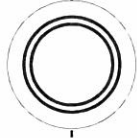


HANDOUT 1

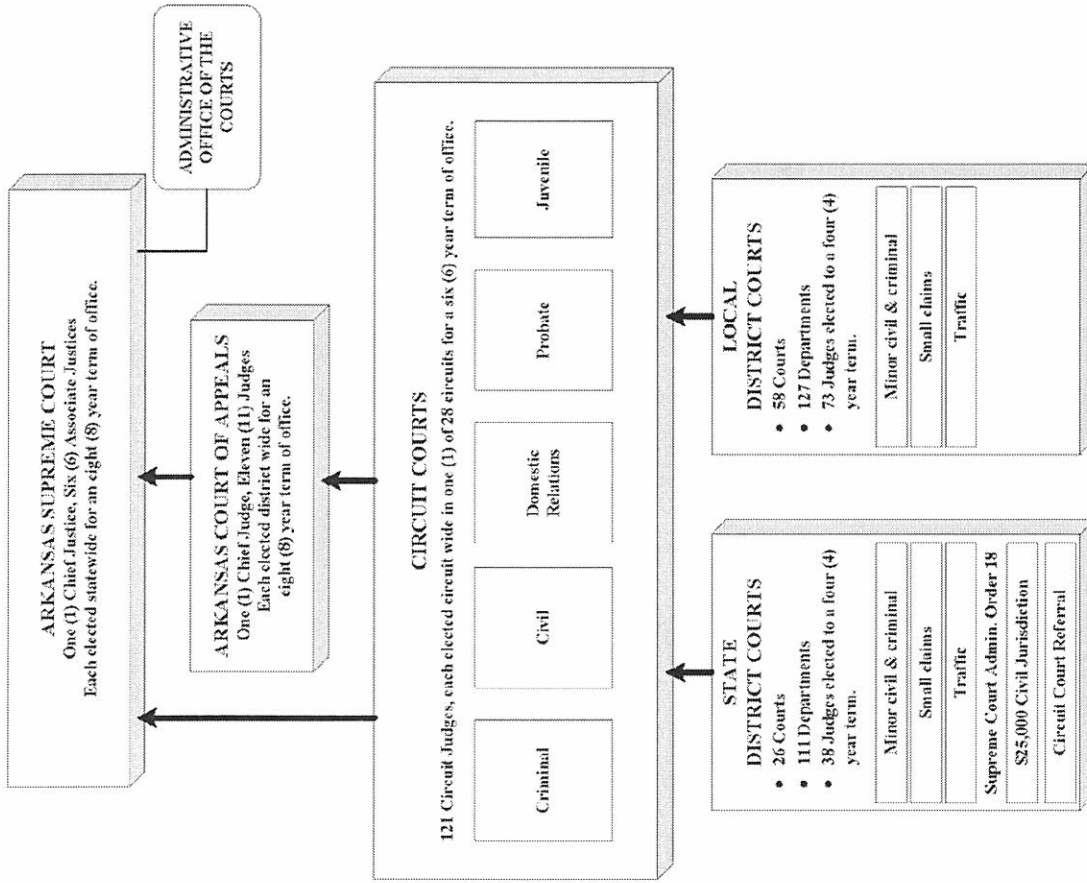
Provided By:

Keith Caviness,
Staff Attorney-District Courts
Administrative Office
of the Courts (AOC)

District Court Workshop

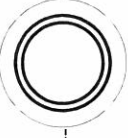


ARKANSAS COURT STRUCTURE



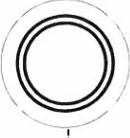
State District Courts and Local District Courts as of 9/3/2014

History



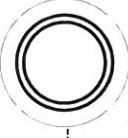
- Since the passage of Amendment 80, the following changes have been made to the system of limited jurisdiction courts:
- Justice of the Peace Courts were abolished;
- Courts of Common Pleas were abolished;
- The name of each of the state’s municipal courts was changed from “municipal” to “district” courts;
- City Courts continued in existence after the effective date of Amendment 80 unless abolished by the governing body of the city or action of the General Assembly; and
- The timing of election of district judges was changed, and all judicial elections were declared nonpartisan.

History



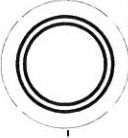
- In 2004 the Amendment 80 Implementation Committee, after working for most of the year entirely on district court issues, made a recommendation to the Supreme Court.
- In response, the court acted by adopting Administrative Order Number 18 along with the District Court Rules.
- Four subject matter divisions were established in each district court, the civil jurisdiction was set for district courts, and rules were adopted for the operation of the small claims division.

History



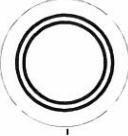
- Based on a report from the interim Legislative Task Force on District Courts in 2006, major changes were made to the District Court system in Arkansas in the 2007 legislative session. The changes were aimed at providing a true “three-tiered court” system in the state. SB235 was introduced and was signed into law on March 29 as Act 663.
- Over time, the Act would consolidate the 219 district and city courts then existing into a smaller number of district courts. The Act ensured that court proceedings will continue to be held in the same locations that presently hold court. Judicial salaries would be equal and paid by the state. An attempt was made to equalize the caseload for each district.

History



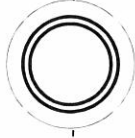
- The legislation began as a pilot program on January 1, 2008, in twelve counties in the state and involving seventeen district courts. These courts in total were served by nineteen full-time judges, each of whom was a state employee.
- The recommendations of the task force included suggesting that the Arkansas Supreme Court adopt an administrative rule to expand subject-matter jurisdiction for the pilot district courts.
- Acting under the task-force proposal and after publishing for comment an alternative proposal the Supreme Court issued a per curiam opinion September 27, 2007. The opinion amended Supreme Court Administrative Order 18 concerning district courts.
- Under the amended order, the pilot district courts' civil jurisdictional limit increased to \$25,000 and certain matters pending in the circuit court which arose within the territorial jurisdiction of the pilot district court may be referred to a pilot district court judge.

History



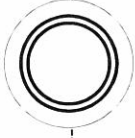
- Administrative Order No. 18 was again amended in February, 2011 to expand the types of cases pending in circuit court that may be referred to a state district court judge.
- Additionally, the terminology of ‘pilot’ district court was changed to ‘state’ district court.
- This amendment also changed the procedure for appeals of final judgments entered by a state district court judge in these circuit court cases.
- Finally, this amendment established new procedures for electing special district court judges.
- In December, 2012, Administrative Order No. 18 was further amended to require administrative plans from certain district courts and to address the issue of ‘specialty dockets’ or ‘specialty programs’ such as ‘DWI Courts’.
- Administrative Order No. 18, current as of June, 2015, is shown in the next few following slides.

Administrative Order No. 18



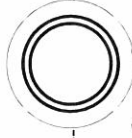
- *Jurisdiction of State District Court Judgeships.*
- In addition to the duties of a district court under this administrative order, a state district court shall exercise additional power and authority as set out in this section.
- (a) *Original Jurisdiction.* A state district court shall have original 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); and
 - (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.

Administrative Order No. 18



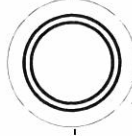
- **Reference.** A state district court judge may be referred matters pending in the circuit court. A state district judge presiding over any referred matter shall be subject at all times to the superintending control of the administrative judge of the judicial circuit. The following matters pending in circuit court may be referred to a state district court judge:
- **Consent Jurisdiction.** Matters filed in the civil, domestic relations or probate division of circuit court upon the consent of all parties;
- **Protective Orders.** Ark. Code Ann. §§ 9-15-201 – 217;
- **Forcible Entry and Detainers and Unlawful Detainer.** Ark. Code Ann. §§ 18-60-301 - 312;
- **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

Administrative Order No. 18



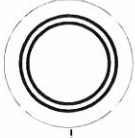
- *Criminal Matters.* (A) Any of the following duties (the rules referenced below are the Arkansas Rules of Criminal Procedure) with respect to an investigation or prosecution of an offense lying within the exclusive jurisdiction of the circuit court:
 - Issue an arrest warrant pursuant to Rule 7.1 or Ark. Code Ann. § 16-81-104, or issue a summons pursuant to Rule 6.1.
 - Make a reasonable cause determination pursuant to Rule 4.1(e).
 - 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.
 - Conduct a preliminary hearing as provided in Ark. Code Ann. § 5-4-310(a).
 - 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.

Administrative Order No. 18



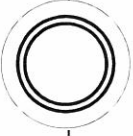
- If authorized by an Act of the General Assembly, a state district court judge may preside over a drug court program, probation revocation proceedings, or parole revocation proceedings.
- *The General Assembly passed Act 1137 of 2011, codified as § 16-17-137, to authorize this procedure for state district judges.*
- 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.
- *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.

Administrative Order No. 18



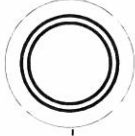
- *Consent Process.*
- *Notice.* The circuit clerk shall give the plaintiff notice of the consent jurisdiction of a state district court judge when a suit is filed in the civil, domestic relations, or probate division of circuit court. The circuit clerk shall also attach the same notice to the summons 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.
- *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.
- *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 pilot 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.

Administrative Order No. 18



- *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.

Administrative Order No. 18



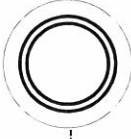
9. Administrative Plan.

- (a) A state district court or a local district court shall prepare an administrative plan when the court operates a specialty court program 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.

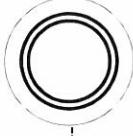
If a local district court or a state district court conducts a specialty docket or program, such as "DWI court," "drug court," "mental health court," "veterans court," "Hope court," "smarter sentencing court," and "swift court," the program must be described in the district court's administrative plan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

Additional Supreme Court Administrative Orders



- The Supreme Court continued to support the concept of a state-wide system of full-time state district courts while recognizing the duties of the District Court Resource Assessment Board and that the court's actions must coincide with legislative enactments.
- In May, 2010 the court amended Administrative Order Number 16 to update it to allow state district court judges to be assigned to circuit court. In January, 2016 this administrative order was again amended to allow retired state district court judges, with their consent, to be assigned to serve temporarily in district court in any county of the state.
- In February, 2011, the court issued a per curiam opinion amending the civil jurisdiction of state district court judges pertaining to certain matters in circuit court that may be heard and permitting some of the changes by allowing the use of electronic recording equipment to make the record. These changes were to be effective July 1, 2011.
- The court noted that the changes came in conjunction with the Board's recommendation to the General Assembly for the creation and placement of state district courts and that the recommendations were the product of numerous meetings, including a meeting of the state district court judges and the administrative judges of the circuit courts.

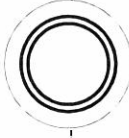
Administrative Order No. 4



(e) Electronic Recording.

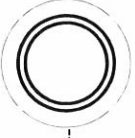
1. *Applicability.* This subsection (e) shall apply to state district court judges presiding over matters pending in circuit courts pursuant to Administrative Order Number 18 and to circuit court judges upon request to and approval by the Supreme Court.
2. *Electronic recording.* An audio recording system may make the verbatim record of court proceedings. A recording system used for the purpose of creating the official record of a court proceeding shall meet the standards adopted and published by the Administrative Office of the Courts (“AOC”). The system shall be approved by the AOC, and it shall be tested and court personnel shall be trained before the system is implemented. The system shall include a back-up capability to satisfy the requirement of subsection (b) of this Administrative Order.

District Court Resource Assessment Board



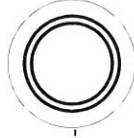
- Act 663 of 2007 also created the District Court Resource Assessment Board. The Board consists of two members of the House of Representatives, two Senators, a mayor, a county judge, a circuit judge, two district judges, the Chief Justice of the Supreme Court and a member of the Arkansas Bar Association who is engaged in the full-time practice of law. The legislation directs the Board to recommend to the General Assembly at each regular session criteria for the creation and placement of full-time, state funded district court judgeships and revisions of current district court judgeships or the redistricting of the district court districts of the state.
- The Board met numerous times throughout 2008 and accepted applications to become pilot state district courts. Fifteen applications were received but only six met the criteria established by the Board. The Board's recommendation was filed in the 2009 regular session of the General Assembly as House Bill 1398 and was signed into law as Act 345 of 2009. The act created six additional pilot state district court judgeships and also increased the civil filing fee in district court to help fund the judicial salaries.
- The pilot judgeships were located in St. Francis County, Cleburne County, Independence County, and in Pulaski County in the Jacksonville District Court, the North Little Rock District Court – Departments 1 and 2, and in the Pulaski County District Court.

District Court Resource Assessment Board



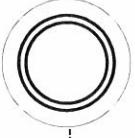
- The criteria initially established by the Board included:
- Interest of the local district judge;
- Demonstrated need for a full-time, state-funded district judge;
- Caseload statistics from the jurisdiction;
- Local government support, including but not limited to state senators, state representatives, county judge, mayor, local bar associations, etc;
- Support of circuit judges in the pilot court's circuit, including an explanation by the administrative circuit judge of the proposed duties of the pilot court district judge(s);
- Geographical composition of the judicial district and its affect on the need for a pilot judgeship; and
- Travel time and distance between courts in the district, if that is a reason for the necessity of the judgeship.

Act 1219 of 2011



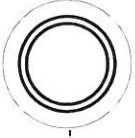
- The District Court Resource Assessment Board's recommendation to the 2011 regular session of the General Assembly was to enact legislation to implement the Board's goal for a three-tiered unified court system. The proposal would establish state district courts for the entire state and state district judges for those courts. This plan deviated from the past practice of taking applications for state district court judgeships. The realization was that if that practice continued the end result would be excluded areas of the state which could not ever justify a full-time judgeship in that area.

Act 1219 of 2011



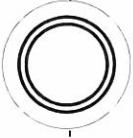
- Act 1219 of 2011 creates “State District Courts” and designates geographic districts for these courts. Also, dates are set for the election of judges in the various districts, territorial jurisdiction is established, geographic areas from which the judge is elected are prescribed and the departments of the courts are stated.
- The current ‘pilot district courts’ consisting of twenty-five judgeships in fifteen counties are redefined as ‘state district courts’ comprising fifteen numerical districts effective July 27, 2011.

Act 1219 of 2011



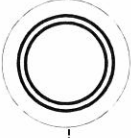
- Effective January 1, 2013, an additional nine districts with thirteen state district court judgeships in thirteen counties are created.
- Effective January 1, 2017, an additional six districts with ten state district court judgeships in nine counties are created.
- *Act 1489 of 2013:*
Effective January 1, 2017, one additional district with one state district court judge is created.

Act 1219 of 2011



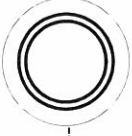
- The grand total, effective in 2017 is fifty-four state district court judges in forty-five counties. The act creates one final judgeship in 2021.
- The remainders of the state's district courts are designated as "local district courts".

Act 1081 of 2015



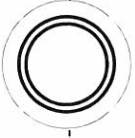
- Though 45 counties in the state would be part of the state district court system by 2017, the District Court Resource Assessment Board contemplated the fact that the remaining 30 counties in the state would continue to be served by 'local district courts' and would convert to 'state district courts' in a piecemeal fashion if at all.
- The board voted again to recommend to the 2015 regular session of the General Assembly the establishment of state district courts for the entire state and judges for those courts with an end date of 2021.

Act 1081 of 2015



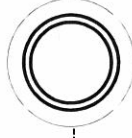
- HB 1532 was filed to accomplish the goal of the board to have state district courts and judges for the entire state by January 1, 2021.
- Competing bills with different starting dates for creating individual state district courts were also filed in the 2015 regular session.
- The end result, after much legislative discussion, was consensus support for HB1532.

Act 1081 of 2015



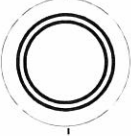
- HB 1532 was signed by the Governor on April 6, 2015 and became Act 1081 of 2015.
- Act 1081 fulfilled the goal of the District Court Resource Assessment Board to have an end date by which the entire state would have state district courts served by full-time state district court judges.

Act 1081 of 2015



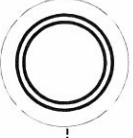
- The act amends current law to establish 16 additional state district court judges to be elected in March of 2016 to take office January 1, 2017.
- These state district judges replace 35 local district judges.
- The total as of January 1, 2017 will be 54 state district court judges serving 30 districts in 46 counties.

Act 1081 of 2015



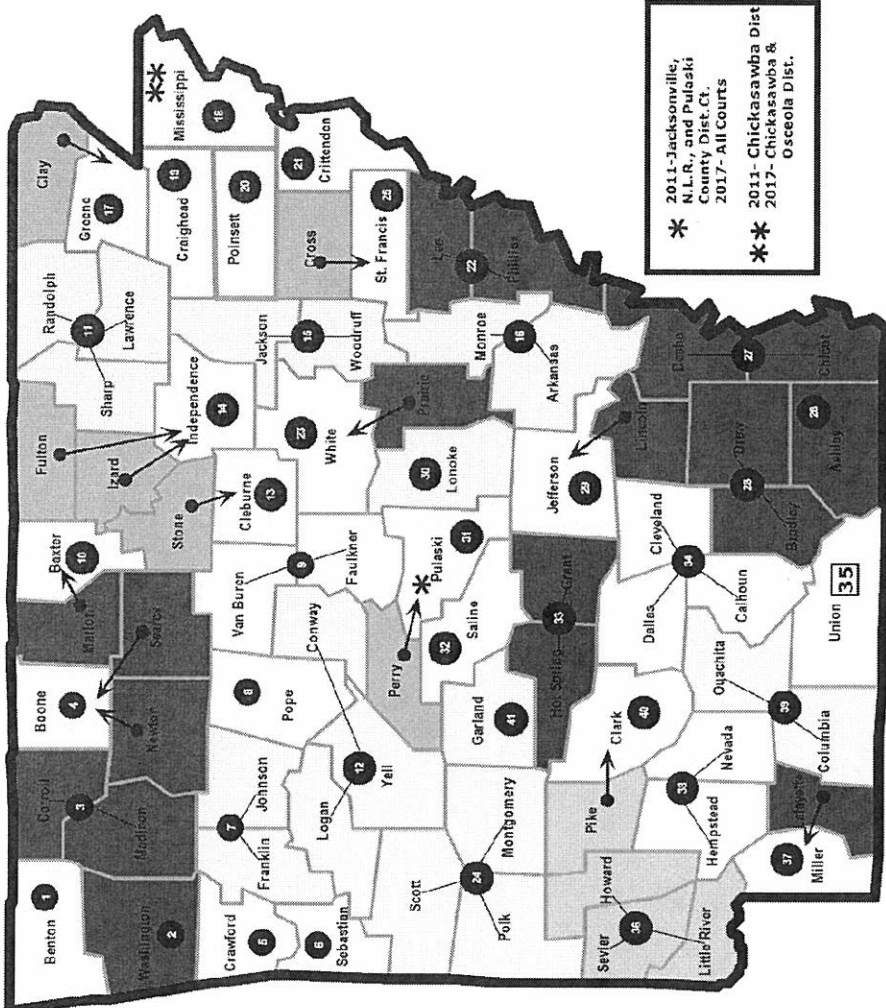
- The act further establishes 11 new state district court judgeships in 19 counties to be elected in May, 2020 to take office on January 1, 2021.
- 6 counties become part of existing state district courts served by existing state district judges.
- These state district court judges replace 34 local district judges.
- The total as of January 1, 2021 is 65 state district court judges in district court districts covering 71 counties of the state.

Act 1081 of 2015



- Finally, effective January 1, 2029, the act establishes 1 state district court judge and 1 district court district in 3 counties and adds 1 county to an existing district to be served by an existing judge.
- The remaining 4 local district judges in these four counties are replaced.
- Grand total: 66 full-time state district court judges serving the entire state.

STATE DISTRICT COURTS ACT 1081 OF 2015



* 2011-Jacksonville, N.L.R., and Pulaski County Dist.Ct.
2017- All Courts

** 2011- Chickasawba Dist
2017- Chickasawba & Osceola Dist.

LEGEND

- CURRENT STATE DISTRICT COURT
- 2017 STATE DISTRICT COURT
- 2017 ADD TO EXISTING DISTRICT
- 2021 STATE DISTRICT COURT
- 2021 ADD TO EXISTING DISTRICT
- 2029 STATE DISTRICT COURT
- 2029 ADD TO EXISTING DISTRICT

STATE DISTRICT COURTS

This map shows the final configuration of judicial districts for State District Courts at the time of the full implementation of ACT 1081 of 2015

