

In response to media requests for comments, the Arkansas Supreme Court issues the following statement for immediate release:

The Supreme Court is aware that the Court of Appeals has criticized the Supreme Court's transfer of a limited number of ineffective-assistance-of-counsel cases. This criticism is based on three factual errors made by the Court of Appeals: (1) that the Supreme Court lacked the authority to transfer cases, (2) that the transfer "summarily" occurred "without explication or further explanation," and (3) that the Supreme Court improvidently retained "exclusive use" of the Criminal Justice Coordinator's (CJC) staff.

The Supreme Court believes these errors must be addressed. First, the Supreme Court's authority for the reassignment of cases is clearly set out in Arkansas Supreme Court Rule 1-2(g) as well as Amendment 80 to the Arkansas Constitution. Second, members of the Supreme Court met with members of the Court of Appeals on at least four occasions over several months prior to the transfer to explain and discuss it. The Supreme Court's staff assisted the Court of Appeals and held a CLE program for their staff regarding these cases. Third, to date, this reassignment resulted in nine new case submissions for the Court of Appeals. Of those nine cases, on only three would the CJC's staff have assisted the Supreme Court. This slight reduction in the CJC workload allowed them to better focus on the 220 criminal justice post-conviction cases that were not transferred.

The Supreme Court has complete confidence that the Court of Appeals' twelve judges and 28 lawyers can handle these cases. This is especially true given that these cases are universally handled by intermediate courts of appeal throughout the United States.