



ARKANSAS JUDICIARY

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Court of Appeals



The Arkansas Court of Appeals was created in 1978 by Amendment 58 to the Arkansas Constitution.

In 1979, the Arkansas General Assembly passed Act 208 to establish the Arkansas Court of Appeals as authorized by the amendment and to provide for the selection of the first judges. The court handed down its first opinions for publication on August 8, 1979. Although the creation of the Arkansas Court of Appeals provided relief for the Arkansas Supreme Court's growing docket, continued growth required an increase in the size of the Arkansas

Court of Appeals. Legislation was adopted during the 1993 legislative session to increase the Arkansas Court of Appeals from six to twelve members. In 1995, the Arkansas General Assembly amended the law.

Governor Bill Clinton appointed Ernie E. Wright, M. 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 number of members grew to nine (9) 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 (12) judges in 1997, with the appointments by Governor Mike Huckabee of Terry Crabtree, Margaret Meads, and Andree Layton Roaf.

Pursuant to Act 1812 of 2003, the State of Arkansas is divided into seven (7) 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.

Pursuant to Amendment 58, qualifications for sitting on the Arkansas Court of Appeals are the same as those for sitting on the Arkansas Supreme Court. 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"). There is no right of appeal from the Arkansas Court of Appeals to the Arkansas Supreme Court. *Id.* at 1-2(e). 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.*

Although the Arkansas Court of Appeals issues a large number of signed opinions each week, only those opinions that "resolve novel or unusual questions" are released for publication. Ark. Sup. Ct. R. 5-2(c). This website contains decisions of the Arkansas Court of Appeals that were handed down from 1994 to present and are designated for publication. This website also contains decisions of the Arkansas Court of Appeals that were handed down from January, 2000, to present, but are not designated for publication. [NOTE: The official published opinions of the Arkansas Court of Appeals are published in the bound volumes of Arkansas Reports/Arkansas Appellate Reports.]

For more information on the history of the courts, see the [Arkansas Courts Historical Background](#) [1] compiled by William B. Jones, Jr., Reporter of Decisions (1995-2006).

In re Arkansas Supreme Court and Court of Appeals Rule 5-2, delivered May 28, 2009, amended Rule 5-2, thereby, abolishing the distinction between published and unpublished opinions and making every Court of Appeals opinion issued after July 1, 2009, precedent.

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Links:

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