

State of the Judiciary

Chief Justice John Dan Kemp

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President Hoggard, President-Elect Hilliard, Fellow Justices and Judges,
Honorable Members of the Bar and Guests:

Just over five months ago, I had the privilege of being sworn in as your chief justice. It is an honor to stand before you today giving my first State of the Judiciary address to the joint meeting of the Arkansas Bar Association and the Arkansas Judicial Council. I want to thank Bar President Denise Hoggard for the invitation to speak today.

This summer marks my 40th year of service as a judge in this great state. On August 1, 1977, I was sworn in as municipal court judge. I had the pleasure of serving as a municipal court judge, now district court judge, for nine-and-a-half years. Those years gave me a deep appreciation for the workload of district judges and their staff members.

District court clerks in this state do a remarkable job. I want them to know I appreciate their service to our state. This past December, the National Center for State Courts released the State of State Courts Poll, which surveyed court users about their experiences. Remarkably, 78 percent reported that in all

courts, regardless of the outcome, they were satisfied with the fairness of the process in the court system. Many of these cases arise in district courts.

In Arkansas, the salaries of trial court administrators and court reporters are funded through the Administration of Justice Fund, which is based off the collection of court costs and fees. This is bad policy from an employment and management point of view. I urge the General Assembly to see that these employees are paid from general-revenue funds just as all other state employees are.

After my time as district judge, I was fortunate to be elected to the circuit court bench, where I served for 30 years. I am well aware of the challenges that the circuit judges and their staffs face. Circuit judges around Arkansas do a tremendous job, making difficult decisions on a daily basis. They and their staffs deal with difficult situations and with individuals facing a variety of problems. Unfortunately, sometimes judges and attorneys do not adequately handle stress, anxiety, anger, or substance dependence. Confidential assistance is available through the Arkansas Judges and Lawyers Assistance Program (JLAP). Dr. Sarah Cearley and her staff, along with their many volunteers, provide a much - needed service to the Bench and Bar in Arkansas, and I am grateful for the work they do.

Despite the challenges that judges and their staffs face, I am always impressed at their willingness to step up and volunteer for committee work to help improve our judicial system. From creating specialty-court dockets to spearheading juvenile-justice reform, these judges are leaders who realize we can no longer simply lock up individuals and pretend that our societal problems will go away.

I would like to thank Chief Judge Rita Gruber and the other judges on the court of appeals for their service. I believe it is important to keep an open line of communication between the supreme court and the court of appeals. I welcome input from my colleagues on the appellate bench regarding ways to improve collegiality. We were all elected to serve the people of this state. The members of both courts handle their caseloads in a timely manner to ensure that all litigants are afforded due process.

This fall, I will welcome a team from the National Center for State Courts to independently examine our appellate caseloads. The NCSC has conducted workload assessments for 30 state court systems. This process integrates empirical data with stakeholder perspectives to identify best practices. The workload assessment will determine if we are allocating resources equitably between the courts. The NCSC professionals may also make recommendations

to ensure that we are not stuck in the traditions of the past but are moving toward a more efficient future.

At the Arkansas Supreme Court, it has been an extraordinary few months. Since the first of the year, I have found peace being able to watch my grandsons Hoover and Hutson play in their youth baseball leagues in Lakewood. Hitting from a pitching machine can be quite intimidating for a young boy. Hoover has stepped up to the challenge and worked hard, and he had his first walk-off hit a couple of weeks ago. As the season went on, I have witnessed him and his teammates develop a bond. I feel the same way about my time with the members of the Arkansas Supreme Court. I'm proud of the way the Supreme Court worked together during the intense time of the spring term, and I appreciate the good work of the Supreme Court Clerk and her staff.

The great St. Louis Cardinal Hall of Famer Stan Musial once said, "*Unless you give it all you've got, there isn't any sense in playing.*" As chief justice, I will do all I can to improve the administration of justice in our state. To that end, I'd like to spend the next few minutes sharing with you some of my goals for the upcoming months and years.

Arkansas is just one of 12 states that does not publish a long-term strategic plan for the judicial branch. I believe strategic planning is critical for any large-

scale organization. It helps set direction and priorities, gets everyone on the same page, assists with decision-making, ensures effective use of resources, and aids in communication. Last month the Supreme Court adopted a strategic-planning initiative. I recently appointed our judiciary's first strategic-planning committee. It is composed of judges and court personnel from all state-court levels. This summer, we will begin a year-and-a-half process to publish our first strategic plan, which will be called "Delivering Justice, Vision for 2025."

It is my hope that this committee can help provide solutions to some serious issues we must address. Updating our jury and case-management systems is one of my top priorities. We must embrace new technologies that will help the administration of justice become more efficient, effective, and user friendly. We can no longer sit by and rely on outdated, difficult-to-use systems. The citizens of Arkansas and our court staff members deserve better. E-filing should be available in all judicial circuits by 2025. This paperless process is helpful to the Bar, and there is no reason why we can't meet such a challenge.

This fall, I hope to roll out a new social-media initiative to highlight the work of the court. It is time that we embrace the use of Twitter, Instagram, and other social-media platforms to inform the Bar and the citizens of Arkansas about the work we are doing. For example, twice a year, the court holds oral

arguments outside Little Rock as part of the Appeals on Wheels program. Most recently, we traveled to Clinton and Batesville. These events are held at colleges, universities, civic centers, and local high schools. We want Arkansans to see the work we do firsthand, even if they can't make it to Little Rock. We also host hundreds of Arkansans each year in the Justice Building, from school groups to leadership groups, and most recently, Boys and Girls State.

I plan to visit each of the 28 judicial circuits in the coming months. Since announcing my plan at the annual meeting of the administrative judges, I have visited the city of Nashville in the Ninth West Judicial Circuit and the city of Van Buren in the Twenty-First Judicial Circuit. I have additional visits planned in the coming weeks. I want to thank the judges in those circuits for their hospitality and for taking the time to share their views. The purpose of these meetings is to give members of the court community an opportunity to express their concerns and the issues they face. If you would like to be involved in these endeavors, please contact your local administrative judge and have him or her contact the Administrative Office of the Courts.

A pressing concern is the need for improved security in our courtrooms and courthouses throughout the state. Court security is fundamental to our

justice system. I believe the public, the parties, and the court officials need to be assured of their safety when utilizing the court system.

I want to offer my thanks to the Arkansas legislature, which passed Act 576 of 2007. That Act calls for \$250,000 per year to be appropriated to the Administrative Office of the Courts to implement a grant program to distribute funds to counties that need to update or add court security equipment in their local courthouses. This appropriation helps counties pay for things like panic alarms, portable communication radios, closed-circuit television monitors, security cameras, metal detectors, and video-arraignment systems. These items have become vital aids to our local law enforcement who work so hard to keep our courthouses safe. This appropriation shows how seriously the legislature takes court security, and it is a good example of what can occur when the branches of government work together to address a serious need.

This year, 33 counties submitted grant applications to fund local court-security needs. The Administrative Office of the Courts was able to fund 20 of those applications before funds were exhausted. The amount appropriated has not increased since 2007. I plan to request an additional \$250,000 for the grant program in the upcoming fiscal session. This increase will go a long way in

helping to protect Arkansans who use the court system. I urge you to contact your local legislators to express your support of this critical need.

Several years ago, the Arkansas Supreme Court launched the Arkansas Courts and Community Initiative. The stated purpose of this initiative was “to engage in an intensive and comprehensive public outreach campaign to inform and engage our communities in a conversation about the foundations of our democracy.” The judiciary embraces the principles of separation of powers and checks and balances. I believe we should expose any attempt to erode the courts’ independence.

This initiative was successful in raising civics awareness and an appreciation for the crucial role of our courts in upholding both the United States and State constitutions. A large part of its success was due to the creation of a speakers bureau, where judges and attorneys made presentations in 55 counties about the need for fair and impartial courts.

Today I would like to announce that we are working to introduce a new and improved Courts and Community Initiative through which we aid the Bench and Bar in communicating the importance of civics education and the role of government in your hometowns. The updated material will be ready this fall. Our goal is to share this information, through an updated speakers

bureau, in all 75 counties. I hope many judges and lawyers will volunteer to be a speaker in this program.

Further, I am extremely proud of the Bench and Bar in Arkansas, but I want to leave you with a challenge. I would like each of you to ask yourself what you can do to improve the rule of law in our communities. Once you find that answer, act on it.

This country was founded on respect for the rule of law. Without our judicial system, society as we know it would cease to exist. Our court system allows for the peaceful resolution of disputes and ensures a safe and vibrant society. Our independent judiciary is the envy of the world. It is important that I convey that the judicial branch is a co-equal branch of government in our constitutional system that promotes and, oftentimes, creates tension between the other branches of government. Such tension created by the separation of powers is what our founders expected. Richard Allen Epstein, a professor of law at the New York University Law School, said, *“America’s greatness is due in no small measure to our system of government, in which power and authority are deliberately divided. The separation of powers is not a mere technicality. It is the centerpiece of our Constitution. Our freedoms depend upon it in the future, just as they*

have in the past.” I could not agree more strongly in the adherence to the separation of powers in our government.

Lastly, as I noted in my investiture speech, the need for additional public defenders is still present in Arkansas’s criminal justice system. The caseloads maintained by Arkansas’s public defenders are more than double the recommended caseloads. Advocating for more public defenders does not mean that one is soft on crime. A person is entitled to his or her rights under the Constitution regardless of income. There is one Constitution that ensures the rights of all people. More public defenders are needed in order to avoid a crisis situation.

I commend you for being passionate about your commitment to the legal profession, and I encourage you to make time for other things in life that matter, such as art, music, spirituality, literature, and love. Be available for your spouse, your significant other, and your children. Don’t miss out on your children’s events.

In closing, I want to mention the great Stan Musial once again. Toward the end of his Hall of Fame career, he said, *“Every day you put this jersey on, it’s a privilege.”* After 40 years of service as a judge, I know exactly how he felt when he said that. Every time I put on my judicial robe, I think of how blessed

I have been in my life. It is indeed an honor to serve you. I appreciate you placing your trust in me. With your help, we will continue to have a strong and independent judiciary, grounded in precepts of the past and looking toward a bright future. I thank you for your attention and for your commitment to ensuring a fair and impartial justice system for all Arkansans.