



ARKANSAS JUDICIARY

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Order 1. Special Judges

Section 1. The procedure set out in this administrative order is intended to apply when the judge of a circuit court shall fail to attend on any day scheduled for the holding of that court due to an emergency or sudden illness, or when a judge's disqualification from presiding in any pending case is unanticipated. It should be employed to address unforeseen situations in which a replacement cannot be assigned pursuant to Administrative Order No. 16 ? Procedures Regarding the Assignment of Judges. Administrative Order No. 16 requires that when a circuit judge is temporarily unable to serve, first, the other judges in the circuit should attempt to cover the absence; next, the Chief Justice should be requested to make an assignment; lastly, Administrative Order No. 1 should be utilized.

Section 2. When a special judge is to be elected, notice shall be given by the clerk of the court to the regular practicing attorneys in the county served by the court in the most practical manner under the circumstances, including giving notice by telephone or by posting the notice in a public and conspicuous place in the courtroom. Upon notice from the clerk of the court, the regular practicing attorneys attending the court may elect a special judge. The attorneys present in the courtroom shall elect one of their number as special judge. The election shall be conducted by the clerk of the court, who will accept nominations from the attorneys present. Only attorneys who are qualified to serve as special judge may vote in the election of a special judge. The election shall be by secret ballot. The attorney receiving a majority of the votes shall be declared elected as special judge. He or she shall immediately be sworn in by the clerk and shall immediately enter upon the duties of the office. He or she shall adjudicate those causes pending at the time of his or her election.

Section 3. No person who is not an attorney regularly engaged in the practice of law in the State of Arkansas and duly licensed and in good standing to do so, and who is not a resident possessed of the qualifications required of an elector of this state, whether registered to vote or not, shall be elected special judge. A law clerk is not eligible to be elected as a special judge.

Section 4. For purposes of this rule, each division of circuit court in a multi-judge county shall be considered to be a separate court.

Section 5. The clerk of the court in the county in which the special judge election is held shall make a record of the proceedings, which shall be a part of the record of the court and shall be in substantially the following form:

IN THE _____ COURT OF _____ COUNTY, ARKANSAS
IN THE MATTER OF _____, SPECIAL JUDGE
Now on this _____ day of _____, _____, Honorable

[notified the clerk that he/she was unable to attend or preside over this court on this day]
[failed to attend and preside over this court on this day].

WHEREUPON, the Clerk gave notice pursuant to Administrative Order No. 1 that an election was to be held for a Special Judge to preside during the absence of said Judge.

AND THEREAFTER, Honorable _____, an attorney at law, a resident of the State of Arkansas and possessing the required qualifications, having received a majority of the votes cast at such special election, at which only the practicing attorneys in attendance in the Court were allowed to vote,

was found and declared to be duly elected Special Judge to preside during the absence of Honorable _____.

WHEREUPON, the Clerk did administer the oath of office required by law for such Special Judge, and he/she assumed the bench and entered upon the discharge of his/her duties herein.

Clerk

OATH OF OFFICE

STATE OF ARKANSAS)

COUNTY OF _____)

I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of Special Judge of _____ Court, _____ Division, _____ County, upon which I am about to enter.

Special Judge

Witnesses:

Subscribed and sworn to before me this ____ day of _____, _____.

Clerk

By:

Deputy Clerk

History Text:

History

History. Adopted December 21, 1987, effective March 14, 1988; amended May 24, 2001, effective July 1, 2001; amended May 27, 2010.

Associated Court Rules:

Administrative Orders

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