



ARKANSAS JUDICIARY

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## Order 14. Administration of Circuit Courts

### 1. Divisions.

a. The circuit judges of a judicial circuit shall establish the following subject-matter divisions in each county of the judicial circuit: criminal, civil, juvenile, probate, and domestic relations. The designation of divisions is for the purpose of judicial administration and caseload management and is not for the purpose of subject-matter jurisdiction. The creation of divisions shall in no way limit the powers and duties of the judges to hear all matters within the jurisdiction of the circuit court.

b. For purposes of this order, "probate" means cases relating to decedent estate administration, trust administration, adoption, guardianship, conservatorship, commitment, and adult protective custody. "Domestic Relations" means cases relating to divorce, annulment, maintenance, custody, visitation, support, paternity, and domestic abuse. Provided, however, the definitions of "probate" and "domestic relations" are not intended to restrict the juvenile division of circuit court from hearing adoption, guardianship, support, custody, paternity, or commitment issues which may arise in juvenile proceedings.

c. Specialty dockets or programs, typically, employ a problem-solving approach with the judge supervising a treatment plan for a defendant that is designed and implemented by a team of court staff and health professionals. Examples include "drug courts," "mental health courts," "veterans courts," "DWI courts," "Hope courts," "smarter sentencing courts," and "swift courts." Specialty dockets or programs may be established within a subject-matter division of a circuit court if they are described in the circuit's administrative plan and approved by the supreme court.

**2. Administrative Judges.** In each judicial circuit in which there are two or more circuit judges, there shall be an administrative judge.

a. Means of Selection. On or before the first day of February of each year following the year in which the general election is held, the circuit judges of a judicial circuit shall select one of their number by secret ballot to serve as the administrative judge for the judicial circuit. In circuits with fewer than ten judges the selection must be unanimous among the judges in the judicial circuit. In circuits with 10 or more judges the selection shall require the approval of at least 75% of the judges. The name of the administrative judge shall be submitted in writing to the Supreme Court. If the judges are unable to agree on a selection, they shall notify the Chief Justice of the Supreme Court in writing and furnish information detailing their efforts to select an administrative judge and the results of their balloting. The Supreme Court shall then select the administrative judge. An administrative judge shall be selected on the basis of his or her administrative skills.

b. Term of Office. The administrative judge shall serve a term of two years and may serve successive terms. The administrative judge shall be subject to removal for cause by the Supreme Court. If a vacancy occurs in the office of the administrative judge prior to the end of a term, then within twenty days of such vacancy, the circuit judges in office at the time of such

vacancy shall select an administrative judge to serve the unexpired term, and failing to do so, the Supreme Court shall select a replacement.

c. **Duties.** In addition to his or her regular judicial duties, an administrative judge shall exercise general administrative supervision over the circuit court and judges within his or her judicial circuit under the administrative plan submitted pursuant to Section 3 of this Administrative Order. The administrative judge will be the liaison for that judicial circuit with the Chief Justice of the Supreme Court in matters relating to administration. In addition, the duties of the administrative judge shall include the following:

(1) **Administrative Plan.** The administrative judge shall insure that the administrative plan and its implementation are consistent with the requirements of the orders of the Supreme Court.

(2) **Case Assignment.** Cases shall be assigned under the supervision of the administrative judge in accordance with the circuit's administrative plan. The administrative judge shall assure that the business of the court is apportioned among the circuit judges as equally as possible, and cases may be reassigned by the administrative judge as necessity requires. A circuit judge to whom a case is assigned shall accept that case unless he or she is disqualified or the interests of justice require that the case not be heard by that judge.

(3) **Information Compilation.** The administrative judge shall have responsibility for the computation, development, and coordination of case statistics and other management data respecting the judicial circuit.

(4) **Improvements in the Functioning of the Court.** The administrative judge shall periodically evaluate the effectiveness of the court in administering justice and recommend changes to the Supreme Court.

d. **One-judge circuit.** A circuit judge in a one-judge circuit is an administrative judge. An administrative plan shall be submitted to address specialty court programs (see subsection (3)(c)(2) of this administrative order), state district judges (see subsection (3)(c)(3)), or district court plans (see subsection (3)(c)(4)) of this order.

3. **Administrative Plan.** The circuit judges of each judicial circuit by majority vote shall adopt a plan for circuit court administration. The administrative judge of each judicial circuit shall submit the administrative plan to the Supreme Court. The purpose of the administrative plan is to facilitate the best use of the available judicial and support resources within each circuit so that cases will be resolved in an efficient and prompt manner. The plan shall include the following:

a. **Case Assignment and Allocation.**

(1) The plan shall describe the process for the assignment of cases and shall control the assignment and allocation of cases in the judicial circuit. In the absence of good cause to the contrary, the plan of assignment of cases shall assume (i) random selection of unrelated cases; (ii) a substantially equal apportionment of cases among the circuit judges of a judicial circuit; and (iii) all matters connected with a pending or supplemental proceeding will be heard by the judge to whom the matter was originally assigned. For purposes of subsection 3(a)(1)(i), "random selection" means that cases assigned to a particular subject-matter division shall be randomly distributed among the judges assigned to hear those types of cases. For purposes of subsection 3(a)(1)(ii), "a substantially equal apportionment of cases" does not require that the judges among whom the cases of a division are assigned must hear the same percentage of such cases so long as the judges' overall caseloads are substantially equal.

(2) Cases in a subject-matter division may be exclusively assigned to particular judges, but such assignment shall not preclude judges from hearing cases of any other subject-matter division.

b. **Caseload Estimate.** The plan shall provide a process which will apportion the business of the circuit court among each of the judges within the judicial circuit on as equal a basis as possible. The plan shall include an estimate of the projected caseload of each of the judges based upon previous case filings. If, at any time, it is determined that a workload imbalance exists which is affecting the judicial circuit or a judge adversely, the plan shall be amended subject to the provisions of Section 4 of this Administrative Order.

c. **Other Provisions.**

(1) **Recusals.** The plan shall provide the process for handling recusals, the reassignment of a case, and requests for the assignment of a judge by the Supreme Court. This process shall be consistent with the requirements of Administrative Order Nos. 1 and 16 and may address the use of state district court judges.

(2) **Specialty Dockets or Programs.** The plan shall describe any special programs, dockets, or proceedings, including such things as the operation of a specialty docket or court program (see subsection (1)(c) of this administrative order). The plan shall: (A) describe the program and how it is operated; (B) provide the statutory or legal authority on which it is based; (C) certify that the program conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessments; (D) describe the program's use of court resources, including without limitation, prosecuting attorneys or public defenders, and the availability of such resources and how they will be provided; and (E) provide the source of funding for the programs.

(3) **State District Court Judges.** If state district court judges preside over circuit court matters pursuant to the provisions of Administrative Order No. 18, the plan shall (A) describe the cases or matters included; (B) state the judges participating and the assignment and allocation of cases to them; and (C) if specialty dockets or programs are included, provide the information required by subsection (3)(c)(2) of this administrative order.

(4) **District Court Plans.** Administrative plans prepared by State District Judges or Local District Judges pursuant to Administrative Order No. 18, section 9, shall be appended to the circuit court's administrative plan for submission to the supreme court under section (4) of this administrative order. The administrative judge and other circuit judges may endorse, object to, or otherwise comment on the district court's administrative plan.

(3) The Administrative Office of the Courts shall as soon as practical develop and make available to each judicial circuit a computerized program to assure (i) random assignment of cases where appropriate and (ii) a substantially equal apportionment of cases among the judges.

b. **Caseload Estimate.** The plan shall provide a process which will apportion the business of the circuit court among each of the judges within the judicial circuit on as equal a basis as possible. The plan shall include an estimate of the projected caseload of each of the judges based upon previous case filings. If, at any time, it is determined that a workload imbalance exists which is affecting the judicial circuit or a judge adversely, the plan shall be amended subject to the provisions of Section 4 of this Administrative Order.

#### 4. **Supreme Court.**

a. The administrative plan for the judicial circuit shall be submitted by the administrative judge to the Supreme Court by July 1 of each year following the year in which the general election of circuit judges is held. The effective date of the plan will be the following January 1.

Until a subsequent plan is submitted to and published by the Supreme Court, any plan currently in effect shall remain in full force. Judges who are appointed or elected to fill a vacancy shall assume the caseload assigned to the judge they are replacing until such time a new administrative plan is required or the original plan is amended. Upon approval, the Supreme Court shall publish the administrative plan and a copy shall be filed with the clerk of the circuit court in each county within the judicial circuit and the Clerk of the Supreme Court. The process for the amendment of a plan shall be the same as that of the plan's initial adoption.

b. In the event the administrative judge is unable to submit a plan consistent with the provisions of this Administrative Order, the Supreme Court shall formulate a plan for the equitable distribution of cases and caseloads within the judicial circuit. The Supreme Court shall set out the plan in an order which shall be filed with the clerk of each court in the judicial circuit and the Clerk of the Supreme Court. The clerk shall thereafter assign cases in accordance with the plan.

c. In the event an approved plan is not being followed, a judge may bring the matter to the attention of the Chief Justice of the Arkansas Supreme Court by setting out in writing the nature of the problem. Upon receipt of a complaint, the Supreme Court may cause an investigation to be undertaken by appropriate personnel and will take other action as may be necessary to insure the efficient operation of the courts and the expeditious dispatch of litigation in the judicial circuit.

#### **History Text:**

History. Adopted April 6, 2001; amended November 1, 2001; amended July 11, 2002; amended January 30, 2003; amended January 22, 2004; amended May 27, 2010; section 3(a)(2) amended April 21, 2011; amended and effective December 13, 2012.

"(1) The administrative plans submitted by the following judicial circuits are approved: 1st, 4th, 8th-N, 8th-S, 11th-W, 14th, 15th, 16th, 17th, 18th-E, 19th-W, 20th, 22nd, and 23rd.

"(2) The plan adopted by the majority of the circuit judges and submitted by the administrative judge in the 10th judicial circuit is approved.

"(3) The administrative plans submitted by the 7th, 9th-W, 13th, and 21st judicial circuits are approved conditioned upon these plans being modified to provide for the computerized random assignment of cases. (See Administrative Order Number 14 (3)(a)(3)).

"(4) Administrative Order Number 14 (3)(a)(2) provides that 'except for the exclusive assignment of criminal and juvenile division cases, cases in other subject-matter divisions should not be exclusively assigned to particular judges absent extraordinary reasons which must be set out in the circuit's administrative plan.' The plans submitted by the 2nd, 5th, 6th, and 12th judicial circuits provide for particular judges to exclusively hear domestic relations and probate cases, but the plans fail to set out the extraordinary reasons for such assignments. Accordingly, these plans are remanded, and the above listed circuits are directed to furnish the Court with the required explanation or to submit a modified plan.

"(5) The plan submitted by the 3rd judicial circuit provides that one judge 'will primarily hear equity cases.' We have made clear that cases cannot be assigned based upon a law/equity dichotomy; consequently, this plan is remanded with directions to correct this flaw.

"The plans submitted by the 1st judicial circuit and the 6th judicial circuit as it relates to case assignments in Perry County have a troubling feature. Each provides for the open assignment of certain cases as opposed to the assignment of each case to a particular judge. We understand the reasons for this practice, but these judicial circuits should work toward assigning each case to a judge. In the future, plans may not be approved with this open

assignment feature.

"Finally, we announce that it is the Court's belief that rotation of judges in those instances where judges are exclusively assigned to criminal or juvenile cases may be desirable. The possibility of 'burn-out,' as well as a desire to diversify, are factors worthy of consideration. Administrative judges and all circuit judges should be cognizant of this consideration as plans are prepared in the future. Hopefully, the wishes of colleagues will be addressed, but the Court will consider the possible need for rotation in specific instances, as well as any necessary amendment to Administrative Order Number 14.

"Pursuant to Administrative Order Number 14, approved plans shall be effective January 1, 2004."

**Associated Court Rules:**

Administrative Orders

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