

# EVERETT, WALES & COMSTOCK

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March 2, 2015

Independent Citizens Commission  
c/o Office of the Auditor of the State of Arkansas  
State Capitol  
Little Rock, AR, 72201  
[info@citizenscommission.ar.gov](mailto:info@citizenscommission.ar.gov)

## Members of the Commission:

I wish to express my appreciation to each of you for your service on the Commission; I commend the Commission for a job well done. My one disagreement, however, is with the salaries of the associate justices on the Arkansas Supreme Court. As a matter of public policy, it is imperative that the members of the highest court have a salary commensurate with their responsibilities. Consequently, a member of the supreme court should be paid at least \$20,000 more than a judge on a lower-tiered court.

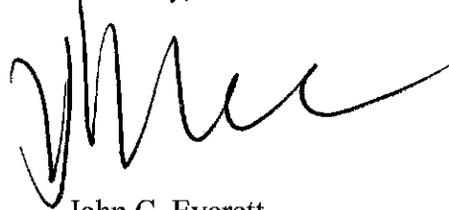
While it is appropriate to use the surrounding states as a model for the salaries of the members the executive and legislative branches, it is insufficient for the judicial branch. My lengthy tenure as a trial lawyer has given me a familiarity with not only the judiciary of this state but also the judiciaries of the surrounding states. Each judicial branch is constituted differently. For example, the supreme courts in Oklahoma and Texas have a jurisdiction that is limited to civil—and not criminal—cases. Further, the number of justices on each court is different. For instance, while Arkansas has seven justices, Oklahoma has nine. In Arkansas, the justices bear the entire cost of

their retirement, thus significantly impacting on their take-home salary. Also, our justices do not receive reimbursement for mileage expenses and receive no per diem, even though they live in other areas of the state and must meet in Little Rock multiple times each week. While you may have this information available, I have been unable to find any reference on your website or your video stream to the differing judicial systems.

I am a strong advocate of judicial elections and believe that it is only through these public contests that we can select lawyers with the requisite character and knowledge of the law to be a supreme court justice. Consequently, we must consider that, to obtain these positions, these lawyers must pay both filing fees and the costs of their elections. The states you have chosen as a model use an appointment-and-retention system for the selection of justices. The individual justices in these states have no costs associated with these appointments. Therefore, when setting salaries, you should consider the financial burden that must be borne by each justice to mount a statewide election.

Finally, I wish to note that our supreme court hears appeals in all bodies of law, including criminal, civil, and administrative law. Their decisions are binding not only on the parties before the court, but also on the citizens and businesses of the entire state. Further, the annual income of successful lawyers that handle appeals before this court triples the annual salary that the Commission proposes to pay the justices. Should we continue to draw qualified lawyers from the bar, this fact must be taken into consideration in setting salaries for our supreme court justices. The justices responsibility is enormous, and because of that, I feel that a salary increase for the members of the highest court is justified and should be substantially more than the judges of other courts in this state.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Everett', written in a cursive style.

John C. Everett

**Betty C. Dickey**  
132 Falata Circle  
Little Rock, AR 72223  
bettycdickey@gmail.com

March 1, 2015

Independent Citizens Commission  
c/o Office of the Auditor of the State of Arkansas  
State Capitol  
Little Rock, AR, 72201  
info@citizenscommission.ar.gov

Members of the Commission:

I have read the Independent Citizens Commission Initial Review and Recommendations and am aware of the Commission's decision to raise the salaries of the associate justices of the Arkansas Supreme Court, from the current amount of \$149,589 to \$166,500. Based on my personal experience as a justice on the court, it is my firm belief that the Commission should consider a greater salary increase for the associate justices.

My service on the Arkansas Supreme Court was undoubtedly the hardest job I have ever undertaken. Countless hours were expended each week considering the many cases before the court. This task included hours of reading thousands of pages of legal arguments presented by the litigants, researching the issues presented to the court for consideration, hearing oral arguments from the bench and preparing opinions deciding these cases.

While I served as Chief Justice, my duties were largely ceremonial. The administrative duties were either handled by numerous trained court administrators at the Administrative Office of the Courts or else delegated among the fellow justices by way of committee assignments. The difficult part of the job was the deciding of the cases, which all of the justices must do. For that reason, I never believed that the large salary gap between the Chief Justice and the associate justices was justified. At present, an even larger gap exists. Based on my experience on the court, and given the duties of the associate justices, I believe that gap is inequitable. I strongly feel that the Commission should strive to close that gap rather than increase it.

The justices consider a multitude of serious questions, as required by the court's own rules. The cases include such important matters as: the interpretation and construction of federal and state constitution; criminal appeals in which the death-penalty and life imprisonment have been imposed; petitions for quo warranto, prohibition, injunction, or mandamus; appeals pertaining to elections and election procedures; appeals involving the discipline of attorneys or the regulation of the practice of law; appeals involving the discipline of judges, issues of first impression that had never been considered before in this state, and sometimes, anywhere else; appeals pertaining to issues upon which there is a perceived inconsistency in the decisions of the Court of Appeals or Supreme Court;

issues of substantial public interest; significant issues needing clarification or development of the law, or overruling of precedent; appeals involving substantial questions of law concerning the validity, construction, or interpretation of an act of the General Assembly, ordinance of a municipality or county, or a rule or regulation of any court, administrative agency, or regulatory body. Further, the federal district courts can call on the court to answer questions of state law. The justices are required to know a great deal of law in diverse areas of civil and criminal law, including administrative law, constitutional law, workers' compensation, and election law.

In addition to cases the justices are assigned each week, the justices must also consider and decide numerous motions, as well as a great number of petitions from inmates seeking various types of post conviction relief. Also, the court meets twice a week for lengthy conferences at which the cases, motions, and post conviction requests are discussed. When there is disagreement among the justices, they must prepare written concurrences and dissents to the majority opinion. Further, the justices have numerous administrative responsibilities. Each justice is assigned a committee to act as a liaison. These include the Arkansas Judges and Lawyers Assistance Program Committee, the Committee on Civil Practice, the Committee on Criminal Practice; the Committee on Model Jury Instructions—Civil; the Committee on Model Jury Instructions—Criminal, and several other committees. The justices also reach out to the public and travel to various locations statewide so that school students and the public can see oral arguments firsthand. Individual justices speak at numerous venues as part of that community outreach.

Considering all of these responsibilities, the justices spend well in excess of a forty-hour workweek. The pressure is enormous. Each day, the justices are faced with these weighty questions and have to carry with them the consequences of their decisions, both for the litigants and for themselves.

The job as a justice also carries with it certain financial burdens. Members of the court who live outside of the Little Rock area must either maintain a second residence in Little Rock or travel long distances to the court. I note that there is no reimbursement for travel expenses, as provided to the judges on the Court of Appeals. And, of course, in order to be elected to their positions, the justices must run statewide campaigns and pay large filing fees, all at tremendous personal expense.

I encourage the Commission to reassess their decision and consider a greater increase in the salaries of associate justices.

Thank you for the opportunity to express my thoughts.

Sincerely,

Betty C. Dickey

*Lance Walters*

FW: Independent Citizens Commission [#43]

HYPERLINK "mailto:thewalters123@sbcglobal.net"thewalters123@sbcglobal.net

Let me start by saying our public officials and judges do deserve a raise but the proposed amounts are a little over the top. I think the majority of the public comments reflect the true feelings of the people of Arkansas. Yes we voted to pass Amendment 94 but sure most were unaware of the complete implications it might have. I am also disappointed to know that there will only be one public meeting which is on a Monday morning at 10:00 ar Little Rock. Two problems: most people are at work at 10 every morning and what about those from others around the state who would like to discuss this issue. Shouldn't each district have a meeting and probably in th evening so you can really get the most feedback. If the Commission does the job they were assigned they will read all the comments(not just the last ones posted) and see that the majority of the feedback and feelings are these steep raises are not what the people want. I am also unsure how some of the Commission members changed their minds from thinking of raises around 15% to 150%. Maybe a typo? I hope the Independent Citizens Commission makes the right, responsible decision for all parties but especially for the People of Arkansas.

*Robert Miller*

FW: Independent Citizens Commission [#44]

HYPERLINK "mailto:robert.pmill@comcast.net"robert.pmill@comcast.net  
Not one penny more in raises. With the amount of money they get for travel etc. ,the do not need a raise!!!!!!!!!!!!!!!!!!!!!!

Not 1 penny more !!!!!!!!!!!!!!!

*Barbara King*

Legislative Salaries

After reading your report, I can understand your recommendations for salary increases. Actually it's not an increase since they already make that. Of course their salary doesn't include chairman and vice-chairman expenses, per diem and mileage. The total is probably closer to \$45,000. So their salaries are not that far behind other states. And they are a part time legislature.

You have recommended they eliminate the \$1200 monthly expenses they can claim. The problem is they will find another way to claim something else.

I don't believe the people read the whole amendment. What they saw was gifts from lobbyists. Which the legislature has already found the loop hole, actually they created it. In the end that part of the amendment will probably be found unconstitutional.

The Representative who proposed this amendment said if we had higher salaries then our politicians wouldn't have to take money or use their campaign money illegally. I find it hard to believe that he would use that as an excuse to raise salaries. In the latest cases, each one made a bad decision but they knew it was wrong.

If you feel these increases are justified, which I don't, couldn't they be given over a period of time. Some of the are quite large to be given at one time. Even minimum wage is not given at once.

Thank you for your time and service on this commission.

Respectfully,  
Barbara King

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Respectfully,  
Barbara King

*Mark Keaton*

Proposed pay increases

To whom it may concern ,

I disagree with the proposed pay increases that the commission is recommending. With most jobs here in Arkansas a pay raise of 10 % is a heck of a raise. I think that their salary needs to be looked at , but I think that their salary increase needs to be in line with what other state employees received that year . The state is going to be hard pressed this year and in the future to fund everything that needs to be funded like it should be without adding this kind of pay increase that the commission is proposing . Also , these people knew what the salary was before they were elected .

Sincerely ,  
Mark Keaton

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