ARKANSAS JUDICIARY
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# Order 16. Procedures Regarding the Assignment of Judges

Section I. Authority and scope.
Pursuant to Ark. Const. Amend. 80, §§ 4, 12, and 13; Ark. Code Ann. §§ 16-10-101 (Repl. 2010), 16-13-214 (Repl. 2010), and this Court's inherent rule-making authority, the Court adopts and publishes Administrative Order No. 16: Procedures Regarding the Assignment of Circuit, District, and Retired Judges and Justices.

This Order authorizes the Chief Justice to assign (A) sitting circuit court judges, (B) retired circuit, chancery, circuit/chancery, and appellate court judges and justices, and (C) sitting state district court judges, with their consent, to serve temporarily in circuit court. Sitting circuit judges are authorized to sit in a judicial circuit other than the one in which they are currently elected or appointed. Retired judges or retired justices are those who, at the time of assignment, are receiving or have met the statutory requirements to receive judicial retirement benefits.

This Order also authorizes the Chief Justice to assign (A) sitting district court judges, (B) sitting state district court judges, and (C) retired district court judges and retired state district court judges, with their consent, to serve temporarily in a district court. Sitting district court judges and sitting state district court judges are authorized to sit on assignment in a city, county or district other than the one to which they are currently elected or appointed. Retired district court judges and retired state district court judges may sit in any county in the state. Retired district court or retired state district court judges are those who, at the time of assignment, are receiving or have met the statutory requirements to receive judicial retirement benefits. Sitting circuit judges and retired circuit, chancery, circuit/chancery, and appellate judges are also authorized, with their consent, to sit temporarily in district courts, upon appointment by the Chief Justice.

By adoption of this Order, the Court does not prohibit the use of Exchange Agreements by circuit judges or district judges pursuant to Ark. Const. amend. 80, §§ 6(C) and 7(E); § 16-17-102 (Repl. 2010), and the use of "special judges" as provided by Ark. Const. amend. 80, § 13(C); Ark. Code Ann. § 16-17-210 (Repl. 2010); and Administrative Order No. 1. The duties of the Chief Justice under this Order may be discharged by his or her designee.

Section II. Bases for assignment.

A. Disqualification pursuant to Arkansas Code of Judicial Conduct; or
B. Temporary inability to serve; or
C. Other need as determined by the Chief Justice.

Section III. Request for assignment.

Circuit Courts: A trial judge requesting that a judge be assigned shall write a letter to the Chief Justice asking that an assignment be made pursuant to one or more of the bases set forth in Section II. In cases of disqualification in judicial circuits with more than one judge, the process in the circuit?s administrative

plan should be followed. All judges in the circuit must disqualify before an assignment will be made. One judge in the circuit is responsible for writing the letter of request, sufficient in detail to inform the Chief Justice of the following:

A. that all the judges in the circuit have recused;
B. the type of case involved;
C. the facts or law in dispute;
D. whether a temporary hearing is scheduled or necessary;
E. the estimated time to hear the matter;
F. the names of the attorneys representing the parties; and
G. other pertinent information to assist the Chief Justice in making an assignment.

District Courts: A district court judge requesting that a judge be assigned shall follow the same procedure as set out for circuit courts above, including the requirement pertaining to the disqualification of all judges in multiple-judge districts. A request shall include the same information pertinent to a case as set out above for circuit court cases.

Circuit or District Courts: A judge or judges recusing because of disqualification shall take no further action in a case after assignment, except that the judge requesting an assignment shall direct his or her staff to notify the attorneys or pro se litigants of the assignment and to accommodate, to the extent possible, an assigned judge regarding facilities and staff, when necessary, to carry out the assignment.

Section IV. Considerations in making assignments.

Issues which will be considered in selecting a judge to be assigned include, but are not limited to:

A. the type and complexity of the case;
B. the amount of time estimated for the assignment;
C. the geographic location of the case and the proximity of the assigned judge; and
D. the consent of the sitting judge or retired judge or justice selected.

Under no circumstances shall a judge, a lawyer, or a party seek to influence the decision of the Chief Justice in making an assignment.

Section V. Assigned judges? power to sign documents.

A judge assigned to a cause or matter may render or sign orders, judgments, documents, or other papers in that cause or matter in a geographic location other than the judicial circuit or district in which the cause or matter is pending. Such order, judgment, document, or other paper shall have the same effect, for all intents and purposes, as if signed in the judicial circuit or district in which the matter or cause is pending.

Section VI. Terminations and reassignments.

An assignment, once made, will be terminated only for good cause at the request of the assigned judge or at the discretion of the Chief Justice.

Circuit Courts: After termination of an assignment and notification to the clerk in the county in which the case is filed, the clerk shall reassign the case within the circuit to the appropriate judge. If the cause necessitating the assignment still exists, the process for assignment by the Chief Justice may begin anew with a letter from a judge in the circuit to the Chief Justice. Assignment shall be made in the same manner as set out herein.

District Courts: After termination of an assignment and notification to the clerk of the district court in which the case is filed, the district clerk shall notify the district court of the termination of assignment. If the cause necessitating the assignment still exists, the process for assignment by the Chief Justice may begin anew with a letter from the district judge to the Chief Justice. Assignment shall be made in the same manner as set out herein.

Section VII. Reports.

All judges assigned to circuit court cases are subject to Administrative Order No. 3, which requires the reporting of cases that have been under advisement for more than ninety (90) days after final submission. For reporting such cases, a judge shall follow the process set out in Administrative Order No. 3(2)(A). A judge who has no cases that have been under submission for more than ninety (90) days is not required to file a report.

## History Text:

History. Adopted on February 6, 2003; amended May 27, 2010; amended January 21, 2016.

## Associated Court Rules:

Administrative Orders

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