

Chapter 2. Civil Cases

Civil cases include a broad category of proceedings in which a party requests the enforcement or protection of a right or the redress or prevention of a wrong. Civil cases can be filed in District Courts or Circuit Courts. When a civil case is filed, Supreme Court Administrative Order Number 8 requires the attachment of a Civil Cover Sheet and the designation of the case from the following list of case types. When a complaint includes multiple causes of action, only one case type should be designated. It should be the one that best describes the nature of the case.

Civil Case Type List

Torts

Automobile Tort
 Intentional Tort
 Malpractice – Medical
 Malpractice – Other
 Premises Liability
 Product Liability
 Slander/Libel/Defamation
 Tort – Other

Contracts

Seller Plaintiff (Debt Collection)
 Buyer Plaintiff
 Employment Discrimination
 Employment Other
 Contract – Other

Real Property

Mortgage Foreclosure
 Condemnation / Eminent Domain
 Landlord/Tenant Unlawful Detainer
 Landlord/Tenant Other
 Real Property – Other

Miscellaneous Civil

Fraud
 Elections
 Administrative Appeal
 Property Forfeiture
 Foreign Judgment – Civil
 Injunction
 Writ
 Civil – Other

Civil Case Type Definitions

Torts

Automobile Tort: Cases involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Intentional Tort: Cases involving injury to property or person alleged to be willfully brought upon one party by another.

Malpractice – Medical: Cases alleging misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician’s assistants, dentists, etc.

Malpractice – Other:	Cases alleging misconduct or negligence by a professional. Use this case type for malpractice cases that are not included within the medical malpractice case type.
Premises Liability:	Cases involving claims brought against the owner of real property, alleging the condition of the property to be the cause of personal injury (e.g. slip and fall).
Product Liability:	Cases alleging that injury is caused by the manufacturer or seller of an article due to 1) a defect in, or the condition of, the article sold or 2) an alleged breach of duty to provide suitable instructions to prevent injury.
Slander/Libel/ Defamation:	Cases alleging harm to the reputation, community standing, or livelihood of the claimant caused by false or misleading statements made by the defendant.
Tort – Other:	Cases alleging an injury or wrong committed against a person, their reputation, or their property by a party who either did something that he was obligated not to do or failed to do something that he was obligated to do. Use this case type for Tort cases of unknown specificity or when Tort cases are not attributable to one of the other more specific Tort case types.
Contracts	
Seller Plaintiff:	Cases in which the plaintiff/seller brings suit against a buyer of goods or services for failure to pay as promised in an express or implied contract (debt collection).
Buyer Plaintiff:	Cases involving a buyer of goods or services alleging failure of the seller to deliver said goods or services or to honor a warranty as promised in an express or implied contract.
Employment Discrimination:	Cases alleging that the defendant/employer denied hiring, salary increases, or other forms of advancement based on the plaintiff/employee's race, gender, national origin, age, or sexual orientation.
Employment Other:	Cases involving any dispute between an employer and employee over the conditions, terms, or termination of employment. Use this case type for employment dispute cases of unknown specificity or for employment cases that are not included within the employment discrimination case type.

Contract –Other: Cases alleging a dispute over an agreement (express or implied) between two or more parties. Use this case type for contract cases of unknown specificity or when contract cases are not attributable to one of the other previously defined contract case types.

Real Property

Mortgage Foreclosure: Cases in which a mortgage holder petitions the court to sell mortgaged property to satisfy a mortgage debt. Actions and administrative proceedings that are authorized by the Arkansas Statutory Foreclosure Act (also known as non-judicial foreclosures) are not to be included or reported as a civil case or included in the civil case statistics.

Condemnation/ Eminent Domain: Cases wherein a property owner challenges the amount of remuneration offered by the state for the taking of a parcel of land.

Landlord/Tenant Unlawful Detainer: Cases alleging a breach of contract (lease/rental agreement) between a landlord and a commercial or residential tenant in which a landlord alleges that the tenant's right to occupy the real property has terminated.

Landlord/Tenant Other: Cases alleging a breach of contract between a landlord and tenant. Use this case type for landlord/tenant dispute cases which are not included within the Landlord/Tenant Unlawful Detainer case type.

Real Property – Other: Cases involving disputes over the ownership, use, boundaries, or value of real property. Use this case type for real property cases of unknown specificity or when real property cases are not included within the definition of other real property case types.

Miscellaneous Civil

Fraud: Cases alleging the intentional misrepresentation of fact for the purpose of financial or legal gain.

Election: Cases alleging a dispute about an election.

Administrative Appeal: Appeals brought in the civil division of circuit court disputing the ruling or finding of an administrative agency.

Property Forfeiture: Petitions filed by the State of Arkansas to forfeit property seized in the course of a criminal matter.

Foreign Judgment - Civil:	Registration of a civil judgment from another state.
Injunction:	Cases involving the request for a written court order directed to a specific person, requiring that person to perform or refrain from performing a specific act.
Writs:	Cases involving the request for an order requiring performance of an act not associated with an existing case and where no other legal remedy exists. Examples include Writs of Mandamus, Quo Warranto, or Prohibition.
Civil – Other:	Cases in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong. Use this case type for civil cases of unknown specificity or for civil cases that are not attributable to one of the other previously defined civil case types.

Unit of Count and Caseload Statistics

The statistical reporting of civil cases is based upon the number of cases filed, not the number of plaintiffs, defendants, or claims. A civil case with multiple parties or multiple causes of action is counted as one case.

A civil case is considered filed when the complaint, petition, or request is received by the clerk and a case number is assigned. For statistical purposes, cases transferred to a court from another state or another judicial district within the state are considered new case filings. Cases transferred from another division within the same judicial district are not considered new case filings.

Basic statistical reporting of civil cases is designed to include:

- the number of cases that are pending at the start of a reporting period;
- the number of incoming cases that have been added during the reporting period;
- the number of outgoing cases that were removed during the reporting period; and
- the number of cases pending at the end of the reporting period;
- the number of cases with pro se litigants; and
- the number of cases requiring an interpreter.

Cases entered in error are not included in statistical reporting.

The caseload is also divided between active and inactive cases. The designation of a case as “inactive” is an exceptional event that is unrelated to whether or not recent action has occurred in the case; rather, it is a designation that is applied when the court is prohibited from taking action

on the case due to events or circumstances outside of the court's control. An inactive case is then counted as reactivated when the court can once again take action. Following are examples for designating a civil case as inactive:

- a stay is issued due to military duty of one of the parties;
- the case is subject to mandated arbitration not under the court's control; or
- the court is unable to take action due to removal to bankruptcy court.

When a case is referred by the court to any form of alternative dispute resolution, the case remains on active status.

Special notes for civil cases:

- If a party is a pro se litigant at any point in the case, enter pro se as the party status even if the party has counsel at some point in the case.
- If any party to the case will require interpreter services, enter the language that person needs in their demographic information.
- Indicate that an interpreter was used in the hearing information.

Manner of Filing

In each civil case the manner by which the case arrives at the court for filing must be entered. The case may be an original filing, a reopening of a case, a transfer of a case from another state court, or a reactivation of a case inactive as a result of a stay or action in federal/bankruptcy court.

A case cannot have multiple concurrent reopenings. If a case is reopened due to a filing by one of the parties, any subsequent filings prior to the new disposition are to be included in that reopening.

Manner of Disposition

The manner of disposition is the manner whereby a case is closed or becomes inactive. A case is disposed when it has been closed by a judgment, a decree or order of dismissal, or a transfer to another jurisdiction. This officially occurs when the order is entered in the clerk's office or when the order is accepted by the electronic filing system. If an order is filed in open court, it must still be filed with the clerk's office on the next business day.

In civil cases, the following special notes apply:

- A case for which a final decree, order, or judgment is entered is considered disposed for statistical purposes even if the case is monitored until the costs have been paid.
- If two or more civil cases are consolidated after filing to be processed or tried as one case, each of the cases except for the one into which the cases were consolidated should

be reported as disposed at the time of consolidation. When the consolidated case is decided, the disposition should be reported under the appropriate trial type and manner of disposition category.

- For civil cases involving multiple parties or issues, the case will not be counted as disposed until all of the parties and issues have been resolved.
- A civil case with no activity may be dismissed by the court on its own motion.
- Although removal to arbitration, federal court, or bankruptcy court are manners of disposition, for statistical purposes these cases are considered to be inactive and appear on the inactive case list.

In some cases multiple trial types and manners of disposition may occur. Choose the trial type that required the most judicial involvement. For example, in a complex contract dispute in which some issues were stipulated and dismissed and the remaining issues were decided by a jury, the trial type would be Jury Trial.

Trial Type

Jury Trial:	A trial in which a jury is impaneled to determine the issues of fact in a case. A jury trial should be noted as the disposition manner if the jury has been sworn, regardless of whether a jury verdict is reached.
Bench Trial:	A trial in which a judge hears the case. A bench trial should be noted as the disposition manner in any case in which a witness is sworn or evidence is introduced in a proceeding, regardless of whether a judgment is reached.
Non Trial:	Any type of disposition that does not involve a bench trial or a jury trial. Examples include dismissals, default judgments and settlements.

Manner of Disposition

Judgment:	A case in which an adjudication was reached on at least one of the issues involved.
Dismissal:	A case that is disposed without adjudicating the claims.
Consolidated:	A case that is combined with another case.

Transferred: A case that is transferred to another jurisdiction within the state court system.

Removed to bankruptcy court: A case made inactive because of a filing in federal bankruptcy court and no further state court action is possible. These cases appear on the “inactive” caseload.

Removed to other federal court: A case closed as a result of a filing in federal court.

Removed to arbitration: A case made inactive because it has moved to arbitration and no further state court action is possible. These cases appear on the “inactive” caseload.

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