

June 14, 2013

Mayor Long,

The implementation of the provisions of Amendment 80 was a challenging process. If we were discussing over coffee, I'm confident that it would be a lengthy and interesting conversation.

Let me attempt to address your inquiry, after some disclaimers. First, I don't know how various courts tally their numbers, or if they even count their cases the same way. I've never seen the numbers you forwarded to me, and I'm suspicious of their accuracy. For instance, I'd be astonished if the cumulative total of all my cases were anywhere near the total cases in Rogers.

The best place to collect numbers from the various courts is probably the Administrative Office of the Courts. However, even the AOC has to rely on what numbers they're given from the various courts in Arkansas. We're all familiar with the adage concerning the three types of lies; one of which is statistics.

In Lowell, we count every charge as a "case". If an officer writes a ticket for three offenses, that's three cases. I believe that's the proper way to tabulate. It makes no difference, whether they appear before the judge, or not. It makes no difference, whether a trooper, deputy, or officer writes the ticket. They're all counted the same in our court.

I don't handle any civil cases. Our Administrative Plan provides that Judge Thomas has the responsibility for all of those. I believe civil cases are counted the same as criminal and traffic. Of course, the Lowell Division does not hear any civil matters.

Highfill does not contribute to judge's salaries, because they do not have a court. They are a city with a police department, but no court.

I bear much of the responsibility for the current agreement with Benton County and the municipalities with courts. It's admittedly far from perfect, but I believe far preferable from the plan that was originally proposed from Little Rock. Of course, if the local representatives of the executive branch can't agree on a formula by October, the legislation provides that the Department of Finance and Administration will provide you with one. I personally believe that local government is nearly always in a better position to work through these issues.

Keep in mind, when the state picked up half of the judge's salaries and all the benefits (insurance, retirement, etc.), there was a substantial savings to the cities and county here. My recollection is that we tried to spread over a hundred thousand dollars (\$100,000.00) in savings between the cities and county.

The Decatur Mayor makes a fair point. His city's caseload is shrinking, and his current contribution is, in all fairness, probably disproportionate. I think you're on the right track. The most equitable way to divide responsibilities is probably based on caseloads. That's what I tried to do originally.

If I can assist in the process, I'm more than happy to do so. Keith Caviness at AOC is always a good resource too. If needed, I'll try to be much more prompt in responding next time. Feel free to contact me anytime, on this, or any other matter.

Jeff R. Conner  
District Judge  
Benton County District Court