

Title 16. Practice, Procedure, and Courts
Chapter I. Arkansas Public Defender Commission
Subchapter A. Generally
Part 1. General Rule

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Pursuant to the requirements of Ark. Code Ann. § 25-15-203, the Arkansas Public Defender Commission hereby adopts as a rule of the Commission the following:"

Subpart 1. Generally

16 CAR § 1-101. Commission powers and duties.

(a) The Arkansas Public Defender Commission is a board of seven (7) persons who are appointed by the Governor.

(b) The commission is required to be composed of at least four (4) attorneys, one (1) county judge, and at least one (1) trial judge who hears criminal cases.

(c) The commission is required to meet at least one (1) time per quarter.

(d) The following powers and duties have been imposed upon the commission by Acts 1993, No. 1193:

- (1) Establishing standards for a statewide public defender system;
- (2) Establishing a standard definition of indigency for the purposes of court appointment of counsel;
- (3) Establishing standards for the operation of statewide trial public defender offices;
- (4) Establishing standards and policies of funding, compensation, and staffing of trial public defender offices;
- (5) Establishing standards of experience for attorneys assigned to a particular case;

(6) To approve the annual budget for each trial public defender office throughout the state;

(7) To require each trial public defender to compile reports on its expenditures, caseload, and status of cases;

(8) To evaluate the performance of the Executive Director of the Arkansas Public Defender Commission;

(9) To evaluate the performance of the Capital, Conflicts, and Appellate Office;

(10) To evaluate the performance of each trial public defender;

(11) To evaluate the performance of each private attorney who is appointed to represent indigent criminal defendants;

(12) To approve the reassignment of cases from one (1) trial public defender to another public defender in adjacent areas where conflicts are sought to be avoided;

(13) To approve the purchase, rental, and sharing of office space, equipment, or personnel among trial public defenders;

(14) Establishing employee personnel policies for the commission and the trial public defenders;

(15) To accept and to authorize trial public defenders to accept monies, gifts, grants, or services from any public or private source;

(16) To enter and authorize a trial public defender to enter into contracts with individuals, educational institutions, nonprofit associations, or state or federal agencies, including contracts for the provision of legal services related to the defense of indigent criminal defendants;

(17) To compile and maintain a list of private attorneys from each judicial district who are willing to accept court appointments in criminal cases and who meet any other qualifications established by the commission; and

(18) To compile and maintain a separate list of private attorneys who are willing to accept court appointments in capital cases and who meet any other qualifications established by the commission.

(e)(1) The commission will meet at least once every three (3) months.

(2) The commission will, at least twenty (20) days in advance, advertise in a statewide publication when and where each meeting will be held.

(3) These advertisements will describe the nature of any topics scheduled to be discussed by the commission at each meeting.

(f)(1) The commission will consider comments and requests made by members of the public at its meetings.

(2) Written comments to the commission should be forwarded to the:

Arkansas Public Defender Commission
101 East Capitol, Suite 201
Little Rock, Arkansas 72201

(g) Parliamentary procedure shall apply at all meetings held by the commission.

(h) The commission will hear and consider oral comments from the public at its meetings subject to parliamentary procedure rules.

(i) The chair of the commission will call each meeting to order and submit to the floor the issues which the commission will address.

(j)(1) Each commission meeting will be open to the public.

(2) All attendants are required to provide information on the attendance sheet which will be located at the door of each meeting.

(3) The commission reserves the right to consider matters in executive session but will make all decisions, rulings, and orders in open meetings.

(4) Subject to the constraints of time, the commission will attempt to address any subject or issue not scheduled to be addressed at a particular meeting, should such a request be made by the public.

(5)(A) To allow the commission adequate opportunity to consider and prepare for public comments and requests, the commission strongly urges, but does not require, that such be made and submitted in writing in the manner described above.

(B) The substance of the written comments or requests may be further elaborated upon orally at the commission's meeting.

(k)(1) The rules, standards, policies, and orders of the commission shall be kept at the:

Offices of the Arkansas Public Defender Commission
101 East Capitol, Suite 201
Little Rock, Arkansas 72201

(2) Copies of these documents can be purchased from this office.

(3) The commission will also file these documents at the Arkansas State Library and other depositories, as required by law.

Authority. Arkansas Code §§ 16-87-203, 25-15-203.