



ARKANSAS JUDICIARY

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## The Arkansas Courts and Community Initiative

Can you name the three branches of government? Only one in five people in a national survey could name the Executive, Legislative and Judicial Branches. A more common response was Democrat, Republican and Independent.

If you have heard Chief Justice Jim Hannah speak in the last few years, you probably already know this and other alarming statistics. Improving basic understanding of civics in Arkansas is at the top of his list of priorities.



?My recent interactions?around our state,? Hannah said in June, ?lead me to believe that the levels of knowledge and beliefs of Arkansans are similar to those expressed in the national survey... there is a lack of understanding of such basic concepts as separation of powers, federalism, the supremacy clause, judicial review or the binding nature of precedent... this lack of knowledge produces real consequences. It can lead to bad public policy, but, just as importantly, it can produce a decline in the public?s trust and confidence in the judicial system.?

He was speaking at the Arkansas Bar Association's Annual Meeting in front of judges, lawyers and legislators from around the state. At the time, the state was not far removed from what Hannah described as "a long and somewhat contentious session of the General Assembly."

The Arkansas Courts and Community Initiative (ACCI) is how Hannah believes the Judicial Branch can "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 idea of separation of powers is implicit in the Constitution. The framers created a system "to ensure that no one branch would accumulate too much power and that issues of public policy and welfare would be given comprehensive consideration before any action was taken." (The American Heritage® New Dictionary of Cultural Literacy, Third Edition, 2005).

At a kickoff meeting for the ACCI in September, Mary McQueen, president of the National Center for State Courts, talked about the concept of separation of powers and checks and balances. She said that the Judiciary embraces the idea of checks and balances, and that there have been attempts around the country to erode the courts' responsibilities, and therefore their independence.

*In 2012, the Arizona Senate tried to reduce the Court of Appeals from 22 judges to six, after the state's supreme court ruled against an effort by the governor and Senate to remove the head of the state's independent redistricting commission. A senator, during committee hearings on the bill, made clear this was an effort at holding the branch "accountable," despite the fact that no court other than the Arizona Supreme Court had anything to do with the case.*

*Since 2007, there have been efforts in nine states to add or remove the number of seats on state supreme courts to get particular decisional outcomes-- a form of modern day court packing. Sponsors and supporters of a plan to reduce the Montana Supreme Court from seven to five was justified by claiming the legislature had to "hold the court accountable" and "rein them in." But an objective evaluation of this proposal revealed that it was in fact retaliation for the court's 2001 rejection of the state's redistricting plan.*



The Judiciary's checks and balances:

- ? *Open courts (access to records)*
- ? *Juries (public fact finders)*
- ? *Transparent proceedings (transcripts and open court proceedings)*
- ? *Automatic review (appeals process)*
- ? *Reasons for decisions (public pronouncements and written opinions)*
- ? *Judicial Conduct Commissions (citizen participation and enforcement of Judicial Codes of Conduct)*
- ? *Impartial forum (adversary process and appointment of counsel)*
- ? *Constitutional amendment (public endorsement)*

Arkansas has remained relatively unscathed by outside money and attempts to restrict the courts' ability to be fair and impartial; however, that will likely change. By highlighting the

checks and balances within the court system, and between the branches of government, ACCI aims to raise civics awareness and an appreciation for the crucial role of Arkansas courts in upholding our national and state constitutions.

ACCI is developing programs and materials to be used in every county during the next year. Two programs include a Speakers Bureau and A View from the Bench.

For the Speakers Bureau, judges and attorneys will make presentations in their counties on the need for fair and impartial courts to administer the rule of law. ACCI provides presentation materials to the speakers, distributes resources to attendees, and coordinates events with local partners. By giving the presentation in civic clubs, chambers of commerce, veterans' organizations, and minority and women's associations, ACCI hopes to reach a wide variety of Arkansans.

In a View from the Bench, legislators will be paired with a local judge to get a first-hand view of the day-to-day functions of a court. This program will help give time-crunched senators and representatives a chance to experience just how busy - and efficient - our courts are. By emphasizing the essential role courts play in providing justice and access to legal remedies, ACCI hopes to show legislators why their constituents need robust, fair, and impartial courts.

Samuel Kauffman, program director, admits that help will be needed for the program to give Arkansans a better understanding of our courts.

"To be a success," Kauffman said, "the Initiative must be a collaborative effort among the courts, legislators, attorneys, court staff, and civic and business leaders from every county of the state. We are just getting started, but every conversation you have with a neighbor, friend, or family member about your experience and knowledge of the courts will help build better understanding for our fair and impartial courts."

For more information or suggestions for ACCI, please contact Samuel Kauffman at 501-682-6803 or [samuel.kauffman@arkansas.gov](mailto:samuel.kauffman@arkansas.gov) <sup>[1]</sup>.

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**Links:**

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