

State of the Judiciary

Chief Justice John Dan Kemp, Arkansas Supreme Court

Message to the Bar and Judicial Council

June 16, 2023, at Arkansas Bar Association meeting, Hot Springs Convention Center, Hot Springs, Arkansas

## I. Greeting

President Kolb, President-Elect Dobson, Fellow Justices and Judges, Honorable Members of the Bar and Guests: It's always a pleasure to have the opportunity to address this joint meeting of the Arkansas Bar Association and the Arkansas Judicial Council, and especially so during this historic 125th anniversary celebration.

## II. Acknowledgements

Congratulations to Karen Hutchins and her team at the Arkansas Bar Association for putting together such a wonderful program: job well done.

Many thanks to Arkansas Bar Association President Joe Kolb for inviting me today, and I commend him on an excellent year of service to the Bar Association.

I want to take a moment for a point of personal privilege to recognize my wife, Susan. Next month, on July 28th, we will celebrate our fiftieth wedding anniversary. I want to thank you for your love and support as you have stood by me as I achieved my goals and dreams in my legal and judicial career. Thank you.

## III. Introduction

The state of the Arkansas Judiciary is strong, thanks to the good work of its circuit and district judges, its appellate judges, justices, the members of their staff, and the Administrative Office of the Courts. Accordingly, I would like to take a few minutes to share with you the progress that is being made within the judicial branch of our government and continue to provide transparency to the public we serve.

## IV. Technology

In my 2017 State of the Judiciary speech, I announced a vision of eFiling availability in every Judicial Circuit by the end of 2025—a goal many thought impossible. Today, I want to inform you that, as of March 8, 2023—more than two years ahead of schedule—litigants can submit filings electronically in every circuit court in Arkansas. There are over 8,000 registered users of our electronic-filing system. This is a huge accomplishment, and I'm very proud of all those whose diligent work contributed to this achievement.

Over the last year, the Court Information Systems Division of the AOC has devoted significant effort toward our current systems with the Weblogic and eFiling upgrades. Weblogic allows our Oracle Cloud systems to stay current with advanced security and support requirements. The

eFiling upgrade allowed us to move our services to the cloud and provide better stability. Both upgrades offer cost savings by eliminating the ongoing need to purchase updated hardware and reducing the required maintenance effort.

The AOC continues to progress in building a new court-management system with a goal of replacing all our vendor-managed, disparate systems. In December, the AOC was awarded twenty million dollars from the American Rescue Plan Act, which will significantly advance our progress and speed of development and delivery for the new system. I want to thank several legislators who helped us secure this critical funding: Senators Jimmy Hickey, Bart Hester, and Jonathan Dismang; and Representatives Matthew Shepherd, Carol Dalby, and Lane Jean—your leadership is appreciated. This is yet another success story of the branches of government working together for the good of all Arkansans.

In January, the AOC contracted with vendors, including Mainstream, TEKSystems, Slalom, AWS, and Conduo, to launch a joint effort to work collaboratively, utilizing each organization's unique skills and experience to find the best solutions for Arkansas. This collective effort brings together technological innovation, a broad range of staffing, local government experience, organizational strategy, and coaching. We firmly believe this collaboration will ensure greater success than any individual effort. As we understand it, no other judiciary has taken such an innovative approach, and so, we are creating a model for other jurisdictions to follow.

The work began in April with a six-week mobilization phase where the AOC presented court processes, current system limitations, and new design goals to the selected vendors. They then moved to program increment planning, which produced blended teams working in sync to meet two-week sprint goals that established an architectural framework promoting automated testing, advanced data engineering, and new branding.

Multiple teams have been working on Identity Management and Case Management. Identity Management will produce a public landing page and allow users to establish accounts. Case Management will produce new file creation, case creation, and management of cases. In the third quarter of this year, we will begin development of the public interface that will replace CourtConnect. We plan to have the first version released by the end of this year. This will give the public better, easier access to court records in a more user-friendly, modern way.

Arkansas is continuing to lead in court technology innovation. Many proofs of concepts are being explored for the new system, including artificial intelligence and machine learning. In our first generation of eFiling, much of the data-entry burden was placed on attorneys submitting documents. We don't want that burden to fall on you anymore. These next-generation systems will be able to extract filing information directly from the document, offer advanced searching capabilities, and suggest better workflows with automatic routing and reporting and notifications to users. The new system will enhance our ability to create a single statewide repository for court-related data, streamline the assessment and collection of legal financial obligations, and create a single-payment portal. It will also enhance data-exchanges opportunities, including exchanges with the Department of Correction, which have been previously unsuccessful due to our system's technical constraints.

The system we are building will send texts to litigants, reminding them of their court date. In today's world, we often get texts from our dentist's and doctor's offices, reminding us of our appointments with great success. The court community will harness that success to benefit everyone that has business before the court. With over one million cases in district court each year, you can imagine the reduction of failures-to-appear when we implement this new system. We know many of these failures-to-appear happen because people are busy with life and family obligations, and sometimes, they simply forget. Additionally, courts should be able to text out payment links that allow Arkansans to pay their speeding and parking fines via Venmo and PayPal. These are everyday tools that make our jobs and the lives of Arkansans easier, and the court community will benefit greatly from them.

Many people don't realize that, for nearly 30 years, the Arkansas Judiciary has taken a leading role in the use of technology in its courts. We were among the first to bring eFiling to courts, provide a free public portal for court information, accept online payments, adopt cloud-based technologies, live stream appellate oral arguments, and deploy Zoom for remote hearings; and we were the first to publish the official appellate opinions solely online. We have proven that technology, if used wisely, can be a transformative tool for our judiciary, which helps our courts, the bench, and the bar to be more efficient and to more effectively serve the people of the State. The Arkansas Supreme Court will continue its goal of technology leadership as we build our new court case-management system based on the latest technologies, and we will continue to use these technologies to empower court participants to improve the public trust and confidence in our judiciary.

## V. Access to Justice

The Arkansas Judiciary is committed to improving public access to the courts, and we are working to expand public access to court information and services. The judiciary's strategic plan outlines our commitment to embracing technology and promoting its use to optimize the experiences of all who are involved with the court system. We mandated a response to the changing technological environment through the expansion of self-service options for court users. The Access to Justice Commission has taken a major step in the direction of fulfilling that mandate through the Arkansas Courthouse Kiosk program. One of the primary purposes of this program is to ensure that citizens of every county in the state have equal access to legal resources so that a citizen of Rison is no less equipped to resolve his or her legal problems than someone in Little Rock. Currently, that is not the case. Rural communities are especially in need of additional resources.

The Arkansas Courthouse Kiosk program is a partnership of Arkansas Access to Justice, the Court Improvement Program, and the Administrative Office of the Courts. The kiosks, which consist of a computer and a printer, will help court users navigate the court system more easily. The kiosks can be used to access court records, print exhibits, find court forms and fact sheets, and apply for legal aid. Video tutorials and a frequently-asked-questions page are available to make legal concepts easier to understand. The kiosks also support our strategic goal of improving access to the courts for Arkansans with limited English proficiency. The kiosk site and signage are available in both English and Spanish. To date, kiosks have been deployed in 31

counties throughout the state, with 12 more counties on the wait list. The end goal for the program is to make kiosks available to every circuit and district court in the state.

Yesterday, the Arkansas Supreme Court announced the creation of the Arkansas Pro Bono Appeals Pilot Program. The program's goal is to pair low-income appellate litigants with pro bono counsel that can assist them through the appellate process. The Center for Arkansas Legal Services (CALs) and Legal Aid of Arkansas (Legal Aid) have graciously volunteered to provide income-eligibility screening and referral services for the program. Assistance will be available to appellate litigants in civil cases who are not incarcerated, whose income is at or below 125 percent of the federal poverty level, and who otherwise meet the eligibility requirements for receipt of assistance through CALs and Legal Aid. Once the program is operational, pro se litigants may apply for a referral to a volunteer attorney. If the application is approved and a referral is made, the attorney will then consult with the litigant about the matter and decide whether and to what extent to provide any assistance or representation.

Before the project can become operational, we will need a slate of attorneys willing to volunteer their time and efforts. Therefore, we are now seeking volunteers. As we have said before, pro bono public service to low-income Arkansans "represents one of the noblest attributes of the legal profession." *In re Access to Justice Month*, 2022 Ark. 173 (per curiam). Moreover, all Arkansas attorneys bear a professional responsibility to provide free legal services to those unable to pay. Ark. R. Prof'l Conduct 6.1. Attorneys that participate in the program will be eligible to receive up to three hours of continuing legal education credit for their pro bono service. *See In re Rules for Minimum Continuing Legal Educ.* (Rule 4), 2020 Ark. 259 (per curiam). And CALs and Legal Aid will provide malpractice insurance following a referral from one of those organizations.

Attorneys who wish to participate should email the Arkansas Supreme Court Clerk at [probonoappeals@arcourts.gov](mailto:probonoappeals@arcourts.gov). We thank everyone willing to assist in this effort to extend access to appellate justice to our fellow Arkansans who are without the resources to hire appellate counsel, and we anticipate announcing additional information once the program is operational.

## V. Specialty Courts

As a former drug court judge, and as the chair of the Specialty Court Program Advisory Committee, I want to give an update on the work of specialty courts, such as drug courts that order treatment to offenders based on rehabilitation instead of prison.

In 1994, Arkansas's first specialty court, then known as S.T.E.P. (Supervised Treatment and Education Program), was piloted in Pulaski County by the late Circuit Court Judge Jack Lessenberry. Judge Lessenberry noted that his proudest career achievement was establishing Arkansas's first drug court. Through the willingness of judges to take on additional responsibilities to carry out this noble endeavor, there are now over 100 specialty courts established statewide. That number includes a total of 50 adult drug courts, 16 juvenile drug courts, 12 DWI courts, 5 HOPE & Swift courts, 11 veterans treatment courts, 5 alternative sentencing courts, 2 family treatment courts, and 5 mental-health courts. There are just 20

counties that don't have a specialty court yet. It is my hope that one day soon we will have them in all 75 counties in Arkansas.

Specialty courts address the root causes of justice system involvement through specialized dockets, multidisciplinary teams, and a non-adversarial approach. By offering evidence-based treatment, judicial supervision, and accountability, specialty courts provide individualized interventions for participants, thereby improving public safety, reducing recidivism, restoring lives, and promoting confidence and satisfaction with the justice-system process.

Undeniably, none of this would be possible without the leadership of the judges and attorneys who serve in these courts across the state, as well as the needed support and partnership from the legislative and executive branches. Their efforts cannot be understated and should not be undervalued. I personally want to thank Senator Ben Gilmore and Representative Jimmy Gazaway for their work during the legislative session to ensure that adding specialty courts was a priority in the new crime bill. I'm grateful they understand that forging partnerships among specialty-court programs, public agencies, and community-based organizations generates local support and enhances program effectiveness.

Arkansas citizens and the judicial system are better because of specialty courts, and I am eager to see what can be accomplished in the coming years.

While the term "court" explicitly brings the Judicial Branch to mind, it is important to recognize that these programs would not exist without intense collaboration between all three branches of government. Thanks to the Arkansas Legislature, and with the support of Governor Sanders, funding will allow specialty courts to contract with behavioral health professionals and will allow for the establishment of family-treatment courts. Like the internal operations of each specialty court, the creation and growth of these programs is directly related to successful collaboration across various entities, and I am incredibly grateful for the continued support of the legislative, executive, and judicial offices and agencies.

## VII. *Civics Education Center*

I am pleased to announce the expansion of the Justice Building in Little Rock will open this fall. This new expansion will be the crown jewel of the Capitol complex, featuring a mock courtroom, over 10,000 square feet of meeting space, and an additional 7,500 square feet that will serve as a Capitol Grounds Visitor and Civics Education Center, where Arkansans of all ages can 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 and I hope each of you will visit the Civics Education Center with your family.

For Arkansans who are not able to travel to the Justice Building for an in-person tour, the judiciary has created a video tour 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-answer session with a justice or judge.

Our Arkansas Supreme Court social-media initiatives continue to reach tens of thousands of Arkansas citizens as well as individuals from across the globe. Please take the opportunity to visit the Arkansas Judiciary website and follow the Arkansas Supreme Court on Instagram, Twitter, and Facebook. There, you will find the most current syllabus and published opinions from the Court of Appeals and the Supreme Court. Additionally, you will see updates about Appeals on Wheels and other judicial outreach initiatives.

Through our judicial outreach programs and our strategic effort to familiarize Arkansas students with the judicial system, hundreds of students from across Arkansas visited the Justice Building and met my colleagues and me. Over the last year we welcomed students from Little Rock, Bigelow, and Ouachita High Schools, as well as Conway Christian School, Ridgecrest Elementary School, and Saint James Day School, to name a few. We met with the *Win a Day with a Judge* essay contest winners, and hosted students from Girls and Boys State for a mock appellate conference. Additionally, we focused our judicial outreach beyond Arkansas and welcomed delegates from Azerbaijan and Tajikistan, judges from Botswana; and court personnel from Taiwan.

We also held two oral arguments outside of Little Rock in the past nine months through our Appeals on Wheels program. The Supreme Court traveled to the University of Arkansas Fort Smith in October and Conway High School in April. In the weeks leading up to the Fort Smith Appeals on Wheels, we reached over 400 students, including children in elementary school. When we visited Conway High School in April, we reached over 1,200 students. I'm incredibly proud of this program. It provides an up-close opportunity for students to view how the Supreme Court functions. It also provides justices with the opportunity to meet with student groups to answer general questions about the law, how courts work, and the role of judges. We want Arkansans to see the work we do firsthand, even if they can't make it to Little Rock. It's a pleasure to visit with students and members of the community at these events. Having an opportunity to explain how the appellate process works is important. Our court system shouldn't be shrouded in mystery. The questions students ask at these events always renews my faith in the next generation. Today, I'm pleased to announce that the Arkansas Supreme Court will travel to Bryant as part of the court's Appeals on Wheels program this fall. If you are interested in having the Supreme Court visit your town, let me know, and we will do our best to make it happen. Clearly, public outreach is important to me.

## VIII. Conclusion

Finally, I'm excited to announce that I plan on visiting each of the 28 judicial circuits in the coming months. The purpose of these meetings is for me to hear directly from the members of the court community, the legislature, and the local bar about issues and concerns in their hometowns.

I find these visits invigorating. They give me an opportunity to connect in a way that just isn't possible unless you're willing to get out and visit people in their local courthouses. If you would like to be involved in this endeavor, please contact your local administrative judge, and have him or her contact the Administrative Office of the Courts. I look forward to visiting your local

courthouse very soon and hearing from you, in person, about any concerns or suggestions you may have.

I am extremely proud of the Bench and Bar in Arkansas, and I want to leave you with a challenge that I know you are up to. 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.

I appreciate the support and thoughtfulness of my colleagues on the Supreme Court. I also want to acknowledge the staff of the Administrative Office of the Courts and the Supreme Court Clerk's Office. Their ability to step up when needed is much appreciated. They do a remarkable job serving all courts in our state. I thank you for your attention and I am grateful for the opportunity to serve as the Chief Justice for the great state of Arkansas.

Thank you.