



ARKANSAS JUDICIARY

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## Court of Appeals



The Arkansas General Assembly was empowered to create and establish a Court of Appeals by *Arkansas Constitution of 1874*, amendment 58 (approved 1978; repealed by amendment 80, eff. July 1, 2001).

Effective July 1, 1979, the Arkansas General Assembly established the Court of Appeals to be composed of six members. 1979 Ark. Acts 208. Governor Bill Clinton appointed Ernie E. Wright, Steele Hays, George Howard, Jr., David Newbern, Marian F. Penix, and James H. Pilkinton to serve as the first judges of the Arkansas Court of Appeals; Judge Wright was the first Chief Judge. The court handed down its first opinions for publication on August 8, 1979.

Although the creation of the Court of Appeals provided relief for the Arkansas Supreme Court, the latter's growing docket required more. By Act 1085 of 1993, amended by Acts 11, 15, and 1323 of 1995, the Arkansas General Assembly enlarged the Court of Appeals. The number of members grew to nine judges in 1996, with the appointments by Governor Jim Guy Tucker of John F. Stroud, Jr., Olly Neal, and Wendell L. Griffen. The number of members grew to twelve judges in 1997, with the appointments by Governor Mike Huckabee of Terry Crabtree, Margaret Meads, and Andree Layton Roaf.

Pursuant to constitutional amendment 80, section 5, judges of the Court of Appeals have the same qualifications as justices of the Supreme Court. Pursuant to Act 1812 of 2003, the State of Arkansas is divided into seven districts for the election of judges to the Arkansas Court of Appeals, and the dates of electing the judges within each of these districts is established <sup>[1]</sup>.

The jurisdiction of the Arkansas Court of Appeals is determined by the Arkansas Supreme Court. See *Ark. Sup. Ct. R. 1-2* ("Appellate jurisdiction of the Supreme Court and Court of Appeals") <sup>[2]</sup>. There is no right of appeal from the Arkansas Court of Appeals to the Arkansas Supreme Court; however, opinions decided by the Arkansas Court of Appeals may be reviewed by the Arkansas Supreme Court on application by a party to the appeal, upon certification of the Arkansas Court of Appeals, or if the Arkansas Supreme Court decides the case is one that should have originally been assigned to it. *Id.* at 1-2(e).

Opinions of the Court of Appeals issued before July 1, 2009, and not designated for publication shall not be cited, quoted, or referred to by any court or in any argument, brief, or other materials presented to any court (except in continuing or related litigation upon an issue such as *res judicata*, collateral estoppel, or law of the case); the *Arkansas Appellate Reports* contain the official published report of decisions of the Court of Appeals issued before February 14, 2009. *Ark. Sup. Ct. R.* <sup>[2]</sup> 5-2(b), (c). Every Court of Appeals opinion issued after July 1, 2009, is precedent and may be relied upon and cited by any party in any proceeding; the official report of decisions issued after that date shall be an electronic file created, authenticated, secured, and maintained by the Reporter of Decisions on the Arkansas Judiciary website <sup>[3]</sup>. *Id.*; see generally *In re Arkansas Supreme Court and Court of Appeals Rules 5-2, 2009 Ark. 330* (per curiam) <sup>[4]</sup>. For more information, contact the Reporter of Decisions <sup>[5]</sup>.

For more information on the history of the courts, see the Arkansas Courts Historical Background <sup>[6]</sup> originally compiled by William B. Jones, Jr., Reporter of Decisions (1995-2006).

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**Links:**

[1] <https://courts.arkansas.gov/courts/court-of-appeals/map>

[2] <https://courts.arkansas.gov/rules-supreme-court-and-court-of-appeals>

[3] <https://courts.arkansas.gov/courts/court-of-appeals/opinions>

[4] <http://opinions.aoc.arkansas.gov/WebLink8/0/doc/236929/Electronic.aspx>

[5] <https://courts.arkansas.gov/courts/supreme-court/reporter>

[6] <https://courts.arkansas.gov/courts/supreme-court/historical-society/background-pg-3>