ARKANSAS JUDICIARY
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Order 18. Administration of District Courts

This administrative order is promulgated pursuant to Ark. Const. Amend. 80, § 7; Ark. Code Ann. § 16-17-704; and the Supreme Court's inherent rule-making authority. Procedural rules applicable to district courts are set out in the District Court Rules.

1. *Divisions*.
(a) The district court judges shall establish the following subject-matter divisions in each district court: criminal, civil, traffic, and small claims. For purposes of this administrative order, the term "traffic division" means cases relating to a violation of a law regulating the operation of a vehicle upon a roadway.

(b) 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 district court.

(c) *Warrant Docket.* Within the criminal division, a warrant docket shall be established, which shall be divided into a "search warrant docket," designated by the prefix "SW" and an "arrest warrant docket," designated by the prefix "AW." The warrant docket is used for warrants that have been returned either executed or unexecuted when a case file has not yet been opened. If a criminal case is subsequently opened, the information in the warrant docket related to the criminal case is transferred to it. Access to the contents of the warrant docket shall be governed by the applicable rule of criminal procedure and Administrative Order Number 19.

2. *Departments*.
(a) Each department of a district court shall maintain its own docket, and the docket shall be heard at times and places as may be determined by the judge(s) of the district court. Except as authorized in subsection (2) (b) or as approved by the Supreme Court, each department of a district court shall hear cases in all of the subject matter divisions. "Department" is defined in Ark. Code Ann. § 16-17-901.
(b) If a district court's territorial jurisdiction is only city-wide and the district court has more than one department, the judges of the district court by unanimous written agreement may designate that cases of one or more of the subject matter divisions (criminal, civil, traffic, and small claims) be assigned to one or more of the departments.

3. *Civil Jurisdiction*. The district court shall have original jurisdiction within its territorial jurisdiction over the following civil matters:
(a) Exclusive of the circuit court in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars ($100), excluding interest, costs, and attorney's fees;

(b) Concurrent with the circuit court in matters of contract where the amount in controversy does not exceed the sum of five thousand dollars ($5,000), excluding interest, costs, and attorneys' fees;
(c) Concurrent with the circuit court in actions for the recovery of personal property where the value of the property does not exceed the sum of five thousand dollars ($5,000); and
(d) Concurrent with the circuit court in matters of damage to personal property where the amount in controversy does not exceed the sum of five thousand dollars ($5,000), excluding interest and costs.

4. *Small Claims Division*. The small claims division shall have the same jurisdiction over amounts in controversy as provided in subsection 3 of this administrative order. Special procedural rules governing actions filed in the small claims division are set out in Rule 10 of the District Court Rules. The following restrictions apply to litigation in the small claims division:
(a) Restriction on participation by attorneys. No attorney-at-law or person other than the plaintiff and defendant shall take part in the filing, prosecution, or defense of litigation in the small claims division. When any case is pending in the small claims division of any district court and the judge of the court determines that an attorney is representing any party in the case, the case shall immediately be transferred to the civil docket. However, it is not the intention of this provision and this provision shall not be construed, to abridge in any way the rights of persons to be represented by legal counsel.
(b) Entities restricted from bringing actions. No action may be brought in the small claims division by any collection agency, collection agent, or assignee of a claim or by any person, firm, partnership, association, or corporation engaged, either primarily or secondarily, in the business of lending money at interest. "Credit bureaus and collection agencies", by definition, shall include those businesses that either collect delinquencies for a fee or are otherwise engaged in credit history or business.
(c) Actions by and against corporations. (1) Corporations, other than those identified in subsection 4(b) of this administrative order, which are organized under the laws of this state and which have no more than three stockholders or in which eighty-five percent or more of the voting stock is held by persons related by blood or marriage within the third degree of consanguinity or any closely held corporations by unanimous vote of the shareholders may sue and be sued in the small claims division. (2) A corporation shall be represented in the proceedings by an officer of the corporation.

5. *Assignment of Judges*. See Administrative Order Number 16.

6. *Jurisdiction of State District Court Judgeships*. [This section (6) applies to State District Court Judgeships (?Pilot District Courts?) upon their effective date.] In addition to the powers and duties of a district court under this administrative order, a state district court shall exercise additional power and authority as set out in this section.

(a) Original Jurisdiction. A state district court shall have original jurisdiction within its territorial jurisdiction over the following civil matters:
(1) Exclusive of the circuit court in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars ($100), excluding interest, costs, and attorney's fees;
(2) Concurrent with the circuit court in matters of contract where the amount in controversy does not exceed the sum of twenty-five thousand dollars ($25,000), excluding interest, costs, and attorney?s fees;
(3) Concurrent with the circuit court in actions for the recovery of personal property where the value of the property does not exceed the sum of twenty-five thousand dollars ($25,000);

(4) Concurrent with the circuit court in matters of damage to personal property where the amount in controversy does not exceed the sum of twenty-five thousand dollars ($25,000), excluding interest and costs.

(b) Reference. A state district court judge may be referred matters pending in the circuit court. An individual matter or a category of case may be the subject of a reference. A state district court judge presiding over any referred matter shall be subject at all times to the superintending control of the administrative judge of the judicial circuit. The following matters pending in circuit court may be referred to a state district court judge:
(1) Consent Jurisdiction. Matters filed in the civil, domestic relations or probate division of circuit court upon the consent of all parties (see subsection (d) below);
(2) Protective Orders. Ark. Code Ann. §§ 9-15-201-217;
(3) Forcible Entry and Detainers and Unlawful Detainer. Ark. Code Ann. §§ 18-60-301-312;
(4) Other Matters. (A) Matters of an emergency or uncontested nature pending in the civil, domestic relations, or probate division of circuit court (such as, ex parte emergency involuntary commitments pursuant to Ark. Code Ann. § 20-47-209-210, decedent estate administration, uncontested divorces, and defaults) under guidelines and procedures set out in the judicial circuit?s administrative plan; or (B) other matters if the justification for the reference and the procedures to be employed are sufficiently demonstrated in the administrative plan; and
(5) Criminal Matters. (A) Any of the following duties (the rules referenced below are the Arkansas Rules of Criminal Procedure) with respect to an investigation or prosecution of an offense lying within the exclusive jurisdiction of the circuit court:
(i) Issue a search warrant pursuant to Rule 13.1.
(ii) Issue an arrest warrant pursuant to Rule 7.1 or Ark. Code Ann.§ 16-81-104, or issue a summons pursuant to Rule 6.1.
(iii) Make a reasonable cause determination pursuant to Rule 4.1(e).
(iv) Conduct a first appearance pursuant to Rule 8.1, at which the judge may appoint counsel pursuant to Rule 8.2; inform a defendant pursuant to Rule 8.3; accept a plea of ?not guilty? or ?not guilty by reason insanity?; conduct a pretrial release inquiry pursuant to Rules 8.4 and 8.5; or release a defendant from custody pursuant to Rules 9.1, 9.2, and 9.3.
(v) Conduct a preliminary hearing as provided in Ark. Code Ann. § 16-93-307. If a person is charged with the commission of an offense lying within the exclusive jurisdiction of the circuit court, a state district court judge may not accept or approve a plea of guilty or nolo contendere to the offense charged or to a lesser included felony offense but, may accept or approve a plea of guilty or nolo contendere to a misdemeanor.

(B) If authorized by an Act of the General Assembly, a state district court judge may preside over a drug court program, probation revocation proceedings, or parole revocation proceedings.

(C) Other criminal matters may be referred if the justification for the reference and the procedures to be employed are sufficiently demonstrated in the administrative plan.

(c) Reference Process. Except for the exercise of consent jurisdiction which is governed by subsection (d), with the concurrence of a majority of the circuit judges of a judicial circuit, the administrative judge of a judicial circuit may refer matters pending in the circuit court to a state district court judge, with the judge?s consent, which shall not be unreasonably withheld. A final judgment although ordered by a state district court judge, is deemed a final judgment of the circuit court and will be entered by the circuit clerk under Rule 58 of the Arkansas Rules of Civil Procedure. Any appeal shall be taken to the Arkansas Supreme Court or Court of

Appeals in the same manner as an appeal from any other judgment of the circuit court. An order that does not constitute a final appealable order may be modified or vacated by the circuit judge to whom the case has been assigned as permitted by Rule 60 of the Arkansas Rules of Civil Procedure.

(d) Consent Process.
1. Notice. The circuit clerk shall give the plaintiff notice of the consent jurisdiction of a state district court judge when a suit is filed in the civil, domestic relations, or probate division of circuit court. The circuit clerk shall also attach the same notice to the summons for service on the defendant. Any party may obtain a ?Consent to Proceed before a State District Court Judge? form from the Circuit Clerk?s Office.

2. Consent. By agreeing to consent jurisdiction, the parties are waiving their right to a jury trial, and any appeal in the case shall be taken directly to the Arkansas Supreme Court or Court of Appeals.

3. Transfer. Once the completed forms have been returned to the circuit clerk, the circuit clerk shall then assign the case to a state district court judge and forward the consent forms for final approval to the circuit judge to whom the case was originally assigned. When the circuit judge has approved the transfer and returned the consent forms to the circuit clerk?s office for filing, the circuit clerk shall forward a copy of the consent forms to the state district court judge to whom the case is reassigned. The circuit clerk shall also indicate on the file that the case has been reassigned to the state district court judge.

4. Appeal. The final judgment, although ordered by a state district court judge, is deemed a final judgment of the circuit court and will be entered by the circuit clerk under Rule 58 of the Arkansas Rules of Civil Procedure. Any appeal shall be taken to the Arkansas Supreme Court or Court of Appeals in the same manner as an appeal from any other judgment of the circuit court.

7. *Small Claims Magistrate*.

(a) At the request of the majority of the district judges of a district court, with the concurrence of a majority of the circuit court judges of a judicial circuit, the Administrative Judge of the judicial circuit may designate one or more licensed attorney(s) to serve as a Small Claims Magistrate to preside over the Small Claims Division of the district court. A Small Claims Magistrate shall be deemed the "judge" as that term is used in Rule 10 of the District Court Rules. A Small Claims Magistrate shall be subject to the superintending control of the district judges of the district court.
(b) A Small Claims Magistrate shall possess the same qualifications as a district court judge. The appointment shall be in writing and filed with the District Court Clerk.

8. *Special Judges.*

(a) When the judge of a district court shall fail to attend on any day scheduled for the holding of that court or when a judge is disqualified from presiding in a pending case, a special judge may be elected.

(b) 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 district 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.

(c) 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.

(d) For purposes of this rule, each division of district court in a multi-judge district shall be considered to be a separate court.

(e) The clerk of the court shall make a record of the proceedings, which shall be a part of the record of the court. Forms for the clerk?s use are appended to Administrative Order No. 1.

9. *Administrative Plan*.

(a) A state district court or a local district court shall prepare an administrative plan when the court operates a speciality court program (see section 10 of this administrative order) or when multiple judges preside in the district or the court has multiple venues in the district. With regard to the latter, the plan shall describe the types of cases assigned to the respective judges and the types of cases heard at the respective sites.

(b) The plan shall be forwarded to the administrative judge of the circuit court and appended to the circuit court's administrative plan for submission to the supreme court. District court plans follow the time lines set out in Administrative Order Number 14. Circuit court administrative plans are to be submitted to the supreme court by July 1 to be effective the following January 1 (see Administrative Order Number 14, section 4). Until a subsequent plan is submitted to and approved, any plan currently in effect shall remain in full force. Judges who are appointed or elected to fill a vacancy shall follow the plan until such time a new plan is required or the original plan is amended. Upon approval, the administrative plan shall be the same as that for the plan's initial adoption.

10. *Specialty Dockets or Programs*.

If a local district court or a state district court conducts a specialty docket or program, such as "DWI court," "drug court," "mental health court," "veterans court," "Hope court," "smarter sentencing court," and "swift court," the program must be described in the district court's administrative plan and approved by the supreme court. 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 program.

Comment Text:
FORMS

IN THE CIRCUIT COURT OF_____ COUNTY, ARKANSAS

NOTICE OF RIGHT TO CONSENT

TO DISPOSITION OF CASE BY A STATE DISTRICT COURT JUDGE

In accordance with Administrative Order Number 18, you are hereby notified that upon the consent of all the parties in a case, a State District Court Judge may be authorized to conduct all proceedings, including trial of the case and entry of a final judgment. Copies of appropriate consent forms are available from the Circuit Clerk.

You should be aware that your decision to consent or not to consent to the disposition of your case before a State District Court Judge is entirely voluntary, **and by consenting to the reference of this matter to a State District Court Judge, the parties waive their right to a jury trial**, and any appeal in the case shall be taken directly to the Arkansas Supreme Court or Court of Appeals as authorized by law.

You should communicate your consent by completing the Form -- **CONSENT TO PROCEED BEFORE A STATE DISTRICT COURT JUDGE** -- and return to the Circuit Clerk.

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
_____ DIVISION

CONSENT TO PROCEED BEFORE A

STATE DISTRICT COURT JUDGE

_____
(Plaintiff)

v. CASE NO._____

_____
(Defendant)

The undersigned parties (or counsel, if so authorized) to this proceeding are fully aware of the right to proceed before a State District Court Judge and do hereby consent to the reference of the matter to a State District Court Judge in accordance with Administrative Order No. 18.

By consenting to the reference of this matter to a State District Court Judge, the parties waive their right to a jury trial, and any appeal in the case shall be taken directly to the Arkansas Supreme Court or Court of Appeals as authorized by law. The State District Court Judge shall be empowered to conduct all further proceedings and to order the disposition of the matter and the entry of an appropriate judgment.

PLAINTIFFS	DATE	DEFENDANTS	DATE
_____	_____	_____	_____
_____	_____	_____	_____

Reporter's Note, 2015 Amendment.

This order was amended by adding subsection (1)(c) to create a warrant docket for the filing of arrest warrants (*see* Ark. R. Crim. P. 7.3) and search warrants (*see* Ark. R. Crim. P. 13.4) upon their return, whether executed or unexecuted.

History Text:

History: Amended February 9, 2011, effective July 1, 2011; section 6(b)(5)(v) amended and effective by per curiam order [1] June 22, 2012; section 6 amended, sections 9 and 10 added and effective by per curiam order December 13, 2012.; amended July 2, 2015, effective September 1, 2015.

Associated Court Rules:
Administrative Orders

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