ARKANSAS JUDICIARY
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Order 3. Trial Briefs ? Trial and Appellate Court Decisions ? Time Limitations and Reports

1. **Trial briefs.** All matters which are under submission to a trial judge should be promptly, efficiently, and fairly determined. The total time for all parties to file briefs in any case in the circuit courts is limited to a period not to exceed thirty (30) days after the trial is completed and the case is ready for decision. Upon a showing or written statement of special circumstances in a particular case, the time for filing briefs may be extended, reduced, or eliminated at the discretion of the trial judge.

2. Trial court decisions.

A. Judges of circuit courts are directed to submit to the Administrative Office of the Courts at the end of each calendar quarter, reports of cases which have been under advisement for more than ninety (90) days after final submission. These reports are to be submitted on forms supplied by the Administrative Office of the Courts. In cases which have been pending for more than ninety (90) days after final submission, the quarterly report shall include the date when the case was submitted and a statement of the reasons necessitating the delay in rendering a decision. If there are no cases which are pending for that length of time, the report shall simply state "none."

B. For purposes of subdivision 2(A) of this order, civil cases under final submission include those with motions submitted for decision that could result in the resolution or dismissal of the case, as well as those cases that have been fully tried and submitted on their merits. If a civil case has been fully tried, or a potentially dispositive motion argued at a hearing, then the case shall be under final submission at the conclusion of the trial or hearing, or on the date any post-trial or post-hearing briefing is filed, whichever last occurs. If no hearing is held on a potentially dispositive motion, then the case shall be under final submission on the date a party files with the circuit clerk a copy of a letter notifying the circuit judge that the motion is ready for decision. The letter shall enclose copies of all the filed papers relating to the motion and reflect service on all other counsel of record.

C. For purposes of subdivision 2(A) of this order, a motion, application, or petition requesting post-conviction relief in a criminal case, including a petition under Arkansas Rule of Criminal Procedure 37, shall be considered under final submission on the date that the petitioner files with the circuit clerk a copy of a letter notifying the circuit judge that the motion, application, or petition has been filed. The letter to the judge shall enclose all copies of pleadings and documents relating to the motion, application, or petition and shall reflect service on the prosecuting attorney. If, within ninety (90) days of the date on which the letter is filed with the circuit clerk, the judge sets a hearing on the motion, application, or petition, then the date on which the petition is considered under final submission shall be extended until the date on which the hearing concludes or the date on which the last post-hearing briefing is filed, whichever last occurs.

D. The Administrative Office of the Courts shall promptly review all reports filed by the trial courts, and if it determines that the delay in any case was not caused by the parties or their counsel, it shall recommend to the Supreme Court a judge to be assigned or appointed to dispose of the delayed case.

E. Willful noncompliance with the provisions of the order shall constitute grounds for discipline under the provisions of Canon 3 B (8) of the Arkansas Code of Judicial Conduct. Any judge

whose quarterly report is not received by the 15th of the month following the end of the previous quarter (i.e., January 15, April 15, July 15, October 15) will be automatically referred to the Judicial Discipline and Disability Commission for possible discipline.

3. **Appellate court decisions.**

A. Justices and Judges of the Arkansas Supreme Court and Court of Appeals are directed to submit to the Chief Justice of the Supreme Court at the end of each quarter a report of any case in which an opinion has not been issued within sixty (60) days from the case's submission. The report shall include a statement of the reason necessitating the delay in issuing an opinion.

B. The Supreme Court will review the reasons given for delay in any reported case and make any reassignment or take any appropriate action necessary to dispose of the case.

C. Willful noncompliance with the provisions of this order shall constitute grounds for discipline under the provisions of Canon 3B(8) of the Arkansas Code of Judicial Conduct.

4. **Effective date.** This order shall become effective commencing January 1, 1991, and the initial quarterly reports shall be filed on or before March 31, 1991, and the last day of each quarterly month thereafter.

COURT?S NOTES, 2007:

New subdivision (2)(B) has been added to clarify when, for purposes of this order, the circuit court takes civil cases under final submission. For dispositive motions where no hearing is held, the order now obligates counsel (or a pro se party) to write the court and provide copies of all the motions, thus fixing a clear submission date. This letter must also be served on all parties and filed with the circuit clerk. Former subdivisions (2)(B) and (2)(C)) have been renumbered.

New subdivision 2(C) addresses Rule 37 petitions and similar post-conviction motions in criminal cases. Rule 37.3(a) permits the circuit court to dispose of a Rule 37 petition without a hearing based on the files and records of the case. Subdivision 2(C) requires the circuit judge to report Rule 37 petitions that have not been so disposed within ninety (90) days after the petitioner files the notification letter described in the subdivision. If within that 90-day period, the judge schedules a hearing on the petition, as provided in Rule 37.3(c), then the petition is not considered under final submission until ninety (90) days after the later of the conclusion of the hearing or the filing of any post-hearing briefs.

Subdivision 2(C) does not apply to post-trial motions filed under Arkansas Rule of Criminal Procedure 33.3. Pursuant to Rule of Appellate Procedure - Criminal 2(b)(1), such motions are deemed denied on the 30th day after the entry of judgment, unless the court denies the motion before that date. Consequently, a circuit court should never have a Rule 33.3 post-trial motion under advisement for more than ninety (90) days.

Comment Text:

Publisher's Notes. The Dec. 23, 1996, Per Curiam provided, in part: "The addition of the second sentence in subsection (2)(C) with respect to the late filing of quarterly reports shall become effective with the reports due March 31, 1997, which must be filed no later than April 15, 1997."

History Text:

History. Adopted November 19, 1990, effective January 1, 1991; amended December 23, 1996; amended May 24, 2001, effective July 1, 2001; amended September 27, 2001; amended October 18, 2001

Associated Court Rules:

Administrative Orders

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