

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 2000-EC-002 Issued January 21, 2000

ISSUE:

Whether an attorney appointed as a city court judge under Act 175 of 1995 is required to file a Statement of Financial Interest.

BRIEF ANSWER:

No. An attorney appointed as a city court judge is not one of the persons required to file a Statement of Financial Interest.

DISCUSSION:

The establishment of city courts is governed by Ark. Code Ann. § 16-18-111 which provides, in pertinent part, as follows:

[a]ny city of the first class which has a population of five thousand (5,000.00) or less...may, by act of its governing body, provide for the establishment of a city court in lieu of a municipal court.

Unlike municipal courts, which have countywide jurisdiction,¹ the jurisdiction of a city court is restricted to matters occurring in the limits of the city. Ark. Code Ann. § 16-18-112(b). Such jurisdiction is coextensive with the county in situations where the matter arises under the laws of this state and is exclusive in all prosecutions for the violation of any ordinance of the city.

Ordinarily, the mayor of a city or town sits as judge of the city court. Pursuant to Ark. Code Ann. § 16-18-112(e), however, the mayor of a city or town which has a city court may designate a licensed attorney, "who resides in the county in which the city or town is

¹ See, e.g., Ark. Code Ann. § 16-17-502.

situated, to sit in the mayor's stead as judge of the city court." The question presented is whether a person so appointed is required to file a Statement of Financial Interest.


The persons required to file a Statement of Financial Interest are listed in Ark. Code Ann. § 21-8-701(a). That list consists of the following:

- (1) A public official, as defined in § 21-8-402(16);
- (2) A candidate for elective office;
- (3) A municipal judge or city attorney, whether elected or appointed;
- (4) Any agency head, department director, or division director of state government;
- (5) Any public appointee to any state board or commission who is authorized or charged by law with the exercise of regulatory authority or is authorized to receive or disburse state or federal funds;
- (6) All persons who are elected members of a school board or who are candidates for a position on a school board; and
- (7) Any person appointed to one (1) of the following types of regional, municipal, or county boards or commissions:
 - (A) A planning board or commission;
 - (B) An airport board or commission;
 - (C) A water or sewer board or commission;
 - (D) A utility board or commission; or
 - (E) A civil service commission.

Upon reviewing the foregoing list, the Commission is of the opinion that an attorney appointed as a city court judge is not one of the persons required to file a Statement of Financial Interest. While at first blush such a person might appear to be a municipal judge, the Commission concludes that the terms municipal judge and city court judge are not synonymous.

This advisory opinion is issued by the Commission pursuant to Ark. Code Ann. § 7-6-217(g)(2).

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By: 
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