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Social Justice Practicum

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Social Justice Studies Capstone Essay

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Beginning in May 2016, I worked for the 7th Division of the Pulaski County Circuit Court under Judge Sims. Seventh division is a completely criminal circuit court, meaning that Judge Sims only hears higher-order criminal cases. The charges in these cases range from drug possession to capital murder and everything in between. Another key area of cases involve probation revocation charges. Probation can be revoked for a variety of reasons, including failing a drug test, not checking in frequently with a probation officer, and not updating contact information. The defendants in these cases were all adults, or juveniles charged as adults. They varied widely in race, gender, socioeconomic level, and age.

My older brother worked for several years before me in 7th Division. After he had worked there for awhile, he went to the police academy and became a police officer. Since then, he has worked as a bailiff for the court on particularly loaded court days when more assistance is needed. I was in middle school when my older brother worked for 7th Division, so I did not really understand what he did or how the court system worked. However, when I was about to graduate high school he suggested to Judge Sims that I could fill their newly available intern position. It worked out perfectly, and I have been asked to come back and work in 7th Division every summer and winter break since.

My duties while working at the Pulaski County Circuit Courthouse varied tremendously. One of the main things that I had to learn was how to use Context. Context is a computer software created by the Arkansas Administrative Office of the Courts (AOC). This system allows the court to create the docket and input information about a case online. This information can be viewed by the public on the AOC's website, Court Connect. The public can view basic details such as court dates and information about what happened in court when the defendant appeared.

With my greater access, I was allowed to see more detailed information about the case and documents such as arrest reports and criminal information reports that are not made known to the public. I would often use Court Connect to answer people's questions about cases when they called or came into the office. It is also valuable for checking and making sure that the information is put into Context correctly and accurately.

New cases are filed by the prosecutor's office for the Arkansas Circuit Courts. They decide whether there is enough evidence to bring charges, and if there is, then they file those cases. Defendants typically go to a district court for their first appearance. If the charges are serious enough, the case is referred to the circuit court. There are multiple divisions within the Pulaski County Circuit Court system. Only three of those divisions are strictly criminal, while some hear both civil and criminal cases, and others are strictly civil courts. The criminal case workload is equitably shared mainly between the three strictly criminal divisions. Still, the amount of cases is quite large because Pulaski County is the most heavily populated county in the state of Arkansas, and files the most criminal cases as well. Last year, approximately 5,000 new criminal cases were filed in the Pulaski County Circuit court system alone, which does not include probation revocations.

Once these cases are filed and referred to the circuit court, they go to the clerk's office to be assigned and distributed to the different divisions. Each case has a distinct number which includes the year the case was filed, not the year the crime was allegedly committed, and the case number which are in order of filing. For example, if the 3,000th case of the year 2019 was filed with the circuit court, it's number would be 60CR-19-3000. The 60CR shows that it is in the sixth circuit of the state of Arkansas, followed by the year and the order number in which it was

filed. After the clerk's office assigns the cases to each division, they print out the case information onto an index card. This card includes many different things, such as the defendant's name, address, race, and date of birth as well as the charges that have been brought against them. The cards are then sent to the offices of the division that the case is assigned to. A typical day includes receiving about ten new cases. This can fluctuate, but there is usually a steady stream of new cases being filed and assigned to each division.

Once the new cases reach the court's office, I was responsible for indexing the cards and setting the next court date. Indexing involved simply putting the date in which the case was received by the court's office on the card and researching whether the individual had any other active cases. Active cases are those that have not reached disposition yet, or have been reopened due to a probation revocation or some other factor. The court's policy is to try to set all of a defendant's cases on a single day. So, if an individual already has a court date for another case, then their first appearance in their new case will be set for that date as well. If the already active cases have dates that are several months out, though, then typically a first appearance date is set for the new case and the other cases are put on the same day for reports. This allows for the court and the attorneys to be able to keep up with all the cases a defendant might have. It is not unusual for an individual to have five or more active cases at one time, and multiple dates for all of these cases can get confusing quickly.

Several factors go into setting a date for a case, including the date of arrest of the defendant, the severity of the crime, and the amount of bail that has been set for the defendant. The state of Arkansas has a law that states that individuals with criminal charges must be given a first appearance within a year of the charges being filed. That seems like a lengthy amount of

time, but sometimes certain cases, particularly drug cases, take a long time to be filed. This is because prosecutors in Pulaski County will not file drug charges until the alleged drugs have been tested in the state crime lab and confirmed to be illicit drugs or narcotics. With only one crime lab in the entire state of Arkansas, this is a long process because there is so much backlog. Sometimes new cases are sent to our office that are within a couple of months or less of reaching that one year time limit, so they have to have a date set pretty quickly. If a defendant has been charged with a serious crime, such as murder, their case is also set pretty soon. Furthermore, if a defendant has a very high bond or has no bond, meaning they can not be released until they go before the circuit court, their court date is set rapidly as well. After I had chosen the date for each case according to the court's schedule, I would input the date into the computer through the Context system. Then, I would print out a formal notice of the court date and mail it to the defendant. This was a crucial part of my job because if a defendant does not appear for their court date, a failure to appear warrant would be issued for their arrest.

The first appearance by a defendant in circuit court is called a plea and arraignment. At this initial court date, the defendant can be assigned a public defender if they are in need of one. If not, they must have hired an attorney beforehand so that he or she could appear along with them. Most of the time, the defendant waives the procedural actions of service of the arrest warrant and reading of the charges brought against them. Then, they must enter a plea of guilty or not guilty. If they plead guilty, then they are given a future court date for sentencing. If they plead not guilty, then they are given omnibus hearing and jury trial dates. An omnibus hearing is simply a pretrial hearing in which attorneys can present motions, ask to continue the case to a later date, or take care of any other matters that may need to be cleared up before trial. Jury trials

can be set for one or more days, depending on the severity of the crime and the amount of evidence that will be presented. Jury trials are traditional trials with a jury of twelve individuals that hear arguments from both the defense and prosecution and make a decision of the defendant's guilt or innocence. A defendant can request a bench trial instead of a jury trial, which is where the judge alone hears both sides of the case and then determines the defendant's guilt or innocence. Due to the heavy caseload in the court that I worked in, these court dates were usually set many months in advance.

In 7th Division, regular court was held on Mondays and Thursdays and jury trials took place on Tuesdays and Thursdays. It was rare for a jury trial to actually take place. Majority of the time, defendants would come in the day before or the day of their scheduled jury trial with their attorney and enter a negotiated plea. A negotiated plea is a deal worked out between the prosecuting attorney and the defendant for a plea of guilty in exchange for a lesser sentence. Most cases are resolved in this manner, with very few actually going to trial. On Mondays and Thursdays, many different events could take place, such as plea and arraignments, reports, sentencing hearings, Act 3 hearings, and probation revocation pleas and hearings, among others. Reports, or statuses, are used by attorneys for several different reasons, including setting new court dates, clearing up motions or questions the court may have, and entering a negotiated plea. Sentencing hearings occurred after a defendant had previously plead guilty in court. The judge would determine a sentence based off of the law and facts of the case and hand it down at this hearing. Act 3 hearings are mental evaluation hearings. At plea and arraignment or any other court date before the jury trial, a defense attorney can request that their client receive a mental evaluation. The defendant then sees a doctor and that doctor writes a report on their evaluation of

the individual's mental state and capacities. Once the court receives that report, then an Act 3 hearing is scheduled. At this hearing, both sides of the case may object to the report or accept the doctor's findings. If the report is accepted, then new dates for an omnibus hearing and jury trial are set. If the report is rejected by either side, then a new report may be requested or the judge may rule that the report is valid.

Probation revocations occur when an individual has failed to comply with their probation in some way. This can happen through failed drug tests, failure to update contact information with their probation officer, failure to maintain contact with their probation officer and attend their meetings with him or her, and failure to complete court-ordered terms such as community service or anger management classes, among others. Probation officers usually give the individual a couple of chances to correct their mistakes before filing a probation revocation. Once a revocation is filed, then a warrant is sent out for the arrest of that defendant. This warrant comes with a hold, or a no bond, meaning that the person must be held in jail before they can be seen in court. Arkansas has a law that states that defendants held on revocation warrants or failure to appear warrants, warrants that have a no bond, must be seen by the court within 72 hours of being arrested. If this is not feasible, then the defendants go in front of a district judge. After they see the district judge, then they would typically come to circuit court within a week or two of their arrest. Only the circuit judge is allowed to actually set the individual a bond, so they are held in jail until that time. Judge Sims typically gave defendants two chances before he sent them to prison or did not reinstate their bond. That is, after two revocations Judge Sims would be much more likely to completely revoke a defendant's bond or sentence them to serve the rest of their probationary sentence in prison.

Before court, I was tasked with pulling the docket. The docket was already created in the computer from previously setting the court dates, so all that needed to be done was gathering the paperwork necessary for court. Each defendant's card with their case information on it had to be pulled from the files. If a defendant had multiple cases on the docket, then all of the individual cards for each case had to be located. These cards would then be attached to a notice. A notice is a form that is filled out by the case coordinator during court. It gives the defendant, their defense attorney, and the prosecuting attorney information about future court dates. These cards and notices were then put in alphabetical order so that the case coordinator can easily locate each defendant's information when their case is called during court. On a typical Monday, we could see more than one hundred defendants, so there was usually a large amount of paperwork. If an arrest report, Act 3 report, or any other kind of documentation was received by the court, that paperwork would have to be attached to the notices as well.

After court was over, what happened in each case had to be put into the computer through Context. Whatever the defendant was in court for that day, whether it be a plea and arraignment, a report, a jury trial, or anything else, is called an event. There are three ways in which an event can be closed out in Context. The event can be just simply be put in as held, which means that the event actually occurred. If the event is postponed to a later date, then the event is put in as continued, and the new court date for the event has to also be put in to Context. The event can be put in as cancelled as well. An event is considered cancelled for several reasons. The defendant could fail to appear, the defendant could enter a negotiated plea, or the attorney may just ask for the event to be cancelled. The general rule of thumb is that if the event that was scheduled that day did not actually take place, such as a jury trial not happening because a defendant entered a

negotiated plea, then it is considered cancelled. After all the events had been closed out in Context, then I would have to file away all of the cards that had been taken out and used for court that day. The court's copy of the notices would then be sent down to the clerk's office in order to be scanned and be put into Court Connect for the public record.

There are two other major happenings that occur in circuit court. One is the sheriff's report. This typically happens twice a year, and it is when the officers from the Pulaski County sheriff's office that are in charge of arrest warrants come to court to discuss outstanding warrants. For a particular defendant to make the sheriff's report, they would typically have some kind of outstanding warrant that is over a year old. These are typically probation revocation warrants, failure to appear warrants, and failure to pay warrants. The officers can give updates on the search for the individuals, including things like if they are incarcerated in a different state or have died. This is an administrative procedure that helps keep track of missing defendants and clear up some of the extraneous arrest warrants that are filed out of the court.

The second matter is jury orientation. This takes place before every new jury pool goes into effect. Juries typically serve three months at a time, so jury orientation occurs approximately four times a year. Before jury orientation, jury duty notices have to be sent out to the individuals that have been selected to serve. These people are pulled from both voting records and driver's license records. Bailiffs are in charge of taking care of juries and sending out these notices. Since so many people are selected for jury duty at a particular time in Pulaski County, I typically helped send these notices, take phone calls from the jury line, and create jury lists. During these orientations, juries were given instructions on how to serve during their three month period. Every week the bailiffs would leave a message on the jury line stating whether there was actually

going to be a trial that week or not. If there was not going to be a trial, then they would just call back and check again the next week. However, if a trial was going to take place that week, jurors would have to call the line and leave their name, which indicated that they would be available to serve on the jury panel that week. The state of Arkansas has pretty strict rules on excusing people from jury duty. Typically, the bailiffs in 7th Division would excuse individuals if they were college students or had a serious medical condition that could be proven with an official letter from their doctor. Arkansas law prohibits people from being excused for work or other activities. At jury orientation, all of this would be explained to potential jurors and further instructions were given on how to conduct themselves on a jury panel.

Another part of my job while interning at the courthouse was answering the phone. This was certainly not the most difficult or tedious part of my job, but it definitely was the most frustrating. It is the policy of the court that we are not allowed to speak to inmates or patients at the Arkansas State Hospital over the phone, so the calls we received were mostly from defendants that were not in jail or the family members of defendants. People called for various reasons, from asking what a defendant's next court date was to seeking legal advice. Many times people were just desperate for answers, either because they did not understand how the system worked or they could not get their attorney to answer their questions. People would often be rude on the phone simply because they needed someone to take their frustration out on.

I was able to observe several different issues within the Arkansas court system while interning with 7th Division. One of these problems was the amount of backlog associated with different components of the court system. As discussed previously, one of these areas is testing drug evidence taken by police. Prosecutors in Pulaski County will not file charges until they have

gotten results back from the Arkansas state crime lab indicating that the substances found by police officers are actually illicit drugs. With defendants entitled to some kind of disposition in their case within one year of the date they were arrested, this often pushes the court to schedule a first appearance pretty hastily. Typically in these cases, attorneys will waive time, meaning that they waive their client's right to disposition within one year. This may seem to be unfair to the defendant, but it is actually beneficial because it gives their attorney more time to prepare if they were to go to trial or allow them more time to bargain a negotiated plea. This does not solve the initial issue of backlog, however. One of the biggest needs in the state is additional crime labs. Fortunately, there has been discussion of opening a second crime lab in the northwestern part of the state, which is the second biggest populated area behind Pulaski County. This would help relieve some of the workload of the single crime lab for the entire state.

A second solution to this issue could be a policy change in the Pulaski County prosecuting attorney's office. Other counties within the state and other states file criminal drug charges just like any other criminal charges. Prosecutors still send the substances seized by police officers off to the crime lab, but they do not allow this to be the determining factor in whether or not charges are filed. If the tests were to come back negative for illicit drugs from the crime, which they usually do not, then the charges against the individual would be dropped. This does bring up concerns about whether it is valid to bring criminal charges against an individual before the evidence is even authenticated. Those concerns must be weighed against the issues that arise with waiting many months from the date of an individual's arrest to actually file charges. As already discussed, waiting on crime lab results causes the court to have to speedily set court dates. This can make it difficult for a defendant to appear at their court date, especially

if they live outside of the county, and for an individual to hire an attorney if they choose to do so. It also causes confusion because an individual may have to wait several months to find out if charges are even going to be brought against them. From a person who has worked in the court system for a few years now, I think the issues that this causes outweigh the potential costs. The drugs found by police are real a majority of the time, and prosecutors would run little risk in filing charges shortly after arrest instead of waiting for crime lab results to do so.

Another area of backlog is with mental evaluations, or Act 3 evaluations. A typical waiting period for an individual to receive a mental evaluation is usually more than three months, but they often take even longer. Usually inmates are transported to the Arkansas State Hospital to receive their mental evaluations, and then taken back to jail once they are finished. This requires a spot, or a bed, to be available for them to be able to come there. This by itself can take many months of waiting. Just because the defendant may receive their evaluation, though, does not mean that they will be in court the next week. These evaluations are pages long and it takes awhile for doctors to take the tests and interviews they did with the individual and synthesize and organize them into either a diagnosis or a clean bill of mental health.

The biggest issue with this backlog, besides the delay it puts on disposition in a case, is that the defendant is required to stay in custody during this entire period of time. When a mental evaluation is ordered by a defendant's attorney, the case is basically placed on hold. All future dates in the case are cancelled, the defendant is not given a bond, and the speedy trial time is paused. This means that the one year rule no longer applies and the defendant must wait in jail for their evaluation to be done, written up, sent to the court, and then a new court date scheduled once the report is received. This can be months and months of waiting. Unfortunately, as of right

now there is no real solution to this problem. The Arkansas State Hospital's resources are limited and the amount of doctors available is few. With a rise of the prevalence of mental illness among defendants, something needs to be done to help get individuals evaluated quicker and their reports completed sooner. Not only will this help speed up disposition in cases, but it will also assist those who truly are mentally ill and need to receive services quickly and efficiently.

Another serious issue I have observed in the court system is the lack of support and appreciation for public defenders. Both prosecuting attorneys and public defenders work very hard, but public defenders often have to deal with a lot of extra things that prosecutors do not. They are the primary line of communication between defendants and the court. Public defenders have to deal with families of these defendants as well and answer questions and help explain what is going on in their loved ones' cases. An individual can be appointed a public defender if they qualify financially. The day of their first appearance, defendants can come to court early and fill out paperwork to apply for a public defender. They must indicate whether or not they are employed and other factors such as trust funds they may have or other assets, how many dependents they are responsible for, and whether they have a disability of some kind.

Most of the defendants seen in Pulaski County qualify for a public defender. Others do not, and some that do hire a private attorney anyway. However, public defenders are given the majority of the cases and they are often overworked. They are also usually paid less than prosecuting attorneys. The Pulaski County circuit court system is in desperate need of more public defenders. Fortunately, this issue has been recognized to an extent. Seventh division alone hired two new public defenders last year. Third-year law students are also sometimes used as public defenders for minor issues. Efforts are being made to help this problem, but there is still

more to be done. Pulaski County is just going to require even more public defenders as it continues to grow and see an increase in crime. Increases in wages for public defenders could potentially be a key incentive for keeping the public defenders that the court system already has from going into private practice or some other kind of field in the law. It could also help encourage more attorneys to become public defenders.

There is a high rate of recidivism that I have observed while working in the court system. As discussed earlier, probation revocations are quite common. There are also quite a few defendants that have proven to be habitual offenders. When a individual's first case is filed a particular division, then subsequent cases that may be filed against them are kept in the same division. So, if a defendant was found guilty of a crime in 2014 and sentenced to probation for five years and then committed a second crime in 2018, they would receive both a probation revocation and new charges for the second crime filed in the same division. This type of scenario is extremely common. The probation system that is in place in the Pulaski County court system is ineffective. There are many different ways in which an individual can have their probation revoked, as discussed previously. The most common of these are failure to report and failed drug tests.

Certainly, there are individuals that do not make any effort to comply with their probationary sentence. However, there are other defendants that due to work, family obligations, and lack of transportation and money, have a difficult time reporting to their probation officer on a weekly basis during the day. Drug addiction is a serious problem among convicted criminals, and is another big reason why defendants are revoked. Defendants can also be tasked with completing drug treatment, anger management classes, parenting classes, and domestic violence

classes as part of their probation. Although these classes may prove beneficial, they are obviously not enough when looking at the rates of recidivism and revocations. Many different ideas have been discussed in the area of probation reform, anywhere from ridding the entire system of probation and just using imprisonment as punishment to only using probation as punishment. In my opinion, there are different types of crimes and people that require different kinds of punishment. Putting blanket standards in place for every person and every crime is just not affective or beneficial. I honestly do not know the best way to fix the probation system or how to prevent recidivism. A good place to start, though, would be making probation, or punishment, more individualistic so that it can be best utilized to assist people in becoming functioning members of society.

An observation I have made while working at 7th Division is that crime touches everyone. Certainly observations can be made about the dominant race or gender among defendants, but there are people of every race, ethnicity, age, gender, and socioeconomic status that come before the court. This is especially true of drug crimes. Arkansas, and in particular Pulaski County, has a serious drug problem. It effects both men and women, rich people and poor people, different races of people, and all ages. It is often shocking to see a little old lady come before the court for marijuana charges. People who do not appear as stereotypical criminals are regular and consistent in Pulaski County because it is such a diverse county both racially and socioeconomically. It is evident from just one day in court that crime is everywhere and effects so many different people. This observation helps break down stereotypes about those involved in criminal activity. It also helps explain the issue with blanket probation and punishment standards.

If a variety of different people are committing crimes, then standard probationary sentences are not going to benefit everyone the same.

I knew before working for the Pulaski County court system that I wanted to be an attorney. People would often ask me why I wanted to go law school and put all of the hard work into becoming a lawyer, but I couldn't really give them an answer. I just knew that becoming an attorney was what God wanted me to do. It wasn't until one of my first days working in 7th Division that I truly knew why God had placed this passion on my heart. During my first couple of weeks, there was a jury trial, which are pretty rare. It was a sexual assault charge, but that was all I really knew about the case. I wasn't paying much attention to what was going on in the courtroom, since I was still receiving training and trying to learn the ropes of my new job. After the trial had gone on for a little while, a woman ushered a little girl into our office and through the back door, which is a side entrance for the courtroom. I looked at the case coordinator and asked how old the little girl was. My coworker informed me that she was only twelve years old. Not long after the girl had come through the office, she was brought back out and collapsed on the floor, sobbing.

I later found out that she was the victim in the case and her mother's boyfriend had sexually assaulted her a couple of years before the trial. She had to get up on the witness stand and testify about what that man had done to her in front of him, her family, and the entire courtroom. The sheer amount of courage it had taken her to do that at just twelve years old still shocks and inspires me today. The defendant was found guilty, but sentenced to just a few months in prison. He had been in jail leading up to his trial, though, and he was given time served and released the next day. I never found out the girl's name, and I will probably never see

her again, but she left a lasting impression on me. Her story will stick with me forever because it truly defined my passion to become an attorney. It was then that I realized God wanted me to go to law school so I can fight for women and girls like her one day. Nobody should ever have to go through what she went through, and they certainly should at least be given justice if they do. I know that God has given me a passion for helping rape and sexual assault victims, and I was able to realize that through my time working in the court system.

Perhaps the greatest thing that I have learned while working in the Pulaski County Circuit Court system is people skills. I have had to learn right out of high school how to deal with people in a compassionate and respectful manner. I have had to learn how to be empathetic and put myself in other people's shoes in order to see life from their perspective. Particularly when answering the phone and trying to answer people's questions, I've learned how to be patient and not get frustrated, even when others are being rude or disrespectful to me. One of the most important things I have had to do in order to do this is to look at people as human beings. By this I mean realizing that everyone is human and they deserve dignity and respect because of that. We all make mistakes and are not always kind to one another, but that does not make us any less human. As a Christian, I have taken this idea a bit further and made it my goal to show Christ's love to others. Jesus died for everyone's sins, not just certain people's. He loves everybody, and calls His followers to do the same. Showing Christ's love to others through my time in 7th Division has been so fulfilling and rewarding. I know that my time there has taught me so much and will help enable me with important skills for my future career.