

ADMINISTRATIVE OFFICE OF THE COURTS

Circuit Cases Heard by State District Judges



ACAP Systems Conference

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What do you call a circuit court case heard by a state district judge?

A referral



Where can I find the underlying authority for referrals?

- ☐ Administrative Order No. 18 6. (b) provides authority to refer certain matters pending in circuit court to state district judges (not state district courts). This is called **Reference**.
- ☐ Administrative Order No. 18 6. (c) provides authority for the **Reference Process**.
- ☐ Administrative Order No. 6. (d) provides authority for the **Consent Process**.



Where can I find the underlying authority for referrals?

- ☐ The **Notice of Right to Consent to Disposition of Case by State District Judge** can be found in the comments to Administrative Order No. 18.
- ☐ The **Consent to Proceed Before a State District Court Judge** can be found in the comments to Administrative Order No. 18.
- ☐ It is also helpful to review the circuit court administrative plan and the district court administrative plan.



The Basics of Referral

If a matter is referred to a state district judge, does it become a district court case?

No.

The matter is referred to the state district judge, not the state district court.



What types of matters can be referred?

Protective Orders

Ark. Code Ann. §9-15-201 to §9-15-217

Forcible Entry and Unlawful Detainer

Ark. Code Ann. §18-60-301 to §18-60-312

Other Matters

Emergency or uncontested nature pending in civil, domestic relations or probate division



What types of matters can be referred?

Criminal Matters

Any of the following duties with respect to an investigation or prosecution of an offense lying within the exclusive jurisdiction of the circuit court:

- ☐ Issue a search warrant pursuant to Rule 13.1
- ☐ Issue an arrest warrant pursuant to Rule 7.1 or Ark. Code Ann. §16-81-104
- ☐ Issue a summons pursuant to Rule 6.1
- ☐ Make a reasonable cause determination pursuant to Rule 4.1(e)



What types of matters can be referred?

Criminal Matters

- ☐ Conduct a first appearance pursuant to Rule 8.1 including:
 - a. appointment of counsel pursuant to Rule 8.2
 - b. informing a defendant pursuant to Rule 8.3
 - c. accepting a plea of "not guilty" or "not guilty by reason of insanity"
 - d. conducting a pretrial release inquiry pursuant to Rules 8.4 and 8.5
 - e. releasing a defendant from custody pursuant to Rules 9.1, 9.2, and 9.3

- ☐ Conduct a preliminary hearing as provided in Ark. Code Ann. §16-93-307



What types of matters can be referred?

Criminal Matters

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



What types of matters can be referred?

Consent Jurisdiction

- ☐ Matters filed in civil, domestic relations or probate division of circuit court
- ☐ Parties are waiving the right to a jury trial
- ☐ Final judgment is a final judgment of the circuit court
- ☐ Any appeal in the case is taken directly to the Arkansas Supreme Court or Court of Appeals



The Basics of Referral

What types of matters can be referred?

Consent Process

Step 1 NOTICE

- *Circuit Clerk Provides Notice to Parties*

FI47Q -- Mandatory Notice of Right to Consent

Step 2 CONSENT

- *Parties Return Consent Forms to Circuit Clerk*

FI47M – Docket Code for the Consent, if Signed

Step 3 TRANSFER

- *Circuit Clerk "Assigns" a State District Judge*
- *Circuit Clerk Forwards the Consent Forms for Final Approval to the Circuit Judge Originally Assigned*
- *IF / WHEN the Circuit Judge Approves the Transfer the Forms are Returned to the Circuit Clerk for Filing*
- *Circuit Clerk to Forward Copy of Forms to State District Judge Assigned*
- *Circuit Clerk to Indicate Reassignment to State District Judge on File*



The Basics of Referral

Notice of Right to Consent to Disposition of Case by a State District Court Judge

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.



The Basics of Referral

Consent to Proceed Before a State District Court Judge

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



A few more words about the reference process . . .

- Requires the concurrence of a majority of the circuit judges before the administrative judge can refer matters to the state district court judge
- Requires the consent of the state court district judge
- Must be in BOTH Administrative Plans
- Administrative Plans must be approved by the Supreme Court



When can a district judge hear a “juvenile” case?

NEVER.

Administrative Order No. 18 does not permit the referral of juvenile matters.



Wait . . .

What did you just say?



What do you mean when you say a “juvenile” case?

FINS

Delinquency

Dependency-Neglect



When can a district judge hear a case involving a juvenile?

Traffic Offenses

Game & Fish Violations

Curfew Violations



State District Judges & Juveniles

When can a district judge hear a case involving a juvenile?

1. Traffic Offenses

See Ark. Code Ann. §9-27-303(15)(A)(i)

*The Arkansas Supreme Court held that DWI is a traffic offense. Therefore, the juvenile division of chancery court does not have jurisdiction of DWI offenses. **Robinson v. Sutterfield**, 302 Ark. 7, 786 S.W.2d 572 (1990).*

*Because the juvenile court has no subject matter jurisdiction of DWI cases, the juvenile division court was without jurisdiction to dismiss the case on speedy trial grounds. Further, the court had no statutory authority to transfer the case to district court. Juvenile court was without authority to take any action in the case. **State v. J.B.**, 309 Ark. 70, 827 S.W.2d 144 (1992).*

2. Game & Fish Violations

See Ark. Code Ann. §9-27-303(15)(A)(i)

3. Curfew Violations

See Ark. Code Ann. §9-27-306(c)

District court has concurrent jurisdiction with the circuit court over juvenile curfew violations. For juvenile curfew violations, the prosecutor may file a family in need of services (FINS) petition in circuit court or a citation in district court.



Administrative Plan Referrals

Because these cases always remain Circuit cases despite referral to a State District Judge, the filing fee, filing approvals, and event scheduling should be managed by the Circuit Clerk's office

Automatic judge assignment in Contexte can be made to the State District Judge, with the Circuit Clerks handling approvals and scheduling through arrangement with the Circuit and District courts



Administrative Plan Referrals

The Circuit Court Administrative plans for the 7th, 15th, 18th East, and 23rd Judicial Districts specify referral of certain case types to State District Judges (Case types in Contexte given)

- 7th Circuit: Orders of Protection (DA)
- 15th Circuit: DA, Unlawful Detainer (UD)
- 18th East Circuit: DA, UD
- 23rd Circuit: DA, Child Support (SS, ST, SU)



7th Circuit configuration

The plan for the 7th Circuit assigns DA (Order of protection cases) in both counties to the only State District Judge in the Circuit

- District Judge Billy Jack Gibson has an existing eFlex account with ID DJ30MV
- This change is still in progress (QA), but current proposal is to assign DA to DJ30MV judge ID in CTRJASN with 0% assignment to both Circuit judges (in the event of a recusal by the District Judge)



15th Circuit configuration

The plan for the 15th Circuit assigns UD cases in every county/location to the appropriate SDJ (the Circuit corresponds to 2 districts) and DA cases in 2 counties (3 locations)

- IDs created for each SDJ (D12D01, D24D01)
- Cases assigned in Contexte as appropriate (to D12D01 in counties other than Scott; D24D01 in Scott)



18th East Circuit configuration

The 18th East plan assigned DA and UD cases equally to the two SDJs in the County (Garland)

- IDs created for the SDJs (D41D01 & D41D02) with updates to Contexte and eFlex
 - Other district cases still sent to ID DJ26HT
- Each judge to have access to both lists of assigned cases
- Circuit clerk staff handling Contexte/eFlex processes for the Circuit Cases



23rd Circuit configuration

The 23rd Circuit plan provided for reference of DA cases to District Judge Teresa Smith and Child Support (SS, ST, SU) cases to District Judge Clint McGue



Questions?