafayette County	Stamps
Lawrence	Black Rock Portia	Walnut Ridge	
Lincoln	Grady	Desha County (Dumas)	
Little River	Foreman	Little River County (Ashdown)	
Logan	Magazine	Logan County (Booneville)	
Lonoke	Allport Austin Humnoke	Carlisle & England	
Marion	Bull Shoals	Marion County (Yellville)	Flippen & Summit
Mississippi	Dell Gosnell Leachville Police Court		Manila Police Court
Monroe	Holly Grove		
Ouachita	Bearden Chidester Stephens	Camden	
Phillips	Elaine Lake View Marvell		
Pike	Glenwood	Pike County (Murfreestown)	
Poinsett	Joiner	Poinsett (Harrisburg & Trumann)	Weiner
Pope	Atkins Dover Hector London Pottsville		
Pulaski	Alexander Cammack Village		

ARKANSAS CITY COURTS

COUNTY	CITY COURT	SERVES ALSO AS DISTRICT COURT JUDGE IN	SERVES ALSO AS CITY COURT JUDGE OF
Saline	Bauxite Haskell Shannon Hills		
Searcy	Bald Knob		Kensett & Rosebud
Sebastian	Central City		
St. Francis	Hughes Madison Palestine Widener		
Van Buren	Damascus		
Washington	Elm Springs Farmington Greenland Lincoln		Johnson
White	Bradford Judsonia McRae	White County (Searcy)	Pangburn
Statewide	118 city courts	22 judges serve in district court	17 judges serve in multiple cities, 5 of which are also district judges

*Marion is currently a police court. However, 2003 legislation specified that Marion will become a district court in 2005.

**Friendship and Donaldson report statistical information to the AOC as one court.

Appendix E:
Delphi Analysis Materials



DISTRICT COURT

Wednesday, July 23, 2003

To: District and City Court Judges

Dear Judge,

Amendment 80 has required us to think about how we do things in our courts. Currently, little is known about Arkansas' courts of limited jurisdiction other than our monthly reporting of filings, dispositions, and monetary collections. Efforts, on our part, should be made to assess what our judicial responsibilities entail. We can then evaluate what subject-matter jurisdiction changes to consider under Amendment 80.

Kellye Mashburn, an AOC Research Analyst, has enclosed a survey regarding the workload of a limited jurisdiction court judge. The data from this survey will be used to assess how district and city courts function in Arkansas. The results of this study will be made available to us by next spring's Judicial Council meeting.

There is another important reason to obtain this information: We are deeply involved in discussions with the Arkansas Bar Association, Arkansas Municipal League, Association of Arkansas Counties, Supreme Court of Arkansas and some members of the Arkansas Legislature, all in preparation for the 2005 legislative session. As you know, we still have to deal with several issues raised by the Per Curiam order of November 25, 2002; the issues of state employment; and salary scales for both full and part time District Judges. We have been asked about caseload, time spent, etc. by all parties involved in these discussions. We will be better served to have this information in order to engage in reaching an end game that will serve our best interests. These subject matter discussions are unavoidable and your board and officers believe we need to gather this data ASAP.

I encourage you to take a few moments to reply to this survey. A postage paid envelope has been included for you to return it, or if you wish, you may fax it back to Kellye Mashburn at 501-682-9410. The data from these surveys need to be collected by Friday, August 29, 2003, so that a timely analysis may take place.

If you have any questions about this study, please do not hesitate to call Kellye Mashburn at 1-800-950-8221. Thank you for your time and effort in this endeavor.

Sincerely,

David Stewart, President
District Judges Council

**DISTRICT COURT JUDGES' FOCUS GROUP ON WORKLOAD EVALUATION
FRIDAY, SEPTEMBER 26, 2003**

Judge Jim Hamilton
Court(s): North Little Rock Division 1

Percent of time that you indicated that you spend as
100% judge 0% attorney

Time spent working as a judge

Judicial time	Time formula that you indicated	Number of hours per year
Courtroom time per year	crim=15hrs x 52wks + civ=10hrs x 2sessions x 12months	1020
Special setting time per year	1 session x 12 months x 2 hrs	24
Administrative time per year	15 hrs x 52 weeks	780

Time estimates (in minutes) for processing a case

	Your estimate	Survey average	Survey median	Survey mode	Other states' overall avg.
Felonies bound over					
uncontested	3	12.4	10	10	n/a
contested		22	20	30	
Misdemeanor (non-traff)					IA=7
uncontested	5	7.6	5	5	NE=14
contested	30	42	30	30	WA=16
Ordinance Violations					WI=16
uncontested	5	7.1	5	5	IN=3
contested	45	31.4	30	30	WA=1
DWI					MN=13
uncontested		13.9	10	10	WI=29
contested		67.6	60	60	IA=34
Traffic					MN=1.5
uncontested		5.5	5	5	NE=1.9
contested		27.5	27.5	30	MI=3.9
Small Claims					IN=13
uncontested	10	8.4	5	5	ND=18
contested	30	45.3	40	30	IA=26
Civil					WA=9
uncontested	10	7.9	5	5	NE=12
contested	30	58.4	60	60	NM=16

Contested rates nationally are 3% for criminal cases and 9% for civil cases. An estimate of your contested caseload during 2002 is listed below.

North Little Rock Division 1	All cases	Contested cases
Criminal felonies, misdemeanors, traffic, ordinances, & DWI	10,137	304
Civil small claims & other civil	909	82

Time estimates for warrants (Iowa is the only state that has studied warrants in their workload analyses. They estimate that it takes 24 minutes per search warrant.)

	Your estimate	Survey average	Survey median	Survey mode
Daytime requests	100	40	15	20
After hours requests	8	5	2	1
Processing time (min)	5	13.8	10	5

SECOND ROUND DELPHI: FOCUS GROUP PARTICIPANTS



**DISTRICT JUDGES FOCUS GROUP
TRANSCRIPT
FRIDAY, SEPTEMBER 26, 2003**

The meeting began at approximately 12:15 p.m. on Friday, September 26, 2003, at the fall District Judges' Council meeting in Eureka Springs, Arkansas. AOC Research Analyst Kellye Mashburn conducted the focus group, and Keith Caviness, AOC Staff Attorney, helped take notes. The following judges were present for the focus group:

Elizabeth Wise, Perry County District Court
Edward Cochran, Lafayette County District Court, Stamps City Court, and Bradley City Court
Dan Felton, Lee County District Court
Curtis Rickard, Bryant District Court
Jim Hamilton, North Little Rock District Court
Butch Hale, Sherwood District Court
Robert Lowery, DeQueen District Court
Jeff Conner, Benton County West District Court
David Gillison, Lake Village District Court
Mike Irwin, Heber Springs District Court
John Finley, Little River District Court and Foreman City Court
Jerry Ryan, Polk County District Court
Van Gearhart, Baxter County District Court, Gassville City Court, Cotter City Court, and Briarcliff City Court
David Saxon, Fort Smith District Court Division 1
Richard Proctor, Cross County District Court, McCrory City Court, Cotton Plant City Court
Vic Harper, Lincoln County District Court

The following is transcript of the event.

Ms. Mashburn gave each participant an individualized handout that contained his/her survey answers as well as the survey mean, median, and mode. She briefly explained each statistical term to the group and asked if there were any questions (there were none). Ms. Mashburn also stated an agenda that was listed on a flip chart. The agenda consisted of the following:

- I. Cross Check Your Judge Time
- II. Time Estimates
- III. Contested Rates
- IV. Warrants
- V. Other Thoughts

Ms. Mashburn stated that the meeting was intended to take the lunch hour, but the actual time would be dependent upon how well the judges interacted during the meeting. Also, she stated that she wanted the judges' interaction but reminded them that she would have to keep them on track as far as moving the agenda along.

Ms. Mashburn then asked the group to cross check their judge year estimate for accuracy. Ms. Mashburn explained that she created this estimate based upon their survey response of how much

time they spent per week/month on judicial and administrative activities. No one had any revisions.

Ms. Mashburn told the group that one of the purposes of the session was to check for time inflation on the case processing estimates.

Ms. Mashburn stated that the felonies bound over category had spotty answers. She speculated that there may be some differences of opinion regarding what is a contested versus uncontested felony bound over. She and Keith Caviness had allowed this to be a case type category because various hearings could be contested without having to have a bench trial. Judge Wise stated that since district courts do not have jurisdiction to hear felony bench trials she left the contested box blank. The group agreed that they could come up with a case type estimate during this focus group. The group discussed that the survey yielded a range of 12-24 minutes. Ms. Mashburn reminded the judges to consider averages and not anomalies. Judge Wise suggested 15 minutes. Judge Saxon said he had originally said 3 minutes but would like to change it to 15 minutes. Judge Harper suggested 20-25 minutes per case. Ms. Mashburn asked the group to try to come to a consensus. The group agreed to 22 minutes for felonies bound over.

The group next considered uncontested misdemeanors. Ms. Mashburn told the group that the survey average was 7.6 minutes and the median and mode were 5. Judge Cochran observed the other states' averages listed on the handout and asked how a guilty plea on a public intox could take 15 minutes. Ms. Mashburn clarified that the averages from other states considered both contested and uncontested in one statistic. Ms. Mashburn asked the group if the estimate to be used should be lower than 7. Judge Hale and Judge Hamilton agreed with 7, but Judge Wise stated that she makes her defendants do quite a bit in sentencing and that she takes 10 minutes. Ms. Mashburn stated that she would make a note of what Judge Wise does differently and asked the group if they did things similar to Judge Wise. Judge Gearhart stated that he believed that Judge Wise was able to do more because she had a lesser caseload and less court staff than he did. Judge Gearhart advised Judge Wise that having a probation officer would help her cut down on court time in sentencing. Judge Wise said that she could not afford a probation officer and would not impose extra fines to pay for one since she is from a poor county. Ms. Mashburn urged the group to focus back on the time estimate now. Judge Ryan and Judge Lowery stated that they had low responses on the survey of around 3, but now think it should be higher. Judge Felton stated that he believed it takes 5 minutes. Ms. Mashburn reminded the group that they needed to arrive at a consensus. The group agreed that 7 minutes for an uncontested misdemeanor should be sufficient.

The group next considered contested misdemeanors (bench trials). Ms. Mashburn noted that the survey average was 42 minutes and elicited responses from the group. The following were suggested: 30 minutes, 45 minutes. The group agreed to go with the 42 minute estimate.

The group next considered uncontested ordinance violations. Judge Hale suggested that 3 minutes was sufficient. The survey average was 7.1 minutes and 5 minutes was the mode. The group agreed on 5 minutes estimate.

The next topic was contested ordinance violations. Ms. Mashburn stated that the survey average was 31. Judge Saxon suggested a 15 minute estimate. Judge Wise suggested an estimate of 30 and indicated that extra time is often needed for pro se cases and juvenile cases. Judge Gillison stated he believed that 20 minutes would be enough. The group agreed on a 20 minute estimate.

The group assessed that uncontested DWIs could take longer than most uncontested cases because of statutory assessments and screening procedures for guilty pleas. The survey average was noted as being 14 minutes when rounded up. Judge Ryan stated 20, while Judge Wise said 25. Judge Gearhart suggested 15 minutes, and Judge Hale suggested 10 minutes. Ms. Mashburn noted that different judging styles may lead to variations in time but that the group should come up with a minimum amount that it usually should take. The group agreed to 15 minutes.

Contested DWIs were next considered. In addition to the survey average of 67.6, the group proposed the following: 60 minutes, 75 minutes. The group agreed to 60 minutes.

The group then considered uncontested traffic. The average was noted as being 5.5 minutes. Judge Hale suggested 3 minutes. Others suggested 5 and 10. Ms. Mashburn asked what was necessary for an uncontested traffic: Was it necessary to show up for court or could defendants plea and pay outside of court? Group consensus was that little was necessary for defendants, and defendants did not have to show up to court to accept a civil penalty. The group agreed on 3 minutes for an uncontested traffic case.

With regard to contested traffic, the group considered the mode of 30 minutes and the average of 27.5 minutes. They agreed upon an estimate of 30 minutes.

The group next considered small claims and discussed that such cases did not allow for attorney representation. The survey average for an uncontested small claims case was 8.4 minutes. Three minutes and 5 minutes were also suggested. The group agreed upon 5 minutes.

With regard to contested small claims, the average was 45 minutes, and the group agreed upon 45 minutes.

The group considered civil time estimates last. The difference with regard to civil cases, as opposed to small claims, is that attorneys are allowed to be present during proceedings. Judge Proctor pointed out that if the legislature increases jurisdiction limits that this estimate will need to be higher. Ms. Mashburn noted his concern and asked the judges to consider this estimate as they do their court proceedings now. The group agreed upon a 5 minute estimate for uncontested, and 60 minutes for the contested rates.

The group was next asked to consider trial rates, as the state currently does not capture such data. With the exception of Sherwood, North Little Rock, and Heber Springs, the rest of the judges gave revised estimates. Ms. Mashburn stated that she would revise the trial rate estimates based upon an average of the revisions. Such an estimate will then be used in the whole study.

Next, the group considered the warrant estimates. After discussion of the difference in search and arrest warrant estimates and review of Iowa's estimate, the group agreed that on average 15 minutes is necessary for processing both kinds of warrants.

Lastly, Ms. Mashburn allowed the group to express concerns that they might have. Judge Proctor again noted his concerns about changes in civil jurisdiction and how that might cut him out of more private practice business ethically. Judge Lowery and Judge Ryan both noted that as they are located on the western border of the state that they have high numbers of extraditions to process as well as Spanish interpretation dilemmas. Also, Ms. Mashburn reassured Judges Wise and Hale that she would acknowledge different judging and administration styles in the study.

FOCUS GROUP ESTIMATE OF CONTESTED CASE RATE

Judge	Court(s)	Criminal Cases	Est. Contested	Criminal %	Civil Cases	Est. Contested	Civil %
Proctor	Wynne, McCrory, Cotton Plant	9,854	400	4%	502	45	9%
Saxon	Fort Smith	27,959	839	3%	2,479	300	12%
Gearhart	Baxter Co., Gassville, Briarcliff, Cotter	9,039	271	3%	206	29	14%
Ryan	Polk County	3,608	150	4%	419	38	9%
Finley	Little River Co., Foreman	4,799	544	11%	138	62	45%
Irwin	Cleburne County	4,590	138	3%	736	66	9%
Gillison	Lake Village	1,603	130	8%	180	16	9%
Conner	Benton County Western Division	1,038	62	6%	124	22	18%
Hale	Sherwood	11,637	349	3%	9,351	842	9%
Lowery	DeQueen	4,132	140	3%	207	25	12%
Hamilton	North Little Rock Division 1	10,137	304	3%	909	82	9%
Felton	Lee County	4,030	240	6%	223	20	9%
Cochran	Lafayette Co., Stamps, Bradley	4,252	180	4%	96	24	25%
Wise	Perry County	1,638	72	4%	93	24	26%
Group Average				5%			15%

Delphi Analysis Results

	Current # of Judges*	Delphi Round	2001	2002	10 Year Avg.
ARKANSAS	2	1st Round	0.7	0.6	0.8
		2nd Round	0.6	0.5	0.7
		Control	0.5	0.5	0.6
ASHLEY	2	1st Round	0.9	1.0	0.9
		2nd Round	0.8	0.9	0.8
		Control	0.7	0.8	0.7
BAXTER	3	1st Round	1.0	1.1	0.7
		2nd Round	0.9	1.0	0.7
		Control	0.8	0.8	0.6
BENTON	10	1st Round	4.0	4.9	4.3
		2nd Round	3.3	4.2	3.7
		Control	3.0	3.7	3.3
BOONE	1	1st Round	0.7	1.2	0.9
		2nd Round	0.7	1.1	0.9
		Control	0.6	1.0	0.8
BRADLEY	1	1st Round	0.4	0.5	0.4
		2nd Round	0.4	0.5	0.3
		Control	0.3	0.4	0.3
CALHOUN**	1	1st Round	0.2	0.1	0.2
		2nd Round	0.2	0.1	0.2
		Control	0.1	0.1	0.1
CARROLL	3	1st Round	0.4	0.6	0.5
		2nd Round	0.4	0.5	0.4
		Control	0.3	0.4	0.3
CHICOT	3	1st Round	0.5	0.4	0.5
		2nd Round	0.5	0.3	0.5
		Control	0.4	0.3	0.4
CLARK	2	1st Round	0.9	1.0	0.9
		2nd Round	0.8	0.9	0.8
		Control	0.7	0.8	0.7
CLAY	1	1st Round	0.5	0.4	0.3
		2nd Round	0.5	0.4	0.3
		Control	0.4	0.3	0.3
CLEBURNE	3	1st Round	0.6	0.6	0.5
		2nd Round	0.6	0.6	0.5
		Control	0.5	0.5	0.4
CLEVELAND**	0	1st Round	0.1	0.1	0.1
		2nd Round	0.1	0.1	0.1
		Control	0.1	0.1	0.1
COLUMBIA	1	1st Round	0.9	0.9	0.8
		2nd Round	0.8	0.8	0.7
		Control	0.7	0.7	0.6
CONWAY	2	1st Round	0.7	0.9	0.7
		2nd Round	0.7	0.8	0.6
		Control	0.6	0.7	0.5
CRAIGHEAD	1	1st Round	5.1	3.4	3.4
		2nd Round	4.5	3.1	3.1
		Control	4.0	2.8	2.7
CRAWFORD	4	1st Round	1.7	1.9	1.9
		2nd Round	1.4	1.6	1.6
		Control	1.3	1.4	1.4

Delphi Analysis Results

	Current # of Judges*	Delphi Round	2001	2002	10 Year Avg.
CRITTENDEN	8	1st Round	2.9	3.1	3.0
		2nd Round	2.4	2.5	2.5
		Control	2.1	2.2	2.2
CROSS	2	1st Round	1.0	1.1	1.0
		2nd Round	0.9	1.0	1.0
		Control	0.8	0.9	0.9
DALLAS	2	1st Round	0.3	0.3	0.2
		2nd Round	0.2	0.2	0.2
		Control	0.2	0.2	0.1
DESHA	2	1st Round	0.7	0.9	0.9
		2nd Round	0.7	0.8	0.8
		Control	0.6	0.7	0.7
DREW	1	1st Round	0.8	0.9	0.6
		2nd Round	0.7	0.9	0.6
		Control	0.6	0.7	0.5
FAULKNER	2	1st Round	2.3	2.9	2.7
		2nd Round	2.0	2.5	2.4
		Control	1.8	2.2	2.1
FRANKLIN	2	1st Round	0.7	0.6	0.6
		2nd Round	0.6	0.6	0.5
		Control	0.5	0.5	0.5
FULTON	2	1st Round	0.2	0.2	0.2
		2nd Round	0.2	0.2	0.1
		Control	0.1	0.2	0.1
GARLAND	2	1st Round	1.8	2.3	2.6
		2nd Round	1.5	2.0	2.3
		Control	1.4	1.8	2.0
GRANT	1	1st Round	0.5	0.5	0.5
		2nd Round	0.5	0.5	0.4
		Control	0.4	0.4	0.4
GREENE	2	1st Round	1.1	1.4	1.2
		2nd Round	1.0	1.3	1.2
		Control	0.9	1.1	1.0
HEMPSTEAD	1	1st Round	2.0	1.4	1.2
		2nd Round	1.8	1.3	1.1
		Control	1.6	1.1	0.9
HOT SPRING	3	1st Round	1.4	1.5	1.1
		2nd Round	1.2	1.3	0.9
		Control	1.1	1.1	0.8
HOWARD	1	1st Round	0.4	0.4	0.4
		2nd Round	0.4	0.4	0.4
		Control	0.3	0.3	0.3
INDEPENDENCE	1	1st Round	1.0	0.9	0.8
		2nd Round	1.0	0.9	0.8
		Control	0.9	0.8	0.7
IZARD	3	1st Round	0.2	0.2	0.2
		2nd Round	0.2	0.2	0.1
		Control	0.2	0.2	0.1
JACKSON	3	1st Round	0.7	0.7	0.7
		2nd Round	0.7	0.7	0.6
		Control	0.6	0.6	0.5

Delphi Analysis Results

	Current # of Judges*	Delphi Round	2001	2002	10 Year Avg.
JEFFERSON	4	1st Round	4.0	2.3	3.1
		2nd Round	3.7	2.2	2.9
		Control	3.2	1.9	2.5
JOHNSON	1	1st Round	0.5	0.6	0.5
		2nd Round	0.5	0.5	0.5
		Control	0.4	0.5	0.4
LAFAYETTE	1	1st Round	0.5	0.5	0.4
		2nd Round	0.4	0.4	0.3
		Control	0.4	0.3	0.3
LAWRENCE	2	1st Round	0.5	0.4	0.6
		2nd Round	0.5	0.4	0.5
		Control	0.4	0.3	0.4
LEE	1	1st Round	1.6	0.4	0.4
		2nd Round	1.6	0.3	0.4
		Control	1.4	0.3	0.3
LINCOLN	3	1st Round	0.2	0.3	0.4
		2nd Round	0.2	0.2	0.3
		Control	0.2	0.2	0.3
LITTLE RIVER	1	1st Round	0.5	0.4	0.5
		2nd Round	0.4	0.4	0.4
		Control	0.3	0.3	0.4
LOGAN	2	1st Round	0.4	0.3	0.4
		2nd Round	0.4	0.3	0.4
		Control	0.3	0.2	0.4
LONOKE	5	1st Round	1.6	1.8	1.4
		2nd Round	1.4	1.6	1.2
		Control	1.3	1.4	1.1
MADISON	1	1st Round	0.4	0.3	0.4
		2nd Round	0.3	0.3	0.3
		Control	0.3	0.2	0.3
MARION	1	1st Round	0.3	0.3	0.3
		2nd Round	0.2	0.3	0.2
		Control	0.2	0.2	0.2
MILLER	1	1st Round	0.8	0.9	0.9
		2nd Round	0.7	0.8	0.8
		Control	0.6	0.7	0.7
MISSISSIPPI	5	1st Round	2.4	2.5	1.9
		2nd Round	2.1	2.3	1.7
		Control	1.9	2.0	1.5
MONROE	3	1st Round	0.6	0.5	0.7
		2nd Round	0.5	0.5	0.6
		Control	0.5	0.4	0.5
MONTGOMERY	1	1st Round	0.2	0.2	0.2
		2nd Round	0.1	0.2	0.1
		Control	0.1	0.1	0.1
NEVADA	1	1st Round	0.6	0.4	0.3
		2nd Round	0.4	0.4	0.3
		Control	0.4	0.3	0.2
NEWTON	1	1st Round	0.2	0.2	0.1
		2nd Round	0.1	0.1	0.1
		Control	0.1	0.1	0.1

Delphi Analysis Results

	Current # of Judges*	Delphi Round	2001	2002	10 Year Avg.
OUACHITA	4	1st Round	1.3	1.4	1.4
		2nd Round	1.2	1.2	1.2
		Control	1.1	1.1	1.1
PERRY	1	1st Round	0.2	0.1	0.2
		2nd Round	0.2	0.1	0.2
		Control	0.2	0.1	0.2
PHILLIPS	5	1st Round	0.8	1.0	0.8
		2nd Round	0.7	0.9	0.8
		Control	0.6	0.8	0.6
PIKE	1	1st Round	0.2	0.2	0.2
		2nd Round	0.2	0.2	0.2
		Control	0.2	0.2	0.2
POINSETT	2	1st Round	1.4	1.3	1.3
		2nd Round	1.2	1.1	1.1
		Control	1.0	1.0	1.0
POLK	1	1st Round	0.9	0.4	0.4
		2nd Round	0.9	0.3	0.4
		Control	0.9	0.3	0.3
POPE	6	1st Round	1.8	1.9	1.7
		2nd Round	1.6	1.7	1.5
		Control	1.4	1.5	1.3
PRAIRIE	2	1st Round	0.5	0.5	0.4
		2nd Round	0.4	0.4	0.4
		Control	0.4	0.4	0.3
PULASKI	12	1st Round	15.2	14.5	16.2
		2nd Round	13.1	12.7	14.0
		Control	11.4	11.2	12.2
RANDOLPH	1	1st Round	0.7	0.5	0.4
		2nd Round	0.7	0.5	0.4
		Control	0.6	0.5	0.3
SALINE	5	1st Round	0.3	1.0	1.7
		2nd Round	0.3	0.9	1.5
		Control	0.2	0.8	1.3
SCOTT	1	1st Round	0.3	0.3	0.2
		2nd Round	0.3	0.3	0.2
		Control	0.3	0.3	0.2
SEARCY	1	1st Round	0.2	0.2	0.1
		2nd Round	0.1	0.1	0.1
		Control	0.1	0.1	0.1
SEBASTIAN	4	1st Round	3.7	3.6	4.1
		2nd Round	3.4	3.1	3.7
		Control	3.0	2.8	3.3
SEVIER	1	1st Round	0.3	0.4	0.4
		2nd Round	0.3	0.4	0.3
		Control	0.3	0.3	0.3
SHARP	1	1st Round	0.4	0.6	0.3
		2nd Round	0.4	0.6	0.3
		Control	0.3	0.5	0.2
ST. FRANCIS	5	1st Round	2.1	2.3	2.0
		2nd Round	1.9	2.1	1.9
		Control	1.7	1.8	1.7

Delphi Analysis Results

	Current # of Judges*	Delphi Round	2001	2002	10 Year Avg.
STONE	1	1st Round	0.2	0.2	0.2
		2nd Round	0.2	0.2	0.2
		Control	0.2	0.2	0.2
UNION	1	1st Round	1.4	1.4	3.6
		2nd Round	1.3	1.3	3.3
		Control	1.2	1.2	2.9
VAN BUREN	2	1st Round	0.2	0.2	0.2
		2nd Round	0.2	0.2	0.2
		Control	0.2	0.2	0.2
WASHINGTON	9	1st Round	6.8	7.9	5.8
		2nd Round	6.1	7.0	5.1
		Control	5.4	6.2	4.5
WHITE	5	1st Round	6.0	1.7	2.0
		2nd Round	5.6	1.5	1.8
		Control	4.5	1.3	1.5
WOODRUFF***	1	1st Round	0.3	0.3	0.3
		2nd Round	0.3	0.2	0.2
		Control	0.2	0.2	0.2
YELL	1	1st Round	0.6	0.7	0.7
		2nd Round	0.6	0.6	0.7
		Control	0.5	0.5	0.6
STATEWIDE	185	1st Round	98.3	93.7	92.7
		2nd Round	87.3	83.2	82.1
		Control	76.9	73.1	71.9

*This column is a count of the judges sitting at the time of the Delphi survey.

**Only one judgeship is counted between Calhoun and Cleveland counties.

***Only the Augusta judgeship is counted. The judge serving Cotton Plant/McCrory is counted for his time serving in Cross County.

Appendix F:
Warrant Request Survey Materials



City of Little Rock
Environmental Division

DAVID A. STEWART
District Judge
Third Division
371-4454
FAX 399-3459

DISTRICT COURT

Wednesday, July 23, 2003

To: Arkansas Law Enforcement Agencies

Dear Police Chief or Sheriff,

Arkansas Constitutional Amendment 80 has required judges to think about how we do things in our courts. Currently, little is known about Arkansas' courts of limited jurisdiction other than our monthly reporting of filings, dispositions, and monetary collections. Efforts are being made on our part to assess what our judicial responsibilities entail.

We are aware that we serve a vital role for local law enforcement by way of hearing warrant requests. Enclosed is a survey regarding warrant requests. The data from this survey will be used to assess how district and city courts serve law enforcement in Arkansas. Feel free to forward this survey to the person in your office with the most knowledge of the topic if you feel that he or she would be better informed to answer it.

I encourage you to take a few moments to reply to this survey. A postage paid envelope has been included for you to return it, or if you wish, you may fax it back to Kellye Mashburn at 501-682-9410. The data from these surveys need to be collected by Friday, August 29, 2003, so that a timely analysis may take place.

If you have any questions about this study, please do not hesitate to call Kellye Mashburn at 1-800-950-8221. Thank you for your time and effort in this endeavor.

Sincerely,

Judge David Stewart
President, District Judges Council

**ARKANSAS LAW ENFORCEMENT SURVEY
REGARDING WARRANT REQUESTS OF LOCAL JUDGES**

The purpose of this survey is to gauge the availability and use of judges in your area for the purpose of obtaining warrants. Your participation in this study is crucial for a balanced analysis of the demands on local courts in Arkansas. If you are unable to answer this questionnaire, please forward it to the person in your office with the best knowledge of this topic. Please return your answers to this survey by Friday, August 29, 2003. A post-paid envelope has been enclosed for you to mail the survey back. If you wish, you may fax the survey to Kellye Mashburn at 501-682-9410. Thank you for your time in this endeavor.

1. Please state the name of your law enforcement agency.

2. Please list the names of the judges and/or courts that your officers go to for warrant requests.

3. For the items below, please estimate how many warrant requests that your agency makes per week.

Warrant requests made of judges during the day from 8 a.m. to 5 p.m. _____

Warrant request made after court business hours from 5 p.m. on _____

4. Is excessive driving time an issue for your agency when seeking a judge for a warrant request during daytime business hours?

No

Yes (Please estimate the round-trip driving time in minutes to get to a judge).

5. Is excessive driving time an issue for your agency when seeking a judge for a warrant request after regular court business hours?

No

Yes (Please estimate the round-trip driving time in minutes to get to a judge).

6. Please feel free to include any other comments that your agency has on this matter.

ARKANSAS COURTS AND WARRANT REQUESTS

County	LAW ENFORCEMENT RESPONSES			JUDGE RESPONSES				Avg. Time to Process a Warrant (mins)
	Avg. # of District Judges Used for Warrants Per Agency*	Avg. # of City Court Judges Used for Warrants Per Agency*	Avg. # of Circuit Judges Used for Warrants Per Agency*	Weekly Warrant Requests		Weekly Warrant Requests		
				Estimated Daytime Countywide	Estimated After Hours Countywide	Estimated Daytime Countywide	Estimated After Hours Countywide	
ARKANSAS	1		1	3	0	30	10	3
ASHLEY	2		1	25	3	20	5	90
BAXTER	1		3	8	0	20	4	5
BENTON	1	1	3	20	5	6	1	16
BOONE	1		2	26	5	10	3	30
BRADLEY	1		1	11	1	10	5	10
CALHOUN	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CARROLL	2	1	1	14	5	9	2	22
CHICOT	2		1	20	3	20	1	60
CLARK	1		1	1	1	46	0	5
CLAY	1			4	1	20	4	20
CLEBURNE	1	1	3	12	2	70	1	5
CLEVELAND	1			4	0	1	1	30
COLUMBIA		1	1	2	1	N/A	N/A	N/A
CONWAY	1	1	1	6	2	10	0	1
CRAIGHEAD	1		8	7	1	30	70	6
CRAWFORD	1	1	2	15	10	33	0	4
CRITTENDEN	1	1	2	13	9	69	4	7
CROSS	2		4	27	4	155	18	15
DALLAS	1			5	2	30	2	2
DESHA	2		1	3	2	400	30	15
DREW	1		1	7	2	N/A	N/A	N/A
FAULKNER	1	1	4	111	3	N/A	N/A	N/A
FRANKLIN	2		4	8		30	2	5
FULTON	1	1	3	4	2	2	1	
GARLAND	2		3	7	1	200	2	8
GRANT	1		2	30	4	15	0	3
GREENE	1			1	1	4	2	30
HEMPSTEAD	1		2	17	2	8	1	10
HOT SPRING	2	1	3	25	7	6	1	21
HOWARD		1		0	1	N/A	N/A	N/A
INDEPENDENCE	1		2	7	1	15	3	15
IZARD	1	1	3	9	0	2	2	23
JACKSON	1		1	18	13	32	3	13
JEFFERSON	2	1	4	76	4	1	1	3
JOHNSON	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LAFAYETTE	1		3	8	8	10	2	10
LAWRENCE	1			1		75	3	5
LEE	1		4	10	4	20	6	5
LINCOLN	1		3	3	1	20	1	5
LITTLE RIVER	1		2	5	1	50	10	20
LOGAN	2		1	12	6	18	5	14
LONOKE	2		2	45	28	5	1	12
MADISON	1		3	2	9	N/A	N/A	N/A
MARION	1	1	3	4	2	10	3	18
MILLER	N/A	N/A	N/A	N/A	N/A	350	50	13
MISSISSIPPI	2	1	7	155	23	25	9	8
MONROE	2		3	10	2	15	5	18
MONTGOMERY	1		1	4	0	20	3	20
NEVADA	1		2	3	1	N/A	N/A	N/A
NEWTON	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OUACHITA	1		2	8	1	50	10	10
PERRY	1			10	1	21	2	30
PHILLIPS	1			5	5	61	4	12

ARKANSAS COURTS AND WARRANT REQUESTS

County	LAW ENFORCEMENT RESPONSES			JUDGE RESPONSES				Avg. Time to Process a Warrant (mins)
	Avg. # of District Judges Used for Warrants Per Agency*	Avg. # of City Court Judges Used for Warrants Per Agency*	Avg. # of Circuit Judges Used for Warrants Per Agency*	Weekly Warrant Requests		Weekly Warrant Requests		
				Estimated Daytime Countywide	Estimated After Hours Countywide	Estimated Daytime Countywide	Estimated After Hours Countywide	
PIKE	1		2	2	3	10	10	30
POINSETT	1	1		37	5	83	4	8
POLK	1		1	10	2	40	1	5
POPE	1	1	2	13	20	6	1	16
PRAIRIE	2			9	2	9	3	15
PULASKI	1		3	104	31	40	3	12
RANDOLPH	2		2	8	6	23	3	25
SALINE	2	1	3	92	27	6	3	10
SCOTT	N/A	N/A	N/A	N/A	N/A	4	0	10
SEARCY	1			20	1	N/A	N/A	N/A
SEBASTIAN	1	1	5	40	4	130	0	2
SEVIER	1		2	13	1	10	1	10
SHARP	1		1	10	3	20	5	20
ST. FRANCIS	1	1	4	8	7	N/A	N/A	N/A
STONE	1		3	3	1	N/A	N/A	N/A
UNION	1		3	8	7	55	10	5
VAN BUREN	1	1	4	10	4	13	1	10
WASHINGTON	2	1	3	45	6	93	9	8
WHITE	2	1	2	116	9	26	10	23
WOODRUFF	1			9	1	3	1	15
YELL	1		2	58	5			10
STATEWIDE	1	1	3	1,433	328	2,621	353	14

*Not all agencies within a county necessarily replied to the survey. N/A = not available due to no reply from county.

Estimated Judicial Hours to Process Warrant Requests Per Year

County	14 Minutes Per Request	10 Minutes Per Request	5 Minutes Per Request
ARKANSAS	36.4	26.0	13.0
ASHLEY	339.7	242.7	121.3
BAXTER	91.0	65.0	32.5
BENTON	291.2	208.0	104.0
BOONE	376.1	268.7	134.3
BRADLEY	145.6	104.0	52.0
CALHOUN	n/a	n/a	n/a
CARROLL	218.4	156.0	78.0
CHICOT	273.0	195.0	97.5
CLARK	24.3	17.3	8.7
CLAY	60.7	43.3	21.7
CLEBURNE	163.8	117.0	58.5
CLEVELAND	48.5	34.7	17.3
COLUMBIA	36.4	26.0	13.0
CONWAY	84.9	60.7	30.3
CRAIGHEAD	91.0	65.0	32.5
CRAWFORD	303.3	216.7	108.3
CRITTENDEN	266.9	190.7	95.3
CROSS	376.1	268.7	134.3
DALLAS	84.9	60.7	30.3
DESHA	48.5	34.7	17.3
DREW	109.2	78.0	39.0
FAULKNER	1,383.2	988.0	494.0
FRANKLIN	97.1	69.3	34.7
FULTON	72.8	52.0	26.0
GARLAND	97.1	69.3	34.7
GRANT	412.5	294.7	147.3
GREENE	24.3	17.3	8.7
HEMPSTEAD	224.5	160.3	80.2
HOT SPRING	382.2	273.0	136.5
HOWARD	12.1	8.7	4.3
INDEPENDENCE	97.1	69.3	34.7
IZARD	109.2	78.0	39.0
JACKSON	364.0	260.0	130.0
JEFFERSON	964.6	689.0	344.5
JOHNSON	n/a	n/a	n/a
LAFAYETTE	194.1	138.7	69.3
LAWRENCE	12.1	8.7	4.3
LEE	169.9	121.3	60.7
LINCOLN	42.5	30.3	15.2
LITTLE RIVER	72.8	52.0	26.0
LOGAN	206.3	147.3	73.7
LONOKE	885.7	632.7	316.3
MADISON	127.4	91.0	45.5
MARION	60.7	43.3	21.7
MILLER	n/a	n/a	n/a
MISSISSIPPI	2,147.6	1,534.0	767.0

Estimated Judicial Hours to Process Warrant Requests Per Year

County	14 Minutes Per Request	10 Minutes Per Request	5 Minutes Per Request
MONROE	139.5	99.7	49.8
MONTGOMERY	42.5	30.3	15.2
NEVADA	48.5	34.7	17.3
NEWTON	n/a	n/a	n/a
OUACHITA	109.2	78.0	39.0
PERRY	133.5	95.3	47.7
PHILLIPS	115.3	82.3	41.2
PIKE	48.5	34.7	17.3
POINSETT	503.5	359.7	179.8
POLK	139.5	99.7	49.8
POPE	394.3	281.7	140.8
PRAIRIE	121.3	86.7	43.3
PULASKI	1,638.0	1,170.0	585.0
RANDOLPH	163.8	117.0	58.5
SALINE	1,437.8	1,027.0	513.5
SCOTT	n/a	n/a	n/a
SEARCY	254.8	182.0	91.0
SEBASTIAN	533.9	381.3	190.7
SEVIER	163.8	117.0	58.5
SHARP	157.7	112.7	56.3
ST. FRANCIS	182.0	130.0	65.0
STONE	42.5	30.3	15.2
UNION	182.0	130.0	65.0
VAN BUREN	169.9	121.3	60.7
WASHINGTON	612.7	437.7	218.8
WHITE	1,510.6	1,079.0	539.5
WOODRUFF	121.3	86.7	43.3
YELL	758.3	541.7	270.8
STATEWIDE TOTAL	21,354.7	15,253.3	7,626.7
STATEWIDE AVERAGE PER COUNTY	305.1	217.9	109.0
STATEWIDE MEDIAN PER COUNTY	206.3	147.3	73.7