

State of the Judiciary
Chief Justice John Dan Kemp
June 2021

President Keith, President-Elect Estes, Fellow Justices and Judges, Honorable
Members of the Bar, and Guests:

Introduction:

It's a pleasure to have the opportunity to address this joint meeting of the Arkansas Bar Association and the Arkansas Judicial Council, especially when it appears this pandemic is finally coming to an end. No one could have predicted the impact COVID-19 would have on our lives and in our communities. My heart goes out to the thousands of families in Arkansas that have been affected by this disease.

As challenging as the previous 16 months have been, I am extremely proud of how the court community has responded to the pandemic. We have worked to ensure courts in our state remained open as safely as possible. I appreciate President Keith giving me this opportunity to share with you how the judiciary has adapted and stepped up during these challenging times. I also want to commend President Keith for guiding the Bar Association through this difficult time. Your efforts and hard work have not gone unnoticed, and we thank you for your service.

It has been three years since I shared with you Arkansas's first long-term strategic plan for the judiciary. We have been working hard on achieving our stated goals. Last month, the Strategic Planning Committee, with representatives from the bench, court staff, and the state's legal community, published a progress report detailing the committee's thoughtful and determined work. We continue to work tirelessly to deliver this vision for what Arkansas's courts may – and in many cases must – become. Equipped with this vision, it is our ardent hope that the court system will improve the services it provides to the public, attorneys, and other branches of government, while simultaneously protecting the judiciary's vital and independent role.

I'd like to share some details outlined in the six categories of that progress report, which can be found on our website by searching for Strategic Plan of the Arkansas Judiciary.

1. Fostering Judicial Independence

The global pandemic caused unforeseen financial and logistical challenges in courts across the state and nation. To ensure safe, meaningful access to the courts during the COVID19 pandemic, the Supreme Court, through the Administrative Office of the Courts, has facilitated multiple distributions of hundreds of thousands

of personal protection equipment, such as facemasks, hand sanitizers, and digital thermometers, for use in circuit and district courts, thereby alleviating the financial strain local governments have in providing proper protection. Furthering the effort to ensure meaningful access to the courts, the AOC obtained Zoom licenses for use by the courts and by court personnel across the state. These acquisitions have been funded, at least in-part, by grants from the CARES Act, the Coronavirus Emergency Supplemental Funding Program (CESF), and other grants.

One of the most central and far-reaching goals of mine is shifting funding of courts from fees, costs, and fines to general revenues. I want to thank the Arkansas Legislature, specifically Representative Carol Dalby, for helping us to end the practice of paying district judge salaries from the Administration of Justice Fund this past session. Thanks to her leadership, district judges are now paid like all other constitutional officers, and not from fees, cost, and fines. This summer, I plan on announcing the formation of a working group that will seek to make additional progress to shift the sources of funding so the Judiciary will truly be independent.

2. Improving Access to Justice

The Arkansas Access to Justice Commission recently collaborated with the National Center for Access to Justice to produce a Justice Index assessment. In partnership with the Administrative Office of the Courts, the Commission

coordinated Arkansas's responses on several access to justice metrics, including access to court facilities for persons with disabilities. The Commission will be working to implement recommendations from the Justice Index on accessibility once an updated report is released.

The Commission's next steps are to 1) raise awareness of the report's findings and 2) provide technical support for implementation of the report's recommendations. For instance, one likely recommendation of the Justice Index will be that the Arkansas Judiciary provide training for court staff on how to assist court users with disabilities. The Commission's newly hired program coordinator has subject matter expertise in this area and will develop a training program for court staff. The Commission expects to deliver this training before the end of this year.

Accommodations for persons with disabilities, or with limited English proficiency, is another area in which the Justice Index recommendations will guide Commission efforts into the next year. The Commission anticipates cooperating with the Office of Court Interpreter Services to determine which Justice Index recommendations on language access can be implemented in Arkansas. One example of a recommendation the Commission believes is achievable soon is providing notice of the right to an interpreter, or disability accommodation, by including information in official court communications, posting signs in prominent

locations in court facilities, and providing additional information on the Arkansas Judiciary's website.

3. Communicating Effectively with the Public

The Judiciary has created two podcasts to educate the public. *Courts & Community* is a series of one-minute educational segments about the court system. The segments air on public radio stations throughout the state. A second podcast, *Lady Justice: Women of the Court*, is a collaboration among female Supreme Court Justices from four states, including Arkansas Supreme Court Justice Rhonda Wood. The podcast is produced by the Arkansas Supreme Court's Public Education Program and the panelists discuss the role of state courts.

In March 2021, several classrooms from around the state participated in video conferences with a justice of the Supreme Court and had the opportunity to ask questions. The classroom exchanges allow members of the court to visit with students from all parts of the state.

For Arkansans who are not able to travel to the Justice Building for an in-person tour, the Judiciary has created a video tour, available on our website, that takes the public through the building and explains the functions of the court system. After watching the video, teachers are invited to contact the public education coordinator to arrange a virtual question-and-answers session with a justice or judge.

Through an online “Request a Judge” form, teachers in the state can submit a request to have a local judge speak to their class. The public education program connects these classes with judges in their area.

The Supreme Court regularly holds outreach initiatives during Judicial Outreach Week in March, Law Day in May, and Constitution Day in September. Recent initiatives include a Law Day Art and Essay contest, a presentation by Supreme Court Justices with the Central Arkansas Library System, and Constitution Day outreach initiatives that included Justices and Judges visiting area high schools.

The Judiciary’s Public Education Program has been working with the Arkansas Department of Education to create materials that meet the necessary criteria for civics courses in public schools. Materials created by the Judiciary are included in the Department of Education’s list of suggested resources for the state’s social studies teachers. Additionally, the Department of Education has partnered with the Judiciary to connect with the state’s teachers. When announcements regarding public outreach initiatives are made, the Department of Education distributes the information on its social media and through other channels.

The Judiciary also regularly posts information to its social media channels. Content includes educational videos, court opinions, announcements of oral arguments, and announcements of public outreach events and initiatives.

4. Improving Educational Opportunities Available to the Judiciary

Due to the large number of newly elected judges who took office in 2021, the Administrative Office of the Courts worked to provide judicial orientation sessions for both circuit and district judges via Zoom. Judicial Education is evolving, and continued utilization of the techniques implemented during the pandemic will ensure even higher standards in a post-pandemic world.

The Administrative Office of the Courts has purchased a Learning Management System (LMS) and has worked to build an online course library to deliver on-demand training to the court community. Nearly 800 court personnel spanning eight different constituencies are currently enrolled in LMS courses. Each learner has an account that provides access to an individualized dashboard to view assigned training sessions or to select courses from a catalog that can be completed at their own pace.

Seventy-three hours of judicial education are currently available through the Learning Management System. The Administrative Office of the Courts also hosted ten virtual conferences, three staff development sessions, and twelve specialty programs in 2020. These programs were recorded and have been stored on the LMS.

We will continue to provide ongoing subject-matter-focused education and training to our judges, which will include information on maintaining and enhancing professional development.

5. Embracing Technology

The Arkansas Judiciary is committed to embracing technology and promoting its use to optimize the experiences of all who are involved with the court system. Technology can aid in improving accessibility to, as well as efficiency and productivity of, the judicial system. Courts must embrace technology and actively use and manage it. Courts must also respond to the changing technological environment by providing court users remote access to information, records, and services. While recognizing the importance that technology can play in the judicial system, courts must always ensure that all court systems and data are securely maintained and that the requisite level of privacy is afforded all information.

I encourage each county to adopt a technology plan that incorporates minimum technology standards that would include specifications for hardware, software, equipment, and internet capacity for all courts.

In 2020, at the beginning of the pandemic, the Supreme Court negotiated courtesy licenses with Zoom and the AOC rolled out Zoom accounts to appellate, circuit, and district courts statewide. In late 2020, the courtesy accounts were migrated to Zoom for Government accounts for increased security. I want to thank Derek Henderson with the Supreme Court Commission on Children and Families. He provided extensive support and wrote guides on technology and conducting virtual hearings for judges across our state.

In 2020, the AOC completed several infrastructure projects that safeguard the security, integrity, and confidentiality of court data. These include replacing the firewall, implementing an updated Microsoft Administration Manager, upgrading iMIS and eFlex, and upgrading Nagios – a network monitoring tool.

In 2020, the AOC began rolling out a new program called S.C.A.L.E.S. to help the state manage Specialty Courts. This system has a more modern user interface and streamlined design to simplify specialty court management processes. New tools and applications to assist court users were implemented such as the Child Support Calculator, the User Security Administration application, and the Court Services Documents application as well as new releases for S.A.V.R.Y. and a new, modern interface for Court Connect.

During the pandemic, the AOC made substantial progress in rolling out the eFiling system through a process called eFlex Lite. By eliminating the accounting-related aspect of implementation and utilizing online-only training and support, in a matter of months eFlex was rolled out to nearly 1/3 of the State's counties. This rollout substantially impacted the courts' ability to conduct business through the pandemic.

The Arkansas courts continue to improve technology and its accessibility, efficiency, and productivity in the judicial system. We have eighteen more eFiling

courts and eleven courts participating in an implementation project. By this time next year, we should have more than 75% of the counties on the system.

Three more district courts started using our case management system Contexte this year, utilizing funds from a Federal Motor Carrier Safety Administration grant. The current project will add another six locations and is scheduled to go live in August. Contexte allows the courts to provide online public access, take online payments, and receive electronic citations from law enforcement.

Efforts are underway to begin building a new court management system. We formed a team to establish initial architecture, select technology, and build a development roadmap. By this time next year, we plan to have a prototype for users to provide feedback as we make frequent improvements that will eventually lead to a completely new system for our courts.

The Court Information Systems Division is migrating its databases and servers that house our court application systems to the government cloud. The effort will eliminate the need to purchase servers and storage, so in addition to substantial cost savings, the project will also increase our security and the efficiency and availability of our stored data.

6. Enhancing security

The AOC provides templates for the creation of Court Security and Emergency Preparedness Plans. This set of plans includes: 1) Court Facility Assessment, 2) Emergency Response Plan, 3) Court Security Plan, and 4) Continuity of Operations Plans. The Director of Court Security and Emergency Preparedness offers on-going guidance and support to complete and update these plans. The plans are updated separately on a rotating calendar, so the courts are not tasked with annually updating each plan.

Funding from ACT 576 of 2007 provides \$250,000 annually for the courts to implement new or upgrade existing court security programs. With the Governor's rainy-day fund support of \$300,000.00 in 2018, through FY2020, \$3,420,629.76 has been awarded to the courts for this purpose since 2008.

I encourage development of a methodology to determine court-security staffing needs for each court, which will ensure that court-security officers are available to monitor each facility, operate security equipment, and respond to emergency or security needs. For this type of staffing to be successful, the local stakeholders must engage in ongoing communication and collaboration with the State Director.

In recent months, Arkansas courthouses have been impacted by fire, floods, and tornados. It is imperative that each county develop and maintain local emergency preparedness and continuity-of-operations plans for courts and courthouses, which

should address how essential functions will continue, how records and facilities will be protected, and who will be responsible for decision-making. I encourage local courts to engage in “drills” to determine appropriateness of the continuity-of-operations plan and to familiarize the participants with their roles under the plan.

Announcements

As my time today comes to a close, I want to take a moment to share with you three additional things. First, I am aware of the case backlog that COVID-19 has caused in our trial courts. I am prepared to appoint retired judges to help with criminal and civil jury trials should any judicial circuit need help. If a circuit has a backlog they can't manage, their administrative judge should contact me as soon as possible. We will get them the resources they need to ensure every Arkansan receives the justice our constitution guarantees.

Second, I am pleased to announce the formation of a Domestic Violence Court Taskforce. This group, which includes four circuit judges, four district judges, four legislators, a prosecuting attorney, a public defender and two citizen members, will begin work this summer to come up with solutions to ensure victims of domestic violence can get the resources they need, and that perpetrators can get the help they need to break the senseless cycles of violence.

Third, I am pleased to announce the expansion of the Justice Building in Little Rock. In 2016, the Supreme Court voted to explore the possibility of adding two new additions to the existing building which houses the Supreme Court Library, the Court of Appeals, and the Administrative Office of the Courts. The effort will allow the AOC to have all staff under one roof, instead of having personnel in three separate buildings around the city. In addition, an expansion will allow for over 10,000 square feet of meeting space, and an additional 7,500 square feet which will serve as a Capitol Grounds Visitor and Civics Education Center. It was not economically feasible five years ago, but with lower interest rates, and an existing bond revenue stream, which paid for the addition that was completed back in 2001, we have now broken ground on the project which should be complete in a year and a half.

This new expansion will be the crown jewel of the Capitol complex. Featuring a mock courtroom, and a Civics Education Center, where Arkansans of all ages can go to learn about the three branches of government, the importance of civility, and how our state judiciary works. The Center will be an important facility for all three branches to gather, learn from each other, and illustrate why our republic is so special. I look forward to holding the grand opening by the end of 2022.

Conclusion

We are living in unprecedented times, and I'm proud of the judges and court staff in Arkansas. Their efforts over the past year have been extraordinary. The Bench and Bar has done a remarkable job adapting to new technologies which helped ensure the administration of justice continued during the pandemic. You all are to be commended for your efforts.

The COVID-19 pandemic affected all of us. Many of us are still facing stress that can feel overwhelming. The social distancing we practiced in order to reduce the spread of COVID, left many of us feeling lonely and isolated, which increases anxiety. If you are feeling like you need help, please reach out to JLAP. Learning to cope in a healthy way will make you, the people you care about, and those around you become more resilient during these challenging times. Efforts are being made by JLAP to improve lawyer well-being.

I appreciate the support of my colleagues on the Supreme Court during this time. From swearing in new lawyers via Zoom, the first Supreme Court in the nation to do so, to being open to scheduling oral argument utilizing videoconferencing, their willingness to embrace technology has been very encouraging. Even after the pandemic, I'm sure many of these newly adopted technologies will stick around to help make our lives easier.

Again, I want to acknowledge the staff of the Administrative Office of the Courts and the Supreme Court Clerk's Office. They do a remarkable job serving all courts in our state.

I thank you for your attention today and I appreciate the opportunity to serve as the Chief Justice for the great state of Arkansas.

Thank you.